

Press release: Director of Swansea nuisance call firm gets six year ban

Ben Michael Winchester, who failed to ensure his company did not make unsolicited phone calls to the public, has been disqualified as a result.

He has given an undertaking to the Secretary of State for Business, Energy and Industrial Strategy, which prevents him from being directly or indirectly involved in the promotion, formation or management of a company for six years from 24 July 2017.

Winchester was the director of Falcon and Pointer Limited from June 2015 until he resigned on 9 October 2015. During that time he failed to ensure that the company complied with the Conduct of Authorised Persons Rules 2014 and as a result the Information Commissioners Office (ICO) received 5,535 complaints about automated direct marketing calls made by the Company. An audit undertaken by the Claims Management Regulator (CMR) in October 2015 further identified that the company was making unsolicited voice broadcast calls.

On 21 March 2016 the ICO issued a fine as a result of the above breaches for £175,000 but this remained unpaid by the date of the liquidation on 3 June 2016.

Commenting on the disqualification, Aldona O'Hara, Chief Investigator at the Insolvency Service said:

Directors who breach the rules made to protect members of the public can expect to be investigated by the Insolvency Service and enforcement action taken to remove them from the market place.

Notes to editors

Falcon and Pointer Limited (Company Registration No. 06131381) was incorporated on 22 February 2007 and traded from Suite C, 4th Floor Princess House, Princess Way, Swansea SA1 3LW.

Ben Michael Winchester (date of birth 19 May 1983) was the sole appointed director of the Company from 4 June 2015 until the date of his resignation on 9 October 2015 when Mr Andrew Kissick was appointed.

The company went into liquidation on 3 June 2016. On 3 July 2017, the Secretary of State for Business, Energy and Industrial Strategy accepted a Disqualification Undertaking from Mr Winchester, effective from 24 July 2017, for a period of six years.

The matters of unfit conduct being that: Ben Michael Winchester failed to ensure that between June 2015 and 9 October 2015, when he resigned as a

director, Falcon & Pointer Limited complied with the Conduct of Authorised Persons Rules 2014 (CAPR),

Between 26 June 2015 and 31 October 2015 the ICO received 5,535 complaints about automated direct marketing calls made by the company.

During an audit undertaken by the CMR on 8 October 2015 the following rule breaches were identified;

- Making unsolicited voice broadcast calls.
- Failure to undertake sufficient due diligence.
- Failure to provide consumers with sufficient time to consider pre-contractual information (including terms and conditions) before entering into a contract/taking fees during the initial call process.
- Claims processing and refunds.

On 7 January 2016, the CMR wrote to Falcon advising them that the decision had been taken to cancel the company's authorisation with effect from 12 January 2016.

On 21 March 2016 the ICO issued a monetary penalty as a result of the above breaches in the sum of £175,000 to be paid by 20 April 2016.

The above sum remained outstanding as at the date of liquidation on 03 June 2016.

A disqualification order has the effect that without specific permission of a court, a person with a disqualification cannot:

- act as a director of a company
- take part, directly or indirectly, in the promotion, formation or management of a company or limited liability partnership
- be a receiver of a company's property

Disqualification undertakings are the administrative equivalent of a disqualification order but do not involve court proceedings.

Persons subject to a disqualification order are bound by a [range of other restrictions](#).

The Insolvency Service, an executive agency sponsored by the Department for Business, Energy and Industrial Strategy (BEIS), administers the insolvency regime, and aims to deliver and promote a range of investigation and enforcement activities both civil and criminal in nature, to support fair and open markets. We do this by effectively enforcing the statutory company and insolvency regimes, maintaining public confidence in those regimes and reducing the harm caused to victims of fraudulent activity and to the business community, including dealing with the disqualification of directors in corporate failures.

You can also follow the Insolvency Service on:

Press release: 11 year bankruptcy restriction for Staffordshire woman

Wilson has been made subject to an 11-year bankruptcy restriction for withdrawing 161,725 euros in cash on credit cards in the Netherlands which belonged to her Dutch employer.

An investigation by the Insolvency Service found that during her time employed as a bookkeeper in Holland between August 2009 and July 2011, she made repeated cash withdrawals on the credit cards totalling 161,725 euros.

Wilson was arrested by the Dutch authorities in July 2011 and was convicted in 2014 of committing theft with a false key, forgery of documents and employee embezzlement. She completed community service in Holland but her employer pursued her for compensation of the embezzlement which led to them petitioning for her bankruptcy. The bankruptcy order was made against her on 17 August 2016.

The bankruptcy undertaking was accepted by the Secretary of State on 21 July 2017 and means Wilson will be bound for 11 years by the restrictions set out in insolvency law until 2028. In addition, she cannot manage or control a company during this period without leave of the court.

The total liability to Wilson's employer was 203,496 euros, roughly £175,000 at the time of the bankruptcy order, which has materially contributed to her deficiency in bankruptcy.

