

transparency  
in pricing

motoring offences  
(summary offences)

Leathes Prior is committed to providing transparency in  
pricing in line with the SRA Transparency Rules.

## **PRICE TRANSPARENCY: MOTORING OFFENCES (SUMMARY OFFENCES)**

We are required by our professional rules to display prices and service information in respect of advising and representing clients facing Magistrates' Court proceedings for summary only motoring offences which are concluded at a single hearing by way of a guilty plea.

Examples of the type of summary only motoring offences covered by this note are speeding, driving without due care and attention (also known as careless driving), drink driving and drug driving.

### **Who will deal with your case?**

[Howard Catherall](#) will advise and represent you in relation to your case.

Howard is a Partner and Head of Regulatory & Criminal Defence. He qualified as a solicitor in January 2001. He completed his training with Reynolds Dawson Solicitors in London and Gotelee Solicitors in Ipswich, where he subsequently went on to become a Partner. Howard joined Leathes Prior as a Partner in 2021. He has more than 20 years' experience of advising and representing individuals and businesses who appear before the criminal courts. He is accredited by the Law Society in relation to Criminal Law and is a Higher Rights Advocate.

### **What will we do?**

The work which Howard carries out for you through to the conclusion of the single court hearing is likely to include:

- An initial meeting with you shortly after you are charged

This could be following arrest and charge by the police, or after receipt in the post of a Notice of Charge or a Single Justice Procedure Notice.

We recognise that this will be an extremely stressful time and you will wish to obtain advice at the very earliest opportunity.

During the initial meeting Howard will take instructions from you in relation to the offence itself and relevant background information. He will provide advice upon plea, likely sentence, court procedure (so that you know what to expect), completion of the financial information document (known as Form MC100) and the steps which should be taken in preparation for the court hearing.

Where appropriate, Howard will advise upon whether there are grounds to pursue an exceptional hardship or special reasons argument (which, if successful, can respectively lead to the avoidance of a penalty points disqualification or the endorsement of points on a driving record), or whether a Newton Hearing is likely to be required (where the basis of a guilty plea doesn't involve full acceptance of the extent of the prosecution case and the court determines that there would be a substantial difference between sentence imposed on the basis of the prosecution case and sentence imposed on the basis of the defence case).

- Confirmation of advice in writing

Howard will write to you to confirm his advice.

If Howard advises that it will be in your best interests to present character references at the hearing, so that these can be read by the court when considering sentence, he will provide you with guidance "headers", bespoke to your case, for you to forward to your character referees so that these are kept in mind when drafting their references. This

ensures that character references are focused and concise, which maximises the chance of them being fully considered and having an impact at the hearing.

- Consideration of the prosecution evidence

This is likely to be made available by the prosecution approximately 7 days before your court hearing.

- A second meeting with you

If there is anything within the prosecution evidence which Howard needs to take your instructions upon, you will have a further meeting with him during the period leading up to your hearing date.

- Consideration of your character references and any other mitigation material + preparation for the court hearing

A defence mitigation bundle and your Form MC100 will be uploaded to the court's case management system (known as "Common Platform"). These will sometimes be considered by the court shortly before the hearing, but will more often be read during the hearing itself.

Howard will prepare your "plea in mitigation" based upon the instructions you have provided. This is the oral submission that he will make on your behalf, seeking to persuade the court to impose the lowest realistic sentence available.

- The day of the court hearing

Howard will have a meeting with you at our office, if your case is at Norwich Magistrates' Court (we are located just a short walk from the court building) or at a pre-arranged location if your hearing is at a different court.

On arrival at court, Howard will liaise with the court Legal Advisor (previously known as the Clerk to the Justices) and the prosecution advocate. If Howard has formed the view that the court is likely to impose a community order (such as unpaid work in the community) or that you could be at risk of a prison sentence, he will also liaise with the Probation Service.

The amount of time required to be spent at court will depend upon a number of factors:

- The number of cases the court is dealing with that day.
- The speed with which the court is able to deal with its list of cases.
- Priority given by the court to other cases in its list (such as individuals appearing from custody or juveniles appearing alongside adult defendants).
- The time that you are required to attend court.

