

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 10816-2011

BETWEEN:

SOLICITORS REGULATION AUTHORITY

Applicant

and

ANDREW LESLIE LAYCOCK

Respondent

Before:

Mrs J Martineau (in the chair)

Mr D Potts

Mr D E Marlow

Date of Hearing: 13th December 2011

Appearances

Sara Dickerson, Counsel, of Solicitors Regulation Authority (“SRA”), Ipsley Court, Berrington Close, Redditch, Worcestershire B98 0TD for the Applicant.

The Respondent was not present or represented.

JUDGMENT

Allegation

1. The allegation against the Respondent, Andrew Leslie Laycock, was that contrary to Rule 1.06 of the Solicitors Code of Conduct 2007 he had behaved in a way that was likely to diminish the trust of the public in him and in the reputation of the solicitor's profession following conduct which led to his conviction on 28 March 2011 at St Albans Crown Court for making indecent photograph or pseudo-photograph of a child x 17; possessing indecent photographs or pseudo-photographs of a child and possession of extreme pornographic images.

Documents

2. The Tribunal reviewed all the documents submitted by the Applicant and the Respondent, which included:

Applicant:

- Application dated 1 September 2011;
- Rule 5 Statement with exhibit "SD1" dated 1 September 2011;
- Extract from Crown Prosecution Service Legal Guidance on Indecent Photographs of Children: Mode of Trial;
- Copy email Applicant to Andrew Hopper QC 16 September 2011;
- Copy letter Applicant to Andrew Hopper QC 7 December 2011;
- Schedule of Costs dated 8 November 2011.

Respondent:

- Copy email SRA to Respondent 16 April 2010;
- Copy email Andrew Hopper QC to Applicant 13 September 2011;
- Letter Andrew Hopper QC to Tribunal 14 November 2011.

Factual Background

3. The Respondent was born in 1952 and was admitted as a solicitor in 1978.
4. From about September 1973 the Respondent worked for Hertfordshire County Council in a variety of legal roles until the early 1980s. The Respondent was then employed for a period by the London Borough of Brent and returned to work at Hertfordshire County Council in 1983 as the County Secretary, with line management responsibility for the local authority's legal team. Due to restructuring within the local authority the Respondent agreed to take early retirement in 2009, stood down from his role as County Secretary on 1 October 2009 but remained a consultant with the local authority until the end of that month. The Respondent did not practise as a solicitor after 31 October 2009. On 9 December 2009 his practising certificate for 2008/2009 was terminated and his name was removed from the Roll of Solicitors on 25 March 2011.

5. On 28 March 2011 the Respondent appeared at St Albans Crown Court where on his confession he was convicted upon indictment of 17 counts of making indecent photographs of a child and one count of possession of indecent photographs of children (5,703 images). A further three charges of possession of extreme pornographic images were ordered to lie on the file. The Respondent was sentenced to 26 weeks imprisonment suspended for 24 months; supervision by the probation service for two years; participation in the Internet Sex Offender Treatment Programme and five years on a Sexual Offences Prevention Order.
6. On 13 April 2010 the Respondent asked the SRA to remove his name from the Roll of Solicitors. By email of 16 April 2010 he was informed that his name would be removed from the Roll on 2 June 2010. His name was not in fact removed from the Roll until 25 March 2011, shortly before his conviction at St Albans Crown Court and after the date on which the offences were alleged to have occurred (22 June 2010).

Witnesses

7. None.

Findings of Fact and Law

8. **Allegation 1. The allegation against the Respondent, Andrew Leslie Laycock, was that contrary to Rule 1.06 of the Solicitors Code of Conduct 2007 he had behaved in a way that was likely to diminish the trust of the public in him and in the reputation of the solicitor's profession following conduct which led to his conviction on 28 March 2011 at St Albans Crown Court for making indecent photograph or pseudo-photograph of a child x 17; possessing indecent photographs or pseudo-photographs of a child and possession of extreme pornographic images.**
 - 8.1 The Respondent did not contest the fact that he had been convicted of a number of serious offences.
 - 8.2 On his behalf an issue had been raised by Andrew Hopper QC that the Respondent's name should have been removed from the Roll of Solicitors on 2 June 2010. Had this occurred, the Tribunal would have had no jurisdiction to deal with an application against him, as the date of the offences specified in the indictment post-dated the date the Respondent expected to be removed from the Roll.
 - 8.3 It was unclear why the Respondent's name had not been removed on the date he had been informed this would happen. However, whatever the reason, the fact remained that at the date specified in the indictment on which the offences had been committed, the Respondent's name was on the Roll. A solicitor could not seek to avoid the Tribunal's jurisdiction by removing his/her name from the Roll.
 - 8.4 The Tribunal had been referred to a Crown Prosecution Service document which categorised the types of photographs which had been in the Respondent's possession. Over 5,000 indecent photographs had been found by the police, a number of them in the most serious categories.

- 8.5 The Tribunal was satisfied so that it was sure that the fact of the Respondent's conviction had been proved, albeit the allegation referred to a number of offences which were to "lie on the file" as well as those admitted by the Respondent. The offences of which the Respondent had been convicted on his own confession were serious and such as to diminish the trust the public would place in the Respondent and/or the solicitor's profession. Accordingly, the Tribunal found the allegation to be proved.

Previous Disciplinary Matters

9. None.

Mitigation

10. No mitigation was offered on behalf of the Respondent. The Tribunal noted that he had been convicted on his own confession and he had not disputed the allegation before the Tribunal.

Sanction

11. The Respondent had been convicted of a number of serious and distasteful offences. The Tribunal noted the sentencing remarks of the trial judge. Given the seriousness of the offences and the nature and duration of the sentence imposed by the Crown Court, the Tribunal had to impose a sanction on the Respondent. Given that his name had now been removed from the Roll of Solicitors the only order the Tribunal had jurisdiction to make was that under Section 47(2)(g) of the Solicitors Act 1974 to prohibit the restoration of the Respondent's name to the Roll of Solicitors except by order of the Tribunal. In all of the circumstances of the case that was the appropriate order to make.

Costs

12. The Applicant sought an order for costs against the Respondent in the sum of £1,223.00.
13. The Tribunal noted the remarks of Andrew Hopper QC in his letter to the Tribunal of 14 November 2011. It had been submitted that the proceedings were a waste of time and resources, in the light of the jurisdictional point noted above. It had also been submitted that the time claimed in the schedule of costs was excessive.
14. The Tribunal considered the schedule of costs and considered that the rate charged and the time spent were reasonable. No information had been provided concerning the Respondent's means, so the Tribunal did not have to consider whether any adjustment to costs should be made in the light of his financial circumstances. As the Tribunal had jurisdiction to hear the application and it was appropriate for the application to be made it was right that a costs order should be made against the Respondent. The Tribunal determined that the costs claimed were reasonable and that the Respondent should be ordered to pay those costs in the sum of £1,223.00.

Statement of Full Order

15. The Tribunal Ordered that the Respondent, Andrew Leslie Laycock, former solicitor, be prohibited from having his name restored to the Roll of Solicitors except by Order of the Tribunal and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £1,223.00.

Dated this 18th day of January 2012
On behalf of the Tribunal

J Martineau
Chairman