

RICS Regulatory Tribunal Rules 2020

Part VI, Regulatory Tribunal Single Member Decision

Regulated Member	Anna Biggin [5028324]
Case Number	TRIB-004900
Single Member Decision of	Patrick Bligh-Cheesman
Date of Decision	6th December 2022

CHARGE:

The formal charge against the Regulated Member is: -

Between 1 January 2021 and 1 February 2022, you failed to comply with RICS' requirements in respect of Continuing Professional Development (CPD) in that you have not completed and recorded or caused to be recorded, at least 20 hours of CPD on the RICS CPD portal.

Contrary to Rule 6 of the Rules of Conduct for Members 2007 version 6.

The Regulated Member is therefore liable to disciplinary action under Bye-law 5.2.2(c)

MATERIALS CONSIDERED

I have considered the Investigation Report, together with the associated statements and exhibits.

BACKGROUND

Miss Biggin is a member of RICS (MRICS) and was first admitted on 1.11.2013. This is her third breach of CPD requirements.

FINDINGS OF FACT

The records show that she recorded 0 hours CPD in 2015 and 0 hours in 2017 and received a caution and caution and fine respectively for those breaches. Between 2018 and 2020 Miss Biggin met the RICS CPD requirements. Miss Biggin has recorded no CPD for 2021. Having been a member since 2013 and been subject to two previous sanctions, I am satisfied that she would have been aware of her obligations in respect of CPD. The fine in respect of the 2017 breach has not been paid although the membership subscription for 2021 was paid.

During the investigation, the records indicate that Miss Biggin should have received 8 written communications from RICS by way of reminders in respect of her CPD both before and after the due date for the 2021 CPD. RICS also made a phone call to the member on 3 August 2022. No response was received to any of these contacts.

There are no recorded relevant exemptions or concessions. Furthermore, there is no returned listing questionnaire in the report.

I find the facts as set out in the investigation report proved.

LIABILITY FOR DISCIPLINARY ACTION

The requirement to complete and record CPD is designed to ensure that a member's knowledge is up to date and ultimately to ensure public protection. I find that Miss Biggin's failure to comply with those requirements is sufficiently serious as to give rise to a liability to disciplinary action.

REGULATORY SANCTION

This is Miss Biggin's third breach of the RICS requirements for CPD and I find that she is liable to regulatory sanction. There is a presumption of expulsion for a third breach subject to the circumstances of the case and any mitigating or aggravating factors. Miss Biggin had no recorded concessions at the time of the breach. I have noted that she has not engaged with the disciplinary investigation process.

I have carefully considered the Sanctions Policy and the aggravating and mitigating factors of this case. Given the previous sanctions given to Miss Biggin for breach of CPD requirements and that the fine for the second breach remains unpaid, I do not consider that either a caution, reprimand or fine or combination thereof would be sufficient in this case. I do not consider that either a condition or undertaking to do something that is already an obligation on the regulated member would be appropriate, I have therefore decided that Miss Biggin should be subject to expulsion from membership.

ORDER MADE

In accordance with Part VI of the Disciplinary, Registration and Appeal Panel Rules, I make the following order:

That Miss Biggin be expelled from RICS membership.

TAKING EFFECT OF ORDER

In accordance with Part VI of the [Disciplinary, Registration and Appeal Panel Rules OR Regulatory Tribunal Rules], this order will take effect 14 days from service of the Single Member's decision upon the Regulated Member, unless notification in writing is received from the Regulated Member or RICS stating that they consider that the findings and/or the Regulatory Sanction imposed by the Single Member are wrong.

COSTS

In accordance with Part VI of the Disciplinary, Registration and Appeal Panel Rules, I make the following order in respect to costs:

In the absence of any statement of means and/or any documentary evidence of Miss Biggin's financial circumstances, I have been unable to identify any reason for reducing the costs. I have concluded that the costs are fair and reasonable.

I therefore order that Miss Biggin pay the costs of £350.

PUBLICATION

In accordance with Part VI of the Disciplinary, Registration and Appeal Panel Rules the Single Member's Record of Decision will be published following the expiry of 14 days from service of the Single Member's decision upon the Regulated Member.