



JUDICIARY OF
ENGLAND AND WALES

THE CROWN COURT AT PRESTON

17 June 2013

The Queen v Stuart Hall

Sentencing Remarks of His Honour Judge Anthony Russell QC, Recorder of Preston

It is not necessary for the Defendant to stand while sentence is pronounced.

Stuart Hall – you fall to be sentenced by this court for 14 counts of indecent assault to which you pleaded guilty at a hearing in April. The offences were committed over a period of nearly 20 years, the first being in 1967, the last in 1985 or 1986.

Facts

The facts of this case have been opened in considerable detail by the prosecution and I do not propose to repeat all of those details now or to refer in these remarks to any of your victims by name in order to preserve their anonymity, because these remarks will be made available for the media and the public immediately after I have pronounced sentence.

However the offences range in seriousness and it is appropriate for me to place them into their proper perspective, particularly in view of some of the reporting of this case and comments on it. You have pleaded guilty to 14 counts of indecent assaults each of which refers to one specific incident only. There are 13 victims whose ages at the time of the offences range from 9 to 17. One victim who was aged 15 is the subject of two charges (Counts 10 and 11). Three of the charges, Counts 12, 13 and 14 relate to one incident which took place in your home and involved children who were aged 11, 13 and 14.

The least serious offences are those reflected in Counts 2 to 4 of the indictment. In each case the girl concerned was 16 or 17 at the time. Each involved touching over clothing, in the case of Count 2 grabbing and fondling over clothing and delivering an unwanted kiss, and Counts 3 and 4 touching breasts over clothing. Count 1 was more serious and involved touching the vagina of a 16 year old girl over her underclothing, with a degree of planning and you plied her with alcohol.

Count 6 was significantly more serious. It involved a 13 year old girl who was subjected to a series of sexual indignities at your hands at her home on Boxing Day 1976. The victim had been drinking and was sick and you took advantage of the situation when she was in the bathroom and bathing to touch her naked breasts, inserted a finger in her vagina and kissed her upper body and touched her all over.

Counts 10 and 11 involved a girl who was 15 who you met in your role as a television presenter. She was indecently assaulted by your sexually kissing her in her home on one occasion and on another occasion at the BBC studio when she was in her bra and knickers you took her to a settee, lay next to her and asked to use an object to massage her vagina. There is an abuse of trust element in these offences.

Counts 12, 13 and 14 are serious because they involved 3 children at your home on the same occasion, ostensibly attending for elocution lessons. No doubt the parents of these children were pleased that such a person as yourself was offering elocution lessons to them, and you breached the trust they placed in you by assaulting their children for your own gratification. You persuaded the children to use the bathroom together and then they came to the lounge where you were dressed only in underpants. The assaults themselves were not of the most grave kind but the abuse of trust is serious and it appears that you set up the circumstances to enable these offences to take place.

Count 15 involved a 10 year old child who was at your home. The assault was minor, amounting to no more than mild touching, in circumstances of indecency, but the serious aspect is that the child was so young. Furthermore this was an incident which undoubtedly caused the victim real distress and lasting emotional problems.

Count 16 involved the youngest child, aged 9. You were a dinner guest at her parents' home and whilst reading her a bedtime story you took the opportunity to put your hand under her bedclothes and onto her leg moving it towards her vagina. Again, although the incident itself is of minor indecency, the age of the child and the abuse of trust render this more serious.

Count 17 involved a 13 year old girl who was a passenger in your car and whom you forcibly kissed putting your tongue in her mouth.

Finally Count 18 involved a little girl aged 10 or 11 to whom you were supposedly to give an elocution lesson – this elocution lesson involved, somewhat unusually people may think, the child being taken into a bathroom and being dressed in her vest and knickers which she refused to take them off for you, and you measured her chest over her clothing with a tape measure.

Although I agree with the submission made by your counsel that some of these incidents taken alone do not cross the custody threshold, some of them do - either because of the age of the child concerned, or the nature of the indecent act and in the case of Counts 12, 13 and 14 because 3 children were involved.

Further although individually a charge may not call for a custodial sentence the cumulative effect of your offending must be taken into account in determining whether a custodial sentence is called for.

The court has been provided with statements from some of victims, which indicate in clear terms what they have suffered as a result of your offending. It is not appropriate for them to be read aloud in a public court. The authors of those statements can however rest assured that I have read and taken account of them all. Some of them make the point that these were not opportunistic offences and I agree – there was a degree of planning and premeditation in respect of some of the offences.

There are no Guidelines specifically applicable to these particular offences. The Sexual Offences Guidelines only apply to offences charged under the Sexual Offences Act 2003, but there is assistance to be derived from the principles set out in those Guidelines. Further it is important to note the maximum sentence available when these offences were committed by you. I have considered with care the judgment of the Court of Appeal Criminal Division on the correct approach to sentencing for historic cases in the case of R v H and others [2011] EWCA Crim 2753.

