

William Richards

Solicitor

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Fined Date: 10 February 2023

Decision - Fined

Outcome: Fine

Outcome date: 10 February 2023

Published date: 13 February 2023

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Hine Downing LLP

Address(es): 8-14 Berkeley Vale FALMOUTH TR11 3PH England

Firm ID: 597318

Outcome details

This outcome was reached by SRA decision.

Decision details

1. Agreed outcome

1.1 Mr William Richards (Mr Richards), a solicitor at Hine Downing LLP (the Firm), agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. he is fined £2000
- b. to the publication of this agreement
- c. he will pay the costs of the investigation of £300.

2. Summary of Facts

2.1 On 8 January 2022 police investigated a report that Mr Richards had been driving erratically. They attended his home shortly afterwards, as the report advised he had left his car at a nearby supermarket. Mr Richards was taken to the local police station where he provided two breath samples. The samples he provided to the police showed that he



had driven his car after consuming a level of alcohol that exceeded the prescribed legal limit. Mr Richards was charged with that offence.

2.2 On the same day the police went to check Mr Richards' car and noted that a firearms case, containing one shotgun and an ammunition bag were on the back seat. Mr Richards was further charged with failing to comply with the conditions of a shotgun certificate.

2.3 On 8 August 2022, at Truro Magistrates Court, Mr Richards pleaded guilty to the offences of driving a motor vehicle when his level of alcohol was above the legal limit and of failing to comply with the condition of a shotgun certificate.

2.4 The sentence for the drink driving offence was:

- a. A 17-month driving ban reduced by 17 weeks on satisfactory completion of a drink drivers awareness course and
- b. a fine of £807

2.5 Mr Richards was also ordered to pay:

- c. a victim surcharge payment of £131
- d. payment of costs of £85

2.5 The sentence for the conditions of a shotgun certificate offence was:

- a. a fine of £500 and
- b. to give up the rights to own a 12 bore shotgun and cartridges

2.6 Mr Richards promptly notified the SRA that he had been charged, in an email of 12 July 2022, and convicted, in an email of 26 August 2022.

3. Admissions

3.1 Mr Richards makes the following admissions which the SRA accepts, that by virtue of his conduct and conviction, he failed to behave in a way which upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons, in breach of Principle 2 of the SRA Principles.

4. Why a fine is an appropriate outcome

4.1 The SRA's Enforcement Strategy sets out its approach to the use of its enforcement powers where there has been a failure to meet its standards or requirements. Its topic guides for 'driving with excess alcohol convictions' and 'criminal offences outside of practice' also provide insight on the approach to enforcement and indicative sanctions guidelines.



4.2 When considering the appropriate sanctions and controls in this matter, the SRA has taken into account the admissions made by Mr Richards and the following mitigation which he has put forward:

- a. There was no lasting harm caused to persons or property in either incident
- b. He promptly reported the charges and convictions to the SRA, and co-operated with our investigation
- c. He has shown insight and remorse for his actions

4.3 The SRA considers that a fine is the appropriate outcome because:

- a. Mr Richards was directly responsible for his conduct and
- b. By driving after he had consumed alcohol that exceeded the prescribed legal limit, and by disregarding shotgun licence conditions, Mr Richards disregarded the potential risk of harm both they might cause.

4.4 A fine is appropriate to maintain professional standards and uphold public confidence in the solicitors' profession and in legal services provided by authorised persons. Any lesser sanction would not provide a credible deterrent to Mr Richards and others. A financial penalty therefore meets the requirements of rule 4.1 of the Regulatory and Disciplinary Procedure Rules.

5. Amount of the fine

5.1 The amount of the fine has been calculated in line with the SRA's published guidance on its approach to setting an appropriate financial penalty (the Guidance).

5.2 Having regard to the Guidance, the SRA and Mr Richards agree that the nature of the misconduct was low because Mr Richards co-operated with the investigation, the conduct was not intentional and did not form a pattern of misconduct. The Guidance gives this type of misconduct a score of one.

5.3 The SRA considers that the impact of the misconduct was medium because it had the potential to cause moderate loss or impact. The Guidance gives this level of impact a score of four.

5.4 The nature and impact scores add up to five. The Guidance indicates a broad penalty bracket of £1,001 to £5,000 is appropriate.

5.5 In deciding the level of fine within this bracket, the SRA has considered the mitigation at paragraph 4.2 above which Mr Richards has put forward.

5.6 Considering the factors in the Enforcement Strategy, including the potential for the conduct to cause harm it is agreed that a fine at the



middle of the bracket is appropriate. The SRA therefore considers a basic penalty of £3,500 to be suitable.

5.7 The SRA considers that the basic penalty should be reduced to £2,000. This reduction reflects the mitigation put forward by paragraph 4.2 above.

6. Publication

6.1 The SRA considers it appropriate that this agreement is published in the interests of transparency in the regulatory and disciplinary process. Mr Richards agrees to the publication of this agreement.

7. Acting in a way which is inconsistent with this agreement

7.1 Mr Richards agrees that he will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

7.2 If Mr Richards denies the admissions, or acts in a way which is inconsistent with this agreement, the conduct which is subject to this agreement may be considered further by the SRA. That may result in a disciplinary outcome or a referral to the Solicitors Disciplinary Tribunal on the original facts and allegations.

7.3 Denying the admissions made or acting in a way which is inconsistent with this agreement may also constitute a separate breach of principles 2 and 5 of the Principles and paragraph 7.3 of the Code of Conduct for Solicitors, RELs and RFLs.

8. Costs

8.1 Mr Richards agrees to pay the costs of the SRA's investigation in the sum of £300. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

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