



**Mr Colin Kyle MNAEA
Director, Steven Oates Limited t/a
Steven Oates**

Disciplinary Tribunal Decision

24 March 2021

Disciplinary Tribunal Decision

Member: Mr Colin Kyle MNAEA
Position: Director
Company/Employer: Steven Oates Limited t/a Steven Oates
Address: 70 Fore Street, Hertford, SG14 1BY
Complainant: Mr Peter Brown
Reference: X0058432

Date: 24 March 2021

A. INTRODUCTION

A Disciplinary Tribunal of Propertymark Limited was convened on 24 March 2021 using the Zoom virtual conferencing platform to consider the case against Mr Colin Kyle MNAEA).

The panel members were Mr Michael Jones PPNAEA (Honoured) MARLA (member panellist acting as the Chairperson for the Tribunal), Mrs Jacqueline Stone FNAEA (member panellist) and Mr Noel Hunter OBE (lay panellist).

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

Mr Kyle was in attendance accompanied by his colleague, Mr Andrew Whitehead. Mr Brown was also in attendance at 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 Kyle.

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

Propertymark Conduct and Membership Rule 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:

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

Propertymark Conduct and Membership Rule 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.

Propertymark Conduct and Membership Rule 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 considered the submissions from the Case Officer and Mr Kyle and after deliberation came to the following findings:

Rule 13.1.2	-	Proven
Rule 18	-	Proven
Rule 21	-	Proven

Mr Kyle submitted a plea in mitigation.

D. SANCTIONS

Rules 13.1.2	-	£250
Rule 18	-	£250
Rule 21	-	Caution

In addition, costs were imposed of £155 against Mr Kyle 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 lack of clarity in this matter was the key issue which caused some hardship for Mr & Mrs Brown. It is very important that this company looks back at their procedures, which we understand that you already have done, but it is important that a similar matter does not occur in the future.”