

SINGLE MEMBER OF REGULATORY TRIBUNAL DECISION SHEET

RICS Regulatory Tribunal Rules 2022 Part VI, Regulatory Tribunal Single Member Decision

Regulated Member: Mr James Dyson
Single Member Decision of: Alison Sansome
Case Number: REG0000047856
Date of Decision: 25 February 2025

ALLEGATIONS:

The allegations are that:

"1. On 6 December 2023 at Nottingham Crown Court, James Dyson was convicted of the following offences:

- a. Four counts of arranging/facilitating commission of a child sex offence – sexual activity – no penetration.*
- b. Three counts of distributing an indecent photograph/pseudo-photograph of a child (category B).*
- c. One count of making an indecent photograph/pseudo-photograph of a child (category A).*
- d. One count of making an indecent photograph/pseudo-photograph of a child (category B).*
- e. One count of possessing extreme pornographic image /images portraying act likely to result in serious injury to person's private parts.*
- f. One count of possessing extreme pornographic image/images portraying an act of*

intercourse/oral sex with a dead/alive animal.

g. One count of making an indecent photograph/pseudo-photograph of a child (category C).

resulting in a custodial sentence of five years imprisonment. “

ALLEGED RULE/S 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 Bye-law 5.2.2(d).

MATERIALS CONSIDERED

In considering this case I have relied upon a bundle of evidence submitted by RICS, comprising of 74 pages. This bundle included information and evidence provided by RICS, specifically:

- A chronology of the case
- An assessment of the evidence and materials in a report provided by RICS
- Extracts from and embedded links to RICS Rules, Guidance, Law and Procedure as they apply to this case
- Official documents produced by Nottingham Crown Court (Certificate of Conviction)
- On-line news article extract
- A schedule of costs incurred by RICS
- Correspondence from RICS to the Member on this matter.

In addition the contents of a short email from Mr Dyson's father dated 20 February were also shared.

BACKGROUND

1. The Member became a Candidate member of the Attached Classes of RICS on 24 February 2020. On 1 March 2024, information was received by RICS about an online media article regarding the Member being convicted of a criminal offence on 6 December 2023.
2. On 13 March 2024, RICS received the Certificate of Conviction from Nottingham Crown Court, detailing the offences the Member was convicted of and the sentences imposed. This confirmed that on 6 December 2023, the Member was convicted of multiple child and other sexual offences, as set out in the allegations. On 23 February 2024, the Member was sentenced to five years imprisonment.
3. On 19 March 2024, RICS sent an email to the prisoner location service, but no response was received.
4. On 11 October 2024, the investigation report was disclosed to the Member by post to his home address and by email to his personal email address. No response was received.
5. This case was allocated to Single Member on or around 27 November 2024, who referred the case back for further investigation, on 11 December 2024. This was due to errors in the allegations and concerns around service of documents.
6. Amendments were made to the investigation report, and it was again shared with the Mr Dyson for comment by post to his home address and by email to his personal email address on 8 January 2025. No response was received.
7. I note that there has been no correspondence from the member and further note that Mr Dyson is currently serving a custodial sentence and may also have limited electronic communication facilities.

8. On 13 February 2025 RICS sent an email to Mr Dyson advising of the referral of his case to a Single Member for decision. On 20 February 2025, Mr Dyson's father, Mr Dyson Snr contacted RICS to say that he was 'Looking after James' affairs while he is away including occasionally reviewing his email.' He advised that Mr Dyson was 'not contactable' directly until August 2027 and although Mr Dyson Snr asked to be copied into future correspondence, no objections were raised. Given the overarching public interest, I am satisfied that reasonable steps have been taken to inform the member of the referral for Single Member Decision. In view of its seriousness, this case cannot wait to be considered until August 2027 and in all the circumstances it is appropriate to continue with this single member decision.

FINDINGS OF FACT

9. In considering the facts of this case, I have relied on and carefully considered the contents of the RICS evidence bundle, along with the contents of a short email forwarded by Mr Dyson Snr. The bundle contains a formal copy of the certificate of conviction from Nottingham Crown Court dated 23 February 2024. Rule 121 of the Regulatory Tribunal Rules Version 2 with effect from 2 February 2022, provides that a certified copy of the conviction is admissible as conclusive evidence of the member's conviction and his commission of the offences with which he was charged. On this basis the facts are found proved and I turn to consider liability to disciplinary action.

