

Sentencing Council

Sentencing Council meeting: 19 June 2015
Paper number: SC(15)JUN03 - Robbery
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1 ISSUE

- 1.1 This is the third consideration of the guidelines post consultation. The main purpose of this paper is to ask the Council to consider the proposed sentencing levels within the guideline. The Council will also be asked to consider some minor changes to the draft.
- 1.2 The timetable is for the guidelines to be signed off by October 2015, published in January 2016 and come into force in April 2016.

2 RECOMMENDATION

- 2.1 The Council is asked to consider
- The sentencing levels set out in each of the guidelines
 - Moving the consideration of value to a step 2 consideration in the combined street/ less sophisticated commercial robbery guideline
 - The definitions provided for the street/ less sophisticated commercial robbery guideline and the professionally planned commercial robbery guideline
 - The descriptors for harm at step 1 of each of the guidelines

3 CONSIDERATION

- 3.1 At the May meeting the Council selected a preferred model of the guidelines. Since that meeting the office has carried out a small transcript exercise to test both the workability of the guidelines, and to assess the sentencing levels. The exercise involved 13 members of staff from the office assessing the guidelines against a number of first instance transcripts. Each tester was given about 10 cases each, and a total of 82 transcripts were used.

- 3.2 The Council will recall that the approach taken to the development of these guidelines has been to regularise sentencing practice rather than to substantially alter it. However, at consultation, the Council also expressed the view that sentence levels must reflect the serious social problem of offenders carrying knives or threatening to use knives, even in cases where knives are not produced (and may not even exist). It was felt necessary to reflect society's concern that knife crime has become widespread. This is especially the case in street robberies. The Council also decided to take a similar approach to cases involving firearms and imitation firearms. This aim has largely been addressed through the way in which we now assess culpability, ensuring that those cases involving a knife etc will always end up in the highest categories.
- 3.3 Devising sentencing levels for robbery is extremely difficult given the limited data available and the way in which that available data is classified by location, which does not necessarily fit with the groupings of our guidelines. The data referred to below is from the Court Proceedings Database and the Crown Court Sentencing Survey. We have used a combination of 2012 and 2013 data. In all cases the average custodial sentencing length is based on the actual sentence imposed and does not account for credit for a guilty plea.

Street/ Less Sophisticated Commercial Robbery

- 3.4 The sentencing table set out below, was the version put through the transcript testing exercise. The starting points and ranges were based on the consultation paper version of the guideline and the existing SGC guideline.
- 3.5 From analysis of the 2013 CCSS data for robberies committed in a park, playground, shop, small business, pub, public transit, and taxi, immediate custody was the most common sentence, and the average custodial sentence length was 3 years 3 months.

Harm	Culpability		
	A	B	C
Category 1	Starting point 8 years' custody Category range 7 – 12 years' custody	Starting point 5 years' custody Category range 3 – 8 years' custody	Starting point 3 years 6 months' custody Category range 2 - 5 years' custody
Category 2	Starting point 5 years' custody Category range 3 – 8 years' custody	Starting point 3 years' 6 months' custody Category range 2 – 5 years' custody	Starting point 2 years' custody Category range 18 months' – 4 years custody
Category 3	Starting point 3 years' 6 months custody Category range 2 – 5 years' custody	Starting point 2 years' custody Category range 18 months' – 4 years' custody	Starting point 18 months custody Category range 1 – 3 years custody

- 3.6 In the small transcript exercise carried out in the office, the sentences imposed by the testers were broadly inline with the actual sentences received. Some small issues of workability did arise, and these are addressed at a later stage in this paper.
- 3.7 Looking again at the SGC guideline (Annex A) and reflecting the Council's earlier decision to recognise the seriousness of using knives, it is proposed that a number of changes are made to the above levels. It is proposed that C3 is reduced to a starting point of 12 months as C3 is a direct comparison to the lowest category of activity described in the SGC guideline, and this category would never involve the use of a knife, so there is no reason to inflate the sentence.
- 3.8 It is also proposed that the starting sentence for A3, B2 and C1 is increased to 4 years as these scenarios are the equivalent of the middle category of the SGC guideline in that they either involve the production of a weapon, or the use of a weapon to inflict violence; or it involves serious harm to the victim. The SGC starting point is 4 years, and so to reduce this starting point, especially in the case of A3 where a knife/ firearm or imitation firearm may have been produced, would go against the Council agreed decision to reflect the seriousness of knife crime.

3.9 It is, therefore proposed that the sentencing table would look like this:-

Harm	Culpability		
	A	B	C
Category 1	<p>Starting point 8 years' custody</p> <p>Category range 7 – 12 years' custody</p>	<p>Starting point 5 years' custody</p> <p>Category range 3 – 8 years' custody</p>	<p>Starting point 4 years' custody</p> <p>Category range 2 – 7 years' custody</p>
Category 2	<p>Starting point 5 years' custody</p> <p>Category range 3 – 8 years' custody</p>	<p>Starting point 4 years' custody</p> <p>Category range 2 – 7 years' custody</p>	<p>Starting point 2 years' custody</p> <p>Category range 12 months – 4 years custody</p>
Category 3	<p>Starting point 4 years' custody</p> <p>Category range 2 – 7 years' custody</p>	<p>Starting point 2 years' custody</p> <p>Category range 12 months – 4 years' custody</p>	<p>Starting point 1 year custody</p> <p>Category range High Level Community Order - 3 years custody</p>

Question 1: Does the Council agree to the proposed starting points and ranges for the combined street/ less sophisticated commercial robbery?

Professionally Planned Commercial Robbery

3.10 The sentencing levels for the professionally planned commercial robbery guideline set out below include starting points and ranges based on an assessment of first instance transcripts and an analysis of the consultation paper version of the guideline (which combined less sophisticated and professionally planned robbery).

3.11 From the 2013 CCSS data of those robberies where the location indicated was a bank, the average custodial sentence length was 5 years 8 months, the maximum was 18 years.

