Appeal against an extended sentence and elements of an extended sentence licence imposed by the Court.

[2020]GCA079

IN THE COURT OF APPEAL OF GUERNSEY

CRIMINAL DIVISION APPEAL No. 497

11 December 2020

Before:

James McNeill QC, President
Jonathan Crow QC
Sir Wyn Williams

Between:

CARL HALKER

Appellant

-and-

THE LAW OFFICERS OF THE CROWN

Respondent

Advocate L Roffey for the Appellant
Advocate J D McVeigh for the Respondent

JUDGMENT

Williams JA:

1. This is the judgment of the Court.

2. On 15 June 2020, before the Royal Court (the Deputy Bailiff sitting alone), the Appellant pleaded guilty to an indictment containing three counts. Counts 1 and 2 charged offences of making indecent photographs of children contrary to section 3(1)(a) of the Protection of Children (Bailiwick of Guernsey) Law 1985. Count 3 charged the offence of possessing a controlled drug (namely cannabis resin) contrary to section 4(1) of the Misuse of Drugs (Bailiwick of Guernsey) Law 1974. On 17 July 2020 the Appellant appeared for sentence. On this occasion the Royal Court (Lieutenant Bailiff Finch OBE sitting with Jurats) sentenced him to concurrent terms of eighteen months' youth detention upon counts 1 and 2 and a further concurrent term of 7 days' youth detention in respect of count 3. Those terms were specified to commence on 17 July 2020. However, the Court intended that the custodial terms imposed upon counts 1 and 2 should form part of extended sentences imposed in accordance with the provisions contained within the Criminal Justice (Supervision of Offenders) (Bailiwick of Guernsey) Law 2004 ("the 2004 Law"). Having announced the custodial element of the sentences as being 18 months LB Finch specified that there should be an

extension period of 10 years after the Appellant's release from custody throughout which the Appellant would be subject to an extended sentence licence. The licence was made subject to a total of 13 conditions.

3. The Appellant had been made the subject of extended sentences by the Royal Court on two previous occasions. On 7 February 2018 the Appellant was sentenced for a large number of sexual offences. Concurrent extended sentences were imposed upon him, the effect of which was that he had to serve a custodial term of 18 months' youth detention and then be subject to an extension period of 7 years during which he would be subject to an extended sentence licence. On 8 March 2019 the Appellant was sentenced in respect of one offence of indecent assault which he had committed in June or July 2017 i.e. before his sentencing on 7 February 2018. On this occasion the court determined that the custodial term should be 6 months' youth detention and it specified that the "seven year Extended Sentence Licence it made the accused subject to on the 7th February 2018 shall continue, but shall come into effect from his new date of release".

4. The Appellant now appeals against the sentences imposed upon him on 17 July 2020 in respect of counts 1 and 2. He also appeals against the extended sentence which was imposed upon him on 8 March 2019. It should be noted that no appeal was brought against the sentence imposed on 8 March 2019 within the time specified for such an appeal. However, for reasons which will become apparent, it is in the interests of justice for this court to consider the sentence imposed on 8 March 2019 notwithstanding the period of time which has elapsed since sentence was passed.

5. We describe first the salient facts relating to the offences of making indecent photographs of children for which the Appellant was sentenced on 17 July 2020.

6. On 25 July 2019 the Appellant was released from the term of youth detention to which he had been sentenced on 8 March 2019. He was released upon an extended sentence licence which was subject to a condition that he should make available for inspection by his supervising probation officer any device capable of making or storing digital images. On or prior to 7 February 2020 the Appellant was asked to make his mobile phone available for inspection by his probation officer. The inspection took place on 7 February and it was quickly discovered that there were stored within the phone images of girls which were potentially indecent. Accordingly, the phone was seized, the Appellant was arrested and a number of other devices, including a laptop, were seized from his home.

7. Subsequent forensic examination of the Appellant's phone demonstrated that it contained 4 indecent images of girls. The images had first been created in 2014 at a time when the girls were aged 14 and the Appellant was a similar age. Either in 2015 or 2016 the Appellant was prosecuted and sentenced for this activity. However, the Appellant had stored the images, they had always remained accessible and on a date between 14 October 2019 and 22 October 2019 the Appellant downloaded the images from their storage location to his mobile phone. This activity constituted count 1 on the indictment.

