

346.14 Forced or compulsory labour Cases

See also: *R v Rooney and Others* 2019 EWCA Crim 681 (M, P, J, all from the same family were convicted of conspiracy to require a person to perform forced or compulsory labour (FCL). There were other offences which related to specific incidents of violence, theft and fraud. G and L, two other family members each pleaded to a substantive offence of requiring a person to perform FCL. P and J ran a business known as Lincolnshire Driveways and all the defendants were involved with forcing or compelling a number of men to work in the business and also in scrap metal dealing and house clearing for little or no pay and in unsafe conditions. The victims were vulnerable and easy to manipulate by reason of their homelessness, alcoholism and mental health problems. They were often picked off the streets and offered work in return for money, shelter and food. The accommodation provided was often squalid with no running water and little heating. Many of the tasks they were asked to perform involved breaking the law. Payment was made late or often not at all. Sometimes payment was not monetary but in the form of cheap cider or food. Those workers that were claiming benefits had substantial funds siphoned off by the defendants and many of the workers were denied access to their own identity documents. The conspiracy lasted for a period of 5 years. The trial lasted some 5 months. Held. The features and duration of this conspiracy make this grave offending. For M, now aged 59, 15 months for an offence of unlawful wounding not 2 years 3 months, to take into account totality, making with 8 years 6 months for the conspiracy, **9 years, 9 months**, not 10 years, 9 months. For P, now aged 33, who was also convicted of ABH and two thefts, the overall tariff was too high. Therefore, 18 months concurrent for one count of theft not 2 years consecutive, making **13 years, 9 months** not 15 years, 9 months. J, now aged 33, was also involved in the theft counts imposed on P and we make a similar reduction in his case. Therefore, 18 months concurrent for one count of theft not 2 years consecutive, making **13 years, 6 months** not 15 years, 6 months. A notional sentence after trial of 8 years for G, now aged 47, was in our view too long for a substantive offence of FCL, when compared with the sentences for those convicted of the conspiracy. G also had some strong personal mitigation. Therefore **4 years 3 months**, not 6 years. L, now aged 49, did not have the mitigation available to G but in light of the fact that L was not convicted of being part of the conspiracy, **4 years 3 months** not 6 years.)

Att-Gen's Ref 2019 Re MC and MB 2019 EWCA Crim 1026 (The Judge tried a multi-handed, multi-count human trafficking, labour exploitation and money laundering case. 66 of the many victims gave evidence. The victims were brought over from Poland. They were vulnerable with drug, alcohol, mental health and homelessness issues. Violence and sexual violence were used for intimidation. The value of the exploitation was about £380,000. The criminal property generated (including benefit fraud) was a further £2m. The Judge deducted 1 year from all the sentences because of delay. The right-hand man of the head of the organisation received **11 years**. Another who had a high-level significant role received **9 years**. Held. Those sentences were not unduly lenient. For two others, **5 years** not 7 and **5 ½ years** not 8.)