Harm	Culpability		
	A	B	C
Category 1	Starting point 16 years' custody Category range 12 – 20 years' custody	Starting point 9 years' custody Category range 7 – 14 years' custody	Starting point 5 years' custody Category range 4 – 8 years' custody
Category 2	Starting point 9 years' custody Category range 7 – 14 years' custody	Starting point 5 years' custody Category range 4 – 8 years' custody	Starting point 3 years' custody Category range 2 – 5 years' custody
Category 3	Starting point 5 years' custody Category range 4 – 8 years' custody	Starting point 3 years' custody Category range 2 – 5 years' custody	Starting point 2 year's custody Category range 18 months custody - 4 years' custody

3.12 These sentencing ranges have now been tested in a transcript exercise. The sentences imposed by the testers were broadly inline with the actual sentences imposed. However at the upper end the sentences are potentially too high, especially when compared with the dwelling guideline sentences.

3.13 It is proposed that some minor changes are made to the upper levels of sentences:-

Harm	Culpability		
	A	B	C
Category 1	Starting point 14 years' custody Category range 10 – 16 years' custody	Starting point 8 years' custody Category range 6 – 10 years' custody	Starting point 5 years' custody Category range 4 – 8 years' custody
Category 2	Starting point 8 years' custody Category range 6 – 10 years' custody	Starting point 5 years' custody Category range 4 – 8 years' custody	Starting point 3 years' custody Category range 2 – 5 years' custody
Category 3	Starting point 5 years' custody Category range 4 – 8 years' custody	Starting point 3 years' custody Category range 2 – 5 years' custody	Starting point 2 year's custody Category range 18 months custody - 4 years' custody

Question 2: Does the Council agree to the above proposed starting points and ranges for professionally planned commercial robbery?

Dwelling Robbery

3.14 The sentencing levels for the dwelling guideline, below, are those that were set out in the consultation paper.

Harm	Culpability		
	A	B	C
Category 1	<p>Starting point 11 years' custody</p> <p>Category range 9 – 13 years' custody</p>	<p>Starting point 7 years' custody</p> <p>Category range 5 – 10 years' custody</p>	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>
Category 2	<p>Starting point 7 years' custody</p> <p>Category range 5 – 10 years' custody</p>	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>	<p>Starting point 3 years' custody</p> <p>Category range 2 – 6 years' custody</p>
Category 3	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>	<p>Starting point 3 years' custody</p> <p>Category range 2 – 6 years' custody</p>	<p>Starting point 18 months custody</p> <p>Category range 1– 3 years' custody</p>

3.15 The starting points and ranges in the consultation paper were based on statistical data from the Court Proceedings database and the Crown Court Sentencing Survey; analysis of first instance transcripts; analysis of Court of Appeal judgements and reference to the ranges within the Aggravated Burglary Guideline (Annex B).

3.16 The consultation paper asked respondents to comment on the sentence ranges and starting points. There were 15 responses, with only 9 providing a direct response to the question. 4 of the respondents, including HHJ Jeff Blackett, and the Criminal Sub Committee of the Council of HM Circuit Judges, commented that the sentencing levels seemed too low. However 3 of

the respondents, including the Law Society, indicated that they felt sentencing levels were too high and may not reflect current sentencing practice. 2 of the respondents said that they felt the levels were just right.

- 3.17 At roadtesting there was wide consensus that the starting points and ranges were too low, but only at the top end.
- 3.18 The transcript exercise revealed that testers also came out with sentencers that were too high.
- 3.19 From the available statistics we know that approximately 560 adult offenders were sentenced for robbery in a dwelling in 2013. The majority received an immediate custodial sentence, and the average sentence length was 5 years 9 months, the maximum was 14.
- 3.20 When the sentencing levels for dwelling were devised regard was given to the existing aggravated burglary guideline. However this guideline is very different, with only 3 sentencing categories, which makes comparison challenging.
- 3.21 Considering the competing considerations; the aggravated burglary guideline, the responses to consultation, roadtesting and our small scale transcript test the Council may agree that some small adjustments are needed to our guideline. As set out below:

Harm	Culpability		
	A	B	C
Category 1	<p>Starting point 13 years' custody</p> <p>Category range 10 – 15 years' custody</p>	<p>Starting point 8 years' custody</p> <p>Category range 6 – 10 years' custody</p>	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>
Category 2	<p>Starting point 8 years' custody</p> <p>Category range 6 - 10 years' custody</p>	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>	<p>Starting point 2 years' custody</p> <p>Category range 1 – 4 years' custody</p>
Category 3	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>	<p>Starting point 2 years' custody</p> <p>Category range 1 – 4 years' custody</p>	<p>Starting point 18 months custody</p> <p>Category range 1– 3 years' custody</p>

Question 3: Does the Council agree to the above proposed starting points and ranges for dwelling robbery?

Specific Issues with Street/ Less Sophisticated Commercial Robbery

- 3.22 At the last meeting it was agreed to combine the street and less sophisticated commercial robbery guidelines to avoid confusion about which guideline a sentencer should use in the case of a robbery in a taxi or a robbery on the street, targeting commercial takings. However it was also agreed that value should be included as a step 1 consideration but only for less sophisticated commercial robberies. (This is illustrated at pages C3 and C5 in Annex C).
- 3.23 Now we have drafted the guideline in this way it is apparent that some difficulties will arise. Firstly the main benefit of using this model is lost in that we would still need to provide a clear rationale for defining street/ commercial robberies in the way that we do. Secondly, during the transcript exercise a number of testers overlooked the caveat that value should not be considered for street robbery, and still counted it.
- 3.24 The Council's main concern about including value at step 1 in street cases is that it may inflate sentences as more offences may fall within a higher category of harm. An alternative option would be to remove value from step 1 entirely and simply place it as a step 2 consideration.
- 3.25 This option was not put to Council previously but on reflection it may achieve the better outcome. The existing SGC guideline (that combines street and less sophisticated commercial robbery) only includes value as an aggravating factor (at step 2). The Council may consider that in those less sophisticated commercial robberies which occur in small shops or businesses, value is not a principal element of the offence in the same way as it would be in a professionally planned commercial robbery. Moving value to step 2 should prevent unwanted inflation of sentences and also ensure that the guideline flows better and is easier to use for sentencers. It should ensure that consistency is achieved as sentencers will not be required to make a decision about whether the case was or was not a street robbery, and also removes

the risk of sentencers misreading the guideline and applying the factors incorrectly.

Question 4: Does the Council agree to move value to a step 2 consideration in the combined street/ less sophisticated commercial robbery guideline?

