

**STATUTORY COMMITTEE OF THE PHARMACEUTICAL SOCIETY OF
NORTHERN IRELAND**

In the matter of: Richard Lyness (4306)

Location: The offices of the Pharmaceutical Society NI, 73
University Street, Belfast, BT7 1HL.

Date: 18th and 19th April 2024

Committee: Mr Gary Potter (Chair), Mr Derek Wilson (Lay), Mrs
Liz Kerr (Registrant)

Persons Present and Capacity: Mr James Toal, Barrister instructed by Mr Mark
Campbell, Bernard-Campbell Solicitors
(Registrant's Legal Representatives), Mr JonPaul
Shields, Barrister, instructed by Caitlin Brown, CFR
Solicitors (PSNI's Legal Representatives), Alan
Goleac (PSNI Paralegal)

PRELIMINARY

1. The Statutory Committee ('the Committee') met on the 18th and 19th April 2024, to consider allegations of misconduct in respect of Mr Richard Lyness, a registered pharmacist (the Registrant). made by the Pharmaceutical Society of Northern Ireland ('the Society').
2. The Committee had initially considered the matter on 13th October 2022, however, following submissions by both parties it was agreed by the Committee to adjourn to a date to be confirmed. The Committee resumed the hearing on the 18th and 19th April 2024.

3. The Committee satisfied itself that service of the Notice of Hearing was properly effected. The Notice of Hearing, dated 15th March 2024, was sent to the Registrant's registered address on the same date. This was within the 35 days' notice required to be given under regulation 18 of The Council of the Pharmaceutical Society of Northern Ireland (Fitness to Practise and Disqualification) Regulations (NI) 2012 ('the Regulations').
4. The Registrant was not in attendance at the hearing and was represented by Mr James Toal. The Pharmaceutical Society of Northern Ireland (the Society) was represented by Mr Jonpaul Shields.
5. The Committee had a hearing bundle numbering page 1 to page 345. In the course of the hearing, the Committee admitted in evidence the following documents.
 - Exhibit 1: Statement of Case by the Society, 15th April 2024.
 - Exhibit 2: Structured Outlines of Case by the Society, 18th April 2024.
 - Exhibit 3: Fitness to Practice Submissions by the Society, 18th April 2024.
 - Exhibit 4: Statement of the Registrant, by the Registrant's Legal Representative, on behalf of the Registrant 18th April 2024.

PRELIMINARY LEGAL ARGUMENT

6. The Committee received an application from the Society to rely upon 2 Notices including further additional allegations as laid out in the 2 Notices of Hearing dated 22nd December 2023 and 15th March 2024. Allegation number 4 on the Notice of Hearing dated 15th March 2024 was not relied upon. The Committee noted that the Registrant's solicitor and Counsel agreed that the additional allegations in these Notices of Hearing should be dealt with by this Committee at the same time along with the original allegations put before the Committee on the initial date of the hearing on the 13th October 2022. The Committee also agreed to the deletion of allegation number 4 in the Notice of Hearing dated 15th March 2024 which was by agreement of the parties. The Committee were also asked to deal with certain parts of the evidence in private. This approach was with the consent of the Registrant's Counsel and solicitor. Without going into evidence and the reasons for it, the

Committee agreed that this approach was an appropriate approach both procedurally and legally. Accordingly, part of the determination will be redacted.

ALLEGATIONS

7. The Registrant faced the following further allegations appearing in the Notice of Hearing dated 22nd December 2023:

a) *On 12th May 2023 you pleaded guilty to and were convicted of an offence namely that on 19th August 2022, without lawful excuse, [REDACTED] [REDACTED] to Section 16 of the Offences Against the Person Act 1861.*

b) *On 12th May 2023 you pleaded guilty to and were convicted of an offence namely that on 19th August 2022, [REDACTED] [REDACTED] to Section 16 of the Offences Against the Person Act 1861.*

c) *On 12th May 2023 you pleaded guilty to and were convicted of an offence namely that on dates including 19th August 2022 and 20th August 2022 you, for the purpose of causing annoyance, inconvenience or needless anxiety too another persistently made use of a public electronic communications network contrary to Section 127(2)(c) of the Communications Act 2003.*

d) *On 12th May 2023 you pleaded guilty to and were convicted of an offence namely that on 4th September 2022 you pursued a course of conduct which amounted to harassment which you knew or ought to have known amounted to harassment contrary to Article 4(1) of the Protection from Harassment (NI) Order 1997.*

e) *On 12th May 2023 you pleaded guilty to and were convicted of an offence namely that on dates including 4th September 2022 you, for*

the purpose of causing annoyance, inconvenience or needless anxiety too another persistently made use of a public electronic communications network contrary to Section 127(2)(c) of the Communications Act 2003.

f) On 6th October 2023, you pleaded guilty to and were convicted of an offence namely that on and between 19th August 2022 and 1st March 2023, you pursued a course of conduct which amounted to harassment which you knew or ought to have known amounted to harassment contrary to Article 4(1) of the Protection from Harassment (NI) Order 1997 and the offence was aggravated by reason of involving domestic abuse, contrary to Section 15 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021.

