

Appeal Panel Hearing

Case of

Mr Edward Webb [0000144364]

On

Monday 3 and Tuesday 4 June 2024

Held remotely by Teams

RICS, 55 Colmore Row, Birmingham, B3 2AS

Panel

Alexandra Marks CBE (Lay Chair)
Nirupar Uddin (Lay Member)
Mohamed Shehata (Surveyor Member)

Legal Assessor

Peter Steel

Representatives for the parties^[1]_[SEP]

Ben Rich of counsel represented RICS
Edward Webb was present and represented himself

Hearings Officer

Maria Choudhury-Rahman

Introduction

1. This is an appeal by Mr Webb under Rule 58 of the Disciplinary, Registration and Appeal Panel Rules 2009 (Version 7 with effect from 1 January 2017) (“the Rules”). Mr Webb seeks to appeal both the findings of a Disciplinary Panel following a remote

hearing between 8 and 16 January 2024, and the sanction of expulsion imposed on him. The charges found proved against Mr Webb was as follows:

“1. On or around 28 March 2018, Edward Webb was:

(a) dishonest in that he told Penny Lane-Ridyard and/or Sandra Lane that he was a fully qualified and/or paid-up Member of RICS when he was not, and knew that he was not, a fully-qualified and/or paid up Member of RICS but was a member of a class attached to RICS, namely a Student.

(b) lacked integrity in that he deliberately or recklessly misled Sandra Lane by:

(i) Not correcting Penny Lane-Ridyard when she told Sandra Lane that he was a member of RICS or words to that effect.

(ii) Not correcting Penny Lane-Ridyard when she told Aidan Ridyard that he was a member of RICS or words to that effect.

(iii) giving the impression by statements he made that his company had around nine members of staff and/or offices in three locations.

(iv) not informing Penny Lane-Ridyard and/or Sandra Lane that his company, Oakley Blythe Ltd, had been dissolved by compulsory strike off on 6th March 2018.

Contrary to Rule 3 of the Rules of Conduct for Members 2007

He is therefore liable to disciplinary action under RICS Bye-law 5.2.2(c)

2. Edward Webb failed to act with integrity in that between 25 March 2018 and 31 October 2018, his Firm’s website www.oakleyblythe.com, displayed the RICS logo when he knew, or ought to have known, that he was not entitled to use the logo.

Contrary to Rule 3 of the Rules of Conduct for Members 2007

He is therefore liable to disciplinary action under RICS Bye-law 5.2.2(c)

3. Edward Webb failed to avoid a situation that was inconsistent with his professional obligations in that he continued to display the RICS logo on his Firm's website, www.oakleyblythe.com, after having been informed by RICS on or after 17 August 2018 that his Firm was not RICS registered and following requests to remove the RICS logo on 8 October 2018 and 30 October 2018.

Contrary to Rule 3 of the Rules of Conduct for Members 2007

He is therefore liable to disciplinary action under RICS Bye-law 5.2.2(c)

4. Edward Webb failed to carry out his professional work with due skill, care and diligence in the preparation of a retrospective cost report dated 9th April 2018 (the report) for his clients, Sandra Lane and Penny Lane-Ridyard, in that:

a. The advice in the report was based on costs that were 10 years or more out of date;

b. He did not make any adjustments to the costs in (a) above by way of the indices provided by the Building Cost Information Service or equivalent to produce a value at or around the construction date;

c. He did not carry the costs in (a) above forward to a collection page to provide a clear understanding of the total value of the works if fully undertaken at the time of construction;

d. The following defective works were not costed on the same basis as the main work:

i. plumbing installations within Plot 3

ii. plumbing or mechanical services installations within Plot 4

iii. electrical installations or Communications within Plot 4;

e. He included costs for the following works that had not been carried out:

i. internal finishing items in plot 2 including decorative finishes, stairs and

ii. Newell posts, dormer windows, partitions, skirting, plastering and / or ceilings

iii. lead work flashings

iv. gable ladders or bargeboards;

f. There is no mention in the report of what work was excluded as being defective;

g. There is no mention in the report of what the valuation of the works was if it had been fully completed;

h. The report does not contain any site measurements.

