



Judiciary of England and Wales

IN THE CROWN COURT AT WINCHESTER

REX

-V-

HOWARD PHILLIPS

SENTENCING REMARKS

1. I have to sentence Howard Phillips following conviction for an offence of engaging in conduct intending to materially assist a foreign intelligence service in carrying out UK-related activities, contrary to s.3(1) National Security Act 2023. The particulars of the conduct were; applying for employment within the Home Office at the Border Force Agency, applying for security clearance, offering to provide logistical support to a foreign intelligence service, booking a hotel on behalf of a foreign intelligence service, purchasing a mobile phone to be used by a foreign intelligence service, setting up a mobile phone so that it was available to be used by a foreign intelligence service, acquiring and retaining personal contact details of a Member of Parliament, disclosing personal contact details and information relating to a Member of Parliament to a foreign intelligence service. The foreign intelligence service in question is Russian intelligence.
2. In 2022 Mr Phillips, aged 64 at the time, wrote to politicians, movie stars, business leaders and others seeking some kind of access, recognition or opportunity. He also sent out many cv's seeking employment from less glamorous sources. No positive response was forthcoming. An attempt to become a Conservative councillor was unsuccessful.
3. His efforts changed direction in October 2023 when he wrote to the Israeli embassy asking to set up a meeting so he could convey information to a Minister. He pursued this into 2024 making it clear that he was after a contact in the intelligence and national security section.
4. Also, in October 2023 he applied for part time work as a UK Border Force officer. This would involve working at an airport or seaport; processing passengers, searching baggage, people and vehicles and it required security clearance. In January 2024 having been put onto a reserve list he was made a provisional offer of employment at Stansted Airport. The pre-employment checks were still being undertaken when he was arrested for this offence on the 16th of May that year.
5. In March 2024 he wrote identical letters to the embassies of Russia, China and Iran using a false name and telling them he had information of use to them. The British Security Services became aware, and an operation was mounted to discover who he was, and what he was up to. He was contacted. He followed instructions to move to an encrypted communication app. He said he was semi-retired but with connections in high places. He declined to give an indication of the information he had to convey unless he was met face to face, in private. He was asked to prepare a note about himself, the reason he had made contact, what type of information he had and why it would be

interesting to the foreign intelligence service, and save it onto a fresh USB stick. He left the stick at a location in London on 4 April. By that time, he had been told that he was in communication with Russians. It is significant that this did not deter him from delivering the device as instructed and following it up enthusiastically.

6. What he recorded on the USB stick was his detailed offer to the Russians. He was prepared to provide local services at short notice, moving under the radar, avoiding raising suspicions because of his ordinary English persona and heritage. The services included a concierge role in which he would collect a Russian operative from any port of entry, no questions asked, and provide them with hotel bookings and safe passage, he would set up companies and procure assets and be available to travel at short notice to worldwide destinations using the privilege of his British passport. He stated that he would act with “*100% loyalty and dedication*”. He was impatient to start work.
7. On 26 April he met two men who introduced themselves as Russian intelligence officers Dima and Sasha, in an hotel room at London Bridge. The jury saw audio and video recordings. He said he was prepared to work for them for financial reward. He was asked if he had security vetting and replied that he had clearance and was waiting for access to the Home Office but the process was slow and ongoing. In the meantime, he could provide immediate logistical support for anyone they had entering the country. When asked why he had picked Russia he said he had felt for many years that Russia had been “*discredited undeservedly*”. He told the men he wanted the Russians to look after him as well as he would look after them, and their people. He needed sufficient financial reward to be completely independent from the United Kingdom because he did not want to rely on going back to work for a living. He told the jury that he referred to the Border Force job because he thought it would make him more useful.
8. Five days after the meeting he chased the Russians, pretending he had the offer of a work placement and stating explicitly that he needed a level of financial support to enable him to be fully committed to the Russian agents. He asked them for a payment in advance as a gesture of goodwill to establish an assured commitment from both parties. A few days later he agreed to organise a hotel booking and set up a mobile phone for someone described as a very important individual from the Russian organisation arriving for a sensitive meeting. He met Dima who gave him an envelope containing £500 cash. Mr Phillips suggested that instead of Moscow they should use a code-word ‘*Mother*’ to avoid drawing attention. He carried out the tasks set.
9. He then prepared another USB stick on which he put a document containing details of the then Secretary of State for Defence in the British government. This he handed over on 16 May shortly before he was arrested. He included the full postcode as well as directions on how to approach Sir Grant Shapp’s family home so as to avoid detection, a landline phone number and the aerodrome where the minister kept his private plane. The address is available on the internet, though only to subscribers to the Companies House website, and neither the telephone number nor the location of the plane were available online. Unknown to him the information about the plane was actually out of date.
10. When asked about this document in evidence he said he wanted to dangle a ‘*big juicy carrot*’ in front of the agents. They didn’t know he had any connection with an MP so he was volunteering these details. I reject his explanation that he believed it was publicly available information because that would hardly be a tempting carrot and he is intelligent enough to know that. His evidence was also contradicted by what he said to the agents at the time, “*I do hope that at our meeting tomorrow mother will show her appreciation for the work that I'm doing for her and her full appreciation for the very*

