

**[2024] PBPH 1**

**Application for a Public Hearing in the case of  
Mr Marc Williams**

**Outcome:** A public hearing has not been granted. The victims have been granted permission to attend the private hearing by the Panel Chair in this case.

**Background Information**

1. The Parole Board is an independent body which acts as a court when deciding whether prisoners in England and Wales are safe to be released, or not, and makes recommendations to the Secretary of State on a prisoner's suitability for open conditions if the release test has not been met. Prisoners are referred to the Parole Board only after they have served the minimum period for punishment set by the sentencing judge ('the tariff'). When considering a case, the Parole Board's role is to consider whether a prisoner's risk can be safely managed in the community. This is the test set out in the relevant legislation. The Parole Board will not direct release of a prisoner unless it is satisfied that their risk can be managed. Public protection is always the Parole Board's primary concern.
2. If the Parole Board decides that a prisoner's risk cannot be safely managed in the community, the Secretary of State will automatically refer the prisoner back to the Parole Board for another consideration of their risk in due course.
3. Parole Board hearings are usually held in private, however, where it is in the interests of justice, the Chair of the Parole Board can direct that a hearing be held in public. The Parole Board has Guidance on the Criteria for Public Hearings for the Chair to consider when making a decision ([Applying for a Parole review to be public - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/parole-board-guidance-on-the-criteria-for-public-hearings)).
4. The definition in the Victims' Code of a victim is '*a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly*



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*caused by a criminal offence; a close relative (or a nominated family spokesperson) of a person whose death was directly caused by a criminal offence’.* A victim may also be someone who has opted into the Victim Contact Service which is run by the Probation Service. A victim, as well as the parties and members of the public, may ask for a public hearing. Before deciding whether the application meets the interest of justice test, the Chair asks for representations from the parties to the case – namely the Secretary of State and the prisoner, usually through their legal representative. The Chair will also ask the Secretary of State to find out the views of any victims involved with the case. The Secretary of State will usually seek the views of victims who are signed up to the Victim Contact Service. In some circumstances the Secretary of State may choose to seek the views of victims who have not opted into Victim Contact Service or are not eligible for the service for technical reasons. This is a matter for the Secretary of State. The Parole Board does not generally have direct contact with victims.

5. A test in the South-West of England is currently being conducted by the Ministry of Justice on victims automatically having the right to attend private hearings. The expectation is that this will be rolled out across England and Wales during 2024. Victims attending a private hearing have to agree to maintain the privacy of that hearing. Different rules apply to public hearings.
6. Each year the Parole Board is asked by the Ministry of Justice to review the risk of approximately 900 prisoners with a conviction for murder and approximately 900 prisoners with a conviction for rape. Each prisoner referred to the Parole Board has caused immense pain to the victims or their family and loved ones. The Parole Board tries as best it can to take this into account, but it must decide any referral according to the test set out in law which is focussed on risk.

## Background to the case

7. In 1998, following a trial, Mr Williams was convicted of three murders and committing arson recklessly. Mr Williams received a life sentence with a minimum term of 20 years. The circumstances of the offences are that following an argument, Mr Williams and a co-defendant poured petrol through a letterbox of a property and ignited it. A 42 year old woman and two young children died in the fire. A third child survived but her lungs were permanently damaged. Mr Williams was 23 at the time of the offence.
8. Mr Williams’ tariff expired on 12 June 2017.



9. Mr Williams was first convicted, aged 12, of arson, burglary and theft. Between these offences and the index offence, Mr Williams received a number of convictions for violent and acquisitive crimes.
10. Mr Williams was released on licence on 14 June 2021 following an oral hearing.
11. Mr William was recalled on 10 February 2023 due to concerns about his relationship with a vulnerable woman including police callouts.
12. This referral was considered by a member of the Parole Board on 16 June 2023 and the matter was directed to an oral hearing, to consider evidence before making a final decision. This is the first review following Mr Williams' recall.
13. The oral hearing was originally listed for 15 February 2024, however, this date has been vacated due to the requirement for further information. A new date for the oral hearing has not yet been set.
14. Mr Williams is now 50 years old. Mr Williams has at times had issues with his mental health.

### **Details of the Application and Representations**

15. The Parole Board received an application for Mr Williams' oral hearing to be held in public on 11 December 2023. In summary, the reasons given for the application for a public hearing were:
  - a. Public confidence is important to the criminal justice system.
  - b. It is in the interests of the public for this hearing to be in public given the nature of the offences.
  - c. A public hearing would allow the public to understand why Mr Williams was released and then recalled. It would also allow the public to understand any arrangements that are put in place.
  - d. The applicant would have applied for the earlier parole hearing to be in public, however, the Parole Board rules did not then allow for this.
  - e. The applicants want to hear the evidence used to make the decision. They wish to understand how the Parole Board makes its decisions.
16. On 12 December 2023 the Parole Board asked for representations from the parties to the case, namely the Secretary of State for Justice and Mr Williams.
17. In summary, the representations made on behalf of the Secretary of State (dated 21 December 2023) were:



