

# Expanded Explanations in Sentencing Guidelines Consultation

# **Expanded Explanations in Sentencing Guidelines**

## **Consultation**

Published on 28 February 2019

The consultation will end on 23 May 2019

# About this consultation

- To:** This consultation is open to everyone including members of the judiciary, legal practitioners and any individuals who work in or have an interest in criminal justice.
- Duration:** From 28 February to 23 May 2019
- Enquiries (including requests for the consultation in an alternative format) to:** Office of the Sentencing Council  
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Email: [info@sentencingcouncil.gsi.gov.uk](mailto:info@sentencingcouncil.gsi.gov.uk)
- How to respond:** Please send your response by 23 May 2019 to:  
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Or by email to: [consultation@sentencingcouncil.gov.uk](mailto:consultation@sentencingcouncil.gov.uk)
- Additional ways to feed in your views:** This consultation exercise is accompanied by a resource assessment, and an online questionnaire which can be found at:  
[www.sentencingcouncil.org.uk](http://www.sentencingcouncil.org.uk)  
A series of consultation meetings is also taking place. For more information, please use the “Enquiries” contact details above.
- Response paper:** Following the conclusion of this consultation exercise, a response will be published at: [www.sentencingcouncil.org.uk](http://www.sentencingcouncil.org.uk)
- Freedom of information:** We will treat all responses as public documents in accordance with the Freedom of Information Act and we may attribute comments and include a list of all respondents’ names in any final report we publish. If you wish to submit a confidential response, you should contact us before sending the response. PLEASE NOTE – we will disregard automatic confidentiality statements generated by an IT system.  
In addition, responses may be shared with the Justice Committee of the House of Commons.  
Our [privacy notice](#) sets out the standards that you can expect from the Sentencing Council when we request or hold personal information (personal data) about you; how you can get access to a copy of your personal data; and what you can do if you think the standards are not being met.



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# Introduction

## What is the Sentencing Council?

The Sentencing Council is the independent body responsible for developing sentencing guidelines which courts in England and Wales must follow when passing a sentence. The Council consults on its proposed guidelines before they come into force and makes changes to the guidelines as a result of consultations.

## What is this consultation about?

The Council is proposing to embed additional information into offence specific sentencing guidelines to make it easier for users to access relevant information. This will provide sentencers and other court users with useful information relating to commonly used factors in guidelines and also improve transparency for victims, defendants and the wider public. At the same time the Council is proposing changes to wording in some guidelines to improve consistency and clarity across guidelines.

We are consulting about both the concept of providing the additional information and the content of that information. We welcome responses to all or any of the questions which we raise in the consultation. We recognise that not every respondent will want to reply to every question.

The proposals apply to all offence specific Sentencing Council guidelines for sentencing adults or organisations. They do not apply to guidelines for sentencing children and young people; in these guidelines users are referred to the *Overarching principles – Sentencing Children and Young People Definitive Guideline* for further guidance on sentencing under 18s.

## Background

In November 2018 the Sentencing Council launched online guidelines for use in all courts in England and Wales. Whereas in the past, guidelines were printed and also published in pdf format, from now on definitive guidelines will be published in digital format on the Council's website. Guidelines for use in magistrates' courts are also available as an app which magistrates can access on the iPads provided for them in court.

This makes guidelines available to all court users and to the public in an easily accessible form and enables the Council to ensure that the guidelines being used are up to date and accurate. See [www.sentencingcouncil.org.uk](http://www.sentencingcouncil.org.uk)

Sentencing guidelines broadly fall into two types:

- offence specific guidelines which use a stepped approach to consider harm and culpability factors (at step one) leading to starting points and ranges which are adjusted to take into account aggravating and mitigating factors (at step two) before consideration of steps such as plea, totality, ancillary orders, reasons etc.
- overarching guidelines which give guidance on subjects applicable across various offences.

The digital guidelines make it easier for users to access the overarching guidelines from within offence specific guidelines and also potentially to provide additional information to sentencers when using guidelines.

### Replacing the ‘Seriousness’ guideline

The Sentencing Council’s predecessor body, the Sentencing Guidelines Council (SGC), published its *Overarching Principles: Seriousness* guideline in 2004.<sup>1</sup> It remains in force although parts of it have been superseded.

The SGC *Seriousness* guideline sets out the statutory provisions governing the five purposes of sentencing and the assessment of culpability and harm as set out in the Criminal Justice Act 2003. The SGC guideline then goes on to give guidance on the assessment of harm and culpability and to list factors that indicate an increase or decrease in harm or culpability.

It also gives guidance on reductions for a guilty plea (which has been superseded by the *Reduction in Sentence for a Guilty Plea Definitive Guideline*), the custody and community sentence thresholds (superseded by the *Imposition of Community and Custodial Sentences Definitive Guideline*) and prevalence (which is still current).

The SGC Seriousness guideline is still relevant in two ways:

1. Providing information when sentencing offences for which there is no offence specific guideline; and
2. Providing context for factors used in sentencing whether or not a guideline is available.

As outlined above, the *Seriousness* guideline is now out of date in many respects and therefore the Council intends to replace it. The Council has approached the replacement of the *Seriousness* guideline in two stages:

1. From June to September 2018 the Sentencing Council consulted on a *General* guideline for use where there is no offence specific guideline. That guideline included expanded explanations for factors that are commonly found in guidelines.
2. The Council is now consulting on providing expanded explanations in all existing Sentencing Council offence specific guidelines

Following the two separate consultations, once all of the responses have been considered and changes made, both stages of the project will be published on the Council’s website and the *Seriousness* guideline will be withdrawn.

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<sup>1</sup> [https://www.sentencingcouncil.org.uk/wp-content/uploads/web\\_seriousness\\_guideline.pdf](https://www.sentencingcouncil.org.uk/wp-content/uploads/web_seriousness_guideline.pdf)



# Outline of the proposals

## Overview

In developing the expanded explanations to be applied to factors in offence specific guidelines the Council has had the benefit of the responses to the consultation on the *General* guideline. If you want to refer to it, you can find the consultation version of the *General* guideline [here](#).

In the *General* guideline expanded explanations were provided for factors at step one and step two of the guideline. The approach proposed in offence specific guidelines is different in that explanations have only been provided for step two factors (aggravating and mitigating factors). Step one factors in offence specific guidelines are tailored to the individual guideline and the placement of a factor within a particular level of harm or culpability makes a difference to the effect that it has. For this reason the Council concluded that it would not be helpful to include expanded explanations at step one of offence specific guidelines.

