

29 April 2024

Final report by the Complaints Commissioner

Complaint number 202300639

The complaint

1. On 11 December 2023, you submitted a complaint to my office on behalf of your client about the FCA.

Your complaint to the FCA

2. The FCA said your client's complaint was:

“You are unhappy with the advice you received in August 2021 in relation to cancelling your permissions. You say you were told by the FCA that the only way to cancel your permission was online using a laptop, however you didn't have a laptop, so you were unable to do so. It wasn't until June 2023 that you were guided by the Supervision Hub on how to cancel your permissions online using your mobile phone. To resolve your complaint, you are seeking for the outstanding fees since August 2021 to be waived”.

What the regulator decided

3. The FCA did not uphold the complaint.

My analysis

4. The FCA says “On 17 August 2021, the FCA sent an email notification regarding a new invoice of £815.91 which needed to be actioned. You responded on the same day, saying you had ceased trading. On 19 August 2021, an associate in the revenue department responded to your email, explaining that as you had ceased trading, you will need to apply to cancel your permissions, and gave you details on how to do so [the details were to follow a web link]. The associate also explained that as the cut-off date for applying to

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cancel permissions was 31 March 2021, you would still be obligated to pay the full invoice.”

5. The FCA says that it cannot locate any further contact from your client on its systems until June 2023.

6. You say your client alleges that he:

“proceeded to contact the FCA via telephone in August 2021 where he expressly informed the FCA that the business had ceased to trade as of May and that he sought to cancel the FCA registration of the business.

It was explained to the FCA at this stage that no computer was owned and requested that they were provided information as to where they could obtain a paper FCA cancellation form. The FCA informed our Client at this stage that they could not supply such a form and cancellation could not be completed using any other method than the online portal.

Our Client repeated that they did not have access to a computer and furthermore, they did not know the login details for the online portal as this had been managed by a former employee of the business. Our Client made a request to obtain a recording of this telephone conversation which was refused by the call handler and no call reference number was supplied.

It is accepted that due to the time period which the cancellation notice was provided our Client was liable for the outstanding amount of £815.91 which was to be paid in November 2021. However, it is disputed that our Client can be liable for any further costs incurred given their express indication to the FCA that they sought to cancel their authorisation.

Protracted correspondence continued between the parties for a further two years, whereby in April this year our Client was provided with the paper cancellation form which could have been provided at the outset by the FCA. This was duly completed and submitted to the FCA”.

7. The FCA has said it has no record of any contact from your client in the way you describe: there is no record of the telephone conversation you describe in August 2021 and no record of any correspondence between your client and the

FCA in the period between the FCA email of 17 August 2021 to which your client replied he had ceased trading (referred to above) and 7 June 2023.

8. I asked you if you were able to provide any information which would substantiate your client's allegation. For instance, if there is any record of a telephone bill or emails which indicate the timings of the correspondence you describe. I did not receive any response from you.

My decision

9. I do not uphold your complaint. You have not provided any evidence that your client contacted the FCA as described above, and the FCA has no record of such contact. Given the circumstances, there is no good grounds for the fees not to be payable.

Rachel Kent

Complaints Commissioner

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