

Sentencing Council

MEETING OF THE SENTENCING COUNCIL

12 April 2024

MINUTES

Members present:

Bill Davis (Chairman)
Simon Drew
Elaine Freer
Tim Holroyde
Jo King
Stephen Leake
Juliet May
Stephen Parkinson
Amanda Rippon
Johanna Robinson
Richard Wright

Apologies:

Rob Nixon
Beverley Thompson
Mark Wall

Representatives:

Claire Fielder for the Lord Chancellor (Director,
Youth Justice and Offender Policy)
Jacqueline Beard for the Lady Chief Justice (Legal
Adviser to the Head of Criminal Justice)

Law Commission
(for item 3 only):

Penney Lewis
Lawrence McNamara
Yasmin Ilhan
Marianne Holbrook
Cara Robinson

Members of Office in
attendance:

Steve Wade
Lisa Frost
Vicky Hunt
Ruth Pope
Ollie Simpson

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 1 March 2024 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman welcomed Amanda Rippon, following her recent appointment to the Council as a circuit judge member.

3. DISCUSSION ON THE LAW COMMISSION PROJECT ON CONTEMPT OF COURT – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 3.1 Professor Penney Lewis, Commissioner for Criminal Law, set out the Law Commission's proposals for reform of the law relating to contempt of court with reference to the need for guidance on appropriate levels of penalty.

- 3.2 The Council discussed the suggestion that the Council's remit should be extended to include producing (and monitoring) guidelines for dealing with contempt of court, but felt that it was not best placed to do so. The Chairman agreed to discuss the matter with the Lady Chief Justice and to write to the Law Commission with alternative proposals.

4. DISCUSSION ON NON-FATAL STRANGULATION AND HARM IN ASSAULT GUIDELINES – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL

- 4.1 The Council considered the resource assessment for the draft guideline for non-fatal strangulation and suffocation offences and a number of final issues and approved the draft guideline for consultation.

- 4.2 The Council also considered whether the ABH and GBH s20 guidelines should include reference to the risk of harm by adding a new culpability or aggravating factor. It was agreed that the guidelines do provide adequately for harm caused, risked or intended to be reflected in sentences, and that adding an explicit reference to risk of harm to the guidelines could lead to inconsistency and potentially disproportionate sentences.

5. DISCUSSION ON WILDLIFE OFFENCES – PRESENTED BY OLLIE SIMPSON, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council considered a further draft of a proposal for a hare coursing guideline. There remained some questions about how to assess culpability, so it was agreed that further input from the relevant Police leads would be sought.

6. DISCUSSION ON BLADED ARTICLES AND OFFENSIVE WEAPONS OFFENCES EVALUATION – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL

- 6.1 The Council discussed the findings of the evaluation of the bladed article and offensive weapons guidelines. The Council also discussed the various new offences in this area which are not covered by any guideline (such as possession of prohibited offensive weapons in private; threatening with an offensive weapon, bladed or pointed article or corrosive substance in a private place; and possession of certain dangerous knives).
- 6.2 In conclusion the Council agreed to revisit this area of work and has added a new project on bladed articles and offensive weapons to its work plan.