Contrary to Rule 4 of the Rules of Conduct for Members 2007

He is therefore liable to disciplinary action under RICS Bye-law 5.2.2(c)

5. As a result of Edward Webb's conduct at (4) above, the service he provided did not properly address the needs of his clients in that:

a. the client would not have had a clear understanding of the total value of the works actually undertaken at the time of construction; and

b. the client would not know of any adjustments made for the timing of the construction, defects and/or 'ruined' work.

Contrary to Rule 5 of the Rules of Conduct for Members 2007

He is therefore liable to disciplinary action under RICS Bye-law 5.2.2(c).

Burden of proof

2. Under Rule 66 of the Rules, the burden is on Mr Webb to satisfy the Appeal Panel that the decision of the Disciplinary Panel was wrong.

Background

3. Mr Webb (“the Appellant”) enrolled as a Student of RICS on 6th December 2010. Under Bye-Law 2.1.2 and Regulation 2.1.2(c) he became “attached” to RICS as a person in an “Attached Class.”
4. At the material time, in March to April 2018, the Appellant was undertaking quantity surveying work as a sole practitioner. His company, Oakley Blythe Limited, had been dissolved by compulsory strike-off on 6 March 2018. A new company, Oakley Blythe Quantity Surveyors Limited, was not incorporated until 18 May 2018. During the period he was contracting with, and then doing the report for, the family the Appellant was a Member of an Attached Class, namely a student, at RICS.
5. On or around 28 March 2018, the Appellant was instructed by Sandra Lane, with the help of her daughter Penny Lane-Ridyard, to estimate the amount of money a building company had spent on four plots of land which had once belonged to the family.
6. In 2005, the Lane-Ridyard family had transferred three of the plots to a developer (while retaining a charge over two of them). The builder had contracted to build the family a house on the retained plot, then to build houses on two further plots with the proceeds of sale to be split equally with the family, and the fourth plot was for the developer to do with as he wished.
7. In around 2008 the developer ran out of money, and the work stopped. The house for the family had been built, there were partially built houses on the shared plots, and the developer’s plot was still vacant.
8. By 2018 work had not resumed, and the family were in dispute with the developer. They decided to instruct a quantity surveyor to estimate how much money had been spent by

the developer on the three plots where any work had been done, with a view to making a realistic offer for the work and regaining full ownership of the three transferred plots. If the offer were rejected, they would take the developer to the High Court, using the surveyor's report as part of their case.

9. Penny Lane-Ridyard's husband, Aidan Ridyard, was a qualified architect, and at his urging they decided to look for a quantity surveyor who was a RICS member to undertake the work. After a search online she identified the Appellant via the Oakley Blythe Limited website. The website displayed the RICS logo, although, as a member of an Attached Class, the Appellant was not entitled to use it.
10. They contacted the Appellant. He came twice to see the site, before producing a report on 9 April 2018. The family thought that the report was seriously defective. It included items which did not exist (for example windows and a staircase on a plot that had just a shell of a house with half-built walls), and excluded items which had been done. They noticed that the estimate the Appellant had come up with for Plot 2 (the half-built shell) was only around £25,000 less than his estimate for the house on Plot 4 (a fully complete and functioning family house).
11. When they refused to pay the Appellant, and brought in another company to redo the estimate, the Appellant sued them for his fee. The court rejected his claim and awarded costs against him. On 1 May 2018, the family also complained to RICS about the Appellant's performance.

The decision

12. As noted above, the Disciplinary Panel found all the allegations against the Appellant proved. In so doing, the Disciplinary Panel indicated that it had been provided with (and had taken careful account of) the extensive documentary evidence on behalf of RICS, including: witness statements and exhibits from Mrs. Lane, Mrs. Lane-Ridyard and Mr. Ridyard; a witness statement from Francesca Richards, a Lead Investigator within RICS; and an expert report from David Cartwright. The Panel also noted that Mr Webb had not provided it with a written statement, but had submitted a RICS document on valuations during the course of the hearing.