8. The forensic examination also revealed that in the same timeframe i.e. between 14 October 2019 and 22 October 2019 the same four images had been downloaded from storage to the laptop which had been seized from the Appellant's home. The prosecution case was that the Appellant had taken steps to conceal the images downloaded to the computer although this was denied by the Appellant. The downloading of the images to the laptop constituted count 2.

9. Each of the four images downloaded to the mobile phone and laptop were category C images; accordingly counts 1 and 2 were the least serious offences of their type.

10. The Appellant was interviewed under caution on 8 February i.e. before the mobile phone and laptop which had been seized had been forensically examined. He told the interviewing police officers that he had used his phone to access pornography which was legal and which was permitted under the terms of his extended sentence licence. He denied viewing or attempting to view indecent images of children in the period between his release from custody and his arrest. He acknowledged that it was only he who had access to his phone but he claimed that the laptop belonged to his girlfriend and that he did not have access to it because it was password protected.

11. We can deal quite shortly with the factual circumstances of the offence of indecent assault for which the Appellant was sentenced in March 2019. The offence was committed in the summer of 2017. The Appellant was then aged 16 and his victim was a girl aged 15. There was a dispute between the prosecution and the Appellant as to precisely what had occurred but the court proceeded on the basis that the Appellant had touched the girl's vagina both over and under her clothing.

12. At the date of his most recent sentencing hearing the Appellant was 20 years old. He is now 21. He has a very significant history of offending. At the age of 13 he was referred to the Children's Convenor for offences of possessing and distributing indecent photographs of children. In 2015 and 2016, when the Appellant was respectively, 16 and 17, he was sentenced by the Juvenile Court to terms of probation and suspended terms of youth detention for a variety of offences relating to the possession, making and distribution of indecent images of children. On 7 February 2018, then aged 18, the Appellant was sentenced for the first time at the Royal Court. As we have said, on this occasion he was sentenced to extended sentences in respect of a number of sexual offences. For the offence of unlawful sexual intercourse with a girl under the age of 16, an extended sentence consisting of a term of youth detention of 18 months together with an extension period of 7 years was imposed upon the Appellant. Lesser concurrent terms were imposed for a number of other sexual offences including a number of offences of indecent assault against girls and possessing, making, publishing and distributing indecent photographs of children. The concurrent extended sentences imposed upon the Appellant constituted, in totality, a term of 8 years and 6 months. On 8 March 2019 the Appellant was before the Royal Court yet again to be sentenced in respect of an offence of indecent assault upon a girl of the age of 15. We have already described the sentence which the court imposed on that occasion.

13. At the sentencing hearing on the 17 July 2020 the Court had the benefit of a letter dated 14 July 2020 from Ms Emily Gajewski, an occupational therapist. The letter described some recent therapeutic work which she had undertaken with the Appellant and it indicated her willingness to undertake further work. The Court also had available a comprehensive pre-sentence report prepared by Mr Sam de Kooker, a probation officer. This report makes for depressing reading. Its theme is encapsulated by paragraphs 20 and 21 under the heading "Conclusion".

> "*20. The defendant is before the Court for repeat sexual offending, as well as being in possession of a small amount of a controlled substance. Carl is no stranger to the judicial system, which given his young age, is very concerning. Almost all of his offending has been of a sexual nature, and he is assessed as posing a high/very high risk of sexual harm, particularly towards vulnerable adolescent females. Further, he has again breached a stringent Court imposed Licence demonstrating a blatant disregard for the Guernsey judicial system. Carl reports he accessed the images accidently, but given the Police investigation, it shows a sophisticated process to conceal the images. The only positive to come out of this case, is that the community risk management procedures have detected Carl's sexual offending, and reduced the likelihood of even further victims. The defendant is aware he will be receiving a*

custodial sentence, and is no stranger to the Prison system, as such, I have no current concerns regarding his ability to manage such an outcome

21. Given these further offences whilst subject to an ESL, I feel unable to recommend any form of community based disposal. Intensive and targeted intervention and previous sanctions from the Court has proved unsuccessful and no deterrent to Carl from re-offending, and I assess once eventually released back in to the community, continued external risk management will be the priority. Post-sentence assessments will be undertaken, with continued oversight from Dr Briggs, in a further attempt to reduce risk, and effectively manage him within the community. However, his behaviour continues to demonstrate disguised compliance, rather than a genuine want to change his sexual offending behaviour."

