



Neutral citation number: [2025] UKFTT 00441 (GRC)

Case Reference: FT/D/2024/0939

First-tier Tribunal  
(General Regulatory Chamber)  
Transport

Heard by Cloud Video Platform  
Heard on: 14 April 2025  
Decision given on: 13 June 2025

Before

JUDGE PERI MORNINGTON  
MEMBER DAVID RAWSTHORN  
MEMBER RICHARD FRY

Between

LEE DODD

Appellant

and

REGISTRAR FOR APPROVED DRIVING INSTRUCTORS

Respondent

**Representation:**

For the Appellant: In Person

For the Respondent: Mr Russell

**Decision:** The appeal is Dismissed. The Registrar's decision of 14 October 2024 is upheld.

**REASONS**

1. This appeal concerns a decision of the Registrar of Approved Driving Instructors ("the Registrar") made on 14 October 2024 to remove the Appellant's name from the Register of Approved Driving Instructors (the "Register") on the grounds that the Appellant had ceased to be a fit and proper person to be an Approved Driving Instructor ("ADI").

2. The proceedings were held by video (CVP). All parties joined remotely. The Tribunal was satisfied that it was fair and just to conduct the hearing in this way.

## **The Appeal**

3. The Appellant's Notice of Appeal dated 4 November 2024 relies on the grounds that:
  - (a) He is highly regarded with a good reputation and high success rate as a driving instructor;
  - (b) He has made a mistake which he has learned from;
  - (c) His failure to inform the Registrar of him receiving a Police caution within 7 days was due to the fact that he was unaware of the 7 day time limit and that he was under a great deal of stress and upset at the time;
  - (d) He accepted a Police caution only to avoid the embarrassment of arguing his case in a criminal court and considers the complaint against him to be exaggerated;
  - (e) His removal from the Register for ADIs serves greater punishment to those students he is currently teaching than to him.
4. The Registrar's Statement of Case dated 12 February 2025 resists the appeal. The Registrar maintains that the Police caution cannot be ignored and the Appellant's name should be removed from the Register.

## **The law**

5. Conditions for entry and retention on the Register require the applicant to be and continue to be a "fit and proper person" to have his name on the Register – see sections 125(3) and 127(3)(e) of the Road Traffic Act 1988 (the "Act").
6. The Registrar can remove a person's name from the Register if they have ceased to be a fit and proper person to have their name on the Register (section 125(2)(e) of the Act). The Registrar may take the view that a person no longer meets this requirement where there has been a change in circumstances. The Registrar has the burden of showing that a person does not meet the statutory requirement to be a fit and proper person, and the standard of proof is the balance of probabilities.

7. The powers of the Tribunal in determining this appeal are set out in section 131 of the Act. The Tribunal may make such order as it thinks fit (section 131(3)). The Tribunal stands in the shoes of the Registrar and takes a fresh decision on the evidence available to it, giving appropriate weight to the Registrar's decision as the person tasked by Parliament with making such decisions (in accordance with *R. (Hope and Glory Public House Ltd) v City of Westminster Magistrates Court & Ors* [2011] EWCA Civ 31).
8. In *Harris v Registrar of Approved Driving Instructors* [2010] EWCA Civ 808, the Court of Appeal described the "fit and proper person" condition as follows: *"..the condition is not simply that the applicant is a fit and proper person to be a driving instructor, it is that he is a fit and proper person to have his name entered in the register. Registration carries with it an official seal of approval...It seems to me that the maintenance of public confidence in the register is important. For that purpose, the Registrar must be in a position to carry out his function of scrutiny effectively, including consideration of the implications of any convictions of an applicant or a registered ADI. This is why there are stringent disclosure requirements."* (paragraph 30).

## **The evidence**

9. We have considered a bundle of evidence containing 25 pages. This includes evidence of the original submissions provided to the Registrar by the Appellant. We heard submissions from both Parties.

## **The relevant facts**

10. The Appellant's name was first entered in the Register in April 2024. On 11 September 2024, the Registrar received a common law disclosure from South Yorkshire Police that the Appellant was given a conditional caution for sexual assault – intentionally touching a female with no penetration on 22 August 2024 for an offence which took place on 3 July 2024.
11. On 13 September 2024 the Registrar gave the Appellant 28 days to make representations before a decision was made about removal of his name from the Register on the basis of the Appellant no longer being considered to be a fit and proper person to have his name on the Register of Advanced Driving Instructors. The letter referred to the offence and the caution, and to the Appellant's failure to notify the Registrar of the offence.

