

**IN THE CROWN COURT sitting at WOOLWICH**

01MP0189921 (M25 jj 14 and 24; 13 and 15 Sept 2021)

01MP0239521 (M25, Poyle interchange 27 Sept 2021)

01MP0239721 (M3, j4; 1 Oct 2021)

48C60146021 (Bishopsgate & Upper Thames Street, 25 Oct 2021)

**The King**

-v-

**Maria LEE 01MP0189921 (M25 jj 14 and 24; 13 and 15 Sept 2021)**

**Stephen PRITCHARD, Jonathan COLEMAN, Christian ROWE, Benjamin BUSE,  
Gregory FREY 01MP0239521 (M25, Poyle interchange 27 Sept 2021)**

**Samantha LINDO, Darcy MITCHELL, Suzie WEBB 48C60146021 (Bishopsgate &  
Upper Thames Street, 25 Oct 2021)**

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**SENTENCING REMARKS OF  
HIS HONOUR JUDGE GROUT**  
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Introduction

1. Maria Lee, Stephen Pritchard, Jonathan Coleman, Christian Rowe, Benjamin Buse, Gregory Frey, Samantha Lindo, Darcy Mitchell, and Suzie Webb, you have all pleaded guilty before the Crown Court to offences of Public Nuisance for which I must now sentence you.

## General Background

2. Before turning to the specific incidents of Public Nuisance with which you were all involved, it is helpful to make some general observations as to the background of what was to transpire.
3. There came a time when all of you chose to involve yourselves with a campaign organised by a group calling itself “Insulate Britain”. In August 2021, Insulate Britain issued a list of peremptory demands and required the Government to immediately commit to improve insulation in social housing and within four months to produce a plan for improving insulation in all housing. In support of these demands, the following month Insulate Britain supporters started disrupting traffic around the London Orbital M25, either on the motorway or more commonly at the roundabouts at motorway junctions.
4. Towards the end of 2021, Insulate Britain protesters were involved in a number of incidents, namely:
  - (a) 13 September, M25 blocked at junctions 3, 6, 14, 20 and 31
  - (b) 15 September, M25 blocked at junctions 1, 8, 9 and 23
  - (c) 17 September, M25 blocked at junctions 3, 9 and 28
  - (d) 20 September, M25 blocked at junction 18, A1(M) at junction 4
  - (e) 21 September, M25 blocked at junction 10
  - (f) On 22 September there was a protest at the Home Office.
  - (g) On 24 September access to the port of Dover was blocked.
  - (h) On 27 September M25 blocked at junction 14
  - (i) On 29 September M25 blocked at junction 3
  - (j) On 1 October M25 blocked at junction 25, M1 at junction 1, M4 at junction 3
  - (k) On 4 and 8 October major London roads within the M25
  - (l) On 13 October M25 blocked at junction 31
  - (m) On 25 October the City of London was targeted with blocks at Bishopsgate and Upper Thames Street.

(n) There were further blocks in late October and into early November before the campaign petered out.

5. Broadly speaking, the roadblocks involved participants in groups varying between approximately 15 to 50 people. Typically, at a motorway junction, protesters from Insulate Britain moved onto the road when traffic was stopped at traffic lights. They then obstructed the road by sitting in each lane of the road. Almost all these blocks were carried out during the morning “rush hour” and so affected larger numbers of the travelling public. The intention of the protesters was to stay there until the police attended and moved them. There was no planning for anything other than police actions to end the block. The protesters had, it appears, a “Blue lights policy” to allow emergency vehicles past; the efficacy of which evidently depended on the emergency vehicles being sufficiently near enough to the start of the block in order to pass it. There was, among the protesters, a role for “de escalators” to approach motorists near the block to attempt to explain the purpose of it and to attempt to calm any anger. Otherwise, the group depended wholly on the law-abiding nature of the public, and ultimately on the police, to protect them from the anger and frustration of other motorists. On the arrival of police officers, the standard approach of the protesters was to refuse to move on request, with the consequence that they were arrested. All protesters were practicing “non-violence” and offered nothing beyond passive resistance. To prolong the block there were some protesters who glued themselves to the road surface and each other, requiring them to be ‘de-bonded’ by police. When arrested, some declined to walk off the road requiring the police to lift them off the road.
6. The aim of the protesters was to get publicity. The method selected was to deliberately obstruct lawful use of the public highways.
7. No advance warning was given to the police (or Transport for London) save in the most general terms, and certainly not specific as to date, time, or place. This tied up police resources as they had to be deployed around the entire Greater London area and so meant any amelioration of disruption would be delayed.

8. A rather more involved aim of Insulate Britain seems to have been to have 100 people in custody in anticipation of the COP 26 meeting at Gleneagles in early November 2021. The purpose was to embarrass the UK government hosts.
9. National Highways Ltd, noting the continuing obstructions, sought and obtained High Court injunctions forbidding blocking of the M25 and its access roads, and subsequently other roads. The first came into effect on 22 September 2021. The different sanctions and enforcement methods for High Court injunctions (including High Court costs awards) led to a degree of retargeting and made some protestors- but certainly not all- warier of involvement.

