

**General Pharmaceutical Council**

**Fitness to Practise Committee**

**Principal Hearing**

In person at General Pharmaceutical Council, One Cabot Square, Canary Wharf, London E14  
4QJ

**9-10 November 2023**

<b>Registrant name:</b>	Amar Manzoor
<b>Registration number:</b>	2224624
<b>Part of the register:</b>	Pharmacist
<b>Type of Case:</b>	Misconduct and/or Conviction
<b>Committee Members:</b>	Manuela Grayson (Chair)  Patricia North (Registrant member)  Victoria Smith (Lay member)
<b>Committee Secretary:</b>	Zainab Mohamad
<b>Registrant:</b>	Present and represented by Mr Martin Hadley of VHS Fletchers
<b>General Pharmaceutical Council:</b>	Represented by Ms Yesim Hall, Case Presenter
<b>Facts proved:</b>	Particulars 1 and 2
<b>Facts proved by admission:</b>	Particulars 1 and 2
<b>Fitness to practise:</b>	Impaired
<b>Outcome:</b>	Removal from the Register

**Interim measures:**

Interim measure imposed (suspension)

This decision including any finding of facts, impairment and sanction is an appealable decision under *The General Pharmaceutical Council (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010*. Therefore, this decision will not take effect until 11 December 2023 or, if an appeal is lodged, once that appeal has been concluded. However, the interim suspension set out in the decision takes effect immediately and will lapse when the decision takes effect or once any appeal is concluded.

## **Particulars of Allegation (as amended)**

*“You, a registered pharmacist,*

*1. On 11 October 2022, were convicted at Barrow Magistrates Court of,*

*1.1 Driving a motor vehicle dangerously. [ADMITTED]*

*2. You failed to notify The General Pharmaceutical Council of the conviction referred to at paragraph 1 above within 7 days of receiving the conviction as required by Rule 4 of The General Pharmaceutical Council (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010. [ADMITTED]*

*By reason of the matters set out above, your fitness to practise is impaired by reason of your misconduct and/or conviction”*

## **Documentation**

Document 1- GPhC hearing bundle of 73 pages

Document 2- Combined Statement of Case and Skeleton Argument on behalf of the Council dated 27 October 2023

Document 3- Registrant’s hearing bundle which included: Registrant’s witness statement; Registrant’s reflections document; positive testimonials, of 31 pages

Document 4- Skeleton and Statement of Case on behalf of the Registrant dated 25 October 2023

## **Witnesses**

There were no live witnesses on behalf of the Council.

The Registrant gave oral evidence at the sanction stage.

## Determination

### Introduction

1. This is the written determination of the Fitness to Practise Committee at the General Pharmaceutical Council ('the Council').
2. The hearing is governed by *The Pharmacy Order 2010* ("the Order") and *The General Pharmaceutical Council (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010* ("the Rules").
3. The statutory overarching objectives for these regulatory proceedings are:
  - a. To protect, promote and maintain the health, safety and well-being of the public;
  - b. To promote and maintain public confidence in the professions regulated by the Council; and
  - c. To promote and maintain proper professional standards and conduct for members of those professions.
4. The Committee also has regard to the guidance contained in the Council's *Good decision making: Fitness to practise hearings and sanction guidance* as revised March 2017.
5. A Principal Hearing has up to three stages:
  - Stage 1. Findings of Fact – the Committee determines any disputed facts.
  - Stage 2. Findings of ground(s) of impairment and impairment – the Committee determines whether, on the facts as proved, a statutory ground for impairment is established and, if so, whether the Registrant's fitness to practise is currently impaired.
  - Stage 3. Sanction – the Committee considers what, if any, sanction should be applied if the Registrant's fitness to practise is found to be impaired.

## **Service of Notice of Hearing**

6. The Committee has seen a letter dated 26 September 2023 from the Council headed 'Notice of Hearing' addressed to the Registrant. The Committee was satisfied that there had been good service of the Notice in accordance with Rules 3 and 17.

## **Preliminary matters**

### **Application to amend the Particulars of Allegation**

7. The Committee heard an application from Ms Hall under Rule 41 to amend the particulars of allegation due to an error in that the Registrant was convicted at Barrow Magistrates court, not Carlisle Crown court as alleged.
8. Mr Hadley agreed that the proposed amendment was appropriate.
9. The Committee noted that the Certificate of Conviction dated 15 November 2022 stated that the conviction and sentence were both at Carlisle Crown Court. However, having heard from both parties, it was of the view that it was fair and sensible for the particulars to be amended as proposed and accordingly it granted the application to amend.