- a. Increased transparency is vital to building public confidence in the parole system, particularly for the most serious offenders.
  - b. The Secretary of State supports the application and asks that proper weight be given to the reasons for the application.
  - c. Should a public hearing be granted, appropriate arrangements will be made to support the victims.
  - d. Should a public hearing be granted, the Secretary of State requests that witnesses be identified by their job title rather than their name.
18. Mr Williams is represented. Mr Williams' representative was asked to provide representations, but none were initially forthcoming. I thought I would be assisted by representations and therefore made a further request of the representative. Representations were then provided. In summary, the representations (dated 12 January 2024) are as follows were:
- a. Mr Williams opposes the application for his hearing to be heard in public.
  - b. It is not in the interests of justice for Mr Williams' hearing to be held in public.
  - c. There are no exceptional features of this case.
  - d. Mr Williams' recall largely related to concerns about his self-management. Mr Williams did not commit any further offences, nor did he present a risk of serious harm to the wider public. This is therefore a standard recall.
  - e. The potential harmful impact of a public hearing on Mr Williams must be considered.
  - f. A summary of the hearing would aid public understanding and satisfy the requirements for open justice.
  - g. Mr Williams is not an offender with a notable public reputation and so a public hearing would do little to aid public confidence or understanding.
  - h. The victims can attend a private hearing. This has not been opposed by Mr Williams. A public hearing would have no legitimate aim, other than to potentially cause emotional distress and shame to Mr Williams.
  - i. A public hearing would cause Mr Williams significant stress.
  - j. Mr Williams is a vulnerable prisoner with a history of serious mental health difficulties.
  - k. The circumstances of Mr Williams' recall relate to highly personal matters including a third party who is a child. Private details pertaining to this will be discussed at the hearing. This would be distressing to Mr Williams and may be distressing to the third parties, some of whom are vulnerable.
  - l. If details of Mr Williams' case are made public, this could potentially lead to negative repercussions were Mr Williams to be released.
  - m. The quality of Mr Williams' evidence would be impacted if the hearing were to be in public.
  - n. The hearing will need to address private health matters. It would be impossible to structure the hearing to limit especially personal information



from being heard. In the alternative, a very curtailed public hearing would be of no benefit to the public.

19. I have also consulted with the Panel Chair as the Panel Chair is most familiar with the details of the case and is therefore best placed to assess: (i) if a public hearing would cause a victim or prisoner undue distress or prevent best evidence being given by witnesses; (ii) if it could adversely affect a prisoner's ability to safely resettlement in the community; or (iii) if it could compromise the panel's ability to assess risk.
20. The Panel Chair made some observations including:
  - a. To date there does not appear to be public interest in the case.
  - b. The victims have been given permission to observe the private hearing.
  - c. There are aspects of this case which make it complex and a public hearing will add to that complexity.
  - d. Some parts of the case will need to be held in private without the victims observing.
  - e. A summary can be provided.

### Reasons for the Decision

21. I have considered all the information in the application and the representations. I have also taken account of the Parole Board's *Guidance on the Criteria for Public Hearings*.
22. The normal position is that parole hearings will remain in private. This is because it is of paramount importance that witnesses are able to give their best evidence. Furthermore, evidence can relate to highly personal matters including health and evidence that may be distressing to victims. There must therefore be good reasons to depart from the general rule. However, where there are good reasons to depart from the general rule, adjustment can be made to ensure that a public hearing is fair.
23. It should be clear that I would not grant an application to have a hearing in public in circumstances where I thought that a public hearing would impact on the fairness of the hearing.
24. I note that, should a hearing be held in public, it is always open to the Panel Chair to use their case management powers to manage the hearing and to suspend a hearing if they feel that the proceedings are becoming unfair.



25. I note the high bar that has been set for a public hearing to be in the interests of justice and I have decided that this high bar is not met in this case. My reasons are as follows:
- a. I have the deepest sympathy for the victims and I cannot imagine the devastating effects that these offences have had on them.
  - b. Mr Williams was convicted of three murders and committing arson recklessly. This is a very serious case, however, much of the oral hearing will be concerned with the circumstances of Mr Williams' recall. This evidence relates to vulnerable third parties. If the hearing is held in public, this evidence would need to be heard in private to avoid causing distress to the third parties and to avoid the risk of identifying them. In circumstances where evidence which is likely to be critical to the Panel's decision cannot be heard in public, it is difficult to see how a public hearing would aid transparency or public understanding of the parole system or the decision in this case.
  - c. Mr Williams has had serious mental health issues in the past. Evidence on his current mental health, which is private in nature, will be considered at the oral hearing. It is unlikely that this evidence would be appropriate to be heard in a public hearing. A public hearing could also impact on the quality of Mr Williams' evidence.
  - d. The victims have been granted permission to attend a private hearing which should allow them to gain a greater understanding of the reasons for the decision made in this case.
  - e. A summary would provide sufficient information to the public for the reasons for the decision made at Mr Williams' oral hearing. This would satisfy the requirements of transparency without prejudicing the effectiveness of the hearing.
26. I therefore have not granted the application for the hearing to be held in public.
27. This matter will only revert back to me if there is any fresh information which represents a significant change in the relevant circumstances.

**Caroline Corby**

**The Chair of the Parole Board for England and Wales**

**26 January 2024**

