

**BEFORE THE FITNESS TO PRACTISE COMMITTEE  
OF THE GENERAL OPTICAL COUNCIL**

**GENERAL OPTICAL COUNCIL**

**IO(10)03**

**AND**

**LYNDON CLARKE (SD-3865)**

**PRIVATE HEARING**

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**DETERMINATION OF A 2<sup>nd</sup> REVIEW OF AN INTERIM ORDER  
- 17 FEBRUARY 2011 -**

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The Fitness to Practise Committee reviewed an 18 month interim suspension order in respect of Lyndon Clarke made on 18 March 2010 and which was reviewed on 10 September 2010.

**Service**

The Committee is satisfied that all reasonable efforts have been made to notify the registrant of the hearing. The Committee further determined that it would be in the public interest for the hearing to proceed in the registrant's absence.

The Committee considered all of the submissions on behalf of the Council and the history of these proceedings in coming to that decision.

**Private hearing**

After hearing submissions from the Council, the Committee agreed to hear this matter in private **Redacted**

**Decision**

The Committee took account of the submissions made by Ms Curtis on behalf of the Council and accepted the advice of its legal adviser.

The Committee considered the test set out in section 13L of the Opticians Act 1989 and whether it was satisfied that it is necessary for the protection of members of the public or is otherwise in the public interest, or is in the interest of the registrant for his registration to be suspended. The Council did not seek a conditional registration and this Committee did not feel that it was either practical or appropriate in this case.

On the facts placed before this Committee, it remained satisfied that it would be appropriate for the current interim order of suspension to continue. The Committee

was satisfied that it is both necessary for the protection of members of the public and is otherwise in the public interest that such an order should continue. The registrant had been convicted of driving with excess alcohol in March 2007. He was found in the early hours of the morning two and a half times over the legal limit. On the 9 March 2007 he was disqualified from driving for 24 months and also sentenced to a community order. He volunteered for and successfully completed a drink drive rehabilitation course, and as a result his disqualification was reduced to 18 months.

In December 2009 it came to the Council's attention that the registrant had also received a fixed penalty notice for disorder in October 2005 and that he was then (December 2009) on bail in relation to an allegation of causing actual bodily harm. On the 21<sup>st</sup> December 2009 he pleaded guilty to the charge of assault by beating and was sentenced on 19<sup>th</sup> February 2010 to a Community Order and made the subject of a Restraining Order. The Committee has seen a summary of the facts relating to this case which is one of domestic violence following alcohol consumption.

All of these circumstances led to the Committee to be satisfied that there are substantial concerns over the safety of his continuing to have contact with the public in pursuing his professional training.

The Committee considered the other issue of public interest and confidence in the profession and found that this conduct is not compatible with the standards expected by both the profession and the public.

**Redacted.** The Committee noted that the registrant has now received an appointment for a health assessment which will take place on the 3<sup>rd</sup> March 2011. This may well assist in resolving this issue at a future hearing.

The Committee orders that the registrant's registration be the subject of a continuing interim suspension order. The order will be further reviewed within 6 months from today unless all matters are resolved within that time, or earlier should new evidence be made available, or if the registrant, at any time after three months from today's date, requests an early review.

**Chairman of the Committee: Margaret Hallendorff**

Signed \_\_\_\_\_

Date 17 February 2011