



SINGLE MEMBER OF REGULATORY TRIBUNAL

DECISION SHEET

RICS Regulatory Tribunal Rules 2022

Part VI, Regulatory Tribunal Single Member Decision

Regulated Member: Mr Andrew Liddiment [1210261]

Single Member Decision of: Ron Barclay-Smith

Case Number: REG0000047523

Date of Decision: 28 September 2024

Allegation:

“on 30 October 2023 at Telford Magistrates’ Court, Mr Andrew Liddiment was convicted of three counts of sexual assault on a female”

Alleged Rules Breach:

RICS alleges that the Member’s actions are contrary to the Rules of Conduct for Members Version 2 with effect from 2 February 2022 and that, as a result, he is liable to disciplinary action under By-law 5.2.2(d).

Materials Considered:

In considering this case, I have relied upon a bundle of evidence comprising 107 pages. The bundle comprises statements and evidence provided by RICS and includes email correspondence with the Regulated Member and statements in support of his character. The bundle also contains official documents produced by the Telford Magistrates’ Court, together with a transcript of the judge’s sentencing remarks and various newspaper article extracts. I note that the Member has engaged fully with RICS throughout the latter’s investigations. The bundle also includes extracts from, and embedded links to, RICS Rules, Guidance, Law and Procedure as they apply to this matter, an investigation report, and a number of associated documents which comprise variously extracts and downloads from RICS computer systems, statements by RICS staff, extracts of the relevant RICS Guidance, Rules and Policies and emails between RICS’ staff and the Regulated Member. Finally, the

bundle includes an assessment of the evidence and materials by means of a report provided by RICS, and a statement of costs incurred by RICS.

Background:

The Member qualified as a member of RICS (MRICS) on 28 October 2007. On 16 December 2022, the Member attended a works' Christmas party. The event was initially held at a restaurant where the colleagues had a meal. A few colleagues, including the Regulated Member, continued with celebrations after the meal. As the celebrations continued the Member committed three counts of sexual assault against three victims. On 3 October 2023, the Member pleaded guilty to the three counts of sexual assault. On 9 November 2023, the Member was sentenced to a Community Order with a number of attendant requirements, as well as notification requirements.

Findings of Fact:

In determining the facts of this case, I have relied on the evidence bundle provided by RICS. No other material relevant to this matter has been drawn to my attention. In accordance with Bye-law 5.2.2 (d), a Member may be liable to disciplinary action by reason of having been convicted of a criminal offence which could result in a custodial sentence. Accordingly, I have reviewed and carefully considered all of the material provided to me in the evidence bundle. Of particular note in the bundle is a certified copy of the memorandum of conviction. Under Rule 121 Of the Regulatory Tribunal Rules Version 2 with effect from 2 February 2022, such certified documentation is admissible as conclusive evidence of the member's conviction and his commission of the offences with which he was charged.

I therefore find that there are sufficient grounds to consider whether or not the Member is liable to disciplinary action under Bye-Law 5.2.2 (d).

Liability for Disciplinary Action:

I find that the Member has pleaded guilty to the charges against him, and that the charges relate to offences the seriousness of which is demonstrated by the possibility of a custodial offence, although I note that the Member's sentence was at the lowest end of the range for the offences with which he was charged. I also note that the Member has expressed substantively his shame and regret in relation to the matter, and I also note the character statements in his support and the extensive mitigating factors provided by the Member. On the other hand, and notwithstanding the Member's statements of regret, these offences are serious and are ones to which he has pled guilty. I have therefore concluded that the Member is liable to regulatory sanction.

In coming to this conclusion, I have carefully balanced the impact of the Regulated Member's conviction on his professional standing, and the public interest.

Regulatory Sanction:

I note that the offences in respect of which the Member has been found guilty and sentenced are serious and carry the possibility of a period in prison, although that sanction was not applied to him partly in respect of his early guilty plea. Nonetheless, I have taken careful note of the relevant Guidance which is clear as to the sanction which is appropriate in these circumstances. In considering all of the relevant material, expulsion from membership is both proportionate and appropriate, as the member's criminal convictions and the seriousness of those convictions render the circumstances clear and unambiguous. Regulation is pivotal in protecting the public and in maintaining the public's confidence in Chartered Surveyors and trust in the RICS and in this case protection of the public is paramount.

Order Made:

I therefore make the following order: that the Member be expelled from membership of the RICS.

Taking Effect of Order:

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 in writing 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:

I make the following order in respect to costs: that the Member shall pay to RICS the sum of £950.00.

Publication:

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.