

17 September 2020

Dear [REDACTED]

Freedom of Information Act (FOIA) Request – **200819014**

Thank you for your request received 19 August 2020, in which you asked for the following information from the Ministry of Justice (MoJ):

“Andrew Harper” Could you tell me how much was awarded to Albert Bowers, Henry Long and Jessie Cole in the above case to date are some bills still outstanding?

Secondly, how much was awarded prior to the above case, broken down by offence

Your request has been handled under the FOIA. I can confirm that the MoJ holds some of the information that you have requested in the first part of your enquiry shown above, and I have provided this below. These figures concern all costs regarding the recent trial you have mentioned, including charges regarding the death of PC Andrew Harper, as well as associated offences, such as those involving the theft of a vehicle:

Name	Police Station	Crown Court		Total
	Solicitor	Solicitor	Barrister	
Henry Long	£1,148.02	£119,405.05	£118,877.04	£239,430.11
Albert Bowers	£610.22	£78,803.61	£127,362.90	£206,776.73
Jessie Cole	£962.50	£78,803.61	£128,166.42	£207,932.53

The above costs include VAT and disbursements. Disbursements are expenses incurred which although paid by the LAA directly to the providers, are then paid to other parties involved in the case.

It is not possible to comment in detail at this stage on bills that are ‘outstanding’, as not all claims may yet have been received. Where a trial has only recently concluded, as in this instance, further claims may continue to be made until the billing process has been completed by all of the lawyers involved. The above figures are therefore accurate as at the time of writing, but may be subject to change until all fees have been submitted, considered and paid.

Please note that two of the defendants (Albert Bowers and Jessie Cole) were represented by the same firm, and on that basis the total sum paid to represent both of them has been apportioned on a 50/50 basis; for this reason the solicitors fees attributable to those defendants appear as the same figure in the table above.

The Legal Aid Agency (LAA) records data on legal aid granted at the police station, magistrates court or prison on a computer system which does not record all of the personal information needed to allow individuals to be conclusively identified. Initials and surnames are recorded but not full names or dates of birth. Where possible, we look at other related information to confirm that such legal aid claims relate to the individual named in a Freedom of Information request so that we can include the information as appropriate, but if we are not able to verify that a claim relates to the individual named we cannot include it in our response.

These offenders did not receive a penny of legal aid – it went to lawyers to ensure a fair trial. Without it criminals would have stronger grounds for appeal - dragging the process out for victims and risking them avoiding prison altogether.

There is an ongoing Criminal Legal Aid Review which is looking into fee schemes: <https://www.gov.uk/guidance/criminal-legal-aid-review>. This includes a recently announced review to look at the sustainability of the legal aid market

Our Assaults on Emergency Workers (Offences) Act means judges must also consider tougher sentences for more serious offences – such as manslaughter, GBH or sexual assault – if the victim was an emergency worker.

Anyone facing a Crown Court trial is eligible for legal aid, subject to a strict means test. Depending on their means, applicants for criminal legal aid can be required to pay contributions up to the entire cost of the defence.

In terms of the second part of your request (on legal aid awarded prior to the above case, I can neither confirm nor deny if the MoJ holds the information that you have requested. Under section 31(1)(c) of the FOIA, the duty to confirm or deny does not arise if, or to the extent that, exemption from section 1(1)(a) is required because doing so would be likely to prejudice the administration of justice.

FOI is a public disclosure regime, not a private regime. This means that any information disclosed under the FOIA by definition becomes available to the wider public. If any information were held, confirming this would be to the world at large. The criminal proceedings in respect of these defendants are not yet finalised, in that a number of post-conviction matters (appeals, sentence reviews, etc.) remain active. Until all proceedings reach a conclusion, it would not be lawful for us to confirm or deny any details about any previous cases.

Please note that where cases have not yet fully concluded, as in this one, we answer all enquiries on previous legal aid awards in this manner, irrespective of whether or not any additional information is actually held. This is to ensure that the administration of justice is protected in all such cases.

The fact section 31(1)(c) of the FOIA has been cited, should not be taken as an indication that the information you have requested is held, or is not held by the MoJ.

Section 31(1)(c) is a qualified exemption which means that the decision to disclose the requested material is subject to the public interest test. When assessing whether or not it was in the public interest to confirm or deny whether the information is held to you, we took into account the following factors

Public interest considerations favouring disclosure

- Disclosure of information held by the MoJ would be consistent with the Government's wider commitment to transparency.

Public interest considerations favouring withholding the information

- While there is a commitment to wider transparency, this should not be at the expense of the integrity of judicial proceedings.
- As this matter is ongoing as explained above, the MoJ are taking steps to mitigate any risk of prejudice to the administration of justice, which would serve to diminish the chances of a trial taking place legally, and where disclosure would therefore obstruct criminal proceedings;
- While the issue of legal aid is a matter of some public debate and press interest, public confidence in the integrity and effectiveness of the criminal justice system and the administration of justice services greater public interest;
- The MoJ has also taken into account that FOIA discloses to the world at large and not just to the requester. Where there is any prospect of a retrial being ordered, or further judicial decisions to be made regarding this case, the MoJ has a duty to ensure the impartiality of those proceedings by not disclosing information outside the forum of the court;
- Confirming or denying if this information is held in these circumstances would be likely to result in prejudice, which may disrupt these proceedings and adversely affect their outcome, or generate additional grounds for challenge, thus prolonging the judicial process.

On balance, I consider the public interest favours neither confirming or denying we hold the information at this time.

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gov.uk

Disclosure Team, Ministry of Justice

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

**Information Governance
Legal Aid Agency**