

Disciplinary Panel Hearing

Case of:

RICS v Mr Nicholas Prinse [5040203] and Prinsegate Limited [763271]

On

Monday 9 September to Tuesday 17 September 2024

Remotely by Microsoft Teams

Panel

Nick Hawkins (Lay Chairman)

Glenn Mathieson (Lay Member)

Dr Stephen Moore FRICS (Surveyor Member)

Legal Assessor

Alastair McFarlane

RICS Presenting Officer

Ben Rich

Member/Firm's Representative

Nicholas Prinse (in person and unrepresented)

Hearing Officer

Adeel Qureshi

Member

1. *Between 1 March 2021 and 1 June 2023, Nicholas Prinse, as sole principal of Prinsegate Developments Limited, trading as Prinsegate Chartered Surveyors (the Firm), failed to ensure that services were provided by competent individuals who had the necessary expertise by causing or allowing the Firm to use non-Chartered Surveyors to routinely carry out Level 3 Home Surveys alone without adequate expertise and/or training and/or supervision.*

Contrary to Rule 4 of the Rules of Conduct for Members version 7 and Rule 2 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

2. *Between 1 July 2021 and 25 August 2022, Nicholas Prinse, as sole principal of Prinsegate Developments Limited, trading as Prinsegate Chartered Surveyors (the Firm), caused or allowed the Firm to issue standard terms and conditions to clients who required Level 3 Home Surveys in which “Surveyor” was defined as ‘The individual carrying out the inspection and providing the advice, being a Chartered Surveyor’. In doing so, Nicholas Prinse acted without integrity as he knew or ought to have known that the Firm routinely used non-Chartered Surveyors to carry out the inspections.*

Contrary to Rule 3 of the Rules of Conduct for Members version 7 and Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

3. *Between 1 July 2021 and 1 June 2023, Nicholas Prinse, as sole principal of Prinsegate Developments Limited, trading as Prinsegate Chartered Surveyors (the Firm), lacked integrity in that he caused or allowed the Firm to issue Level 3 Home Survey reports in his name when he had not written the reports.*

Contrary to Rule 3 of the Rules of Conduct for Members version 7 and Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

4. *Between 3 May 2022 and 3 November 2022, Nicholas Prinse failed to provide good quality and diligent service in that he issued or caused to be issued Level 3 Home Survey reports that did not meet the standard expected of a reasonably competent surveyor, namely:*

a) Report on Upper Norton Barn issued on 9 May 2022

b) Report on 17 Reservoir Road issued on 8 July 2022

c) Report on 26 School Hill issued on 2 November 2022

Contrary to Rule 3 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

5. *Between 6 July 2021 and 1 June 2023, Nicholas Prinse failed to provide good quality and diligent service by issuing or causing to be issued Level 3 Home Survey reports that did not comply with the RICS Professional Statement on the Home Survey Standard, namely:*

- a) Report on 56 Shelley Road issued on 9 July 2021*
- b) Report on Upper Norton Barn issued on 9 May 2022*
- c) Report on 17 Reservoir Road issued on 8 July 2022*
- d) Report on 16 Grove Road issued on 25 August 2022*
- e) Report on 26 School Hill issued on 2 November 2022*
- f) Report on Erw R Delyn issued on 22 May 2023*
- g) Report on 54A Cambray Road issued on 31 May 2023*

Contrary to Rule 4 of the Rules of Conduct for Members version 7 and Rule 3 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

- 6. Between 6 July 2021 and 1 June 2023, Nicholas Prinse failed to have proper regard to RICS technical standards by issuing or causing to be issued terms of engagement for Level 3 Home Survey reports that did not comply with the standard of the RICS Professional Statement on the Home Survey Standard, namely:***

- a) Report on 56 Shelley Road issued on 9 July 2021*
- b) Report on Flat 3, 2 East Mount Street issued on 7 April 2022*
- c) Report on Upper Norton Barn issued on 9 May 2022*
- d) Report on 17 Reservoir Road issued on 8 July 2022*
- e) Report on 16 Grove Road issued on 25 August 2022*

f) Report on 26 School Hill issued on 2 November 2022

g) Report on Erw R Delyn issued on 22 May 2023

h) Report on 54A Cambray Road issued on 31 May 2023

Contrary to Rule 4 of the Rules of Conduct for Members version 7 and Rule 3 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

7. *On 15 December 2022 Nicholas Prinse provided a response letter to RICS in which he made a statement to the effect that he had attended at 26 School Hill in Redhill as part of a survey otherwise undertaken by a Mr O’Riordan. He provided RICS with a photograph purporting to show him at the property undertaking his part in that survey. Mr Prinse was dishonest in that:*

- a. He had not carried out an inspection at 26 School Hill on or shortly after the inspection by Mr O’Riordan on 25 October 2022 as part of that survey.*
- b. The photo purporting to show Mr Prinse at the property on or shortly after the 25th October 2022 undertaking his part of that survey did not show him at the property for that purpose.*

Contrary to Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

8. *On or about 6 April 2022 Nicholas Prinse caused Sinead George to inform Andrew Peartree that the Firm had lost £1,300 + VAT due to his non-attendance at a survey on 28 March 2022. Mr Prinse acted dishonestly as he knew that he himself had carried out that survey on 28 March 2022 and that the Firm had not incurred the claimed loss.*

Contrary to Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

9. *On or about 6 April 2022 Nicholas Prinse caused Sinead George to inform Andrew Peartree that the Firm had lost £1,300 + VAT due to his non-attendance at a survey on 28 March 2022. Mr Prinse acted without integrity as he knew that he himself had carried out that survey on 28 March 2022 and that the Firm had not incurred the claimed loss.*

Contrary to Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

10. *Between 16 December 2022 and 12 January 2023, Nicholas Prinse authorised and caused a letter to be sent to Mr and Mrs Pereira in which an attempt was made to dissuade them from approaching an Alternative Dispute Resolution (ADR) provider by purporting to reserve the right to charge for the cost of the ADR provider should any claim made by them be dismissed. By doing so, Mr Prinse acted without integrity as knew or ought to have known that the ADR mechanism had to be free to the consumer.*

Contrary to Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

11. *Between 14 June 2023 and 23 June 2023, Nicholas Prinse applied to Companies House to terminate the appointment of Penelope White as a director of Southwest Housesurveys Ltd having completed and signed or having caused to be completed and signed a form TM01. Nicholas Prinse acted dishonestly in that:*

