

20<sup>th</sup> July 2016

Dear Complainant,

**Complaint against the Financial Conduct Authority  
Reference Number: FCA00191**

Thank you for your email of 24<sup>th</sup> June 2016. I have now completed my review of the Financial Conduct Authority's (FCA) investigation into your complaint.

**How the complaints scheme works**

Under the complaints scheme, I can review the decisions of the FCA's Complaints Team. If I disagree with their decisions, I can recommend that the FCA should apologise to you, take other action to put things right, or make a payment.

You can find full details of how I deal with complaints at [www.fsc.gov.uk](http://www.fsc.gov.uk).

**What we have done since receiving your complaint**

We have now reviewed all the records you and the regulator have sent us. My decision on your complaint is explained below.

**Your complaint**

You bought a car from a showroom called AXT Customised Cars Ltd which was advertised on Auto Trader Ltd. You returned the car as it did not meet the required specifications but AXT Customised Cars Ltd. has not returned your money. You believe that Auto Trader should not allow AXT Customised Cars Ltd to advertise on its website.

You telephoned the FCA on 2 June 2016 about this. You were dissatisfied with the information you received from the FCA Customer Contact Centre as you felt the FCA were not concerned that a fraud had taken place and that that the FCA was not taking action against Auto Trader Ltd.

The FCA Complaints Team reviewed your complaint and issued a decision letter to you on 23 June 2016. You remained dissatisfied with the FCA response and have asked me to review your complaint.

## **My position**

I have sympathy for the situation you find yourself in with respect to AXT Customised Cars Ltd who have not refunded your money.

I have reviewed the FCA decision letter of 23 June 2016 to you and I find that it has explained the matter to you correctly. The FCA's main purpose under the Financial Services and Markets Act 2000 (FSMA) is to ensure that financial markets function well. The FCA regulate certain financial activities of many firms in the UK market.

The FCA does not regulate all of Auto Trader's business activities. The FCA only regulates Auto Trader for the selling and offering of insurance products - and nothing more. It is not the case that the FCA is not concerned with fraud, as you believe. It is simply that the FCA does not regulate Auto Trader's advertising on its website, and therefore the FCA cannot take any action against Auto Trader Ltd.

I note you have been in contact with Trading Standards, who are the people best placed to deal with your complaint.

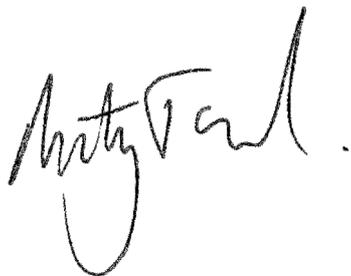
I understand you have raised concerns about the members of staff you spoke with at the FCA. The FCA has already upheld part of your complaint about this, and apologised, as it does not hold recordings of your telephone call with members of its Complaints Team. I have, however, reviewed the recording of your call with Customer Contact Centre, and the notes of your calls with members of the Complaints Scheme, and I can see no evidence that your calls were not dealt with properly.

## **Conclusion**

Although I understand that you are unhappy with the FCA response to your complaint, in my view, the FCA's response was reasonable, and they have provided you with an adequate explanation of the way in which they deal with Auto Trader Ltd. I have sympathy with your circumstances, but am unable to help you further under the Complaints Scheme.

I appreciate that you will be disappointed with my decision but hope that you will understand why I have reached it

Yours sincerely

A handwritten signature in black ink, appearing to read 'Antony Townsend', with a large, stylized flourish at the end.

Antony Townsend  
Complaints Commissioner