The Council also considered whether to provide standard explanations or to tailor the explanations depending on the guideline. The Council has decided to consult on the basis of applying standard explanations across all guidelines. This is because even within offence specific guidelines the circumstances relating to the offence and the offender can vary widely and therefore the explanations need to be of wide-ranging application. It was also considered important that the explanations should be consistent. The same explanation will therefore be provided for equivalent aggravating and mitigating factors in all offence specific guidelines.

You will have an opportunity to comment on the general approach outlined above after the consideration of some of the detail.

## How to access the proposals and give your views


This consultation is particularly extensive in that it applies to 132 guidelines, and to explanations for 44 factors. We do not expect every respondent to look at every affected guideline, or to comment on every explanation. The best way to see how the explanations will work in practice is to visit our test website where the factors have been added to the guidelines:

Go to: <https://sentencing-staging.bang-on.net/>

User name: consultation

Password: steadfa5t

This will take you to the homepage of the test website.

On the test website, click on 'Sentencing Guidelines for use in Magistrates' Court' or 'Sentencing Guidelines for use in the Crown Court'. You will then be able to search for guidelines using the  icon.

For a comprehensive overview of the consultation:

- [Annex A](#) contains a list of all the factors and their explanations.
- [Annex B](#) is a spreadsheet listing all the guidelines covered by this consultation and notes which factors in each guideline have expanded explanations.

We strongly suggest that you open [Annex A](#) and the [test website](#) in separate windows so that you can refer to them as you go through the questions in the consultation below.

The explanations vary in the amount and type of information they contain. The aim is to provide easy access to relevant information without interfering with the ability of the court to sentence appropriately on the facts of the case before it. The expanded explanations are designed to reflect current best practice rather than to alter sentencing practice. In some cases the explanations provide links to or extracts from overarching guidelines.

The next sections will take you through the expanded explanations. You can give your views by answering some or all of the questions below either by email to [consultation@sentencingcouncil.gov.uk](mailto:consultation@sentencingcouncil.gov.uk) or using the online [questionnaire](#).

Please note that towards the end of the consultation we ask some general questions in the 'Overall considerations' section including as to whether the explanations should be made available as an overarching guideline. We would welcome your views on these questions even if you have not answered all the other questions.

***Question 1: What is your name?***

***Question 2: What is your email address?***

***Question 3: What is your organisation?***

# The proposals in detail

## Information on fines, community and custodial sentences

The digital guidelines already contain ‘drop down boxes’ giving access to information on fine bands, community sentences and custodial sentences for all guidelines where these disposals occur.

Where a guideline includes one of the following sentencing options, a drop down box is currently provided giving information on:

- Fines – band ranges
- Community orders – extract from the *Imposition* guideline
- Custodial sentences – extract from the *Imposition* guideline

We are consulting on adding to that information by:

- **Fines:** Providing additional guidance on ensuring that fines remove any economic benefit from the commission of an offence and on obtaining financial information.
- **Community orders:** Providing more information from the *Imposition* guideline – including on the threshold for imposing a community order, and consideration of obtaining a pre-sentence report (PSR). An addition to the *Imposition* guideline is also proposed to provide a link to forthcoming guidance (probably in a Criminal Practice Direction) on when a PSR should be obtained.
- **Custodial sentences:** Providing more information from the *Imposition* guideline – including on the criteria for suspending a sentence. As above an addition to the *Imposition* guideline is proposed to provide a link to forthcoming guidance (probably in a Criminal Practice Direction) on when a PSR should be obtained.

The full text of the proposed information can be seen on pages 1 to 5 of Annex A or by accessing the drop down boxes in the draft online guidelines – an example of a guideline that contains information on all three types of sentence is [Abstracting electricity](#).<sup>2</sup> The drop down boxes are under the sentence table and the information is accessed by clicking on the arrows on the right.



The box can be closed by clicking on the arrow again

<sup>2</sup> See page 5 above for how to access the test website

Band ranges		
	Starting point	Range
Fine Band A	50% of relevant weekly income	25 - 75% of relevant weekly income

**Question 4: What are your views on the inclusion of the proposed additional material on fines, community orders and custodial sentences within all relevant guidelines?**

**Question 5: Do you agree that the Imposition guideline should be amended to include a link to forthcoming guidance on when to order a PSR?**

## Statutory aggravating factors

**Note:** the numbering of factors in this document and in Annexes A and B is purely for reference purposes. It does not indicate any ranking of importance and the numbering will not appear in the guidelines.

We are proposing to provide expanded explanations for the following statutory aggravating factors where they appear at step two of guidelines:


- SA1. Previous convictions (appears in 129 offence guidelines)
- SA2. Offence committed whilst on bail (appears in 123 offence guidelines)
- SA3. 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 (appears in 31 offence guidelines)
- SA4. Offence was committed against an emergency worker acting in the exercise of functions as such a worker (appears in 8 offence guidelines)

The exact wording of the factor to which the expanded factor applies may vary across guidelines – the wording of the factors in existing guidelines will not be changed.

The full text of the proposed information can be seen on pages 6 to 11 of Annex A or by clicking on the factors in the draft online guidelines – an example of a guideline that contains all four of the statutory aggravating factors at step 2 is [Threats to kill](#).

**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
- Offence was committed against an emergency worker acting in the exercise of functions as such a worker

Clicking on any of the underlined text will open up a box containing the explanatory text. You can scroll through the text where it is too large to be fully displayed in the box. To close the box click on the 

- 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

Care should be taken to avoid double counting factors including those already taken into account in assessing culpability or harm or those inherent in the offence

#### Guidance on the use of previous convictions

The following guidance should be considered when seeking to determine the degree to which previous convictions should aggravate sentence:

Section 143 of the Criminal Justice Act states that:

In considering the seriousness of an offence ("the current offence") committed by an offender who

**Question 6: What are your views on the inclusion of the proposed expanded explanations for these statutory aggravating factors? Do your views relate to any particular offence(s)?**

## Other aggravating factors

We are proposing to provide expanded explanations for the following aggravating factors:

### A1. Commission of offence whilst under the influence of alcohol or drugs

The Council's intention in providing this explanation (at page 12 of Annex A) is to make it clear firstly, that the factor is only relevant where the intoxication is voluntary and has contributed to the offending, and secondly, that the factor is applicable even where the offender has acted out of character as a result of being intoxicated.

