

20th December 2016

Dear Complainant,

**Complaint against the Financial Conduct Authority
Reference Number: FCA00241**

Thank you for your correspondence about your complaint against the Financial Conduct Authority (FCA).

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.

As you can find full details of how I deal with complaints at www.fsc.gov.uk I have not set them out here. If you need further information, or information in a special format, please contact my office at complaintscommissioner@fsc.gov.uk, or telephone 020 7562 5530, and we will do our best to help.

What we have done since receiving your complaint

I have reviewed all the information you and the regulator have provided us with, including your comments following my preliminary decision. My final decision on your complaint is explained below.

Your complaint

You made a complaint about the FCA as they had applied the periodic fees to your firm for the year 2016/17. You believe this is wrong as your firm no longer carries out regulated activities and you should not have been "auto-enrolled" for this financial year without your consent.

My findings

In considering your complaint, I reviewed your correspondence with the FCA, and their website which provides information to firms about the authorisation and cancellation process, the deadlines and the consequences of failing to cancel in time.

The FCA's website does not contain any information which would suggest that a firm's authorisation would be cancelled on 1st April each year, unless the firm "opts in". In fact, it is made clear on the Cancellation page that should a firm not apply to the FCA to have their authorisation cancelled before 31st March, the relevant periodic fees will be applied.

The FCA regulates in excess of 50,000 financial services firms and cannot be expected to be responsible for ensuring that it cancels the authorisation of each firm which no longer wishes

to carry out regulated activities of its own volition. While I have noted your comments about the number of administrative actions you have to carry out in the course of running your business, these are part and parcel of what is required of business owners and it does not change the fact that the onus is on firms to notify the FCA if they no longer wish to carry out regulated activities.

Conclusion

Having reviewed all the information available to me, I find that the FCA did not act unreasonably in applying the periodic fees to your firm for the year 2016/17, as you did not notify them before the 31st March 2016 that you were no longer carrying out regulated activities and that you wished to cancel your authorisation. I recognise that you believe that the FCA should operate a different system, but that does not alter the fact that the FCA has treated you in accordance with its published procedures and in the same way as other similar firms.

I am sorry to have to send you a disappointing reply.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Antony Townsend'.

Antony Townsend
Complaints Commissioner