Specific Issues with Commercial Robbery

3.26 Separating commercial robbery into less sophisticated and professionally planned presented some difficulty for our testers in the office who went through the transcript exercise, in that they struggled to work out which guideline to use. This is likely to be less of an issue for actual sentencers as most will be familiar with the existing SGC guideline which includes the same grouping, and should know when this guideline applies. However to address this concern, and ensure new judges understand the guideline, it is proposed that some guidance is added to the front of the guidelines, providing a definition:-

3.27 “Street/ less sophisticated commercial robbery refers to robberies committed in public places, including those committed in taxis or on public transport. It also refers to unsophisticated robberies within commercial premises or targeting commercial goods. This may include (but is not limited to) small businesses, public houses and shops (but only where the level of planning and sophistication was low).”

3.28 “Professionally planned commercial robbery refers to robberies involving a significant degree of planning, sophistication or organisation.”

Question 5: Does the Council agree to the wording used to clarify the difference between street/ less sophisticated commercial robbery and professionally planned commercial robbery. (This is illustrated at pages D1 and D7 of Annex D)

Harm

3.29 The transcript testing exercise revealed that a number of people struggled with assessing value. This related to both the professionally planned commercial guideline and the dwelling guideline. Currently value is separated

into 'very high' for a category 1 offence, and 'high or medium' for a category 2 offence (see page C10 Annex C). Testers particularly struggled with deciding what should fall into 'high or medium'. Similarly some testers struggled to assess physical and psychological harm. Currently the factors in all 3 guidelines refer to 'serious physical/ psychological harm' for a category 1 offence, and 'some physical harm or psychological harm above the level inherent in the offence' for a category 2 offence. Testers struggled to assess what would class as 'serious' as opposed to 'some' harm.

- 3.30 To overcome this difficulty it may be better to describe the most serious type of harm (category 1), and the least serious (category 3), and leave category 2 as 'cases where characteristics for categories A or C are not present'. Category C would involve such factors as 'no or minimal physical/ psychological harm caused', and 'low value goods or sums (whether economic, personal or sentimental)'. This is illustrated at pages D3, D9 and D15 of Annex D. These descriptors are likely to be more easily understood, and it allows us to move away from the term 'above the level inherent in the offence', which many testers (including members of the judiciary at roadtesting) have struggled with. Changing the factors in this way will also achieve consistency with the culpability table.

Question 6: Does the Council agree to change the descriptors within harm as set out above?

- 3.31 In addition some testers commented that when assessing harm it would be useful if the guideline made clear that value should be considered within the context of the business, so that it truly reflects the impact on the victim. This is illustrated at pages D4 and D9 at Annex D.

Question 7: Does the Council agree to add wording to make clear that when assessing harm, value of the goods taken should be considered within the context of the size or means of the business from which they are taken?

4 IMPACT

- 7.1 The impact of the proposed guidelines was carefully monitored during the consultation period. The guidelines put to Council today have been tested by a transcript exercise in which the new guideline was tested against real cases that were sentenced in the Crown Court to ensure that the impact of the proposals on the criminal justice system is neutral, and to ensure that the guideline is easy to follow.

8 RISK

The main risk remains the potential for an increase in the prison population if the impact is not accurately assessed, or the problems already identified with the guideline are not addressed.

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Street robbery or 'mugging'
Robberies of small businesses
Less sophisticated commercial robberies

**Robbery is a serious offence for the purposes of sections 225 and 227
 Criminal Justice Act 2003**

Maximum Penalty: **Life imprisonment**

ADULT OFFENDERS

Type/nature of activity	Starting point	Sentencing Range
The offence includes the threat or use of minimal force and removal of property.	12 months custody	Up to 3 years custody
A weapon is produced and used to threaten, and/or force is used which results in injury to the victim.	4 years custody	2-7 years custody
The victim is caused serious physical injury by the use of significant force and/or use of a weapon.	8 years custody	7-12 years custody

Additional aggravating factors	Additional mitigating factors
<ol style="list-style-type: none"> 1. More than one offender involved. 2. Being the ringleader of a group of offenders. 3. Restraint, detention or additional degradation, of the victim. 4. Offence was pre-planned. 5. Wearing a disguise. 6. Offence committed at night. 7. Vulnerable victim targeted. 8. Targeting of large sums of money or valuable goods. 9. Possession of a weapon that was not used. 	<ol style="list-style-type: none"> 1. Unplanned/opportunistic. 2. Peripheral involvement. 3. Voluntary return of property taken. 4. Clear evidence of remorse. 5. Ready co-operation with the police.

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Aggravated burglary

Theft Act 1968 (section 10)

Category 1	Greater harm and higher culpability
Category 2	Greater harm and lower culpability or lesser harm and higher culpability
Category 3	Lesser harm and lower culpability

The court should determine culpability and harm caused or intended, by reference **only** to the factors below, which comprise the principal factual elements of the offence. Where an offence does not fall squarely into a category, individual factors may require a degree of weighting before making an overall assessment and determining the appropriate offence category.

<p>Factors indicating greater harm</p> <p>Theft of/damage to property causing a significant degree of loss to the victim (whether economic, commercial, sentimental or personal value)</p> <p>Soiling, ransacking or vandalism of property</p> <p>Victim at home or on the premises (or returns) while offender present</p> <p>Significant physical or psychological injury or other significant trauma to the victim</p> <p>Violence used or threatened against victim, particularly involving a weapon</p> <p>Context of general public disorder</p> <p>Factors indicating lesser harm</p> <p>No physical or psychological injury or other significant trauma to the victim</p> <p>No violence used or threatened and a weapon is not produced</p>	<p>Factors indicating higher culpability</p> <p>Victim or premises deliberately targeted (for example, due to vulnerability or hostility based on disability, race, sexual orientation)</p> <p>A significant degree of planning or organisation</p> <p>Equipped for burglary (for example, implements carried and/or use of vehicle)</p> <p>Weapon present on entry</p> <p>Member of a group or gang</p> <p>Factors indicating lower culpability</p> <p>Offender exploited by others</p> <p>Mental disorder or learning disability, where linked to the commission of the offence</p>
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Offence Category	Starting Point <i>(Applicable to all offenders)</i>	Category Range <i>(Applicable to all offenders)</i>
Category 1	10 years' custody	9–13 years' custody
Category 2	6 years' custody	4–9 years' custody
Category 3	2 years' custody	1–4 years' custody

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Robbery – street and less sophisticated commercial

This guideline applies only to offenders aged 18 and older. The Sentencing Guidelines Council Robbery Definitive Guideline includes a guideline for sentencing young offenders which continues to be in force.