### **Application in relation to Rule 28 of the Rules**

10. Ms Hall, on behalf of the Council, referred the Committee to Rule 28 of the Rules, which states:

*(1) As regards to any fitness to practice allegations before the Committee, if-*  
*(a) the particulars of the allegation in the Notice of Hearing relate to more than one category of impairment of fitness to practise; and*

*(b) these particulars include a conviction or caution, the chair must ensure (by adapting the procedure for the hearing, where necessary) that at the principal hearing, the*

*Committee makes its findings of facts in relation to the allegations that do not relate to the conviction or caution before it hears and makes its findings of fact in relation to the conviction or caution.*

*(2) In the circumstances set out in paragraph (1), the chair must also ensure (by adapting the procedure for the hearing, where necessary), that the Committee only makes its decision as regards impairment of fitness to practise once it has made its finding of fact in relation to all the allegations set out in the Notice of Hearing.*

11. She submitted that the Registrant's criminal conviction is linked to his misconduct. She submitted that both matters are intrinsically linked, and the second allegation flows from the first, and therefore the Committee should hear evidence concerning both allegations together. She submitted that therefore the normal procedure in which particulars are considered by the Committee in turn does not need to be adapted.
12. Mr Hadley on behalf of the Registrant, did not object the proposal.
13. The Committee agreed to deal with both matters together, for the reasons submitted by Ms Hall. In doing so it took into account that the Registrant had indicated that he intended to admit to both factual particulars in their entirety.

#### **Application for the hearing to be held in Private**

14. Mr Hadley made an application under Rule 39(3) of the Rules on the Registrant's behalf for matters relating to his health or that of his family to be heard in private. He accepted that all other matters should be heard in public.
15. Ms Hall agreed with the application.
16. The Committee decided to hold relevant parts of the Hearing in private where they were to refer to matters of health as mentioned by Mr Hadley.

## **Registrant's Response to Particulars of Allegation**

17. Mr Hadley, on behalf of the Registrant, admitted particulars 1 and 2 of Allegation in their entirety. He also submitted that the Registrant would not seek to argue that the facts were not serious enough to amount to misconduct. He accepted that the Committee was likely to make a finding of misconduct in relation to the alleged facts in due course.

### **DETERMINATION ON THE FACTS**

18. In the light of the above, and by the application of Rule 31(6) of the Rules, the Chair announced that the admitted factual particulars were found proved.

19. The Committee noted Rule 24(4) of the Rules provides:

*"Where a person concerned has been convicted of a criminal offence in the British Islands (and has not successfully appealed against the conviction), a copy of that certificate of conviction certified by a competent officer of the court or for a conviction in Scotland, an extract conviction admissible as conclusive proof of that conviction and the findings of fact which it was based."*

20. The Committee had had sight of the Certificate of Conviction and although it appeared that there may have been an error in it as to the court at which the Registrant was convicted, the Committee was satisfied that the Certificate was appropriate confirmation of the facts alleged as particular 1.
21. In relation to particular 2 the Committee in finding that particular proved, had regard to all of the documentation contained within the bundles.

## **Background**

22. The Council set out the background to the allegations in its skeleton argument, and it is summarised below.

### **Allegation 1 - Conviction**

23. On 11 October 2022, at Barrow Magistrates Court, the Registrant pleaded guilty to the offence of dangerous driving. He was sentenced at Carlisle Magistrates Court on 11 November 2022.
24. The background which led to the conviction is summarised below.
25. On 14 November 2022, an ITV news report dated 11 November 2022 was picked up by the Council's Communications Team. The report indicated that the Registrant had been jailed for 10 months further to a conviction for dangerous driving. A Case Officer was subsequently allocated to commence an investigation into this matter.

### **Disclosure from Cumbria Police**

26. In response to the Council's request for disclosure, on 24 November 2022, Cumbria Police provided the Council with the police report, four witness statements, a victim personal statement and Collision Report.
27. According to the police report, on Friday 29 October 2021 at around 18:45pm, the Registrant was driving a blue BMW on the M6 southbound from Carlisle to his home address in Greater Manchester between junctions 37 and 36, when another vehicle, a silver BMW, lost control and collided with the central reservation and the rear of the Registrant's vehicle.



