

MEETING OF THE SENTENCING COUNCIL

26 JULY 2024

MINUTES

| | |
|---|--|
| <u>Members present:</u> | Bill Davis (Chairman) Simon Drew Tim Holroyde Jo King Stephen Leake Juliet May Stephen Parkinson Johanna Robinson Beverley Thompson Mark Wall Richard Wright |
| <u>Apologies:</u> | Elaine Freer Rob Nixon Amanda Rippon |
| <u>Representatives:</u> | Claire Fielder for the Lord Chancellor (Director, Youth Justice and Offender Policy) |
| <u>Members of Office in attendance:</u> | Steve Wade Mandy Banks Vicky Hunt Ruth Pope Jessie Stanbrook |
| <u>Observers:</u> | Adam Nash, Legal officer, Criminal Appeal Office Gill Harris, Senior Legal and Policy Advisor, Judicial College Ernesto LaMassa, Head of Pesticides Policy Stakeholder Engagement, Defra |

1. MINUTES OF LAST MEETING

- 1.1 The minutes from the meeting of 21 June 2024 were agreed.

2. MATTERS ARISING

- 2.1 The Chairman noted that on 10 July 'You be the Judge' was launched at King's Academy Prospect secondary school in Reading.

3. DISCUSSION ON UNLAWFUL EVICTION – PRESENTED BY JESSIE STANBROOK, OFFICE OF THE SENTENCING COUNCIL

- 3.1 The Council discussed proposed sections for the draft guideline covering nine offences of unlawful eviction of occupier and unlawful harassment of occupier under the Protection from Eviction Act 1977.
- 3.2 The Council agreed to revised versions of the harm and culpability factors and the aggravating and mitigating factors. It also agreed to consult on including steps on both compensation and confiscation in the guideline, as well as a step asking courts to review the combination of financial orders in the preliminary sentence.
- 3.3 Finally it was agreed that a separate guideline should be developed for organisations using turnover to identify the category of an organisation and consequently the fine ranges.

4. DISCUSSION ON BLACKMAIL, KIDNAP AND FALSE IMPRISONMENT – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

- 4.1 The Council discussed the most recent sentencing data and consultation responses regarding sentence levels across the three offences, and carefully considered options for the sentencing particularly of kidnap and false imprisonment.
- 4.2 After discussion of the different options, the Council agreed to retain one sentence table for both kidnap and false imprisonment, but to make some changes to the ranges at the lower end of the sentence table.
- 4.3 The Council also agreed to make some small changes to the ranges at the top of the blackmail sentence table. The wording in the guidelines relating to observed disparities within the sentencing of these offences was also discussed; it was agreed to retain the wording with a small amendment to the wording in the blackmail guideline.

5. DISCUSSION ON IMMIGRATION – PRESENTED BY VICKY HUNT, OFFICE OF THE SENTENCING COUNCIL

- 5.1 The Council considered the immigration guidelines for the first time since the consultation closed on 12 June. At this meeting the Council looked at the Facilitation guideline. The Council considered the

consultation responses in relation to this guideline, alongside the findings from an exercise carried out by the office where we tested some of the draft guidelines with judges.

- 5.2 The Council was invited to consider some revisions to the guideline as a result of the responses and findings.

6. DISCUSSION ON THE REVIEW OF THE DOMESTIC ABUSE GUIDELINE – PRESENTED BY MANDY BANKS, OFFICE OF THE SENTENCING COUNCIL

- 6.1 The Council discussed the main findings of the independent review of the Domestic abuse overarching guideline, which was conducted by Nottingham Trent University, and noted that the full report would be published in the autumn.
- 6.2 A number of issues highlighted by the review were considered, and after careful deliberation the Council agreed that it was not necessary to revise the guideline. Some minor updates were agreed, which would be carried out as part of work already ongoing on other guideline projects.

7. DISCUSSION ON IMPOSITION – PRESENTED BY JESSIE STANBROOK, OFFICE OF THE SENTENCING COUNCIL

- 7.1 The Council considered further consultation responses on the Imposition guideline. Discussions focused on the remaining sub-sections of the pre-sentence report section, including the deferred sentencing sub-section.
- 7.2 The Council agreed to various amendments to the sub-sections 'Indication to probation' and 'Adjournments and on committal', including separating out the latter to two sub sections: 'Adjournments' and 'On committal and sending'.
- 7.3 The Council also agreed to amendments to the deferred sentencing section, including moving it from within the PSR section to the end of the guideline, to sit as its own section and to be included in the table of contents.

8. DISCUSSION ON MISCELLANEOUS AMENDMENTS – PRESENTED BY RUTH POPE, OFFICE OF THE SENTENCING COUNCIL

- 8.1 The Council considered a request from the Environment Agency to provide more guidance on sentencing very large organisations and agreed to consult on adding some wording to relevant guidelines.
- 8.2 In the light of an increase in the statutory maximum sentence to 14 years for some offences covered by the Revenue fraud guideline, the Council agreed to consult on adding a fourth sentencing table to that guideline.

- 8.3 The Council agreed to consult on some additions to the Totality guideline to deal with situations where a community order is ordered to run alongside an existing order.
- 8.4 The Council considered the various forms of words used in guidelines at steps 1 and 2 and agreed to consult on a standard form of wording to be used unless there was a particular reason to vary it.
- 8.5 Finally, the Council agreed to consult on amending the wording in some guidelines relating to community orders for sexual offending, to bring this in line with probation practice.
- 8.6 The Council agreed to consult on these (and the other changes discussed in May and June) in September to November 2024.