



Mr Richard Chambers MARLA, MNAEA
Director,
S B K Stubbington Ltd t/a Chambers
Sales & Lettings

Disciplinary Tribunal Decision

November 2023

Disciplinary Tribunal Decision

Member:	Mr Richard Chambers MARLA, MNAEA
Position:	Director
Company/Employer:	S B K Stubbington Ltd t/a Chambers Sales & Lettings
Address:	25 Stubbington Green, Fareham, PO14 2JY
Complainant:	Propertymark
Reference:	Y0002095
Date:	15 November 2023

A. INTRODUCTION

A Disciplinary Tribunal of Propertymark Limited was convened on 15 November 2023 to consider the case against Mr Richard Chambers.

The panel members were Mr Jim Atkins PPNAEA (Honoured) (member panellist acting as the Chairperson for the Tribunal); Mr Simon O'Brien MARLA, MNAEA (Comm), MNAEA, ANAVA (member panellist); and Mr Noel Hunter OBE (lay panellist).

The presenting Case Officer for Propertymark was Mr Ali Haider.

Mr Chambers did not attend the Hearing.

The Hearing took place in private and was recorded.

B. ALLEGATIONS

The Tribunal considered the allegations set out in the case summary sent to Mr Chambers.

It was alleged that Mr Chambers had acted in contravention of the requirements of the following Propertymark Conduct and Membership Rules.

1.9. Title and conditions of a Client (bank) Account

1.9.1. All members who receive, or may receive, deposits in transactions to which the Estate Agents Act (1979) applies, shall open, and operate a distinct Clients' Account for that purpose in accordance with the requirements of that Act and with the Regulations made under it.

1.9.2. A PPD member's firm that receives or holds Client money must maintain at least one Client (bank) Account for this purpose.

1.9.3. Any such account(s) must include both the word "Client" and the legal name of the Principal Agent or CASP in the title.

1.9.4. The PPD member's firm must hold on file in its records; written confirmation from any bank or building society where a Client bank account is held, that the following conditions apply to any such account(s):

(a) All money held in the account is Clients' Money; and

(b) The bank or building society is not entitled to combine the account with any other account or to exercise any right of set-off or counter claim against money in that account in respect of any sum owed to it on any other accounts of the member or the member's firm.

1.18. Record keeping (firms using a CASP; see also 1.3.2)

Each member's firm must keep detailed accounting records, using a bookkeeping system that is adequately designed and operated. Such records need to record:

1.18.1. All Clients' Money received, held, or paid out by the firm.

1.18.2. The amounts, dates, names, property addresses, reference numbers and other relevant details to identify individual transactions.

1.18.3. Any other money dealt with through a Client bank account, attributable to individual Clients.

1.18.4. An individual Client's balance of monies held, and a balance of all Clients' Money held.

1.19. Books of record

All dealings referred to in clauses **1.18.1** to **1.18.4** above shall be recorded as appropriate, either:

1.19.1. In a Clients' cash book, or in a Client's column of a cash book; or

1.19.2. In a journal recording transfers from the ledger account of one Client to that of another.

1.19.3. **And**, in either case, additionally in a Clients' ledger or in a Client's column of a ledger.

1.20. Supporting documentation

Records must include a list of all persons for whom a member's firm is or has been holding Clients' Money, reconciliation documents, and a list of all the bank and building society account(s) in which the money is held and must include counterfoils or duplicate copies of all receipts issued in respect of Clients' Money received, which shall contain the particulars required to be shown in the accounts.

1.21. Preservation of records

The records kept for the purpose of complying with this Rule must be preserved for six years from the end of the accounting period to which they relate, or from when the account shows a nil balance following a cessation of the contractual relationship between the parties, whichever is the later. Propertymark recommends that a member's firm consult with their Accountant before disposing of, or destroying, any historic accounting records.

1.22. Computerised recording

Where a computerised bookkeeping system is in operation, this must be capable of producing printed information to conform to this Rule, which therefore is or can be preserved in a permanent format to comply with clause 1.21.

1.23. Reconciliation(s) – format and frequency

1.23.1. Every member's firm shall:

- (a) Ensure all monies due to member firm are removed prior to final reconciliations being undertaken.
- (b) At least once every two calendar months (and within no later than ten weeks of a previous reconciliation), reconcile the balance on their Client's cash book(s):
 - (i) With the balance in their Client bank account(s) using the bank/building society statement(s); and
 - (ii) With the total of each Client's balance in the Clients' ledger; and
- (c) Ensure that such documents necessary to support the reconciliation so produced have been kept safe, complete, and readily available in the cash book or other appropriate place.

1.23.2. All such reconciliations should be checked and signed by the PPD member of the company, or by such person formally appointed by the PPD, who shall not be the person responsible for the preparation of such reconciliation. (This could be a member of staff of the appointed reporting Accountant, provided this is conducted within ten working days of the reconciliation.)

1.23.3. Reconciliations must be stored so as to be readily available at audit or inspection, in accordance with **1.21**.

13. General duty to uphold high standards of ethical and professional behaviour

13.1. No member shall do any act (whether in business or otherwise) which:

- 13.1.1. Involves dishonesty, deceitful behaviour, misrepresentation; and/or
- 13.1.2. Involves other unprofessional practice or practice that is unfair to members of the public; and/or
- 13.1.3. In any other way brings Propertymark or any of its divisions or subsidiaries into disrepute.