General principles to be considered in the sentencing of youths are available in the Sentencing Guidelines Council's definitive guideline, Overarching principles – Sentencing Youths. Check www.sentencingcouncil.org.uk for amendments to guidance for youth offenders.

Theft Act 1968 (section 8(1))

This is a serious specified offence for the purposes of section 224 of the Criminal Justice Act 2003.

Triable only on indictment

Maximum: Life imprisonment

Offence range: Community order – 16 years' custody

STEP ONE
Determining the offence category

The court should determine the offence category with reference only to the factors listed in the tables below. In order to determine the category the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

Culpability demonstrated by one or more of the following:

A - High culpability:

- Use of a weapon to inflict violence
- Production of a bladed article or firearm or imitation firearm to threaten violence
- Use of very significant force in the commission of the offence
- Offence motivated by, or demonstrating, hostility based on the victim's personal characteristics (for example, sex, race, sexual orientation (or presumed sexual orientation))

B - Medium culpability:

- Production of a weapon other than a bladed article or firearm or imitation firearm to threaten violence
- Threat of violence by any weapon (but which is not produced)
- Other cases where characteristics for categories A or C are not present

C - Lesser culpability:

- Involved through coercion, intimidation or exploitation
- Threat or use of minimal force
- Mental disability where linked to the commission of the offence

Harm

The court should consider the factors set out below to determine the level of harm that has been caused or was intended to be caused to the victim.

Category 1	<ul style="list-style-type: none"> • Serious physical and/or psychological harm caused to the victim • Serious detrimental effect on the business • Very high value goods or sums (whether economic, personal or sentimental) (commercial robberies only)
Category 2	<ul style="list-style-type: none"> • Some physical harm caused to the victim • Some psychological harm caused to the victim above the level of harm inherent in the offence of robbery • Some detrimental effect on business • High or medium value goods or sums (whether economic, personal or sentimental) (commercial robberies only)
Category 3	<ul style="list-style-type: none"> • Factors in categories 1 and 2 not present

Where the goods stolen are of more than low value, whether economic, sentimental or personal, this is considered as an aggravating factor at step two.

STEP TWO**Starting point and category range**

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability or harm in step 1, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Consecutive sentences for multiple offences may be appropriate.

Harm	Culpability		
	A	B	C
Category 1	Starting point 8 years' custody Category range 7 – 16 years' custody	Starting point 5 years' custody Category range 3 – 12 years' custody	Starting point 3 years 6 months' custody Category range 18 months' – 7 years' custody
Category 2	Starting point 5 years' custody Category range 3 – 12 years' custody	Starting point 3 years' 6 months' custody Category range 2 – 7 years' custody	Starting point 2 years' custody Category range 18 months' – 4 years custody
Category 3	Starting point 4 years' custody Category range 2 – 7 years' custody	Starting point 2 years' custody Category range 18 months' – 4 years' custody	Starting point 1 year's custody Category range High level community order – 2 years six months' custody

The table below contains 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 starting point. In particular, relevant recent convictions are likely to result in an upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

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

Other aggravating factors:

- Steps taken to prevent the victim reporting or obtaining assistance and/or from assisting or supporting the prosecution
- Victim is targeted due to a vulnerability (or a perceived vulnerability), including but not limited to age, mental or physical disability
- Involvement of others through coercion, intimidation or exploitation
- Prolonged nature of event
- Restraint, detention or additional degradation of the victim
- Sophisticated organised nature of offence
- A leading role where offending is part of a group activity
- Attempts to conceal/dispose of evidence
- Established evidence of community/wider impact
- Failure to comply with current court orders
- Offence committed on licence
- Offences taken into consideration
- Failure to respond to warnings about behaviour
- Timing of the offence
- Location of the offence
- Attempt to conceal identity (for example, wearing a balaclava or hood)
- Commission of offence whilst under the influence of alcohol or drugs
- Targeting of large sums of money or valuable goods (except where considered at step one)
- High value goods or sums (whether economic, personal or sentimental) (~~street robberies only~~)
- Location of offence also victim's residence

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions or no relevant/recent convictions
- Remorse, particularly where evidenced by voluntary reparation to the victim
- Good character and/or exemplary conduct
- Serious medical conditions requiring urgent, intensive or long-term treatment
- Age and/or lack of maturity where it affects the responsibility of the offender
- Mental disorder or learning disability

- Little or no planning
- Sole or primary carer for dependent relatives
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour

STEP THREE**Consider any factors which indicate a reduction for 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 FOUR**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 FIVE**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 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.

STEP SIX**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.

STEP SEVEN**Compensation and ancillary orders**

In all cases the court should consider whether to make compensation and/or other ancillary orders.

Where the offence involves a firearm or an offensive weapon the court may consider the criteria in section 19 of the Serious Crime Act 2007 for the imposition of a Serious Crime Prevention order.

STEP EIGHT**Reasons**

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

STEP NINE**Consideration for time spent on bail**

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

DRAFT

Robbery – professionally planned commercial (including banks, shops, businesses)

This guideline applies only to offenders aged 18 and older. The Sentencing Guidelines Council Robbery Definitive Guideline includes a guideline for sentencing young offenders which continues to be in force.

General principles to be considered in the sentencing of youths are available in the Sentencing Guidelines Council's definitive guideline, Overarching principles – Sentencing Youths, [which will continue to be in force pending further guidance in a forthcoming youth guideline](#). Check www.sentencingcouncil.org.uk for amendments to guidance for youth offenders.

Theft Act 1968 (section 8(1))

This is a serious specified offence for the purposes of section 224 of the Criminal Justice Act 2003.

