

[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.

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