



**Appeal Tribunal Hearing on 6 July 2017
at
Arbon House, 6 Tournament Court, Edgehill Drive, Warwick CV34 6LG**

**Appeal Tribunal Decision
In the matter of Case No X0055531 Mr S Housden v Mr M Cowell**

**To consider the appeal following:
Disciplinary Tribunal Hearing
23 March 2017**

**Case of :
Mr Michael Cowell, a Director of Cowell & Norford (Bury) Limited t/a Cowell &
Norford, 106 Yorkshire Street, Rochdale, Lancashire, OL16 1JY**

A member of ARLA and an Associate member of NAEA
At
PropertyMark, Arbon House, Tournament Court, Edgehill Drive, Warwick, CV34 6LG

Mr Cowell was found to have acted in breach of the following NFOPP Membership and Conduct Rules at the hearing held on 23 March 2017 and the penalties imposed were:

Conduct Rule 3.1	-	£5,000
NAEA Rules of Conduct Rule 6	-	£5,000

Costs of £150 were imposed on the Respondent in favour of PropertyMark.

The Appeals Tribunal considered the case.

Appeal Tribunal's Decision

After considering the evidence and after deliberation, the Appeal Tribunal made the following findings: -

Conduct Rule 3.1 finding upheld but the sanction was reduced to £1,000

**Rules of Conduct
Rule 6** appeal upheld in part – Code of Practice clauses 9a & 9b found not proven and the sanction was reduced to £2,500

The Tribunal issued the following statement:

“Firstly, we relate back to the findings of the Disciplinary Tribunal and the penalties set at that time. There was a distinct lack of engagement by the Respondent throughout the matter which perhaps was a major issue in the findings of that Tribunal.

In the matter of the breach of Rule 3.1 which has been admitted, we are prepared to reconsider the penalty, and impose a reduced penalty of £1,000. Unfortunately, your procedures at that time were pretty much non-existent and the complaint was poorly handled.

Secondly, in respect of Rule 6 was brought in for the alleged breaches of the Ombudsman’s Code which related to clauses 7i, 9a, 9b and 2h. We find that the clauses 7i and 2h were breached and therefore we consider that a breach of Rule 6 is proven. However, we find clauses 9a and 9b which relate to the forwarding of offers as ‘not proven’. The Tribunal will therefore, in this case, impose a reduced penalty of £2,500. We are also prepared to lift the sanction of expulsion, and that you will retain your membership.

As a result of this matter having been brought to our attention, the Tribunal is concerned that Mr Cowell clearly failed to disclose a personal interest in this matter and that there was a lack of transparency throughout. The way in which this transaction was handled has obviously given rise to the possibility and the mindset that there was a conflict of interest. However, we trust that this has been a salutary lesson to you, and that in future, your handling of any property transaction where there is the possibility of a conflict of interest arising is carried out with more professionalism and transparency.

We will impose costs in this matter of £433.”