### The Specific Offences

10. The nine of you were involved in incidents which occurred across various protest sites.

### *Maria LEE*

11. You, Maria Lee, were part of a group of 14 people who caused disruption at Junctions 14 and 25 of the M25 on 13 and 15 September 2021. Junction 14, known as the Poyle Interchange, is complex, involving a dual carriageway which provides access to Heathrow Terminal 5, as well as the A 3113 providing access into, among other places, Stanwell Moor businesses. The junction itself is within the Metropolitan Police boundary, whereas the main motorway falls under the supervision of the Surrey Police.
12. The Insulate Britain line formed where the clockwise slip road off the M25 joined the roundabout over the motorway and dual carriageway. You can be seen from the photographic evidence to be blocking the third lane holding a banner reading “Insulate Britain”. The line went onto the road at about 8.30am. Police attended and finally had the slip road cleared by 11.27am.

13. You, as with others involved, were given an opportunity by the police to leave the line and end the obstruction but you declined. As a consequence, you were arrested.
14. Traffic had built up on the slip road and the tail back affected the dual carriageway and back onto the main motorway. Trying to clear the block the police had to back vehicles, including coaches and HGVs, off the slip road into the moving traffic on the dual carriageway.
15. Members of the public were seen by the police to be angry and frustrated, trying to persuade the protesters who formed the line to get out of their way. There was a clear potential for violence and limited police officers available to prevent it should the same have arisen. Motorists were not only frustrated by you and the others who formed the line, but also with the police for the careful and conscientious way they were dealing with the matter.
16. Over 30 police officers had to be engaged to deal with the block. As I have just indicated, they were polite and courteous to all involved in the line and gave you and the others a chance to move, a repeated warning of the consequences of not moving, before they proceeded to arrest and removal.
17. As the Crown has acknowledged, it is difficult to quantify the level of disruption caused by blocking a single slip road. Other Insulate Britain protesters were at the same time blocking the main motorway in the vicinity (a tactic that they subsequently hesitated to redeploy because of the obvious dangers). The plan on the first day of the protests appears to have been to make use of the tail back from the block on the slip road to facilitate the main carriageway block. In addition, the further blocks around the M25 elsewhere must have had some impact on traffic at this junction.
18. Footage from the national Police Air Service shows stationary or near stationary traffic on both directions on the main motorway. At 10.05am the clockwise main motorway was not moving and empty at junction 14 ahead of a police rolling block.
19. Mark Clements, chief analyst for National Highways, attempted to assess the impact using such data as was available to him. He is clear that the estimates will be underestimates. The calculation he makes shows the number of vehicles affected to be

over 42,000. The impact for some of those would include small effects (for example those motorists who were able to take evasive actions) to very large effects (i.e., those trapped on the slip road). His data does not include any for roads off the motorway. He points out that, as is usual, the effect lingers even after a block is cleared.

20. As I have just indicated, thousands of people were affected by what you and others did, and it is not possible to know the extent of the misery that was caused to people on that day. However, the police did obtain some witness statements from affected motorists, a flavour of which are as follows:

- (a) Susan Rix. She was unable to get to care for her 95-year-old mother, who had been injured. She was near the front of the block on the slip road and was able to explain her dilemma and asked to be allowed to progress. She records “these people would not even look me in the eye. The most response I got was someone who said this is the only way we can get our cause across to the government.”
- (b) Martin Drinkwater. He runs a small manufacturing company near Heathrow. 40% of his staff were unable to get to work. The company lost a significant amount of production, with knock on affects for the company and its customers.
- (c) Steve McSweeney. His coach business was unable to operate, affecting customers who had bookings and with at least one coach stuck in the congestion.
- (d) Colin Cakebread. He is a tutor at a special needs college near the junction with 60 pupils. The disruption both to access and to their routines badly affected these vulnerable children.
- (e) James Stainburn. He is a pilot who got caught in the tailback. His flight was delayed, and he was replaced, losing earnings as a consequence.
- (f) Pavel Klys. He is a builder who was unable to carry out his work with knock on effects through the week.
- (g) James Cochrane. His florists’ business was significantly affected by the disruption.

21. Notwithstanding your arrest and removal on 13 September 2021, you were back on 15 September 2021 this time causing a block at Junction 25 where the A10 crosses the M25. The block was on the slip road for the anticlockwise carriageway. The block lasted between about 8:00am and 10:45am. Traffic built up on the slip road and started to create a block on the motorway.

22. Members of the public affected included:

(a) Barry Sewell. He was on his way to conduct a funeral where the delay upset the family's arrangements.

(b) Susan Longworth. She witnessed frustrated drivers pulling at Insulate Britain protesters and feared more serious violence before the police arrived.

(c) Terry Earnest. He was at the front of the queue and was delayed for over an hour. He was seemingly urged by other motorists to drive forward over the Insulate Britain line. He saw an ambulance driver have to run up the slip road and then return to his vehicle to get through on a blue light.