This factor appears in 44 offence guidelines including dangerous dog offences where the wording of the factor is slightly different.

An example of an offence where this factor appears is [ABH](#)

### A2. Offence was committed as part of a group

This explanation (at page 12 of Annex A) is intended to ensure that group offending is taken into account in a balanced way. Of particular note is the final paragraph which refers sentencers to the mitigation available to young adults (discussed at page 18 below).

This factor appears in only four offence guidelines at step two (in most guidelines group offending relates to a culpability factor at step one).

An example of an offence where this factor appears is [Bladed article/offensive weapon, possession](#).

### A3. Offence involved use or threat of use of a weapon

The issue of what can constitute a weapon and the significance that should be attached to the use or presence of a weapon are matters that frequently concern courts. The purpose of this guidance (at page 13 of Annex A) is to provide sentencers with a framework to assess these matters.

A factor relating to the use of weapons appears in 14 offence guidelines at step two (in most guidelines where weapons are relevant they are considered in the assessment of culpability at step one).

An example of an offence where this factor appears is [Sexual assault](#).

***Question 7: What are your views on the inclusion of the proposed expanded explanations for aggravating factors A1, A2 and A3? Do your views relate to any particular offence(s)?***

#### **A4. Planning of an offence**

The guidance (at page 13 of Annex A) requires the sentencer to consider the extent of the planning in assessing the weight to attach to this factor.

A factor relating to planning appears in only three offence guidelines at step two (in most guidelines planning and or sophistication is relevant to culpability at step one).

An example of an offence where this factor has been applied is [Unlawful act manslaughter](#)

#### **A5. Commission of the offence for financial gain**

The guidance (at page 13 of Annex A) is particularly relevant where a financial penalty is being considered and refers the sentencer to the guidance on fines (see page 7 above).

This factor appears in eight offence guidelines at step two (in other guidelines, notably some sex and drugs guidelines, a factor relating commercial activity/exploitation is relevant to culpability at step one).

An example of an offence where this factor appears is [Organisations: Breach of food safety and food hygiene regulations](#).

#### **A6. High level of profit from the offence**

This factor does not currently appear in any offence guidelines at step two (it does appear in some drugs guidelines at step one). It is included in the list of factors in Annex A (at page 14) as it does appear in the *General* guideline and could potentially be used at step two in future guidelines.

***Question 8: What are your views on the inclusion of the proposed expanded explanations for aggravating factors A4, A5 and A6? Do your views relate to any particular offence(s)?***

#### **A7. Abuse of trust or dominant position**

In line with case law, the guidance (at page 14 of Annex A) recognises that abuse of trust can exist in many different factual scenarios but that care should be taken and reasons given if abuse of trust is to be taken into account to aggravate a sentence.

This factor appears in 11 offence guidelines at step two. In other guidelines, notably some fraud theft and sex guidelines, a factor relating to abuse of trust is relevant to culpability at step one.

An example of an offence where this factor appears is [Non-domestic burglary](#).

**A8. Gratuitous degradation of victim/ maximising distress to victim**

The explanation (at page 14 of Annex A) is intended to ensure that any harm caused to the victim through degradation/ maximising distress is taken into account to aggravate the sentence but only where it has not already been considered in assessing harm at step one.

This factor appears in 12 offence guidelines at step two. In other guidelines, including some sex guidelines, a factor relating to the degradation of the victim is relevant to harm at step one.

An example of an offence where this factor appears is [ABH](#).

**A9. Vulnerable victim**

The explanation (at page 15 of Annex A) is intended to ensure that courts carefully consider the relevance to harm or culpability of any victim vulnerability in the case before aggravating the sentence.

This factor appears in 28 offence guidelines at step two. In other guidelines, factors relating to victim vulnerability are relevant to culpability or harm at step one.

An example of an offence where this factor appears is [Disclosing private sexual images](#).

***Question 9: What are your views on the inclusion of the proposed expanded explanations for aggravating factors A7, A8 and A9? Do your views relate to any particular offence(s)?***

**A10. Victim was providing a public service or performing a public duty at the time of the offence**

The explanation (at page 15 of Annex A) makes it clear that the application of this factor is wider than the statutory aggravating factor relating to emergency workers and includes a reminder not to double count where that factor also applies.

This factor appears in 15 offence guidelines at step two.

An example of an offence where this factor appears is [Owner or person in charge of a dog dangerously out of control where person is injured](#).

**A11. Other(s) put at risk of harm by the offending**

The explanation relating to this factor (at page 15 of Annex A) makes it clear that this factor only applies to harm or risk of harm not already accounted for at step one.

The explanation is applied to 18 offence guidelines at step two.

There are broadly two types of factor to which the explanation has been applied:

- Where there are secondary victims of the offending such as in [Breach of a protective order](#).
- Where the offending causes a risk of harm to others such as [Production of a controlled drug](#).

## **A12. Offence committed in the presence of other(s) (especially children)**

The intention is to ensure that the effect on those who witness offending is taken into account (see page 16 of Annex A).

This factor appears in 34 offence guidelines at step two.

An example of an offence where this factor appears is [Section 20 GBH](#).

***Question 10: What are your views on the inclusion of the proposed expanded explanations for aggravating factors A10, A11 and A12? Do your views relate to any particular offence(s)?***

## **A13. Actions after the event including but not limited to attempts to cover up/ conceal evidence**

In addition to referring to the sophistication or persistence of the actions as an indication of the extent to which this factor aggravates the offence, the explanation (at page 16 of Annex A) also refers sentencers to the mitigation available to young adults (discussed at page 18 below).

Factors relating to the actions of the offender after the offence is committed appear in 80 offence guidelines at step two.

There are three main ways in which the factor is expressed:

- 'Attempts to conceal or dispose of evidence, where not charged separately' for example in [Possession of a controlled drug](#).
- 'Any steps taken to prevent the victim reporting the incident or obtaining assistance and/or from assisting or supporting the prosecution' for example in [Non-domestic burglary](#).
- 'Obstruction of justice' for example in *Health and Safety* [Individuals: Breach of duty of employer towards employees and non-employees](#).