- a) He did not have authority to make that application and he knew that he had no such authority and/or*
- b) By signing that form TM01 or causing it to be signed in his name, he purported to hold one or more of the positions specified on form TM01 as having authority to act on behalf of the company when he knew that he did not hold any of those positions.*

Contrary to Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

12. *Between 14 June 2023 and 23 June 2023, Nicholas Prinse applied to Companies House to terminate the appointment of Penelope White as a director of Southwest Housesurveys Ltd having completed and signed or having caused to be completed and signed a form TM01. Nicholas Prinse acted without integrity in that:*

- a) He did not inform either of the directors of Southwest Housesurveys Ltd of that application to terminate the appointment of a director of the company and/or*
- b) He did not seek authorisation to terminate the appointment of a director of the company and/or*

- c) *By signing that form TM01 or causing it to be signed in his name, he purported to hold one or more of the positions specified on form TM01 as having authority to act on behalf of the company when he knew or ought to have known that he did not hold any of those positions.*

Contrary to Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

- 13.** *Between 14 June 2023 and 23 June 2023, Nicholas Prinse applied to Companies House to change the registered office of Southwest Housesurveys Ltd having completed and signed or having caused to be completed and signed a form AD01. Nicholas Prinse acted dishonestly in that:*

- a) *He did not have authority to make that application and he knew that he had no such authority and/or*
- b) *By signing that form AD01 or causing it to be signed in his name, he purported to hold one or more of the positions specified on form AD01 as having authority to act on behalf of the company when he knew that he did not hold any of those positions.*

Contrary to Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

14. *Between 14 June 2023 and 23 June 2023, Nicholas Prinse applied to Companies House to change the registered office of Southwest Housesurveys Ltd having completed and signed or having caused to be completed and signed a form AD01. Nicholas Prinse acted without integrity in that:*

- a) He did not inform either of the directors of Southwest Housesurveys Ltd of that application to change the registered address of the company and/or*
- b) He did not seek authorisation to apply to change the registered address of the company and/or*
- c) By signing that form AD01 or causing it to be signed in his name, he purported to hold one or more of the positions specified on form AD01 as having authority to act on behalf of the company when he knew or ought to have known that he did not hold any of those positions.*

Contrary to Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

Firm

15. *Between 1 March 2021 and 1 June 2023, Prinsegate Developments Limited, trading as Prinsegate Chartered Surveyors (the Firm), failed to ensure that its professional work services were provided by competent individuals who had the necessary expertise by using non- Chartered Surveyors to routinely carry out Level 3 Home Surveys alone without adequate expertise and/or training and/or supervision.*

Contrary to Rule 4 of the Rules of Conduct for Firms version 7 and Rule 2 of the Global Rules of Conduct with effect from 2 February 2022.

The Firm is therefore liable to disciplinary action under RICS Byelaw 5.3.2 (c).

- 16.** *Between 6 July 2021 and 1 June 2023, Prinsegate Developments Limited, trading as Prinsegate Chartered Surveyors (the Firm), failed to provide good quality and diligent service by issuing Level 3 Home Survey reports that did not comply with the RICS Professional Statement on the Home Survey Standard, namely:*

- a) Report on 56 Shelley Road issued on 9 July 2021*
- b) Report on Upper Norton Barn issued on 9 May 2022*
- c) Report on 17 Reservoir Road issued on 8 July 2022*
- d) Report on 16 Grove Road issued on 25 August 2022*
- e) Report on 26 School Hill issued on 2 November 2022*
- f) Report on Erw R Delyn issued on 22 May 2023*
- g) Report on 54A Cambray Road issued on 31 May 2023*

Contrary to Rule 4 of the Rules of Conduct for Firms version 7 and Rule 3 of the Global Rules of Conduct with effect from 2 February 2022.

The Firm is therefore liable to disciplinary action under RICS Byelaw 5.3.2 (c).

- 17.** *Between 6 July 2021 and 1 June 2023, Prinsegate Developments Limited, trading as Prinsegate Chartered Surveyors (the Firm), failed to have proper regard to RICS technical standards by issuing terms of engagement for Level 3 Home Survey reports that did not comply with the standard of the RICS Professional Statement on the Home Survey Standard, namely:*

- a) Report on 56 Shelley Road issued on 9 July 2021*
- b) Report on Flat 3, 2 East Mount Street issued on 7 April 2022*
- c) Report on Upper Norton Barn issued on 9 May 2022*
- d) Report on 17 Reservoir Road issued on 8 July 2022*

- e) *Report on 16 Grove Road issued on 25 August 2022*
- f) *Report on 26 School Hill issued on 2 November 2022*
- g) *Report on Erw R Delyn issued on 22 May 2023*
- h) *Report on 54A Cambray Road issued on 31 May 2023*

Contrary to Rule 4 of the Rules of Conduct for Firms version 7 and Rule 3 of the Global Rules of Conduct with effect from 2 February 2022.

The Firm is therefore liable to disciplinary action under RICS Byelaw 5.3.2 (c).

DETERMINATION

APPLICATION BY MR PRINSE TO CHALLENGE THE PANEL'S JURISDICTION TO HEAR THE CASE

1. At the outset of the hearing Mr Prinse made a challenge to the jurisdiction of the Panel and whether it had power to conduct a disciplinary case against him and his Firm.
2. Mr Prinse adopted the argument set out in his letter to RICS of 16 May 2024. In essence, he contended that the resignation of the Standards and Regulation Board ("the SRB") in 2023 meant that RICS was unable to exercise its regulatory function. In oral submissions he contended that RICS had no authority over him, the resignation of the SRB meant that RICS have not passed its own auditing requirements and therefore could not police its members. He contended that it would be "an affront" for the tribunal to continue, and "grossly unfair". He had sought disclosure as to the background to the resignation of the SRB, which he had not received.
3. Mr Rich for RICS opposed Mr Prinse's application. He relied upon the letter of Natasha Reid, Regulatory Technical Specialist, Regulation RICS, dated 29 May 2024, written in response to Mr Prinse's letter of 16 May 2024. He submitted that the resignation of the SRB did not in any way invalidate the regulatory process; he contended that at no stage had RICS been operating without a valid SRB and there was nothing in Mr

Prinse's contentions that made a fair trial of the allegations impossible. He contended that there was no realistic suggestion that material relevant to Mr Prinse's case or material that would undermine RICS's case not been disclosed and that Mr Prinse's request for disclosure in relation to the SRB was a "fishing expedition" unrelated to any question of jurisdiction or fairness.

