

Robbery (Street robbery and less sophisticated commercial robbery only)

Theft Act 1968 (section 8(1))

This guideline applies only to offenders aged 17 and under

**Triable only on indictment
Maximum: Life imprisonment**

Offence range:

STEP ONE

Determining the offence category

The court should determine which categories of harm and culpability the offence falls into by reference **only** to the tables below.

CULPABILITY	
A – High Culpability	<ul style="list-style-type: none"> • Use of a weapon to inflict violence • Production of a bladed article, firearm or imitation firearm to threaten violence • Use of very significant force in the commission of the offence • Organised nature of the offence/ significant planning • A leading role where offending is part of a group activity • Offence motivated by, or demonstrating, hostility to the victim based on his or her sexual orientation (or presumed sexual orientation) or transgender identity (or presumed transgender identity) • Abuse of position
B - Medium Culpability	<ul style="list-style-type: none"> • Production of a weapon to threaten violence • Threat of violence by bladed article, firearm or imitation firearm (but which is not produced) • A significant role where offending is part of the group activity • Other cases where characteristics for categories A or C are not present
C – Lesser Culpability	<ul style="list-style-type: none"> • Performed limited function under direction • Involved through coercion, intimidation or exploitation • Threat or use of minimal force • Very little or no planning • Mental disorder or learning disability where linked to the commission of the offence

HARM	
Category 1	<ul style="list-style-type: none"> • Serious physical and/ or psychological harm caused to the victim • Serious detrimental effect on business (for robbery of small businesses and less sophisticated commercial robbery only) • High value goods or sums (for robbery of small businesses and less sophisticated commercial robbery only)
Category 2	<ul style="list-style-type: none"> • Some physical and/ or psychological harm caused to the victim above the level of harm in this offence • Some detrimental effect on business (for robbery of small businesses and less sophisticated commercial robbery only) • Medium value goods or sums (for robbery of small businesses and less sophisticated commercial robbery only)
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 categories, the court should use the corresponding starting points to reach a sentence within the category range below. **The starting point applies to offenders aged 17. Adjustment is to be made according to the chronological and emotional age of the offender relative to a 17 year old.** Having determined the starting point, step two allows further adjustment for aggravating or mitigating features set out below.

A case of particular gravity, reflected by multiple features of culpability or harm in step one, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out below.

Specific provisions relating to sentencing young people:

Except where the dangerous offender provisions apply:

- (i) Where the young offender is aged 12, 13 or 14, a custodial sentence may only be imposed if the youth is a 'persistent offender' or has committed a 'grave crime' warranting detention for a period in excess of 2 years¹.
- (ii) Where a young offender is aged 10 or 11, no custodial sentence is available in the youth court.
- (iii) Where a custodial sentence is imposed in the youth court, it must be a Detention and Training Order (DTO), which can only be for 4/6/8/10/12/18 or 24 months.
- (iv) Where a custodial sentence is imposed in the Crown Court, it may be a DTO or it may be detention for a period up to the maximum for the offence.

	A	B	C
Category 1	Starting point 7 years detention Category range 5 – 10 years detention	Starting point 5 years detention Category range 3 – 8 years detention	Starting point 3 years detention Category range 1 – 6 years detention
Category 2	Starting point 5 years detention Category range 3 – 8 years detention	Starting point 3 years detention Category range 1 – 6 years detention	Starting point 1 year detention Category range YRO - 3 years detention
Category 3	Starting point 3 years detention Category range 1 – 6 years detention	Starting point 1 year detention Category range YRO - 3 years detention	Starting point YRO Category range YRO - 1 year detention

The table below contains a **non-exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender. The court

¹ Powers of Criminal Courts (sentencing) Act 2000, s.100

must have particular regard to the welfare, maturity, sexual development and intelligence of the young person. 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.

Aggravating factors

<i>Statutory aggravating factors</i>

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| <ul style="list-style-type: none">• 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 |
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<i>Other aggravating factors</i>

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| <ul style="list-style-type: none">• Specific targeting of a particularly vulnerable victim• Blackmail or other threats made (where not taken into account at step one)• Location of offence• Timing of offence• Use of weapon or other item to frighten or injure• Failure to comply with current court orders• Presence of others, especially children• Any steps taken to prevent the victim reporting an incident, obtaining assistance and/or from assisting or supporting the prosecution• Attempts to dispose of or conceal evidence• Commission of offence whilst under the influence of alcohol or drugs |
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Mitigating factors

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| <ul style="list-style-type: none">• No previous convictions or no relevant/recent convictions• Remorse• Previous good character and/or exemplary conduct• Mental disorder or learning disability, particularly where linked to the commission of the offence |
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Review of the sentence

Once the court has made an initial decision about the sentence it should “step back”, review and, if necessary, adjust the initial sentence reached at step two to ensure that it fulfils the general principles of sentencing youths.
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STEP THREE

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

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

STEP 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 226(2)) or an extended sentence (section 226B). 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 offending behaviour.

STEP SEVEN

Ancillary orders

The court must consider whether to make any ancillary orders. The court must also consider what other requirements or provisions may *automatically* apply. Further information is included at Annex A on page XXXX.

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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