

# **Robbery – street and less sophisticated commercial**

**Theft Act 1968 (section 8(1))**

**This guideline applies only to offenders aged 17 and under**

**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.**

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

**Offence range: YRO – 6 years' detention**

**This is a serious specified offence for the purposes of sections 224 and section 226 of the Criminal Justice Act 2003**

**Grave crime provisions under section 24 Magistrates' Courts Act 1980 and section 91 of the Powers of the Criminal Courts (Sentencing) Act 2000 apply**

**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.**

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

**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.

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

**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 offenders aged 17. Adjustment is to be made according to the chronological and emotional age of the offender relative to a 17 year old. The starting point applies 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 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 years.
- (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.

**Non Custodial Sentences**

Where the compulsory referral order conditions apply the court **must** make a referral order unless the court proposes to give the offender a custodial sentence, an absolute or conditional discharge or a hospital order.

Harm	Culpability		
	A	B	C
<b>Category 1</b>	<b>Starting point</b> 6 years' detention  <b>Category range</b> 5 – 9 years' custody	<b>Starting point</b> 3 years' 6 months detention  <b>Category range</b> 24 months' DTO– 6 years' detention	<b>Starting point</b> 3 years' detention  <b>Category range</b> 12 months' DTO - 5 years' detention
<b>Category 2</b>	<b>Starting point</b> 3 years' 6 months detention  <b>Category range</b> 24 months' DTO– 6 years' detention	<b>Starting point</b> 3 years' detention  <b>Category range</b> 12 months' DTO - 5 years' detention	<b>Starting point</b> 18 months DTO  <b>Category range</b> YRO – 3 years' detention
<b>Category 3</b>	<b>Starting point</b> 3 years' detention  <b>Category range</b> 12 months DTO - 5 years' detention	<b>Starting point</b> 18 months DTO  <b>Category range</b> YRO – 3 years' detention	<b>Starting point</b> 6 months DTO  <b>Category range</b> YRO – 24 months' DTO

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 must have regard to these factors as well as the welfare, maturity, sexual development and intelligence of the young person.** The court must 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**
- 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)
- 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
- Mental disorder or learning disability
- Little or no planning
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour
- **Peripheral involvement where offence involves a group or gang**

#### **STEP THREE**

##### **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 sentence reached at step two to ensure that it fulfils the general principles of sentencing youths.

#### **STEP FOUR**

##### **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 FIVE**

**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 SIX**

**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 SEVEN**

**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 EIGHT**

**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 NINE**

**Reasons**

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

**STEP TEN**

**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.