

# John Turner

## Solicitor

### 380262

*Control of practice Date: 28 June 2023*

#### *Decision - Control of practice*

Outcome: Condition

Outcome date: 28 June 2023

Published date: 2 August 2023

#### *Firm details*

##### **Firm or organisation at time of matters giving rise to outcome**

Name: Kyles Legal Practice Limited

Address(es): 20 Northumberland Square, North Tyneside, South Shields,  
NE30 1PX

Firm ID: 539810

##### **Firm or organisation at date of publication**

Name: Reece Thomas Watson Limited

Address(es): 758 Holloway Road, Islington, London, N19 3JF

Firm ID: 622992

#### *Outcome details*

This outcome was reached by SRA decision.

#### *Decision details*

John Turner's practising certificate for 2022/23 is subject to the following conditions:

1. Mr Turner shall not act as a manager or owner of any authorised body.
2. Mr Turner may not practise on his own account under regulation 10.2(a) or (b) of the SRA Authorisation of Individuals Regulations.
3. Mr Turner may not act as a compliance officer for legal practice (COLP) or compliance officer for finance and

administration (COFA) for any authorised body.

4. Mr Turner does not hold or receive client money, or act as a signatory to any client or office account or have the power to authorise transfers from any client or office account.
5. Mr Turner will pay in full or adhere to the payment plan agreed with the SRA for the Regulatory Settlement Agreement fine of £1700 and costs of £450, prior to the renewal of his 2023/24 practising certificate

In these conditions the terms are as defined in the SRA Glossary

#### *Reasons/basis*

The above conditions are necessary in the public interest. They are reasonable and proportionate having regard to the purposes set out in regulation 7 of the SRA Authorisation of Individuals Regulations, and the regulatory objectives and principles governing regulatory activities as contained in section 28 of the Legal Services Act 2007.

*Fined Date: 27 April 2022*

#### *Decision - Fined*

Outcome: Fine

Outcome date: 27 April 2022

Published date: 6 May 2022

#### *Firm details*

##### **Firm or organisation at time of matters giving rise to outcome**

Name: Kyles Legal Practice

Address(es): 20 Northumberland Square, North Tyneside, North Shields, NE30 1PX

Firm ID: 539810

##### **Firm or organisation at date of publication**

Name: Reece Thomas Watson Limited

Address(es): 758 Holloway Road, Islington, London, N19 3JF

Firm ID: 622992

#### *Outcome details*

This outcome was reached by SRA decision.

#### *Decision details*

##### *1. Agreed outcome*

1.1 Mr John Peter Turner, a former director of Kyles Legal Practice Ltd (the firm), agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. he is fined £1,700
- b. to the publication of this agreement
- c. he will pay the costs of the investigation of £450.

#### *Reasons/basis*

##### *2. Summary of Facts*

2.1 On 27 April 2018 the firm submitted a qualified accountants' report to the SRA. That report detailed breaches of the SRA Accounts Rules identified by the firm's accountants.

2.2 The SRA carried out a forensic inspection and identified that between 31 May 2018 and 6 March 2019, the firm failed to:

- a. complete client account reconciliations at least every five weeks
- b. accurately maintain client ledgers which led to a minimum client account shortage of £25,291.09 and
- c. ensure compliance with the accounts rules due to its failure to maintain its books of accounts

2.3 The firm replaced the shortage in full by 6 March 2019.

2.4 On 6 February 2020 the directors of the firm told the SRA of their decision to close the practice.

2.5 On 16 March 2020 the firm went into liquidation.

##### *3. Admissions*

3.1 Mr Turner makes the following admissions as a principle of the firm which the SRA accepts:

- a. By failing to keep the firm's books of account up to date he breached Rules 1.2 (f), 29.1 (a) and (b), 29.2 (a) and (b) and 29.12 (a) (b) and (c) of the SRA Accounts Rules 2011 (the Accounts Rules)



- b. By allowing a client account shortage to occur and failing to remedy that shortage promptly he breached Rules 1.2 (e) and 7.1 of the Accounts Rules
- c. By failing to accurately maintain client ledgers he breached Rules 1.2 (e) and (f), 20.1 (in its entirety), 29.1 (a) and (b) and 29.2 (a) and (b) of the Accounts Rules
- d. By virtue of the breaches admitted at (a), (b) and (c) he also breached Rule 6.1 of the Accounts Rules and Principles 8 and 10 of the SRA Principles 2011.