DECISION BY PANEL

4. The Panel accepted the advice of the Legal Assessor. It asked itself whether RICS was operating without a valid SRB and whether there was any information before it that invalidated the process of RICS holding a disciplinary panel under the RICS Regulatory Tribunal Rules and whether, in all the circumstances, a fair trial of the allegations was possible?
5. The Panel rejected Mr Prinse's application. It was satisfied that Mr Prinse was a member of RICS and subject to regulation by RICS. It was satisfied that at all material times there was a functioning SRB and that the resignation of the SRB in 2023 did not invalidate in any way RICS's regulatory function. It was further satisfied that this Panel was properly appointed. It accepted Mr Rich's argument on Mr Prinse's request for disclosure and that there was no obligation to disclose the information he had sought. Further, the Panel had no hesitation in concluding that a fair hearing of the allegations is possible and none of Mr Prinse's contentions rendered it impossible.

BACKGROUND

6. Mr Prinse has been a member of RICS since June 2014 and is the sole principal of Prinsegate Developments Ltd which traded as Prinsegate Chartered Surveyors. The Firm is currently in administration.
7. Concerns were raised with RICS by members of the public in relation to Level 3 building surveys carried out by the Firm. RICS's case is that a Level 3 Building Survey had to be undertaken by a member of RICS, namely a FRICS or MRICS or an Assoc RICS. RICS's contention is that the Firm, between March 2021 and June 2023,

routinely used non-members who were acting alone. In addition, concerns were received from former employees of the Firm. These concerned working practices at the Firm including the use of inexperienced and unqualified staff to carry out the surveys. In addition, there is an allegation regarding acting dishonestly in relation to one staff member and acting without integrity by seeking to dissuade two clients from approaching an ADR provider. Further, there is a complaint from the owner of the company of which Mr Prinse bought the assets, but not the shares and dishonest dealings with the company's registration at Companies House.

8. Mr Prinse denied any wrongdoing. He submitted a bundle of documents and submissions of 2266 pages setting out his contentions.

RICS SUBMISSIONS

9. Mr Rich relied upon the submissions set out in his Case Summary and contended that each of the allegations are capable of proof. He relied on RICS's witness evidence, the documentary evidence and the expert evidence of Mr Jude.
10. Mr Rich contended that Mr Prinse was "a man in a hurry" to grow his business and as the company started to expand there was a decreasing level of seniority of staff within the Firm and this resulted in the use of non-members of RICS routinely carrying out Level 3 Surveys. He contended that the other allegations were all related to Mr Prinse's desire to expand the Firm. Allegations 1 to 3 related to not sending members to carry out the surveys whilst claiming that they were chartered surveyors and Mr Prinse putting his name on the reports automatically. Allegations 4 to 6 related to the non-compliance of the reports to standards, whilst Allegation 7 related to a specific incident of dishonesty when he did not carry out the inspection and attempted to deceive RICS that he had done so. Allegation 8 related to an attempt to punish one of his staff for not attending a survey and Allegation 10 was an attempt to dissuade clients from approaching an ADR provider. On Allegations 11-14 Mr Rich's primary submission was that Mr Prinse's conduct regarding Southwest Housesurveys Ltd was dishonest conduct and related to his rush to gain control of that business and was indicative of

someone acting without scruples to achieve his ends. Allegations 15-17 were in relation to the Firm's responsibility to the home buyer surveys.

SUBMISSIONS BY MR PRINSE ON HIS BEHALF AND THE FIRM'S BEHALF

11. Mr Prinse did not give evidence. He had, however, responded to all questions put to him in writing by the RICS investigators and had provided a large volume of documentary evidence voluntarily. He made closing submissions to the Panel. It was not always clear to the Panel what Mr Prinse's response to all allegations was, and there were inconsistencies between his written and his oral submissions.
12. However, the Panel did not draw any adverse inferences from Mr Prinse choosing not to give evidence, nor did it place any weight on any apparent inconsistencies noting that Mr Prinse was a litigant-in-person, who would not understand potential legal implications of the way he advanced his case. The Panel concluded that the fairest way to approach Mr Prinse's response to the allegations was that he put RICS to strict proof with regard to every element of every charge.

FINDINGS OF FACT

13. The Panel accepted the advice of the Legal Assessor.
14. The Panel heard that there had been no previous findings against Mr Prinse and accepted that it was relevant to put his good character into the balance in his favour.
15. The Panel noted it had received oral evidence from Charles Miskelly (in relation to Allegation 4); Sophie Botwood (Allegation 7); Andrew Peartree (Allegation 8 and 9); Robert White MRICS (Allegations 11, 12, 13, 14); Stephen Parris FRICS (Allegations 1,2,3) Sinead George (Allegations 1,2,3, and 8 and 9) Jemma Redpath (Allegations 1,2,3,7,11,12, 13, 14). In addition, Mr Rich and Mr Prinse produced an Agreed Statement of Facts which dealt with the relevant parts of the evidence contained in the witness statements of Sheila Try and Anna Bowen which avoided the necessity of them giving oral evidence. Further, the Panel received the expert evidence of Mr

Jude FRICS contained in his written report dated 21 November 2023 as well as his oral evidence. Mr Prinse elected not to give oral evidence but relied on the documentary material he had supplied to RICS.

16. Further, the Panel received a large volume of documentary evidence. This consisted of RICS's hearing bundle (numbered pages 1 to 1672); RICS's Survey Bundle, (numbered pages 1-1439) and Mr Prinse's bundle (numbered pages 1 to 2266).
17. Finally, the Panel had a copy of the Allegations and a Case Summary prepared by Mr Rich (numbered pages 1 to 27).
18. The Panel carefully considered all the different types of evidence it had received and noted the submissions of Mr Rich on behalf of RICS and of Mr Prinse on his own behalf and on behalf of the Firm. The Panel reminded itself that the burden of proving the case was on RICS and had regard to the observation of Collins J in Lawrance v General Medical Council on the need for cogent evidence to reach the civil standard of proof in cases of dishonesty. The standard of proof to be applied throughout was the ordinary civil standard of proof, namely the balance of probabilities.

Allegation 1

Between 1 March 2021 and 1 June 2023, Nicholas Prinse, as sole principal of Prinsegate Developments Limited, trading as Prinsegate Chartered Surveyors (the Firm), failed to ensure that services were provided by competent individuals who had the necessary expertise by causing or allowing the Firm to use non-Chartered Surveyors to routinely carry out Level 3 Home Surveys alone without adequate expertise and/or training and/or supervision.