(d) Inderpal Grewal who was supervising improvements at the junction found his work impossible for two hours.

(e) Chris Fraser and James Bishop were responsible for an ambulance. James Bishop describes the difficulties he experienced driving on blue lights on the motorway through the stacked queue back from the junction, with motorists out of their cars on the road; he had to leave his ambulance and run up to the block; the protesters ignored his pleas until the police cleared the way for his ambulance.

(f) Video footage shows a further ambulance in the traffic block.

23. Some indication of the effect in traffic flow and delay is again provided by Mark Clements which it is unnecessary to rehearse.

*Stephen PRITCHARD, Jonathan COLEMAN, Christian ROWE, Benjamin BUSE, and Gregory FREY*

24. On 27 September 2021, unperturbed by the arrest of others in the preceding weeks, Insulate Britain protesters returned to Junction 14 of the M25, this time totalling 52 in number. The five of you were part of that group.
25. The block at the top of the clockwise slip road started at about 8:00am. The road was fully re-opened at 10:25am.
26. This was the first blockage of the M25 after the injunction came into force. The police deployed quickly with some officers already at the scene. But as they tried to clear the first few protesters others arrived and the sheer numbers were too much for the officers present. The body worn footage of PC Sandford shows part of the group as they sit in the road and goes on to show a second group which can be seen coming from the centre underpass of the roundabout and walking towards where the other protesters are sat in the road. They make attempts to join those in the road, some successfully whereas others are intercepted by officers before they have the chance to sit down. Officers move swiftly to remove those who are causing the block but, as I have just indicated, were initially outnumbered.
27. A number of those present in the road had glued themselves to each other's hands and some to the middle of the road.
28. Officers had to close off the slip road from junction 14 of the M25 due to this and other police officers were deployed to the scene to assist in making arrests. There was blue and white paint that had been thrown over the floor next to where the protesters were sat.
29. Again, it is not easy to be precise about the effect of the block. However, using such data as he had, Mark Clements estimated that the number of vehicles variously affected on the main M25 was up to 35,000.



30. A more graphic illustration is provided by Inspector Wenham, Bronze Officer (who was the senior officer on the ground) who describes what he faced making his way to the scene:

“I made my way to the location and joined the M25 at Junction 15, as far as I could see to junction 14 the traffic was stationary, which is not normal for even the morning rush hour, equally I could see heavy stationary traffic behind me for as far as I could see, many motorists were getting out of their cars to see what was happening, more alarmingly some motorists had u-turned on the motorway and were travelling the wrong way along the hard shoulder to try and divert off at junction 15, this not only put them into direct conflict with emergency vehicles responding to the protest, but also any vehicle legitimately using the hard shoulder. This added degree of danger made the opening of Junction 14 more critical. I am a police advanced driver and the journey between junction 15 to 14 took over 15 minutes and was probably one of the most challenging motorway response drives I have ever made, you simply don't expect oncoming traffic on a motorway hard shoulder, or pedestrians in between lanes.”

31. Video footage shows that, ultimately, police had a heavy deployment and were starting to clear the route by 8:30am. They were still awaiting the debonding team to clear those who had glued themselves to the road. Evidence of the frustration of motorists, both at the protesters and the police, is clear.

32. Members of the public affected included:

- (a) Rory Macarty. He was on his way to Slough and was near the head of the queue on the slip road and was delayed for about 45 minutes.
- (b) Colin Cakebread. He is the tutor at the special needs college who had already had the misfortune of being impacted, along with his vulnerable pupils, on 13 September 2021 only to face the same again on this occasion.

33. The evidence from the officers is that you, Stephen Pritchard, and you, Jonathan Coleman, once arrested in the road were co-operative. Benjamin Buse you, having been removed from the road, ran back into it and had to be removed again. Christian Rowe you attempted to glue yourself to the road but was prevented from doing so by an officer. In your case, Gregory Frey, the body worn footage from the arresting officer shows you on the grass verge beside the slip road, although footage from another officer shows a man who the prosecution say is you standing in the road and trying to sit down before being intercepted by officers.

*Samantha LINDO, Darcy MITCHELL, Suzie WEBB*

34. On 25 October 2021, members of the Insulate Britain group, about 50 in number, turned their attention to the City of London where two roadblocks were put in place. Samantha Lindo, you were part of the blocks at the junction of Bishopsgate and Wormwood Street on the north side of the City (near Liverpool Street Station). Darcy Mitchell and Suzie Webb, you were both at blocks on the Upper Thames Street junction with Queen Street Place (the north side of Southwark Bridge).

35. Bishopsgate southbound both above and below the junction with Wormwood Street was closed to ordinary traffic and reserved for buses and cyclists; northbound up to the junction was open for some of its length to all traffic. The block there affected a very large number of buses, as Bishopsgate is one of the principle north south routes in the City, leading to London Bridge, itself a major bus route. Wormwood Street as an extension of London Wall is one of the principle east west routes for all traffic on the north side of the City, large parts being dual carriageway.

