



**Ms Sally Beard**  
**Director, Fineholm Letting Services**  
**(Glasgow) Limited t/a Fineholm**

**Disciplinary Tribunal Decision**

**29 April 2021**

# Disciplinary Tribunal Decision

**Member:** Ms Sally Beard formerly MARLA MNAEA  
**Position:** Director  
**Company/Employer:** Fineholm Letting Services (Glasgow) Limited t/a Fineholm  
**Address:** 114 Union Street, Edinburgh, G1 3QQ  
**Reference:** X0059215

**Date:** 29 April 2021

## A. INTRODUCTION

A Disciplinary Tribunal of Propertymark Limited was convened on 29 April 2021 using the Zoom virtual conferencing platform to consider the case against Ms Sally Beard.

The panel members were Mr Neville Pedersen MARLA (Honoured) FNAEA (Honoured) (member panellist acting as the Chairperson for the Tribunal), Mr Michael Jones PPNAEA (Honoured) MARLA (member panellist) and Mr Stephen Shaw (lay panellist).

The presenting Case Officer for Propertymark was Miss Laura Hanley-Gorton.

Ms Beard was in attendance at the hearing accompanied by Ms Ellen Hamilton, Office Manager of Fineholm.

The hearing took place in private and was recorded.

## B. ALLEGATIONS

The Tribunal considered the allegations set out in the case summary sent to Ms Beard on 8 April 2021.

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

**The Property Ombudsman Code of Professional Practice for Residential Letting Agents in Scotland**

## **1. General Obligations**

1(b) You (\*) must comply with this Code of Professional Practice. You must comply with all laws relating to the letting and management of residential property and in particular to The Letting Agent Code of Practice (Scotland) Regulations 2016, the Private Housing (Tenancies) (Scotland) Act 2016, the Housing (Scotland) Acts 1988, 2001, 2006, 2010 and 2014, Tenancy Deposit Schemes (Scotland) Regulations 2011, Data Protection Act 1998, Competition Act 1998, the Consumer Protection from Unfair Trading Regulations 2008 (CPRs), Business Protection from Misleading Marketing Regulations 2008 (BPRs), Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013, Energy Act 2011 (Green Deal), Immigration Act 2014, Rent (Scotland) 1984 and all other current and relevant primary, secondary and devolved legislation.

1(c) You must ensure that all staff are fully conversant with all aspects of the Code and their legal responsibilities. Such staff must observe the Code and their legal responsibilities in all their dealings with consumers. You must comply with all laws relating to the letting of residential property and all other current and relevant legislation.

## **8. Viewing and Access to Premises**

8(f) Access to a property may be required by you, or an authorised third party on behalf of the landlord (e.g. a surveyor, builder, tradesman, etc.) for the purpose of viewing the condition, state of repair and/or to fulfil related statutory obligations and/or to carry out repairs. If you hold the key, the tenant must be given the appropriate minimum notice of 24 hours or that prescribed by law, of the appointment (unless agreed otherwise with the tenant beforehand), except in cases of genuine emergency. Notwithstanding providing the tenant with reasonable notice to access a property, express consent from the tenant to do so should be obtained. If a tenant refuses access, you, the landlord or any third party have no right to enter the property using the retained keys without a warrant.

## **Propertymark Conduct and Membership Rules**

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

13.1.2 Involves other unprofessional practice or practice that is unfair to members of the public;

### **18. Information sharing**

18.1. PPD members have a duty to inform Propertymark of any allegation or finding made about their firm by any ombudsman, independent redress scheme or other professional body. Employee members have a duty to inform Propertymark of any allegation or finding made about them personally by any ombudsman, independent redress scheme or other professional body.

### **21. Continuing professional development (CPD) rules**

21.1. CPD is mandatory for all ARLA, ARLA Inventories, NAEA, NAEA Commercial and NAVA members except for Affiliate, Deferred, Retired grade members.

21.2. 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.

21.3. 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.

21.4. CPD must be provided annually for membership to continue.

21.5. If members belong to more than one division, they are required to submit twelve hours/ CPD for each division demonstrating a relevant learning outcome.

## C. DECISION

The Tribunal accepted Ms Beard's admittance of the breaches and asked consequent questions of her.

Code of Practice 1b/1c	-	Admitted.
Code of Practice 8(f)	-	Admitted.
Rule 13	-	Admitted.
Rule 18	-	Admitted.
Rule 21	-	Withdrawn.

Ms Beard submitted a plea in mitigation.

## D. SANCTIONS

Code of Practice 1b/1c	-	Caution
Code of Practice 8(f)	-	£250
Rule 13	-	£250
Rule 18	-	£100

In addition, costs were imposed of £294 against Ms Beard in favour of Propertymark.

## E. PUBLICATION

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

## F. CLOSING STATEMENT

The Tribunal made the following statement:

“The Tribunal thanks Ms Beard for her attendance today.

The case against Fineholm Letting Services of which Ms Beard is a Director highlights the need to ensure that all members of staff are fully aware of and comply with the rules regarding keys and access to property. This has been a salutary lesson to Miss Beard who has already faced a £1200 fine from the FTT for Scotland.

The Tribunal has been made aware of changes and procedures at Fineholm Letting Services to prevent a re-occurrence of this situation.”