

MEETING OF THE SENTENCING COUNCIL

22 OCTOBER 2021

MINUTES

Members present:

Tim Holroyde (Chairman)
Rosina Cottage
Rebecca Crane
Rosa Dean
Michael Fanning
Diana Fawcett
Adrian Fulford
Max Hill
Jo King
Juliet May
Maura McGowan
Alpa Parmar
Beverley Thompson

Apologies:

Nick Ephgrave

Representatives:

Elena Morecroft for the Lord Chief Justice (Legal and Policy Advisor to the Head of Criminal Justice)
Christina Pride for the Lord Chancellor (Deputy Director for Bail, Sentencing and Release Policy)

Members of Office in attendance:

Steve Wade
Mandy Banks
Lisa Frost
Ruth Pope
Ollie Simpson

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 24 September 2021 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman commented on the successful launch of the Terrorism guidelines consultation and thanked Maura McGowan for acting as spokesperson.

3. DISCUSSION ON UNDER AGE SALE OF KNIVES – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 3.1 The Council considered a range of offences relating to underage sales. Taking into account volumes of offences, the views of trading standards and the nature of the offences, it was decided to develop guidelines for the underage sale of knives; one for individuals and one for organisations. The Council agreed to draw on the expertise of National Trading Standards in the development of the guidelines.
- 3.2 The Council considered the first draft of a guideline for organisations and suggested areas to be explored.

4. DISCUSSION ON SEXUAL OFFENCES – PRESENTED BY OLLIE SIMPSON, OFFICE OF THE SENTENCING COUNCIL

- 4.1 The Council considered responses to the consultation on sexual offences, in particular looking at the principles for sentencing cases where no sexual activity has taken place (including where no real victim exists), the format of the guideline for section 14 (arranging or a facilitating the commission of child sexual offence), some amendments to the wording on sexual harm prevention orders, as well as the wording relating to offences taking place remotely and where victims are overseas.
- 4.2 The Council agreed changes to the wording in the section 14 guideline and the wording on SHPOs and overseas victims was amended to provide greater clarity.

5. DISCUSSION ON MOTORING – PRESENTED BY LISA FROST, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council considered revised culpability factors for dangerous driving offences and looked for the first time at proposed factors for careless driving offences.
- 5.2 The Council noted that there were similarities between the two types of offence and agreed that three culpability categories should be included

in the revised and new guidelines for careless driving offences. Further consideration would be given to the factors at the November meeting.

6. DISCUSSION ON PERVERTING THE COURSE OF JUSTICE – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

6.1 The Council considered the amendments that had been made to the draft perverting the course of justice and witness intimidation guidelines that had been made following the last meeting.

6.2 The Council confirmed that it was broadly content with the approach taken to the guidelines, and noted that draft sentence levels would be discussed at the next meeting. After carefully considering the problems with data for assisting an offender offences, the Council concluded that it was not appropriate to try to develop a guideline, given the low volumes of cases sentenced each year, compared to the large amount of resources it would take to develop the guideline.

7. DISCUSSION ON FIREARMS IMPORTATION – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

7.1 The Council considered the responses to the consultation relating to sentence levels, aggravating and mitigating factors and general issues. Changes were agreed to the sentence levels in table 2 and to aggravating and mitigating factors.

7.2 The Council noted that following a point raised in response to the consultation, the breakdown of age groups in the data tables published for this and future guidelines would be changed to allow for a more detailed breakdown of the younger adult age groups.

7.3 The Council approved the revised guideline for publication on 24 November to come into force on 1 January 2022. The Council also agreed the resource assessment to be published at the same time.