For most of these offences the maximum sentence at the time and which the court must have regard to was 2 years imprisonment, and for the remainder it was 5 years. The maximum sentence for this type of offence has been significantly increased, since these offences were committed, to 10 years.

Considering the current Sentencing Council Guidelines for sexual offences, and the reported cases to which I have been referred, I have come to the following conclusions:

1. Taken individually some of the offences do not cross the custody threshold
2. However several of the offences, in my judgement more than your counsel has submitted, do cross the custody threshold, and those in each of Counts 6, 15 and 16 do so significantly because of their facts and the ages of the children involved.
3. Taken together the cumulative result of your offending is such that a custodial sentence is appropriate as the starting point for all of the offences.

Having come to the conclusion that the offending taken as a whole crosses the custody threshold, as I have, I then have to determine whether the mitigation in your case is sufficient to justify retreating back over the custody threshold and to decide what the appropriate penalty should be.

Plea of Guilty

I now turn to the mitigation.

As in most cases the fact that you have pleaded guilty is an important piece of mitigation. In cases of sexual offending a plea of guilty avoids the necessity for the victim of the offence to undergo the ordeal of giving evidence which can at the very least be embarrassing and is often distressing and sometimes seriously damaging for the person involved.

You pleaded guilty at the Plea and Case Management Hearing. That was not the earliest opportunity available to you to do so, because there was a Preliminary Hearing, and this Court has a widely publicised Early Guilty Plea Scheme which had you taken advantage of it would have enabled you to enter pleas of guilty at an earlier stage and gain full credit. I was made aware, at a hearing in chambers, at the Preliminary Hearing, that your lawyers were discussing a resolution of the case with the prosecution and accept that in the sensitive circumstances of a case of this kind those discussions needed to be conducted with a degree of delicacy.

Instead of maintaining a dignified silence or stating that you would make no comment, you chose to make a public statement to the effect that the allegations were false, describing them as “spurious and pernicious” as was widely reported. Although your guilty pleas have meant that your victims have not had to give evidence and relive their experiences in a court hearing, and they now know this, your earlier observations about their complaints which you now accept were neither spurious nor pernicious will have distressed them all, and it is clear from the victim statements that I have seen that your brazen attitude when first charged and the public protests of your innocence have added to the distress of some if not all of your victims.

I have come to the conclusion that it is not appropriate to give you full credit for a guilty plea entered at the first opportunity, but that I should give slightly reduced credit to reflect the fact that your observations will have meant that the victims will have thought that they would be required to give evidence and be cross-examined. I have noted what has been said on your behalf about the advice you were given and agree with the observation that your remarks on the steps of the court were ill-advised but it is clear from some of the victims’ statements that this conduct added to their distress, and the fact is that you have always known that you were guilty of these offences.

Other Mitigation

I now turn to other mitigation.

You are 83 years old with no previous convictions. Your age is an appropriate factor to take into account because for a man of your age a custodial sentence would be particularly difficult for you. It is also appropriate to note that your last offence on this indictment was over 25 years ago. When you entered your pleas of guilty your counsel, Mr Aylett QC, indicated that you were sorry and apologised for your offending to your victims and I accept that you have somewhat late in the day expressed your remorse.

It has been submitted on your behalf that I should make a reduction in any sentence of one third to take account of your age. That submission is based upon the decision of the Court of Appeal Criminal Division in the case of R v Heron [2009] EWCA Crim 94. I do not read that case as setting a general principle that the court should reduce sentences by a specific amount but it is appropriate to note that you are elderly and in some respects your health is not robust and I shall do so and take those factors into account and reduce the overall sentence accordingly.

As to your health I have read a report from your general medical practitioner and also a report about your wife's health. You suffer from a number of complaints associated with old age, an irregular heart beat, an enlarged prostate and sinusitis. Your wife has restricted movement as a consequence of her health. However none of these matters is so serious as to warrant taking an exceptional course as a result, but they must be put into the overall balance.

I have considered the contents of the pre-sentence report with care. To the Probation officer you indicated that in 1986 you took the decision to stop your criminal behaviour towards others and stopped drinking spirits and chose to be celibate. There is no evidence before the Court of any offending since 1986 and I sentence you on that basis. This counters some of the adverse assessments in the pre-sentence report. I consider that some of the negative attitudes referred to in the report are more an indication that having taken the decision to change your ways you thought and hoped that you had put it all behind you and have found the fact that these matters have come to light difficult to come to terms with.

Character references, some from people well-known to the court, have been submitted, referring to the positively good aspects of your character. I have read all those references with care and it is very sad to see someone who is so well-regarded in the dock of this courtroom.