14. In the light of these conclusions Mr De Kooker recommended that further extended sentences should be imposed with the extended sentence licences being subject to a total of 13 conditions which were to subsist during the licence period. Each of the suggested conditions were helpfully set out in the pre-sentence report.

15. We deal, first, with the appeal so far as it relates to the sentences imposed on 17 July 2020.

16. In his sentencing remarks LB Finch referred to the facts as we have summarised them and the Appellant's criminal record. He identified what he considered to be the most important considerations in the sentencing exercise which had to be performed and he justifiably highlighted the need to protect vulnerable young children from the Appellant's activities. The LB accepted that the Appellant was still young, that the images in question were not in the worst category and that the Appellant had pleaded guilty at his first appearance before the Royal Court. Balancing these factors, the court determined that the appropriate custodial term was 18 months concurrent on each count. Concurrent terms were justified because the same four images had been downloaded to the two devices.

17. The LB then turned to what he described as "Further Measures". He said:-

"*Your present <u>Extended Licence</u> is for 7 years, expiring we hear on 25th July 2026. We consider an enhanced period is necessary on the facts of the case before us today. We make it for 10 years from today, with all the current conditions which remain, which are set out in the Licence and I will not go over again because you are doubtless familiar with them, plus the extra one requested in the Probation report, which on the facts before us is necessary and reasonable and not oppressive - and it is in order to ensure your activities are effectively monitored and controlled and that is*

- *To inform your Supervising Officer if you have contact with anyone that is physical and sexual in nature, within 24 hours of such contact.*

This plainly is a standard format and we do not depart from it in this case."

18. In his grounds of appeal dated 27 July 2020 the Appellant advances 3 grounds upon which he seeks to impugn the extended sentences passed upon him on 20 July. In grounds 1 and 2 he contends that the extension period of 10 years during which he was made subject of an extended sentence licence is manifestly excessive and, in any event, unlawful. Ground 3 contends that three of the conditions to which the extended sentence licence was made subject are unnecessary and/or disproportionate. In perfected grounds of appeal the Appellant seeks to raise an additional contention to the effect that a fourth condition is unnecessary and/or disproportionate.

19. We deal first with the contention made on behalf of the Appellant that the extension period specified as being part of the concurrent extended sentences imposed upon the Appellant was unlawful. That requires us to consider Sections 3 and 9 of the 2004 Law.

20. Section 3 of the Law makes provision for the imposition of extended sentences of imprisonment for sexual and violent offenders. Section 3(1) empowers the Court to impose such a sentence if it considers that the period of supervision to which an offender who has been sentenced to a term of imprisonment of 12 months or more would be subject following his release "would not be adequate for the purpose of preventing the commission by him of further offences and securing rehabilitation". Section 3(2) defines an extended sentence as being a sentence of imprisonment the term of which is equal to the aggregate of "the term… which the court would have imposed if it had passed a sentence of imprisonment otherwise than under this section (**"the custodial term"**)" and a further period "**("the extension period")** for which the offender is to be subject to a licence (an **"extended sentence licence"**) and which is of such length as the court considers necessary for the purpose mentioned in subsection (1). Section 3(4) specifies that the extension period shall not exceed 10 years in the case of a sexual offence and section 3(5) specifies that the term of an extended sentence passed in respect of an offence shall not exceed the maximum term permitted for that offence. By virtue of section 9 of the 2004 Law these provisions apply when a person under the age of 21 is sentenced to a term of youth detention and references in section 3 to a term of imprisonment are to be read as a term of youth detention when sentence is being considered for a person under the age of 21.

21. The maximum term of youth detention which the court was empowered to impose upon the Appellant for the offence of making indecent photographs of children was 10 years. That sentence was available to the court in respect of both counts 1 and 2 but any extended sentence imposed upon the Appellant in respect of each count could not exceed 10 years (see section 3(5) of the 2004 Law). Yet it seems to us to be clear upon a proper understanding of the sentencing remarks of the Lieutenant Bailiff that the Royal Court imposed an extended sentence in respect of each count which consisted of a custodial term of 18 months and an extension period which was 10 years thereby creating an aggregate sentence of 11 years and 6 months. In our judgment no other interpretation of what the court said is possible and, indeed, the Respondent does not contend otherwise. Advocate McVeigh, both in writing and in her oral contentions, accepts that an extension period of 10 years in respect of each count was unlawful in this case since it had the effect of making the extended sentence longer than is permitted by section 3(5) of the 2004 Law. It follows that we accede to the contention that the concurrent extended sentences imposed upon the Appellant are unlawful and should be quashed.

