

**Mr Antony Miles of Ilkeston, Derbyshire, United Kingdom  
CIMA Disciplinary Committee meeting held 12 August 2020**

References in this decision to Regulations are to those in the Institute's Royal Charter, Byelaws and Regulations (2020) and references to Rules are to the Institute's Disciplinary Committee Rules 2020, in both cases unless otherwise stated.

**The Charge**

The Committee considered the following allegations against the Respondent:

Factual Allegations

1. You are a registered member with the Chartered Institute of Management Accountants ('CIMA'). Your CIMA Contact ID is 1-I5KX.
2. From 14 May 1999 you have been a director of Milestone Management Solutions Limited ('Milestone') a company which provides accountancy services.
3. On 17 January 2014 CIMA's Disciplinary Committee issued the sanction of a Severe Reprimand and a fine of £2,500 for failing to register as a Member in Practice from 18 April 2007.
4. Between December 2018 and July 2019 you were requested to register with CIMA as a Member in Practice.
5. As of 23 December 2019 you continue to offer accountancy services to the public through Milestone whilst not registered as a Member in Practice and therefore not holding a valid practicing certificate with CIMA.
6. From 18 April 2007 you have not been supervised by CIMA for Anti Money Laundering ('AML') purposes.
7. Milestone is not registered directly with HMRC for AML supervision.
8. You have failed to comply with the Money Laundering Regulations 2007 and 2017."

Misconduct Allegations

"By reason of the facts alleged above, it is alleged that you are guilty of misconduct as defined by Byelaw 1 of the Institute's Royal Charter Byelaws and Regulations (October 2012, July 2015, December 2018 and April 2020 versions). In particular, you have failed to comply with the Laws of the Institute by breaching:

- a. Member in Practice Rules September 2012, June 2016, June 2017 and March 2020, Rules 4, 6(v) and 12;
- b. The fundamental principles of the Code of Ethics (October 2010, January 2015 and January 2020 versions):
  - (i) Integrity – (Sections 100.5 (a)110.1 and 110.2)
  - (ii) Professional Behaviour – (Sections 100.5 (e) and 150.1)".

## **Findings of Fact**

Mr Miles (the Respondent) had admitted the facts of the Charge, as set out in his application form dated 2 July 2020. On the basis of his admissions the Committee, under rule 17 (4) of the Disciplinary Committee Rules 2020, found the facts proved. The Committee was satisfied that all the facts were proved on the Respondent's admission, supported by the documentary evidence.

## **Misconduct**

The facts having been found proved, the Committee considered the matter of misconduct. CIMA's Byelaws and Regulations define "misconduct" as "failure to comply with the Laws of the Institute." The Laws of the Institute include the Code of Ethics. The Committee noted that in his email to CIMA dated 5 August 2020, Mr Miles has admitted that the alleged facts amount to misconduct.

In relation to the charges (set out above), the Committee made the following findings:

The Committee took into account the history of the Respondent's conduct. Mr Miles had been previously disciplined by CIMA on 17 January 2014 for failing to register as a Member in Practice from 18 April 2007. In 2014, Mr Miles was issued with a severe reprimand and was fined £2,500. Notwithstanding that previous disciplinary process and sanction, Mr Miles continued to practise without registering as a Member in Practice and therefore not holding a valid practising certificate with CIMA. Between December 2018 and July 2019, Mr Miles was required on several occasions by CIMA to register. He continually failed to do so.

The Committee found that Mr Miles's failure to register as a Member in Practice, notwithstanding having been previously disciplined for that same matter and having been repeatedly requested to do so, was very serious and potentially seriously undermined public confidence in CIMA and the profession.

The Committee also considered the fact that from April 2007, Mr Miles had not been supervised by CIMA for Anti Money Laundering (AML) purposes and that his company was not directly registered with HMRC for AML supervision. This was very serious and caused damage to the reputation of CIMA and the profession.

For all of the above reasons, the Committee found that Mr Miles guilty of misconduct.

## **Mitigation and Sanction**

Having found misconduct as alleged, the Committee went on to consider the questions of mitigation and sanction. In considering what sanction (if any) to impose, the Committee had regard to the Indicative Sanctions Guidance and to the advice of the Legal Assessor. It also had regard to the principle of proportionality and that the sanction imposed should be the least onerous suitable to reflect the seriousness of the misconduct.

The Panel took into account the following aggravating and mitigating factors.

As aggravating factors, the Committee took into account that Mr Miles's misconduct occurred over a long period and had been repeated. Further, the Committee considered that Mr Miles's misconduct had a serious detrimental effect on the profession and on the reputation of CIMA.

As mitigating factors, the Committee had regard to the fact that Mr Miles has made full admissions and has cooperated with CIMA's investigation. Mr Miles has also expressed

remorse in his mitigation statement, although the Committee noted his failure to acknowledge that he had previously been sanctioned for the same misconduct in 2014.

The Committee carefully considered and acknowledged Mr Miles's personal mitigation but noted that he had continued to practise unregistered and unsupervised for many years. The Committee also had to have regard to its primary purpose which is to protect the public and uphold the reputation of CIMA and the profession.

In considering the available sanctions in ascending order of seriousness, the Committee considered that an admonishment or a reprimand would be insufficient to protect the public or CIMA's reputation. The Committee was mindful that Mr Miles had already been subject to a severe reprimand and fine in 2014 for similar misconduct. The Committee was concerned that Mr Miles had failed to remedy his misconduct, notwithstanding being given the chance to do so in 2014.

The Committee carefully considered whether conditions on Mr Miles's membership would be appropriate. However, the Committee concluded that no workable and practicable conditions which would sufficiently protect the public and CIMA's reputation could be formulated.

Given the length of time over which Mr Miles's misconduct has persisted and has been repeated, the Committee considered that a suspension of Mr Miles's membership would not achieve any useful purpose and would be insufficient.

Having considered all available sanctions, the Committee concluded that the only appropriate and proportionate sanction was expulsion from membership of the Institute with costs in the sum of £1,825.00.