The Registrant faced the following further amended allegations appearing in the Notice of Hearing dated 15th March 2024.

g)

[REDACTED]

[REDACTED]

[REDACTED]

For the purposes of paragraph 1(3) of Schedule 3 to the Pharmacy (Northern Ireland) Order 1976 as amended and Regulation 26(11) of the Council of the Pharmaceutical Society of Northern Ireland (Fitness to Practise and Disqualification) Regulations (Northern Ireland) 2012, the following principles and obligations (contained in the Pharmaceutical Society of Northern Ireland's Code of Professional Standards of Conduct, Ethics and Performance for Pharmacists in Northern Ireland (2016)) are regarded by the Pharmaceutical Society of Northern Ireland as relevant to the proceedings. Further, the Pharmaceutical Society of Northern Ireland alleges that you are in breach of these principles and associated obligations by reason of the misconduct and criminal convictions above.

- *The general principle of registration as a pharmacist that requires you to act to promote and maintain public confidence in the pharmacy profession.*
- *Principle 2 – Provide a Safe and Quality Service and in particular, standard 2.1.*
 - *Standard 2.1 – Provide safe, effective and quality care*
 - *Standard 2.1.2 - Effectively control and manage the sale or supply of medicinal and related products paying particular attention to those with a potential for abuse or dependency.*
 - *Standard 2.1.6 - Ensure that you do not, whether by your actions or omissions, create a risk to patient care or public safety.*
- *Principle 3 – Act with professionalism and integrity at all times and in particular, Standard 3.1 and 3.3.*

- *Standard 3.1 – Act with honesty and integrity at all times.*
- *Standard 3.1.1 – Adhere to accepted and acceptable standards of personal and professional conduct at all times both inside and outside the work environment.*
- *Standard 3.1.2 - Maintain public trust and confidence in your profession by acting with honesty and integrity in your dealings with others. This applies to your professional, business and educational activities.*
- *Standard 3.1.4 – Honour commitments, agreements and arrangements for the provision of professional services.*
- *Standard 3.1.6 - promptly inform the regulator, your employer and other relevant authorities of any circumstances that may call into question your fitness to practise or has the potential to bring the profession into disrepute.*
- *Standard 3.3 – Use social networking and electronic communication appropriately.*
- *Standard 3.3.1 – Ensure appropriate and responsible use of social networking sites and other forms of electronic communication.*

By your acts or omissions, it is alleged that you have (a) brought the profession into disrepute, (b) failed, on a professional basis, to observe the principles and obligations set out above and (c) undermined public confidence in the profession.

FACTS

8. The Pharmaceutical Society of Northern Ireland (“the Society”) and the Registrant tendered a statement of facts, pursuant to Regulation 20(3)(c) of The Council of the Pharmaceutical Society of Northern Ireland (Fitness to Practise and Disqualification) Regulations (Northern Ireland) 2012, which was noted as Exhibit 1, the document outlined that:

- 1. The Registrant is currently registered as a pharmacist with the Pharmaceutical Society of Northern Ireland (“the Society”). The GPhC has directed for the removal of the registrant from the register on 02 February 2024.*
- 2. By letter dated 15 June 2023, the Society was informed by the Registrant’s legal representative that he faced new criminal offences and had already pleaded guilty to some of those offences.*

Criminal Convictions:

(1) On 12 May 2023 you pleaded guilty to and were convicted of an offence namely that on 19th August 2022, [REDACTED]

[REDACTED] o Section 16 of the Offences Against the Person Act 1861.

(2) On 12 May 2023 you pleaded guilty to and were convicted of an offence namely that on 19th August 2022, [REDACTED]

[REDACTED] o Section 16 of the Offences Against the Person Act 1861.

