

Email: foi@fca.org.uk

By Email

14 May 2019

Our Ref: FOI6388

Freedom of Information : Right to know request

Thank you for your requests under the Freedom of Information Act 2000 (the Act), dated 11 April 2019, for information on the number of enforcement decisions referred to RDC in 2017/18. Please refer to Annex A for full details of your requests.

You submitted two separate requests which have been aggregated and processed in accordance with the Act as one request under the reference shown above. Under guidance issued by the Ministry of Justice, a public authority may aggregate requests in the following circumstances (amongst others):

- Two or more requests for information have been made to the same public authority;
- The requests are from the same person;
- The requests relate to the same or similar information.

The Guidance can be found [here](#) (see page 3).

Turning now to your request, we can confirm we hold some of the information requested. Firstly, we would like to explain that 609 decisions referred to in your request were not all enforcement decisions.

For question 1, during 2017/18, we held oral representations meetings for 11 subjects.

For question 2, three subjects made written representations only.

For question 3, we don't keep records of whether subjects are represented by another party other than in cases where representations are made. Of the 14 subjects referred to above, 7 were represented.

For question 4, for the year 2017/18 0.9% of total RDC decisions were referred to the Tribunal. Please note this percentage includes all RDC decisions relating to compliance with threshold conditions.

For question 5, 264 is the number of cases for which the RDC issued a warning notice in 2017/18.

For question 6, we do not record this information and so we do not hold the number requested.

If you are unhappy with the decision made in relation to your request, you have the right to request an internal review. If you wish to exercise this right you should contact the Information Disclosure Team within 40 working days of the date of this response.

If you are not content with the outcome of the internal review, you also have a right of appeal to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Telephone: 01625 545 700. Website: www.ico.org.uk.

Yours sincerely

Information Disclosure Team

Annex A

Request 1 received on 11 April 2019 at 10:48:

"...having read the Annual Report 2017/18 and Annex 2 on the RDC, I am writing to enquire as to the number of cases in 2017/18 where the subject of enforcement action did elect to take up their opportunity to make written/ oral representation to the RDC. Specifically, I would like information on:

- 1. In how many of the 609 enforcement decisions in 2017/18 did the subject of enforcement action make oral representations to the RDC?*
- 2. In how many of the 609 enforcement decisions in 2017/18 did the subject of enforcement action make written representations to the RDC?*
- 3. In how many of the 609 enforcement decisions in 2017/18 was the subject of enforcement action represented by another party?*
- 4. As a percentage, how many RDC enforcement decisions in 2017/18 were referred to the Upper Tribunal."*

Request 2 received on 11 April 2019 at 17:36 (please note I have renumbered these questions for ease of answering your request):

"I have an additional two queries to the questions asked in addition to my request this morning, namely:

- 5. What is the exact number of cases for which the RDC issued a warning notice in 2017/18?*
- 6. What number of those persons (individual and company) subject to the warning notice, subsequently applied for their decision to be reviewed by the Upper Tribunal in 2017/18?"*