28. The police report along with the witness statements, suggest that the accident was caused by the Registrant's dangerous driving, where he applied his brakes several times without reason, which resulted in the white BMW losing control.
29. According to the victim's witness statement, at the time of the incident, he was driving in lane 3 of the motorway overtaking the traffic in lane 2 when he looked in his rear-view mirror and became 'dazzled' by a vehicle travelling at speed behind him. This vehicle (later known to be driven by the Registrant) got very close to the victim's car and began to flash his lights on full beam.
30. Due to the traffic in lane 2, the victim was initially unable to move into a different lane and let the Registrant pass. The victim became concerned that if he had to brake, the Registrant's car would crash into him due to the minimal space between the vehicles. Eventually, the victim was able to move his vehicle into lane 2, and the Registrant passed him.
31. Following this, the Registrant proceeded to move in front of the victim and braked hard. This caused the victim to slam on his own brakes and swerve into lane 3 to avoid a collision. The Registrant then began to straddle lanes 2 and 3 and again braked hard, resulting in the victim colliding with the Registrant. The victim's car began to spin, causing his car to collide with the central reservation of the motorway. It eventually came to a stop facing the wrong way of the motorway. Another vehicle was forced to brake hard and stop to avoid a further collision.
32. The victim's account is supported by two witnesses. Both witnesses observed the Registrant's dangerous driving prior to and at the time of the collision. Witness 2 describes the Registrant's manner of driving as '*aggressive, ignorant, stupid, [and] no reason to behave that way*'.
33. In his Victim Personal Statement, the victim describes the sleep and physical pain problems he has suffered from along with the social impact this collision has caused.

He also notes that he is a full-time carer for his autistic son, and the injuries sustained as a result of the collision have made it more difficult to provide this care.

34. The police report provides an account of the Registrant's interview following his arrest on 30 October 2021. During this interview, the Registrant denied any blame for the collision with the victim. When asked *'Do you think the standard of your driving has fallen far below that of a careful, competent driver during this event?'* the Registrant responded *'I think it was far better'*.

#### Disclosure from Carlisle Crown Court

35. In sentencing the Registrant, Mr Recorder Hodgkinson noted that the Registrant only pleaded guilty on the day of his trial. He described the Registrant's actions as *'an act of needless aggression'*.
36. In reference to the Registrant's comments during his interview following arrest, Mr Recorder Hodgkinson notes: *'You denied driving dangerously and, in fact, you went so far as to suggest that those other drivers that had witnessed your appalling driving had somehow got their heads together and concocted a story to make you look bad. You had managed to that quite on your own'*.
37. Turning to the pre-sentence report, Mr Recorder Hodgkinson noted that the Registrant continued to blame the victim, and failed to acknowledge the dangerous manner of his driving on the night in question. The author of the report stated, *'Mr Manzoor failed to acknowledge that his actions could have resulted in the loss of life'* and *'He was only concerned on the impact that this offence is now having on him'*.
38. Mr Recorder Hodgkinson describes the Registrant's dangerous driving to be *'persistent...deliberate and it was highly dangerous and...[he] sought to blame others and was unable to recognise the potential harm that could have been caused by [his] driving'*.

39. Mr Recorder Hodgkinson took into account the Registrant's guilty plea, along with his previous good character, and sentenced the Registrant to a 10-month custodial sentence. Upon considering whether this sentence could be suspended, Mr Recorder Hodgkinson noted '*...I am firmly of the view that this offence is so serious that only an immediate custodial sentence can possibly meet the justice of this case*'. The Registrant was ordered to serve half of this sentence in custody, after which he would subsequently be released on licence for the remaining five months. He was also disqualified from driving for three years and five months and ordered to pay the victim surcharge.

#### Disclosure from the Probation Service

40. On 5 June 2023 the Probation Service confirmed that the Registrant was recalled to custody on 6 May 2023.

#### Allegation 2 - Misconduct

41. A witness statement from Ann Robertson, CST Operations Support Officer at the Council confirms that all Registrants are required to complete a fitness to practise declaration on renewal of their registration each year. The electronic register, called CRM, is linked to the online renewal system called My GPhC, and records the declarations made by a Registrant when they renew their online registration using the portal.
42. According to the Council's electronic records, the Registrant completed the annual renewal of his registration on 24 August 2022. The screenshot of the declarations recorded by the Registrant in CRM indicate that he responded to:
- a) question 5 ['Q5'] under investigation by Regulatory Body: Yes, not previously informed
  - b) question F ['QF'] that he read and understood guidance
  - c) question G ['QG'] this included the duty to notify of changes
  - d) question J['QJ'] to notify of FtP changes.

