

1 HEARING AID COUNCIL PROCEEDINGS

2 **Meeting of the**  
3 **DISCIPLINARY COMMITTEE**  
4

5 Held at:

6 70 St Mary Axe

7 London EC3A 8BD

8 On

9 **Friday, 29<sup>th</sup> January 2010**

10 -----  
11 PRESENT:

12 MR CHRISTOPHER HUGHES OBE

13 **(THE CHAIR)**

14 **Panel Members:**

15 MR MICHAEL BISHOP

16 MR DAVID PYLE

17 MR TONY CORCORAN

18 MR PETER INCE

19  
20 **Legal Assessor:**

21 MR ALAN GOGARTY  
22 -----

23 MS SOPHIE KEMP appeared on behalf of the **Hearing Aid Council**.

24 MS AMICIE KNOWLES clerk to the Disciplinary Committee  
25  
26 -----

27 **In the matter of:**

28 ADRIAN DAWKINS  
29  
30

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**Friday 29<sup>th</sup> January, 2010**

CHAIR: This meeting of the Disciplinary Committee of the Hearing Aid Council consists of myself, Chris Hughes, Mr Tony Corcoran, Mr Peter Ince, Mr David Pyle and Mr Michael Bishop, assisted by Mr Alan Gogarty, the legal assessor. The Hearing Aid Council, in its prosecutory mode, is represented by Miss Sophie Kemp, assisted by Miss Amicie Knowles. There are before us, today, two disciplinary meetings and one restoration hearing. Miss Kemp, where do you wish to take us first?

MISS KEMP: Sir, if I may I will take you first to the restoration matter and to the case of Adrian Dawkins, which is the shorter bundle. I will just confirm, firstly, that you all have the bundle itself.

CHAIR: Indeed.

MISS KEMP: I am grateful. You should also have been handed up a means form.

CHAIR: No.

MISS KEMP: I will deal with that in due course. If I can invite you to consider Service. You will see, therefore your jurisdiction to proceed today, you will see at page 1 of the bundle a Notice of Proceedings, which was sent to Mr Dawkins on 8th January 2010 at an address in Newark. You can see by looking on his application for restoration, which appears at page 6 of the bundle that is the same address as on his application. Therefore, I would invite you to find that good service has been effective and that you can proceed to consider this application today.

CHAIR: Thank you, yes. We accept that.

MISS KEMP: I am grateful. As I think you are aware, this is a restoration application in accordance with Section 8 of the Hearing Aid Council Act. In support of the Applicant's restoration application, you have his application. It starts at page 4 of the bundle. These are, in fact, exhibits of the witness statement, Chris O'Leary. I am going to refer to those in due course, but that should guide you to where those specific documents are.

1 The application has been considered by the Hearing Aid Council's Registrar. You can  
2 see that from his witness statement which appears on page 2. You can see at  
3 paragraph 3 on page 2, the circumstances in which Mr Dawkins was, in fact,  
4 suspended from the Register and hence comes before you today, to be considered  
5 for restoration. In effect his retention fees and registration information for the year  
6 2008/2009 were not received by the Hearing Aid Council and subsequently Mr  
7 Dawkins was removed for non-payment on 29th May.

8 The application, if you turn over the page to page 3 was received by the Hearing Aid  
9 Council on 13th October 2009 together with the enclosures which I have referred you  
10 to very briefly. You can see at paragraph 7 of the witness statement of Chris O'Leary  
11 that there is no objection to Mr Dawkins being restored to the Register and indeed it  
12 certainly appears on the face of it that his application is complete and he has indeed  
13 provided the necessary pre-requisite in terms of the declaration for re-registration  
14 which appears on page 10 - the statutory declaration. He has provided the  
15 appropriate re-registration form together with the appropriate fees and the  
16 photographs of himself. It appears on the face of it there are no reasons not to  
17 support this application.

18 CHAIR: Thank you very much. Any questions? No. Committee satisfied.

19 CHAIR: I direct that Mr Dawkins be restored to the Register of the Hearing Aid Council.

20 MS KEMP: There is the matter of costs, the subject of costs. Miss Knowles is to hand up a  
21 means form and the costs schedule. The only observation I would make is that it  
22 does appear that Mr Dawkins, with his means form has not indicated whether it is  
23 disposable monthly but it appears he has considered all the other expenditures in  
24 respect of months, so I am making the assumption that he has got disposable  
25 income a month.

26 CHAIR: That is consistent with the particulars on the form. Thank you, and your application  
27 is for costs in the sum of £665?

28 MS KEMP: That's right, yes.

1 CHAIR: Thank you. Any issues in respect----?

2 MR BISHOP: Could Miss Kemp explain to me the difference between the £475 and the  
3 £190?

4 MS KEMP: The £475 is the preparation costs in terms of considering the papers and the  
5 application which is done in the office in preparing a case. The £190 is simply the  
6 cost of me being at this hearing today and also reading the papers in advance.

7 MR BISHOP: I understand, thank you.

8 CHAIR: Any further points? No.

9 LEGAL ASSESSOR: It is entirely a matter for the Panel. Are the costs reasonable and  
10 sufficient? Consideration is the Registrant's ability to pay the costs by instalments if  
11 necessary. Thank you.

12 *(Committee adjourn to discuss costs)*

13 CHAIR: The Committee directs that the Registrant pay the costs of the sum of £665, and we  
14 direct monthly payments of £150, the first payment due within 28 days of receipt of  
15 notification of today's hearing. If that payment is not made in time or if any  
16 subsequent monthly payment is not paid on time then all outstanding sums will  
17 become immediately due and payable. Thank you.

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