(3) On 12 May 2023 you pleaded guilty to and were convicted of an offence namely that on dates including 19th August 2022 and 20th August 2022

you, for the purpose of causing annoyance, inconvenience or needless anxiety too another persistently made use of a public electronic communications network contrary to Section 127(2)(c) of the Communications Act 2003.

(4) On 12 May 2023 you pleaded guilty to and were convicted of an offence namely that on 4th September 2022 you pursued a course of conduct which amounted to harassment which you knew or ought to have known amounted to harassment contrary to Article 4(1) of the Protection from Harassment (NI) Order 1997.

(5) On 12 May 2023 you pleaded guilty to and were convicted of an offence namely that on dates including 4th September 2022 you, for the purpose of causing annoyance, inconvenience or needless anxiety too another persistently made use of a public electronic communications network contrary to Section 127(2)(c) of the Communications Act 2003.

(6) On 6th October 2023, you pleaded guilty to and were convicted of an offence namely that on and between 19th August 2022 and 1st March 2023, you pursued a course of conduct which amounted to harassment which you knew or ought to have known amounted to harassment contrary to Article 4(1) of the Protection from Harassment (NI) Order 1997 and the offence was aggravated by reason of involving domestic abuse, contrary to Section 15 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021.

3. The circumstances underlying the 6 convictions are set out in the structured outlines of the case contained in the bundle provided by the prosecuting authority.

4. In relation to the first three charges listed, the circumstances surrounding these can be summarised as follows:

a. On 19th and 20th August 2022, the Registrant

[REDACTED]

b. The messages [REDACTED]
[REDACTED].

c. All of the messages had an overt sectarian element [REDACTED]
[REDACTED].

d. The messages were sent between approximately 7pm on 19th August and 6am on 20th August 2022.

e. One of the abusive messages [REDACTED]
[REDACTED]

f. On 23rd August 2022, a police officer attended with the Registrant and interviewed him about the e-mails. The Registrant admitted sending these e-mails. [REDACTED]

5. In relation to the 4th and 5th charges listed above, the circumstances surrounding these can be summarised as follows:

a. On 4th September 2022, police received another complaint [REDACTED]
[REDACTED]
[REDACTED]

b. The messages sent were aggressive, abusive and threatening.

c. One message [REDACTED]
[REDACTED]

d. When interviewed by a police officer on 4th September 2022, the Registrant admitted sending the messages.

e. The e-mail address used by the Registrant was
[REDACTED]

6. The Registrant received a sentence of imprisonment, totaling 5 months, which was suspended for 2 years for these offences.

7. In relation to the 6th charge listed above, the circumstances surrounding this can be summarized as follows:

(i) T [REDACTED] r.

(ii) The offence spanned a period between 19th August 2022 and 1st March 2023 and, by his plea, the Registrant accepted that he pursued a course of conduct which amounted to harassment.

(iii) The Registrant contacted [REDACTED] by WhatsApp, e-mail and telephone in a manner that was aggressive, abusive and threatening. Abusive, sectarian language was used.

(iv) [REDACTED]
[REDACTED]

(v) *Following conviction, sentencing was deferred for 1 year.*

The particulars of misconduct are set out below:

8. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

9. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

10. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

11. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

12. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

13. [REDACTED]

14. *The evidence is sufficient to ground the allegations and give rise to a consideration, by the Committee, of misconduct.*

DECISION ON FACTS

9. As the Registrant, through his Counsel, accepted the facts set out in paragraph 8 above, the Committee found the additional facts proved by reason of that admission under Regulation 34(6) of the Regulations.

10. Accordingly, the Committee found the allegations proved.

11. The Committee noted that the Registrant had previously accepted the facts in respect of the initial allegations concerning him on the 13th October 2022. The Committee then proceeded to deal with all the allegations arising from the 3 Notices at the resumed hearing on the 18th and 19th April 2024.

DECISION ON FITNESS TO PRACTISE

12. Paragraph 4 of Schedule 3 to the Pharmacy (Northern Ireland) Order 1976 as amended provides that established misconduct and / or criminal convictions may lead to a finding of impairment of fitness to practise.

13. Misconduct in relation to all the allegations has been admitted.

14. As to the legal position on impairment this is a two-step process (*Cheatle v GMC* (2009) EWHC 645 (Admin)).

“First, it must decide whether there has been misconduct, deficient professional performance or whether the other circumstances set out in the section are present. Then it must go on to determine whether, as a result, fitness to practise is impaired.”

15. In this case the allegations have been admitted. The allegations and the facts, as admitted, clearly amount to misconduct. The question for the Committee is whether the misconduct, along with the criminal convictions, impairs the Registrant's fitness to practise.

