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IN THE COURT OF APPEAL

CRIMINAL DIVISION

ON APPEAL FROM THE CROWN COURT AT PRESTON

HHJ IAN UNSWORTH CP Nos: 04ZL3771223/04ZL2666623

CASE NO 202402203/A1

NCN: [2025] EWCA Crim 139

Royal Courts of Justice

Strand

London

WC2A 2LL

Wednesday, 29 January 2025

Before:

LADY JUSTICE WHIPPLE DBE

MR JUSTICE MURRAY

HIS HONOUR JUDGE LEONARD KC

(Sitting as a Judge of the CACD)

REX

V

REECE BARLOW

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MR A PARKINSON appeared on behalf of the Appellant

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**JUDGMENT**

LADY JUSTICE WHIPPLE:

1. On 12 December 2023, having pleaded guilty before Blackburn Magistrates' Court, the appellant was committed for sentence in respect of offences of dangerous driving and of failing to provide a specimen for analysis. On 8 April 2024 the appellant pleaded guilty at Preston Crown Court to an offence of stalking. On 12 April 2024, he was sentenced by His Honour Judge Ian Unsworth KC for all three offences to a term of imprisonment of 18 months which was broken down as follows: 12 months for the dangerous driving, two months for failing to provide a specimen and four months for stalking, all to be served consecutively. He was also disqualified from driving for 89 months and until an extended retest was passed. He now appeals against the length of that driving ban with the leave of the single judge.
2. He was also made subject to a restraining order to prevent contact with the complainant in the stalking offence but the single judge refused leave to appeal and there is no renewal of that application.

The facts

3. Given the limited scope of this appeal we summarise the facts which gave rise to the driving convictions only. On 10 December 2023 at 1.40 pm a report was received that a vehicle was being driven in the Blackpool area and that the driver of the vehicle was wanted by the police. Police officers subsequently activated their emergency lights and headed towards the area. They located the appellant's van and they followed it. The appellant increased his speed to more than 60 mph in a 30 mph zone whilst being followed by the police. The appellant did not slow down as he drove over the speed bumps.

4. The appellant's van eventually collided with stationary traffic at a junction and stopped before driving off again. He then drove down a dead end road before mounting a kerb in an effort to join a main carriageway. He drove through a gap in the traffic before driving down the wrong side of the road. He braked to avoid pedestrians on a crossing controlled by traffic lights.
5. The appellant then drove on at speeds of up to 50 mph and 60 mph, overtaking moving traffic. He tried to negotiate a right hand bend before driving through a large puddle, at which point he lost control of his vehicle and collided with an oncoming vehicle.
6. Police officers stopped and found the appellant in his vehicle with the airbag inflated. The appellant was arrested and asked to provide a sample of saliva for a test but he refused saying he would provide one later. He was offered an opportunity to have a sample of breath taken instead but he refused.
7. He was taken to hospital as he said he was dizzy and lightheaded and at hospital he was once again asked to provide a sample of breath, which he refused. In interview the appellant made no comment to questions asked by the police.

#### Sentence

8. The appellant was aged 25 at the time of offending and sentence. He had four convictions for seven offences including driving offences. He was subsequently convicted of three further driving offences, including driving under the influence of drugs which offences were committed on 29 August 2023 before the index driving offences.

9. The judge had before him a pre-sentence report dated 6 February 2024. The author noted that the appellant accepted responsibility for his manner of driving when interviewed for the PSR, saying that he had panicked on seeing the police. He accepted that the outcome could have been more serious than it was. The appellant was able to live with family members on release from his sentence and he had a job as a carpet fitter which would be open to him when he was released. The author noted that the appellant's ability to work might be hindered if he could not drive because he typically used a vehicle for his work. The appellant said that he was aware that he should not have been driving. The author of the PSR said he had some deficits in his consequential thinking and he was at high risk of committing further motoring offences.

#### Sentence

10. In passing sentence the judge described the "simply appalling piece of driving which at some stages beggars belief". He also noted the progress the appellant had made in custody on remand. He said that the notional sentence after trial for the dangerous driving was 21 months' imprisonment but that was reduced to 12 months for totality. For the failure to provide a specimen he imposed a sentence of two months and for the stalking a sentence of four months.

11. The judge then turned to disqualification, noting that the appellant had served four months already on remand. The judge had regard to the appellant's previous driving convictions and the high level of impairment demonstrated by these offences. He thought a significant period of disqualification was required which period he set at seven years with the need for an extended driving test after that if he was to get his licence back.

With adjustments to reflect the terms of section 35A and 35B of the Road Traffic Offenders Act 1988 applying R v Needham [2016] EWCA Crim 455, and to reflect the four months spent on remand, the judge imposed a total period of disqualification of 89 months, the discretionary element of which was 80 months.

### Grounds of appeal

12. Mr Parkinson advances a single ground of appeal: quite simply that 89 months' disqualification was manifestly excessive for an appellant who was 25 years old at conviction and whose ability to drive was relevant to his future employment and prospects.

### Discussion

13. One of the purposes of sentencing is the reform and rehabilitation of offenders: see section 57 of the Sentencing Act 2020. The dangerous driving guideline states that in setting the length of any disqualification, sentencers should not disqualify for a period that is longer than necessary and should bear in mind the need for rehabilitation, for example by considering the effects of disqualification on employment or employment prospects. In this case, in our judgment, there was some room for optimism given that the appellant acknowledged his fault, he had done well in custody, he had somewhere to live and he had a job to go back to on release from prison.

14. We accept the judge's description of this driving as "simply appalling" and that this appellant had a past record of driving offences. Even so, in our judgment a period of disqualification of seven years exceeded what was necessary and it failed to reflect

adequately this appellant's prospects of rehabilitation. We therefore quash the period of 89 months' disqualification on grounds that it is manifestly excessive.

15. In our judgment the appropriate term of disqualification after release is around four years.

To achieve that outcome we substitute a period of disqualification from driving of 53 months, adopting the judge's careful methodology:

- A. The discretionary period of disqualification (s 34 of the 1988 Act) is 48 months (four years).
- B. We deduct four months to reflect time spent by the appellant in custody on remand, to arrive at 44 months.
- C. We extend the period by six months pursuant to section 35A to represent half of the custodial period imposed for the offence to which the disqualification related, i.e. the dangerous driving count.
- D. We uplift the period by a further three months, pursuant to section 35B, to represent half of the aggregate sentence imposed for the other offences, i.e. failing to provide a specimen and stalking.

16. Thus we arrive at a total period of disqualification of 53 months. All other aspects of sentence remain unaltered, including the requirement for the appellant to take an extended driving test before being eligible to apply for a driving licence.

17. To that extent this appeal is allowed.

Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof.

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