

**Name**

Iain Stewart

**Publication consent**

Publish response with name

**Q1) Do you agree or disagree with the Council’s approach to the distinction between a ‘principle’ and a ‘purpose’ of sentencing?**

Agree

**Please provide any reasons for your response.**

**Q2) Should there be an overarching principle of “fairness and proportionality”?**

Yes

**Please provide any reasons for your response.**

Although I would consider the principle of "fairness and proportionality" to be a relative concept. I agree that this should be at the heart of the sentencing considerations so as to promote greater consistency and balance.

**Q3) Are the supporting principles which underlie the overarching principle of fairness and proportionality (as listed at paragraph 2(i)-(vi)) appropriate?**

Yes

**Please provide any reasons for your response.**

I have no reason to disagree with these.

**Q4) Are the supporting principles expressed clearly and accurately?**

Yes

**Please provide any reasons for your response.**

**Q5) Are there any other supporting principles which should be included at paragraph 2?**

None.

**Q6) Do you agree or disagree with the approach to the purposes of sentencing as set out at paragraph 4 of the draft guideline?**

Agree

**Please provide any reasons for your response.**

**Q7) Are the purposes as listed at paragraph 5(a)-(d) appropriate?**

Yes

**Please provide any reasons for your response.**

**Q8) Are the purposes expressed clearly and accurately?**

Yes

**Please provide any reasons for your response.**

**Q9) Are there any other purposes which should be included?**

None.

**Q10) Do you agree or disagree with the approach set out at paragraph 6 of the draft guideline in relation to the efficient use of public resources?**

Agree

**Please provide any reasons for your response.**

**Q11) Is it appropriate to consider efficient use of public resources during the sentencing process?**

Yes

**Please provide any reasons for your response.**

I agree in essence with this. It would probably be more applicable when considering sentences for lesser offences where prison is not necessarily in the interests of the offender or society. However, the responsibility for ensuring there are sufficient resources available to prisons, prisoner monitoring and rehabilitation programmes should lie with government and not with the court system. For instance, if pressure was put on the judiciary to apply lesser sentences due to concerns about over population in prisons. Judiciary should be free to sentence as they see fit and it is then up to government to amend laws or decide on where resources are best allocated.

'Early guilty pleas are recognised as increasing the efficient use of public resources'. I accept that an early guilty plea can be good for the public purse but economic benefits should not be a key consideration in sentencing. If it was, it may create a climate in which there is additional pressure on prosecutors to 'pursue the easier option' such as entering into deals with defendants in return for lesser sentences because it is more efficient. The reasons as outlined in the sentencing principals i to vi should take priority over any economic considerations.

**Q12) Do you agree or disagree that the guideline would lead to an increase in public understanding of how sentencing decisions are made?**

Agree

**Please provide any reasons for your response.**

**Q13) Do you agree or disagree that the guideline would lead to an increase in public confidence in sentencing?**

Agree

**Please provide any reasons for your response.**

**Q14) What costs (financial or otherwise) do you see arising from the introduction of this guideline, if any?**

There may be a time cost if judges are forced to consider guidelines in addition to looking at similar cases so as to decide the appropriate sentence. It may take longer.

**Q15) What benefits do you see arising from the introduction of this guideline, if any?**

I believe the reasons as outlined in the Principles and Purposes of Sentencing highlight the potential benefits of this guide.

**Q16) Would you like to make any other comments in relation to any matter arising from this consultation?**

Whilst I believe that the sentencing decisions should draw from a wide range of considerations. I do believe that, more than any, the impact on the victim and protection of public should take priority and not be forgotten.