#### *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 Mr Turner and the following mitigation which he has put forward:

- a. The client account shortages were replaced in full
- b. Mr Turner has cooperated with the SRA's investigation
- c. Mr Turner had taken steps to ensure future compliance with the SRA Accounts Rules before the firm closed.

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

- a. The misconduct had the potential to cause significant harm
- b. Mr Turner, as a director of the firm had an obligation to ensure its compliance with the SRA Rules and was directly culpable for the misconduct
- c. Mr Turner, as a director of the firm, was reckless because he disregarded the risk of harm and his regulatory obligations
- d. While the shortages were remedied, the breaches identified continued for a period of almost nine months and therefore longer than reasonable.

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. A fine is appropriate because it reflects the seriousness of the misconduct and provides a credible deterrent to Mr Turner 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 Turner agree that the nature of the misconduct was high because This is because the conduct has arisen out of recklessness and formed a pattern of behaviour. 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 Mr Turner and the other directors did take remedial action by correcting the issues identified by the SRA. 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.

5.6 On this basis, the SRA considers the lack of actual harm caused and the remedial action taken by Mr Turner and the directors indicate a fine at the lower end of the bracket. However, this must be balanced against the fact that this matter evidences a pattern of behaviour. The SRA considers a basic penalty of £2,000, which is towards the bottom of the bracket, to be appropriate.

5.7 The SRA considers that the basic penalty should be reduced to £1,700. This reduction reflects a 15% reduction in the penalty for Mr Turner's admission of the misconduct before the matter was referred for a decision.

5.8 Mr Turner has not made any financial gain or received any other benefit as a result of his conduct. Therefore, no adjustment is necessary to remove this and the amount of the fine is £1,700.

#### *Other information*

#### *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 Turner agrees to the publication of this agreement.

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

7.1 Mr Turner 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 Turner 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 Turner agrees to pay the costs of the SRA's investigation in the sum of £450. Such costs are due within 28 days of a statement of costs due being issued by the SRA.

*Control of practice* Date: 8 July 2019

#### ***Decision - Control of practice***

Outcome: Condition

Outcome date: 8 July 2019

Published date: 13 May 2021

#### ***Firm details***

##### **Firm or organisation at time of matters giving rise to outcome**

Name: Kyles Legal Practice Ltd

Address(es): 20 Northumberland Square, North Tyneside, North Shields  
NE30 1PX

Firm ID: Kyles Legal Practice Ltd

#### ***Outcome details***

This outcome was reached by SRA decision.

##### ***Decision details***

John Turner was adjudged bankrupt on 18 December 2020. As such, his 2020/2021 practising certificate was automatically suspended.

The suspension of Mr Turner's practising certificate has been terminated subject to the following conditions.

1. John Turner is not a manager or owner of any authorised body.
2. John Turner does not hold or receive client money, or act as a signatory to any client or office account or have the power

to authorise transfers from any client or office account.

3. Condition two above is imposed with the exception of Kyles Legal Practice Ltd (SRA ID 539810). Mr Turner is permitted to maintain access to these accounts to help facilitate the orderly closure of the firm.
4. Mr Turner may not act as a compliance officer for legal practice (COLP) or compliance officer for finance and administration (COFA) for any authorised body.

In these conditions the definitions are as defined in the SRA Glossary.

*Reasons/basis*

The above conditions are necessary in the public interest and reasonable and proportionate having regard to the purposes set out in Regulation 7 of the SRA Authorisation of Individuals Regulations and the regulatory objectives and principles governing regulatory activities as contained in section 28 of the Legal Services Act 2007.  
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