

07 November 2023

**Final report by the Complaints Commissioner****Complaint number 202300459***The complaint*

1. On 18 September 2023, you asked me to review a complaint about the FCA.

*What the complaint is about*

2. The FCA issued its decision letter dated 18 September 2023. To summarise your complaint to the FCA, it was that you were unhappy that you were invoiced for two annual fees for two companies that had stopped carrying out any regulated activities within the past year. You stated that the reason you had not cancelled prior to 31 March 2023 was that you believed that you had to submit your annual end of year return before you could cancel.

*What the regulator decided*

3. The FCA did not uphold your complaint. It explained that this was because it considered that the fees were correctly applied as the firm cancelled after 31 March 2023. It went on to set out that:

‘though the firm states that that they didn’t cancel prior to 31 March 2023 as they believed that they had to submit their annual end of year return before they cancel, this is not what is stated on the FCA website or in our rules. Furthermore, the firm could have queried this with Supervision Hub who would have been able to have provided guidance on the matter.’

*Why you are unhappy with the regulator’s decision*

4. In your complaint to my office and expressed that you did not accept the FCA’s decision. You set out that ‘at no time when discussing cancelling this with yourselves [FCA] were we advised that we should cancel before the 31st of

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March - this should have been brought to our attention when discussing our steps to take'.

*My analysis*

5. Having reviewed the information provided in relation to this complaint, I am satisfied that the position set out in the FCA's decision letter is correct. Whilst I appreciate that you have set out that you thought that you needed to submit your annual end of year return before you could cancel your firms' authorisation, I agree that alongside being set out in the FCA rules, which every authorised firm is obligated to be aware of, the information on the cancellation page on the FCA's website sets out very clearly that firms will have to pay the full annual fee for the financial year in which they apply for cancellation and if they submit their cancellation application before 31 March, they won't have to pay the annual fee for the following financial year.
6. As the FCA set out in its decision letter you queried cancelling on 15 May 2023, so this was after 31 March 2023. I have reviewed this call for two reasons: the first is that under the complaints scheme to which the regulators and I operate to, the FCA should be given an opportunity to review this allegation first, as you did not make it to the FCA as part of your complaint. However, in this case, I am exercising my discretion not to review this allegation because it has no bearing on your complaint. Your call was made after the 31 March therefore the fees were due regardless of what was said during the phone call. In addition, please note that it is up to a regulated firm to be aware of the FCA's rules and regulations. The FCA is not under a duty of care to remind you of your obligations. Your firms' permissions were then cancelled on 30 July 2023. As such, the annual fees were due and payable.
7. I have not seen or received any additional information in support of your complaint to my office that alters the details set out in the FCA decision letter, or that would indicate that the position was incorrect.
8. Consequently, I agree with the FCA's decision to not uphold your complaint and I also do not uphold your complaint.

*My decision*

9. I know that it will disappoint you but for the reasons set out above I **have not upheld** your complaint. This is my final; report about your complaint.

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Complaints Commissioner

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