16. There is no dispute about the legal position. The test to be applied regarding impairment is a current, forward looking one. In CHRE -v- NMC and Grant (2011) EWHC 927, the question that the Committee has to ask itself and determine is:

"Is this Registrant's current fitness to practise impaired?"

17. As Sir Anthony Clarke MR put it in Meadow v General Medical Council (2006) EWCA Civ 1390:

"In order to form a view as to the fitness of a person to practise today, it is evident that it will have to take account of the way in which the person concerned has acted or failed to act in the past."

18. At Paragraph 65 of Cohen -v- GMC (2008) EWHC 581, Silber J stated the following in relation to a doctor's FTP:

"It must be highly relevant in determining if a doctor's fitness to practise is impaired that first his or her conduct which led to the charge is easily remediable, second that it has been remedied and third that it is highly unlikely to be repeated."

19. At Paragraph 21 of Yeong -v- GMC (2009) EWHC 1923, Sales J stated

"In looking forward, the FTPP is required to take account of such matters as the insight of the practitioner into the source of his misconduct, any remedial steps which have been taken and the risk of recurrence of such misconduct. It is required to have regard to evidence about these matters which has arisen since the alleged

misconduct occurred: see Cohen, at 69 to 71, and Azzam v General Medical Council [2008] EWHC 2711 (Admin) at 44, 105 BMLR 142 (McCombe J)."

20. The Committee has been reminded that it has to look back at the Registrant's conduct when assessing current fitness to practice.
21. In this case, the Committee have been told that there are multiple strands of criminal conduct and misconduct established against the Registrant. They can be summarised as follows:

(i) The Registrant, on 15th and 16th September 2018, was found to have been asleep in the dispensary while at work. The Registrant, at that time was the RP, and the only Pharmacist, on duty at Cohens Chemist.

(ii) The Registrant engaged in criminal conduct towards [REDACTED], as follows:

(a) Between 20.22hrs on 03/09/20 and 08.49hrs on 07/09/20 the
r [REDACTED]

(b) From call logs extracted from his phone, 677 outgoing calls were made from the Registrant's phone between 19.20 on 29/08/20 and 10.41 on 07/09/20.

(d) Between 10th and 29th October 2020, t [REDACTED]
[REDACTED] 66 WhatsApp messages, 10 text messages and 37
phone calls from the Registrant. On 11th October 2020, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

(e) On 2nd November 2020, between 3pm until 9pm, [REDACTED]
[REDACTED]
[REDACTED]

(f) On 27th November 2020, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

(g) On 22nd December 2020, the Registrant, between the hours of midnight and 4 in the morning, s [REDACTED]
[REDACTED]
[REDACTED].

(h) Between 10th March 2021 and 24th April 2021, [REDACTED]
[REDACTED] the Registrant. [REDACTED]
[REDACTED]
[REDACTED]th March 2021. He sent 10 messages between 17th March 2021 and 19th March 2021 [REDACTED]
[REDACTED]
[REDACTED].

(iii) [REDACTED]
[REDACTED]

(iv) The Registrant has [REDACTED]
[REDACTED]
[REDACTED]

(i) 165 days prior to 28th January 2021

(ii) 3 months prior to 26th October 2021

(i) 2.3 months prior to 29th August 2022

(v) The Committee's attention [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED] This
indicates an ongoing failure to practice demonstrable insight.

(vi)

(ix)

There were additional allegations - criminal convictions:

(x)

s. The offences occurred between 19th August 2022 and 1st March 2023. The Committee considered the statements and text messages giving rise to these convictions and is satisfied that these were entirely inconsistent with the words and actions of a professional. that was aggressive, abusive and grossly offensive, was persistently threatening, consisting of threatening to kill and do harm, and included overtly sectarian abuse.

There were further additional allegations –

(xii)

(xiii)

(xv)

(xvi) The facts, in particular those giving rise to the convictions demonstrate erratic and unstable behaviour which he is clearly unable to successfully control.

(xvii)

22. A Committee is obliged to look at any steps that have been taken by the Registrant to remediate, and consider whether the Registrant has insight into the source of their failings, whether there has been effective remediation and whether there is any risk of recurrence.

23. The Committee concludes that the Registrant has demonstrated a lack of insight into his conduct. T

24. The Registrant

There is evidence of very abusive and aggressive conduct and use of appalling sectarian language. Most of the conduct now brought to the Committee's attention occurred when the Registrant was under scrutiny by this Statutory Committee, and in spite of the seriousness of being before his professional Regulatory body the behavior continued. The Committee does not consider that

the Registrant has demonstrated effective remediation and the Committee is not satisfied that there will be no risk of recurrence.

