



JUDICIARY OF
ENGLAND AND WALES

Sentencing Remarks

**His Honour Judge Andrew Gilbert QC
The Honorary Recorder of Manchester**

The Queen

V

Stephen Carter

David Beswick

Linda Mary Boyd

Michael Gillespie-Doyle

16th August 2011

at Manchester Crown Court

1. On the late afternoon of 9th August 2011, the shopping centre at Salford Precinct came under sustained attack from groups of those determined to enter them and make off with their stock, and with their money. Later the same day, large numbers set about the same exercise within Manchester City Centre. The disorder lasted in Salford from 5.00 pm, and in Manchester from about 6.00 pm. It lasted to 4.00 am in both cases.
 - a. Substantial numbers of persons of both sexes were involved in criminality. Gangs of youths and others rampaged through both centres, many wearing balaclavas and armed with baseball bats and other weapons. Some were teenagers and children.
 - b. 155 fires were started overall. The fires included those in shops set on fire after being looted. One- the Lidl store in Salford- was burned down.

Firefighters in Salford came under sustained attack, as did police officers. In Manchester fire was also used.

- c. 900 police officers had to be deployed, including some from 10 outside forces. 20 police officers were injured.
 - d. 256 arrests have been made so far
 - e. There some injuries. Fortunately they were limited in number.
 - f. In 6 cases, fire crews had to withdraw from fighting fires because of disorder, and 7 fire engines were damaged when they come under attack from bricks.
 - g. The kinds of shops which came under attack were wideranging: premises attacked included small convenience stores, newsagents, off licences, specialist electrical goods retailers, jewellers, musical instruments specialists, supermarkets and clothing stores at all parts of the price spectrum. Other premises were also attacked, including coffee shops and a Probation Office No fewer than 147 properties, mostly business premises, were damaged.
2. Among other events that night were an attempt by a mob wielding weapons to force its way into the Arndale Centre and the setting on fire of a clothes retailer. Other shops were simply pillaged and emptied of all or most of their stock. In Salford stores were attacked and some set on fire.
 3. The crimes left the shopping heart of Manchester between Deansgate and Piccadilly with large numbers of looted shops and smashed shop fronts. Salford Precinct suffered just as badly.
 4. The financial cost to the businesses, and the harm done to the two cities economies has yet to be calculated. Manchester and Salford must now also endure the stigma which the terrible events of that night must leave in their wake as the world watched the mayhem of that night on its television screens.
 5. This being Manchester and Salford, the two City Councils, assisted by large numbers of volunteers soon set about the task of cleaning up the damage to the two cities.

6. To anyone who lives or works in Manchester and Salford, the effect of what had happened was heartbreaking. This (Manchester and Salford taken together) is a hardworking city with a wonderfully diverse society which is one of its great strengths. Manchester and Salford City Councils and their communities have worked hard to get this city to put its best foot forward. Some who live outside this great city may be unaware of the dedication shown by those Councils and other parts of the community to putting this City back on its feet once the recession of the 1980s had taken its toll, and then again after the IRA bomb in 1996. The achievements in regeneration have been substantial, not least the renewed vitality of the City Centre's commercial core. To those of use who knew Manchester and Salford in the 1970s and early 1980s, the transformation has been quite remarkable. The City has struggled and must still struggle through bad economic times so that all of its areas can benefit from the regeneration which that hard work has produced. The commercial life of the retail sector is no small part of that. It provides jobs for large numbers of people, and services to the whole population of the area. It also supports Manchester City Centre, and Salford Quays in providing cultural vitality to the region in theatres, concert halls, clubs and all the other incidents of a vibrant City centre which attracts up to 100,000 people in all over a weekend evening.
7. The crimes committed that night were of different levels of seriousness, but as I shall come to, all contributed to the terrible scenes that night, and to the damage Manchester and Salford endured. The common feature of the crimes that night is that all of those involved took advantage of the mayhem and disorder to commit crime.
 - a. organising or encouraging the burgling of shops by others;
 - b. burglary of shops or premises where the participant was one of those who forced their way in, or assisted them. In the context of this case, what they did was little different from taking part in a riot.
 - c. arson of shops or other premises
 - d. robbery

