



THE RECORDER OF SHEFFIELD

SENTENCING REMARKS

OF

**THE RECORDER OF SHEFFIELD
HIS HONOUR JUDGE JEREMY RICHARDSON KC**

AT

THE CROWN COURT AT SHEFFIELD

ON

FRIDAY 6TH SEPTEMBER 2024

REX

v

THOMAS BIRLEY

Preamble

You may remain seated. You must listen with care to what I am about to say.

In the printed version of these sentencing remarks there will be headings for ease of reference.

These sentencing remarks will be made available to you, your lawyers, the press and the public a short while after the conclusion of this hearing. I also direct that the printed version of these remarks shall be placed within the relevant section of the Digital Case System.

These sentencing remarks are being recorded for television broadcast. It is right the general public are made aware of what you did and the sentence to be imposed upon you.

Introduction

Thomas Birley you are aged 27 years.

You fall for sentence in respect of your guilty pleas to the following crimes, all of which were perpetrated on Sunday 4th August 2024:

Count 1: Arson with intent to endanger life.

Count 2: Violent Disorder.

Count 3: Having an offensive weapon in a public place.

The maximum sentence on the first count is life imprisonment.

The maximum sentence on the second and third counts is respectively 5 years and 4 years.

You pleaded guilty at the PTPH, but you indicated a guilty plea at the magistrates court. In consequence, the inevitable sentence of imprisonment may be reduced by one-third.

I make it clear at the outset that the principle of totality is front and centre of my consideration in this case. I must pass a sentence upon you which reflects your overall criminality, perpetrated on a single occasion, which is both just and proportionate in all the circumstances.

This case is unquestionably the one of the worst of the many cases which have come before this court that have concerned the events at the Holiday Inn Express hotel at Rotherham on Sunday 4th August 2024.

On that day there was major civil disorder in the Manvers area of Rotherham. It was an incident which may have started peaceably enough, but it soon developed into criminality on the grand scale where several hundred people were intent on mob rule.

That will never be tolerated in this country. It should never be countenanced in any civilised country.

The hotel was used to house those seeking refuge in the United Kingdom. There is no doubt the issue of immigration is a legitimate matter for public and political debate. Public protest is a legitimate form of public expression. We live in a free and democratic country where public debate and freedom of expression is entirely acceptable.

What took place in Rotherham that day had nothing whatever to do with legitimate public protest. It was a desire to perpetrate mob rule and commit very serious criminal offences in the process.

It is clear beyond doubt that from first to last the venom of racism infected the entirety of what occurred.

The incident was part of wider national civil unrest fostered by a form of malignancy in society spread by malevolent users of social media. The disorder was racist and extremely frightening for anyone who was there. It was perpetrated by an ignorant mob of which you were part.

Your conduct and the conduct of that mob has cast a dark and ugly stain across the reputation of Rotherham and South Yorkshire. There are many decent people who live in that town. I have no doubt you are not a representative of them.

Many people in Rotherham were badly affected by what occurred.

There was serious violence and very threatening conduct towards two groups:

1. Those in the Holiday Inn Hotel which included residents and staff.
2. Police officers on foot, on mounted duty, with police dogs, and in police vehicles.

It was not only officers from the South Yorkshire Police, but other police forces too who came to assist. All of those officers are deserving of high praise for the way in which they resisted provocation and handled an immensely challenging situation with professionalism and skill. Each one of the officers was doing his or her duty to maintain order in very difficult circumstances. It is my intention to call the attention of the Chief Constable to these sentencing remarks.

As a measure of how serious the incident became; 64 police officers were injured several seriously, 3 police horses were injured and 1 police dog was also injured. They required veterinary care.

Those in the hotel were terrified by what occurred outside and when the building was entered coupled to the fire which was deliberately started, they thought they were about to die.

There were 22 members of staff in the hotel. I can infer from the evidence that at least that number of residents were in the hotel – possibly many more. I shall infer that the lives of at least 50 people were endangered – in reality it is possible that figure is an underestimate.

None were physically injured, but they have all been scarred mentally. They were all in peril of being killed or seriously injured. They could not leave the hotel even though the fire alarms were directing that.

You intended to endanger the lives of them all.

Immense damage was caused to the hotel and the surrounding area.

I make no apology for stating yet again what I have stated on several occasions when passing sentence in these cases.

It must be made clear that those participating in this form of violent disorder will be punished severely by the courts. It is the duty of the court to do what it can to protect the public. Three of the several statutory purposes of sentencing are the punishment of offenders, the protection of the public and the need for deterrence.

Those three matters must be accentuated in a case of this kind.