13. The Disciplinary Panel also noted that it had heard oral evidence from Mrs. Lane, Mrs Lane-Ridyard, Mr. Ridyard, Ms. Richard, Mr. Cartwright and from Mr. Webb.
14. The decision recorded that Mr. Webb had made a number of relevant concessions and/or his evidence agreed with that of the RICS witnesses in a number of significant respects, as follows:
 - a. He had indeed told either Penny Lane-Ridyard and/or Sandra Lane that he was a “*fully qualified and paid up member of RICS.*” (paragraph 60 re Allegation 1(a));
 - b. He accepted that had not undertaken a qualifying degree or completed an Assessment of Professional Competence (paragraph 62 re Allegation 1(a));
 - c. He had not corrected Penny Lane-Ridyard when she told Sandra Lane and Aidan Ridyard that he was a member of RICS (paragraph 67 re Allegation 1(b));
 - d. Although he said that his memory of events had faded, Mr. Webb conceded that he had made some comments about working with others and working in London, Manchester and Birmingham (as well as his base in Leamington Spa) and he therefore appeared to concede that he had made statements that could be said to have given the impression that he had nine members of staff and offices in three locations (paragraph 69, re Allegation 1(b));
 - e. Mr. Webb had conceded that he was not entitled to not use the RICS logo and had removed it from his website (paragraph 76, re Allegation 2); and
 - f. Mr. Webb accepted that it was wrong to identify within his report that the mechanical and electrical installations were defective within plot 4 (paragraph 95 re Allegation 4(d)).
15. The decision also made clear that as regards the disputed issues relevant to the charge, the Disciplinary Panel had preferred the evidence of the witnesses called on behalf of RICS to the Appellant’s evidence and/or had rejected the explanations that the Appellant provided:
 - a. “*The Panel accepted the evidence of Mrs. Richards that students were not required to pay fees to RICS, there being no independent evidence to contradict*

- that assertion. The Panel were not persuaded by Mr. Webb's contention to the contrary...*" (paragraph 62 re Allegation 1(a));
- b. *"The Panel noted that in relation to sub paras (i) and (ii) both Aidan Ridyard and Sandra Lane gave clear accounts of being told by Penny-Lane Ridyard that Mr. Webb was a member of RICS."* (paragraph 67 re Allegation 1(b));
 - c. *"In relation to sub para (iii) the Panel carefully noted the evidence of Sandra Lane...the Panel preferred the more contemporaneous and clear account given by Mrs Lane."* (paragraphs 69 and 70 re Allegation 1(b));
 - d. *"The Panel noted that Mrs. Lane's evidence had been that she had looked at the OBL website and seen the RICS logo prior to contacting Mr. Webb."* (paragraph 75 re Allegation 2);
 - e. *"The Panel considered the evidence Mr. Webb gave on the point [about licences to use the RICS logo] to be lacking in any real credibility. The Panel concluded it was a fiction constructed on the spur of the moment to excuse his failure to address his use of the logo for a prolonged period."* (paragraph 77 re Allegation 2);
 - f. *"The Panel had grave doubts about the credibility of Mr. Webb's account..."* (paragraph 85 re Allegation 3);
 - g. *"The Panel noted that the evidence provided by Aidan Ridyard, Penny Lane-Ridyard and Sandra Lane was constant throughout, as between themselves and throughout their various witness statements and in their oral evidence."* (paragraph 88 re Allegation 4(a) – (c));
 - h. *"In his evidence Mr. Webb gave at times conflicting and confused accounts of what he said he had been instructed to do... On the balance of probabilities the Panel considered it more likely than not that the Clients' understanding of the instructions given to Mr. Webb were accurate and preferred those accounts to that provided by Mr. Webb."* (paragraph 89 re Allegation 4(a) – (c));
 - i. *"The Panel did not accept Mr. Webb's account that he had used the NRM or similar...Given Mr. Webb mentioned the NRM for the first time in cross-examination the Panel considered it was evidence without any credibility at all."* (paragraph 91 re Allegation 4(a) – (c));
 - j. *"The evidence from the Clients was clear throughout that the items identified in Allegation 4(e) were not present on the site...Mr. Webb's account was difficult to follow, lacked any supporting evidence and was self-contradictory. The Panel found it was regrettably unable to attach any real weight to the account given its*

unreliability. The account provided by the Lane-Ridyard's was, in contrast clear, cogent and logical. On this point the Panel therefore preferred the Lane-Ridyard's accounts of what was or was not present on site in 2018." (paragraphs 97 – 98 re Allegation 4(e)); and

- k. *"The Panel were assisted in that regard by Mr. Cartwright's evidence...The Panel considered that the unchallenged evidence he provided made it clear that whether taken individually or cumulatively Mr. Webb's Report was of extremely poor quality, such that it demonstrated he had failed to carry out his professional work with due skill care and diligence."* (paragraphs 104 – 105 re Allegation 4(f) – (h) and 5).