43. The Council provided a screengrab of the page the Registrant would have answered when he answered 'yes' to question 5: '*Are you currently under investigation by any regulatory body (other than the GPhC) or criminal enforcement authority (e.g police or NHS Counter Fraud Service) the British Islands or elsewhere]?*'. This clearly states '*you must tell us about this by filling in a something to declare form. We will use the information you give us in the form to assess if you are fit to practise and if you meet the criteria to register as a pharmacy professional*'.
44. There was no record within the GPhC system to suggest that the Registrant completed a self-declaration form.
45. A witness statement dated 21 November 2022 from Miss Temi Abiodun, a paralegal within the Quality, Monitoring and Concerns department confirms that after checking incoming emails and notifications, as well as reviewing the CRM database, no information was received by the Registrant to disclose his conviction of 11 October 2022.
46. On 29 October 2023, the Registrant's representative sent an email to the Council with an attachment of a screenshot provided by the Registrant.

### **THE IMPAIRMENT STAGE**

47. Having found the facts proved, the Committee went on to consider whether those facts amount to misconduct and, if so, whether the Registrant's fitness to practise is currently impaired by reason of her misconduct.
48. Article 54(1) of the Pharmacy Order 2010 provides:

*“The Fitness to Practise Committee must determine whether or not the fitness to practise of the person in respect of whom the allegation is made (referred to in this article as “the person concerned”) is impaired”.*

49. The Council’s Good decision making guidance March (2017). Paragraph 2.11 of the guidance states:

*“A pharmacy professional is ‘fit to practise’ when they have the skills, knowledge, character, behaviour and health needed to work as a pharmacist...safely and effectively. In practical terms, this means maintaining appropriate standards of competence, demonstrating good character, and also adhering to the principles of good practice set out in your various standards, guidance and advice.”*

17. A conviction and misconduct are both “gateways” which may lead to a finding of current impairment. Article 51(1) of the Pharmacy Order 2010 provides that:

*“A person’s fitness to practise is to be regarded as “impaired” for the purposes of this Order only by reason of:*

*(a) misconduct*

*[...]*

*(e) a conviction in the British Islands for a criminal offence...”*

## **Submissions**

50. Ms Hall, on behalf of the Council, drew the Committee’s attention to the relevant guidance and case law. She submitted that the Registrant’s conviction and conduct in not declaring it to the regulator within the relevant time period were in breach of Standards 6 and 9 of the Standards for pharmacy professionals (May 2017). She submitted that the facts which led to his conviction demonstrated that he had been driving in an aggressive and violent manner, and it was only by luck and not through any action on his part, that he had not killed someone that night. His conviction and his conduct were both plainly serious enough to constitute grounds for leading to a finding of current impairment. In relation to current impairment, Ms Hall submitted

that Rules 5(2) (b) and (c) of the Rules were engaged by the facts of the case. Ms Hall also submitted in the Council's skeleton argument that the facts alleged reflected a serious attitudinal problem and that the Registrant lacked insight into his own failings. In the Council's skeleton argument Ms Hall submitted that unless the Registrant was able to demonstrate recent engagement in remediation to address these issues, the current risk of repetition is high. She submitted that, taking into account the guidance in the case of CHRE V NMC & Grant [2011] EWHC 927 (Admin), the need to uphold professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in these circumstances.

51. Mr Hadley did not seek to contest the submissions for the Council to the effect that the facts found proved, to which the Registrant had made full admissions, amounted to the grounds of conviction and misconduct. He submitted that not all convictions will lead to a finding of impairment but conceded on the Registrant's behalf that the conviction for dangerous driving was certainly serious enough to do so. In relation to current impairment, Mr Hadley accepted that Rules 5(2) (b) and (c) were engaged. He submitted that the Registrant had shown insight into the Crown's case some time ago by his guilty plea on the day of trial at Barrow Magistrates Court on 11 October 2020, however he accepted that the period of time since his conviction was not long enough to lead to full remediation. He therefore accepted that it was likely that the Committee would make a finding in due course of current impairment of fitness to practise in relation to the public interest component of impairment.

### **The Committee's decision on Misconduct**

52. The Committee took into account the submissions on behalf of both parties and the relevant law and guidance. It had regard to the case of Remedy UK Ltd v General Medical Council [2010] EWHC 1245 (Admin) in which it was said that "*Misconduct is of two principle kinds. It may involve sufficiently serious misconduct in the exercise of professional practise such that it can properly be described as misconduct going to*

*fitness to practice. Second, it can involve conduct of a morally culpable or otherwise disgraceful kind which may, and often will, occur outside the course of professional practice, but which brings disgrace upon the doctor and thereby prejudices the reputation of the profession...Conduct falls into the second limb if it is dishonourable or disgraceful or attracts some kind of opprobrium; ... It matters not whether such conduct is directly related to the exercise of professional skill”.*