36. The Bishopsgate crossroads was blocked in its north and west side, leaving a theoretical southbound turn open to westbound traffic. In reality, the junction was completely blocked from about 8:05am until it reopened in stages. City of London police force dealt with the northside, but had to await assistance from the Metropolitan Police to clear the west side of the junction; all routes were reopened by 11:15am. Clearing Bishopsgate was delayed by the numbers who had glued themselves to the road and by

the need to clean the slippery surface left by the glue solvent at a junction with heavy pedestrian use.

37. Police Sergeant Payne of City of London Police was the acting duty Inspector and has provided evidence of traffic chaos that he had not previously seen on Bishopsgate. He witnessed driver anger and frustration.

38. Members of the public affected included:

(a) Gary Ward. He was a joiner and was delayed, before being directed by police clearing the block to drive south on Bishopsgate, which triggered a penalty charge for his company's vehicle.

(b) Miles Watson Smyth florists' business lost over £1,000 from the delays.

(c) Rory Wynne, a lift engineer, was delayed by having to take a detour for well over an hour.

39. PC Joslin's body worn video captured a woman talking to a protester saying, "I've missed a hospital appointment".

40. The number of buses suffering diversion or curtailment was over 160.

41. Upper Thames Street is the principle east west route; it extends from the dual carriage way from Westminster along the Embankment and runs through to the Tower. Southwark Bridge is the principal bridge for daytime entry into the City from the south as London Bridge is restricted for ordinary traffic and Tower Bridge has weight restriction.

42. City of London Officers saw the block and contacted PS Payne who requested assistance at 8:19am. The roads were reopened in stages, 9:15 westbound upper Thames Street, 9:25 east bound; 9:35 north off Southwark Bridge and then a delay as further reinforcements were summoned at 10:40 south bound onto Southwark bridge was finally cleared.

43. Some impression of the disruption caused is indicated by Inspector Boswell, who made his way from Lambeth along the Embankment. He hit stationary traffic at Northumberland Avenue and found traffic was solidly blocked on the Embankment all the way to Southwark Bridge 1 ½ miles ahead. Using blue lights, he was able to struggle through but what would normally take an emergency vehicle 5 minutes took 15 minutes.
44. Andrew Emmonds, TfL's chief traffic analyst, attempted to estimate disruption. It is not easy to disentangle the effect of the two blocks into separate effects, and indeed the effects would have overlapped as traffic attempted to avoid the scene of the blocks. TfL monitor the roads continuously via CCTV. They put in place resequencing of traffic lights to delay traffic coming into the City. They put out messages to indicate to drivers to avoid the area. Mr Emmonds provides evidence of the "footprint" spreading out from the Tower running up to Whitechapel, west to beyond Farringdon and on to Westminster; south of the river it covered as far as the Elephant and Castle.
45. He spoke of levels of traffic disruption as assessed by TfL staff. They use as terms of art levels "severe" and "serious" with particular definitions of delay over and above what might be expected at a particular time and place. He said that in a typical 28-day period TfL, over the entire TfL area (essentially major roads within the M25) records 40 or 50 hours of severe or serious delay and expect a ratio of 5 or 6:1 serious to severe. In other words, every month they expect 8 or 10 hours of "severe" disruption. The combined Bishopsgate and upper Thames Street blocks triggered just under 4 hours of the assessment "severe".
46. Samantha Lindo, you had glued yourself to another person and had to be arrested and de-bonded before you and that other person could be removed together. Darcy Mitchell, you had glued yourself to the road, and had to be de-bonded. Suzie Webb, once arrested, you walked off the road and was co-operative with officers.

### Approach to Sentencing

47. You have all pleaded guilty to the common law offence of Public Nuisance. The maximum sentence for this offence is life imprisonment. There are, at present, no sentencing guidelines for this offence, nor for the comparable offence under s.78 of the

Police, Crime, Sentencing and Courts Act 2022 where the maximum sentence is 10 years' imprisonment.

48. I have, however, considered the Sentencing Council's general guidelines concerning overarching principles, the imposition of community and custodial sentences, credit for guilty pleas, and totality.
49. I have also reminded myself of s.57 of the Sentencing Act 2020 which sets out the purposes of sentencing as follows: (a) the punishment of offenders, (b) the reduction of crime (including its reduction by deterrence), (c) the reform and rehabilitation of offenders, (d) the protection of the public, and (e) the making of reparation by offenders to persons affected by their offences. In addition, s.63 of the Act which provides that when considering the seriousness of any offence, the court must consider (a) the offender's culpability in committing the offence, and (b) any harm which the offence (i) caused, (ii) was intended to cause, or (iii) might foreseeably have caused.
50. I have also considered a number of decisions of the Court of Appeal concerning sentencing for offences of Public Nuisance. The most significant of those decisions is that of *R v Trowland and Decker* [2023] EWCA Crim 919. Although that case concerned an offence under s.78 of the Police, Crime, Sentencing and Courts Act 2022, there is no reason why the principles to be derived from it should not, where relevant, apply to the common law offence to which you have all pleaded guilty.
51. That case, in short, concerned two individuals who, on 17 October 2022, scaled the Queen Elizabeth II bridge on the M25 carriageway. They hoisted a "Just Stop Oil" banner across the bridge and suspended themselves in hammocks. There they remained until arrested some 36 hours later. The bridge was closed for about 40 hours as a result of the protest, causing extreme disruption to many members of the public. Both men were described by the Court of Appeal as "repeat protest offenders on bail at the time". Both were convicted following a seven-day trial and received sentences of 3 years' imprisonment and 2 years 7 months' imprisonment respectively. Those sentences were upheld by the Court of Appeal.