Contrary to Rule 4 of the Rules of Conduct for Members version 7 and Rule 2 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

19. The Panel accepted on the documentation produced by Mr Jude that a Level 3 Homebuyers Survey is the highest level of survey categorised by RICS. It is defined in the RICS Professional Statement Home Survey Standard. Under paragraph 2.2 it is clear that the survey can only be conducted by a "qualified" member. This means a FRICS, or a MRICS - who are chartered members - or an AssocRICS - whilst the latter are not chartered members, they are members qualified to undertake Level 3 Surveys. Student "members" and any other "surveyors" who are not members are not eligible to conduct Level 3 Surveys. The Panel accepted that the requirements set out in the standard are mandatory. This is obvious from the language used e.g. "RICS members **must** be qualified..." (Paragraph 2.2 of the Standard, which includes "must" in bold).
20. Mr Prinse contended that only "accredited" surveyors attended the surveys. The Panel are satisfied that the word "accredited" is not in the Standard and an examination of the standard makes clear that a Level 3 Survey must be undertaken by a member who is FRICS, or a MRICS or an AssocRICS.
21. Mr Prinse further contended that every survey involved at least two members of staff and that whilst the member of staff on site might not have the required qualification, this was rectified by another member of staff (who may or may not be a RICS member) looking at the photos and videos remotely and reviewing the report. In addition, in relation to every survey, Mr Prinse, as an MRICS, signed off the survey.
22. In relation to the issue of whether such surveys could be properly undertaken "remotely", the Panel had regard to Appendix A of the Standard in relation to Level 3 Surveys. For example, it states:

"The service consists of a detailed visual inspection of the building, its services and the grounds and is more extensive than a survey Level two. Concealed areas normally opened or used by the occupiers are inspected if it is safe to do so (typical examples include roof spaces, basements and cellars)."

The Panel had no doubt that on the face of the wording of the standard, it required the physical attendance of the qualified member to be physically present at the inspection. Further, it accepted the expert opinion of Mr Jude to the effect that Level 3 Home Surveys required a “tactile approach” that could not be done remotely.

23. The Panel considered the oral evidence of Mr Parris, Mr Peartree, Ms George and Ms Redpath all of whom gave evidence on the issue of non-member surveyors being routinely used to carry out Level 3 surveys. Mr Parris is a FRICS who detailed his experience at the Firm. Mr Peartree was a trainee surveyor and gave detailed evidence about his training at the Firm and when and how he was sent out on his own to undertake the surveys. Ms George and Ms Redpath worked in the office and gave more anecdotal evidence of the working environment but also their explanations of the direct experience as to who was sent out on surveys. Mr Prinse challenged the accounts of all of these witnesses, but their evidence remained unshaken by the cross examination. The Panel found that the oral evidence of all the witnesses, which was robustly tested by Mr Prinse, was consistent with the written statements and with the documentary evidence provided including, for example, the evidence of the Job Lists as to who went on surveys (provided by Mr Prinse himself). The Panel therefore found the evidence of these four witnesses to be plausible and credible.
24. The Panel carefully considered the documentary evidence provided in relation to this allegation. This included a series of job lists - which listed who attended which property. An analysis of those lists showed that the person routinely attending at the property, was invariably not a member of RICS and that that person was attending alone. Furthermore, Mr Prinse’s email of 20 March 2022 to his team, made it clear that he only expected the checking process to take an hour. This documentary evidence is supportive of the oral evidence given by the four witnesses detailed above and the Panel found it to be supportive of their credibility.
25. The Panel is further satisfied that Mr Prinse’s subsequent checking of the reports, which all said "completed by" Mr Prinse, could not and did not rectify the failure of using non-qualified surveyors physically to undertake the surveys. The Panel was

satisfied that, even if Mr Prinse looked at every survey (as he contended he did), this did not discharge the obligation for a member to conduct the survey by physically attending and inspecting the premises in person.

26. **For all these reasons, the Panel was satisfied that Allegation 1 is proved.**

Allegation 2

Between 1 July 2021 and 25 August 2022, Nicholas Prinse, as sole principal of Prinsegate Developments Limited, trading as Prinsegate Chartered Surveyors (the Firm), caused or allowed the Firm to issue standard terms and conditions to clients who required Level 3 Home Surveys in which “Surveyor” was defined as ‘The individual carrying out the inspection and providing the advice, being a Chartered Surveyor’. In doing so, Nicholas Prinse acted without integrity as he knew or ought to have known that the Firm routinely used non-Chartered Surveyors to carry out the inspections.

Contrary to Rule 3 of the Rules of Conduct for Members version 7 and Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

27. The Panel noted from the survey bundle there are examples of Mr Prinse’s own terms and conditions. In those “surveyor” is defined as being a "chartered surveyor". It says:

“ ‘Surveyor’: the individual carrying out the inspection and providing the advice, being a chartered surveyor”.

28. The Panel is satisfied that, given the Standard, "carrying out the inspection" clearly means the person attending the property. Given its findings on Allegation 1 the Panel is satisfied that Mr Prinse knew the Firm routinely used non-chartered surveyors to carry out Level 3 Surveys. It was satisfied that issuing such terms and conditions when he knew the Firm was not using chartered surveyors to attend the property, was acting

without integrity, as it was unworthy of a professional and it was clearly not abiding by a mandatory RICS requirement. **Accordingly, Allegation 2 is proved.**

Allegation 3

Between 1 July 2021 and 1 June 2023, Nicholas Prinse, as sole principal of Prinsegate Developments Limited, trading as Prinsegate Chartered Surveyors (the Firm), lacked integrity in that he caused or allowed the Firm to issue Level 3 Home Survey reports in his name when he had not written the reports.