If you are required to attend at 9:00am, when the court building opens, there is a good chance that your case will be heard early on in the court's list (the court will usually start hearing cases from 10:00am). However, if you are required to attend at, say, 11:30am and the court is taking longer than anticipated to deal with individuals required to attend earlier, then your case might not be heard before the court adjourns for lunch (usually 1:00pm till 2:00pm) and this means that you could be at court well into the afternoon.

- The seriousness of the offence.

If you are facing a community order or you are at risk of imprisonment, the court would be expected to ask the Probation Service to meet with you and prepare a “stand-down report”. This request would be made of the Probation Service after you have entered your guilty plea and after the court has heard the details of the case from the prosecution advocate and considered your plea in mitigation. Your case would be adjourned to later in the day. You would meet with a Probation Officer at court (which could be in person or via video link). The Probation Officer would discuss the offence with you and obtain some details about you and your personal circumstances (such as family and work).

The speed with which the Probation Officer can meet with you and prepare the stand-down report will very much depend upon the number of reports that the court requires that day and the number of Probation Officers on duty. Once the Probation Officer is in a position to present the stand-down report (which is done verbally), the court will be made aware that matters can recommence. The court will call your case back in for sentence when it is in a position to do so.

If the need for a stand-down report is anticipated, Howard will advise that you should prepare yourself for the potential of having to be at court for much of the day.

After the hearing, Howard will discuss the outcome with you and advise upon whether sentence is at an appropriate level or whether it should be appealed.

- Confirmation of outcome and advice in writing

Howard will write to you to confirm the sentence imposed by the court and, if appropriate, any steps which should be taken.

## **Our charges**

The work that Howard carries out for you will be charged on an hourly rate basis. His current hourly rate is £330 + VAT. This reflects his level of experience and expertise in this area of law.

For cases dealt with at Norwich Magistrates’ Court, in the region of 6 to 12 hours of Howard’s time is likely to be required to provide you with advice and representation, upon a presumption that a guilty plea is entered and your case is concluded at a single court hearing. Hence, costs could fall within a range of £1,980 to £3,960 + VAT.

Howard also acts for clients facing proceedings at other Magistrates’ Courts (our criminal and motoring defence work has taken in places such as Carlisle, Chelmsford, Guildford, Harrogate, High Wycombe, Highbury Corner, Ipswich, King’s Lynn, Stevenage and Westminster). The costs range doesn’t include travel time and disbursements (such as train fares), which would be additional and reflect the distance to be covered in your individual case.

## **The range of costs**

The costs range takes into account that, on the one hand, your case may be relatively straightforward, involving a single meeting, no issues arising on a limited amount of prosecution evidence, no need for character references and a brief amount of time required at court on the day of the hearing. At the opposite end, for cases where a stand-down report is anticipated, these will likely involve two meetings ahead of the hearing, a greater degree of prosecution material to consider, a need for a number of character references and a considerably longer day at court.

Once Howard has taken your initial instructions he will be able to provide you with a focused estimate which takes into account the specific circumstances of your own individual case.

Exceptional hardship cases will usually involve an amount of work which generates costs in the region of the upper end of the range, and can be more if supporting witness evidence is required (by way of obtaining and presenting written witness statements or calling witnesses to give evidence at the hearing). These cases require careful and thorough preparation as the burden of proving exceptional hardship is upon the defendant. They are approached on the basis that you (and any witnesses in support) would need to give evidence on oath and that documentary material would need to be exhibited which substantiates the assertion that exceptional hardship would be suffered by you, or another, in the event of a 6 month penalty points disqualification from driving.

Please note that the costs range does not include:

- Instruction of any expert witnesses.
- Taking statements from any witnesses (except in exceptional hardship cases) or liaising directly with character referees.
- Advising and representing you through to the conclusion of a special reasons argument or a Newton Hearing. This is because these are contested proceedings akin to a trial, requiring more than a single court hearing. In such cases, having taken your initial instructions, an estimate of costs would be provided to you which reflects the particular circumstances of your case and the likely time required for the Court to hear the evidence and reach a determination.
- Preparation and submission of a Notice of Appeal and / or advice, assistance or representation in relation to any appeal proceedings.
- Preparation for and representation at a second hearing. In exceptional instances, after you have entered your guilty plea and after the details of the prosecution case and your plea in mitigation have been considered, the court could adjourn your case for a written Pre-Sentence Report to be prepared by the Probation Service and for sentence to take place at a second hearing.