52. I have extracted the following relevant principles from the decision:

- (a) Whether or not a sentence of immediate custody for this type of offending is warranted, and if so what length of sentence is appropriate, will be highly fact-sensitive (para. 51).
- (b) Where conscientious motive on the part of a protester is a relevant consideration for sentencing purposes, it falls most logically to be factored into the assessment of culpability (para. 55).
- (c) The issue of rehabilitation (as one of the aims of sentencing) needs to be considered in light of all relevant information, including the strength of the beliefs espoused by the protesters along with their previous convictions (para. 58).
- (d) Article 10 and Article 11 protections can be weakened by the fact that disruption was the central aim of the protesters' conduct, as opposed to a side-effect of the protest (para. 75).
- (e) That a court's perception of the strength of the need for deterrence can change over time and that the principle of deterrence is of both particular relevance and importance in the context of a pressing social need to protect the public and to prevent social unrest arising from escalating illegal activity (para. 86).

### *The Individual Sentences*

#### *Maria LEE*

53. Maria Lee, I shall deal with your case first. I must sentence you for two offences of Public Nuisance pertaining to your involvement as part of a group of 14 people who caused disruption at Junctions 14 and 25 of the M25 on 13 and 15 September 2021. You are 70 years' old and have no previous convictions. I have listened carefully to everything that you have said and have read with care the content of your pre-sentence report as well as the documents you sent to me in advance of the hearing which includes

information about why you felt the need to protest in the manner that you did, along with a character reference.

54. Ms. Lee, I have no doubt at all that you acted in accordance with your conscience on 13 and 15 September 2021. That much is clear from everything that I have read and heard about you. Nevertheless, I do consider your culpability to be high. That is because I have no doubt at all that you deliberately participated in a protest which was designed to cause maximum disruption to users of those junctions. It was planned and it was targeted. Moreover, notwithstanding your arrest and removal on the 13 September 2021, you were back no less than two days later doing the same thing again. The harm that you, and those you were with, caused on those two days was also high. As I have already sought to summarise, not only were thousands of motorists disrupted and delayed as a consequence of your actions, but there were also indirect consequences as well, including to small businesses and vulnerable school children. Moreover, valuable police resources were taken up dealing with the blockades when they ought to have been utilised elsewhere. There was also a clear risk of danger in what you did, not only to yourself but to others around you as tensions rose among understandably frustrated motorists.

55. Taking all relevant matters into account, I am satisfied that the offences you committed are so serious that only a custodial sentence can be justified. Had you been convicted of these offences following a trial, I would have imposed a global sentence of 5 months' custody. As it is, you have pleaded guilty and, bearing in mind the stage that those pleas were entered, I will afford you a 20% reduction.

56. Accordingly, for the offence of Public Nuisance on 13 September 2021, I impose a sentence of 4 months' custody. I impose a like sentence in respect of the offence on 15 September 2021 but that will be ordered to run concurrently meaning that the overall sentence will be one of 4 months' custody which I consider to be the shortest sentence commensurate with the seriousness of your offending.

57. I have considered whether that sentence ought to be suspended and have, in so doing, considered the guidance provided within the relevant Sentencing Council guideline. In light of (a) your lack of previous convictions, (b) that you have expressed the intention

to the author of the pre-sentence report not to repeat this type of offending, (c) the fact that you have not offended since these offences, and (d) your responsibilities towards your 93-year-old mother, I am satisfied that it is appropriate to suspend the sentence in your case for a period of 12 months.

58. You will have to pay the statutory surcharge in the sum of £128 and I order that you make a contribution to the costs of the prosecution in the sum of £250. Those sums are to be paid in full within 6 months and I make a collection order in default.

*Stephen PRITCHARD, Jonathan COLEMAN, Christian ROWE, Benjamin BUSE, and Gregory FREY*

59. I deal with your cases next. I start by making some observations which relate to all of you. As with Maria Lee, I am satisfied that you all acted in the way that you did because you are passionate and conscientious about the cause which you were fighting for. Nevertheless, I still find your culpability to be high. You all must have known about the arrest of other protesters on 13 and 15 September, but that did not stop you from going out, in greater numbers, on 27 September 2021 once again causing misery and chaos to those seeking to go about their daily lives. Moreover, this protest came at a time when the High Court had issued an injunction prohibiting precisely this sort of behaviour. The harm caused was, as I have already sought to summarise, also high. Thousands of motorists were affected and, once again, police resources were deployed to deal with you rather than being utilised elsewhere. What you did was self-evidently dangerous—the risk of danger not being limited to you and the other protestors but also to other, innocent, road users. As Inspector Wenham made clear, many motorists got out of their vehicles to see what has happening and some had u-turned on the motorway, travelling the wrong way along the hard shoulder to try and divert off at junction 15, putting them into direct conflict with emergency vehicles responding to the protest as well as any vehicle legitimately using the hard shoulder.