Contrary to Rule 3 of the Rules of Conduct for Members version 7 and Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

29. This allegation alleges a lack of integrity on the basis Mr Prinse allowed the Firm to issue Level 3 Survey reports in his name when he had not personally written the reports.
30. The Panel examined the survey bundle for examples of the Firm's reports. One example concerns a property in Shelley Road where the report says the survey was "assisted by" JH – a building surveyor and "checked by" JH – a building surveyor and "completed by" Mr Prinse MRICS. A second example of Upper Norton Barn House the report states the survey was "assisted by" "HB" (status not identified) and "completed by" Mr Prinse.
31. The Panel is satisfied that the words "completed by" in the surveys gives the impression is that the principal author of the report is Mr Prinse and they were written by him. Mr Prinse accepted that he had not written the reports. He argued they were issued in his name and that he had checked the reports. Even if it were the case that Mr Prinse did check every report, the Panel was satisfied that his conduct lacked integrity because the phrase on the reports "completed by" Mr Prinse gives the clear

impression that the report was written by Nicolas Prinse not merely checked by him. The Panel concluded that this impression was false and this is conduct falling short of what is expected from a professional and amounts to a lack of integrity. **Accordingly, Allegation 3 was proved.**

Allegation 4

Between 3 May 2022 and 3 November 2022, Nicholas Prinse failed to provide good quality and diligent service in that he issued or caused to be issued Level 3 Home Survey reports that did not meet the standard expected of a reasonably competent surveyor, namely:

- a) Report on Upper Norton Barn issued on 9 May 2022*
- b) Report on 17 Reservoir Road issued on 8 July 2022*
- c) Report on 26 School Hill issued on 2 November 2022*

Contrary to Rule 3 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c)

32. The Panel considered the home survey reports for Upper Norton Barn, Reservoir Road and School Hill. It noted the evidence of Mr Jude and the omissions in the report that he criticised, namely: the failure to identify a septic tank and the oil storage central heating tank (Upper Norton Barn); that there were two reports for Reservoir Road - the first of which identified no problems whilst the second identified problems and had been significantly updated; and that for School Hill the date of the property was wrong and the fact that the property was in a conservation area had been missed. Mr Jude had opined that all of the omissions (with the exception of the date of the property in

relation to School Hill) were significant failings that rendered the reports below the standard expected of a reasonably competent surveyor.

33. Mr Prinse made various submissions, including that the omissions were not significant and, in any event, did not render the whole report substandard; that some were “minor typos” and that if there was “no negligence there was no problem.”
34. The Panel accepted the expert opinion of Mr Jude on these surveys. It considered that the failings and omissions were fundamental to the overall quality of the reports (excluding the inaccurate date of the property on School Hill). It rejected Mr Prinse’s assertions that the errors were not significant and was satisfied in the circumstances that the surveys did not meet the standard expected of a reasonably competent surveyor. **Accordingly, Allegation 4 was proved.**

Allegation 5

Between 6 July 2021 and 1 June 2023, Nicholas Prinse failed to provide good quality and diligent service by issuing or causing to be issued Level 3 Home Survey reports that did not comply with the RICS Professional Statement on the Home Survey Standard, namely:

- a) Report on 56 Shelley Road issued on 9 July 2021*
- b) Report on Upper Norton Barn issued on 9 May 2022*
- c) Report on 17 Reservoir Road issued on 8 July 2022*
- d) Report on 16 Grove Road issued on 25 August 2022*
- e) Report on 26 School Hill issued on 2 November 2022*
- f) Report on Erw R Delyn issued on 22 May 2023*
- g) Report on 54A Cambray Road issued on 31 May 2023*

Contrary to Rule 4 of the Rules of Conduct for Members version 7 and Rule 3 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

35. This allegation relied upon the expert opinions of Mr Jude as expressed in his report and as he attempted to explain them to the Panel in his oral evidence. The Panel spent considerable time considering the Standard and Mr Jude's evidence upon it.
36. The Panel found Mr Jude's evidence on this allegation to be unclear and confusing. In cross-examination by Mr Prinse, Mr Jude made some concessions and whilst there may have been merit in some of Mr Jude's observations as to the surveys being non-specific and lacking in thoroughness, the Panel was left unpersuaded that the threshold of proof been established. **Therefore Allegation 5 was not proved.**

Allegation 6

Between 6 July 2021 and 1 June 2023, Nicholas Prinse failed to have proper regard to RICS technical standards by issuing or causing to be issued terms of engagement for Level 3 Home Survey reports that did not comply with the standard of the RICS Professional Statement on the Home Survey Standard, namely:

- a) Report on 56 Shelley Road issued on 9 July 2021*
- b) Report on Flat 3, 2 East Mount Street issued on 7 April 2022*
- c) Report on Upper Norton Barn issued on 9 May 2022*
- d) Report on 17 Reservoir Road issued on 8 July 2022*
- e) Report on 16 Grove Road issued on 25 August 2022*
- f) Report on 26 School Hill issued on 2 November 2022*

g) Report on Erw R Delyn issued on 22 May 2023

h) Report on 54A Cambray Road issued on 31 May 2023

Contrary to Rule 4 of the Rules of Conduct for Members version 7 and Rule 3 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

37. This allegation concerned Mr Prinse issuing terms of engagement that allegedly did not comply with the Standard in relation to the reports on the properties listed. Mr Jude produced Appendix D of the Professional Statement on the Home Survey Standard, which sets out the minimum requirements for terms of engagement. Mr Jude opined that Mr Prinse's terms of engagement did not meet the professional standard.
38. The Panel considered that Mr Jude's conclusions were generic and there was no clear comparison of the alleged failing in the terms of engagement required by the Appendix with the specific property. There was no specific identification of the failure in relation to each property. In the Panel's judgment this was not clarified by Mr Jude's oral evidence. The Panel was again in the position as with Allegation 5, that whilst there may have been valid criticisms of the terms of engagement, the evidence was not sufficiently cogent to discharge the burden of proof on the ordinary civil standard. **Accordingly, Allegation 6 is not proved.**

Allegation 7

On 15 December 2022 Nicholas Prinse provided a response letter to RICS in which he made a statement to the effect that he had attended at 26 School Hill in Redhill as part of a survey otherwise undertaken by a Mr O'Riordan. He provided RICS with a photograph purporting to show him at the property undertaking his part in that survey. Mr Prinse was dishonest in that:

a) *He had not carried out an inspection at 26 School Hill on or shortly after the inspection by Mr O’Riordan on 25 October 2022 as part of that survey.*

b) *The photo purporting to show Mr Prinse at the property on or shortly after the 25th October 2022 undertaking his part of that survey did not show him at the property for that purpose.*

Contrary to Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

39. In Mr Prinse’s letter dated 15 December 2022, to RICS in relation to their inquiry into the survey at School Hill, on being asked for the full file, Mr Prinse stated:

“Uploaded. I also attended this property, as per the ID check (“selfie”) we recently started to implement with jobs.”

40. On cross examining Ms Botwood, the owner of the property, who was in present in the property when the inspection was carried out by a Mr O’Riordan, Mr Prinse suggested to her that she had not seen him as she may have been distracted by caring for her young baby. Ms Botwood disputed this suggestion and gave detailed evidence that the property was very small and described where she was sitting and how it would have been impossible for Mr Prinse to have entered the property without her seeing him. She gave evidence that the selfie submitted by Mr Prinse could not have been taken on the day of the survey for two reasons: the guttering had been changed and the hedge had grown. The Panel found her evidence to be detailed and consistent and accepted that she had a good memory of the inspection and found her to be a credible and accurate witness.