16. Having found the charge proved in its entirety, the Disciplinary Panel determined that the Appellant was liable to disciplinary action under RICS Bye-law 5.2.2(c).
17. When it came to the decision on sanction, the Disciplinary Panel described the following as aggravating features: the conduct was aggravated by the length of time it had persisted; the Appellant's dishonesty had been perpetrated on clients in order to gain work for himself; his work was of seriously poor quality and he failed to alter his mistakes when this was brought to his attention, which was particularly serious given the work was intended for use in High Court litigation; he had failed to comply with RICS when asked to stop using the RICS logo and had adopted an argumentative and aggressive stance towards RICS; and the Appellant's behaviour towards the Lane-Ridyard family had represented a sustained and deliberate abuse of their trust.
18. As outlined in the decision, the Disciplinary Panel found as a mitigating feature the fact that Appellant had been subject to investigation for a very considerable period of time, which the Panel considered *"...provided significant mitigation to his position, given that the proceedings had doubtless caused him material concern and difficulty."*
19. As regards the question of risk, the Disciplinary Panel assessed that Appellant's lack of any insight or remorse for his behaviour meant the risk to the public and in particular to clients for whom Mr. Webb might seek to work, was very real. The Panel assessed that risk as being high.

20. The Disciplinary Panel went on to consider the possible sanctions available to it in ascending order of seriousness. Having considered and dismissed all the other sanctions available to it, the Disciplinary Panel concluded that Appellant should be expelled from membership of RICS, stating:

“135. The panel next considered expulsion from the profession. It determined this was the minimum sanction available to it to ensure the public were protected from a professional who had demonstrated a cavalier disregard for the truth, had abused his position as a Student of RICS and persistently sought to misrepresent his true status whether deliberately or recklessly. Whilst the Panel had some sympathy with him for the delay in the case being concluded, it could not escape the conclusion that the conduct found proved was fundamentally incompatible with continued membership of the Institute.”

21. The Disciplinary Panel made a costs order in favour of RICS in the sum of £15,500, reduced from the £31,426.50 that had been sought on the basis of the statement of means the Appellant had provided, as well as the lengthy delay in the investigation.

The Appellant’s Grounds of Appeal and submissions

22. The Appellant set out his grounds of appeal in a letter address to the “RICS Tribunal Panel” dated 13 February 2024 as follows:

“My appeal is based on the following grounds:

1. External Evidence:

Mr. Lane's Opinion: Mr. Lane expressed shock that I was still under investigation after 6 years, despite acknowledging key facts, such as my initiation of the court application against the Lane family. Evidence presented showed that my estimate fell within RICS guidelines, rendering Mr. Lane's opinion questionable.

Penny Lane: Penny's testimony was shown to be unreliable, with inconsistencies and intentional deceit. Her contradictory statements and false claims should not be considered by a professional tribunal panel. Penny admitted that I had never claimed to be a Chartered member of the RICS, which was truthful, showing that Penny did and

does remember the incident back in 2018. However, she later stated in writing that I had not taken any photos on site, but when confronted face-to-face during the tribunal, acknowledged that I did take photos. This is a clear and intentional statement of deceit. Sandra Lane: Sandra's statement regarding the replacement estimate contradicted the RICS's own expert, who agreed that the roof cost was not £150k. This raises concerns about the accuracy and credibility of her testimony.

2. RICS's Independent Expert Opinion:

The RICS-appointed expert did not take into account the measurements and cost of the estimate provided for the Lane family. Additionally, there was no evidence, such as internal drawings or site photos, considered by the expert. Therefore, the expert's opinion lacks a foundation for making informed comments and should be deemed invalid for tribunal decision-making purposes.

3. RICS Logo:

The tribunal acknowledged my compliance with the removal of the logo as requested six years ago, making it irrelevant to the current proceedings.

4. Collective Incidents:

The alleged incidents collected by the RICS appear to be part of a collective effort amounting to a witch hunt against me. The prolonged six-year investigation is unreasonably long for this type of tribunal hearing.

5. Membership Status:

The clarification of my membership status was brought up for the first time during the proceedings. The complexity of the RICS's categorization was not well understood, even by the tribunal, raising concerns about the fairness of expectations placed on me.