23. Continuing professional development (CPD) rules

- 23.1. CPD is mandatory for all ARLA, ARLA Inventories, NAEA, NAEA Commercial and NAVA members except for Affiliate, Deferred, Retired grade members.
- 23.2. Members are required to undertake at least twelve hours' CPD activity per year. At least four of the twelve hours must be obtained by attendance at relevant educational events and up to eight hours by relevant private study (except for those studying for Propertymark Qualifications relevant to their specialism). All CPD should be relevant to the membership specialism and/or relevant to business needs.
- 23.3. The CPD year runs from 1 January to 31 December and the twelve hours should be submitted by 31 January of the following year, listing the learning outcomes.
- 23.4. CPD must be provided annually for membership to continue.
- 23.5. If members belong to more than one division, they are required to submit twelve hours' CPD for each division demonstrating a relevant learning outcome.

In the absence of Mr Chambers, Mr David Oliver, Propertymark Compliance Manager, entered a plea denying the alleged breaches of Rules 1.9, 1.18, 1.19, 1.20, 1.21, 1.22, 1.23, 23 and 13.

After consideration of the evidence presented and submissions by the parties, the Tribunal announced the following findings:

C. DECISION

Rule 1.9	-	Proven
Rule 1.18	-	Proven
Rule 1.19	-	Proven
Rule 1.20	-	Proven
Rule 1.21	-	Not Proven
Rule 1.22	-	Not Proven
Rule 1.23	-	Proven
Rule 23	-	Proven
Rule 13	-	Proven

D. SANCTIONS

Rule 1.9	-	£750
Rule 1.18	-	£750

Rule 1.19	-	£750
Rule 1.20	-	£750
Rule 1.23	-	£1250
Rule 23	-	£250
Rule 13	-	£750

Additionally, the costs of this Hearing of £412.70 were imposed against Mr Chambers in favour of Propertymark.

E. PUBLICATION

The outcome of the case fell within the Propertymark publication policy.

F. CLOSING STATEMENT

“We are disappointed that Mr Chambers was not in attendance of the Tribunal either in person or by Zoom today. The Tribunal had questions they would have asked of the member in relation to the correspondence.

Mr Chambers, these are serious offences the ultimate responsibility for which sits with you as a member and PPD of the firm. You have accepted that your client account has not been run as it should have been. Whilst the Lettings Partnership have given you a pass, their report still shows a discrepancy.

With regards to payments, you indicated that you are solely responsible for landlords’ payments. We would recommend that at least one other responsible person is appointed to assist when necessary.

There should be a nil balance on each property ledger within the recommended timeframe set by Propertymark. As you are aware bank charges should be covered by a separate current account in the same entity

In addition to the above sanctions, the Tribunal instructs Propertymark to carry out an audit of your client account at your cost within the next 12 months”.

propertymark

Mr Richard Chambers MARLA, MNAEA

Director,

**S B K Stubbington Ltd t/a Chambers
Sales & Lettings**

Appeal Tribunal Decision

May 2024

Appeal Tribunal Decision

Member: Mr Richard Chambers MARLA, MNAEA

Position: Director

Company/Employer: S B K Stubbington Ltd t/a Chambers Sales & Lettings

Address: 25 Stubbington Green, Fareham, PO14 2JY

Reference: Y0002095

Date: 16 May 2024

A. INTRODUCTION

An Appeal Tribunal of Propertymark Limited was convened on 16 May 2024 to consider the appeal of Mr Richard Chambers following a Disciplinary Tribunal held on 15 November 2023.

The Appeal Panel members were Mr Neville Pedersen MARLA (Honoured), FNAEA (Honoured) (member panellist acting as the Chairperson for the Appeal Tribunal); Mr Edward Johnson MARLA (member panellist); and Mr Steven Shaw (lay panellist).

The Case Officer for Propertymark was Mr Ali Haider.

Mr Chambers attended the Appeal Hearing in person.

The Hearing took place in private and was recorded.

B. DISCIPLINARY HEARING FINDINGS AND SANCTIONS

Mr Chambers was found to have acted in breach of the following Propertymark Conduct and Membership Rules at the Hearing held on 15 November 2023 and the penalties imposed were:

Alleged Breach	Findings	Sanction
Rule 1.9	Proven	£750
Rule 1.18	Proven	£750
Rule 1.19	Proven	£750
Rule 1.20	Proven	£750
Rule 1.21	Not Proven	n/a
Rule 1.22	Not Proven	n/a
Rule 1.23	Proven	£1,250
Rule 13	Proven	£750

Rule 23	Proven	£250
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The sum of £412.70 was imposed on the member towards the costs of the Hearing.

C. APPEAL TRIBUNAL'S DECISION

After considering the evidence, Mr Chambers' submission and after deliberation, the Appeal Tribunal made the following statement of findings:

"We thank Mr Chambers for attending today's Appeal Hearing. Correct management of client monies is a core principle of this Association, and in this regard, Mr Chambers, your company has failed. As a result of your failure to have your lettings account shown as a client account, this has never been included in the Accountant's report and has left both landlords and tenants' monies at risk.

Having been a member for over 20 years, the constancy of the requirement and the failure to adhere has left us with the conclusion that the penalties as levied should stand. However, we do reduce the penalty for breach of Rule 23 to £100. In your submission, you made reference to lower penalties in other cases. All penalties are levied in context to the specific case heard indeed, some penalties have been levied are considerably more. We do however acknowledge that steps have been taken to rectify the situation and that CPD is now being done".

D. DECISION SUMMARY

Alleged Breach	Findings	Sanction
Rule 1.9	Proven	£750
Rule 1.18	Proven	£750
Rule 1.19	Proven	£750
Rule 1.20	Proven	£750
Rule 1.21	Not Proven	n/a
Rule 1.22	Not Proven	n/a
Rule 1.23	Proven	£1,250
Rule 13	Proven	£750
Rule 23	Proven	£100

In addition to the costs of the original Hearing of £412.70, a sum of £515 was also imposed on Mr Chambers towards the cost of this Appeal Hearing in favour of Propertymark.

E. PUBLICATION

The case fell within the Propertymark publications policy.