



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Report of Finding and Sanction

Case reference: PC 2019/1194/D3

Adnan Siddiq

The Director-General of the Bar Standards Board

The Chair of the Bar Standards Board

The Treasurer of the Honourable Society of Lincoln's Inn

Disciplinary Tribunal

Adnan Siddiq

1. In accordance with an appointment made by the President of the Council of the Inns of Court contained in a Convening Order dated of 5th November 2020, I sat as Chairman of a Disciplinary Tribunal on 4th December 2020 to hear and determine 2 charges of professional misconduct contrary to the Code of Conduct of the Bar of England and Wales against Mr Adnan Siddiq, barrister of the Honourable Society of Lincoln's Inn.

Panel Members

2. The other members of the Tribunal were:

Sarah Baalham (Lay Member)

Ashley Serr (Barrister Member)

Charges

3. The following charges were admitted.

Charge 1

Statement of Offence

Professional misconduct contrary to Core Duty 5 of the Bar Standards Board Handbook.

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Particulars of Offence

Adnan Siddiq behaved in a way which was likely to diminish the trust and confidence which the public places in a barrister or in the profession in that on the 29 September 2019 at the A12 Eastway Tunnel Northbound, London E9, he failed to co-operate with a roadside breath test, acting contrary to Section 6[6] of the Road Traffic Act 1988 and on 29 September 2019 at the custody suite at Stoke Newington Police Station, he failed to provide a specimen of breath, acting contrary to Section 7[6] of the Road Traffic Act 1988, as a result of which conduct he was convicted of offences under sections 6[6] and 7[6] of the Road Traffic Act 1988 and Schedule 2 of the Road Offenders Act 1988, on 15 October 2019 at Thames Magistrates Court.

Charge 2

Statement of Offence

Professional misconduct contrary to Rule rC8 of the Bar Standards Board Handbook.

Particulars of Offence

Adnan Siddiq behaved in a way which could reasonably be seen by the public to undermine his integrity, in that on the 29 September 2019 at the A12 Eastway Tunnel Northbound, London E9, he failed to co-operate with a roadside breath test, acting contrary to Section 6[6] of the Road Traffic Act 1988 and on 29 September 2019 at the custody suite at Stoke Newington Police Station, he failed to provide a specimen of breath, acting contrary to Section 7[6] of the Road Traffic Act 1988, as a result of which conduct he was convicted of offences under sections 6[6] and 7[6] of the Road Traffic Act 1988 and Schedule 2 of the Road Offenders Act 1988, on 15 October 2019 at Thames Magistrates Court.

Parties Present and Representation

4. The Respondent was present but was not represented. The Bar Standards Board (“BSB”) was represented by Mr Ben Mitchell.

Preliminary Matters

5. Mr Siddiq had only become aware of the charges recently due to having lost access to the address that the BSB had for him, to which the papers had been sent. The Chair asked Mr Siddiq whether he wished to seek an adjournment for this reason. Mr Siddiq indicated that he did not.

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Pleas

6. Mr Siddiq accepted both charges. The Chair asked whether the BSB wished to proceed with both charges, and Mr Mitchell indicated that they addressed different issues. However, he accepted the Chair's suggestion that Charge 1 be proceeded with, and that Charge 2 lie on file as an accepted charge.

Evidence

7. Mr Mitchell opened the case briefly. It comprised only of the MG5 police summary of the offences to which Mr Siddiq had pleaded guilty, and the memorandum of conviction. Mr Mitchell indicated that he did not seek to rely on the fact that Mr Siddiq gave a no comment interview.
8. Mr Siddiq advanced his mitigation, detailing the circumstances of the offence, personal reasons why he had refused to give the breath samples requested, the consequences he had suffered as a result of the conviction (including a driving ban, loss of income resulting from losing his job following the conviction, and subsequent homelessness).
9. A costs application was made by the BSB for £1200 (£1000 professional fees and £200 VAT).

Sanction and Reasons

10. The Panel retired to consider, and then imposed the following sanction of a reprimand and a £400 fine to be paid by no later than 16:00 on 4th March 2021.
11. The Panel's reasons were as follows:

'We have listened very carefully to what you have had to say to us about the circumstances you found yourself in when the police stopped you in 2019. This is the decision of the Tribunal and it is unanimous. The offences with which you were charged and the circumstances of those offences are serious, more serious, in our view, than a conviction for drink driving and the reason they are more serious than a conviction for drink driving is we do not know and cannot know, because of your conduct, what the level of alcohol in your blood was when you were driving. We take into account that you have admitted the charges and we bear in mind that you are an unregistered barrister, but with the privilege of being a barrister comes responsibilities and it is those that we have

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to deal with now. The factors in mitigation for the offence which you have been charged include: 1) that you admitted the charge to the police, 2) you did not contest the prosecution and you accepted the consequences, and 3) that you have paid your fine and done your time in terms of courses etc, 4) you reported the matter promptly to BSB and, you tell us, to your employer, and that had severe adverse consequences for you in terms of employment as you lost your job as a paralegal, 5) you have expressed remorse to us and we accept that, 6) this was a single incident and 7) you are of previous good character as far as the Tribunal is concerned.

That said, certain factors which are aggravating over and above ordinary run of these sorts of cases. The first is that we take the view that a matter of serious aggravation was your lack of co-operation with the police on the day of the incident, your lack of co-operation manifested in three ways – at the roadside, at the police station where no sample was recorded (we have heard what you said that there was a sample not recorded, but goes to the offence and you have admitted the offence) and, thirdly although you were entitled to and advised to give a no comment interview you are a professional man and you had to decide whether no comment was the appropriate response at the time. You did not at the time say any of the things you could have done to the police that might have helped them or us to understand what you did. Although your right you also have to bear in mind that you have obligations to the profession and the public.

Taking those matters into account takes us to the Guidance provided by BTAS. The closest guidance that we have is guidance Category B1 that deals with guideline for drink driving and other related offences at p38. No specific guidance given for persons not providing specimens. Closest, and by analogy the best, we have looked at the guidance and transposed ‘failure to provide a specimen’ with ‘drink driving’. You fall within category a – failure to give specimen only. B and C do not apply to you. The starting point is a reprimand and low level fine. We ask whether there are aggravating factors, and the third applies to you, as there was a lack of co-operation. The second of the aggravating factors applies to drink driving - we find that to be aggravating as we won’t know what your level was and so the very offence prevented that being found out. We take account of all mitigating factors and aggravating factors. We then ask ourselves what is appropriate in your case and this is the ruling of the tribunal. You will be reprimanded for your conduct on that day, and you will be fined for your conduct on that day. The tribunal took view

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that applying guidelines for the level of fine, we would have ordinarily, without regard to personal circumstances, imposed a fine of £1000 – top of the ordinary band for low level fines, due to aggravating circumstances, notwithstanding mitigation. We then considered the effect of the personal circumstances that you have described to us, though we have no evidence of them, but we have taken them at face value and we reduce the fine payable to £400. That is not because we think the offence is less significant than a £1000 fineable offence – it has only been reduced as you are on Universal Credit and have outlined your circumstances to us. Payment within 3 months – by 16:00 on 4th March 2021.

In light of Mr Siddiq receiving only Universal Credit and no other means of support, requiring payment of a large sum of costs will make it impossible for him to comply. However, we feel there should be recognition of costs incurred by the BSB, and so we order that Mr Siddiq should pay by 4pm on 4th March 2021, £50 plus VAT towards costs – making £60 including VAT.

Dated: 4th December 2020

Paul Lowenstein QC

Chairman of the Tribunal

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