6. Tribunal's Initial Decision – My Opinion:

A fair tribunal must consider evidence-based facts. I believe that, based on hard facts, any finding of guilt should be supported, and hearsay or blurred lines should not suffice.

In My Appeal:

- I demonstrated deceptive statements by the Lane family.*
- I highlighted the lack of evidence considered by the RICS-appointed expert.*

• *I showed the tribunal revisiting a dispute already settled by the RICS in 2018.*

• *This is the sole complaint against me since the beginning of 2023.*

Considering this information, I find the decision of expulsion extremely harsh. The £15k tribunal fee, coupled with no deliberation and immediate expulsion, appears disproportionate and sadistic.”

23. In his oral submissions, the Appellant sought to expand on these points by reference to the five allegations which had been found proved by the Disciplinary Panel.

24. The Appellant said that the complaint against him had come about because he had taken the Lane – Ridyard family to Court in 2018 for non-payment of services. He said that his report, which was the subject of the complaint, was less than 3% inaccurate, in that there were only 16 disputed lines out of more than 1200. Having initiated the claim against the family, the Appellant said that they had countersued. The Appellant asserted that the judge had not upheld either his claim or that of the Lane – Ridyard family. In the Appellant’s view that meant that no one had won and the matter had been settled.

25. The Appellant observed that RICS had informed him that it intended to pursue the complaint in 2018, He had therefore been contacted by RICS every 4 – 6 weeks since then and the case had been hanging over his head for 6 years.

26. The Appellant told the Appeal Panel that he had been registered with RICS for the last 14 years and had only received the Lane – Ridyard family complaint, and another one which was thrown out because it was not a complaint. The Appellant said he was an honest person had never cheated anyone and had never committed fraud.

27. Turning to the allegations found proved by the Disciplinary Panel, the Appellant commented as follows:

1. (a) The Appellant said that he went over this in original hearing. He asserted that the RICS member of the Disciplinary Panel did not understand RICS membership either. The Disciplinary Panel had needed to get someone in from RICS to explain that. The Appellant said that there were lots of things he had not understood about RICS. His understanding had been that if he had passed the qualifications, which he had, and had paid the fee then he was a member. The Appellant said he understood that if he did not pay the RICS fee then he was a student member.

1. (b) The Appellant asserted there had been no deception, as he was a member of RICS and still was. He had not stated that he had 9 members of staff and/or three operating locations. The Appellant referred to his current website which he said continued to refer to his operating in London, Leamington Spa and Manchester. Indeed, he worked in a number of other locations in England. As regards his former company, Oakley Blythe Ltd, he had wanted to change the name of his business to Oakley Blythe Quantity Surveyors Limited in order to optimise the name for internet search engines. For that reason he had not completed the necessary confirmation slip at Companies House. The Appellant asserted there had been nothing untoward in this and that he had not deceived the Lane – Ridyard family.
2. As regards the use of the RICS logo, the Appellant submitted that he had been asked to remove the logo from his firm's website. The Appellant said that he had disputed the point with RICS because he had "*passed the course*" and was on his view a member of RICS. The Appellant said that RICS had pointed out the relevant rules to him, he had held his hands up and removed the logo from the website. He considered that charging him with this allegation and finding him guilty when he had already removed the logo was "*absolute lunacy*".
3. As regards the allegation of continuing to display the RICS logo on his firm's website when the business was not RICS registered, the Appellant said he now understands that he could not register the business with RICS, as the firm did not meet the requirement that it be at least 50% owned by chartered surveyors. The Appellant said he had previously believed he was entitled to use the RICS logo and had taken it down "*the second I knew*", so again for the Disciplinary Panel to find him guilty was ridiculous.
4. Turning to allegation 4, the Appellant said that the work he had been asked to do for the Lane-Ridyard family was difficult. Again he considered the finding of the Disciplinary Panel to be absolute lunacy and unbelievable. The Appellant said that the judge considering his claim for his unpaid fees had said if 10 different people were to do this job, there would be 10 different answers. The Appellant said it was almost an impossible situation to assess properly . The Appellant again asserted that only 16 lines out of 1200 were incorrect, and as demonstrated by the RICS