Commenting on the case, the Official Receiver, Kevin Read at the Insolvency Services said:

The Insolvency Service always looks very closely at individuals who demonstrate dishonesty and takes action where wrongdoing is uncovered.

Notes to editors

Kandy Jean Wilson is of Broadway, Hednesford and her date of birth is 7 January 1969.

If the Official Receiver considers that the conduct of a bankrupt has been dishonest or blameworthy in some other way, he or she will report the facts to court and ask for a Bankruptcy Restrictions Order (BRO) to be made. The court will consider this report and any other evidence put before it, and will decide whether it should make a BRO. If it does, the bankrupt will be subject to certain restrictions for the period stated in the order. This can

be from 2 to 15 years.

The bankrupt may instead agree to a Bankruptcy Restrictions Undertaking (BRU) which has the same effect as an order, but will mean that the matter does not go to court.

These are restrictions set out in insolvency law that the bankrupt is subject to until they are discharged from bankruptcy – normally 12 months and include that bankrupts:

- must disclose their status to a credit provider if they wish to get credit of more than £500;
- who carry on business in a different name from the name in which they were made bankrupt, they must disclose to those they wish to do business with the name (or trading style) under which they were made bankrupt;
- may not act as the director of a company nor take part in its promotion, formation or management unless they have a court's permission to do so;
- may not act as an insolvency practitioner, or as the receiver or manager of the property of a company on behalf of debenture holders;

Additionally, a person subject to a Bankruptcy Restrictions Order/Undertaking or a Debt Relief Restrictions Order/Undertaking,

- may not be a Member of Parliament in England or Wales.

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BEIS' mission is to build a dynamic and competitive UK economy that works for all, in particular by creating the conditions for business success and promoting an open global economy. The Criminal Investigations and Prosecutions team contributes to this aim by taking action to deter fraud and to regulate the market. They investigate and prosecute a range of offences, primarily relating to personal or company insolvencies.

The agency also authorises and regulates the insolvency profession, assesses and pays statutory entitlement to redundancy payments when an employer cannot or will not pay employees, provides banking and investment services for bankruptcy and liquidation estate funds and advises ministers and other government departments on insolvency law and practice.

Further information about the work of the Insolvency Service, and how to complain about financial misconduct, is [available](#).

You can also follow the Insolvency Service on:

Press release: Insolvency Service slams the brakes on Bangor car dealership scam

Gwyn Merion Roberts, director of Menai Vehicle Solutions Limited, a car dealership in Bangor, North Wales has been disqualified for 10 years after scamming members of the public out of nearly £1 million.

His company took money from customers but then failed to provide the vehicles that had been paid for. It also failed to pay customers for vehicles sold on their behalf.

Roberts gave an undertaking to the Secretary of State for Business, Energy and Industrial Strategy, which prevents him from becoming directly or indirectly involved in the promotion, formation or management of a company for 10 years, beginning from 5 September 2017.

Menai went into liquidation on 21 October 2015 owing at least £1,250,000 to customers and other creditors.

The Insolvency Service's investigation concluded that Menai operated a practice whereby it sold new vehicles to members of the public for less than the cost incurred by Menai in purchasing them from dealers. This encouraged new custom but inevitably resulted in Menai becoming unable to meet its liabilities, resulting in new customer deposits being used to finance the purchase of vehicles for older customers.

The business model was unsustainable and Menai either failed to provide vehicles to customers after having taken payment for the vehicles or failed to forward funds to customers after selling vehicles on their behalves.

This resulted in losses to at least 40 members of the public totalling at least £969,011.

In several instances, Roberts provided banking documents to customers, showing payments had been instructed to car dealers for the purchase of the vehicle they had ordered, only to subsequently revoke the instruction.

Commenting on the disqualification, Robert Clarke, Chief Investigator at the Insolvency Service, said:

This is an unfortunate case in which members of the public suffered significant losses as a consequence of the inexcusable financial practices adopted by Mr Roberts.

The lengthy period of disqualification is testament to how seriously the Insolvency Service views this misconduct.

The Insolvency Service will not hesitate to act where members of the public have lost out as a result of malpractice leading to insolvency.

Notes to editors

Menai Vehicle Solutions Limited (CR0 No.06494362) was incorporated on 05 February 2008. Menai operated from premises at Unit 8, Intec Parc Menai, Bangor, Gwynedd LL57 4FG, which were also its registered address.

Mr Roberts (date of birth 13 December 1968) was a formally appointed director between 20 May 2011 and liquidation, and the sole appointed director of Menai after 14 June 2011.

Menai went into Liquidation on 21 October 2015. On 15 August 2017 the Secretary of State accepted a Disqualification Undertaking from Mr Roberts effective from 5 September 2017, for ten years.

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<https://www.gov.uk/government/publications/corporate-insolvency-effect-of-a-disqualification-order>.