*Stephen Pritchard*

60. Stephen Pritchard, you are 64 years' old and have a number of protest-related previous convictions. On 14 September 2021, you received a conditional discharge of 9 months for failing to comply with conditions imposed on a public assembly. The present offence was committed in breach of that conditional discharge. Subsequent to the present offence, you have acquired convictions for interrupting court proceedings, wilfully obstructing the highway x3, criminal damage, as well as public nuisance. For some of those offences, you have received short sentences of imprisonment. I have listened carefully to everything that you have said today, and I have read the pre-sentence report that has been prepared in your case. The probation officer says that you are presently on a post sentence supervision licence and that your compliance to date has been very good.
61. Taking all relevant matters into account, the sentence that I would have imposed upon you following a trial would have been one of 10 months' custody. In light of your guilty plea, I will reduce that to 8 months' custody. I have had to give very careful thought in your case as to whether that custodial sentence should be immediate. On the one hand, your repeated offending suggests that appropriate punishment can only be achieved by imposing an immediate custodial sentence. On the other, and as the probation officer alludes to, the deterioration in your son's mental health appears to have had a salutary effect on you to the extent that, perhaps for the first time, you realise that you must put your family first. The potential impact on your son of an immediate custodial sentence is the main reason I am willing to suspend the sentence in your case.
62. Accordingly, for the offence of Public Nuisance pertaining to 27 September 2021, the sentence is one of 8 months' custody suspended for 12 months.
63. You will have to pay the statutory surcharge in the sum of £156 and I order that you pay a contribution towards the costs of the prosecution in the sum of £250. Those sums are to be paid in full within 6 months and I impose a collection order in default.

*Jonathan Coleman*

64. Jonathan Coleman, you are 64 years' old. You have a variety of previous convictions relating to protests, namely four offences of obstructing the public highway and two offences of public nuisance. For those latter offences, you received short terms of imprisonment. It is right to point out that your convictions all post-date the present offence, albeit that two of them relate to incidents which precede the present offence. I have listened carefully to everything that you have said today, and I have read with care your pre-sentence report and the written mitigation statement which you provided to the Court in advance of the hearing. I have also read the extremely powerful character reference provided by the Bishop of Manchester. He describes your vocation within the priesthood as "exemplary" and makes clear that the pastoral care you provided to those within your parish was of the highest order.
65. Having considered all relevant material, I consider that the sentence that I would have imposed following a trial would have been one of 10 months' custody which, on account of your plea of guilty, I will reduce to 8 months. As with Mr. Pritchard, I have had to give very careful thought to whether or not I can suspend this sentence. On the one hand, even people, like yourself, who have devoted their lives to serving God and helping those in the communities within which they minister, cannot be permitted to continue to breach the criminal law without consequence. On the other hand, I do not overlook the significance of your service and the fact that you have spent time in prison already for offences committed after the one for which you now fall to be sentenced. I also note that you have complied with your post-release supervision requirements and that there is no suggestion that you have offended since. Further, I note with interest that you are a candidate in the Rochdale parliamentary by-election for which voting is due to take place tomorrow. I know not to what extent an immediate custodial sentence may hinder your chances of success. Your mitigation, taken as a whole, is powerful and I am persuaded that it is appropriate to suspend the sentence in your case.
66. Accordingly, for the offence of Public Nuisance pertaining to 27 September 2021, the sentence is one of 8 months' custody suspended for 12 months.

67. You will have to pay the statutory surcharge in the sum of £156 and I order that you pay a contribution towards the costs of the prosecution in the sum of £250. Those sums are to be paid in full within 6 months and I impose a collection order in default.

*Christian Rowe*

68. Christian Rowe, according to the records I have in front of me, today is your 27<sup>th</sup> birthday. You have an unhappy list of previous convictions for protest-related offences, albeit that the convictions all post-date the offence for which you fall to be sentenced today. Your last conviction was on 16 June 2023 for an offence of public nuisance committed back in 2021. You received a community order on that occasion. I have listened carefully to everything that you have said today, and I have read your pre-sentence report which, among other things, records that your response to previous supervision has been good.

69. Having considered all relevant material, I consider that the sentence that I would have imposed following a trial would have been one of 10 months' custody which, on account of your plea of guilty, I will reduce to 8 months. I have considered whether that sentence ought to be suspended. Whilst your available mitigation might not be as powerful as others here, I do take into account the fact that although your last conviction was last year, you do not appear to have committed any further offences since 2022. I am also mindful of the fact that the community order imposed upon you last year was for an offence committed around about the same time as the present one. You have been performing well on that order and I consider there to be a realistic prospect of rehabilitation such that justifies suspension of the sentence in your case.

