

**SINGLE MEMBER OF REGULATORY TRIBUNAL**  
**RICS Regulatory Tribunal Rules 2020**

**Part VI, Regulatory Tribunal Single Member Decision**

**Regulated Member:** Colm Milner

**Single Member Decision of:** Dr Stephen Moore MSc FRICS FCIOB

**Case Number:** CON001669

**Date of Decision:** 24 March 2023

**CHARGE:**

The charge against the Regulated Member is:

*“Between 1 January 2021 and 1 February 2022, you have 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. An extension period was granted by RICS until 26 May 2022 by which date you had still failed to complete and record or cause to be recorded at least 20 hours of CPD on the RICS CPD portal for the period between 1 January 2021 and 1 February 2022”.*

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

**ALLEGED RULE/S BREACH**

RICS requirements in respect of CPD are set out in the RICS document ‘CPD Requirements and obligations’. They include requirements that *‘All members (AssocRICS, MRICS and FRICS) must undertake a minimum of 20 hours CPD each calendar year (January to December)’* and that *‘Members must record their CPD activity online by 31 January.’*

## **MATERIALS CONSIDERED**

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

RICS Bye-law 5.2.2(c).

RICS CPD requirements and obligations dated 14/03/2019.

RICS CPD FAQs Section 5.

Statement of Natasha Reid dated 10 January 2023.

RICS Contact Information record held for Colm Milner.

RICS CPD Annual Summary record held for Colm Milner.

RICS CPD Concessions record held for Colm Milner.

Statement of Claire Hoverd dated 10 January 2023.

Second Statement of Claire Hoverd dated 10 January 2023.

Second Statement of Natasha Reid dated 10 January 2023.

RICS Transaction Statement held for Colm Milner.

RICS Contact Phone Call record held relating to Colm Milner.

Letter from Natasha Reid to Colm Milner dated 10 January 2023.

## **BACKGROUND**

RICS clearly states in its document 'CPD requirements and obligations' that *"All members (AssocRICS, MRICS and FRICS) must record their CPD online"*.

RICS consider that the seriousness of this mandatory requirement is emphasised in the following statements:

- Practising members must recognise their obligations to the public, business and commerce for the provision of specialist knowledge and expertise.
- The requirement for CPD ensures consistent standards within the profession,
- The requirement for CPD ensures that individuals maintain up to date knowledge in their area of expertise,
- The requirement for CPD ensures that members demonstrate this by evidencing the completion of a record at RICS.

## **FINDINGS OF FACT**

RICS records confirm that the Regulated Member paid Membership Subscriptions up to and including 2021. The relevant RICS CPD Annual Summary confirms that the Regulated Member successfully completed recording a CPD outcome for 2013, 2014, 2015 and 2016, therefore demonstrating cognisance of RICS CPD requirements for professional members. However, RICS records show that the Regulated Member was in breach 2019 and 2020. RICS records show that there were no concessions granted to the Regulated Member for these and the relevant year in question. The Regulated Member received 8 No. reminder CPD Notification emails between November 2021 and June 2022. The Regulated Member has not responded to any of these communications from RICS.

The Regulated Member received a caution for a breach in 2019 and a caution and a fine for a breach in 2020. The fixed penalty fine imposed for 2020 has been paid. RICS granted an extension period for the CPD year 2021 until 26 May 2022 by which date the Regulated Member still failed to complete and record or cause to be recorded compliant CPD activities.

## **LIABILITY FOR DISCIPLINARY ACTION**

I have considered the contents and evidence prepared by RICS in the Investigation Report that confirms this to be the third breach within 10 years of receipt of a caution. I therefore find that the Regulated Member is liable for further disciplinary action.

## **REGULATORY SANCTION**

In accordance with sanctions in respect of Rule 6 of the Rules of Conduct for Members 2007 version 6 and RICS Sanctions Policy Version 9 with effect from 2 March 2020. I sanction that the Regulated Member be expelled from RICS.

## **ORDER MADE**

In accordance Regulatory Tribunal Rules, I make the following order:

That Colm Milner MRICS [1261269] be expelled as a Professional Member (MRICS) from RICS.

## **TAKING EFFECT OF ORDER**

In accordance with Regulatory Tribunal Rules, this order will take effect 14 days from the 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 Regulatory Tribunal Rules, I make the following in respect of costs:

I award costs for the consideration by a Single Member of the Regulatory Tribunal of £350.00

## **PUBLICATION**

In accordance with Regulatory Tribunal Rules, the Single Member's Record of Decision will be published following the expiry of 14 days from the service of the Single Member's decision upon the Regulated Member.