In many guidelines more than one of these factors appears, but the same explanation is provided for each version.

## **A14. Blame wrongly placed on others**

The explanation (at page 16 of Annex A) distinguishes between situations where the offender has simply exercised the right not to accept responsibility for the offending (in which case the aggravating factor does not apply) and situations where others have suffered as a result of being falsely blamed by the offender (where the factor does apply). The explanation also refers sentencers to the mitigation available to young adults in the context of this factor (discussed at page 18 below).

This factor (or one similarly worded) appears in 15 offence guidelines at step two.

An example of an offence where this factor appears is [Fraud](#).



### **A15. Failure to respond to warnings or concerns expressed by others about the offender's behaviour**

The explanation (at page 17 of Annex A) sets out two types of situation where this factor may have particular significance: official warnings or warnings made just before the offence was committed.

This factor (or one similarly worded) appears in 42 offence guidelines at step two.

An example of an offence where this factor appears is [Money laundering](#).

**Question 11: What are your views on the inclusion of the proposed expanded explanations for aggravating factors A13, A14 and A15? Do your views relate to any particular offence(s)?**

### **A16. Offence committed on licence or post sentence supervision or while subject to court order(s)**

Earlier guidelines (*Assault, Burglary, Dogs, Sex, Fraud and Environmental*) do not refer to post sentence supervision in the wording of the factor. The Council is proposing to amend the wording so that all guidelines refer to both licence and post sentence supervision.

The factor as worded above appears in only four offence guidelines at step two (manslaughter). In most guidelines it appears as two separate factors generally worded as:

- Offence committed on licence [or post sentence supervision] which appears in 118 guidelines for example [Going equipped for theft or burglary](#).
- Failure to comply with current court order(s) which appears in 114 guidelines for example [Indecent photograph of children](#).

The explanation (at page 17 of Annex A) has been adapted for each of the two separate factors.

### **A17. Offence committed in custody**

The explanation (at page 17 of Annex A) includes reference to the *Totality guideline* for further information where a sentence will be consecutive to one already being served.

This factor appears in nine offence guidelines at step two.

An example of an offence where this factor appears is [Proscribed organisations – support](#).

### **A18. Offences taken into consideration**

The explanation (at page 18 of Annex A) is taken from the *Offences Taken Into Consideration Definitive Guideline*.

This factor appears in 40 offence guidelines at step two.

An example of an offence where this factor appears is [Making off without payment](#).

**Question 12: What are your views on the inclusion of the proposed expanded explanations for aggravating factors A16, A17 and A18? Do your views relate to any particular offence(s)?**

### **A19. Offence committed in a domestic context**

The explanation (at page 19 of Annex A) provides a link to the *Overarching Principles: Domestic Abuse Definitive Guideline*.

Factors relating to domestic abuse appear at step two of 17 offence guidelines.

Relevant factors include:

Victim compelled to leave their home (including victims of domestic violence)

Exploiting contact arrangements with a child to commit an offence

An example of an offence where both these factors appears is [Sexual assault](#).

### **A20. Offence committed in a terrorist context**

The explanation (at page 20 of Annex A) provides a link to the [Terrorism Offences Definitive Guideline](#).

This factor does not currently appear in any offence guidelines. It is included in the list of factors in Annex A as it does appear in the *General* guideline and could potentially be used at step two in future guidelines.

### **A21. Location and/or timing of offence**

The explanation (at page 20 of Annex A) cautions against aggravating for these factors unless they make the offence more serious in ways not already considered.

This factor as worded above does not appear in any offence guidelines. In most guidelines it appears as two separate factors generally worded as:

Location of the offence (in 39 guidelines for example [Exposure](#))

Timing of the offence (in 36 guidelines). An example of where the explanation for this factor has been applied to the factor 'offence committed at night' is [Domestic burglary](#).

The explanation has been adapted for each of the two separate factors.

### **A22. Established evidence of community/ wider impact**

The explanation (at page 20 of Annex A) incorporates guidance on the limited circumstances in which the prevalence of a particular type of offending in a locality can be taken into account to increase sentences.

In two guidelines ([Theft - general](#) and [Theft from a shop or stall](#)) there is a separate prevalence factor to which the expanded prevalence explanation is applied.

This factor appears in 35 offence guidelines at step two.

An example of an offence where this factor appears is [Possession of a controlled drug with intent to supply](#).

**Question 13: What are your views on the inclusion of the proposed expanded explanations for aggravating factors A19, A20, A21 and A22? Do your views relate to any particular offence(s)?**

## Mitigating factors

As with the aggravating factors the numbering of these factors is purely for ease of reference and is not an indicator of relative importance. The numbering will not appear in guidelines.

We are proposing to provide expanded explanations for the following mitigating factors:

### **M1: No previous convictions or no relevant/recent convictions**

The explanation (at page 21 of Annex A) gives the reasons why a lack of relevant/recent previous convictions should lead to a reduced sentence and gives guidance on the meaning of 'relevant' and 'recent'.

This factor appears in 122 offence guidelines at step two.

An example of an offence where this factor appears is [Benefit Fraud](#)

### **M2: Good character and/or exemplary conduct**

The explanation (at page 21 of Annex A) points out that positive good character can apply to mitigate a sentence whether or not the offender has previous convictions but notes that where an offender has used their good character to facilitate or conceal offending it should not be used to mitigate and can aggravate the sentence.

This factor appears in 117 offence guidelines at step two.

An example of an offence where this factor appears is [Possession of a controlled drug](#).

### **M3: Remorse**

The explanation (at page 22 of Annex A) notes that the court will need to be satisfied that the remorse is genuine. Where this factor applies it will reduce the sentence separate from any guilty plea reduction. Importantly, the guidance confirms that lack of remorse does not aggravate a sentence.

This factor appears in 99 offence guidelines at step two.

An example of an offence where this factor appears is [Owner or person in charge of a dog dangerously out of control where person is injured](#).

**Question 14: What are your views on the inclusion of the proposed expanded explanations for mitigating factors M1, M2 and M3? Do your views relate to any particular offence(s)?**

**M4: Self-reporting**

The explanation (at page 22 of Annex A) reads:

Where an offender has self-reported to the authorities, particularly in circumstances where the offence may otherwise have gone undetected, this should reduce the sentence (separate from any guilty plea reduction at step four).

