

David Savell

Solicitor

470753

Agreement Date: 18 February 2022

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 18 February 2022

Published date: 21 February 2022

Firm details

No detail provided:

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed outcome

1.1 David Savell, a solicitor, agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority Limited (SRA):

- i. he is fined £1,100
- ii. to the publication of this agreement in full on the SRA website
- iii. to pay the costs of the investigation in the sum of £300.

2. Summary of facts

2.1 On 20 May 2021, Mr Savell's car was stationary at temporary roadworks when it was struck by another vehicle.

2.2 The police attended and took breath specimens from both drivers. Mr Savell was subsequently charged with driving a motor vehicle when his alcohol level was above the legal limit.

2.3 On 16 July 2021, Mr Savell pleaded guilty to and was convicted of the charge, contrary to Section 5(1)(a) of the Road Traffic Act 1998 and Schedule 2 of the Road Traffic Offenders Act 1988.

2.4 Mr Savell was sentenced as follows:



- i. disqualification from holding or obtaining a license for 18 months, to be reduced by 18 weeks upon completion of a drink driving awareness course and
- ii. A fine of £922

2.5 Mr Savell was also ordered to pay:

- i. a victim surcharge of £92 and
- ii. costs of £105.

2.6 Mr Savell promptly reported both his charge and conviction to the SRA.

3 Admissions

2.1 Mr Savell admits, and the SRA accepts, that by virtue of his conduct and conviction, he failed to behave in a way which maintains the trust the public places in him and in the provision of legal services in breach of Principle 2 of the SRA Principles.

3 Why a fine is an appropriate outcome

3.1 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.

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

- i. This is an isolated incident, and he has no previous convictions
- ii. he has shown insight into and expressed remorse for his behaviour – he completed the drink driving awareness course on 25 August 2021
- iii. he promptly reported his conviction to the SRA and has cooperated fully with the investigation and
- iv. he pleaded guilty at the first opportunity and cooperated fully with the police.

3.3 The SRA and Mr Savell considers that a fine is the appropriate outcome because:

- i. there was a disregard to the risk or potential risk of harm and his conduct has resulted in damage to property and
- ii. he had direct control or responsibility for his behaviour.



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

4 Amount of the fine

4.1 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.

4.2 Having regard to this guidance, the SRA and Mr Savell agree that the nature of the misconduct was low/medium as Mr Savell has cooperated with the investigation and the misconduct does not appear to be as a result of a pattern. The guidance gives this type of misconduct a score of 1.

4.3 The SRA and Mr Savell agree that the impact of the misconduct was medium because it caused moderate impact and loss. The guidance gives this level of impact a score of 4.

4.4 The nature and impact score adds up to 5. The guidance indicates a broad penalty bracket of £1,001 and £5,000.

4.5 In deciding the level of fine, the SRA has considered the mitigation outlined at paragraph 3.2. However, this has been balanced against the factors outlined at paragraph 3.3. The SRA considers that a basic penalty of £2,000 to be appropriate.

4.6 The SRA considers that the basic penalty should be reduced to £1,100. This reduction reflects the prompt report and early admissions by Mr Savell.

5 Publication

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

6 Acting in a way which is inconsistent with this agreement

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

6.2 If Mr Savell 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. This may result in a disciplinary outcome or a referral to the Solicitors Disciplinary Tribunal on the original facts and allegations and also on the basis that he has failed to comply with the Regulatory Settlement Agreement, which in itself may constitute a breach

of Principles 2 and 5 of the SRA Principles 2019 and paragraph 7.3 of the Code of Conduct for Solicitors, RELs and RFLs.

7 Costs

7.1 Mr Savell 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 being issued by the SRA.

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