

Disciplinary Panel Hearing

Case of:

Firm: Warwick Estates Property Management Ltd [724719]

On

Thursday 23 October 2025

At

Remotely by Microsoft Teams

Panel

Ms Jane Bishop (Lay Chairman)

Ms Eleanor Spencer (Surveyor Member)

Mr Paul Curtis (Lay Member)

Legal Adviser

Alastair McFarlane

RICS Presenting Officer

Mr Ben Rich

Hearing Officer

Mrs Jae Berry

1. The formal charge against the Firm is:

1. On 13 March 2023 a Disciplinary Panel of RICS' Regulatory Tribunal imposed a disciplinary sanction on Warwick Estates Property Management Ltd ("the Firm"); the sanction imposed included a condition in the following terms:

"The Firm is to use its best endeavours to trace the individual clients and repay the monies owed to those clients by 13 September 2023. In default of this the Firm is to pay any monies not so repaid to clients, to a limit of £174,553.92 to the Lionheart Charity by 27 September 2023 and to provide RICS of proof of the same".

The Firm has not provided any proof to RICS that it has repaid any of the relevant sum to its clients or that it has paid all or any of the relevant sum to the Lionheart Charity. The Firm has thereby failed to comply with the terms of the condition imposed on it and has:

(a) Failed to act with integrity and/or

(b) Failed to comply with its professional obligations to RICS.

Contrary to Rule 1 of the Global Rules of Conduct 2021
The Firm is therefore liable to disciplinary action under
RICS Bye-Law 5.3.2 (c)

SERVICE

2. Having considered the notice of hearing and the witness statement of Mrs Berry, Hearing Officer, the Panel was satisfied that notice of the hearing was served on the Relevant Person (Warwick Estates Management Limited – the Firm) on 6 August 2025 in accordance with the RICS Regulatory Tribunal Rules Version 2 with effect from 2 February 2022 (“RTR”).

PROCEEDING IN ABSENCE

3. The Panel noted the submissions of Mr Rich and accepted the advice of the Legal Adviser.
4. The Panel reminded itself that the discretion to proceed in absence must be exercised with the utmost care and caution. The Panel noted that following the service of the Notice of Hearing on 6 August 2025, which explained the Panel’s power to proceed in the absence of the Regulated Member, the Firm has not responded at all. The Firm was sent further correspondence by RICS in relation to the hearing including a cost schedule on 20 and 21 October 2025 but similarly there has been no response. It noted the Firm’s letter of 24 May 2024 in which it stated to RICS as follows:

“In the event RICS elect to take further disciplinary action against Warwick Estates, we can confirm that we will not engage with the process.”

5. The Panel was mindful of the observations of Sir Brian Levenson in *Adeogba v. General Medical Council* [2016] EWCA Civ 162 as to the burden on all professionals subject to a regulatory regime to engage with the regulator both in relation to the investigation and the ultimate resolution of allegations made against them. The Panel specifically considered the issue of fairness to the Firm of proceeding in its absence, but also fairness to the RICS and the wider public interest in the expeditious discharge of the Panel’s function. The Panel was satisfied that the Firm has disengaged from the

process and therefore had voluntarily waived its right to attend. The Panel was not persuaded when balancing the Firm's interests and the public interest, that any adjournment was likely to secure its attendance and would not outweigh the public interest in proceeding with the hearing. The allegations were serious. The Panel was satisfied in all the circumstances that it was in the public interest and in the interests of justice overall to proceed in the absence of the Firm.

BACKGROUND

6. The Firm has been regulated by RICS since August 2012. Although on 5 May 2023 an application was made to deregister the Firm from regulation, the Firm remains regulated by RICS.
7. On 13 March 2023, the Firm appeared before a Disciplinary Panel. The Firm faced a number of allegations. The Firm admitted culpability in relation to Allegations 6 and 7 relating to the insurance issue and admitted liability to disciplinary action.
8. The condition set out in the Charge (at paragraph 1 above) was imposed in relation to Allegation 7. This proved allegation was that the Firm, having registered under the Designated Professional Body ("DPB") Scheme, had retained commissions it had received for arranging insurance on behalf of clients without the informed consent of those clients. Those commissions had been placed in its office account.
9. The Firm, in its written mitigation, accepted that commissions earned during 2016 and 2017 had been paid into its office account. It could not verify the figure of £174,553.92 that had been provided to RICS by the Firm but did not dispute the amount. The Firm had been unable to reconcile which properties

were the subject matter of the commissions and had been unable to identify the affected clients.

