

Drunk and disorderly in a public place (Revised 2017)

Criminal Justice Act 1967, s.91

Effective from: 24 April 2017

Triable only summarily:

Maximum: Level 3 fine

Offence range: Conditional discharge – Band C fine

Steps 1 and 2 – Determining the offence seriousness

The starting point applies to all offenders irrespective of plea or previous convictions.

Starting Point	Range
Band A fine	Conditional discharge – Band C fine

The court should then consider adjustment for any aggravating or mitigating factors. The following is a **non-exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the sentence arrived at so far.

Factors increasing seriousness

Statutory aggravating factors:

- Previous convictions, having regard to a) the **nature** of the offence to which the conviction relates and its **relevance** to the current offence; and b) the **time** that has elapsed since the conviction
- Offence committed whilst on bail
- Offence motivated by, or demonstrating hostility based on any of the following characteristics or presumed characteristics of the victim: religion, race, disability, sexual orientation or transgender identity

Other aggravating factors:

- Substantial disturbance caused
- Offence ties up disproportionate police resource
- Disregard of earlier warning regarding conduct
- Failure to comply with current court orders
- Offence committed on licence or post sentence supervision
- Location of the offence
- Timing of the offence
- Offence committed against those working in the public sector or providing a service to the public
- Presence of others including, especially children or vulnerable people

Factors reducing seriousness or reflecting personal mitigation

- Minimal disturbance caused
- No previous convictions **or** no relevant/recent convictions
- Remorse
- Good character and/or exemplary conduct
- Age and/or lack of maturity where it affects the responsibility of the offender
- Mental disorder or learning disability

Step 3 – Consider any factors which indicate a reduction, such as assistance to the prosecution

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

Step 4 – Reduction for guilty pleas

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the *Guilty Plea* guideline.

Step 5 – Totality principle

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour in accordance with the *Offences Taken into Consideration and Totality* guideline.

Step 6 – Compensation and ancillary orders

In all cases, the court should consider whether to make compensation and/or other ancillary orders, including a football banning order (where appropriate).

Step 7 – Reasons

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.