53. The Committee noted that the particularised conduct took place outside of the course of the Registrant’s professional practice and therefore fell within the second limb above.
54. The Committee accepted the submissions of Ms Hall in relation to the Council’s Standards for Pharmacy Professionals (May 2017). It determined that there had been breaches of the following Standards:
- a. **Standard 6: Pharmacy professionals must behave in a professional manner at all times including in their personal life:** The Registrant’s actions resulting in his criminal conviction including the subsequent period of imprisonment imposed and his failure to declare his conviction to the Council has the ability to undermine public confidence in the profession.
  - b. **Standard 9: Pharmacy professionals must demonstrate leadership.** Pharmacy professionals must lead by example. The Registrant’s actions resulting in his criminal conviction fail to demonstrate leadership expected as a pharmacy professional.
55. The Committee bore in mind that the Standards may be taken into account when considering the issues of grounds and impairment but that a breach of the Standards does not automatically result in a finding of misconduct (Rule 24(11) of the Rules).
56. The Committee was in no doubt that the facts found proved were very serious. Turning first to the fact of conviction, the Registrant’s conduct in driving so

dangerously, as described by two independent witnesses as well as by the victim in the other car, could well, the Committee agrees with Ms Hall, have led to a fatality. The Registrant was very lucky that he did not end up charged with a much more serious offence, and whilst Mr Hadley rightly asked the Committee to take into account that the Registrant did not in fact kill anyone on that night, the Committee accepts the submissions of Ms Hall to the effect that this was not attributable to any care taken by the Registrant.

57. Moreover, the Committee was concerned at the Registrant's failure to notify the Registrar following his criminal conviction within the required timescale of 7 days from the date of imposition. Whilst the Registrant admitted to particular 2, it appeared to the Committee that he had (at the very least) not taken the care that would be expected of a professional to ensure that he complied with the requirements for notification to his regulator of such a serious conviction. There are good reasons for this requirement: it ensures the public and the regulator are aware of any matters which might affect their view as to whether a pharmacist has the character and/or skills they would expect. The fact that the Council did not discover the matter until it appeared in the media, is of concern to this Committee.
58. For the reasons above, the Committee found that the grounds of misconduct and conviction were found proved.

### **The Committee's Decision on Impairment**

59. Having found both grounds alleged to be proved the Committee went on to consider whether the Registrant's fitness to practise is currently impaired. Rule 5 of the Rules sets out the criteria which the Committee must consider when deciding, in the case of any Registrant, whether or not the requirements as to fitness to practise are met.
60. Rule 5(2) of the Rules states:

*"In relation to evidence about the conduct or behaviour of the Registrant which might cast doubt on whether the requirement as to fitness to practise are met in relation to*



*the registrant, the 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; or*
- d) Shows that the integrity of the registrant can no longer be relied upon.”*

61. Guidance on this issue, (echoed the Council’s Guidance at Paragraph 2.14), was set out by Mr Justice Silber in Cohen v General Medical Council [2008] EWHC 581 (Admin) at [paragraph 65]:

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

62. Applying the considerations set out in the case of Cohen, the Committee was of the view that the facts found proved, and especially the conviction for dangerous driving, were not “easily remediable”.

63. Furthermore, the Committee is most concerned to note some of the background context to its findings on fact. The Registrant did not admit to dangerous driving when arrested by the police; in fact he accused the two witnesses, who were independent and did not know each other, of having colluded and fabricated their accounts of the event. Whilst due credit was given by the judge for his guilty plea at court on the day of the trial, and the Committee takes that into consideration, this should also be weighed in the context of the seriousness of the Crown’s version of events, which Mr Hadley confirmed the Registrant does not now dispute, and of the evidence against him when he got to court.