70. Accordingly, for the offence of Public Nuisance pertaining to 27 September 2021, the sentence is one of 8 months' custody suspended for 12 months.

71. You will have to pay the statutory surcharge in the sum of £156. In light of your limited financial means and not inconsiderable debt, I will not order you to pay a contribution towards the costs of the prosecution. The surcharge is to be paid in full within 6 months and I impose a collection order in default.

72. Benjamin Buse, you are 38 years' old and have a variety of previous convictions for protest-related offences which both pre and post-date the present offence. You were subject to a conditional discharge for an offence of failing to comply with conditions imposed on a public assembly when you committed this offence. Since then, you have received convictions for various offences of wilfully obstructing the public highway and aggravated trespass. On 14 June 2023 you received a suspended sentence of imprisonment for an offence of public nuisance committed on 24 September 2021. I have listened very carefully to everything you have had to say today, and I have read, with equal care, the content of the pre-sentence report in your case which records, among other things, that you have been performing well in respect of the community requirements of your suspended sentence.
73. Having considered all relevant material, I consider that the sentence that I would have imposed following a trial would have been one of 10 months' custody which, on account of your plea of guilty, I will reduce to 8 months. I have considered whether that sentence ought to be suspended. As with Mr. Rowe, whilst your available mitigation might not be as powerful as others here, I do take into account the fact that although your last conviction was last year, you do not appear to have committed any further offences since 2022. I am also mindful of the fact that the suspended sentence order imposed upon you last year was for an offence committed around about the same time as the present one. You have been performing well on that order and I consider there to be a realistic prospect of rehabilitation such that justifies suspension of the sentence in your case.
74. Accordingly, for the offence of Public Nuisance pertaining to 27 September 2021, the sentence is one of 8 months' custody suspended for 12 months.
75. You will have to pay the statutory surcharge in the sum of £156. In light of your limited financial means and not inconsiderable debt, I will not order you to pay a contribution towards the costs of the prosecution. The surcharge is to be paid in full within 6 months and I impose a collection order in default.

*Gregory Frey*

76. Gregory Frey, you are 27 years' old. On 7 July 2021 you received a conditional discharge of 2 years for offences of wilfully obstructing the public highway. Your present offence was committed in breach of that conditional discharge. In your case, I have listened very carefully to everything that you have said today. In addition, I have had the advantage of reading the bundle of material which was before the Crown Court when you were sentenced, on three separate occasions in 2023, to suspended sentences of imprisonment for offences of public nuisance committed in 2021.

77. Sentencing you is a slightly trickier task because had you been sentenced all in one go for the offences you committed in 2021, the sentencing judge would have borne in mind the principal of totality when arriving at an overall sentence. As it is, you are currently subject to three suspended sentences, two of 4 months and one of 18 weeks, all suspended for 18 months.

78. I have reached the conclusion that although the present offence does cross the custody threshold, it would be wrong to subject you to any further form of immediate punishment. Accordingly, for that reason and that reason alone I will, for the offence of Public Nuisance pertaining to 27 September 2021, impose upon you a Conditional Discharge for a period of 12 months. You will, of course, remain subject to the three suspended sentences I have just referred to.

79. You will have to pay the statutory surcharge in the sum of £22, to be paid in full within 6 months. I impose a collection order in default. I will not order you to make any contribution to the costs of the prosecution in light of the costs order that has already been made against you in the other proceedings.

*Samantha LINDO, Darcy MITCHELL, Suzie WEBB*

80. Finally, I turn to your cases. As with all the others I have sentenced so far, I am satisfied that the three of you acted in the ways that you did because you are passionate and conscientious about the cause which you were fighting for. Nevertheless, and again as

with the others, I still find your culpability to be high. You can all be taken to have known about the chaos that was caused in September 2021 but nevertheless you went out in force the following month with the deliberate intention of causing disruption, albeit that the target this time was different- namely the City of London. The harm caused was also high. Many motorists were inconvenienced when all they sought to do was go about their lawful business. Major bus routes were disrupted, and, as with the other incidents, the attention of the police force was focused on dealing with you rather than being elsewhere. Though not, on this occasion, a major motorway, your actions were still dangerous both in terms of risks to your own safety as well as others. Motorists were understandably angry and frustrated with your actions and things could very easily have escalated into violence.