- e. burglary of shops or premises where the participant entered and stole from a shop already broken open
 - f. theft of goods found in the street but already taken from a store
 - g. handling of goods taken. This itself will have different levels of seriousness- in descending order
 - i. professional fences receiving goods stolen that night
 - ii. those receiving stolen goods while on the streets of the City Centre or the Precinct that night. Such criminals' presence and willingness to buy goods could only have encouraged more burglary
 - iii. those not in the streets that night, who have received goods brought home by someone else.
 - h. assaults on police officers, fire-fighters, ambulance crew, or those trying to prevent crime or protect property
 - i. breaches of public order.
8. I have considered whether one can seek to apply the definitive guidelines of the recently established Sentencing Council or its predecessor Sentencing Guidelines Council where they exist (and they do so for offences of assault, robbery, burglary of commercial premises and theft). I have also had regard to the generic guidelines, such as those relating to discounts for guilty pleas. The guidelines of the Sentencing Council (which thus far relate to offences of assault) must be followed unless the judge gives reasons for not doing so. In the case of the guidelines of its predecessor, I am required to have regard to them, but may depart from them. Lest there be any doubt in the minds of the media, I have received no advice from anyone in Government or within the Court Service or anywhere else on how I am to treat the Guidelines for the purposes of these cases. Had I done so, I would have ignored it.
9. I have had regard to the decisions of the Court of Appeal which relate to the major disorder in Bradford in 2001, and in particular the decisions in R v Chapman [2002] EWCA Crim 2346 and R v Najeeb and others [2003] EWCA Crim 194. However I have had to apply the principles set out there in the context of disorder

- of a different kind, and involving widespread ransacking of shops and theft of goods from them.
10. Any participation whatsoever of whatever duration in the criminal activities of that night in Manchester City Centre or in Salford, irrespective of its precise form, derives its gravity because it was carried on by one of those who by sheer weight of numbers subjected the commercial areas to a sustained onslaught of burglary, robbery, theft, disorder and other related offences. Anyone on the streets that night who took part in crime added to the effects of the overall criminality, and hampered the efforts of the Police to bring it under control, and of the owners and operators of those businesses trying to protect them.
 11. On the one hand, I must have regard to the total picture as it has been presented to me and on the other I must pay heed, as I have done, to the specific acts of an individual such as the individual Defendants. While it is plain that there were many, many people on the street, some of whom for a whole variety of reasons may never be prosecuted, and may never be called answer for the acts which they perpetrated and thus would escape punishment, nevertheless in my judgment it is neither wrong in principle nor a matter which should affect sentence of those who have been prosecuted that the appropriate sentence should be given to those that are before the court. Those who choose to take part in activities of this type must understand that they do so at their peril. It must be made equally clear, both to those who are apprehended and to those who might be tempted to behave in this way in the future, that the court will have no hesitation in marking the seriousness of what has occurred and it will act in such a way in the present case as will, I hope, send out a clear and unambiguous message as to the consequences to the individual. It is a message which I trust will deter others from engaging in this type of behaviour in the future.
 12. The people of Manchester and Salford are all entitled to look to the law for protection and to the courts to punish those who behaved so outrageously. It would be wholly unreal therefore for me to have regard only to the specific acts which you committed as if they had been committed in isolation. In my judgment it would be a wholly wrong approach to take the acts of any individual participant

on their own. Those acts were not committed in isolation and, as I have already indicated, it is a fact which substantially aggravates the gravity of this offence. The court has to pay regard to is the level and nature of the criminal conduct that night, to its scale, the extent to which it was premeditated, the number of persons engaged the events of that evening and finally, in the context of the overall picture, the specific acts of the individual defendant.

13. In my judgement the context in which the offences of the night of 9th August were committed takes them completely outside the usual context of criminality. For the purposes of these sentences, I have no doubt at all that the principal purpose is that the Courts should show that outbursts of criminal behaviour like this will be and must be met with sentences longer than they would be if the offences had been committed in isolation. For those reasons I consider that the Sentencing Guidelines for specific offences are of much less weight in the context of the current case, and can properly be departed from. I also consider for the same reason that the guideline case on handling stolen goods of R v Webb [2002] 1 Cr App Rep(S) 22 is also of little assistance.
14. As a starting point, it seems to me inevitable that any adult offender out and about in the City Centre or at Salford Precinct that evening who took part in crimes of the type I have described must expect to lose his or liberty for a significant period. The only potential exception may relate to those who have received stolen goods brought back by another: but if brought back by a juvenile or if any significant amount is received, a custodial sentence is inevitable. In appropriate cases, it may be possible to suspend a custodial sentence if it is for 12 months or less, although such cases are likely to be unusual. If suspended, community requirements will be attached such as unpaid work, supervision, programme requirements or a curfew.
15. The scale which I am about to describe relates to the sentencing range for Defendants of 18 or more who are of good character and are convicted after a trial. In addition it does not seek to deal with those where there are questions of dangerousness to consider under the Criminal Justice Act 2003, nor with those of 17 or under. The ranges given are wide and deliberately so, so as to cater for the wide range of circumstances that can occur. The ranges have been drawn up in

discussion with the other judges at this Crown Court who will be dealing with the cases from the disturbances.

16. The usual discounts, as set out in the relevant definitive guideline, will apply for guilty pleas: from one third if offered at the earliest opportunity, but reducing to just 10% if offered at trial. The ranges described also indicate the sentence range before taking account of individual aggravating or mitigating factors.

17. I remind the Press and others who may report these sentences, that as a matter of law, a prisoner is entitled to be released after serving half his sentence, unless he has received an indeterminate sentence. It is a serious but all too common error to describe the judge as having suspended part of his sentence.