Triable only on indictment

Maximum: Life imprisonment

Offence range: Community order – 20 years' custody

STEP ONE
Determining the offence category

The court should determine the offence category with reference only to the factors listed in the tables below. In order to determine the category the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

Culpability demonstrated by one or more of the following:

A - High culpability:

- Use of a weapon to inflict violence
- Production of a bladed article or firearm or imitation firearm to threaten violence
- Use of very significant force in the commission of the offence
- A leading role where offending is part of a group activity
- Offence motivated by, or demonstrating, hostility based on the victim's personal characteristics (for example, sex, race, sexual orientation (or presumed sexual orientation))
- Abuse of position

B - Medium culpability:

- Production of a weapon other than a bladed article or firearm or imitation firearm to threaten violence
- Threat of violence by any weapon (but which is not produced)
- A significant role where offending is part of a group activity
- Other cases where characteristics for categories A or C are not present

C - Lesser culpability:

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Threat or use of minimal force
- Mental disability where linked to the commission of the offence

Harm

The level of **harm** is determined by weighing up all the factors of the case to determine the harm that has been caused or was intended to be caused to the victim. The victim relates both to the commercial organisation that has been robbed and any individual(s) who has suffered the use or threat of force during the commission of the offence.

Category 1	<ul style="list-style-type: none"> • Serious physical and/or psychological harm caused to the victim • Serious detrimental effect on business • Very high value goods or sums
Category 2	<ul style="list-style-type: none"> • Some physical harm caused to the victim • Some psychological harm caused to the victim above the level of harm inherent in this offence • Some detrimental effect on business • High or medium value goods or sums
Category 3	<ul style="list-style-type: none"> • Factors in categories 1 and 2 not present

STEP TWO**Starting point and category range**

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of high culpability or harm in step 1, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Consecutive sentences for multiple offences may be appropriate particularly where exceptionally high levels of harm have been caused.

Where multiple offences or a single conspiracy to commit multiple offences of particular severity have taken place sentences in excess of 20 years may be appropriate.

Harm	Culpability		
	A	B	C
Category 1	<p>Starting point 16 years' custody</p> <p>Category range 12 – 20 years' custody</p>	<p>Starting point 9 years' custody</p> <p>Category range 7 – 14 years' custody</p>	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>
Category 2	<p>Starting point 9 years' custody</p> <p>Category range 7 – 14 years' custody</p>	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>	<p>Starting point 3 years' custody</p> <p>Category range 2 – 5 years' custody</p>
Category 3	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>	<p>Starting point 3 years' custody</p> <p>Category range 2 – 5 years' custody</p>	<p>Starting point 1 year's custody</p> <p>Category range High level community order – 3 years' custody</p>

The table below contains 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 starting point. In particular, relevant recent convictions are likely to result in an upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

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

Other aggravating factors:

- Steps taken to prevent the victim reporting or obtaining assistance and/or from assisting or supporting the prosecution

- Victim is targeted due to a vulnerability (or a perceived vulnerability), including but not limited to age, mental or physical disability
- Involvement of others through coercion, intimidation or exploitation
- Restraint, detention or additional degradation of the victim
- Prolonged nature of attack
- Attempts to conceal/dispose of evidence
- Established evidence of community/wider impact
- Failure to comply with current court orders
- Offence committed on licence
- Offences taken into consideration
- Failure to respond to warnings about behaviour
- Timing of the offence
- Attempt to conceal identity (for example, wearing a balaclava or hood)
- Commission of offence whilst under the influence of alcohol or drugs
- Targeting of large sums of money or valuable goods (except where considered at step one)
- Location of offence also victim's residence

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions **or** no relevant/recent convictions
- Remorse, particularly where evidenced by voluntary reparation to the victim
- Good character and/or exemplary conduct
- Serious medical conditions requiring urgent, intensive or long-term treatment
- Age and/or lack of maturity where it affects the responsibility of the offender
- Mental disorder or learning disability
- Sole or primary carer for dependent relatives
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour

STEP THREE

Consider any factors which indicate a reduction for 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 FOUR**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 FIVE**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 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.

STEP SIX**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.

STEP SEVEN**Compensation and ancillary orders**

In all cases the court should consider whether to make compensation and/or other ancillary orders.

Where the offence involves a firearm or an offensive weapon the court may consider the criteria in section 19 of the Serious Crime Act 2007 for the imposition of a Serious Crime Prevention order.

STEP EIGHT**Reasons**

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

STEP NINE**Consideration for time spent on bail**

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

Robbery – dwelling

This guideline applies only to offenders aged 18 and older. The Sentencing Guidelines Council Robbery Definitive Guideline includes a guideline for sentencing young offenders which continues to be in force.

General principles to be considered in the sentencing of youths are available in the Sentencing Guidelines Council's definitive guideline, Overarching principles – Sentencing Youths, [which will continue to be in force pending further guidance in a forthcoming youth guideline](#). Check www.sentencingcouncil.org.uk for amendments to guidance for youth offenders.

Theft Act 1968 (section 8(1))

This is a serious specified offence for the purposes of section 224 of the Criminal Justice Act 2003.

Triable only on indictment

Maximum: Life imprisonment

Offence range: 1 year's custody – 13 years' custody

STEP ONE
Determining the offence category

The court should determine the offence category with reference only to the factors listed in the tables below. In order to determine the category the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

Culpability demonstrated by one or more of the following:

A - High culpability:

- Use of a weapon to inflict violence
- Production of a bladed article or firearm or imitation firearm to threaten violence
- Use of very significant force in the commission of the offence
- Sophisticated organised nature of offence
- A leading role where offending is part of a group activity
- Offence motivated by, or demonstrating, hostility based on the victim's personal characteristics (for example, sex, race, sexual orientation (or presumed sexual orientation))
- Abuse of position

B - Medium culpability:

- Production of a weapon other than a bladed article or firearm or imitation firearm to threaten violence
- Threat of violence by any weapon (but which is not produced)
- A significant role where offending is part of a group activity
- Other cases where characteristics for categories A or C are not present

C - Lesser culpability:

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Threat or use of minimal force
- Very little or no planning
- Mental disability where linked to the commission of the offence

Harm

The court should weigh up all the factors set out below to determine the harm that has been caused or was intended to be caused to the victim.

