

**BEFORE THE FITNESS TO PRACTISE COMMITTEE
OF THE GENERAL OPTICAL COUNCIL**

GENERAL OPTICAL COUNCIL

F(26)16

AND

CATHERINE PRESTON (D-39486)

**DETERMINATION OF A SUBSTANTIVE HEARING
5 OCTOBER 2026**

Committee Members:	Clive Powell (Chair/Lay) Ann McKechin (Lay) Lisa Hill (Lay) Sue Deal (Dispensing Optician) Philip Cross (Dispensing Optician)
Legal adviser:	Jeff Widdup
GOC Presenting Officer:	Holly Huxtable
Registrant present/represented:	Yes and not represented
Registrant representative:	N/A
Hearings Officer:	Anwar Henry
Facts found proved:	Admitted in full
Impairment:	Not impaired and warning issued

Proof of service

1. No issue arose as to service of the Notice of Hearing and no preliminary issues were raised.

ALLEGATION

The Council alleges that in relation to you, Catherine Preston (D-39486), a registered Dispensing Optician:

- 1) *On 10 July 2025 at Harrogate Magistrates Court, you were convicted of driving a motor vehicle on a road after consuming so much alcohol that the proportion of it in your blood, namely 189 milligrams of alcohol in 100 millilitres of blood, exceeded the prescribed limit, contrary to section 5(1)(a) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.*

And by virtue of the facts set out above, your fitness to practise is impaired by reason of a conviction.

DETERMINATION

Admissions in relation to the particulars of the allegation

2. The Registrant admitted the facts contained in the allegation in full.

Background to the allegations

3. The Registrant was first registered with the Council as an optician on –
4. On 16 July 2025 the Registrant notified the Council that on 10 July 2025 she had pleaded guilty at Harrogate Magistrates Court to a charge of driving with excess alcohol and had been disqualified from driving.
5. The circumstances of the offence were that at 10.40 am on 22 December 2024 the Registrant had been driving in Harrogate when her car collided with a barrier. The police attended the scene, and she was breath tested and arrested following a positive reading for alcohol. A blood test later showed that the level of alcohol in her blood was 189 mg / 100 ml.

Findings in relation to the conviction

6. The Committee bore in mind that the burden of proof of the facts rests on the Council and that the standard of proof is the civil standard namely proof on a balance of probability.
7. The Registrant admitted that she had been convicted of this offence following her guilty plea.
8. The Committee was also provided with a copy of the certificate of conviction. Pursuant to rule 40 (3) of the Fitness to Practice Rule 2013, production of a

certificate of conviction shall be conclusive evidence of the offence committed and the facts were accordingly found proved.

Impairment

9. The Committee went on to consider whether the Registrant's fitness to practise is impaired by virtue of the criminal conviction.
10. The Registrant said that she preferred to make an unsworn statement rather than to give evidence on oath.
11. She provided the Committee with a reference from her employers which had been obtained on the day of the hearing.
12. The Registrant said that she had never had any regulatory issues before this and she had no previous convictions.
13. The Registrant explained that she came home from work [redacted]. She had been drinking that night but not on the morning of the offence. The following morning, she went out shopping in her car and did not realise that the alcohol was still in her system. She deeply regretted what she had done and was mortified about it. She had let many people down including her patients and she had no excuse for this. She assured the Committee that this would not happen again.
14. The Registrant went on to say that she was still disqualified from driving, but she no longer has a car. She could have taken a driver rehabilitation course, but the course took place during working hours, and she no longer had a car.
15. Ms Huxtable relied on her skeleton argument and outlined the leading cases that should be considered. She said that the Council were neutral on the issue of current impairment. The purpose of these proceedings was not to punish the Registrant but to address the public interest which involved maintaining public trust and confidence in the profession. There were no aggravating circumstances save for the conviction itself. The Registrant had disclosed the conviction to the Council within days.
16. The Committee should also consider whether there was any risk of repetition and whether the Registrant had insight into what had happened.
17. The Committee considered that if there was no current impairment it still had the power to issue the Registrant with a warning.
18. The Legal Adviser advised the Committee to consider current impairment and not whether there was impairment at the date of the offence or the conviction. The Committee should consider the public interest together with all relevant circumstances and to assess whether a finding of impairment was needed to reflect the public's concern about an offence of this sort.

The decision on current impairment

19. The Committee took into account the submissions made by Ms Huxtable and everything said by the Registrant herself. It also read and accepted the reference provided by the Registrant's employer, Ms A.
20. The Committee accepted the advice of the Legal Adviser.