You have done an enormous amount of charitable work over the years and shown much kindness to others. In the course of your long career you have given pleasure to millions of people as a local television presenter in the North West, nationally in the "It's a Knockout" series, and as a highly regarded sports commentator. You were known for the genial personality, charm, bonhomie and wit which you displayed in these various roles.

However those who have admired you for these qualities and the general public now know that there is a darker side to you, one hidden from public view until now, and a side which you were able to conceal taking advantage of your status as a well-liked celebrity. Several of these cases reveal an abuse of the trust placed in you by the parents of these children but all of them reveal an abuse of power by you because your status gave you an influence and standing which you abused.

Many years have elapsed since these crimes were committed, but that is no mitigation of the crimes themselves. The crimes should of course never have been

committed because nearly every victim was a child at the time, and unwanted sexual advances, even for an adult, are distressing for the victim, but when they are directed towards a child who is unable to repel the attentions of an adult, an important barrier is crossed.

As is clear from the victim personal statements which I have read with care, many of your victims have lived with the shame and embarrassment resulting from your assaults, not sure how to cope with the effects of what were for these girls extremely unpleasant and distressing events, suffering what amounts in some cases to significant psychological trauma. I pay tribute to the victims who have come forward – it is by no means an easy thing to do.

This is by no means the worst example of sexual abuse of children to come before the Court, but notwithstanding the mitigation I have come to the conclusion that taken together these offences do call for a sentence of imprisonment which must be served immediately. The repeated sexual abuse of young children, too young to consent and in no position to resist your advances, even if the individual acts are relatively mild, is a serious crime and it must be made clear to anyone tempted to take advantage of young children and other vulnerable victims that they face condemnation and punishment.

I have considered whether consecutive sentences should be imposed. Undoubtedly applying general sentencing principles consecutive sentences could properly be imposed, but balanced against that is the need for the court to consider the principle of totality. I have come to the conclusion that in the circumstances of this case it is most appropriate to decide a sentence which reflects the totality of your offending and pass concurrent sentences for all matters distinguishing between the offences within the total sentence to reflect their relative seriousness. This also enables me to pass appropriate sentences for the more serious offences rather than to pass shorter sentences for each offence which would not reflect their individual seriousness if there were consecutive sentences, taking into account totality.

The mitigation has been taken into account by me in determining the appropriate starting point for sentence after a trial and I have reduced that starting point significantly, but the least sentence overall that is in my view appropriate after a trial taking all those factors into account would be a sentence of 20 months imprisonment. I shall reduce that to 15 months in all to give the credit for the plea of guilty in accordance with the Guidelines for pleas of guilty and the time the pleas were entered for the reasons I have indicated earlier. I have, accordingly reduced each sentence by 25% to give that degree of credit for your pleas of guilty.

The Sentence

The sentence of the Court is as follows:

For Count 1	-	6 months imprisonment
For Counts 2-4	-	3 months imprisonment on each count concurrent

For Count 6 - 15 months imprisonment concurrent
For Counts 10 and 11 - 6 months imprisonment on each count concurrent
For Counts 12, 13 and 14 - 9 months imprisonment on each count concurrent
For Count 15 - 15 months imprisonment concurrent
For Count 16 - 15 months imprisonment concurrent
For Count 17 - 6 months imprisonment concurrent
For Count 18 - 9 months imprisonment concurrent

All sentences to be concurrent amounting to 15 months in all

Counts 5, 7, 8 and 9 will lie on the file on the usual terms not to be proceeded with without the leave of this court or the Court of Appeal Criminal Division.

I have considered whether I should make compensation orders in this case to compensate your victims for any personal injury or damage they have suffered. Although it seems clear that some if not all of your victims may have suffered psychological damage I do not consider that I have sufficient information to make a finding and certainly not enough information to quantify any compensation. Accordingly any of your victims who wish to claim compensation should do so through the civil courts or statutory schemes if applicable.

You are a wealthy man. You will pay £11,522 towards the costs of the prosecution.

You will be subject to the notification requirements of the Sexual Offences Act 2003 for a period of 10 years from the date of your conviction and will be served with a notice setting out your obligations. Breach of the requirements would amount to a criminal offence punishable with imprisonment.

Having regard to the fact that your last offence was over 25 years ago I do not consider it is necessary to make a Sexual Offences Prevention Order for the protection of the public who will as a consequence of this case be well aware of your criminal activities.

I am required to inform you that by reason of your conviction your name will be included in the list of barred persons in relation to children compiled by the Disclosure and Barring Service pursuant to the provisions of the Safeguarding Vulnerable Groups Act 2006

Finally I direct that the letter from your GP Dr HE Thompson should accompany you to prison.