Category 1	<ul style="list-style-type: none"> • Serious physical and/or psychological harm caused to the victim • Very high value of goods (whether economic, sentimental or personal) • Soiling, ransacking or vandalism of property
Category 2	<ul style="list-style-type: none"> • Some physical harm caused to the victim • Some psychological harm caused to the victim above the level of harm inherent in this offence • High or medium value of goods (whether economic, sentimental or personal) • Damage caused to dwelling
Category 3	<ul style="list-style-type: none"> • Factors in categories 1 and 2 not present

STEP TWO**Starting point and category range**

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability or harm in step 1, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Consecutive sentences for multiple offences may be appropriate particularly where exceptionally high levels of harm may be caused.

In a case of particular gravity, reflected by extremely serious violence, a sentence in excess of 13 years may be appropriate.

Harm	Culpability		
	A	B	C
Category 1	Starting point 11 years' custody Category range 9 – 13 years' custody	Starting point 7 years' custody Category range 5 – 10 years' custody	Starting point 5 years' custody Category range 4 – 8 years' custody
Category 2	Starting point 7 years' custody Category range 5 – 10 years' custody	Starting point 5 years' custody Category range 4 – 8 years' custody	Starting point 3 years' custody Category range 2 – 6 years' custody
Category 3	Starting point 5 years' custody Category range 4 – 8 years' custody	Starting point 3 years' custody Category range 2 – 6 years' custody	Starting point 18 months' custody Category range 1 – 3 years' custody

The table below contains 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 starting point. In particular, relevant recent convictions are likely to result in an upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

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

Other aggravating factors:

- Steps taken to prevent the victim reporting or obtaining assistance and/or from assisting or supporting the prosecution
- Victim is targeted due to a vulnerability (or a perceived vulnerability), including but not limited to age, mental or physical disability
- Involvement of others through coercion, intimidation or exploitation

- Restraint, detention or additional degradation of the victim
- Prolonged nature of attack
- [Child or vulnerable person](#) at home (or returns home) when offence committed
- Victim compelled to leave their home
- Attempts to conceal/dispose of evidence
- Established evidence of community/wider impact
- Failure to comply with current court orders
- Offence committed on licence
- Offences taken into consideration
- Failure to respond to warnings about behaviour
- Timing of the offence
- Attempt to conceal identity (for example, wearing a balaclava or hood)
- Commission of offence whilst under the influence of alcohol or drugs

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions **or** no relevant/recent convictions
- Remorse, particularly where evidenced by voluntary reparation to the victim
- Good character and/or exemplary conduct
- Serious medical conditions requiring urgent, intensive or long-term treatment
- Age and/or lack of maturity where it affects the responsibility of the offender
- Mental disorder or learning disability
- Sole or primary carer for dependent relatives
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour
-

STEP THREE

Consider any factors which indicate a reduction for 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 FOUR

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 FIVE**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 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.

STEP SIX**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.

STEP SEVEN**Compensation and ancillary orders**

In all cases the court should consider whether to make compensation and/or other ancillary orders.

Where the offence involves a firearm or an offensive weapon the court may consider the criteria in section 19 of the Serious Crime Act 2007 for the imposition of a Serious Crime Prevention order.

STEP EIGHT**Reasons**

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

STEP NINE**Consideration for time spent on bail**

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

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DRAFT

Robbery – street and less sophisticated commercial

This guideline applies only to offenders aged 18 and older.

Street/ less sophisticated commercial robbery refers to robberies committed in public places, including those committed in taxis or on public transport. It also refers to unsophisticated robberies within commercial premises or targeting commercial goods. This may include (but is not limited to) small businesses, public houses and shops (but only where the level of planning and sophistication was low).

The Sentencing Guidelines Council Robbery Definitive Guideline includes a guideline for sentencing young offenders which continues to be in force.

General principles to be considered in the sentencing of youths are available in the Sentencing Guidelines Council's definitive guideline, Overarching principles – Sentencing Youths, **which will continue to be in force pending further guidance in a forthcoming youth guideline. Check www.sentencingcouncil.org.uk for amendments to guidance for youth offenders.**

Theft Act 1968 (section 8(1))

This is a serious specified offence for the purposes of section 224 of the Criminal Justice Act 2003.

Triable only on indictment

Maximum: Life imprisonment

Offence range: Community order – 16 years' custody

STEP ONE
Determining the offence category

The court should determine the offence category with reference only to the factors listed in the tables below. In order to determine the category the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

Culpability demonstrated by one or more of the following:
<p>A - High culpability:</p> <ul style="list-style-type: none"> • Use of a weapon to inflict violence • Production of a bladed article or firearm or imitation firearm to threaten violence • Use of very significant force in the commission of the offence • Offence motivated by, or demonstrating, hostility based on the victim's personal characteristics (for example, sex, race, sexual orientation (or presumed sexual orientation))
<p>B - Medium culpability:</p> <ul style="list-style-type: none"> • Production of a weapon other than a bladed article or firearm or imitation firearm to threaten violence • Threat of violence by any weapon (but which is not produced) • Other cases where characteristics for categories A or C are not present
<p>C - Lesser culpability:</p> <ul style="list-style-type: none"> • Involved through coercion, intimidation or exploitation • Threat or use of minimal force • Mental disability where linked to the commission of the offence

Harm

The court should consider the factors set out below to determine the level of harm that has been caused or was intended to be caused to the victim.

Category 1	<ul style="list-style-type: none"> • Serious physical and/or psychological harm caused to the victim • Serious detrimental effect on the business
Category 2	<ul style="list-style-type: none"> • Other cases where characteristics for categories A or C are not present
Category 3	<ul style="list-style-type: none"> • No/ minimal physical or psychological harm • No/ minimal detrimental effect on the business

STEP TWO**Starting point and category range**

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability or harm in step 1, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Consecutive sentences for multiple offences may be appropriate.