64. The Committee is concerned that the Registrant's conviction revealed a lack of ability to hold his temper and a tendency to react aggressively when at the wheel of his car and the potential harm this could have caused to others and of course to himself, is of the highest degree.
65. In considering the Registrant's insight into the seriousness of his conduct, the Committee noted the sentencing comments of Mr Recorder Hodgkinson. He referred to the pre-sentence report which stated that the Registrant continued to blame the victim and failed to acknowledge he was driving in a dangerous manner which could have resulted in the loss of life. It was said that he was only concerned about the repercussions that the offence had on him.
66. The Committee also noted that, although it was not provided with background information about the reasons, the Registrant was recalled to prison whilst on licence.
67. In the light of these observations, the Committee was of the view that the Registrant's conviction for dangerous driving, along with his failure to declare this conviction, reflects a serious attitudinal problem where he placed his priorities above others, and that he lacks insight into his own failings. The Committee was therefore of the view that Rule 5(2) (a) of the Rules is engaged and that at present the Registrant presents an actual or potential risk to the public.
68. The Council next turned to consider whether any other sub-particulars of Rule 5(2) of the Rules are engaged by the Registrant's misconduct.
69. In relation to Rule 5(2)(b), the Committee accepted the submissions on behalf of the Council and agreed that members of the public would be appalled by the Registrant's conviction and his conduct leading to his conviction. It had regard to the sentencing comments of the judge in the criminal case who found the Registrant's driving to have been "persistent...deliberate [and] highly dangerous". It was satisfied that the Registrant's actions in driving so egregiously with a complete disregard for the safety of other road users and his conviction and sentence of imprisonment for doing so,

brought the profession of pharmacy into disrepute, and therefore Rule 5(2)(b) is engaged. The Committee was also of the view that in breaching Standards 6 and 9, the Registrant breached one or more fundamental principles of the profession and thus Rule 5(2) (c) is engaged.

70. In relation to the public interest, the Committee bore in mind the well-known words of Mrs Justice Cox in the case of CHRE v NMC and Grant EWHC 927 (Admin) where Mr Justice Cox stated that a panel must consider whether *“the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances”* of a case.
71. The Committee bore in mind that Ms Hall submitted, and Mr Hadley accepted, the facts of the case were so serious that the public would expect a finding of current impairment of fitness to practise in order to maintain professional standards and uphold confidence in the profession and in the regulator. Both agreed that the period of time which had elapsed since the Registrant’s conduct and his conviction (quite apart from the time elapsed since the findings at particular 2), was not long enough for the Registrant to have remediated his conduct. The Committee agreed. It took into account that the Registrant’s period of licence following release from prison had only elapsed relatively recently (on 12 September 2023); and he is still, the Committee was informed, undergoing weekly supervision with a probation officer. This is due to elapse in April 2024.
72. For all the reasons set out above, the Committee finds the Registrant’s current fitness to practise to be impaired on grounds of public protection and also of public interest, that is, in order to uphold proper professional standards and public confidence in the profession.

## **Decision on Sanction**

73. Having found impairment, the Committee went on to consider the matter of sanction. The Committee's powers are set out in Article 54(2) of the Order. The Committee should consider the available sanctions in ascending order from the least restrictive, taking no action, to the most restrictive, removal from the register, in order to identify the appropriate and proportionate sanction that meets the circumstances of this case.
74. The purpose of the sanction is not to be punitive, though a sanction may in fact have a punitive effect. The purpose of the sanction is to meet the overarching objectives of regulation, namely the protection of the public, the maintenance of public confidence and to promote and uphold professional standards. The Committee is therefore entitled to give greater weight to the public interest over the Registrant's interests.

#### **Evidence of the Registrant**

75. The Registrant gave oral evidence in which he talked in detail about his life when growing up. He told the Committee that he had been "hyperfocused" on getting home in time to collect his children from his ex-partner on the night of the offence, and he said he should have considered the effect his conduct would have on the victims, the witnesses, his profession and members of the public's confidence in his profession. He felt he had let all of them down, and he said he was very remorseful. He told the Committee the events of that night would remain with him for the rest of his life. He also explained that because he was not very technological he had not succeeded in notifying the regulator of his conviction, within the required time limit. He was in touch with the PDA at the time who were, he said, assisting him. He said that in future he would make sure that he received confirmation of sending documentation to his regulator, and would also phone the regulator to confirm safe receipt of his submission.
76. **(REDACTED)**

77. **(REDACTED)**

78. As for his current circumstances, he said he is in some considerable debt and is surviving due to assistance from relatives; he has recently secured a job as an addiction adviser and is due to undergo training for it imminently; he believes his skill as a pharmacist and previous experience in customer-facing roles will be of great benefit in that role.

### **Submissions**

79. Ms Hall submitted that given the Committee's findings, no less a sanction than removal was proportionate. She summarised the aggravating features of the case and submitted that the Council was not convinced that the Registrant has shown insight into his failings. A wish to get home in good time did not explain the Registrant's actions that night which were aggressive in nature, revealing an attitudinal problem which is of great concern to the Council. Ms Hall referred the Committee to the Judge's sentencing remarks and she submitted that the Registrant used his car that night as a weapon. His conduct was fundamentally incompatible with remaining on the Register.