*Samantha Lindo*

81. Samantha Lindo, you are 38 years' old and have one previous conviction for failing to comply with conditions imposed on a public assembly dating back to 2019. I have listened with care to everything that you have said today, and I have read your pre-sentence report, your written mitigation statement, and the very many character references which have been filed in support of you and which speak of you in overwhelmingly positive terms.
82. Taking all relevant matters into account, I am satisfied that the offence you committed was so serious that only a custodial sentence can be justified. Had you been convicted of this offence following a trial, I would have imposed a sentence of 5 months' custody. As it is, you have pleaded guilty and, bearing in mind the stage at which that plea was entered, I will afford you a 20% reduction.
83. Accordingly, for the offence of Public Nuisance on 25 October 2021, I impose a sentence of 4 months' custody which I consider to be the shortest sentence commensurate with the seriousness of your offending.
84. I have considered whether that sentence ought to be suspended. In light of (a) your single previous conviction, (b) that this appears to have been an isolated incident, you not having been involved in any other Insulate Britain activity for which you have been

charged, and, perhaps most importantly, (c) that you are a mother to a 10-month-old child, I am satisfied that it is appropriate to suspend the sentence in your case for a period of 12 months.

85. You will have to pay the statutory surcharge in the sum of £128 and I order that you make a contribution to the costs of the prosecution in the sum of £250. Those sums are to be paid in full within 6 months and I make a collection order in default.

*Darcy Mitchell*

86. Darcy Mitchell, you are 48 years' old. You have a number of previous convictions relating to criminal damage, wilful obstruction of the highway, tampering with motor vehicles, and aggravated trespass. In sentencing you today, I have listened with care to what you have said, and I have read the pre-sentence report which has been prepared in your case.

87. Having considered all relevant material, I consider that the sentence that I would have imposed following a trial would have been one of 10 months' custody but which, on account of your plea of guilty, I will reduce to 8 months. I have considered whether that sentence ought to be suspended. In your case, I note that there has been no further offending since 2022 and that you made it clear to the author of the pre-sentence report that you intend to stop participating in these unlawful protests and will now remain focused on your family instead. On that note, I take into account the caring responsibilities that you have, along with your wife, for your three children. In the circumstances, I am persuaded that I can suspend the sentence.

88. Accordingly, for the offence of Public Nuisance pertaining to 25 October 2021, the sentence is one of 8 months' custody suspended for 12 months.

89. You will have to pay the statutory surcharge in the sum of £156 and a contribution towards the cost of the prosecution in the sum of £250. Those sums are to be paid in full within 6 months and I impose a collection order in default.

*Suzie Webb*

90. Suzie Webb, you are 50 years' old. You have one previous conviction for an offence of public nuisance which pertains to the 24 September 2021. You were convicted of that offence on 29 June 2023 and received a Community Order. In sentencing you, I have had regard to everything that you have said today. I have also read the character references which have been filed on your behalf and I have considered the content of the pre-sentence report. In relation to the latter, I note that you have performed well on your Community Order and have completed the Unpaid Work element of it.
91. Taking all relevant matters into account, I am satisfied that the offence you committed was so serious that only a custodial sentence can be justified. Had you been convicted of this offence following a trial, I would have imposed a sentence of 5 months' custody. As it is, you have pleaded guilty and, bearing in mind the stage at which that plea was entered, I will afford you a 20% reduction.
92. Accordingly, for the offence of Public Nuisance on 25 October 2021, I impose a sentence of 4 months' custody which I consider to be the shortest sentence commensurate with the seriousness of your offending.
93. I have considered whether that sentence ought to be suspended. In light of (a) your single previous conviction, (b) that there has been no repeat offending since the commission of the present offence, and (c) that you are a mother to two children and have responsibilities towards your own mother, I am satisfied that it is appropriate to suspend the sentence in your case for a period of 12 months.
94. You will have to pay the statutory surcharge in the sum of £128 and I order that you make a contribution to the costs of the prosecution in the sum of £250. Those sums are to be paid in full within 6 months and I make a collection order in default.



## Concluding Observations

95. Before leaving this case, I make some concluding observations.

96. In passing the sentences that I have today, I have been particularly mindful of the fact that the qualified rights to freedom of expression and assembly under Articles 10 and 11 are relevant to the issue of sentence and that particular caution is to be exercised before imposing a custodial sentence in non-violent protest cases such as these. However, it seems to me that in circumstances where, for the reasons I have summarised, culpability and harm are both high, the protections afforded by the Convention are weakened and weakened further where, as here, disruption was the central aim of your and the other protesters' conduct, as I am satisfied to be the case.

97. The custodial sentences I have passed in all of your cases have been the shortest that I consider to be commensurate with the seriousness of your offending. The primary aims of the sentences have been to punish, to deter others from acting in a like fashion in the future, and, ultimately, to protect the public.

98. In all of your cases, I have suspended the sentences, albeit for varying reasons. However, one additional consideration I have very much borne in mind, and which is common to you all, is that whilst you all maintain that you acted for good and proper causes, you have all recognised, by your guilty pleas, that your actions on these occasions transgressed the criminal law. A huge amount of public resources, most notably through the engagement of the police, were wasted in responding to these protests but your guilty pleas to these offences means that no more public money will be spent, insofar as the nine of you are concerned, on ventilating these matters at trial. That is worthy of recognition, and I have recognised it in reaching the sentences I have imposed in this case.

**HHJ Grout**  
**28 February 2024**