Harm	Culpability		
	A	B	C
Category 1	Starting point 8 years' custody Category range 7 – 12 years' custody	Starting point 5 years' custody Category range 3 – 8 years' custody	Starting point 4 years' custody Category range 2 - 7 years' custody
Category 2	Starting point 5 years' custody Category range 3 – 8 years' custody	Starting point 4 years' custody Category range 2 - 7 years' custody	Starting point 2 years' custody Category range 1 year – 4 years' custody
Category 3	Starting point 4 years' custody Category range 2 - 7 years' custody	Starting point 2 years' custody Category range 1 year – 4 years' custody	Starting point 1 year custody Category range High Level Community Order – 3 years' custody

The table below contains 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 starting point. In particular, relevant recent convictions are likely to result in an upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

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

Other aggravating factors:

- Steps taken to prevent the victim reporting or obtaining assistance and/or from assisting or supporting the prosecution
- Victim is targeted due to a vulnerability (or a perceived vulnerability), including but not limited to age, mental or physical disability
- Involvement of others through coercion, intimidation or exploitation
- Prolonged nature of event
- Restraint, detention or additional degradation of the victim
- Sophisticated organised nature of offence
- A leading role where offending is part of a group activity
- Attempts to conceal/dispose of evidence
- Established evidence of community/wider impact
- Failure to comply with current court orders
- Offence committed on licence
- Offences taken into consideration
- Failure to respond to warnings about behaviour
- Timing of the offence
- Location of the offence
- Attempt to conceal identity (for example, wearing a balaclava or hood)
- Commission of offence whilst under the influence of alcohol or drugs
- Targeting of large sums of money or valuable goods
- High value goods or sums (whether economic, personal or sentimental) **(Within the context of the business)**
- Location of offence also victim's residence

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions **or** no relevant/recent convictions
- Remorse, particularly where evidenced by voluntary reparation to the victim
- Good character and/or exemplary conduct
- Serious medical conditions requiring urgent, intensive or long-term treatment
- Age and/or lack of maturity where it affects the responsibility of the offender
- Mental disorder or learning disability
- Little or no planning
- Sole or primary carer for dependent relatives
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour

STEP THREE

Consider any factors which indicate a reduction for 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 FOUR

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 FIVE

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 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.

STEP SIX

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.

STEP SEVEN

Compensation and ancillary orders

In all cases the court should consider whether to make compensation and/or other ancillary orders.

Where the offence involves a firearm or an offensive weapon the court may consider the criteria in section 19 of the Serious Crime Act 2007 for the imposition of a Serious Crime Prevention order.

STEP EIGHT

Reasons

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

STEP NINE

Consideration for time spent on bail

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

DRAFT

Robbery – professionally planned commercial (including banks, shops, businesses)

This guideline applies only to offenders aged 18 and older.

Professionally planned commercial robbery refers to robberies involving a significant degree of planning, sophistication or organisation.

The Sentencing Guidelines Council Robbery Definitive Guideline includes a guideline for sentencing young offenders which continues to be in force.

General principles to be considered in the sentencing of youths are available in the Sentencing Guidelines Council's definitive guideline, Overarching principles – Sentencing Youths, **which will continue to be in force pending further guidance in a forthcoming youth guideline. Check www.sentencingcouncil.org.uk for amendments to guidance for youth offenders.**

Theft Act 1968 (section 8(1))

This is a serious specified offence for the purposes of section 224 of the Criminal Justice Act 2003.

Triable only on indictment

Maximum: Life imprisonment

Offence range: Community order – 20 years' custody

STEP ONE
Determining the offence category

The court should determine the offence category with reference only to the factors listed in the tables below. In order to determine the category the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

Culpability demonstrated by one or more of the following:

A - High culpability:

- Use of a weapon to inflict violence
- Production of a bladed article or firearm or imitation firearm to threaten violence
- Use of very significant force in the commission of the offence
- A leading role where offending is part of a group activity
- Offence motivated by, or demonstrating, hostility based on the victim's personal characteristics (for example, sex, race, sexual orientation (or presumed sexual orientation))
- Abuse of position

B - Medium culpability:

- Production of a weapon other than a bladed article or firearm or imitation firearm to threaten violence
- Threat of violence by any weapon (but which is not produced)
- A significant role where offending is part of a group activity
- Other cases where characteristics for categories A or C are not present

C - Lesser culpability:

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Threat or use of minimal force
- Mental disability where linked to the commission of the offence

Harm

The level of **harm** is determined by weighing up all the factors of the case to determine the harm that has been caused or was intended to be caused to the victim. The victim relates both to the commercial organisation that has been robbed and any individual(s) who has suffered the use or threat of force during the commission of the offence.

Category 1	<ul style="list-style-type: none"> • Serious physical and/or psychological harm caused to the victim • Serious detrimental effect on business • Very high value goods or sums (whether economic, personal or sentimental) (Within the context of the business)
Category 2	<ul style="list-style-type: none"> • Other cases where characteristics for categories A or C are not present
Category 3	<ul style="list-style-type: none"> • No/ minimal physical or psychological harm • No/ minimal detrimental effect on the business • Low value goods or sums (whether economic, personal or sentimental) (Within the context of the business)

STEP TWO**Starting point and category range**

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of high culpability or harm in step 1, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Consecutive sentences for multiple offences may be appropriate particularly where exceptionally high levels of harm have been caused.

Where multiple offences or a single conspiracy to commit multiple offences of particular severity have taken place sentences in excess of 20 years may be appropriate.

Harm	Culpability		
	A	B	C
Category 1	<p>Starting point 14 years' custody</p> <p>Category range 10 – 16 years' custody</p>	<p>Starting point 8 years' custody</p> <p>Category range 6 – 10 years' custody</p>	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>
Category 2	<p>Starting point 8 years' custody</p> <p>Category range 6 – 10 years' custody</p>	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>	<p>Starting point 3 years' custody</p> <p>Category range 2 – 5 years' custody</p>
Category 3	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>	<p>Starting point 3 years' custody</p> <p>Category range 2 – 5 years' custody</p>	<p>Starting point 2 year's custody</p> <p>Category range 18 months custody - 4 years' custody</p>

The table below contains 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 starting point. In particular, relevant recent convictions are likely to result in an upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

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

Other aggravating factors:

- Steps taken to prevent the victim reporting or obtaining assistance and/or from assisting or supporting the prosecution
- Victim is targeted due to a vulnerability (or a perceived vulnerability), including but not limited to age, mental or physical disability
- Involvement of others through coercion, intimidation or exploitation
- Restraint, detention or additional degradation of the victim

- Prolonged nature of attack
- Attempts to conceal/dispose of evidence
- Established evidence of community/wider impact
- Failure to comply with current court orders
- Offence committed on licence
- Offences taken into consideration
- Failure to respond to warnings about behaviour
- Timing of the offence
- Attempt to conceal identity (for example, wearing a balaclava or hood)
- Commission of offence whilst under the influence of alcohol or drugs
- Targeting of large sums of money or valuable goods (except where considered at step one)
- Location of offence also victim's residence

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions **or** no relevant/recent convictions
- Remorse, particularly where evidenced by voluntary reparation to the victim
- Good character and/or exemplary conduct
- Serious medical conditions requiring urgent, intensive or long-term treatment
- Age and/or lack of maturity where it affects the responsibility of the offender
- Mental disorder or learning disability
- Sole or primary carer for dependent relatives
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour

STEP THREE

Consider any factors which indicate a reduction for 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 FOUR

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 FIVE**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 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.