80. **(REDACTED)**

81. Mr Hadley, on behalf of the Registrant, reminded the Committee of the relevant law and guidance, emphasising that any sanction must be proportionate and fair and should not constitute punishment. He proposed a number of mitigating factors and reminded the Committee of the contents of the Registrant's reflective statement and his oral evidence. He accepted that the Registrant needed to develop his insight further but said he is trying to continue to do so. The Registrant had taken steps to arrange and attend various therapeutic courses. His remorse was genuine. Mr Hadley submitted that whilst the Registrant fully accepted that his driving could have led to other consequences, the Committee should take into account that this was a

potential risk rather than actual harm. The Committee should take into account that the Registrant has served his custodial sentence as punishment for his offence; it should also take account of the time he has been suspended from practice on an interim basis. He submitted in relation to the Registrant's responses in his police interview on the day after his offence, that self-preservation cut in. However the Registrant pleaded guilty at court; he admitted the particulars of allegation and accepted the alleged misconduct: fairness required that all these matters should be taken into account. The testimonials provided by the Registrant demonstrate that he is a good pharmacist, and case law requires that in the balancing test between the interests of the public and the Registrant, the Registrant's right to work should be taken into account. Mr Hadley reminded the Committee that according to case law, the goal was one of "sufficient" remediation, not "full" remediation.

82. In relation to sanction, Mr Hadley submitted that a lengthy period of suspension together with a review in which the Registrant might be given an opportunity to demonstrate suitable development of insight and remediation, would satisfy the needs to protect the public and the public interest. Removal would be disproportionate.

## **Decision**

83. The Committee had regard to the relevant law and to the Council's 'Good decision making: Fitness to practise hearings and sanctions guidance (2017)' ("the Sanctions Guidance"), to inform its decision.
84. The Committee took into account the submissions made by Ms Hall and Mr Hadley.
85. The Committee first considered what, if any, aggravating and mitigating factors there may be.

86. The Committee identified the following aggravating factors:
- According to the comments of the sentencing Judge, the Registrant's pre-sentencing report showed that he continued to blame others including the victim for the events on the night of his offence and failed to acknowledge that his actions could have resulted in the loss of life, thereby demonstrating, even after he was convicted, a lack of insight.
  - The Registrant was recalled to prison in May 2023 to serve the remainder of his sentence following breaches of his licence conditions.
87. The Committee identified the following mitigating factors:
- The Registrant is of previous positive good character and has no earlier findings against him.
  - He has engaged with the police, courts, and the Regulator throughout.
  - The Registrant pleaded guilty on the day of his trial in the Magistrates Court.
  - The Registrant has provided positive professional references which do not suggest there are any issues with his standard of professional practice.
88. The Committee next turned to consider the sanctions available to it in ascending order.
89. Take no Action: The Committee first considered where it would be appropriate to take no action, however it was of the view that this outcome would not protect the public nor would it be sufficient to reflect the seriousness of the Registrant's conviction for dangerous driving and his misconduct.
90. Warning: The Committee next considered whether issuing a warning would be appropriate but it decided that, for the reasons above, namely that a warning would not protect the public nor sufficiently mark the public interest. It would not deal appropriately with the Registrant's failings.

91. Conditions of Practice. The Committee next considered whether to impose conditions of practice. The Sanctions Guidance states that conditions may be appropriate where there is evidence of poor performance or of significant shortcomings in a registrant’s practice. However, the Committee was of the view that conditions would not be appropriate or relevant in this case since the particulars of allegation relate to his conduct outside of his professional practice. In any case, the Committee considered that an order for conditions would not be sufficient to mark the seriousness of the matter so as to maintain public confidence in the Registrant, the profession and the regulator.

92. Suspension Order. The Committee next considered whether suspension would be a proportionate sanction. The Committee took into account that Mr Hadley had submitted that a lengthy period of suspension together with a review would be a fair and proportionate sanction in this case. It carefully considered the Council’s Sanctions Guidance which indicates that suspension may be appropriate where:

*“The Committee considers that a warning or conditions are insufficient to deal with any risk to patient safety or to protect the public, or would undermine public confidence. It may be required when necessary to highlight to the profession and to the public that the conduct of the registrant is unacceptable and unbecoming a member of the pharmacy profession. Also, when public confidence in the profession demands no lesser sanction.”*

93. The Committee took into account all of the mitigating factors of the case which it had identified. It accepted that the Registrant had made efforts to demonstrate his insight into his conduct for the purposes of this regulatory process. **(REDACTED)**

94. However, the Committee remained concerned in relation to a number of factors in this case. It accepted, as Mr Hadley had pointed out, that the Registrant acknowledged his guilt at the Magistrate’s Court in October 2022. The Committee



remained concerned however that following the collision and after having been in hospital for his own injuries, he then sought on the following day to dispute the evidence of two independent witnesses and to accuse them of concocting their story. The sentencing remarks of the Judge in relation to the contents of his pre-sentence report make clear that he continued to dispute his responsibility for what happened on the night in question even after he was convicted.