valuable and much sought after information and details I am providing which at a minimum will facilitate the ability to monitor and hear her neighbour's plans."

11. On 16 May, he checked into the hotel as instructed and met Dima to hand over the phone, the hotel room card and the USB with the MP's information on it. He was given an image of the Russian man he was to escort to the hotel and an envelope containing £1000 as payment for his work that day. Again, he asked no questions about the nature of the individual or what he was in Britain for that could not be dealt with openly by Russian Embassy staff. He told Dima that he wanted to do more, either here or in other countries.
12. Referring to the unsolicited information about Sir Grant Shapps, the defendant hoped it was "good", and he suggested that anyone approaching the private home of the Member of Parliament, which was in a rural location, might disguise what they were doing by pretending to be distributing leaflets. He made no comment during police interviews. He gave evidence that he believed throughout that the men he was engaging with were undercover British security officers. The jury rejected that evidence and my approach must be true to the verdict.
13. Sir Grant Shapps has provided a victim personal statement dated 17 July 2025. He describes the shock he felt when briefed about a threat to himself and his family emanating from information a British man was prepared to sell to a foreign intelligence service. He described it as a breach of trust between himself as an MP and someone he and his wife had met in that role and socialised with many years earlier who had gained personal details about him.
14. I am grateful to counsel for their sentencing notes and oral submissions. The National Security Act 2023 is intended to manage the evolving challenges of modern espionage which include online activity by hostile states to draw out corruptible British citizens who can be tempted to assist their interests whether out of ideological commitment or purely financial motives. Section 3 covers a broad range of activity and there are other provisions in the Act for obtaining or disclosing protected information s. 1 or preparatory conduct which endangers life s.18 There is no sentencing guideline, but it is obvious that deterrence should be a significant aim in such cases particularly where the foreign intelligence service being assisted is a determined enemy of the United Kingdom such as the Russian Federation.
15. Mr Dein KC submits eloquently, that this offender is an eccentric fantasist whose life was at a low ebb due to his having spent his life savings, his marriage having ended after many years and being unable to find lucrative employment. He was a lost soul searching for a purpose and intended no harm. His culpability is minimal given his character and life-long patriotism. This latter feature is corroborated in the letters sent to the court by Mr Phillips' three children and a long-term friend. No offence would have been committed at all, submits Mr Dein, if the Security Services had not become involved. The undercover officers encouraged him. The court should take a lenient view because the utility of the assistance he was able to provide was minimal and the information about the MP was largely available to anyone caring to search for it. He also submits that this is not a true breach of trust case because Mr Phillips was not in possession of classified information in breach of the Official Secrets Act and what he did communicate was incapable of causing serious injury or damage to British interests. No harm was actually done to Sir Grant Shapps or his family. The evidence of ideological motivation is thin or non-existent and there was no malign intention to prejudice or harm the United Kingdom. Finally, Mr Phillips has suffered harsh prison conditions in his sixties, and his mental health has been harmed.

