

HEARING AID COUNCIL PROCEEDINGS

**Meeting of the
DISCIPLINARY COMMITTEE**

Held at:
70 St Mary Axe
London EC3A 8BD

On

Tuesday, 7 July 2009

PRESENT:

MR CHRISTOPHER HUGHES OBE
(THE CHAIR)

Panel Members:

MR PETER INCE
MR MICHAEL BISHOP

Legal Assessor:
MR MICHAEL VERE-HODGE QC

MS JULIE NORRIS appeared on behalf of the Hearing Aid Council.

In the matter of:

MR BEN HOSENBUX

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Tuesday 7th July 2009

1
2 MISS NORRIS: Mr Hossenbux makes application under section
3 8 and the procedural rules 1991 Rule 11 apply to his application. Firstly as you know, you must
4 afford the registrant, the applicant, an opportunity of being heard. Plainly, he is not here, but
5 you've seen his representations. Secondly you are permitted to receive written or oral evidence; I
6 introduce for the Council the evidence of Mr O'Leary. He has prepared a witness statement and it
7 appears at page number 3 and he sets out in a very fulsome manner the removal and subsequent
8 correspondence between Mr Hossenbux and the Council as to how the restoration application
9 might be made. I don't propose to call Mr O'Leary. He is in the building. If you have any
10 questions for him, I am sure he is happy to come in and take the oath and answer your questions,
11 but I do rely on his statement. Finally the procedural rules say that you can then follow any other
12 procedure as you determine fit in the circumstances. I have some broad submissions to make in
13 very short form, but essentially the Council do not object to this restoration application by Mr
14 Hossenbux and you see that in the statement of Mr O'Leary, that is notwithstanding the fact that
15 Mr Hossenbux has not satisfied the registrar that he can complete his CPD point in time. In fact,
16 the time limit has now expired. That expired on 13th June 2009, so there is no evidence that has
17 been submitted to the council that Mr Hossenbux has complied with the CPD requirements for the
18 last two years. The registrar, in those circumstances, has decided to exercise his discretion,
19 should you accede to this application, and given Mr Hossenbux one month from today to complete
20 those CPD points. If that is complied with, all well and good, and if not there will be, I am
21 instructed, a referral to the Disciplinary Committee for that to be determined. So three broad
22 points for you to consider. Firstly, the reason for Mr Hossenbux having come off the register, that
23 may be a relevant consideration for you. The Applicant is not here so he can't answer that
24 question for you. It seems to be - and I certainly can't gainsay this - simply a late payment of fees.
25 Secondly, his previous disciplinary record, no findings or complaints received pre or post this

1 application. Thirdly, the CDP issue that may be a relevant consideration for you. Given what I
2 have said, I hope it won't detain you very long. Those are the commissions on behalf of the
3 Council.

4 THE CHAIR: In this matter Mr Hossenbux has applied to be restored to the register. He has
5 submitted an action plan for addressing his need for CPD points. We direct that he be restored to
6 the register and given two months to complete the action plan to obtain the appropriate CPD,
7 which takes him to 6th September.

8

9 MISS NORRIS: There is an application for costs in this matter. I will hand up the schedule now.
10 *(Same handed)* You will again see a number of items claimed for. The Council made an
11 application solely in respect of the costs incurred by Kingsley Napley, £1,311. The registrant has
12 not submitted a schedule of means.

13

14 THE CHAIR: The Disciplinary Committee directs payment of costs in the sum of £1,200. We
15 direct £600 pounds within three months, then £200 per month thereafter.