

Richard Gamble

Solicitor

638925

Agreement Date: 12 April 2023

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 12 April 2023

Published date: 12 April 2023

Firm details

Firm or organisation at date of publication and at time of matters giving rise to outcome

Name: KIDD RAPINET LLP

Address(es): 29 Harbour Exchange Square, London, E14 9GE

Firm ID: 596330

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed outcome

1.1 Richard Gamble, a solicitor of Kidd Rapinet LLP, agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. he is fined £1,875
- 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 10 June 2022, Mr Gamble was driving along the M4 and drove into the motorway services car park. The police attended and Mr Gamble was breathalysed and arrested because his alcohol level was above the prescribed limit. He was questioned and released under investigation.



2.2 On 14 June 2022, Mr Gamble reported to the SRA that he had been arrested on suspicion of drink driving.

2.3 On 5 August 2022, Mr Gamble was charged with the offence of driving a motor vehicle when his alcohol was above the prescribed limit.

2.4 On 2 September 2022, Mr Gamble pleaded guilty at Reading Magistrates' Court to the above offence. Mr Gamble received the following sentence:

- a. he was given a community order of 200 hours unpaid work
- b. he was disqualified from driving for 30 months, to be reduced by 30 weeks upon completion of a drink driving awareness course; and
- c. he was ordered to pay costs of £180.

2.5 On 2 September 2022, Mr Gamble informed the SRA of his conviction.

3. Admissions

3.1 Mr Gamble makes the following admissions which the SRA accepts. That by virtue of his conduct and conviction for driving a motor vehicle when his level of alcohol was above the prescribed limit, he failed to act in a way that 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 and its topic guide on driving with excess alcohol convictions, sets out its approach to the use of its enforcement powers where there has been a failure to meet its standards or requirements.

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

- a. He has shown insight and remorse and pleaded guilty at the first opportunity.
- b. He promptly reported the matter to the SRA and co-operated fully with its investigation.
- c. No harm was caused to persons or property because of the offence.
- d. This was an isolated incident.
- e. He has taken steps to amend his behaviour and avoid any future repetition.

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

- a. The conduct had the potential to cause harm to other road users.
- b. There was a reckless disregard of the risk of harm.



4.4 A fine is appropriate to uphold public confidence in the solicitors' profession and in legal services provided by authorised persons because any lesser sanction would not sufficiently address the conduct and provide a credible deterrent to Mr Gamble 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 Gamble agree that the nature of the misconduct was low because the conduct did not form a pattern of behaviour and Mr Gamble has cooperated with the investigation. 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 the conduct had the potential to cause moderate harm. 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.

5.6 Considering the factors in the Enforcement Strategy, the SRA considers that this was an isolated incident, there is no pattern of behaviour, and Mr Gamble has shown insight and remorse.

5.7 However, this must be balanced against the aggravating factors in the case, which are that Mr Gamble had a particularly high level of alcohol in his breath, he demonstrated a reckless disregard as to the risk of harm and that he was sentenced to a high-level community order and a lengthy disqualification. The SRA considers a basic penalty of £2,500, in the middle of the bracket to be appropriate.

5.8 The SRA considers that the basic penalty should be reduced to £1,875. This reduction reflects the fact that the conduct was fully and frankly reported to the SRA promptly.

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 Gamble agrees to the publication of this agreement.

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

7.1 Mr Gamble 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 Gamble 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 SRA Principles and paragraph 7.3 of the SRA Code of Conduct for Solicitors, RELs and RFLs.

8. Costs

8.1 Mr Gamble 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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