

Simon Frank Rollason

Solicitor

032848

Agreement Date: 23 May 2022

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 23 May 2022

Published date: 20 June 2022

Firm details

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

Name: Stevens Solicitors

Address(es): Union House Uttoxeter Road Longton STOKE-ON-TRENT
ST3 1NX

Firm ID: 63495

Outcome details

This outcome was reached by agreement.

Decision details

1. Agreed outcome

1.1 Mr Rollason agrees to the following outcome to the investigation of his conduct by the Solicitors Regulation Authority (SRA):

- a. he is fined £1500
- b. to the publication of this agreement
- c. he will pay the costs of the investigation of £300.

2. Summary of Facts

2.1 On 14 November 2020 the police saw Mr Rollason driving erratically and the wrong way round the roundabout at the junction of the A454 and A463, near Walsall. The police stopped the car on the slip road leading to the A463 and breathalysed Mr Rollason.

2.2 Mr Rollason was arrested and charged with driving a motor vehicle after consuming excess alcohol contrary to Section 5(1)(a) of the Road Traffic Act 1998 and Schedule 2 of the Road Traffic Offenders Act 1988.

2.3 On 16 December 2020 at Coventry Magistrates Court, Mr Rollason pleaded guilty and was convicted of driving a motor vehicle with an alcohol level above the prescribed limit.

2.4 *The sentence was:*

- a. disqualified from driving for 24 months, reduced to 18 months subject to completion of a course approved by the secretary of state
- b. fined £442.

2.5 Mr Rollason was also ordered to pay:

- a. a victim surcharge of £44
- b. costs of £135.

3. *Admissions*

3.1 Mr Rollason admits, and the SRA accepts, that by virtue of his conduct and conviction he failed to behave in a way that upholds public trust and confidence in him and the solicitors' profession in breach of Principle 2 of SRA's 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 Mr Rollason and the following mitigation which he has put forward:

- a. this was an isolated incident
- b. he promptly reported that he had been charged
- c. he promptly reported his conviction
- d. he was under stress at the time of the offence
- e. he has completed the driving awareness course
- f. there was no harm caused to persons or property or others.

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



- a. the conduct had the potential to cause significant harm to other road users
- b. there was a reckless disregard of the risk of harm.

4.4 A fine is appropriate to uphold public confidence in the solicitors' profession and in legal services provided by authorised persons because any lesser sanction would not sufficiently address the conduct and provide a credible deterrent to Mr Rollason 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 Rollason agree that the nature of the misconduct was low because the conduct did not form a pattern of behaviour. The Guidance gives this type of misconduct a score of one.

5.3 The SRA considers that the impact of the misconduct was medium because it had the potential to cause moderate loss or a moderate impact on other road users. The Guidance gives this level of impact a score of four.

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 Mr Rollason has put forward.

5.6 Considering the factors set out in the Enforcement Strategy 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 £1,500. This reduction reflects the mitigation set out within paragraph 4.2 above.

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

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

7.1 Mr Rollason 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 Rollason 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. <5>8. Costs

8.1 Mr Rollason 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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