The Backdrop Facts

The South Yorkshire Police were made aware in the week before 4th August 2024 there was likelihood of public disorder and violence at a hotel in Rotherham where those seeking refuge in this country were housed.

It is clear the Chief Constable and other senior officers took appropriate steps to deal with this situation. This had a considerable impact upon police resources and manpower which has been set out in the community impact statement of the Chief Constable.

The incident from beginning to end lasted from before 12 noon to after midnight.

Approximately 400 people descended upon the Manvers area of Rotherham.

At the outset there were two groups:

1. Those who were seeking to support the occupants of the hotel.
2. Those who opposed that group.

It appears the police managed to lead the first group away to safety.

It is those in the second group, of which you were part, who indulged in major public disorder in different incidents during the course of a protracted attack upon the police and the occupants of the hotel.

It is clear the second group was desirous of provoking police officers, damaging the hotel, threatening and injuring the occupants of the hotel. I have now watched much recorded CCTV and other footage of the events. It is as clear as clear could be that you and many like you were intent on spreading a hateful message of violence and racism.

From first to last the venom of racism infected the entirety of what occurred.

The very serious variation on a theme in this case is that you were part of the group who participated in setting fire to the bins near the hotel and you intended thereby to endanger the lives of the many people, in effect, trapped in the hotel.

The Detailed Facts

It appears you hold views which, to put it mildly, are antipathetic to those who are seeking refuge in the United Kingdom. It appears you follow social media sites which peddle racist propaganda. You told the probation officer that you went to the hotel to protest and “voice your opinion”. You also made observations critical of the police in Lancashire surrounding the events in that town.

You are perfectly entitled to hold whatever irrational and toxic view you wish, providing you do not act or behave unlawfully.

I have absolutely no doubt you were encouraged to do as you did by malicious and ignorant posts on social media.

I am entirely satisfied you went to the area of the hotel with a view to participating in racist mob violence. You took a scarf – on a very warm day – to deliberately cover your face in an endeavour to camouflage your identity.

At about 12.30pm after the first group had been led away to safety the police cordon was broken by protestors who had turned very rapidly into a mob..

Many members of the mob entered the Holiday Inn, where windows and doors were smashed and damaged.

A fire was started outside one of the fire doors of the hotel and missiles were thrown towards officers who were trying to manage and de-escalate the increasing violence.

The disorder carried on well into the early hours of the following morning, almost 12 hours after the start of the incident, with violence spilling out into nearby businesses and residential streets.

You participated in several of the very serious incidents during the day. You were wearing a black hooded coat and a red mask pulled up across the lower half of your face.

You were well to the fore in all of this.

The specific incidents were these:

1. You were part of the group that smashed the ground floor windows of the hotel, shouting towards the Police. The police were heavily outnumbered at this stage. The disorder was grotesque. You called

police officers “fucking nonce protectors”. You also join with the crowd in chanting “Yorkshire” as missiles were thrown towards the Police and hotel. This included items pilfered from the hotel and pieces of wood.

2. A short while later one of the mob set fire to a large industrial bin. It was placed in front of the fire door of the hotel. You added fuel to that fire by picking up a large sheet of chipboard and adding it to the fire.
3. You then climbed onto a railing next to the bin which was on fire and added further wooden planks to the fire. With others you manoeuvred another large industrial bin on top of the fire.
4. Later, you commandeered a Police baton. You were at the front of the crowd when you began to wave the item towards officers in a very threatening way.
5. You also shouted abuse and threw missiles towards the police as can clearly be seen on the DVD recording of your conduct.
6. Finally, you took a fighting stance before throwing a large bin towards the Police officers, who were trying to control and hold back the increasingly volatile and violent crowds.

You were identified from the footage and police officers arrested you at your home on 15 August 2024. When interviewed later that day you answered ‘no comment’ to all questions asked by the police.

It is very important I set out the impact of this.

The Impact of these serious crimes

Mr Paul Coulson, is the maintenance manager of the hotel. He has set out the position from the viewpoint of staff. Members of staff of the hotel were taken to the hotel panic room. They barricaded themselves in with freezers against doors to protect themselves. Mr Coulson has stated staff were “panicking and crying” and “were scared to death”. They were terrified they were about to die.

Police officers were adversely affected as set out in the statement of the Chief Constable. Well over 50 officers were injured.

Local residents heard the disturbance and were scared that the offenders would try to get into their homes. One resident was at home with her children and saw protesters climbing over her garden fence. She was fearful of her windows being smashed. She describes in her statement of being petrified and has been scared to leave her own home since.