10. The March 2023 Panel's decision was that as the Firm accepted that it had failed to obtain informed consent from its clients and that in the absence of such consent, the commissions did not belong to the Firm. It was client money. The Firm accepted that all the insurance commissions obtained under the DPB licence period was held in its office account.
11. Having found that the Firm had placed client money into its own office account, the Panel imposed the relevant condition as part of the sanctions imposed. The condition took account of the submissions made on behalf of the Firm that it had been unable to identify any of the affected clients and merely required it to use "its best endeavours" to trace individual clients to repay the relevant sum; if the Firm could not trace any or all of the clients, then the sum should be paid to the Lionheart Charity as it did not belong to the Firm. The Firm was required to comply by 27 September 2023 and to provide proof of its compliance to RICS.
12. No proof of compliance has been provided by the Firm to RICS.
13. The Firm was contacted by email on 17 April 2024 asking if it had complied with the condition and if so, to provide proof to RICS. By 8 May 2024, the Firm had not replied to RICS' request and a further email was sent by RICS that day again asking if it had complied with the condition and to provide proof of such compliance as required by the condition.
14. On 14 May 2024, the Firm apologised for the delay in responding and said that a response was being drafted and would be provided shortly. The Firm was

chased for its response again on 20 May 2024. The Firm responded on 24 May 2024 but it did not address the question of the Firm's compliance, if any, with the relevant condition. The letter set out the Firm's frustration with the fact that RICS had declined its application to deregister the Firm, and its disagreement with RICS' position on the matter.

15. The Firm's 24 May 2024 letter also complained about the disciplinary process. One of the complaints was that there were discussions between the parties prior to the hearing, which included an agreement by RICS not to proceed with the first two allegations and to limit its application for costs to £10,000. RICS contends that each of those agreements were honoured. In contention was that RICS's external counsel was told that it was inappropriate to negotiate the question of sanction and that it should remain a matter for the independent Panel based on the agreed admissions and facts. An Agreed Facts document had been settled by the parties and was placed before the Panel together with all written mitigation relied on by the Firm. The Firm feels that it was wrong for RICS to take the view that the question of sanction be considered by the Panel and describes it as a "complete U-turn" despite the agreement in relation to the charges, agreed basis and costs.
16. The Firm was represented at the hearing by a Mr Hulmston who was described as the Head of Legal and in-house solicitor at the Firm. Mr Hulmston was able to make submissions to the Panel in mitigation and address the question of sanction. Mr Hulmston takes the view that RICS (which is understood to mean the Panel) took very little interest in the Firm's mitigation and felt that the decision had been pre-determined.
17. The letter further sets out that the Firm made a conscious decision not to appeal any aspect of the Disciplinary Panel's decision either on culpability or sanction. Having decided not to appeal, the Firm was required to comply with each aspect of the

sanction imposed.

18. Almost two months after the hearing, on 5 May 2023, the Firm applied to deregister. In answer to Question 9(b) of the deregistration application, the Firm asserted that it does not have any historical money belonging to a client that it cannot trace or funds that cannot be identified. No mention is made of the Firm having placed a sum of client money of £174,553.92 into its office account and subsequently having failed to identify or repay any of the affected clients.
19. RICS contended that the information provided by the Firm in its application to deregister would appear to be inaccurate, unless the Firm has complied with the condition imposed by the Panel and has simply declined to provide proof of having done so. If that were the case, then one would expect the Firm to have said so in its responses to RICS.
20. On 28 May 2024, Mr Hulmston was sent an email by RICS noting that he had not addressed the question of compliance with the condition. He was asked to answer whether the Firm had used its best endeavours to trace individual clients and repay them or if, in default, the money had been paid to charity. Mr Hulmston was given the opportunity to explain why the Firm had not done so if that was the case and asked if the Firm could now comply with the terms of the condition.
21. The Firm's substantive response came by way of email on 5 June 2024. RICS contended that once more the Firm, through Mr Hulmston, did not answer the question about compliance. The email stated:

"Further to your email below concerning the panel condition, we direct you to our written submissions filed for the panel hearing, specifically, paragraphs 45-60 and the Summary of Mitigation points and Submissions on Sanctions on pages 13-15. Our position remains the same.

We also refer you to our letter of 24 May 2024.”

22. Paragraph 60 of the written submissions referred to stated that:

“The Firm accepts and has admitted the Charge. Paragraphs 46-59 above seek to provide the wider context to the Firm’s conduct at the time and subsequently.”

