

13th March 2018**Final report by the Complaints Commissioner****Complaint number FCA00432***The complaint*

1. On 15th February 2018 you spoke to my office to complain about the FCA. Our email of 16th February confirmed the nature of your complaint.

What the complaint is about

2. In its decision letter of 9th February 2018, the FCA described your complaint like this:

You are unhappy the FCA has charged your firm a £303 annual fee. You state you contacted the FCA in January 2017 to advise the business would close on 28 April [2017] but you did not receive any acknowledgement to this.

What the regulator decided

3. The FCA rejected your complaint. It said that it had looked carefully at its records, but that although it had records of two communications between your firm and the FCA in January and February 2017, the first mention of the fact that your firm had closed in April 2017 was not received until September 2017.
4. The FCA explained that, unless a firm applies to cancel its permissions by 31st March in any year, it has to pay the full annual fee. For that reason, you had to pay the £303.

Why you are unhappy with the regulator's decision

5. In your letter of 14th February 2018 to the FCA, saying that you wished to appeal against its decision to reject your complaint, you said:

Your systems are it seems deliberately labyrinthine and obstructive to persons such as ourselves. I recall when [cannot read word] required to register with yourselves writing to your chief executive at the time to complain about the complex and obstructive procedure we were required to navigate to secure registration.....

Your assertion that we had to be authorised and pay fees even when we transacted no business is ludicrous when common sense and logic are applied.

My analysis

6. There is nothing in the records to show that your firm told the FCA that it was closing until September 2017. In your response to my preliminary report, you have said that the records are incomplete, that your daughter contacted the FCA via webchat, and that a letter was sent informing the FCA that the firm was closing.
7. I have carefully studied the FCA's records, including the recordings of telephone calls. I can find nothing to show that the FCA received notification of your firm's closure before September 2017. For that reason, I consider the FCA was factually correct to tell you that it had no record that you notified it of your firm's closure

before 31st March 2017. Since you have produced no records to show otherwise, I have to conclude that, on the balance of probabilities, the FCA received no notification before the deadline.

8. I realise that your complaint goes wider than the question of the date of notification: in your view, the FCA's systems are too complex, and the FCA's policy of insisting upon payment of the annual fee even where a firm has ceased trading is wrong.
9. You are not the first person who has complained to me that the FCA's on-line system is difficult to navigate, and I have sympathy with your view. However, the design of the FCA's systems is not a matter for this Complaints Scheme.
10. The FCA has a clear and published policy that it will charge an annual fee unless a cancellation request is received before 31st March. It seems to me that you have been treated by the FCA in the same way as other firms and in accordance with its policies, and I cannot see anything which suggests that the FCA made a mistake in handling your requests.

My decision

11. I am sorry to have to disappoint you, but I cannot uphold your complaint.

Antony Townsend

Complaints Commissioner

13th March 2018