12. The Appellant responded by way of email on 30 September 2024 and made representations. The Appellant accepted that he had erred in allowing his relationship with a female pupil to become a friendship and more than purely professional. He stated that he and the pupil engaged frequently in “banter” and on one occasion on 3 July 2024, he placed his hand on her leg, over clothing. The next day, the female pupil contacted the appellant to confirm that she had felt uncomfortable in the lesson on 3 July 2024 and they both agreed to not engage in any further jokes or banter. A couple of days later, the female pupil advised that Appellant that she no longer wished to undertake any lessons with him.
13. The Appellant submitted that this was an isolated incident, and he accepts he has made a mistake which he will not make again. He confirmed that he did not seek any legal advice in relation to the offence and simply accepted the caution so as to not cause any further embarrassment for himself or the female pupil. He confirmed that he was unaware of the 7-day time frame for notifying the Registrar of the caution and that he had worked hard to obtain his qualification as a driving instructor and the role brings him much job satisfaction.
14. On 14 October 2024 the Registrar confirmed that the Appellant’s name should be removed from the Register as he had ceased to be a fit and proper person. The letter says that the Registrar came to this conclusion because the Appellant had been given a conditional caution by South Yorkshire Police on 22 August 2024 for *Sexual Assault - Intentionally Touch female – No Penetration* on 3 July 2024 after it was reported that he had sexually assaulted a female learner driver whilst she was undertaking a driving lesson in his vehicle, and also due to the Appellant’s failure to declare this caution to the Registrar within 7 days of sustaining it, thereby breaching the declaration, signed by the Appellant on 19 April 2024 when he applied for his first full ADI certificate.

## **Submissions**

15. In submissions, the Appellant told the Tribunal that the escalation to include the Police had come as a shock to him and he had ‘no clue’ as to why the female pupil decided to report the matter to the Police. In his view, the offence is made to sound worse than it was in reality. He maintains that he had touched the female pupil’s leg in a joking way, and not in a sexual way. He described his actions as a “*joke which has gone badly wrong*”.

16. The Appellant asked that the Tribunal allow him to remain on the Register permanently, but in the alternative, at least until such time that his current pupils have passed their tests. The Appellant made clear to the Tribunal that he does not intend on continuing with a career as an ADI due to this experience.
17. Mr Russell for the Respondent maintained his position as set out in his statement of case that the Appellant's name should be removed from the Register.

## **Conclusions**

18. If an ADI's name is allowed to remain on the Register when they have demonstrated behaviours which are relevant to fitness, this will diminish the standing of the Register and undermine the public's confidence in the Register. This includes any criminal conduct.
19. ADIs are held to a higher standard than ordinary motorists. The public has the right to expect that those who are registered as ADIs will not form relationships with pupils outside of the normal instructor/pupil relationship. Indeed, the Approved Driving Instructor (ADI) Code of Practice provides that "Driver trainers will be professional, comply with the law, keep clients safe and treat them with respect". By signing the code, the instructor agrees to, inter alia, "avoid inappropriate physical contact with clients" and avoid circumstances and situations which are or could be perceived to be of an inappropriate nature.
20. Teaching people of all ages to drive safely, carefully, and competently is a professional vocation requiring a significant degree of responsibility. Such a demanding task should only be entrusted to those with high personal and professional standards and who themselves have demonstrated a keen regard for road safety and compliance with the law.
21. The Registrar has the duty of ensuring that only those of appropriate standing are on the Register, and that those who are on it understand their responsibilities and can show they not only know the rules but follow them. We find that this would be undermined if the Appellant was allowed to remain on the Register. The actions of the Appellant may not seem to some to be an overly serious offence, and despite the Appellant maintaining that he is not a threat to any pupil; the law, the Registrar and this Tribunal treat offences of

this nature very seriously. It is essential that ADIs follow the law given they are teaching often young and impressionable pupils. We have considered all of the arguments made by the Appellant. However, we do not find that there are any exceptional circumstances which would justify allowing the Appellant to remain on the Register after committing an offence of this nature.

22. We therefore find that the Appellant does not currently meet the statutory requirement to be a fit and proper person. In all the circumstances, we conclude that the Registrar's decision to remove the Appellant's name from the Register as he was not a fit and proper person was correct. We dismiss this appeal.

Signed: Judge Peri Mornington

Dated: 18 April 2025