This factor appears in nine offence guidelines at step two.

**M5: Cooperation with the investigation/ early admissions**

The explanation (at page 22 of Annex A) reads:

Assisting or cooperating with the investigation and /or making pre-court admissions may ease the effect on victims and witnesses and save valuable police time justifying a reduction in sentence (separate from any guilty plea reduction at step four).

This factor appears in 26 offence guidelines at step two.

There is a degree of overlap between these two factors:

- In [Individuals: Breach of food safety and food hygiene regulations](#) the explanation for M4 is applied to the factor 'Self-reporting, co-operation and acceptance of responsibility' and the explanation for M5 is applied to the factor 'High level of co-operation with the investigation, beyond that which will always be expected'.
- In *Fraud* guidelines for example, [Revenue fraud](#) the explanation for M4 is applied to the factor 'Offender co-operated with investigation, made early admissions and/or voluntarily reported offending'
- In *Breach* guidelines the explanation for M5 is applied to the factor 'Prompt voluntary surrender/admission of breach or failure' – see for example [Breach of a criminal behaviour order](#).

**Question 15: What are your views on the inclusion of the proposed expanded explanations for mitigating factors M4 and M5? Do your views relate to any particular offence(s)?**

**M6: Little or no planning**

The explanation (at page 22 of Annex A) suggests that a lack of planning may justify a reduction in sentence except where it indicates a propensity to unprovoked violence.

This factor only appears at step two in three guidelines: [Unlawful act manslaughter](#), [Manslaughter by reason of diminished responsibility](#) and [Street and less sophisticated robbery](#). In other guidelines planning is relevant to assessing culpability at step one.

**M7: The offender was in a lesser or subordinate role if acting with others / performed limited role under direction**

The explanation (at page 22 of Annex A) notes that while acting as part of a group will normally make the offence more serious, a minor role may justify a reduction in sentence.

This factor only appears at step two in the three [Burglary](#) guidelines. In other guidelines role is relevant to assessing culpability at step one.

**M8: Involved through coercion, intimidation or exploitation**

The explanation (at page 23 of Annex A) alerts the sentencer to consider whether there are issues relating to the vulnerability of the offender that should be addressed in a pre-sentence report (PSR). This factor appears in 15 offence guidelines at step two.

An example of an offence where this factor appears is [Cultivation of cannabis](#).

**M9: Limited awareness or understanding of the offence**

The explanation (at page 23 of Annex A) states that the sentence may be reduced where the offending was not motivated by financial advantage and no such advantage occurred.

This factor only appears in one offence guideline at step two: [Communication network offences](#) which is in the magistrates' court sentencing guidelines (MCSG). The factor appears more commonly at step one of guidelines.

***Question 16: What are your views on the inclusion of the proposed expanded explanations for mitigating factors M6, M7, M8 and M9? Do your views relate to any particular offence(s)?***

**M10: Little or no financial gain**

The explanation (at page 23 of Annex A) invites the sentencer to consider the extent to which an offender understood the extent of the offence and the harm that would be caused.

This factor only appears in two offence guidelines at step two: the environmental offences guideline for [individuals](#) and for [organisations](#).

**M11: Delay since apprehension**

The explanation (at page 24 of Annex A) makes it clear that this factor will only reduce the sentence where the delay has been unreasonable, it is not the fault of the offender and the offender has suffered some detriment. It also clarifies that the offender will not be at fault by putting the prosecution to proof of its case.

This factor appears in 15 offence guidelines at step two.

An example of an offence where this factor appears is [Money laundering](#) where the factor is worded 'Lapse of time since apprehension where this does not arise from the conduct of the offender'.

### **M12: Activity originally legitimate**

The explanation (at page 24 of Annex A) sets out the limited circumstances where this factor may apply to reduce a sentence.

This factor appears in four offence guidelines at step two.

An example of an offence where this factor appears is [Revenue fraud](#).

***Question 17: What are your views on the inclusion of the proposed expanded explanations for mitigating factors M10, M11 and M12? Do your views relate to any particular offence(s)?***

### **M13: Age and/or lack of maturity**

The explanation (at page 24 - 25 of Annex A) takes account of the growing body of research into the emotional and neurological development of young adults and aims to summarise the ways in which the immaturity of an offender can be significant in justifying a reduced sentence. Sentencers are advised to consider the ways in which immaturity may have contributed to the offending behaviour of young adults and the ways in which young adults may need special consideration in sentencing. Sentencers are encouraged to ask the National Probation Service to address issues of immaturity in a PSR.

This explanation has been expanded and revised since the consultation on the *General* guideline. The Council is seeking to provide comprehensive but concise guidance of practical use to sentencers. The guidance reflects current best practice as set out in recent case law (such as [R v Clarke](#) [2018] EWCA Crim 185). Nevertheless the Council expects that by embedding the guidance in the majority of sentencing guidelines it will disseminate best practice more widely and the guidance will have a positive impact on sentencing practice.

This factor appears in 116 offence guidelines at step two.

An example of an offence where this factor appears is [Disclosing private sexual images](#).

### **M14: Sole or primary carer for dependent relatives**

The explanation (at page 25 of Annex A) reflects the guidance in the [Imposition](#) guideline. A proposed addition to the version of the explanation consulted on for the *General* guideline, is the reference to pregnant offenders.

This factor appears in 83 offence guidelines at step two.

An example of an offence where this factor appears is [Benefit fraud](#).

***Question 18: What are your views on the inclusion of the proposed expanded explanations for mitigating factors M13 and M14? Do your views relate to any particular offence(s)?***

### **M15: Physical disability or serious medical conditions requiring urgent, intensive or long-term treatment**

This explanation (at page 26 of Annex A) has been greatly expanded since the *General* guideline consultation to reflect case law in this area (see [R v Gumble](#) [2018] EWCA Crim

[1800](#)) and to provide sentencers with the relevant considerations to weigh up in individual cases.

This factor (generally worded as ‘serious medical conditions requiring urgent, intensive or long-term treatment’) appears in 66 offence guidelines at step two.

An example of an offence where this factor appears is [Handling Stolen Goods](#).