25. The Committee also considers that the wider public interest dictates that there should be a finding of impairment. The Committee was referred to Regulation 4 of The Council of the Pharmaceutical Society of Northern Ireland (Fitness to Practise and Disqualification) Regulations (Northern Ireland) 2012.

26. The Statutory Committee is obliged to have regard to the public interest in the form of (a) upholding standards, and (b) maintaining public confidence in the pharmaceutical profession generally, and in the individual pharmacist in particular, when determining whether established behaviour currently impairs the fitness to practise of a Registrant.

27. The Committee considers that Regulation 4 (2) of The Council of the Pharmaceutical Society of Northern Ireland (Fitness to Practise and Disqualification) Regulations (Northern Ireland) 2012 is applicable. This Regulation provides:

“In relation to evidence about the conduct or behaviour of the registered person which might cast doubt on whether the requirements as to fitness to practise are met in relation to the registered person, the Statutory Committee must have regard to whether or not that conduct or behaviour—

- (a) presents an actual or potential risk to patients or to the public;
- (b) has brought, or might bring, the profession of pharmacy into disrepute;
- (c) has breached one of the fundamental principles of the profession of pharmacy as defined in the standards, or
- (d) shows that the integrity of the registered person can no longer be relied upon.”

28. The Committee concludes that Regulations 4(2)(a), (b), (c) and also (d), are relevant, applicable and have been breached.

29. The Committee considers that the Registrant's conduct is so egregious, so persistent and falls so far below the standards the public should expect from a professional pharmacist that his integrity is fundamentally and adversely impacted to the extent that it can no longer be relied upon.

30. The Committee also considers that the Registrant has breached principles contained in the Pharmaceutical Society of Northern Ireland's Code 2016 (professional standards of conduct, ethics and performance for pharmacists in Northern Ireland) by reason of his admitted conduct.

In particular:

- i. The general principle of registration as a pharmacist that requires you to act to promote and maintain public confidence in the pharmacy profession.
- ii. To provide safe, effective and quality care.
- iii. Act with professionalism and integrity at all times.

31. There is a clear public interest in maintaining standards within the pharmacy profession and maintaining public confidence in the profession.

32. In conclusion, the Committee is not satisfied that the Registrant has shown demonstrable insight, that there is a real risk of a recurrence of some of the behaviours giving rise to the allegations and the convictions, and that it is in the public interest that there should be a finding of current impairment. Further, there is a need to uphold proper professional standards and public confidence in the profession, which would be wholly and substantially undermined if a finding of impairment were not made in this case.

33. The Committee were advised that the Registrant was the subject of an Interim Order. Given the Committee findings on impairment the Committee were invited to discharge this Interim Order. The Committee agreed to the application.

DECISION AS TO SANCTION

34. The Committee is grateful for the detailed submissions on behalf of the Society, from Mr Shields, and on behalf of the Registrant, from Mr Toal.
35. The Committee has reviewed the Indicative Sanctions Guidance and reminded itself that its decision must be proportionate.
36. It acknowledges that the purpose of the sanction is not to be punitive, but to protect the public interest, and that the sanction it determines should impose no greater restriction on the Registrant than is absolutely necessary to achieve regulatory objectives.
37. The Committee is entitled to give greater weight to issues of public interest, and to the need to maintain public confidence in the profession, than to the consequences to the Registrant himself of the imposition of the appropriate sanction.
38. The Committee has to take into consideration issues of protection the public, maintenance of public confidence in the profession and the maintenance of proper standards of professional behaviour.
39. As is required, the Committee considered all the potential sanctions available to it, starting with the lowest potential sanction, to decide which was the most appropriate and proportionate sanction in the circumstances of this particular case.
40. The Committee considered both relevant mitigating and aggravating circumstances.
41. As to mitigating factors the Committee took into consideration that:
 - a. The Registrant, in more recent times promptly reported his behaviour to the Society through his legal team.
 - b. [REDACTED]
[REDACTED]

to hear expert evidence about this, and the facts of the case were agreed by the Registrant through his legal team.