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Prosecutions team contributes to this aim by taking action to deter fraud and to regulate the market. They investigate and prosecute a range of offences, primarily relating to personal or company insolvencies.

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Further information about the work of the Insolvency Service, and how to complain about financial misconduct, is available (<https://www.gov.uk/government/organisations/insolvency-service>).

Contact Press Office

You can also follow the Insolvency Service on:

[Press release: UKEF launches enhanced overseas investment insurance product to protect UK businesses investing abroad](#)

The enhanced support comes as the Department for International Trade looks to encourage more UK companies to invest overseas, realising the opportunities presented by fast-growing developing economies around the world.

UKEF's overseas investment insurance provides UK companies investing abroad with protection against losses, primarily related to political or extraneous events. This new policy will widen the scope of the risks against which the government can insure these investors.

It has been designed to offer cover where there is a commercial demand but the private sector doesn't have the capacity, such as markets which may have complex legal or political contexts, or in which difficulties may arise over transferring local-currency earnings.

Secretary of State for International Trade Liam Fox said:

Overseas direct investment can be a vital way for UK businesses to grow their revenues and enter new markets, building a strong domestic economy as well as helping to share prosperity and build strong bilateral relationships around the world. As an

international economic department, the Department for International Trade is supporting UK companies to fully realise the benefits of the global marketplace with this new overseas investment insurance product from UK Export Finance.

James Bamford, Chairman of the Lloyd's Market Association Political Risks, Credit and Financial Contingencies Business Panel, commented:

UKEF's overseas investment insurance is now a market-leading product and will greatly enhance the support the private sector can provide. Together, we can offer greater assurance to UK investors and help them fulfil their international ambitions by focusing on advantageous commercial opportunities rather than political complications.

1. [UK Export Finance](#) is the UK's export credit agency. UKEF provides loans, guarantees and insurance to help exporters win, fulfil and get paid for export contracts, and protect investments made overseas.
2. To be eligible for OII cover from UKEF, the customer must be based in the UK and seeking to invest in an enterprise outside the UK.
3. The policy premium, details and risks covered are decided on a case by case basis but may include:
 - war, civil war, revolution and insurrection in the host state
 - expropriation or nationalisation of the enterprise in which the investment is made (or of its property) contrary to international law
 - restrictions on remittances, including exchange controls, imposed by the host stateThe policy pays out up to 90% of the loss after a specified waiting period (typically 6 months).
4. You can find [details of UKEF's overseas investment insurance product here](#).
5. Sectors in which UKEF has provided financial support to UK companies include: aerospace, construction, oil and gas, mining and metals, petrochemicals, telecommunications, and transport.
6. UKEF has a regional network of [24 export finance advisers supporting export businesses](#).
7. UKEF supports exporters with a range of products that include:
 - Overseas investment insurance
 - Bond insurance policy
 - Bond support scheme

- Buyer & supplier credit financing facility
 - Direct lending facility
 - Export insurance policy
 - Export refinancing facility
 - Export working capital scheme
 - Letter of credit guarantee scheme
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Press release: Hefty fines for anglers fishing without a licence

The Environment Agency is reminding anglers of the importance of having a rod licence after three men were handed hefty fines for fishing illegally in separate offences.

They were caught during targeted patrols by Environment Agency Fisheries Enforcement Officers.

- On 16 April this year, Adrian Faife, 59, of Gairloch Road, Camberwell, London, was found fishing for eels or freshwater fish at Aldin Fishing Lakes, Durham without a licence.
- On 30 April 2017, Sylwester Michneiwick, 37, of Roker Avenue, Sunderland, was caught trout fishing at Derwent Reservoir, Consett, without a license.
- On 1 May this year, Jordan Mark Aldworth, 22, of St Johns Walk, Escomb, Bishop Auckland, was found fishing for trout at Grassholme Reservoir, Middleton In Teesdale.

Each was fined a total of £611, ordered to pay costs of £127 and a victim surcharge of £44.

The offences were all proved in absence at County Durham and Darlington Magistrates' Court on 13 September.

The Environment Agency's Fisheries Technical Specialist for the North East, Kevin Summerson, said:

It is wrong for anglers to think they can avoid paying for a licence. Those that do are cheating their fellow anglers.

Environment Agency Fisheries Officers are out checking licences almost every day of the year at all times of day. It's just not worth it to fish without the appropriate licence. The most a coarse and trout licence costs is £45, which would cover an angler for one year from the date of purchase and, where conditions permit, allow the angler to fish with up to three rods.

With what it has cost these anglers in fines, costs and victim surcharge they could have fished legally for over 10 years.

All income from rod licence sales is used to fund Environment Agency work to protect and improve fish stocks and fisheries, including improving habitats for fish and facilities for anglers, tackling illegal fishing and working with partners to encourage people to give fishing a go.

Buying a rod licence is quick and easy – you can buy them online at the Post Office.

The Environment Agency urges anyone to report illegal fishing by calling 0800 80 70 60.