22. In the grounds of appeal Advocate Roffey also characterises the extension period of the extended sentences as manifestly excessive. In a sense that is now academic given the conclusion which we have just expressed but since we are quashing the sentence imposed below we must, inevitably, turn our minds to the appropriate extension period. We say that because the Appellant does not complain about the imposition of concurrent extended sentences. Nor does he contend that the custodial term of 18 months should be reduced. The only issue for us, therefore, is the appropriate length of the extension period.

23. In the light of the Appellant's history of convictions for sexual offences and the conclusions reached in the pre-sentence report we have no doubt that a lengthy extension period is justified. In 2018 the Royal Court determined that an extension period of 7 years was appropriate taking into account the large number of serious offences committed by the Appellant. In 2019 the Court purported, in effect, to lengthen that extension period by about 1 year. Advocate McVeigh contends that the Royal Court was fully entitled to further increase the extension period in respect of counts 1 and 2 given that the Appellant committed these further sexual offences shortly after his release from custody and at a time when he was

already subject to an extended sentence licence. At first blush her contentions have much to commend them. However, Advocate Roffey makes the fair point that counts 1 and 2 are by no means the most serious offences which the Appellant has committed. Currently, the extended sentence imposed on 8 March 2019 comes to an end on 25 July 2026 and Advocate Roffey contends that we should not impose an extension period which would take the Appellant's extended sentence beyond that date at the latest.

24. We have reflected upon these contentions with care. We have reminded ourselves that the statutory purpose underpinning the imposition of extended sentences is to ensure that the extension period is of sufficient length to prevent the commission of further offences and secure the rehabilitation of the offender. Taking account of the nature and seriousness of counts 1 and 2, the Appellant's age, his history of offending and the contents of the pre-sentence report we have reached the conclusion that the appropriate extension period in respect of each count is 6 years. That means that the extended sentence we impose in respect of count 1 is made up of a custodial term of 18 months and an extension period of 6 years with the consequence that the extended sentence imposed is 7 years and 6 months. For the avoidance of any doubt that sentence takes effect from the date the Appellant was sentenced by the Royal Court i.e. 17 July 2020. We impose an identical concurrent sentence upon count 2 which sentence also takes effect from 17 July 2020.

25. We turn to that part of the appeal against sentence which is concerned with the conditions to which the extended sentence licence was made subject.

26. Condition 7 is in the following terms:-

> "*Not to have any contact, directly or indirectly by any means with any person under the age of sixteen without the prior permission of your supervising officer, other than such contact as is inadvertent and not reasonably avoidable in the course of normal daily life."*

27. As the wording makes clear the prohibition imposed by the condition applies to contact with both girls and boys under the age of sixteen. Advocate Roffey contends that the Appellant has never committed any kind of sexual offence against boys and that accordingly the word "person" should be deleted from the condition and the word "girl" substituted. In support of this contention he relies upon the decision of the Court of Appeal (Criminal Division) of England and Wales in Franklin [2018] EWCA Crim 1080. In that case the complaint to the Court of Appeal was that the sentencing judge had been wrong to attach a condition to a sexual harm prevention order to the effect that the offender was not to have contact with a child under the age of 16 because the word child encompassed both boys and girls but the offender had committed offences only against girls. Singh LJ, giving the judgment of the Court dealt with the argument in a short passage to the following effect:-

> *"Mr Clark rightly submits, in the present case, that there was no evidence before the sentencing court, or indeed before this court, that the appellant has ever posed or will pose a risk to boys as opposed to girls. Therefore, the restriction in respect of "any child" in the SHPO goes beyond what was necessary as supported by evidence. We therefore allow the appeal only to the extent that the prohibitions in the SHPO must be amended so that it reads in paragraph 1: "Not to have any unsupervised contact or communication of any kind with any girl under the age of 16" rather than "any child under the age of 16". Save for that limited point, this appeal is otherwise dismissed".*

28. Advocate McVeigh acknowledges that there is nothing in the evidence before us which suggests that the Appellant poses any kind of risk to boys. Nonetheless she contends that the wording of the condition was carefully phrased by the Appellant's probation officer who can be taken to be best placed to assess the risks posed by the Appellant.