23. RICS refer to paragraphs 45-59 of the Firm’s written submissions containing an apology for the Firm’s failings and explaining that due to poor record keeping at the relevant time that the Firm did not know how the sum of £174,553.92 had been calculated by the Firm but that the Firm did not dispute that figure. The Firm had made unsuccessful attempts to reconcile which properties were the subject matter of commissions and had been unable to identify the relevant clients.
24. RICS maintain that the Firm’s Summary of Mitigation points and Submissions on Sanctions do not touch directly or at all on the question of repayment of client money that had been placed by the Firm in its office account and that the letter of 24 May 2024 did not address the issue of compliance with the condition.
25. On 13 June 2024, RICS sent an allegation letter to the Firm that was broadly similar, but not identical, to the allegation set out above. RICS indicated that the wording has been changed but the alleged failings remain the same.
26. The Firm responded to the allegation letter on 27 June 2024.
- RICS contended that that response did not address the allegation save to say that the Firm indicated that it did not intend to participate in the disciplinary process and that its failure to participate was categorically not an acceptance of the allegation(s). The

response refers back to the Firm's letter of 24 May 2024, the final paragraph of which confirms that it will not engage in the disciplinary process and that the likely outcome of any additional disciplinary proceedings is expulsion which is the Firm's intended purpose in any event.

RICS SUBMISSIONS

27. Mr Rich referred to his case summary and maintained that the documentation showed that the Firm was in breach of the condition imposed by the March 2023 Panel.
28. Mr Rich referred to the decision in SRA v Wingate [2018] EWCA 366 and others as to the meaning of a lack of integrity and contended that the Firm's failure to comply with the condition was sufficiently serious enough to amount to failure to act with integrity as well as being a failure to comply with its professional obligations to RICS.

Liability to disciplinary action

29. In relation to liability to disciplinary action, Mr Rich accepted that not every breach of the bye laws renders a firm liable to disciplinary action. Those breaches must be sufficiently serious. He submitted that this case involves the Firm ignoring a Condition imposed by a RICS Disciplinary Panel. Not only does that undermine the regulatory process, but on the face of it involves the retention by the Firm of nearly two hundred thousand pounds which does not belong to it. It is submitted that this is a significant failing in integrity and renders the Firm liable to disciplinary action.

SUBMISSIONS ON BEHALF OF THE FIRM

30. The Panel noted and took account of such responses as they were from the Firm in relation to this allegation. In particular, it had regard to the contents of the Firm's letters

of 24 May 2024 and 5 and 27 June 2024 and references to its previous Summary of Mitigation and Submissions on Sanctions documents (before the March 2023).

FINDINGS OF FACT

31. The Panel reminded itself that the burden of proving this allegation was on RICS alone and the absence of the Firm was not indicative of acceptance of the allegation. RICS had to prove the allegation on the balance of probabilities. The Panel accepted the advice of the Legal Assessor.
32. The Panel was satisfied on the documentary evidence before it that the Firm had not repaid any sums to clients or that it has paid any sums to the Lionheart Charity. The Firm had been repeatedly asked to provide such proof. It has not done so. Nowhere in its responses that the Panel has documented, did the Firm address the issue of compliance with the condition. The Panel was satisfied that had it complied with the condition, the Firm would have informed RICS it had done so. It was therefore satisfied that it was reasonable to infer that it had not complied with the condition - either to reimburse clients or donate the monies to charity. It was satisfied that the Firm had not complied with the terms of the condition imposed on it and that as there was a duty to comply with the order of the March 2023 Disciplinary Panel, that this amounted to a failure. The Panel noted the complaints set out in the correspondence received from the Firm, but these did not amount to a defence to the charge. The Firm's remedy, if it was not content with the decision of the March 2023 Panel, was to appeal. It did not do so. Accordingly, Charge 1 was proved.

33. The Panel then considered whether this failure amounted to a failure to act with integrity and/or a failure to comply with its professional obligations.
34. The Panel was mindful of the observations of Jackson LJ in SRA v Wingate (supra) and was satisfied that a failure to comply with a condition imposed by the Firm's regulator was a serious matter and indicative of a failure to comply with the higher standards expected of professionals and undermined the regulator's ability to regulate the profession. Accordingly, the Panel was satisfied that Charge 1 (a) was proved.
35. The Panel noted that Charge 1 (b) was not expressed solely as an alternative to 1 (a) and was satisfied that failing to comply with the condition imposed by the March 2023 Panel also amounted to a failure to comply with the Firm's professional obligations to RICS. Accordingly, Charge 1 (b) was proved.

