

Email: foి@fca.org.uk

(By email)

25 October 2018

Our Ref: FOI5959

Dear

Freedom of Information : Right to know request

We refer to your request under the Freedom of Information Act 2000 ("the Act") for information relating to the legal costs involved in the FCA's Upper Tribunal case regarding its decision to fine and ban Alistair Burns, former CEO of TailorMade Independent ("TMI").

Your request has now been considered and we will address each point in turn.

1. *Internal legal staff costs incurred during the case and the number of man hours spent on the case. [Clarified: 'Legal staff' in the context of my initial correspondence meaning both lawyers in the Enforcement Division and the General Counsel's Division split into separate costs.]*

As you may be aware, the Enforcement case began with one investigation into four directors of TMI, of which Alistair Burns was one. Our costs are not separated between the different directors and therefore, for the period June 2014 to July 2015 (when other director(s) were involved in the case), we are unable to specify the time allocated to Mr Burns' case alone. Following the settlement process, Mr Burns was the only director who pursued the case to the RDC and the Tribunal, so these costs are attributable solely to Mr Burns' case.

Taking into account these constraints, whilst trying to be as helpful as possible and answer your questions as accurately as we are able to, we have split Enforcement's internal legal costs into three time periods, as summarised below.

Time period 1 (June 2014 to March 2015)

From the start of the investigation to the publication of the Final Notices in respect of Pope and Legerton (costs shared between all four subjects).

Time period 2 (April 2015 to July 2015)

From the publication of the Final Notices in respect of Pope and Legerton to Settlement (costs shared between Burns and Shaw).

Time period 3 (August 2015 to 9 October 2018)

From Settlement to the end of the Tribunal proceedings (costs can be attributed to Burns only).

	Time period 1	Time period 2	Time period 3
--	----------------------	----------------------	----------------------

Legal 'man hours'	158	133	4,777
Legal costs	£8,003.69	£7,432.59	£250,215.11

Total legal costs for all three time periods - £265,651.39

Total 'man hours' for all three time periods – 5,068

Please note that these are Enforcement costs only. We are unable to provide you with the costs for the General Counsel's Division, which were minimal, as they are not held in this format and can therefore not be extracted from the everyday 'business as usual' tasks undertaken by this Division.

2. *The name of any external law firm or firms instructed by the FCA on the case, the number of man hours billed and the cost of these. [Clarified: The aforementioned 'external law firm or firms' to mean both barristers' chambers and firms of solicitors, also split into separate costs.]*

Firm name	Cost
Essex Court Chambers	£2,730.00
Blackstone Chambers	£68,238.00
Total	£70,968.00

We are unable to provide you with the number of 'man hours' billed as the invoices we received did not include 'man hours' and therefore we do not hold this information.

3. *The split of the cost incurred in bringing the case, and then the additional costs incurred during the appeal. [Clarified: The request is for total costs from the start of the investigation, including Tribunal costs, with Tribunal proceedings costs listed separately.]*

We believe this question is answered by the responses provided above, however those figures are set out again below. Please note that they are for legal costs only.

	Cost
Internal legal costs (total) from the start of the investigation	£265,651.39
Internal legal costs in relation to Tribunal proceedings (i.e. Period 3 above)	£250,215.11
External legal costs (total)	£70,968.00

Yours sincerely

Information Disclosure Team
Financial Conduct Authority

Your right to complain under the Act

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 us within three months 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