

Tracey Colgan

Employee

7159628

Agreement Date: 6 November 2023

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 6 November 2023

Published date: 23 November 2023

Firm details

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

Name: Anthony Philip James & Co Limited

Address(es): 7600 Daresbury Park Daresbury Warrington WA4 4BS
England

Firm ID: 629443

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed outcome

1.1 Ms Tracey Colgan, an employee of Anthony Philip James & Co Ltd, agrees to the following outcome to the investigation of her conduct by the Solicitors Regulation Authority:

- a. She is fined £1547.85.
- 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 20 May 2023, Ms Colgan drove her car on Redbrook Road, Partington when she collided with a stationary police car. She failed a roadside breath test at the scene and was arrested and taken to Pendleton police station. She subsequently gave an evidential sample of breath which

showed a reading of 113 micrograms of alcohol in 100 millilitres of breath. This exceeded the prescribed limit of 35 micrograms of alcohol per 100 millilitres of breath. She was charged with driving a motor vehicle whilst above the prescribed alcohol limit, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

2.2 On 31 May 2023, Ms Colgan pleaded guilty at Manchester & Salford Magistrates Court to the above offence. She was subsequently sentenced on 18 July 2023.

2.3 The sentence was:

- i. disqualification from holding or obtaining a driving licence for 24 months to be reduced by 24 weeks if by 18 January 2025 Ms Colgan completes a driving rehabilitation course.
- ii. a fine of £199.00.
- iii. an order to complete 100 hours of community service by 17 July 2024.

2.4 Ms Colgan promptly notified the SRA that she had been convicted of this offence.

3. Admissions

3.1 Ms Colgan admits, and the SRA accepts, that by virtue of her conduct and conviction for driving with excess alcohol, she has failed to behave in a way that upholds trust and public confidence in the solicitors' profession in breach of Principle 2 of the Standards and Regulations.

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.

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

- i. She promptly reported her conviction to the SRA and co-operated fully with its investigation.
- ii. She has shown insight and remorse for her actions and pleaded guilty at the first opportunity.
- iii. no harm was caused to persons or property because of the offence.
- iv. this is an isolated incident.



4.3 A fine is appropriate to uphold public confidence in the solicitors' profession and in legal services provided by authorised persons. 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 Colgan agree that the nature of the misconduct was more serious because Ms Colgan's actions were reckless. The Guidance gives this type of misconduct a score of three.

5.3 The SRA considers that the impact of the misconduct was medium because Ms Colgan collided with a stationary police car as a result of the high level of alcohol in her system which impaired the standard of her driving. The Guidance gives this level of impact a score of four.

5.4 The nature and impact scores add up to seven. The Guidance indicates a broad penalty bracket of £2,579 to £7,889 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 Colgan has put forward. On this basis, the SRA consider that because this was an isolated incident, and there is no pattern of behaviour, a fine at the lower end of the bracket is appropriate. However, this must be balanced against the aggravating factors in the case, which are that Ms Colgan had a particularly high level of alcohol in her breath and that she was sentenced to a lengthy disqualification.

5.6 The SRA considers a basic penalty of £2,579 which at the bottom of the bracket, to be appropriate.

5.7 The SRA considers that the basic penalty should be reduced to £1,547.85. This reduction reflects the financial hardship presented and evidenced by Ms Colgan.

5.8 Ms Colgan does not appear to have made any financial gain or received any other benefit as a result of their conduct. Therefore, no adjustment is necessary to remove this, and the amount of the fine is £1,547.85.

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 Colgan agrees to the publication of this agreement.

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

7.1 Ms Colgan 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 Colgan 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 of the Code of Conduct for Solicitors, RELs and RFLs.

8. Costs

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

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