

Leanne Danielle Nourrice

Solicitor

413879

Agreement Date: 6 March 2023

Decision - Agreement

Outcome: Regulatory settlement agreement

Outcome date: 6 March 2023

Published date: 28 April 2023

Firm details

Firm or organisation at time of matters giving rise to outcome

Name: Lauriston Saggar LLP

Address(es): 48 Blandford Street, London W1U 7HU

Firm ID: 622102

Outcome details

This outcome was reached by agreement.

Decision details

Agreed outcome

Ms Leanne Nourrice was a solicitor and partner at Lauriston Saggar LLP ('the Firm'). Ms Nourrice agrees to the following outcome to the investigation of her conduct by the Solicitors Regulation Authority (SRA) under reference number CDT 1282659-2019:

- she is fined the sum of £5,000 reduced to £1,000 due to financial means;

to the publication of this agreement;

- that taking into account the Respondent's financial means there is no order as to costs.

Ms Nourrice does not currently hold a Practising Certificate and is therefore not currently subject to any condition of practice. For the avoidance of doubt, Ms Nourrice understands that if she is to apply for a Practising Certificate in the future, then the SRA may consider imposing conditions on her Practising Certificate which address the issues in this case (subject to any updated information and change in circumstances).

Summary of Facts

In summary, the Firm was a limited liability partnership, incorporated on 28 August 2014. Ms Nourrice was admitted as a solicitor on 15 April 2013 and joined the Firm on 5 September 2016 as an assistant. When she had been qualified for 3.5 years. On 22 May 2017 she became a salaried partner member of the Firm joining two other partner members who had been qualified for 16 years and over 20 years respectively. The Respondent held the position of MLRO from 25 April 2018, COLP from 19 February 2019 and COFA from 2 February 2019. She held these compliance and supervisory roles until the Firm closed on 28 February 2020 due to its financial difficulties.

In or around 12 October 2016 and 16 November 2017 Ms Nourrice was involved in over 31 conveyancing transactions utilising the SDLT schemes. It is alleged that Ms Nourrice acted for lender and purchaser and failed to inform the lender clients that the purchaser clients intended to use the SDLT tax avoidance schemes.

Following a Forensic Investigation, a referral notice was sent to Ms Nourrice on 27 April 2020. Ms Nourrice provided representations dated 26 May 2020 in relation to these matters. On 23 June 2020 a referral notice was issued to Ms Nourrice notifying her of the decision to refer her conduct to the Solicitors Disciplinary Tribunal.

Further Forensic Investigation was carried out following the referral decision and a supplemental Forensic Investigation report dated 14 July 2021 was prepared and served on the Respondent. On 23 August 2020 representations were made by Ms Nourrice.

On 2 February 2022 an Adjudicator decided to intervene into the remnants of the Firm on the ground that it is necessary to protect the interests of former clients (paragraph 32(1)(e) of Schedule 2 to the Administration of Justice Act 1985).

Admissions

Ms Nourrice makes the following admissions which the SRA accepts:

- That, between October 2016 and November 2017 by a) representing both the lender client and purchaser client and b) failing to inform the lender client of the intended use of the Stamp Duty Land Tax (SDLT) scheme, a conflict of interest or significant risk of a conflict of interest arose.

In doing so she breached:

- Principles 4, 5 and 6 of the SRA Principles 2011, and
- failed to achieve Outcomes 1.1 and/or 3.5 and/or 4.2 of the SRA Code of Conduct 2011.



Why a £5,000 fine is an appropriate outcome

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.

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

At the time of joining the Firm on 5 September 2016 as an Assistant, the Firm was already undertaking conveyancing transactions involving SDLT schemes. The Firm's processes in relation to these transactions were established long before Ms Nourrice joined the Firm. The Respondent continued to follow these processes after being provided with evidence by the Firm that they were complying with all of its professional conduct obligations.

The evidence provided to the Respondent, a Specialist Counsel's Opinion, was obtained by the Partners of the Firm (prior to her joining the Firm and thereafter while she was an Assistant Solicitor). The Respondent relied on this evidence and the partner's experience/authority in order to continue following the established processes. A copy of the Opinion has been provided to the SRA in connection with this investigation.

The transactions with which Ms Nourrice was involved and which are the subject of the admissions contained in paragraph 3 above were undertaken between October 2016 and November 2017. Ms Nourrice was an Assistant Solicitor at the time with just over three years post qualification experience. She did not hold compliance roles with the Firm until 2019.

This agreement addresses the public interest by upholding standards and protecting consumers, but which brings matters to an end without the need for Tribunal proceedings or a Tribunal hearing.

The SRA considers that a fine is the appropriate outcome here because the admitted conduct was serious but not so serious that a sanction by the Tribunal is necessary or proportionate in order to maintain professional standards and to uphold public confidence in the solicitors' profession. A fine therefore meets the requirements of rule 4.1 of the Regulatory and Disciplinary Procedure Rules.

Ms Nourrice is no longer in practice and does not currently hold a Practising Certificate. In addition to this Ms Nourrice now lives permanently overseas and intends to remain overseas.

The admitted conduct giving rise to the allegations has now ceased as both the Respondent and the Firm have ceased to practice. On this basis the

likelihood of future misconduct is negligible, additionally the intervention by the HMRC has ensured that any benefit or gain has been rectified.

The SRA also considers that there are no complainant clients or third parties in this investigation.

In addition to the above, the SRA took into consideration Ms Nourrice's health, details of which were set out in a letter dated 26 May 2020 and other medical evidence when considering potential attendance at a tribunal hearing. The SRA believe that in the circumstances a financial penalty meets the requirements of rule 4.1 of the Regulatory and Disciplinary Procedure Rules.

Amount of the fine

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).

Having regard to the Guidance, the SRA and Ms Nourrice agree that the nature of the misconduct was low or medium because she would not have continued after it was known to be improper. The conduct was not reckless or grossly negligent. The Guidance gives this type of misconduct a score of one.

The SRA considers that the impact of the misconduct was medium because there was no significant loss or impact, instead there was the potential to cause moderate loss or impact. The Guidance gives this level of impact a score of four.

The nature and impact scores add up to five. The Guidance indicates a broad penalty bracket of £1,000 to £5,000 is appropriate.

In deciding the level of fine within this bracket, the SRA has considered the mitigation at paragraph 4.2 above which Ms Nourrice has put forward.

On this basis the SRA considers a penalty within the B bracket with a basic penalty of £5,000, which towards the top of the bracket, to be appropriate.

The SRA considers that the basic penalty should be reduced to £1,000. This reduction reflects Ms Nourrice's financial means, so that a lower than usual basic penalty may be appropriate.

Publication

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

Acting in a way which is inconsistent with this agreement

Ms Nourrice agrees that she will not deny the admissions made in this agreement or act in any way which is inconsistent with it.

If Ms Nourrice 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.

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.

Costs

The SRA does not seek recovery of costs in this matter having taken into account the financial means of Ms Nourrice.

Referral to Tribunal

The SRA's decision to refer the Firm's conduct to the Solicitors Disciplinary Tribunal dated 23 June 2020 will be overturned upon signature of this Agreement.

The date of this Agreement is 6 March 2023.

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