#### **M16: Mental disorder or learning disability**

The proposed guidance (at pages 26 – 27 of Annex A) aims to give sentencers an overview of the issues to consider when sentencing offenders with mental health problems or learning disabilities pending the provision of more comprehensive guidance. The Council plans to consult on more comprehensive overarching guidance for sentencing offenders with mental health conditions or disorders in the first half of 2019. Following that consultation when the overarching guideline is published, the proposed guidance will be replaced with a link to the new overarching guideline.

This factor appears in 117 offence guidelines at step two.

An example of an offence where this factor appears is [Harassment or Stalking \(putting people in fear of violence\)](#).

#### **M17: Determination and /or demonstration of steps having been taken to address addiction or offending behaviour**

This explanation (at page 27 of Annex A) suggests that where an offender is ready to commit to address the underlying causes of their offending this may justify a reduction in sentence and a focus on rehabilitation. Sentencers are advised to obtain a PSR in making that assessment.

This factor appears in 59 offence guidelines at step two.

An example of an offence where this factor appears is [Non-Domestic Burglary](#).

***Question 19: What are your views on the inclusion of the proposed expanded explanations for mitigating factors M15, M16 and M17? Do your views relate to any particular offence(s)?***

# Other proposed changes to guidelines

In addition to providing expanded explanations for aggravating and mitigating factors the Council also plans to make other changes to the digital guidelines to reflect legislative and other external changes, and to improve clarity and consistency across guidelines.

## Medium culpability in Fraud, Theft and Robbery guidelines

The Council is consulting on changing one of the factors in category B culpability for theft, robbery and fraud offences. We are proposing to amend the wording of the medium culpability (B) factor in these guidelines which currently is defined by the absence of high or low culpability factors. The current wording is:

- Other cases where characteristics for categories A or C are not present

Feedback from sentencers is that this wording can be unhelpful as it focusses on a lack of characteristics. There is evidence from research with sentencers that the 'negativity' of the wording can discourage sentencers from making a finding of medium culpability particularly where none of the other medium culpability factors apply. In subsequent guidelines the Council has used different wording to make it clearer that medium culpability applies where culpability falls between higher and lesser culpability.

We therefore propose to reword this factor to reflect the Council's original intention:

- Other cases that fall between categories A or C because:
  - Factors are present in A and C which balance each other out **and/or**
  - The offender's culpability falls between the factors as described in A and C

This change can be seen on the test website<sup>3</sup> in the following guidelines:

[Benefit fraud](#)

[Bribery](#)

[Corporate fraud, bribery and money laundering](#)

[Fraud](#)

[Money laundering](#)

[Possessing, making or supplying articles for use in fraud](#)

[Revenue fraud](#)

[Abstracting electricity](#)

[Going equipped for theft or burglary](#)

[Handling stolen goods](#)

[Making off without payment](#)

[General theft](#)

[Shop theft](#)

[Dwelling robbery](#)

[Commercial robbery](#)

[Street robbery](#)

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<sup>3</sup> See page 5 above for how to access the test website



**Question 20: What are your views on the proposed change to this medium culpability factor? Do your views relate to any particular offence(s)?**

**Presentation of maximum sentences**

The way in which maximum sentences are expressed across Sentencing Council guidelines varies slightly. The digital guidelines provide the opportunity to standardise the wording and to highlight any changes. The proposed approach will be applied to existing guidelines and to any future guidelines

1. Fines:

There is some inconsistency as to how the maximum sentence is expressed in the title section of guidelines, in some cases it is x years custody and/or unlimited fine. In others x years custody. It is proposed that only where a fine is an option within a guideline that reference is made to the statutory maximum fine. Where the maximum fine is other than unlimited (e.g. level 3 fine) a link will be provided to a table giving the maximum amounts for each level. See, for example, the [Drunk and Disorderly](#) guideline.

2. Either way offences:

Most guidelines for either way offences give just one maximum sentence (effectively the maximum sentence on indictment) but some give the maximum when tried summarily and the maximum on indictment. It is proposed only to include the summary maximum for either way offences if it is other than 6 months/unlimited fine.

**Changes to maximum sentence**

Where a change to the maximum sentence has been made since a guideline was issued a note should be included in the title section giving the date of the change and the 'before' and 'after' levels. If the change affects the applicability of the guideline the note should acknowledge this.

We have only identified one current guideline where a change in the maximum sentence has not been reflected: the SGC guideline [Causing death by driving: unlicensed, disqualified or uninsured drivers](#). The maximum for causing death by unlicensed or uninsured driving remains at two years but the maximum for causing death by disqualified driving has increased from two to 10 years.

The Council plans to develop a new motoring offences guideline once no further changes to legislation are planned.

In the interim following text has been added to the title section of the guideline on the test website:

**NOTE: the maximum sentence for causing death by disqualified driving is now 10 years (section 3ZC Road Traffic Act 1988 – with effect from 13 April 2015). The sentence levels in this guideline are therefore unlikely to apply to this offence.**

**Question 21: What are your views on the proposed changes regarding the presentation of maximum sentences in guidelines?**

## **Dangerousness**

The legislation relating to dangerous offenders has changed since the assault and burglary guidelines were published. Reference to the fact that an offence may attract an extended sentence or a life sentence is made in the title section of the relevant guidelines and again step five. We are proposing to update the wording in the relevant assault and burglary guidelines as follows:

### **Domestic burglary**

#### **Non-domestic burglary**

In the title section of the guideline:

This is a serious specified offence for the purposes of section 226A (extended sentence for certain violent or sexual offences) of the Criminal Justice Act 2003 if it was committed with intent to:

- a. inflict grievous bodily harm on a person, or
- b. do unlawful damage to a building or anything in it.

At step 5 of the guideline:

#### **Dangerousness**

A burglary offence under section 9 Theft Act 1968 is a serious specified offence within the meaning of chapter 5 of the Criminal Justice Act 2003 if it was committed with the intent to (a) inflict grievous bodily harm on a person, or (b) do unlawful damage to a building or anything in it. The court should consider whether having regard to the criteria contained in Chapter 5 of Part 12 of the Criminal Justice Act 2003 it would be appropriate to impose an extended sentence (section 226A).

### **Aggravated burglary**

In the title section of the guideline:

This is a serious specified offence for the purposes of section 224 (life sentences for serious offences) of the Criminal Justice Act 2003.

