

Richard Lunn

Solicitor

355842

Agreement Date: 8 January 2024

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 8 January 2024

Published date: 23 January 2024

Firm details

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

Name: Haywood Lunn and Allen Ltd

Address(es): 21 Chantry Lane, Grimsby, DN31 2LP

Firm ID: 642488

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed Outcome

1.1 Richard Lunn, a director of Haywood Lunn and Allen Ltd (the Firm), agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. he is fined £13,836.
- b. to the publication of this agreement, and
- c. will pay the costs of the investigation of £1,350.

2. Summary of Facts

2.1 On 7 May 2022, Mr Lunn was arrested in Grimsby under suspicion of driving while under the influence of excess alcohol. He was breathalysed and found to be over the legal limit.

2.2 On 10 November 2022 Mr Lunn pleaded guilty and was convicted of driving a car while under the influence of alcohol contrary to section 5(1)(a)

of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

2.3 Mr Lunn was disqualified from driving for 19 months, to be reduced by 19 weeks if by 28/11/2023 he satisfactorily completed a driving rehabilitation course.

2.4 He was also ordered to pay the following:

- Fine of £437
- Costs of £85
- Victim surcharge of £44.the SRA.

2.5 Mr Lunn notified the SRA on 18 May 2022 that he had been arrested and reported on 10 November 2022 that he had been convicted of this offence.

3. Admission

Mr Lunn makes the following admission which the SRA accepts, that by virtue of his conduct and conviction he 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 2019.

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 also taken into account the SRA Topic Guide: driving with excess alcohol convictions, the admissions made by Mr Lunn and the following mitigating features:

- a. at the time of the incident, Mr Lunn was dealing with a number of personal issues, the subsequent pressures from which caused him to act in the manner described.
- b. There was prompt reporting of the conviction to the SRA, and his employer.
- c. This is an isolated incident and is out of character.
- d. No harm has been caused to property or persons as a result of the offence.
- e. Insight and remorse has been shown.

4.3 The SRA considers that a fine is the appropriate outcome taking into account the following aggravating factors:

- a. Mr Lunn's high alcohol reading resulting in a driving ban of 19 months, meant that his conduct had the potential to cause significant harm. In making the wrong decision to consume alcohol before driving, his conduct was reckless as to the potential risk of harm.
- b. By acting in this way, Mr Lunn has recklessly disregarded his regulatory obligations.

4.4 A fine is therefore appropriate to maintain professional standards and uphold public confidence in the solicitors' profession and in legal services provided by authorised persons. The public demand that the profession will uphold high standards and robust and proportionate sanctions will follow when standards are not upheld. 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 Lunn agree that the nature of the misconduct was more serious. Mr Lunn's conduct was reckless, but it did not continue after it was known to be improper. The Guidance gives this type of misconduct a score of 3.

5.3 The SRA considers that the impact of the misconduct was medium. Mr Lunn's conduct in driving after consuming a high level of alcohol had the potential to cause a moderate impact. The guidance gives this level of impact a score of four.

5.4 The nature and impact scores add up to seven. Taking into account Mr Lunn's income, the Guidance indicates a broad penalty bracket of £11,530 to £35,311 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 Mr Lunn has put forward. The SRA has recognised our guidance demands that we achieve a credible deterrence, it states, penalties should be of such an amount that they are capable of deterring future misconduct by the person directed to pay and by others who may be engaged in similar conduct.

5.6 The SRA considers a basic penalty of £17,295.26 which is towards the middle of the band, to be appropriate.

5.7 The SRA considers that the basic penalty should be reduced to £13,836. This reduction reflects the genuine remorse that Mr Lunn has shown, his early guilty plea at court and his full cooperation with the SRA investigation.

5.8 Mr Lunn 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 £13,836.

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 Lunn agrees to the publication of this agreement.

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

7.1 Mr Lunn 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 Lunn 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 Lunn agrees to pay the costs of the SRA's investigation in the sum of £1,350. Such costs are due within 28 days of a statement of costs due being issued by

Search again [<https://www.sra.org.uk/consumers/solicitor-check/>]