
FINAL NOTICE

To: **Jonathan Paul BURROWS**
Individual Ref. Number: **JPB01091**
Date: **15 December 2014**

1. ACTION

- 1.1. For the reasons given in this Notice, the Authority hereby makes an order pursuant to Section 56 of the Act prohibiting Jonathan Paul Burrows from performing any function in relation to any regulated activities carried on by any authorised or exempt persons, or persons to whom as a result of Part 20 of the Act the general prohibition does not apply. This order takes effect from 8 December 2014.
- 1.2. Mr Burrows agreed to settle at an early stage of the Authority's investigation.

2. SUMMARY OF REASONS

- 2.1. Mr Burrows has admitted that, on a number of occasions, he deliberately and knowingly failed to purchase a valid ticket to cover his entire journey whilst travelling on the Southeastern train service between Stonegate Railway Station, East Sussex, and Cannon Street Station, London.
- 2.2. Based on Mr Burrows' admission, the Authority considers that Mr Burrows is not fit and proper to conduct any function in relation to any regulated activity carried on by any authorised or exempt persons, or persons to whom as a result of Part 20 of the Act the general prohibition does not apply, because he lacks honesty and integrity.

3. DEFINITIONS

3.1. The definitions below are used in this Final Notice:

- “the Act” means the Financial Services and Markets Act 2000
- “the Authority” means the body corporate previously known as the Financial Services Authority and renamed on 1 April 2013 as the Financial Conduct Authority (“FCA”)
- “the Tribunal” means the Upper Tribunal (Tax and Chancery Chamber)

4. FACTS AND MATTERS

- 4.1. At the time he engaged in the fare evasion, Mr Burrows was employed by Blackrock Asset Management Investor Services Limited as a Managing Director and was an approved person holding the CF30 (Customer) function.
- 4.2. On 19 November 2013, Mr Burrows was stopped by a Revenue Protection Officer at the exit gates of London Cannon Street Station and was found to have failed to purchase a valid ticket for his journey into London from Stonegate Railway Station. Mr Burrows was interviewed under caution and admitted to evading his rail fare on a number of occasions.
- 4.3. On the occasions on which Mr Burrows failed to purchase a valid ticket he boarded the London bound train at Stonegate, a rural station with no barriers, without purchasing a ticket. Once he had arrived in London he exited through the barriers at Cannon Street Station by “tapping out” using an Oyster travelcard, paying the maximum fare of £7.20 rather than purchasing the required ticket for £21.50.
- 4.4. In interview Mr Burrows admitted to the Authority that he had evaded his train fare on a number of occasions and had done so in the knowledge that he had been breaking the law. The Authority does not consider that this is fit and proper behaviour for an approved person.
- 4.5. Mr Burrows also admitted in interview that he did not disclose his behaviour to his employer. Although the Authority is not penalising Mr Burrows for not informing his employer of the circumstances outlined above, the Authority has taken this, amongst other things, into account in deciding what action to take.

5. FAILINGS

- 5.1. By knowingly evading the fare for his train journey on a number of occasions Mr Burrows has demonstrated a lack of honesty and integrity and, as such, he has failed to meet the FCA's Fit and Proper Test for Approved Persons.

6. SANCTION

- 6.1. For the reasons set out above, the Authority has concluded that it is both necessary and appropriate to prohibit Mr Burrows from performing any function in relation to any regulated activity carried on by any authorised person, exempt person or person to whom as a result of Part 20 of the Act the general prohibition does not apply, to secure an appropriate degree of protection for consumers and to protect and enhance the integrity of the UK financial system.
- 6.2. Those individuals who are approved to work within the financial services industry should conduct themselves with honesty and integrity in both their professional and personal capacities. As Mr Burrows held a senior position within the financial services industry and was an approved person, he should have been a role model for others and his conduct has fallen short of the standard expected for someone in his position.
- 6.3. The Authority has had regard to the guidance in Chapter 9 of the Enforcement Guide ("EG") in deciding that it is appropriate to make a prohibition order in this case.
- 6.4. The Authority therefore makes a prohibition order pursuant to Section 56 of the Act prohibiting Mr Burrows from performing any function in relation to any regulated activity carried on by any authorised or exempt persons or persons to whom as a result of Part 20 of the Act the general prohibition does not apply. This order will take effect from the date of this Final Notice.

7. PROCEDURAL MATTERS

Decision Maker

- 7.1. The decision which gave rise to the obligation to give this Notice was made by the Settlement Decision Makers on behalf of the Authority.
- 7.2. This Final Notice is given in accordance with section 390 of the Act.

Publicity

- 7.3. Sections 391(4), 391(6) and 391(7) of the Act apply to the publication of information about the matter to which this notice relates. Under those provisions, the Authority must publish such information about the matter to which this notice relates as the Authority considers appropriate. The information may be published in such manner as the Authority considers appropriate. However, the Authority may not publish information if such publication would, in the opinion of the Authority, be unfair to Mr Burrows or prejudicial to the interests of consumers or detrimental to the stability of the UK financial system.
- 7.4. The Authority intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

Authority contacts

- 7.5. For more information concerning this matter generally, contact Ken O'Donnell at the Authority (Switchboard: 020 70661000).

Mario Theodosiou

for and on behalf of the Authority

ANNEX 1

RELEVANT STATUTORY AND REGULATORY PROVISIONS

Statutory provisions

1. The FCA's statutory objectives, set out in section 2(2) of the Act, are market confidence, public awareness, the protection of consumers and the reduction of financial crime.
2. The FCA has the power pursuant to section 56 of the Act to make an order prohibiting an individual from performing a specified function, any function falling within a specified description, or any function, if it appears to the FCA that that individual is not a fit and proper person to perform functions in relation to a regulated activity carried on by an authorised person. Such an order may relate to a specified regulated activity, any regulated activity falling within a specified description, or all regulated activities.

Fit and Proper Test for Approved Persons

3. The purpose of the part of the FCA Handbook entitled Fit and Proper Test for Approved Persons ("FIT") is to outline the main criteria for assessing the fitness and propriety of a candidate for a controlled function. In this instance the criteria set out in FIT are relevant in considering whether the FCA will exercise its powers to make a prohibition order in respect of an individual in accordance with the Enforcement Guide ("EG") paragraph 9.9.
4. FIT 1.3.1G provides that the FCA will have regard to a number of factors when assessing the fitness and propriety of a person, including the person's honesty and integrity. FIT 2.1.1G provides that, in determining a person's honesty and integrity, the FCA will have regard to matters including, but not limited to, those set out in FIT 2.1.3G.
5. FIT 2.1.3G refers to various matters, including:
 - whether the person has been the subject of any adverse finding or any settlement in civil proceedings; and
 - whether the person has contravened any of the requirements and standards of the regulatory system.

Enforcement Policy

6. The FCA's policy in relation to the decision to make a prohibition order is set out in Chapter 9 of EG.