guidance he had referred to at the original hearing, he was allowed to be inaccurate by 10 - 15% but in fact, working with quantity surveyors in the past, 3% inaccuracy was regarded as allowed. His work on this project was less inaccurate than that – only 1-1.5% .. What the Lane – Ridyard family had suggested in saying the report was not fit for purpose was false. The Appellant said that he had visited the site twice and had taken hundreds of photos. He asserted that the Lane – Ridyards did not know what they were talking about. The Appellant said that the Lane – Ridyard family had just showed RICS snippets of the report he had sent them. They had implied that there was no summary page in the report, when he had completed it using digital “take off” software. The evidence provided to the Disciplinary Panel did not show a summary page, but in fact there was one, so in the Appellant’s view that allegation was obvious nonsense. The Appellant asserted that since he had referred to the RICS document setting out the permissible inaccuracy rate of 10 – 15% it had been removed from the RICS website, presumably on the basis that it had been used against RICS.

5. The Appellant submitted that allegation 5(a) was essentially talking about the summary page in the report. He said that the summary page had not been included by the Lane – Ridyard family when they complained to RICS and so that part of the allegation was “*thrown out of the window.*” As regards allegation 5(b), the Appellant said his job for the Lane-Ridyard family was to come up with a sum of cash to offer to the developer so that he was compensated for what he had done on the plots. The Appellant said that was what he had been hired for and not what was alleged in the charge which was a nonsense statement.

28. The Appellant said that the reason he had been subject to disciplinary action was because he had not paid RICS £350 which they had demanded from him to end the investigation and because he had brought County Court proceedings against the Lane – Ridyard family. He said that RICS had published an article following the Disciplinary Panel hearing warning the public about him, which had cost him £30,000 in fees.

29. The Appellant asserted that the reason for the costs awarded against him was because RICS was in such financial troubles. RICS had in his opinion been harsh with him so they could get money out of him. The Appellant said he had come forward to the Appeal

Panel in the hope that sense prevailed. He said that he did not deserve the finding of the Disciplinary Panel. If anything, the Appellant said that he deserved compensation because he had been mistreated from the start.

Submissions on behalf of the Respondent

30. Mr Rich, on behalf of RICS, referred the Appeal Panel to his written submissions which had been provided to it as part of the Appeal Bundle and in particular to his detailed response to the Appellant's six appeal grounds. He observed that there had been no application to admit any other evidence, so only evidence to the Appeal Panel was that which had been before the Disciplinary Panel hearing the case.
31. Mr. Rich said the question for the Appeal Panel was whether the decisions of the Disciplinary Panel had been reasonably reached based on the evidence available to it. Mr. Rich reminded the Appeal Panel of the need to give appropriate deference to the advantage the Disciplinary Panel had in seeing and questioning the witnesses in the case.
32. Turning to some of the points that the Appellant had made, Mr. Rich submitted that in so far as it was suggested that it had been unfair of RICS to proceed with certain of the allegations, in particular the allegations concerning use of the RICS logo, there had been no application before the Disciplinary Panel to remove any allegations as an abuse of process.
33. Mr. Rich advised the Appeals Panel to be very cautious of the additional evidence the Appellant had given to it, such as his assertions as to what the judge had said in County Court.
34. Mr. Rich said that it was not clear where a number of the Appellant's claims about the evidence before the Disciplinary Panel had come from. For instance the Appellant had said (and said at the Disciplinary Panel hearing) that Mrs. Lane had thought a roof would cost £150,000 and that Mr. Cartwright, the RICS expert, had agreed with him that £150,000 was a ridiculous amount. In fact the expert had not commented on the issue.
35. Similarly, the Appellant had asserted that there was a summary page to his report which provided an overall figure for the clients. This was clearly the Appellant's document and

he could have produced it to the Disciplinary Panel but he did not. In evidence before the Disciplinary Panel was a copy of the report which was sequentially paginated without a summary. Mr. Rich said there was not a shred of evidence to support the Appellant's assertion that he was paying fees to RICS when he was a student member, or that those inquiring of RICS by telephone would have been told the Appellant was a member, unless he had failed to pay his fees, in which case they would be told he was a student member.

36. Mr. Rich asserted that all the Appellant had done in his submissions was to indicate that he disagreed with the findings of the Disciplinary Panel. What the Appellant had not done was to indicate where the Disciplinary Panel had failed to take evidence into account or did not give appropriate weight to his evidence. Mr. Rich said that in fact it was clear from the transcript of the hearing that the Disciplinary Panel had taken the Appellant's evidence into account, but had dismissed it or did not believe it.

