



ROYAL INSTITUTION OF CHARTERED SURVEYORS

Registration Panel Hearing

Case of

**Mr Harvey Mitchell [CON008443]
Jersey**

On

21 January 2026

Held remotely via Microsoft Teams

Panel

Glenn Mathieson (Lay Chair)
Peter Baker (Lay Member)
Joan Waweru (Surveyor Member)

Legal Adviser

Peter Steel

RICS Representative

Hugh O'Brien Quinn

Tribunal Executive

Jae Berry

Background

1. Mr Mitchell qualified as a Professional Member of RICS (MRICS) in December 2012. At the time Mr Mitchell was elected MRICS, the surname used by him and recorded with RICS was

Gooch, but on 8 June 2016, Mr Mitchell requested RICS to amend his record by changing his surname to Mitchell.

2. RICS convened a Disciplinary Panel on 31 May 2016, to hear an allegation that Mr Mitchell had failed to comply with RICS' requirements in respect of Continuing Professional Development (CPD) in that he had not recorded 20 hours of CPD activity online for 2014 or 2015.
3. Mr Mitchell did not attend and was not represented at the hearing. The Disciplinary Panel resolved to proceed in Mr Mitchell's absence and found the allegation proved. Since Mr Mitchell had at that point failed to comply with the CPD requirements on three occasions (as he had not recorded any CPD for 2013 as well), the Panel decided in accordance with the guidance in the then Sanctions Policy to expel Mr Mitchell from membership of RICS.
4. Mr Mitchell submitted an appeal by email dated 8 June 2016. However, no appeal hearing was ever held.
5. This was because the Registration Panel on 31 May 2016 had been composed of only two members, rather than three as would usually be the case. RICS wrote by email to Mr Mitchell on 6 October 2016 conceding that it could be argued in his case that the panel should have consisted of three members rather than two. RICS therefore offered Mr Mitchell the opportunity to have the decision reconsidered afresh by a three-person panel.
6. However, Mr Mitchell responded to the effect that he would not now be pursuing his appeal and wished to have nothing further to do with RICS.
7. Mr Mitchell applied for readmission using a standard form dated 4 December 2024.

Preliminary matters

8. Although the normal order of proceedings would be for Mr Mitchell to present his case first, in the interests of fairness, the Chair invited Mr O'Brien Quinn to make the opening submissions.

Submissions by the RICS Presenting Officer

9. Mr O'Brien Quinn, on behalf of RICS, said that he was not intending to make any submissions as to the right outcome of the hearing, which was entirely a matter for the Panel. He referred the Panel to the background of the application, in particular Mr Mitchell's expulsion for a third breach of the CPD requirements in 2016.
10. Mr O'Brien Quinn confirmed that Mr Mitchell had paid all the necessary fees and as far as RICS was concerned, Mr Mitchell did not owe it any money in respect of the previous breaches of the CPD requirements. RICS also accepted that Mr Mitchell was professionally competent. Therefore, Mr O'Brien Quinn submitted that the only questions before the Panel were (a) is Mr Mitchell a fit and proper person (Regulation 2.2.2) and (b) is his re-admission in the best interests of RICS (Rule 5)?
11. In response to questions from the Panel, Mr O'Brien Quinn confirmed that Mr Mitchell would have received a fixed penalty for the 2013 and 2014 CPD breaches, namely a caution in the first instance, and a caution and a fine in the second instance. It was not clear to him why the 2016 allegation referred to both the 2014 and 2015 breaches.

Submissions by Mr Mitchell

12. Mr Mitchell referred the Panel to his application and written submissions. He reminded the Panel that he was currently employed by The Channel Islands Co-operative Society Limited to lead a £30m capital expenditure programme for its 122 properties across both Jersey and Guernsey. Mr Mitchell said that he felt that rejoining RICS membership would add to and build on the qualifications he already had developed in construction and surveying.
13. In answer to questions from the Panel, Mr Mitchell said that he became a Member of Chartered Institute of Builders (CIOB) in 1998 and 4 years later became an MRICS. He had started a successful chartered building company in Jersey in 2010. The company had ceased trading in 2024, as a result of the economy in Jersey post-COVID and the resulting downturn in work.