18. The sentencing ranges for after trial are

a. Organiser of riot or commercial burglaries	8 years upwards
b. Burglar who takes part in breaking into premises	4 -7 years
c. Arson, lives of others in actual danger	6 years upwards
d. Arson; otherwise	3 -7 years
e. Robbery	
i. with firearm, or where serious injury caused	7 -9 years
ii. with other weapon	3 -7 years
iii. no weapon/no significant injury	2 -5 years
f. Burglar who enters after others have broken in	2 -5 years
g. Theft of goods in street	1-4 years
h. Handling	
i. Professional fence	2 -5 years
ii. Receiving on streets	1 -4 years
iii. Receiving elsewhere	community penalty- 3 years
i. S 47/s 20 Assaults on Police/Fire-fighters/ Paramedic/Those trying to prevent crime or protect property	
i. If significant injury/weapon used	3- 4 years
ii. No significant injury/no weapon	1 - 3 years
j. Violent disorder	2- 4 years
k. Affray	1- 2.5 years

19. Against that background I shall now pass to the individual cases before me

STEPHEN CARTER

20. You are 26 years old. On the night, you had gone into Manchester City Centre knowing of the disturbances. You saw that shops were being or had been attacked. You left the centre and then went back in again. At 1.00 am you were near King Street. You saw bags containing shirts and shoes taken from a store and still in their wrapping, and decided to make off with them. They were worth about £500. That night you had been drinking, and had been smoking cannabis.
21. I have had regard to everything said in the Pre-sentence report You have a bad recent record. As recently as 25th February 2011 you were convicted of shoplifting, and on 4th May 2011 you received a 10 week sentence for your failures to comply with community orders imposed for offences of battery committed in August 2010. You were released from prison as recently as 12th July 2011. You blame your position on the end of your relationship. Many endure that happening without resorting to crime.
22. This was opportunistic crime by someone who had gone into the City centre knowing of the disturbances. I do recognise that you have struggled with alcohol and drugs. There must be a custodial sentence. Had you been convicted after a trial I would have sentenced you to 2 years imprisonment. As you admitted your guilt at the first opportunity the sentence is one of 16 months imprisonment. I declare that 6 days have been served pursuant to s 240 of the Criminal Justice Act 2003.

DAVID BESWICK

23. You are 31 years old and in work. You took your car into Salford to go and watch the disturbances at something like 7.00 pm. You were still there at 00.40 am. You knew that several stores had been attacked and looted. In your car was found a 37 inch television taken from one of the stores. You told the Police that you were looking after it for another for payment of £ 20. In other words you were the means by which that stolen TV would be taken out of the area. I regard it as a cynical offence by someone who knew exactly what he was doing.

24. I have had regard to the pre-sentence report. You do not have a bad criminal record, and no previous offences for dishonesty. True it is that you have recently lost your mother. In my judgement, the picture presented of someone simply caught up in what went on is false. You stood and watched crime going on for some hours, and then played your part. There must be a custodial sentence. Had you been convicted after a trial I would have sentenced you to 27 months imprisonment. As you admitted your guilt at the first opportunity the sentence is one of 18 months imprisonment. I declare that 6 days have been served pursuant to s 240 of the Criminal Justice Act 2003.

MICHAEL GILLESPIE-DOYLE

25. You are only 18, but have amassed a very considerable record. You went into Manchester knowing that the disturbances were under way. When you saw that the store had been broken into by others, you took your chance with your accomplice and went in and took goods.

26. I have had regard to everything said in the Pre-sentence report. You have a bad record. I am sorry to hear that you lost your parents in your earlier teenage years, but you have had every chance since then to put your life straight. There must be a custodial sentence. Had you been convicted after a trial I would have sentenced you to 3 years in a young offender's institution. As you admitted your guilt at the first opportunity the sentence is one of 2 years in a young offender's institution. . I declare that 6 days have been served pursuant to s 240 of the Criminal Justice Act 2003.

LINDA MARY BOYD

27. You are 31. You have asked me to take one offence into consideration , and I do so. You have a long record for petty offending typical of your situation as someone who was addicted to heroin and alcohol. You were in the City centre doing what you usually do there- that is go drinking with friends in the street. You saw lots of people running past, and when you came across an abandoned bag containing alcohol, cigarettes and a mobile phone.

28. I have had regard to the Pre Sentence Report. You have actually succeeded in getting yourself off heroin in the last year. Your next task is to get yourself off alcohol. In my judgement you are unlike the other Defendants, and while I must pass a custodial sentence, it can be suspended for a period of 2 years.
29. Had you been convicted after a trial I would have sentenced you to 15 months imprisonment. As you have pleaded guilty at the first opportunity I shall pass a sentence of 10 months imprisonment suspended for 2 years. In addition I impose community requirements that you attend the Women's Programme and are under supervision for 18 months. All breaches are reserved to me, and I shall review your case once a month.