

**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 3<sup>rd</sup> REVIEW OF AN INTERIM ORDER  
- 20 JULY 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 and 17 February 2011.

**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 registrant had indicated in writing that he was content for the hearing to proceed in his absence.

**Private hearing**

After hearing submissions from the Council, the Committee agreed to hear this matter in private (redacted).

**Decision**

Since the date of the last hearing two reports have been obtained. The reports do not reveal any relevant issues. The Committee therefore does not consider that there is any basis for continuing an interim order.

The Committee therefore has to consider whether the information concerning the registrant's convictions justifies the continuance of an order. The three convictions took place in the period from 2005 to 2009. They were all (redacted) and seem also to have been related to a difficult and disruptive personal relationship. That relationship ceased some time ago and the Committee has no information that the registrant's current circumstances are likely to cause misbehaviour.

On a review hearing, the Committee is required to review the case comprehensively in the light of the current circumstances. Having done so, it does not consider that there is sufficient material to indicate that an order is necessary to protect members of the public on an interim basis. In the absence of risk to the public, the Committee does not consider that the interim order should be continued solely on a public interest basis. A properly informed member of the public would accept that restrictions should not normally be placed on practice until facts have been found to justify it.

The Committee has therefore determined to revoke the interim order.

The Committee wishes to make it clear to the Registrant that this decision relates only to interim restrictions. The Investigation Committee will shortly be considering whether the facts justify a referral to a fitness to practise hearing. Its decision will be taken on different criteria.

**Chairman of the Committee: Margaret Hallendorff**

Signed \_\_\_\_\_

Date 20 July 2011