14. Mr Mitchell said that his business had had a good reputation. Despite its closure, Mr Mitchell said his personal reputation remained intact and he was still involved with his company's suppliers. He was managing director and owner of the company, so its closing had resulted in a financial impact on him but had not affected his ability to be a company director in Jersey or elsewhere. Mr Mitchell said he remained a director of several companies.
15. Mr Mitchell described his future plans to the Panel, which were to provide property management services to mainly residential clients and consulting advice to Jersey businesses on project viability and suitability. He thought he offered a different dimension to the other elements of RICS surveying. Mr Mitchell said he was not just a quantity surveyor, but had a project management background. He had originally worked as a civil engineer, which had given him wide experience across the construction industry. Mr Mitchell expressed the hope that this range of experience on a rather small island would assist "everyone".
16. Mr Mitchell said that if readmitted he looked forward to being involved in his local RICS group, and had previously been involved in the CIOB local group.
17. Mr Mitchell told the Panel that he had a different view about CPD now to that demonstrated at the time of his expulsion. He said he could see the importance of recording CPD now and had apologised for his mistake. He said he realised that not knowing about the need to do so was not an excuse.
18. Mr Mitchell said that there had been a problem with email communications with RICS at the time. The first intimation he had received of his expulsion was an email in his junk folder and he had been angry about that at the time. Mr Mitchell said that when he reflected on it since, it had been a silly situation for him to have been in. Mr Mitchell said that he understood that there needs to be some sort of benchmark for undertaking and recording CPD. He accepted that recording CPD would be the only way RICS would know that the requirements had been fulfilled and it would cause a problem if people were not doing anything.
19. As well as describing the nature of his current role for the CoOp, Mr Mitchell told the Panel about his current CPD activities, many of which were part of his employment. Mr Mitchell said that in the time since he was last a member, he had kept up to date with surveying

practice, including current contracts and amendments to JCT contracts, as well as building technology and techniques.

20. Finally, Mr Mitchell said that he was now aware of RICS' new CPD framework and would pay close attention to logging CPD and ensuring compliance with RICS' rules. He confirmed that he had maintained his membership of CIOB since 2016 and had not been subject to any disciplinary issues as a member.

Panel's Decision

21. The Panel listened carefully to the submissions by Mr O'Brien Quinn on behalf of RICS, and by Mr Mitchell. It read the papers contained in the hearing bundle, including Mr Mitchell's application for readmission and supporting statement, as well as the decision of the Disciplinary Panel from 2016. The Panel accepted the advice of the legal advisor, who endorsed the full and helpful statement of the relevant rules set out in Mr O'Brien Quinn's written submission.
22. The Panel accepted that it had two questions to determine, namely whether Mr Mitchell was a fit and proper person for membership of RICS and secondly, whether his re-admission was in the best interests of RICS.
23. Mr Mitchell had explained that after 10 years outside membership he wanted to branch out into offering other services that meant he wished to rejoin the surveying profession. The Panel noted that to his credit he had articulated a positive reason for rejoining RICS as to what he could bring to RICS in terms of his skills and participation in RICS' local group.
24. The Panel also noted that Mr Mitchell had described a change in his attitude towards RICS, in that he now acknowledged the need for full compliance with the CPD requirements and with regulation by RICS generally.
25. It was clear to the Panel that Mr Mitchell was currently fulfilling a responsible position, and he had the support of a RICS member colleague for his application. The Panel also noted that there had been no further instances of reported misconduct since 2016 and further that Mr Mitchell had successfully maintained his membership of another chartered body, CIOB,

since his expulsion from RICS, without any issues arising. While Mr Mitchell's construction firm had failed, this was not due to any misconduct on his part and it had not resulted in any restriction on his ability to direct or manage companies.

26. Taking all the factors into account, the Panel concluded that Mr Mitchell was a fit and proper person to be admitted as a member of RICS.

27. Looking at the question of whether his readmission was in the best interests of RICS, the Panel considered that the following factors were relevant:

- While any conduct which results in expulsion is serious, the Panel considered that Mr Mitchell's failure to record CPD was at the lower end of the scale of seriousness. It was apparent that there were mitigating circumstances at the time of his expulsion that Mr Mitchell could have raised if he had engaged properly with the process;
- A significant amount of time had passed since the expulsion and the conduct complained of, and Mr Mitchell's circumstances had clearly changed;
- Mr Mitchell had assured the Panel that he had kept up his CPD activity and expressed his wish to become more involved with his local RICS group. He had maintained membership of another chartered institute without difficulty since his expulsion. Lastly, his chartered surveyor referee had reported a discussion with Mr Mitchell about the importance of future compliance with the CPD requirements and had endorsed his application for re-admission. In the circumstances the Panel considered that the risk of re-occurrence of misconduct was low.
- As noted above, Mr Mitchell had articulated genuine reasons for rejoining RICS as well as outlining what he felt he could contribute to the profession in Jersey. He had also explained his current understanding of the importance of undertaking and recording CPD and of compliance with professional regulation. The Panel considered that this demonstrated an appropriate level of insight on his part.
- Overall, the Panel felt that an ordinary member of the public informed of the facts of this case would expect RICS to offer the prospect of rehabilitation in appropriate cases, and would not therefore object to Mr Mitchell's readmission.

28. The Panel therefore concluded that both Mr Mitchell was a fit and proper person and that it was in the best interests of RICS to readmit him. It therefore directed that he be readmitted to membership of RICS.

Publication and Costs

Publication

29. The Panel considered the guidance as to publication of its decisions and accepted the Legal Advisor's advice. The advice was, and the guidance provides, that it is usual for the decisions of the Panel to be published on the RICS website. 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.

30. The Panel orders that this decision be published on RICS' website in accordance with Supplement 3 to the Sanctions Policy – Publication of Regulatory Matters.

Costs

31. There was no application for costs and so the Panel made no order as to costs.