



03 January 2025

Final report by the Complaints Commissioner

Complaint number 202400430

The complaint

1. On 17 September 2024, you submitted a complaint about the FCA.

The complaint

2. Your Firm was authorised and regulated by the FCA. You failed to meet a deadline to cancel your Firm's permission by 31 March 2023.

What the regulator decided

3. You state that you failed to meet a deadline by a few days due to illness and the business having to close. You state you will be affected financially if you have to pay the full annual amount for an 11 day period.

My analysis

4. The FCA cancellation deadline date is 31 March of every year. Consequently, any Firm that remains authorised after 31 March will still be liable to pay the annual fee for the following year. The FCA was correct when it informed you of this in its Decision Letter to you. As you cancelled your permissions on 11 April 2024, your firm is liable for the fees due for the year ending 31 March 2024. It is correct that the FCA reminded you of the fact that the expectation is on the Firm to be aware of its obligations and the applicable rules.
5. It is reassuring that the FCA took into consideration your personal circumstances and asked for evidence regarding your covid diagnosis and the issues you encountered surrounding the business having to close. It is fair and reasonable in such a scenario for the FCA to ask for proof to ascertain the individual circumstances. This not only ensures the FCA is taking on board the

202400430

circumstances and giving them proper consideration, but it also promotes fairness amongst all Firms. I cannot see that you provided any evidence of your covid diagnosis or the issues connected to the business having to close. In the absence of you providing such evidence, I am unable to see any justification for waiving the fee. And I agree with the FCA that you are liable to pay the fee for the reasons outlined above. As such I do not uphold your complaint.

6. In your complaint to me but not the FCA you mentioned that you are retiring and experiencing financial difficulties. Given your personal circumstances regarding your financial difficulties, you should provide this information to the FCA so that it can consider whether it is prepared to waive the fee based on this information.
7. It is worth noting that although fees is outside the scope of my role as this relates to the FCA legislative functions and rule making, I have very recently given this area serious consideration on a different case and corresponded with the FCA. I made a suggestion in the case of [202400142](#) to the FCA, in respect of whether it considered the continued appropriateness of the level of the fee going forward. The FCA responded on this case as follows,
8. “The FCA regulates around 42,000 firms. The administrative fee covers the FCA’s costs to ensure firms meet their reporting requirements. This involves a number of teams and activities across the FCA, including our Contact Centre, Supervision and Enforcement. We therefore do not accept the Commissioner’s suggestion.”
9. I am sorry I cannot help you further under the Complaints Scheme.

My decision

10. For the reasons given above I agree with the FCA’s decision and consequently I do not uphold your complaint that your delay in cancelling your permissions is justifiable. The FCA has confirmed with me that it will consider any supporting information you provide to it regarding your financial difficulties, review this information and get back to you.

The Complaints Commissioner

Complaints Commissioner

03 January 2025