

## ADJUDICATION PANEL OF THE COUNCIL FOR LICENSED CONVEYANCERS

Application re: **Stephen Cox (Respondent)**

Date of Adjudication Panel Decision: **4 August 2017**

Panel: Emma Boothroyd (Chair of the Adjudication Panel)

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### ALLEGATION CONSIDERED

1. On 15 November 2016 upon your confession, you were convicted in Leeds Crown Court of two counts of deception contrary to the Theft Act 1978, which renders you unfit to practise as a Licensed Conveyancer.

### THE ROLE OF THE ADJUDICATION PANEL

2. The CLC has established an independent Adjudication Panel to carry out the functions of the former Discipline and Appeals Committee. The Panel Chair is asked to approve a consent order to determine the allegations pursuant to Section 25 of the Administration of Justice Act 1985.
3. The Panel Chair received a bundle of documents consisting of 94 pages which sets out the background to the allegation and supporting evidence together with Mr Cox's response.

### BACKGROUND

4. The Respondent was a manager at a practice named 'Stephen Cox' which was at all material times licensed and regulated by the CLC.
5. On 5 August 2015, it was brought to the CLC's attention by the West Yorkshire Police that there was an ongoing investigation into the Respondent's actions.
6. The main suspect was Mr A who ran a large number of bank accounts under the names of numerous aliases and a number of these aliases have also purchased property. This network of alias bank accounts and properties enabled Mr A to commit fraud over an extensive period of time. During the police enquiry it became apparent that Mr A had used the Respondent when buying and selling property. The Police suspected that the Respondent had been a facilitator of these frauds by assisting Mr Forsyth in obtaining mortgages by dishonest means and providing incorrect data to the Land Registry. The offences occurred in 1997 and 2002.
7. On 15 November 2016, the Respondent was convicted in Leeds Crown Court of two counts of deception contrary to the Theft Act 1978 and on Friday 17 February 2017, the Respondent was sentenced to 9 months imprisonment suspended for 18 months on suspended sentence (concurrent) and 20 months imprisonment suspended for 18 months on suspended sentence. The Panel Chair has been provided with a copy of the certificate of conviction.

8. The Respondent voluntarily relinquished his CLC licence on 10 May 2017 on a permanent basis and accepts in his response to the CLC's investigation that his conviction renders him unfit to practice again.

9. It is submitted on behalf of the CLC that I deal with this matter as a consent order without the need for a full hearing. Mr Cox agrees with the proposed outcome of permanent disqualification and it is submitted as there are no contested matters and the most severe sanction is agreed there is no public interest in holding a hearing. This decision will be published to ensure transparency and to uphold proper standards within the profession.

#### **DECISION OF THE PANEL CHAIR**

10. I have considered the papers and the proposal made very carefully and reminded myself that the primary duty of the adjudication panel is to deal with cases fairly and justly. I have noted the allegation arising from the conviction and the full admissions and representations made by Mr Cox.

11. I am being asked to approve a consent order to dispose of proceedings pursuant to Rule 30 (1) of the Adjudication Panel Procedure Rules 2013(as amended) which states,

*"The Adjudication Panel may, at the request of the parties but only if it considers it appropriate, make a consent order disposing of the proceedings and making such other appropriate provision as the parties have agreed."*

12. I therefore need to consider whether it is appropriate to dispose of the proceedings on the basis of the agreement. Looking at the proposed resolution and taking into account Mr Cox's engagement with the regulatory process I consider that it is not in the public interest to direct these allegations be heard before a full panel.

13. Mr Cox has been convicted of an offence arising out of his work as a Licensed Conveyancer. He has been sentenced to a custodial penalty, albeit suspended. He has accepted that this conviction renders him unfit to practice as a Licensed Conveyancer both now and in the foreseeable future and agrees that a permanent disqualification is the appropriate sanction.

14. I consider that this sanction is sufficient to protect the public interest and it is the likely sanction a full Panel would impose if it were to consider the matter. It is the most severe outcome but the conviction is a very serious matter.

15. The criminal proceedings serve to ensure that the matters are in the public domain. I do not consider there is a public interest in holding a hearing to consider the regulatory position given Mr Cox's full admissions and his agreement to the sanction proposed.

16. In all the circumstances I consider it is appropriate to approve the resolution agreed by the CLC and Mr Cox. I note that both parties are to bear their own costs and I agree that this is a sensible and proportionate resolution.

**Signed: Emma Boothroyd**

**Chair**



**Dated: 4 August 2017**