The impact financially upon the police is estimated to be in excess of £1 million. Thousands of pounds worth of damage was caused to the hotel.

Sentencing Guidelines

I must, and will, pay close attention to the individual guidelines of the Sentencing Council for the separate crimes.

It is also the case that the principle of totality is front and centre of my consideration in this case.

I shall address the individual crimes and then weigh carefully the principle of totality.

It is my intention to pass concurrent sentences but treat the arson as the lead offence and I shall increase that sentence to reflect overall criminality.

Arson

There can be no doubt the arson with intent to endanger life falls into category A1 where there is a starting point of 8 years and range of 5 to 12 years.

For the avoidance of doubt the analysis is as follows:

You intended to endanger life – the case falls within culpability category A.

By your conduct there was a very high risk of very serious physical and psychological harm

There was very serious consequential economic and social impact – this all took place in the midst of major public disorder.

Considerable economic damage was caused by your conduct.

The aggravating features are these:

This whole episode was suffused with racism.

This was planned and premeditated, albeit your role in the arson may not have been planned by you.

You attacked a public amenity – namely a hotel

Multiple people were endangered

The impact on emergency services was exceptionally serious

The community impact is considerable.

This case plainly falls into category A1.

Violent Disorder

There is no dispute; this case falls into category 1A where there is a starting point of 4 years and a range of 3 years to 4 ½ years.

For the avoidance of doubt the analysis is as follows:

Police and/or the occupants of the hotel were targeted.

The incident involved widespread acts of violence and public disorder.

There was serious disruption and severe detrimental impact upon the community as revealed in personal statements and community impact statements.

The incident caused substantial costs to the public purse.

This was a racist incident.

Possession of an Offensive Weapon

This aspect of the case falls into category A1 where there is a starting point of 18 months and a range of 12 months to 2 ½ years custody.

Totality

The principle of totality requires me to pass an overall sentence which is both just and proportionate which is reflective of your criminality taken as a whole.

It is important I demonstrate that.

I shall indicate the individual sentences – had they each stood alone – and then I shall indicate my overall sentence which will be passed upon the lead offence.

The evaluation of totality is not an arithmetical exercise, but requires the court to utilise its judgment based on all the circumstances of the case so that a just and proportionate sentence is achieved.

Previous Convictions

You have highly relevant previous convictions for criminal damage, offences of Assault upon Emergency Workers, Assaults, offences relating to drunkenness, Harassment, Assault Occasioning Actual Bodily Harm and Racially Aggravated Harassment.

I am very grateful to both the Probation Officer and Dr Pawar who have prepared their reports under some level of pressure and time constraints. Their reports are very helpful.

The PSR

There is a very insightful PSR.

It concludes you pose dangers to those seeking asylum in this country.

Other features of the report are these:

- (1) You sought to minimise your involvement in the incident – indeed it is arguable you sought to justify your conduct.
- (2) You expressed views which raised the alarm with the probation officer about your social isolation, your reliance on social media and what borders the territory, if not crosses it, to a white supremacist mindset.
- (3) Your crimes of violence are fully analysed.
- (4) The report acknowledges your deplorable and abusive upbringing.

The conclusion is that you must be imprisoned.

The Psychiatric Report

Dr Pawar sets out the baleful upbringing you endured at the hands of your mother. I regret to say she was physically abusive towards you and she suffered mental health problems. You lived with your grandmother for a while and school was a far from roseate period of your life. In due course you joined the army where you could not handle the discipline and argued with the sergeant regularly. Thereafter, you had various forms of employment, none of which lasted very long, but you have recently been a painter and decorator. It appears alcohol abuse has been a feature of your life and several years ago you used cannabis regularly.

Dr Pawar is of the view you do not pose a risk of fire-raising. He is of the view you may have the adult form of ADHD and you are impulsive. He is satisfied your culpability is not affected by any of this.

You are fully responsible for your criminal conduct.

Mitigation

Mr Dermot Hughes has made the following important points of mitigation on your behalf:

1. You have pleaded guilty and you indicated your guilty plea in the magistrates court.
2. You now feel remorse for what you did and that is exemplified by your acceptance of guilt at an early stage in the court process.

3. Your very sad upbringing is emphasised.
4. You were a painter and decorator.
5. It is asserted you are not a white supremacist. I accept that, but you are certainly a racist. I note you were able to be perfectly polite to Dr Pawar.
6. You have now conquered your previous addiction to alcohol.
7. It is advanced that your involvement in the fire was not premeditated. I accept that up to a point, but once started you played your part to the full. You were not a minor player in that aspect of the case.
8. It is asserted your time in prison will be difficult due to the spotlight of publicity this case has inevitably attracted. Your name will be known throughout this country.
9. Your mental health problems and social isolation have also been called to my attention. I am not prepared to go behind the report of Dr Pawar, but I have well in mind your mental health problems and the consequences.
10. I am finally urged to keep a sense of proportion. That I shall do.