29. We accept that there is no sound evidential basis which justifies the use of the word "person" in condition 7 as opposed to the word "girl". We do not consider it appropriate to infer that the Appellant's probation officer must have had good reason for choosing the word "person". If such a good reason existed he should have spelled it out and presented it to the court as part of his report. We are of the view that the word "person" should be deleted from condition 7 and the word "girl" substituted.

30. Conditions 11 and 12 read as follows:-

> *"11. Not to approach or communicate with the named Complainant without the prior approval of your supervising officer.*
>
> *12. Not to enter the area of The Bridge/Northside, Vale, as defined by the attached map without prior approval of your supervising officer."*

31. Advocate McVeigh acknowledges that these conditions were first formulated when the Appellant was sentenced for the offence of indecent assault on 8 March 2019 and were conditions specifically included in the extended sentence licence to which the Appellant was made subject on 8 March 2019 so as to protect the victim of the indecent assault. She accepts that Advocate Roffey is correct when he says that these conditions have no relevance to the counts for which the Appellant was sentenced on 17 July 2020. These conditions should not have been included in the extended sentence licence formulated on 17 July 2020; they are unnecessary and irrelevant to the offences for which the Appellant was being sentenced. Accordingly we quash these conditions.

32. That leaves condition 13. This condition reads as follows:-

> *"To inform your supervising officer if you have contact with anyone that is physical and sexual in nature, within 24 hours of such contact."*

This condition was imposed as a consequence of a specific recommendation contained within the pre-sentence report. The relevant paragraph of the report is paragraph 23 which is as follows:

> "*Further, within the SER I wrote in March 2019, I requested an additional condition regarding developing intimate relationships. I am aware this caused some debate and was not granted, due to the wording being somewhat vague. However, such a condition is routinely used in sentencing in the UK, and places the onus on the defendant to disclose to their supervising Officer, so that effective risk management and disclosure to the third party can be made if necessary. I assess that given Carl commenced a new intimate relationship with a vulnerable female whilst on ESL, and utilised this relationship to re-offend, is further evidence of the need for such a condition. I have discussed the above with Advocate McVeigh, and would like to make a recommendation for consideration of the following additional condition:*
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> > *(xiii) To inform your supervising officer if you have contact with anyone that is physical and sexual in nature, within 24 hours of such contact."*

33. Advocate Roffey's principal contention is that the nature and seriousness of counts 1 and 2 do not justify the imposition of a condition which, he argues, is draconian in nature. He reminds us that the sentencing court in March 2019 declined to impose the condition when, if anything, the justification for the imposition of the condition was greater given that the Appellant was being sentenced for an indecent assault. Finally, he contends that the condition is not clear as to its meaning; it is not capable of being complied with by the Appellant

without unreasonable difficulty and/or without the assistance of a third party and it gives rise to the risk of unintentional breach.

34. Advocate McVeigh disputes these contentions. She argues that the Appellant's history of offending is such that the condition is justified notwithstanding that counts 1 and 2, themselves, are not "contact" offences. The condition is clear as to its meaning and it can be complied with – the obligation is to report a contact which is sexual in nature. It matters not if, for example, the encounter is casual so that details about the person with whom the contact has occurred are unknown. The wording of the condition is not such that the Appellant is at risk of an unintentional breach.

35. In his sentencing remarks LB Finch justified the imposition of the condition by saying: –

> "*We have considered and accepted the Probation Officer's recommendations at paragraph 23 of his report. We have noted the English guidance. We stress that we consider the Orders made are proportionate in the light of your activities, both today (shown in this case) and in the past. Similarly, on the facts we impose a 12-year Notification Period, which has to be from the date of your guilty pleas here which is the 15th June 2020. We are not a 'rubber-stamp' in respect of these recommendations, but regard these added requirements as wholly necessary in the public interest in this particular case and we have stressed, having carefully considered them, proportionate and necessary and I repeat, we have looked at the guidance from the English cases and followed it."*

36. The reference in these remarks to the English guidance is a reference to the decision of the Court of Appeal in Smith and others [2011] EWCA Crim 1772 in which Hughes LJ (as he then was) giving the judgment of the court explained that before conditions such as the one under consideration in this case are imposed the court should address three questions which are set out at paragraph 8 of the judgment:-

