

## FURTHER DECISION OF THE ADJUDICATOR

**Licensed Conveyancer (Respondent):** Mr Philip Harris

**Complainant:** The Council for Licensed Conveyancers (CLC)

**Date of recommendation:** 2 March 2022

**Date of Adjudication Panel Preliminary Investigation:** 23 March 2022

**Determined on the papers**

**By Adjudicator** Helen Riley (Lay Member, Adjudication Panel)

**Subject matter:** Complaint about a Licensed Conveyancer whilst practising at Gough Thorne (the Firm) – Investigation

### Further decision:

I refer to my decision dated 23 March 2022.

In that decision I considered that there was sufficient evidence to give rise to **a case to answer** in respect of misconduct in relation to all the allegations set out. Accordingly, I decided to refer those allegations to a differently constituted Adjudication Panel for hearing and determination.

However, in view of the seriousness of those allegations and for the protection of consumers, I considered that an interim suspension of the Respondent's licence may be appropriate. Such suspension is provided for under section 24 (5) of the Administration of Justice Act 1985.

In order that I could decide whether an interim suspension would be fair and appropriate, I made the following directions:

- (a) The Respondent is invited to submit any representations against the making of a period of interim suspension, and an order for payment of costs in respect of the CLC's application. Those representations must be submitted by 13<sup>th</sup> April 2022 in order for me to consider them.*
- (b) The CLC are to submit a schedule of costs by 1<sup>st</sup> April 2022, to be served on the Respondent and a copy provided to me.*

*I will consider any representations made and decide whether to direct that the Respondent's licence be suspended until the allegation is determined by the differently constituted Adjudication Panel, as well as deciding whether to make an order for payment of costs by the CLC or the Respondent, on or before 20<sup>th</sup> April 2022.*

*In accordance with s24(8) of the 1985 Act where a direction for interim suspension of a licence has been made, a Respondent may appeal to the Adjudication Panel, within 21 days of the initial direction or in the event of a material change of circumstances.*

As of 14 April 2022, no representations had been received by the Respondent on (a).

On 29 March 2022 Field Fisher (CLC's representative) confirmed in an email that neither Field Fisher nor CLC are seeking to recover any costs in this regard and will not therefore be submitting a schedule of costs by 1 April 2022.

Having allowed adequate time for both parties to respond to my directions, I consider it now fair and appropriate to further consider whether the Respondent's licence should be suspended. I have not seen any representations against making a period of interim suspension.

In view of the seriousness of the allegations and for the protection of consumers, **I direct that the Respondent's licence be suspended from today's date until the allegation is determined by the differently constituted Adjudication Panel.**

I make no order for payment of costs by the CLC or the Respondent.

In accordance with s24(8) of the 1985 Act, the Respondent may appeal to the Adjudication Panel, within 21 days of this decision or in the event of a material change of circumstances.

**Helen Riley**

**Lay Adjudicator**

**Dated: 20 April 2022**