Conclusion

I must consider the issue whether you are a dangerous offender. In this regard I am very mindful of section 308 of the Sentencing Act 2020. I may only determine you to be a dangerous offender if you pose a significant risk to members of the public of serious harm occasioned by the commission by you of further serious crimes of violence (specified offences).

In making my assessment I must take into account all the circumstances of your current offending, your past offending, the pattern of offending, and all the information which is before the court including the contents of the PSR and the psychiatric report.

I have considered both the PSR and the psychiatric report with care.

I have also considered the submissions made so well on your behalf by Mr Hughes.

The circumstances of this case are exceptionally serious as I have set out.

I am entirely satisfied you are a dangerous offender and that an extended sentence is plainly demanded in this case in order to adequately protect them.

My reasons are very straightforward. You have a violent past some of which involves racism. You are capable of executing very serious mob violence and seriously endangering the lives of people you despise. You truly fuelled the flames in this instance. You are something of a loner with a disturbing reliance on social media – much of which peddled dangerous nonsense. I am entirely satisfied there is a heightened need for public protection. You are unquestionably a dangerous offender with a track record of violence – which is getting worse. I am also very concerned by the expressions which border the territory of the white supremacist movement. You will need very careful monitoring when the time comes for your release. It is to be hoped this racist malignancy within you can be eradicated whilst in custody.

I have considered a Life Sentence in your case, but although this case is well on the borders of such a sentence, it does not, in my judgment justify that course of action. However, an extended sentence is plainly justified. Sections of the general public are at serious risk from you.

It is my view standing alone, and following a trial, these determinate sentences would have been passed upon you:

Arson with Intent to Endanger Life – 12 years

Violent Disorder – 4 years and 6 months

Having a Bladed Article in a Public Place – 2 years

The fact this immensely serious criminality, taken as whole, was perpetrated in the midst of exceptionally vicious public disorder which was suffused with racism, whereby you were seeking to harm the occupants of a hotel – who were terrified inside that they were about to die – coupled to the concurrent attack upon the police, makes this one of the worst cases of arson with intent to endanger life, of its kind, which has come before the courts.

In my judgment I am entirely justified in moving outside the ordinary range of sentence.

You intended that the occupants of the hotel should come to very serious harm and you plainly participated in a brutal attack upon the police who were bravely trying to keep order. I accept that you did not start the fire, but you added to it and helped fuel the flames. That is, frankly, as serious as starting it in the first place.

You were a leading participant in ignorant racist attempt at mob rule.

You were well to the fore, indeed you were right at the front, in this truly appalling civil disorder of major proportions.

An exemplary and deterrent sentence is necessary.

It is important I do not double count factors and I have guarded against that.

It is my view that following a trial a determinate sentence of 14 years would have been passed upon you – having regard to mitigation. That sentence reflects overall criminality by reference to the principle of totality. You not only committed the crime of arson, but there were other very serious acts of violent disorder.

In reaching that sentence I have taken into account the appalling background from which you come and the other mitigation beyond the guilty plea.

As you have pleaded guilty at the first reasonable opportunity the custodial element of the sentence must be reduced by one-third. This takes the custodial element to 9 years and 4 months.

I have then stood back to assess whether any further reduction is warranted having regard to the principle of totality.

I shall round down the custodial term to 9 years. That is the just and proportionate term in all the circumstances and mitigation.

I shall then extend the sentence by 5 years for the protection of the public. The full extension period permitted by law is necessary in this case.

Sentence

You must now stand.

The sentence I pass upon you in total is an Extended Sentence of 14 years.

The custodial term is 9 years.

The extension period is 5 years.

The individual sentences are as follows:

Arson with Intent to Endanger Life – an Extended Sentence of 14 years in the way I have just explained. That reflects overall criminality.

Violent Disorder – 2 years 8 months imprisonment to be served concurrently.

Possession of an Offensive Weapon – 12 Months imprisonment to be served concurrently.

The necessary statutory charge is imposed upon you with the appropriate ancillary order.

I have decided not to make you the subject of a Criminal Behaviour Order as I am imposing an Extended Sentence upon you. It is much better the Parole

Board control your behaviour in due course for the entirety of this sentence well beyond 10 years from now.

I repeat: the total sentence is an Extended Sentence of 14 years.

Take him down.