> "*8. We respectfully repeat the useful succession of questions identified by this court in R v Mortimer [2010] EWCA Crim 1030 and which must be addressed when the making of a SOPO is under consideration. They drive from the earlier judgment of Rose LJ, in R v Collard [2004] EWCA Crim 1664, [2005] 1 Cr App R (S) 34.*
>
> *(i) Is the making of an order necessary to protect from serious sexual harm through the commission of scheduled offences?*
>
> *(ii) If some order is necessary, are the terms proposed nevertheless oppressive?*
>
> *(iii) Overall are the terms proportionate."*

37. We have considered the submissions made about this condition with care. We accept that it is not appropriate to judge whether a condition of this type is necessary and proportionate (and therefore not oppressive) simply by reference to the offence most recently committed by the Appellant. His previous offending is obviously relevant. Nonetheless, we are conscious that a condition of this type is a significant intrusion upon the Appellant's liberty and one that requires clear and cogent justification. We are not satisfied that such justification exists in this case notwithstanding the Appellant's history of offending. It is difficult to see why such a condition was not thought justified when the Appellant was sentenced in 2019 for a serious offence of indecent assault but yet there was a need for the condition in 2020 notwithstanding the fact that the offences for which the Appellant was being sentenced were "non contact". Accordingly, we quash this condition.

38. As it happens we are also of the view that the wording of the condition might lead to some of the practical difficulties suggested by Advocate Roffey and that its wording does not fully address the purpose underlying the imposition of such a condition. No doubt the Law Officers in conjunction with the probation department will give further thought to appropriate drafting when next a condition of this type arises for consideration.

39. We turn finally to the appeal against the sentence imposed on 8 March 2019. There is one short point. The sentencing court purported to direct that the extended sentence licence to which the Appellant had been made subject in February 2018 should "continue, but shall come into effect from his new date of release". Both Advocate McVeigh and Advocate Roffey agree that the 2004 Law confers no power to make an order in those terms. They agree that the appeal against this part of the Court's order should be allowed and that this part of the order should be quashed. We also agree.

40. The consequence is that we must, ourselves, determine an appropriate extension period given that it is not in dispute that the Appellant qualifies for an extended sentence, that such a sentence is justified and that the custodial term of 6 months' youth detention is unimpeachable. In our judgment the appropriate extension period is 7 years. We do not understand Advocate Roffey to argue that a lesser period should be imposed but we have no doubt that such an extension period is justified given the nature of the indecent assault committed by the Appellant.

41. This appeal has demonstrated that considerable care is necessary when a court sentences an offender to an extended sentence. Care must be taken (i) to identify and explain the custodial term which the offender must serve; (ii) to identify and explain the extension period and (iii) to ensure that the aggregate of the custodial term and the extension period does not exceed the maximum term of custody permitted for the offence for which sentence is being passed. The court must also ensure that the conditions to which the extended sentence licence is made subject are necessary and proportionate and proper explanations should be provided in the sentencing remarks for the conditions imposed by the court. When an offender is being sentenced for more than one offence the sentencing court should ensure that each offence is considered separately and sentenced separately. Extended sentences may or may not be justified for all the offences committed. Where they are justified for more than one offence, however, the court should go through the processes set out above in respect of each offence for which an extended sentence is imposed.

42. In summary, the result of the appeals is as follows. First, the appeal against the extended sentence imposed on 8 March 2019 is allowed to the extent that the extension period specified by the Royal Court is quashed and there is substituted an extension period of 7 years. Accordingly, the extended sentence imposed is one of 7 years and 6 months youth detention comprising a custodial term of 6 months and an extension period of 7 years. The conditions of the extended sentence licence will remain in place save that this court varies condition 7 so that the word "person" is deleted and the word "girl" is substituted and the age specified in the conditions shall be 16 not 18. Second, the appeal against the extended sentences imposed on 17 July 2020 are allowed to the extent that the extension period specified by the Royal Court is quashed and there is substituted in respect of both counts 1 and 2 an extension period of 6 years. Accordingly in respect of those counts we impose concurrent extended sentences of 7 years and six months youth detention comprising custodial terms of 18 months and extension periods of 6 years. The conditions of the extended sentence licences will remain in place save that conditions 11, 12 and 13 are quashed and condition 7 is varied so that the word "person" is deleted and the word "girl" substituted.

43. Finally and for the avoidance of any doubt and of its own motion this court varies condition 7 of the extended sentence licence imposed on 7 February 2018 by deleted the word "person" and the figure 18 and substituting the word "girl" and the figure 16.