At step 5 of the guideline:

#### **Dangerousness**

The court should consider whether having regard to the criteria contained in Chapter 5 of Part 12 of the Criminal Justice Act 2003 it would be appropriate to impose a life sentence (section 225) or an extended sentence (section 226A). When sentencing offenders to a life sentence under these provisions, the notional determinate sentence should be used as the basis for the setting of a minimum term.

### **ABH / Racially or religiously aggravated ABH**

#### **S20 GBH/ Racially or religiously aggravated s20**

In the title section of the guideline:

These are specified offences for the purposes of section 226A (extended sentence for certain violent or sexual offences) of the Criminal Justice Act 2003.

At step 5 of the guideline:

#### **Dangerousness**

The court should consider whether having regard to the criteria contained in Chapter 5 of Part 12 of the Criminal Justice Act 2003 it would be appropriate to impose an extended sentence (section 226A).

### **Common assault / Racially or religiously aggravated common assault**

In the title section of the guideline:

Racially or religiously aggravated common assault is a specified offence for the purposes of section 226A (extended sentence for certain violent or sexual offences) of the Criminal Justice Act 2003.

At step 5 of the guideline:

#### **Dangerousness**

Racially or religiously aggravated common assault is a specified offence within the meaning of Chapter 5 of the Criminal Justice Act 2003. The court should consider whether having regard to the criteria contained in Chapter 5 of Part 12 of the Criminal Justice Act 2003 it would be appropriate to impose an extended sentence (section 226A).

### **Assault with intent to resist arrest**

In the title section of the guideline:

This is a specified offence for the purposes of section 226A (extended sentence for certain violent or sexual offences) of the Criminal Justice Act 2003.

At step 5 of the guideline:

#### **Dangerousness**

The court should consider whether having regard to the criteria contained in Chapter 5 of Part 12 of the Criminal Justice Act 2003 it would be appropriate to impose an extended sentence (section 226A).

### **GBH with intent**

In the title section of the guideline:

This is a serious specified offence for the purposes of sections 224 and 225(2) (life sentences for serious offences) of the Criminal Justice Act 2003.

This is an offence listed in Part 1 of Schedule 15B for the purposes of section 224A (life sentence for a second listed offence) and section 226A (extended sentence for certain violent or sexual offences) of the Criminal Justice Act 2003.

At step 5 of the guideline:

#### **Dangerousness**

The court should consider whether having regard to the criteria contained in Chapter 5 of Part 12 of the Criminal Justice Act 2003 it would be appropriate to impose a life sentence (section 224A or section 225) or an extended sentence (section 226A). When sentencing offenders to a life sentence under these provisions, the notional determinate sentence should be used as the basis for the setting of a minimum term.

## Other guidelines

The wording relating to dangerous offenders and offenders who are subject to a life sentence for a second listed offence varies across other Sentencing Council guidelines. In particular sex offence guidelines make reference to the applicable dates. For example in [Arranging or facilitating sexual exploitation of a child](#) the following wording is used:

For offences committed on or after 3 December 2012, these are offences listed in Part 1 of Schedule 15B for the purposes of s.224A (life sentence for second listed offence) of the Criminal Justice Act 2003.

For convictions on or after 3 December 2012 (irrespective of the date of commission of the offence), this is a specified offence for the purposes of s.226A (extended sentence for certain violent or sexual offences) of the Criminal Justice Act 2003.

The guidelines cannot provide comprehensive information this topic (sentencers would be expected to refer to the [Crown Court compendium](#) for this purpose) but the Council would welcome views on how best to provide accurate and helpful information to ensure that sentencers are alerted to the need to consider the relevant provisions.

***Question 22: What are your views on the proposed changes to the information on life and extended sentences in the Burglary and Assault guidelines? Should changes be made to the wording on this topic in other guidelines?***

## Other minor changes

### Time spent on remand/ bail

This is typically step eight of offence specific guidelines. The wording will be standardised to read:

#### **Consideration for time spent on bail (tagged curfew)**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.

## Sentencing Guidelines Council (SGC) guidelines

Most of the SGC guidelines which are still in force are due to be replaced with Sentencing Council guidelines in 2019 (the Council consulted on [Arson and Criminal Damage](#) and [Public Order](#) guidelines in 2018). Most of the remaining SGC guidelines are for driving related offending which the Council intends to replace once no further changes to legislation are planned.

SGC guidelines refer to the *Seriousness* guideline, in particular the list of common aggravating and mitigating factors. To ensure that access to that information is still available to sentencers once the *Seriousness* guideline is withdrawn, the Council proposes to make the common aggravating and mitigating factors available as a drop down list in the SGC guidelines. For example, see [Causing Death by Careless Driving](#).

## Future changes

The Council will shortly be publishing a policy in its [website](#) for making changes to guidelines.

# Overall considerations

The detailed proposals have been outlined in the sections above. Having considered the detail, we would like to obtain your views on some of the overarching considerations.

## Applicability of the explanations

As outlined in the Overview section (at page 5 above) the Council is consulting on providing expanded explanations only for step two factors (aggravating and mitigating factors) in Sentencing Council offence specific guidelines. Step two factors in Sentencing Council guidelines are non-exhaustive; the guidelines list those factors which are of greatest relevance to the offence(s) covered by each guideline, but sentencers are not precluded from taking others into account in individual cases.

## Making the General guideline available as an overarching guideline

Some of the explanations provided at Annex A appear in very few (or no) offence specific guidelines at step two, but may contain information that would be useful to sentencers when sentencing a variety of offences. One example is the explanation for factor A17 'Offence committed in custody'. The factor only appears at step two in nine guidelines but could apply to many more offences. This leaves open the question of whether the explanations should only be available where there happens to be a matching factor at step two of a particular guideline.

The Council is seeking views on whether the *General* guideline, which (when published as a definitive guideline) will contain all of the explanations in Annex A, should be treated as an overarching guideline that courts may refer to when sentencing any offence (in the same way as the *Domestic Abuse* guideline or *Imposition* guideline can apply to any offence).

The advantages of the explanations having wider application could include:

- Greater consistency in how factors are taken into account
- Greater transparency of how factors are taken into account
- A single point of reference for a wide range of issues, replacing and updating the *Seriousness* guideline.

The disadvantages could include:

- Possibility of irrelevant issues being brought into the sentencing process
- The particular considerations of individual offences being obscured by the application of non-specific guidance
- An increasing complication of the sentencing process.

