

Lauren Pemberton

Solicitor

647660

Agreement Date: 7 February 2022

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 7 February 2022

Published date: 9 February 2022

Firm details

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

Name: KHF Solicitors LTD

Address(es): 351 Moston Lane Manchester M40 9NB

Firm ID: 444170

Outcome details

This outcome was reached by agreement.

Other information

1. Agreed outcome

1.1 Ms Pemberton, a solicitor, agrees to the following outcome to the investigation of her conduct by the Solicitors Regulation Authority (SRA):

- a. she is fined £1,000
- b. to the publication of this agreement
- c. she will pay the costs of the investigation of £300.

2. Summary of Facts

2.1 On 1 September 2021, Ms Pemberton pleaded guilty at Manchester Magistrates Court to driving under the influence of excess alcohol.

2.2 The sentence was:

- a. disqualification from driving for 20 months to be reduced by 20 weeks on satisfactory completion of a course approved

by the secretary of state and

- b. a fine of £460.

2.3 Ms Pemberton was also ordered to pay:

- a. costs of £85 and
- b. a victim surcharge of £46.

2.3 Ms Pemberton promptly notified the SRA that she had been charged and convicted.

3. Admissions

3.1 Ms Pemberton admits, and the SRA accepts that by virtue of her conduct and conviction, she 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 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 Ms Pemberton and the following mitigation which she has put forward:

- a. this is an isolated incident
- b. she promptly reported her conviction to the SRA and cooperated fully with its investigation
- c. she has expressed insight and remorse for her conduct
- d. she paid the fine and costs and she has completed the driving course.

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

- a. a disregard to the potential risk of harm
- b. direct responsibility on the part of Ms Pemberton for her conduct

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 because of the seriousness of her conduct. Any lesser sanction would not provide a credible deterrent to Ms Pemberton 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 Ms Pemberton agree that the nature of the misconduct was high because her conduct has arisen as a result of recklessness. The Guidance gives this type of misconduct a score of three.

5.3 The SRA considers that the impact of the misconduct was low because it caused minimal loss and had minimal impact. The Guidance gives this level of impact a score of two.

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 Ms Pemberton has put forward.

5.6 Considering the factors set out in the Guidance including the impact of the conduct, it is agreed that a fine at the lower end of the bracket is appropriate. On balance, the SRA considers that the basic penalty should be reduced to £1,000. This reduction reflects the co-operation and early admission by Ms Pemberton.

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. Ms Pemberton agrees to the publication of this agreement.

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

7.1 Ms Pemberton agrees that she will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

7.2 If Ms Pemberton 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 Ms Pemberton 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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