STEP SIX**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.

STEP SEVEN**Compensation and ancillary orders**

In all cases the court should consider whether to make compensation and/or other ancillary orders.

Where the offence involves a firearm or an offensive weapon the court may consider the criteria in section 19 of the Serious Crime Act 2007 for the imposition of a Serious Crime Prevention order.

STEP EIGHT**Reasons**

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

STEP NINE**Consideration for time spent on bail**

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

Robbery – dwelling

This guideline applies only to offenders aged 18 and older. The Sentencing Guidelines Council Robbery Definitive Guideline includes a guideline for sentencing young offenders which continues to be in force.

General principles to be considered in the sentencing of youths are available in the Sentencing Guidelines Council's definitive guideline, Overarching principles – Sentencing Youths, **which will continue to be in force pending further guidance in a forthcoming youth guideline. Check www.sentencingcouncil.org.uk for amendments to guidance for youth offenders.**

Theft Act 1968 (section 8(1))

This is a serious specified offence for the purposes of section 224 of the Criminal Justice Act 2003.

Triable only on indictment

Maximum: Life imprisonment

Offence range: 1 year's custody – 13 years' custody

STEP ONE
Determining the offence category

The court should determine the offence category with reference only to the factors listed in the tables below. In order to determine the category the court should assess **culpability** and **harm**.

The court should weigh all the factors set out below in determining the offender's culpability.

Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

Culpability demonstrated by one or more of the following:

A - High culpability:

- Use of a weapon to inflict violence
- Production of a bladed article or firearm or imitation firearm to threaten violence
- Use of very significant force in the commission of the offence
- Sophisticated organised nature of offence
- A leading role where offending is part of a group activity
- Offence motivated by, or demonstrating, hostility based on the victim's personal characteristics (for example, sex, race, sexual orientation (or presumed sexual orientation))
- Abuse of position

B - Medium culpability:

- Production of a weapon other than a bladed article or firearm or imitation firearm to threaten violence
- Threat of violence by any weapon (but which is not produced)
- A significant role where offending is part of a group activity
- Other cases where characteristics for categories A or C are not present

C - Lesser culpability:

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Threat or use of minimal force
- Very little or no planning
- Mental disability where linked to the commission of the offence

Harm

The court should weigh up all the factors set out below to determine the harm that has been caused or was intended to be caused to the victim.

Category 1	<ul style="list-style-type: none"> • Serious physical and/or psychological harm caused to the victim • Very high value of goods (whether economic, sentimental or personal) • Soiling, ransacking or vandalism of property
Category 2	<ul style="list-style-type: none"> • Other cases where characteristics for categories A or C are not present
Category 3	<ul style="list-style-type: none"> • No/ minimal physical or psychological harm • Low value goods or sums (whether economic, personal or sentimental) • Limited damage or disturbance to property

STEP TWO**Starting point and category range**

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability or harm in step 1, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Consecutive sentences for multiple offences may be appropriate particularly where exceptionally high levels of harm may be caused.

In a case of particular gravity, reflected by extremely serious violence, a sentence in excess of 13 years may be appropriate.

Harm	Culpability		
	A	B	C
Category 1	<p>Starting point 13 years' custody</p> <p>Category range 10 – 15 years' custody</p>	<p>Starting point 8 years' custody</p> <p>Category range 6 – 10 years' custody</p>	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>
Category 2	<p>Starting point 8 years' custody</p> <p>Category range 6 - 10 years' custody</p>	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>	<p>Starting point 2 years' custody</p> <p>Category range 1 – 4 years' custody</p>
Category 3	<p>Starting point 5 years' custody</p> <p>Category range 4 – 8 years' custody</p>	<p>Starting point 2 years' custody</p> <p>Category range 1 – 4 years' custody</p>	<p>Starting point 18 months custody</p> <p>Category range 1– 3 years' custody</p>

The table below contains 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 starting point. In particular, relevant recent convictions are likely to result in an upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

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

Other aggravating factors:

- Steps taken to prevent the victim reporting or obtaining assistance and/or from assisting or supporting the prosecution
- Victim is targeted due to a vulnerability (or a perceived vulnerability), including but not limited to age, mental or physical disability
- Involvement of others through coercion, intimidation or exploitation

- Restraint, detention or additional degradation of the victim
- A leading role where offending is part of a group activity
- Prolonged nature of attack
- Child or vulnerable person at home (or returns home) when offence committed
- Victim compelled to leave their home
- Attempts to conceal/dispose of evidence
- Established evidence of community/wider impact
- Failure to comply with current court orders
- Offence committed on licence
- Offences taken into consideration
- Failure to respond to warnings about behaviour
- Timing of the offence
- Attempt to conceal identity (for example, wearing a balaclava or hood)
- Commission of offence whilst under the influence of alcohol or drugs

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions or no relevant/recent convictions
- Remorse, particularly where evidenced by voluntary reparation to the victim
- Good character and/or exemplary conduct
- Serious medical conditions requiring urgent, intensive or long-term treatment
- Age and/or lack of maturity where it affects the responsibility of the offender
- Mental disorder or learning disability
- Sole or primary carer for dependent relatives
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour
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STEP THREE

Consider any factors which indicate a reduction for 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 FOUR

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 FIVE

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 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.

STEP SIX

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.

STEP SEVEN

Compensation and ancillary orders

In all cases the court should consider whether to make compensation and/or other ancillary orders.

Where the offence involves a firearm or an offensive weapon the court may consider the criteria in section 19 of the Serious Crime Act 2007 for the imposition of a Serious Crime Prevention order.

STEP EIGHT

Reasons

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

STEP NINE

Consideration for time spent on bail

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