LIABILITY FOR DISCIPLINARY ACTION

10. I find that the Member has pleaded guilty to all the charges against him, and that the charges relate to very serious offences indeed. The Member was convicted of making and distributing indecent images of children, arranging the commission of a child sex offence, and possession of extreme pornography, between 2015 and 2023. The prosecutor said that in total detectives found 5,925 of the most serious category A indecent images, 4,553 category B images, and 6,550 category C images on Mr Dyson's devices. The seriousness is also demonstrated by the custodial sentence that he received.

11. Under 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. In this case the member was sentenced to 5 years imprisonment and in addition Mr Dyson will have to register with the police in accordance with the Sexual Offences Act 2003 indefinitely. Mr Dyson has also been made subject to a Sexual Harm Prevention Order for 5 years, prohibiting him from having contact with any female under 16 and restricting how he can use electronic devices.

12. In committing and being convicted of these serious offences, Mr Dyson has seriously breached the RICS standards and accordingly I find that Mr Dyson is liable to disciplinary action under Bye-law 5.2.2(d).

REGULATORY SANCTION

13. RICS is a professional membership organisation and sets standards of conduct for its members as a condition of membership and this includes 'attached classes.'

14. I kept in mind that the purpose of sanctions is not to be punitive, though they may have that effect. The purpose of sanctions is to protect the public, declare and uphold the standards of the profession and safeguard the reputation of the profession and of RICS as its regulator.

15. I was also mindful that sanctions must be proportionate and therefore started by considering the lowest sanction, moving up the scale of gravity only when the sanction under consideration was insufficient to meet the public interest and needs of the case.

16. I considered the aggravating and mitigating factors of this case. The aggravating factors being the sheer gravity and number of the offences, causing harm and potential harm to children; the significant length of time of 8 years over which the offending continued; the

negative impacts on the reputation of the profession with media articles in the public domain highlighting Mr Dyson's status as a surveyor and the associated impact on public confidence in the profession. Additionally Mr Dyson did not inform RICS of the charges or convictions and has not been in contact with RICS. I did not identify any mitigating factors.

17. I firstly considered whether to impose a sanction at all. Given the seriousness and number of the offences that Mr Dyson admitted and was convicted of, along with the custodial sentence imposed, a regulatory sanction was clearly warranted.

18. Considering whether to impose a caution or a reprimand, I concluded that neither of these sanctions would reflect the extreme seriousness of the case or address the public interest.

19. I went on to consider whether a sanction of undertakings or conditions could be suitable but determined that they could not. The serious sexual offences against children involved in this case cannot be addressed through these measures and neither would they address the reputational damage to the profession or the protection of the public. Indeed applying such sanctions in the circumstances of this case could undermine public trust and confidence in the regulatory process.

20. Next, I considered the imposition of a fine, however again such a sanction would not address the weight of the findings in this case nor address public interest.

21. Having regard to the public interest, criminal convictions are regarded as a serious breach of RICS's rules and Bye-laws. The media reporting and information in the public domain impacts negatively on the high standards of the profession and its reputation among the public

22. Having carefully considered all of the above sanctions I concluded that these were not proportionate or appropriate in a case of this nature. Given the profoundly serious nature of

the convictions, the substantial custodial sentence and the overarching duty to the public interest I concluded that there was no alternative in this case but to impose the sanction of expulsion.

ORDER MADE

23. Having read all the papers provided and carefully considered the evidence, in accordance with Part VI of the Regulatory Tribunal Rules, I make the following order:

Mr Dyson shall be expelled from membership of RICS (affiliate class).

TAKING EFFECT OF ORDER

24. Although I considered making this order on an immediate basis, I noted that Mr Dyson is not currently in the community and therefore there is not an immediate public protection risk. In accordance with Part VI of the Regulatory Tribunal Rules, 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 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

25. RICS made an application for costs of £875, details of which were included in the letter advising of these disciplinary proceedings. In accordance with Part VI of the Regulatory Tribunal Rules, I make the following order in respect to costs:

Mr Dyson shall pay costs in the amount of £875.

PUBLICATION

26. In accordance with Part VI of the Regulatory Tribunal Rules, 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.