41. The Panel was satisfied on the wording of Mr Prinse's letter, dated 15 December 2022, that Mr Prinse made a statement to the effect that he attended 26 School Hill as part of the survey otherwise undertaken by Mr O' Riordan. The Panel further accepted that he provided RICS with a photograph purporting to show him at the property undertaking his part in that survey.
42. The Panel next considered whether Mr Prinse was dishonest on the basis that he had not carried out the inspection and that the photograph did not show him at the property for the purpose of undertaking the survey. The Panel specifically considered the actual state of Mr Prinse's knowledge belief as to the facts. The Panel was satisfied that it was clear that Mr Prinse was asserting in the letter that he attended the property as part of the survey on the 25 October 2022. It rejected any other interpretation as both incredible and implausible. It was satisfied that Mr Prinse clearly intended to convey to RICS that he was at the property on that date and that was his state of mind when writing his letter. Further, it is clear to the Panel that he sent a photograph of himself to RICS - referred to in his letter as "as per the ID check ("selfie")". The Panel was satisfied that this was done in support of conveying the impression that he was with Mr O'Riordan and that he carried out the inspection. The Panel accepted the evidence of Miss Botwood that Mr Prinse was not at the inspection. Further, owing to the difference in the growth of the hedge seen behind Mr Prinse in his photograph, when compared with the photographs taken by Mr O'Riordan, the Panel was satisfied that the photograph submitted did not show him at the property on that day for the purpose of undertaking the survey. The Panel accepted Ms Botwood's evidence on this. The Panel was satisfied that lying in the letter about carrying out an inspection and providing photograph to show he did carry out the inspection, when he did not, was dishonest conduct by the standards of ordinary decent people. **Accordingly, Allegation 7 was proved.**

Allegation 8

On or about 6 April 2022 Nicholas Prinse caused Sinead George to inform Andrew Peartree that the Firm had lost £1,300 + VAT due to his non-attendance at a survey on 28 March 2022. Mr Prinse acted dishonestly as he knew that he himself had carried out that survey on 28 March 2022 and that the Firm had not incurred the claimed loss.

Contrary to Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

43. Mr Peartree, a trainee surveyor at the Firm had not attended a booked survey on 28 March 2022 as he was running late from another survey. The Panel heard evidence from Ms George, the HR manager at the Firm, that she was asked by Mr Prinse to email Mr Peartree claiming that that as result of Mr Peartree's non-attendance at the survey the Firm had lost £1300 plus VAT.
44. The Panel had sight of Ms George's email of 6 April 2022. Ms George gave thorough and detailed evidence which was consistent with the documentary evidence that supported her account. The Panel found her to be a reliable and accurate historian who gave credible evidence which it accepted.
45. Mr Prinse did not deny that Ms George sent the email to Mr Peartree at his request. His contentions in his submissions appeared to be there was a loss suffered by the Firm as a result of Mr Peartree's non-attendance and he was not acting dishonestly. Mr Prinse did not dispute that he had undertaken the survey himself after Mr Peartree's non-attendance.

46. The Panel was satisfied that Mr Prinse's state of mind was that he knew he had carried out the survey himself and that the Firm had not incurred a loss. The Panel noted that the amount claimed in Ms George's letter from Mr Peartree was £1300 plus VAT. This was the same figure as the cost of the survey. The Panel considered that it was inherently implausible that she could have arrived at this figure herself.
47. The Panel considered that in an employer/employee relationship it was nonsense for the employer to seek to claim for the cost of a survey from the employee, when the survey had been carried out and the Firm would be paid. There was no evidence before the Panel that the Firm had lost the value of the survey because Mr Prinse had carried out the survey himself and the Firm would be paid by the client. The Panel was satisfied that the Firm had not incurred the claimed loss i.e. the value of the survey.
48. The Panel was satisfied that Mr Prinse's state of mind was that he knew he had carried out the survey and he knew that the Firm would be paid for it from the client and knew therefore that the Firm would not suffer any loss on that survey. This was dishonest conduct when judged by the standards of ordinary decent people. **Accordingly, Allegation 8 was proved.**

Allegation 9

On or about 6 April 2022 Nicholas Prinse caused Sinead George to inform Andrew Peartree that the Firm had lost £1,300 + VAT due to his non-attendance at a survey on 28 March 2022. Mr Prinse acted without integrity as he knew that he himself had carried out that survey on 28 March 2022 and that the Firm had not incurred the claimed loss.

Contrary to Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

49. In the light of its finding on Allegation 8, the Panel did not go on to consider the alternative in Allegation 9.

Allegation 10

Between 16 December 2022 and 12 January 2023, Nicholas Prinse authorised and caused a letter to be sent to Mr and Mrs Pereira in which an attempt was made to dissuade them from approaching an Alternative Dispute Resolution (ADR) provider by purporting to reserve the right to charge for the cost of the ADR provider should any claim made by them be dismissed. By doing so, Mr Prinse acted without integrity as knew or ought to have known that the ADR mechanism had to be free to the consumer.

Contrary to Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

50. The Panel had sight of the letter dated 11 January 2023 to Mr and Mrs Pereira from the Firm in which it was stated:

“If the complaint is dismissed by TPO, we reserve the right to charge you for our time spent on the matter since the complaint was raised and charge you for disbursements (including the cost of TPO). Conversely, we will cover the cost of TPO if your complaint is upheld. We have enclosed TPO’s Consumer Guide leaflet for your information.”

51. The Panel also had sight of the mandatory standard 12.4 of the Escalation section of the Standard:

“12.4 All Firms should have a form of alternative redress provider available to the client if a suitable provider is available. In the UK, redress for consumers should be free.”

