



## City Solicitor and Secretary

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TO: THE MAYOR AND ALL MEMBERS  
OF THE CITY COUNCIL

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IJD/LT

28 February 2002

Dear Sir/Madam

**RE: MOTION RE CRIME – COUNCILLOR MRS BLACKADDER**

Members may recall that the meeting of the City Council held on 15 January 2002 agreed a Motion submitted by Councillor Mrs Blackadder regarding crime and sentencing. I now enclose for Members information a copy of a response to that Motion which I have received from the Home Office.

Yours faithfully

*J.M. Egan*

City Solicitor and Secretary





Sentencing and Offences Unit

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Mr J M Egan  
City Solicitor & Secretary  
Carlisle City Council  
Civic Centre  
Carlisle  
CS3 8QG

Our Ref 906  
Your Ref  
Date 26 February 2002

Dear Mr Egan

Thank you for your letter dated 28 January to the Home Secretary concerning sentencing policy and police resources. It has been passed to the Sentencing and Offences Unit of the Home Office and I have been asked to reply.

The Government recognises that it is important that the public have the utmost confidence in the criminal justice system, and that is why it takes very seriously its responsibility to ensure that the courts have the powers they need to protect the public from violent crime. Severe sentences are available for serious offences. Life imprisonment is mandatory for murder. It is also the maximum penalty for other grave crimes such as manslaughter, rape, wounding with intent to do grievous bodily harm, unlawful intercourse with a girl under the age of 13, trafficking in Class A drugs and robbery. Those who receive an automatic life sentence will not be released until the Parole Board decide that they no longer present a risk to the public. If released those offenders will then remain on licence for the rest of their lives and will be liable to be recalled to prison if their behaviour gives rise to cause for concern.

The Government has also implemented provisions in the Crime (Sentences) Act 1997, which came into force on 1 October 1997, which mean that those convicted of a second serious violent or sexual offence will receive an automatic life sentence, and will be kept in prison if it is considered they remain a danger to the public on release. However, prison is an expensive form of punishment that needs to be effectively targeted. Prison may not be the best or most effective option for less serious offenders, especially when tough non custodial sentences are available as an alternative. Our priorities are tough punishment, including in the community, and delivering what works in terms of reassuring the public and reducing reoffending.

Of course, within the statutory sentencing framework laid down by Parliament, the nature and severity of penalties imposed by the courts are matters of judicial discretion. I hope you will appreciate the fundamental principle that judges must carry out their duties independently of the Government – or indeed, any other body – and that it would be wrong for the Government either to seek to direct judges in the way they exercise their



discretion or to comment on the "correctness" of the penalties imposed in individual cases. Similarly, the Government cannot intervene in the decisions made by the independent Crown Prosecution Service (CPS) as to which charges to bring in any individual case.

However, we are aware that unduly lenient sentencing undermines public confidence in the criminal justice system. The Attorney General has the power to refer serious cases to the Court of Appeal where it appears that the sentence was unduly lenient. The Court of Appeal then has the power to increase that sentence.

I can assure you that the Government is concerned about consistency in sentencing. Provisions in the Crime and Disorder Act 1998 impose a new statutory duty on the Court of Appeal to consider producing sentencing guidelines and consider reviewing existing guidelines. The Court of Appeal must have regard to a number of statutory considerations and there is a new statutory body (the Sentencing Advisory Panel) to provide advice to the Court of Appeal on sentencing. The Government will have the power to refer particular offences to the Panel for examination. The Panel must then consider and provide advice on the offence to the Court of Appeal who will then consider producing sentencing guidelines if a suitable case arises. The Court of Appeal will have a duty to have regard to the views of the Panel when producing any sentencing guidelines.

The Government appreciates that there is a particular interest in the number of officers available to police your area. However, the arrangements for the day-to-day policing of an area, including the deployment of police personnel and resources and decisions on how the police respond to incidents and 999 calls is an operational matter and is the responsibility of the Chief Constable/Commissioner of Police who is better placed to deploy the resources available, in line with the forces policing plan that has been agreed between the Chief Constable/Commissioner and the Police Authority after a period of public consultation.

In relation to the issue of the police visibility, the government is committed to assisting Chief Officers in increasing and improving police visibility and accessibility to members of the public. More bobbies on the beat is not, in itself, the most effective way of reducing crime, but it is a key tool in increasing public reassurance and reducing fear of crime. There are a number of ongoing initiatives, which are in place to increase police visibility.

We have asked the police to include, as part of each chief constable's annual report, local information on how they are improving visibility and accessibility in each ward or parish. This information will be easily accessible to any citizen who could search the police authority website or pick up a copy of the plan in the local police station or library.

I hope this is helpful in explaining the position.

Yours sincerely



Neil Underwood