95. The Committee was unclear as to whether the Registrant in his oral evidence sought to explain his conduct after the night of the collision, or indeed his conduct on the night in question, as related in some way to a health condition he may have, but the Committee was not convinced that any potential health condition, as yet not formally diagnosed, was in any way responsible for his conduct on the night nor for his subsequent efforts to diminish his responsibility for the collision. The witnesses were quite clear in their evidence, and they were concerned enough to appear at court. The Judge was concerned enough having seen the evidence, to impose an immediate custodial sentence of some considerable length, and this was, as is of course accepted, for a first offence. In doing so he stated in relation to the Registrant's driving that "It was persistent, it was deliberate and it was highly dangerous". The Registrant had been "unable to recognise the potential harm that could have been caused by [his] driving".
96. In addition to its concerns set out above, the Committee was concerned that when asked during his oral evidence what he ought to have done differently, the Registrant said, on a number of occasions, that he ought to have pulled over, calmed himself down, and considered all of the situation, rather than being "hyperfocused" on getting home. But the Committee was of the view, as expressed by Ms Hall, that being hyperfocused on getting home, was not what caused the collision which led to the Registrant's conviction. It was his persistent and deliberately dangerous driving, which caused the collision, endangering a number of lives, and leading, the Committee has heard, to the Registrant himself being injured.

97. The Committee fully accepted the submissions of Mr Hadley to the effect that this regulatory process is not designed to punish registrants. The Registrant has served his punishment by the sentence given to him by the Judge. The role of this Committee is however to ensure the protection of the public and of the public interest.
98. The Committee is concerned, as set out in its findings on current impairment, as to the level of the Registrant's insight today into his responsibility for his offence and in particular as to *why* on 29 October 2021, he behaved in such a dangerously aggressive manner at the wheel of his car at night on a motorway.
99. Turning to the public interest, the Committee carefully considered Mr Hadley's submissions to the effect that a member of the public, if fully appraised of all the circumstances of the case, including all mitigating factors, would consider that, having served his custodial sentence, the Registrant ought to be given the opportunity to return to practice following a suspension and successful review.
100. However it was satisfied, having given appropriate weight to all of the evidence before it, that the public would not consider a Registrant convicted of the very serious crime of dangerous driving, and given all the circumstances of this case, a proper person to remain on the professional register. It does not consider that suspension would satisfactorily deal with the seriousness of the matters before it.
101. Removal. Having concluded that a period of suspension would not satisfactorily deal with the issues of public protection and public interest which it has identified, the Committee considered whether removal was in fact more appropriate. The Committee took into account that removal is reserved for the most serious conduct. The Sanctions Guidance states that:

*“The Committee should consider this sanction when the Registrant’s behaviour is fundamentally incompatible with being a registered professional”.*

102. Taking all of the evidence into account, the Committee has come to the view that the Registrant’s conduct is indeed fundamentally incompatible with being a registered professional and therefore removal is the only proportionate order it can make today.
103. The Committee therefore directs that the entry in the Register of Mr Amar Manzoor, whose registration number is 2224624, be removed.
104. This concludes the determination.

#### **Decision on Interim Measure**

105. Ms Hall for the Council, made an application for an interim measure of suspension to be imposed on the Registrant’s registration, pursuant to Article 60 of the Pharmacy Order 2010, pending the coming into force of the Committee’s substantive order. She submitted that such an order was necessary to protect the public and was otherwise in the public interest.
106. Mr Hadley did not oppose the application.
107. The Committee carefully considered the Council’s application. It took account of the fact that its decision to order the removal of the Registrant’s name from the register will not take effect until 28 days after the Registrant is formally notified of the outcome, or until any appeal is concluded. The Committee also took into account the Council’s Sanctions Guidance of 2017.

108. The Committee has found that the Registrant's conviction and misconduct merit an order of removal. It has also found that there is a risk of repetition. It is satisfied that it is therefore necessary for an interim measure of suspension to be in place from today's date, both to protect the public and in the public interest.
  
109. The Committee therefore hereby orders that the entry of the Registrant in the register be suspended forthwith, both on grounds of public protection and in the public interest, pending the coming into force of the substantive order.