## The relevance of the explanations to step one factors

This also raises the question of the applicability of the explanations to step one factors in guidelines. Again, as outlined in the Overview section (at page 5) the Council has taken the view that it would not be helpful to include the expanded explanations at step one of offence specific guidelines, as step one factors are tailored to the individual guideline and the placement of a factor within a particular level of harm or culpability makes a difference to the effect that it has. However, the expanded explanations do contain useful guidance

on factors which occur frequently at step one of guidelines. Examples include A7 'Abuse of trust or dominant position', A9 'Vulnerable victim' and 'M8 'Involved through coercion, intimidation or exploitation'. If the *General* guideline were to be treated as an overarching guideline then it would be open to sentencers to refer to that guidance when considering step one factors if there was any uncertainty as to how a factor should be interpreted.

The Council takes the view that the expanded explanations are sufficiently broad so as to apply to wide range of offences, and that sentencers will be able to exercise discretion as the applicability of the explanations in individual cases.

***Question 23: What are your views on treating the General guideline as an overarching guideline?***

## **Impact of the proposals**

The Council has produced a [resource assessment](#) on the impact of these proposals which states:

The proposals in the consultation will apply at least in part to all offence specific Sentencing Council guidelines for sentencing adults and organisations. As such the proposals have the potential to affect a large proportion of sentences, but as most of the proposals relate to providing expanded explanations of factors at step two of guidelines – after the starting point has been determined – the potential impact is limited.

The expanded explanations are designed to reflect current best practice rather than to alter sentencing practice. In some cases the explanations provide links to or extracts from existing overarching guidelines.

The aim is to improve consistency and transparency in sentencing, but if sentencers are not currently following best practice then it is possible that the expanded explanations could lead to an increase or decrease in individual sentences.

The resource assessment looks in detail at the possible impact of the proposed changes relating to:

- Culpability B in the robbery, theft and fraud guidelines
- Previous convictions
- Age and lack of maturity
- Location and timing
- Offender under the influence of drugs or alcohol
- Victim vulnerability

In order to understand more fully the likely effect of all aspects of the consultation, we are seeking your views on whether the proposals will have an impact on sentencing in practice.

***Question 24: Which, if any, of the proposed expanded factors or other proposed changes are likely to have an effect on sentencing practice? What do you think that effect would be?***

## Equality and diversity

The Public Sector Equality Duty is a duty set out in section 149 of the Equality Act 2010 (the 2010 Act) which came into force on 5 April 2011. It is a legal duty which requires public authorities (and those carrying out public functions on their behalf) to have “due regard” to three “needs” or “limbs” when considering a new policy or operational proposals. Complying with the duty involves having due regard to each of the three limbs:

The first is the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited under the 2010 Act.

The second is the need to advance equality of opportunity between those who share a “protected characteristic” and those who do not.

The third is to foster good relations between those who share a “protected characteristic” and those who do not.

Under the PSED the protected characteristics are: race; sex; disability; age; sexual orientation; religion or belief; pregnancy and maternity; and gender reassignment. The protected characteristic of marriage and civil partnership is also relevant to the consideration of the first limb of the duty.

Section 149 of the Equality Act 2010 contains further detail about what is meant by advancing equality of opportunity and fostering good relations.

The Council has had regard to its duty under the Equality Act in drafting these proposals, specifically the effect of the proposals on victims and offenders with protected characteristics.

### Victims

Consideration of the harm caused to victims is central to all sentencing guidelines. The expanded explanations set out how the effect of offending on victims should be recognised, taking into account equalities issues. Examples include the explanations relating to:

- vulnerable victims,
- victims providing a public service,
- offences committed in the presence of others,
- others put at risk by the offending
- offence committed in a domestic context

### Offenders

A substantial proportion of those sentenced in the courts have certain protected characteristics, in particular: BAME, young adults, and those suffering from mental health or learning disabilities. In developing the expanded explanations the aim has been to ensure that courts take into account relevant matters and exclude irrelevant ones. This is particularly the case in the approach to the explanations for the following factors:

### Previous convictions

The guidance is designed to ensure that sentencers take all relevant aspects of the offending history into account – and to recognise where there may be underlying problems

or attempts at desistance. This will help to ensure that, in appropriate cases, offenders have the opportunity break out of the cycle of offending.

### **Commission of offence whilst under the influence of alcohol or drugs**

The guidance draws attention to the fact that those with an addiction may not be voluntarily under the influence of drugs or alcohol and in that case the aggravating factor does not apply.

### **Offence was committed as part of a group**

Membership of a group or gang may apply disproportionately to young, BAME men – so the guidance makes it clear that mere membership of a group (the term ‘gang’ is not used in the explanation) is not relevant to the sentencing. The guidance also refers sentencers to the mitigation that may apply to young adults who are likely to be more susceptible to peer pressure and are more likely to take risks or behave impulsively when in company with their peers.

### **Actions after the event and Blame wrongly placed on others**

Similarly, the explanations for these factors refer sentencers to the mitigation that may apply to young adults who may be less able to: evaluate the consequences of their actions, limit impulsivity or limit risk taking.

### **Involved through coercion, intimidation or exploitation**

This mitigating factor may apply to offenders with protected characteristics and draws the court’s attention to the need to obtain information in a PSR.

### **Age and/or lack of maturity**

The guidance on this mitigating factor is designed to ensure that the particular considerations that relate to young adults are understood and taken into account in sentencing. Attention is drawn to the disadvantages that care leavers may suffer as a result of a sentence.

### **Sole or primary carer for dependent relatives**

The guidance for this factor draws the courts attention to the effect that a sentence may have on dependents of an offender and also refers to the considerations that may apply to pregnant offenders.

### **Physical disability or serious medical conditions requiring urgent, intensive or long-term treatment**

The proposed guidance sets out the considerations to be taken into account in sentencing an offender with physical disabilities.

### **Mental disorder or learning disability**

The proposed guidance sets out the considerations to be taken into account in sentencing an offender with mental disabilities.



***Question 25: Are there any other equality and diversity issues that the explanations should address?***

## **General observations**

We would also like to hear any other views you have on the proposals that you have not had the opportunity to raise in response to earlier questions.

***Question 26: Are there any other comments you wish to make on the approach taken by proposed changes, or other changes that you wish the Council to consider as part of this project?***