52. The Panel was satisfied that the intention of the standard is that it is mandatory that redress is free.
53. The Panel was satisfied that the letter sent by the Firm was an attempt to dissuade the clients from approaching an ADR provider. It was further satisfied that at the least Mr Prinse should have known this and that the letter amounted to him acting without integrity as it was unprofessional behaviour and a failure to treat clients with respect. **Accordingly, Allegation 10 is proved.**

Allegation 11

11. *Between 14 June 2023 and 23 June 2023, Nicholas Prinse applied to Companies House to terminate the appointment of Penelope White as a director of Southwest Housesurveys Ltd having completed and signed or having caused to be completed and signed a form TM01. Nicholas Prinse acted dishonestly in that:*
- a) *He did not have authority to make that application and he knew that he had no such authority and/or*
 - b) *By signing that form TM01 or causing it to be signed in his name, he purported to hold one or more of the positions specified on form TM01 as having authority to act on behalf of the company when he knew that he did not hold any of those positions.*

Contrary to Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

54. The Panel heard evidence on this allegation from Mr White. He and his wife were directors of Southwest Housesurveys Ltd. Mr Prinse bought the assets of this company and was intending to buy the share capital. Mr Prinse's own company had been suspended and he wanted another vehicle to be able to continue trading and sought to gain Mr White's client list. The Panel had sight of the agreement dated the 14 June 2023. The relationship between Mr and Mrs White and Mr Prinse broke down and the purchase of the share capital was not completed.
55. The Panel had sight of the TM01 form in the bundle which was an application for the "Termination of appointment of director" form. It purported to terminate the appointment of Mrs White and it was alleged by RICS that it was signed by Mr Prinse as having authority to request termination of Penelope White as a director of Southwest Housesurveys Ltd. Mr Prinse denied the allegation and denied that it was his signature on the form. In cross examination of Mr White, Mr Prinse questioned whether Mr White had signed the form. This was denied.
56. The Panel found Mr White to be a credible witness who gave a plausible account consistent with his written evidence and the documentation. He was adamant he had not signed the form and the Panel found his spontaneous response that his wife was "bloody furious" on finding that the application had been made without her knowledge or consent, to be plausible and reliable evidence.
57. The Panel noted that the document was received by Companies House on the 23 June 2023. It also noted the email dated 27 June 2023 provided by Mr Prinse which appears to be from his solicitor in relation to the purchase of the company. The Panel considered the timeline significant and that the solicitor's engagement about Mr Prinse exercising his option to purchase the share capital, was after the date on the TM01 form. Given Mr White's evidence, which the Panel accepts, and this chronology, the Panel was satisfied that it was reasonable to infer it was Mr Prinse who signed the form on about the 22 June 2023. This was a reasonable inference for the Panel to draw as Mr Prinse was buying the company and he needed control of it to use it as a vehicle for continuing his business. His intention was set out in his solicitor's letter.

58. Given these findings of fact the Panel was satisfied that Mr Prinse did not have authority to make the application and knew that he did not have the authority and that by signing the form he purported to hold the position specified on the form, when he knew he did not hold that position. In essence, Mr Prinse “jumped the gun” and signed a legal document which he knew to be false. This was his state of mind as to the facts and it would be considered dishonest by the standards of ordinary decent people. **Accordingly, Allegation 11 was proved.**

Allegation 12

Between 14 June 2023 and 23 June 2023, Nicholas Prinse applied to Companies House to terminate the appointment of Penelope White as a director of Southwest Housesurveys Ltd having completed and signed or having caused to be completed and signed a form TM01. Nicholas Prinse acted without integrity in that:

- a) He did not inform either of the directors of Southwest Housesurveys Ltd of that application to terminate the appointment of a director of the company and/or*
- b) He did not seek authorisation to terminate the appointment of a director of the company and/or*
- c) By signing that form TM01 or causing it to be signed in his name, he purported to hold one or more of the positions specified on form TM01 as having authority to act on behalf of the company when he knew or ought to have known that he did not hold any of those positions.*

Contrary to Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

59. In the light of its finding on Allegation 11, the Panel did not go on to consider the alternative in Allegation 12.

Allegation 13

Between 14 June 2023 and 23 June 2023, Nicholas Prinse applied to Companies House to change the registered office of Southwest Housesurveys Ltd having completed and signed or having caused to be completed and signed a form AD01. Nicholas Prinse acted dishonestly in that:

- a) He did not have authority to make that application and he knew that he had no such authority and/or*
- b) By signing that form AD01 or causing it to be signed in his name, he purported to hold one or more of the positions specified on form AD01 as having authority to act on behalf of the company when he knew that he did not hold any of those positions.*

Contrary to Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

60. This allegation was proved for the same reasons as given in allegation 11. Mr Prinse was dishonest as he did not have authority to make the application and knew he did not have such authority. Whilst he had the right to exercise his option to purchase to the share capital, at the time the form was submitted he had not exercised that right at the time and knew he did not have authority to act on behalf of the company. He was therefore dishonest. **Accordingly, Allegation 13 is proved.**

Allegation 14

Between 14 June 2023 and 23 June 2023, Nicholas Prinse applied to Companies House to change the registered office of Southwest Housesurveys Ltd having completed and signed or having caused to be completed and signed a form AD01. Nicholas Prinse acted without integrity in that:

- a) He did not inform either of the directors of Southwest Housesurveys Ltd of that application to change the registered address of the company and/or*
- b) He did not seek authorisation to apply to change the registered address of the company and/or*
- c) By signing that form AD01 or causing it to be signed in his name, he purported to hold one or more of the positions specified on form AD01 as having authority to act on behalf of the company when he knew or ought to have known that he did not hold any of those positions.*

Contrary to Rule 1 of the Global Rules of Conduct with effect from 2 February 2022.

Nicholas Prinse is therefore liable to disciplinary action under RICS Byelaw 5.2.2 (c).

61. In the light of its finding on Allegation 13, the Panel did not go on to consider the alternative in Allegation 14.

Firm

Allegation 15

Between 1 March 2021 and 1 June 2023, Prinsegate Developments Limited, trading as Prinsegate Chartered Surveyors (the Firm), failed to ensure that its professional work services were provided by competent individuals who had the necessary expertise by using non- Chartered Surveyors to routinely carry out Level 3 Home Surveys alone without adequate expertise and/or training and/or supervision.

Contrary to Rule 4 of the Rules of Conduct for Firms version 7 and Rule 2 of the Global Rules of Conduct with effect from 2 February 2022.

The Firm is therefore liable to disciplinary action under RICS Byelaw 5.3.2 (c).

62. This allegation mirrors Allegation 1 but is in respect of the Firm. Mr Prinse was the sole principal of the Firm, and the Panel is satisfied that this allegation is proved against the Firm for the same reasons as set out in Allegation 1. **Accordingly, Allegation 15 is proved.**

Allegation 16

Between 6 July 2021 and 1 June 2023, Prinsegate Developments Limited, trading as Prinsegate Chartered Surveyors (the Firm), failed to provide good quality and diligent service by issuing Level 3 Home Survey reports that did not comply with the RICS Professional Statement on the Home Survey Standard, namely:

- a) Report on 56 Shelley Road issued on 9 July 2021*
- b) Report on Upper Norton Barn issued on 9 May 2022*
- c) Report on 17 Reservoir Road issued on 8 July 2022*
- d) Report on 16 Grove Road issued on 25 August 2022*
- e) Report on 26 School Hill issued on 2 November 2022*
- f) Report on Erw R Delyn issued on 22 May 2023*

g) Report on 54A Cambray Road issued on 31 May 2023

Contrary to Rule 4 of the Rules of Conduct for Firms version 7 and Rule 3 of the Global Rules of Conduct with effect from 2 February 2022.