37. Mr. Rich submitted that the Disciplinary Panel had done its job in a through and careful way. It had made appropriate allowances for the fact that the Appellant had represented himself.

38. Mr. Rich invited the Appeal Panel to look at the evidence and at the Disciplinary Panel's reasoning and to assess whether there was a reasonable connection between them. He suggested that in accordance with the caselaw (*English v Emery Reimbold* [2002] 1 WLR 2409 and *Bedesha v National College for Teaching and Leadership* [2014] EWHC 1531 (Admin)), the Appeal Panel needed to be realistic about what the Disciplinary Panel was required to explain in its determination.

39. As to the quality of report and the standards that applied, Mr. Rich observed that the Appeal Panel had before it the evidence of an independent and properly qualified expert. The Appellant had not produced his own expert evidence. The Appellant had challenged the expert's evidence but Mr Rich said that he had not undermined it. Mr. Rich said that the Disciplinary Panel was perfectly entitled to rely on that evidence.

40. Mr. Rich stated that the Disciplinary Panel had found the evidence of Sandra Lane, Penny Lane-Ridyard and Adrian Ridyard consistent and credible. As to the matters that the Appellant said undermined the credibility of those witnesses, Mr. Rich said he could

not identify in the evidence where Mrs Lane-Ridyard had ever stated that the Appellant had not taken any photos on site, as the Appellant asserted. Even if she had said this and had in her oral evidence said something else, this would be a matter for the Appeal Panel, but Mr. Rich said that this would not invalidate the entirety of her evidence.

41. Mr. Rich said that the same applied to the Appellant's assertions about Sandra Lane's evidence and the replacement cost of the roof.
42. As regards the Appellant's appeal on sanction, Mr. Rich submitted that the Disciplinary Panel approached sanction in the correct way, evaluating the aggravating and mitigating circumstances, insight, and risk of repetition before reaching its conclusions. If the facts stood, this was in Mr. Rich's view a serious case, including as it did a finding of dishonesty for financial gain.
43. Further, Mr. Rich said that the RICS qualification was a publicly acknowledged standard. If a member dishonestly represents their status, or a firm is held out as being regulated, that undermines RICS as a professional body and regulator.
44. Mr. Rich reminded the Appeal Panel that the fact a respondent was disbelieved was not an aggravating feature. The Appellant had maintained his account, as he was entitled to do. He said that effectively the appeal had been brought on the basis that the Disciplinary Panel's decisions were ridiculous and should not therefore stand. Mr. Rich observed that the Disciplinary Panel had reasonably concluded that the Appellant had no insight, had conducted no remediation and the risk of repetition was high.
45. Mr. Rich said that given the element of dishonesty, and the finding that the Appellant had engaged in a sustained and persistent abuse of trust for financial gain, the sanction of expulsion from membership was reasonable in the circumstances.
46. Finally, on the question of costs, Mr. Rich stated that RICS did not seek to go behind the amount of costs awarded by the Disciplinary Panel. If the Appellant failed in his appeal, Mr. Rich invited the Appeal Panel to award those costs and to make a further order for the costs of the appeal in favour of RICS as per the schedule of costs it had submitted in advance of the hearing.

Appeal Panel's Decision

47. The Appeal Panel carefully considered all the written material with which it had been provided, including: the helpful written submissions of both parties; the transcript of the Disciplinary Panel hearing; and the evidence bundle that was before the Disciplinary Panel. It listened carefully to the oral submissions of the Appellant and Mr Rich. It accepted the advice of the legal advisor.
48. Having done so, the Appeal Panel first determined that the approach it should adopt to the appeal was as follows. It noted that in accordance with Rule 64 of the Rules it was to conduct a review of the decision of the decision of the Disciplinary Panel. Rule 66 indicated that the burden was on the Appellant to satisfy the Appeal Panel that the findings or order in question was “wrong”.
49. The required test was therefore whether the Disciplinary Panel’s decision was wrong, in that its findings were not justified by the evidence before it (or as regards sanction was outside the range of what was reasonable) (*GMC v Meadows* [2006] EWCA Civ 1390 at [125] – [127]).
50. No application had been made to introduce any fresh evidence in the appeal. The Appeal Panel therefore confined its review to the evidence available to the Disciplinary Panel set out in the transcript of the hearing and the evidence bundle.
51. The Appeal Panel accepted that decisions on dishonesty may be awarded a lesser degree of deference (*General Medical Council v Theodoropoulos* [2017] EWHC 1984 (Admin)). It similarly accepted that an appeal panel exercises a secondary judgment. It must give respect to the decisions of a specialist disciplinary tribunal in particular where sanction is concerned as per *Fatnani and Raschid v. General Medical Council* [2007] EWCA Civ 46.
52. The Panel could find no basis on which to disturb the findings of the Disciplinary Panel as regards the charges or its decision on sanction in this case for the following reasons:
- The Disciplinary Panel had provided more than adequate reasons for its decision, clearly identifying the basis on which it made the findings of fact on which it relied. As noted above, the findings rested principally on the Disciplinary Panel’s assessment of the credibility of the witness evidence it had received. The decision clearly indicates