LIABILITY FOR DISCIPLINARY ACTION

36. The Panel next considered whether the proved Charge rendered the Firm liable to disciplinary action under bylaw 5.2.2 (c).
37. The Panel accepted the advice of the Legal Assessor. It reminded itself that liability to disciplinary action was a matter for the judgment of the Panel. It was satisfied that the continued failure of the Firm to comply with condition amounted to breaches of its professional obligations that were serious. The Panel was satisfied that breaching a sanction condition imposed by one's regulator was sufficiently serious to render the Firm liable to disciplinary action, as its conduct fell well-below that to be expected of a Regulated Firm. The Panel noted that the Firm had paid the fine and costs as required by the March 2023 Disciplinary Panel. It had not, however, complied with the

condition. It was not for the Firm to pick and choose which parts of a panel's decision it chose to comply with.

SANCTION

38. The Panel next considered the matter of sanction. It noted the submissions of RICS and such written observations as it had from the Firm. It accepted the advice of the Legal Assessor. It had regard to RICS' Sanctions Policy, and in particular the overriding principles of acting in the public interest, to protect the public, the reputation of the profession and to declare and uphold proper standards and bore in mind the overriding principles of proportionality.
39. The Panel reminded itself that the purpose of sanctions is not to be punitive, though that may be their effect.
40. The Panel considered any mitigating and aggravating factors of this case as well as the issue of proportionality in weighing up the appropriate sanction.
41. The Panel was unable to identify any mitigating factors in relation to the Firm.
42. The Panel considered that the following aggravating factors were present:
 - The conduct involved was a deliberate breach of the order of a disciplinary panel of the regulator
 - The Firm was given repeated opportunities to demonstrate compliance with the order and the failure has continued over a prolonged period
 - The Firm has remained unjustly enriched to a significant sum in excess of £170,000

- The Firm has not fully engaged with the regulator
- There is no evidence of insight into the seriousness of failing to comply with the condition of a Disciplinary Panel or of the impact on the reputation of the profession
- The conduct hampers the ability of the regulator to regulate the profession and undermined public confidence in the profession and in the regulator.

43. The Panel was satisfied that the Firm's failure to comply with a condition imposed by a regulator's disciplinary panel had the potential to undermine public confidence in the regulator and the profession and was of the upmost seriousness.
44. The Panel considered the matters too serious for no sanction at all to be imposed. It considered the sanctions in ascending order of severity.
45. The Panel considered that the sanctions of Caution, a Reprimand, or further Conditions were insufficient to mark the seriousness of the behaviour and to adequately maintain the reputation of the profession. The Firm had been given an opportunity to comply with the condition imposed in March 2023 while remaining registered. In the Panel's judgment the Firm had flagrantly ignored that opportunity. The Panel considered the following factors, set out at paragraph 7 of RICS Sanction Policy were applicable in this case: 7 a – the breach involved wrongdoing; 7 d - Regulated Member benefited from the breach; 7 e - there were losses to clients; 7 k - the breach was ongoing and 7 l – over a prolonged period; 7 s - the Firm had not taken responsibility for the failings. The consequence of the Firm's failure to comply with the condition means that it remains unjustly enriched to the tune of £174,553.92. The Panel was satisfied that the conduct was fundamentally incompatible with the Firm remaining on the RICS Register. The seriousness of the conduct and the highly detrimental impact such serious behaviour has upon the standing and reputation of the profession meant that the only proportionate and appropriate sanction was removal of the Firm's registration, coupled with a Fine of £174,553.92.

PUBLICATION

46. The Panel was satisfied that no justifiable basis was advanced for departing from the presumption of publication. The Panel considered the policy on publication of decisions, The Sanctions Policy Supplement 3 - Publication of Regulatory Disciplinary Matters. This decision will be published on the RICS website and in the RICS magazine Modus.

COSTS

47. RICS has submitted a statement of costs in the sum of £4,673.50. The Firm has not made any response to this or detailed its current financial situation.
48. The Panel was satisfied that it was appropriate to make an award of costs in this case in favour of RICS. It was further satisfied that the costs claimed by RICS were appropriate and proportionate. Accordingly, it awarded RICS costs in the sum of £4,673.50.

APPEAL PERIOD

49. The Firm has 28 days, from the service of the notification of the decision, to appeal this decision.