The Firm is therefore liable to disciplinary action under RICS Byelaw 5.3.2 (c).

63. This allegation mirrors Allegation 5 but is in respect of the Firm. Mr Prinse was the sole principal of the Firm, and the Panel is satisfied that this allegation is not proved against the Firm for the same reasons as set out in Allegation 5. **Accordingly, Allegation 16 is not proved.**

Allegation 17

Between 6 July 2021 and 1 June 2023, Prinsegate Developments Limited, trading as Prinsegate Chartered Surveyors (the Firm), failed to have proper regard to RICS technical standards by issuing terms of engagement for Level 3 Home Survey reports that did not comply with the standard of the RICS Professional Statement on the Home Survey Standard, namely:

- a) Report on 56 Shelley Road issued on 9 July 2021*
- b) Report on Flat 3, 2 East Mount Street issued on 7 April 2022*
- c) Report on Upper Norton Barn issued on 9 May 2022*
- d) Report on 17 Reservoir Road issued on 8 July 2022*
- e) Report on 16 Grove Road issued on 25 August 2022*
- f) Report on 26 School Hill issued on 2 November 2022*
- g) Report on Erw R Delyn issued on 22 May 2023*
- h) Report on 54A Cambray Road issued on 31 May 2023*

Contrary to Rule 4 of the Rules of Conduct for Firms version 7 and Rule 3 of the Global Rules of Conduct with effect from 2 February 2022.

The Firm is therefore liable to disciplinary action under RICS Byelaw 5.3.2 (c).

64. This allegation mirrors Allegation 6 but is in respect of the Firm. Mr Prinse was the sole principal of the Firm, and the Panel is satisfied that this allegation is not proved against the Firm for the same reasons as set out in Allegation 6. **Accordingly, Allegation 17 is not proved.**

Liability for Disciplinary Action

65. The Panel next considered separately whether Mr Prinse and the Firm were liable to disciplinary action under bylaw 5.2.2. (c) for Mr Prinse and under bye-law 5.3.2 (c) for the Firm
66. 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 conduct of Mr Prinse amounted to breaches of his professional obligations that were wide ranging and serious and committed over a prolonged period. The findings of dishonesty and lack of integrity were breaches of fundamental tenets of the profession, namely the need to be honest and act with integrity and were therefore very serious. The Panel had no doubt that that the conduct proved in each of the allegations was individually and collectively sufficiently serious to render Mr Prinse liable to disciplinary action.
67. The Panel was further satisfied that the proven failure of the Firm to ensure that its professional work services were provided by competent individuals, as established in Allegation 15, amounted to a serious breach of the rules committed over a prolonged period that undermined the reputation of the profession and reached the threshold for liability to disciplinary action.

Sanction

68. The Panel next considered the matter of sanction. It noted the submissions of RICS and of Mr Prinse, who simply contended that he could not accept any of the proposed sanctions for costs or publication of the decision. 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.
69. The Panel reminded itself that the purpose of sanctions is not to be punitive, though that may be their effect. The purpose of sanctions is to declare and uphold the standards of the profession, to safeguard the reputation of the profession and of RICS as its regulator and to protect the public. Sanctions must be proportionate to the matters found proved.
70. The Panel considered carefully any mitigating and aggravating factors of this case as well as the issue of proportionality in weighing up the most appropriate response.
71. The Panel identified the following mitigating factor:
- Mr Prinse's previous good character with no disciplinary record
72. The Panel considered that the following aggravating factors were present:
- Proved conduct involved multiple allegations of dishonesty and lack of integrity
 - The Home Buyer Survey failings were repeated and took place over a prolonged period
 - Multiple clients but not given what they had paid for over a prolonged period
 - Repeated breaches of a mandatory RICS Standard

- Whilst there was no evidence that the conduct caused clients actual loss there was the potential for financial loss for homeowners from the conduct
- No evidence of insight or remorse
- This was pre-planned, deliberate and repeated dishonesty
- The conduct breached the trust placed public in the profession and undermined the reputation of the profession

73. The Panel was mindful of the factors set out in paragraph 7 of the sanctions policy for "considering the seriousness of a breach and possible sanction" and noted that Mr Prinse's conduct involved many of the factors listed including, in particular, that it was dishonest, benefited him and the Firm, and in relation to the surveys, was repeated over a prolonged period of time.
74. Given the Panel's view of the seriousness of Mr Prinse's conduct, it was satisfied that the sanctions of Caution, Reprimand, Undertakings, a Fine and Conditions were insufficient to protect the public and highlight to the profession and the public the gravity of the proven conduct. Such sanctions were insufficient to uphold standards given what the Panel considered was Mr Prinse's cavalier disregard of the Rules over a prolonged period. The Panel was mindful that dishonesty in a professional lay at the top end of the spectrum of misconduct and was satisfied in the circumstances that the proven conduct by Mr Prinse was fundamentally incompatible with continued membership of RICS. **The Panel was satisfied that only expulsion of Mr Prinse from RICS was sufficient to mark the seriousness to the profession and the public and was the appropriate and proportionate sanction.**
75. In relation to the Firm, of which Mr Prinse was the sole principal, the Panel was satisfied for the same reasons as set out above **that the only proportionate and appropriate sanction was to remove the Firm's registration.**

Publication

76. 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

77. RICS has submitted a statement of costs and claimed the sum of £44,770. Mr Prinse opposed any costs and had submitted a statement of means.
78. The Panel had regard to Supplement 2 to the Sanctions Policy in relation to costs. It 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 reasonably incurred given the extensive preparation involved and the voluminous letters and correspondence from Mr Prinse. Taking account of all matters the Panel was satisfied that it was fair and reasonable to make a costs award in the sum of £40,000. **Accordingly, it directed that Mr Prinse pay RICS costs in the sum of £40,000.**

Appeal Period

79. The Relevant Person has 28 days, from the service of the notification of the decision, to appeal this decision in accordance with Rule 152 of the Rules.