21. The Committee carefully considered everything said by the Registrant. It accepted that she had been deeply affected by [redacted] and that she had responded by drinking heavily that night. The alcohol was still in her system the following morning, but she drove without realising this.
22. The information provided by Ms A was that the Registrant had worked for that branch of Specsavers for 30 years. She said that the Registrant had shown a consistent commitment to the profession. She was reliable and conscientious and displayed a high standard of customer service. In addition, she had worked in an out of hours service for the homeless locally.
23. The Committee noted what the Registrant said about her remorse and her feelings of having let many people down and these included her patients. She is someone who has never previously been the subject of any regulatory concerns and, but for these matters, is of good character.
24. Ms Huxtable invited the Committee to take into account the principles established in the case of *Cohen v GMC*. Those principles are of particular relevance to a case involving clinical misconduct rather than a conviction case of this sort. The Registrant had the option of going on a driver rehabilitation course, but she chose not to do so. Had she done so there would have been clear evidence of her having taken some step to remediate her offence. Notwithstanding this, the Committee concluded that there is a minimal chance of the Registrant repeating her offending.
25. The Committee also considered that the shame, remorse and regret the Registrant expressed at the hearing was genuine and indicates that she has a significant level of insight into what happened.
26. The sole question for the Committee is whether the Registrant's fitness to practise is currently impaired.
27. The primary issue is whether the maintenance of public trust and confidence in the profession will be damaged if no finding of impairment is made.
28. The Committee accepts that a member of the public would have great concerns about a registrant who had been convicted of an offence of this seriousness.
29. For the following reasons the Committee has concluded that the Registrant's fitness to practise is not currently impaired.
 - As was accepted by the Council there are no aggravating features to this case apart from the conviction itself.
 - The Council is neutral on the issue of impairment.
 - While there are no aggravating features there is mitigation in that the conviction was disclosed by the Registrant within days.
 - The risk of repetition is minimal.
 - The Registrant is remorseful and ashamed of her conduct and she has acquired insight into her offending.
 - She is of previous good character and has no adverse regulatory history.
 - The evidence of Ms A is persuasive and impressive and clearly shows that the Registrant is a valued and highly regarded member of the profession.
 - The evidence of Ms A also demonstrates that her employer continues to support her even though they have full knowledge of the offence.

30. In those circumstances the Committee asked itself whether a fully informed member of the public would accept that, in the particular circumstances of this case, there is no need to mark public concern about this offence by finding that there is current impairment. Having regard to the factors set out in the previous paragraph it concluded that there was no public interest in finding current impairment.

Warning

31. In her submissions Ms Huxtable referred to the Committee's power to issue a warning in accordance with section 13F(5) of the Opticians Act 1989, if it did not find impairment.
32. The Registrant made no submissions on this issue.
33. The Legal Adviser advised the Committee to consider whether a warning would be proportionate in this case.
34. Even though there is no public interest sufficient to justify a finding of current impairment the public will be concerned about a registrant endangering the safety of road users by driving while under the influence of alcohol.
35. The Committee therefore determined that, taking into account all of the circumstances, it was appropriate to issue a warning in this case. The Committee was satisfied that a period of six months was an appropriate and proportionate period, which adequately reflected the misconduct in question.
36. The Committee decided that the warning should be worded as follows:
- "The Fitness to Practise Committee has concluded that your fitness to practise is not currently impaired. However, the Committee has found that your offence was serious and amounted to wholly unacceptable behaviour by a registrant and therefore it considers it appropriate and proportionate to issue you with a formal warning for a period of 6 months. This warning will be placed on your registration record and may be taken into account in any future fitness to practise proceedings. While no further action is being taken at this time, the Committee reminds you of the importance of adhering to the Standards set by the General Optical Council and expects no repetition of the conduct in question. This warning will expire on 5 April 2027".

Chair of the Committee: Clive Powell

Signature  **Date: 5 October 2026**

Registrant: Catherine Preston

Signature ...sent via email..... **Date: 5 October 2026**

FURTHER INFORMATION
Transcript
A full transcript of the hearing will be made available for purchase in due course.
Appeal
Any appeal against an order of the Committee must be lodged with the relevant court within 28 days of the service of this notification. If no appeal is lodged, the order will take effect at the end of that period. The relevant court is shown at section 23G(4)(a)-(c) of the Opticians Act 1989 (as amended).
Professional Standards Authority
This decision will be reported to the Professional Standards Authority (PSA) under the provisions of section 29 of the NHS Reform and Healthcare Professions Act 2002. PSA may refer this case to the High Court of Justice in England and Wales, the Court of Session in Scotland or the High Court of Justice in Northern Ireland as appropriate if they decide that a decision has been insufficient to protect the public and/or should not have been made, and if they consider that referral is desirable for the protection of the public. Where a registrant can appeal against a decision, the Authority has 40 days beginning with the day which is the last day in which you can appeal. Where a registrant cannot appeal against the outcome of a hearing, the Authority's appeal period is 56 days beginning with the day in which notification of the decision was served on you. PSA will notify you promptly of a decision to refer. A letter will be sent by recorded delivery to your registered address (unless PSA has been notified by the GOC of a change of address). Further information about the PSA can be obtained from its website at www.professionalstandards.org.uk or by telephone on 020 7389 8030.
Contact
If you require any further information, please contact the Council's Hearings Manager at Level 29, One Canada Square, London, E14 5AA or by telephone, on 020 7580 3898.