16. I have read a pre-sentence report in which Mr Phillips maintains his defence that he knew from before he met them that Dima and Sasha were British officers. He didn't reveal that he was motivated by money. Having been able to assess him during the trial and his evidence this chimes with my assessment that he is an intelligent man with a distorted concept of his own significance and who is unwilling to face up publicly to the fact that he was willing to behave in a dishonourable and treacherous way.
17. Counsel have drawn a number of sentencing decisions in the Court of Appeal and at first instance, to my attention. I bear in mind that this is the first sentence for a standalone offence contrary to s.3. The cases under the Official Secrets Acts are of limited assistance. The maximum sentence for a s.1 National Security Act 2023 offence which replaces previous offences of spying is now life imprisonment, compared to 14 years under the Official Secrets Act 1911.
18. I do not accept the submission that Mr Phillips would not have committed any offence had the security services not involved themselves or that he did not intend any harm whatsoever. He was prepared to commit the offence in a range of ways as set out in the count before the jury. The offence contrary to s.3(1) was arguably completed once the offender sent his speculative letters given what the evidence reveals was his intention at that time. I reject the argument that his actions were encouraged by the officers and that he could not add to the security risk faced by the MP or to national security through the MP's actions or discussions being known to Russian intelligence. The offender pursued his contacts with vigour repeatedly following up when he had not heard from them. He was acting in the way described during a period when Russia was prosecuting a war against an ally of Britain. He clearly kept up with current affairs, and he would have been as informed as any intelligent person about the extreme actions Russia is capable of taking against its targets, as he made clear to the probation officer when he spoke about the chemical attack in Salisbury. Although he was not entrusted with information as part of an employment relationship (and I bear in mind that his UKBA role had not begun) he did disclose information which had come to him through social contact with a member of the British cabinet and I am driven to the conclusion that the defendant had disengaged from his previous loyalty to this country and was out to benefit himself if he could, given his limited skills, regardless of the potential damage to the interests of the United Kingdom.
19. Whatever the internet may throw up through careful research, confirmation by someone who has personal knowledge of a cabinet minister is of value and the offender believed that what he had to give would help Russian agents spy on the United Kingdom's plans. Whether this is or is not realistic is relevant to harm rather than to culpability. The offender risked serious harm through his deliberate pursuit of money and the intention required for the offence is an intention to provide material assistance rather than to cause harm. Serious harm is not only caused by the obtaining or disclosing or provision of protected information which (widely defined) is an offence under section 1 of the Act.
20. Section 3 National Security Act 2023 is not a scheduled offence for the Sentencing Code. The maximum sentence is 14 years imprisonment. The elements of the offence are engaging in conduct of any kind intending it to materially assist a foreign intelligence service in carrying out UK related activities. Applying the General Guidance: Overarching Principles, I have assessed culpability and harm.
21. I approach the fact that undercover intelligence officers were involved in the case so that the harm intended could not be successfully done, as something to be ignored when assessing culpability. This means I must treat the offender as someone who, as the jury found he believed, was interacting with genuine agents of an enemy foreign power. I

have born in mind his role, intent, degree of premeditation and sophistication in the plan he formed.

22. As to harm I proceed to assess the degree of harm that was intended or might foreseeably have been caused given the viability of the project the offender embarked upon. For this also, I initially disregard the fact that unbeknown to him he was dealing with British rather than foreign agents. However, I will make a downward adjustment when considering the appropriate starting point. In this case the downward adjustment cannot be significant because, I am sure to the criminal standard of proof, that but for the fact that his offers were intercepted by the authorities he would have pursued his plan and committed the offence with agents of a foreign power.
23. This was an offence of the highest culpability, albeit it would fall, overall, towards the lower end of a notional bracket for high culpability. This is because he initiated contact with a foreign intelligence service, intending to assist it for financial reward, reckless as to the harm he would cause, and he was ready and completely able to provide assistance to a foreign intelligence service working for a state that provides an immediate and pressing threat to the safety and security of the United Kingdom. Furthermore, he did provide information which he believed would be of significant material assistance. There is a range of conduct to consider here, including conduct at a lower level, such as making logistical arrangements namely buying and setting up a phone and making an hotel booking. But the conduct that reaches the highest level of culpability is the passing of intelligence gained through personal albeit somewhat dated knowledge about a United Kingdom Secretary of State for Defence. Accordingly, this is a case which is not about preparation to assist, or the conduct being short-lived and unsophisticated, in its early stages, or the provision of assistance to a less threatening state. His activity was a course of conduct over about two months rather than a single incident. I have some regard to what I find to be a fact that he would have continued to provide assistance had he not been arrested, and that he was prepared to abuse his position in the Border Force, in which he would have had access to records and information not available to the public, including about security arrangements and traveller records.
24. Examples of medium or lower culpability could be those engaging in conduct at an early, preparatory stage, or engaging in conduct which was unlikely to actually be of material assistance in fact or only of limited, though material, assistance, or engaging in conduct which encouraged or assisted others rather than as a principal or where the foreign intelligence service was not an enemy. A lack of sophistication may also have an impact on culpability depending on other factors in the case.
25. Harm is always assessed on the basis of harm actually caused or risked, and the likelihood of that harm being caused. The actual materiality of the assistance intended to be offered is of paramount importance in this respect. Examples of the gravest harm would be which exposed the national security of the United Kingdom to serious compromise and the harm was very likely to be caused. The second category of harm would be that which risked serious exposure of national security, but it was less likely to be caused, or material assistance which risked harm to civic infrastructure or damage to economic interests or property generally. The least grave category of harm would be eg that which arose from conduct which involved the carrying out of logistical or other menial instructions to facilitate the activities of the foreign intelligence service, but which caused no or minimal harm and would have been lawful absent the foreign intelligence service element.
26. If the information provided by the offender had indeed led Russian agents to spy on the UK Defence Secretary at his home or obtain access to his private plane the harm risked