which witnesses were believed and why. In addition, the Disciplinary Panel received expert evidence from an expert witness, whose report was not undermined by the Appellant's cross examination. In the Appeal Panel's assessment, the Appellant did not begin to demonstrate any reason why the Disciplinary Panel's findings could not be justified by the evidence referred to it in its decision;

- In point of fact, the Appellant had simply listed the points on which he disagreed with the findings of the Disciplinary Panel. The Appeal Panel noted that he had made all of his relevant points unsuccessfully during the original hearing;
- The Appeal Panel did not therefore consider that the Appellant had satisfied it that the findings of the Disciplinary Panel were wrong;
- As regards the sanction imposed by the Disciplinary Panel, as the case law amply demonstrates, even a single instance of dishonesty may justify an expulsion order. In this case, the Disciplinary Panel had found that the dishonesty was undertaken in order to gain work for the Appellant as part of a sustained and deliberate abuse of his clients' trust. The Disciplinary Panel had assessed the risk presented by the Appellant as high, given his lack of insight or any attempt to remediate his conduct. Finally, the Panel had fully considered all relevant mitigation in arriving at its decision, which in the Appeal Panel's view was plainly within the range of reasonable outcomes.
- The Appellant had raised the harsh consequences of the decision on him, but in the Appeal Panel's view this did not render the Disciplinary Panel's decision wrong in law. This was a point that followed from the well-known case of *Bolton v Law Society* [1994] 1 WLR 512, in which it was observed:

"[The respondent solicitor] can often show that for him and his family the consequences of striking off or suspension would be little short of tragic...All these matters are relevant and should be considered. But none of them touches the essential issue, which is the need to maintain among members of the public a well-founded confidence that any solicitor whom they instruct will be a person of unquestionable integrity, probity and trustworthiness...Membership of a profession brings many benefits, but that is a part of the price."

53. In the light of all the material it had considered and the submissions it had received, the Appeal Panel concluded that it should dismiss this appeal.

Publication and Costs

Publication

54. The Panel considered the guidance as to publication of its decisions. The advice was, and the guidance provides, that it is usual for the decisions of the Panel to be published on the RICS' website and in RICS Modus. The Panel sees no reason for departing from the normal practice in this case. Part of the role of the Panel is to uphold the reputation of the profession, and publication of its decisions is an essential part of that role.

55. The Panel therefore orders that this appeal decision be published on RICS' website and in RICS Modus, in accordance with Supplement 3 to the Sanctions Policy 2008 version 6.

Costs

56. RICS made an application for the costs of the appeal in the total sum of £8,975.00 (with a schedule of costs to that effect), together with the costs of the Disciplinary Panel hearing which the latter had assessed at £15,500.00 as mentioned in paragraph 21 above. The Appellant had submitted his own schedule of costs totalling £156,835.00, together with a statement of his means though with no supporting evidence.

57. Having heard submissions from both parties on the question of costs, and having considered the Appellant's statement of means, the Panel considered that it was appropriate for the Appellant to make a contribution towards the costs of this appeal, otherwise the full cost of these proceedings would fall on the profession as a whole. Taking account of his current means, and the fact that this hearing had not occupied the full two days for which it had been listed, the Panel was satisfied that it was just and reasonable to order that Mr Webb pay the RICS' costs of this hearing in the sum of £4,500.00, together with the costs ordered by the Disciplinary Panel in the sum of

£15,500.00, totalling £20,000.00. Absent any agreement to the contrary, those costs must be paid to the RICS within 28 days.