- c. The Registrant promptly brought adverse behaviour to the attention of the Society when further issues arose.
- d. The Registrant through his legal team has cooperated with the regulatory process.
- e. The Registrant did plead guilty to the various offences for which he was convicted.
- f. The Registrant did provide a number of testimonials but the Committee had difficulty placing much weight on those as they are historical, do not give an objective view about the Registrant's current impairment, and the Committee cannot be certain about the Registrant's level of disclosure to his referees.

42. As to aggravating factors, these were significant. The Committee took into consideration that:

- a. The Registrant's conduct persisted over a prolonged period of time, commencing in 2018, and with very serious conduct occurring from August 2020 until more recent times in late 2023.

[REDACTED]

[REDACTED]

[REDACTED]

- c. [REDACTED]

- d. The Committee's attention was brought to a large number of messages [REDACTED] were wholly unacceptable and inappropriate and which involved serious and persistent abuse, threats to kill, and serious sectarian words which gave rise to further convictions for harassment and threats to kill.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

f. When he engaged in this further reprehensible behaviour, he chose to ignore the bail conditions that were imposed on him. He was also the subject of a non-molestation order. In spite of those he repeatedly breached his bail conditions and the non-molestation order imposed on him by the Courts.

g. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

h. The Registrant's behaviour was highly inappropriate for a Pharmacist who purports to serve the community and contrary to the expectations in the Code and Professional Standard of Conduct for Pharmacists in Northern Ireland. His continued unacceptable behaviour represented repeated breaches of the Code.

43. Addressing the potential sanctions available, given the serious and protracted words and actions of the Registrant, and given the Committee's finding on misconduct and fitness to practise impairment, taking no action would not be proportionate or in the public interest.

44. Similarly, given these issues, giving the Registrant a warning would not be proportionate or in the public interest.

45. If the Committee were to impose conditions it is reminded that the conditions have to be workable and verifiable. The Committee also had to be satisfied that the conditions would be appropriate to protect the public. The Committee did not think that conditions would be appropriate for a case of this type or severity. The Registrant has shown very little demonstrable insight into his behaviour. Given the fact that his behaviour has continued over a prolonged period of time, indeed until recent times, the Committee could not be satisfied that this type of behaviour would

not be repeated in the future. The Committee noted that the Registrant failed to abide by bail conditions and a non-molestation order in the past. Accordingly, the Committee believed that conditions would be inappropriate and ineffective in managing any future risks.

46. The Committee then considered the sanction of suspension and whether this would be proportionate, whether it would meet the regulatory objective in maintaining public confidence in the pharmacy profession and would be in the public interest. The Committee was invited by the Registrant's legal representative to give serious consideration to suspension, but the Committee does not consider suspension is in fact proportionate or in the public interest in the light of the facts of this case. Whilst there have been some attempts by the Registrant to seek help, and that he has accepted that his conduct has been wholly inappropriate and [REDACTED] nevertheless, any positive steps he has taken are very limited. The Registrant has not shown enough insight into his behaviour and there has been no evidence of commitment, perseverance or effectiveness in relation to any actions he has taken. T [REDACTED]
[REDACTED]
[REDACTED] of the type that led to his serious criminal convictions, for harassment, threats to kill, and his ability to make appropriate professional decisions.

47. The Committee took account of the general principle that the Registrant should not be permitted to resume practice until he has satisfactorily completed his sentences. The Registrant remains subject to suspended sentences and a deferred sentence for serious criminal offences.

48. As to removal, the Committee acknowledges that removal is the most serious sanction that it can impose. However, having carefully considered the Registrant's behaviour in 2018, and his further behaviour from August 2020 until late December 2023, [REDACTED]
[REDACTED] significant harassment of [REDACTED] threats to kill, and appalling sectarian abuse which gave rise to criminal convictions, the Committee considers

that the Registrant's behaviour is fundamentally incompatible with being a registered professional and removing the Registrant from the Register is the only means to protect the public and to maintain confidence in the profession.

INTERIM MEASURE

49. A period of 28 days is allowed for a registrant to lodge an appeal with the High Court. The decision of the Committee is not formally imposed until this period of appeal has formally ended or, where an appeal is brought, the date on which the appeal is fully disposed of. If the Committee considers that it is in the public interest to do so, it has the power to impose 'interim measures' until the appeal period is over or, if an appeal is successfully lodged, until the appeal has been fully disposed of. Given that the Committee imposed the sanction of removal the Committee considered it to be in the public interest to impose interim measures until the appeal period is over or if an appeal is successfully lodged, until the appeal has been fully disposed of.

COSTS

50. No costs application was made by the Society.

Gary Potter

Chair of the Statutory Committee

19 April 2024