is of the highest degree and given what is known about the activity of Russia in operating to undermine democratic values in the West it was very likely to have been caused. However, in the end no harm of that kind occurred because of the role of the undercover officers although of course added security input and distress was caused to the Secretary of State and his family. Accordingly, I move down to a moderate level of harm.

27. The author of the pre-sentence report concludes that there is a high risk of serious harm to the State and the public from Mr Phillips committing further offences of providing information to a foreign power, but I do not make a finding of dangerousness which has a specific meaning for the Sentencing Code.
28. Making the necessary allowance for the matters I have referred to the least possible starting point is 8 years custody. No aggravating features have been suggested by the prosecution. The nature of the most sensitive information the offender intended to convey, and did convey, has already been taken into account in assessing culpability. One aspect which could aggravate, to a degree, is the liberality of his approaches, encompassing as they did Israel, not an enemy of the UK, and China and Iran as well as Russia but I do not aggravate the sentence for this feature.
29. By way of mitigation is the offender's previous character, which has been good since early drugs offences which I disregard. He has brought up a family and worked hard. I heard him give evidence and I do not find that his responsibility is reduced by any mental disorder, no evidence of such has been served and although his account to the jury demonstrated what the lay person might class as a personality with narcissistic tendencies and an over-blown sense of his own importance, this being echoed in the evidence of his ex-wife, he is an adult who held down a responsible position as an insolvency practitioner for twenty-five years. I detect no flaw in his cognition that is of a relevant degree to provide mitigation. I recognise of course the fact that a first experience of imprisonment for a man of his age who has lived a very comfortable life, is likely to be harsher than for a younger person and I have read carefully the letters from his children which express the detrimental impact on them and on him of his conviction; however, these are all predictable consequences of his behaviour and personal mitigation of this kind can have limited weight when considered against the gravity of the offence.
30. Stand up Mr Howard Phillips, you are aged 66. In 2023 and 2024 you were prepared to betray your country for money. The purpose of sentencing in your case pursuant to s.57 Sentencing Act 2020 is to punish you, protect the public and to deter others from attempting to provide assistance to foreign intelligence services, whether for ideological reasons, or simply, ugly greed. I sentence you on the basis that you were not ideologically driven but motivated by money. You took a grave risk and didn't care less what damage you caused. Through the diligent work of the intelligence services, whose responsibility it is to protect the people of this country, you were caught before providing material assistance to a foreign intelligence service so the danger was averted.
31. You do not have the advantage of a guilty plea although the evidence against you was overwhelming. Your case must serve as a warning to those of our fellow subjects prepared to offer themselves to serve foreign powers that they will be caught and punished. I impose the surcharge. The sentence is 7 years' imprisonment. Subject to any earlier arrangements for release as may apply to you, you will serve half that term before being eligible for release on parole. The time you have spent on remand in custody will be counted. I make the uncontested deprivation orders.