

## **Jeremy Hackett, member of the RICS Governing Council and Schofield Lothian QS**

As a member of the RICS governing Council I cannot comment on the detail of Michael Byng's case other than what is already in the public domain, particularly as the matter is already sub judice, or shortly will be.

However the Byng case raises important issues for the proper governance of the RICS for which the 69 members of the Governing Council are jointly and severally responsible – charged with equal obligations to protect the public interest and the rights of 120,000 + members worldwide.

The first one of concern is that Michael was acting in the first instance for members of the Construction Faculty, being then the elected head of the faculty awaiting formal ratification. Secondly, there was no complaint from a member of the public. And thirdly the second and third charges relate directly to the first charge – and are arguably vexatious.

As such I have written to the director of conduct and professional regulation calling for a full written explanation as wider issues are involved – my main concern being the exposure of membership funds to the award in the civil courts of substantial damages and costs where staff of the RICS have acted beyond their remit.

More details of the Byng case will inevitably emerge but this must be a warning to the RICS. With 40% of the membership being in the Construction Faculty, essentially quantity surveyors as the building surveyors have their faculty, if the head of the faculty can be fined for 'conduct unbecoming' when representing their interests there will be huge issues of double standards across other faculties, notably concerning the Chesterton collapse.

## **Statement by former construction faculty chairman Launce Morgan**

Having now had opportunity to read Michael Byng's statement, I share his astonishment, that there is no plaintiff to the charges against him. If this is the case then all the charges should be dismissed and an apology issued.

For my part and I am sure for the Faculty and membership as a whole, I stand with Michael shoulder to shoulder. An attack on the Chairman of the Construction Faculty in this public manner is without precedent and I am sure that all fair and right minded members take a very dim view of the people responsible for this within the RICS.

Members need to have confidence in our disciplinary procedures and for some time, members have expressed the view that our governance is dickensian. The review undertaken last year seeks to improve procedures, but until it is fully implemented and members are able to visibly see a change for the better, then reservations will naturally remain.

I am sad to repeat that this only reinforces the view that the RICS does not serve Construction and Quantity Surveying in a way that the members want and unless anyone forgets this is a member organisation. Should the RICS leadership again stand in the way of that relationship, they do so at their peril.