

# Thousands of nuisance calls lands property boss 5-year ban

Jonathon De Sousa (29), of Barnton, Northwich, was the director of Xternal Property Renovations Ltd, a property repairs and maintenance company.

From its incorporation in August 2015, the company relied heavily on direct marketing techniques – cold-calling members of the public to advertise their services – to generate business.

Xternal Property Renovations Ltd should have used the Telephone Preference Service (TPS) list before making these calls to screen out individuals who had elected not to receive them.

The renovations company did not access the list, however, and within 3 months in 2015 made over 110,000 calls to people registered with the TPS, who should not have received them.

The Information Commissioners Office (ICO) received 133 complaints about the unsolicited calls and, following an investigation, the regulators concluded that Xternal Property Renovations were in breach of the Privacy and Electronic Communications regulations.

The maintenance company failed to provide the ICO with evidence that they had acted correctly and, in January 2017, the ICO informed Xternal Property Renovations that it was going to fine the company £80,000.

Before the penalty could be levied, however, Jonathon De Sousa placed the company into Creditors Voluntary Liquidation in March 2017.

An Insolvency Service investigation into Jonathon De Sousa's conduct following the liquidation revealed that Xternal Property Renovations had also not paid £250,000 worth of taxes.

On 30 July 2019 the Secretary of State accepted a 5-year disqualification undertaking from Jonathon De Sousa after he did not dispute that he had caused his company to fail to comply with Privacy and Electronic Communications regulations and failed to pay the appropriate levels of tax.

Effective from 20 August 2019, he is prohibited from being involved in the formation, management, or promotion of a company without permission from the court.

Anthea Simpson, Chief Investigator for the Insolvency Service, said:

It is not acceptable for companies to harass members of the public with unwanted marketing calls, and we will continue to work with the ICO to curtail the activities of unscrupulous directors.

Directors who try to evade the consequences of their actions by putting their company into liquidation should expect to be investigated, which could lead to them being disqualified from being a company director again for a number of years.

David Clancy, ICO's Investigations Group Manager, said:

By working closely with the Insolvency Service we have been successful in stopping the illegal activities of company directors like Jonathon De Sousa who cause upset and distress to millions of people who are on the receiving end of nuisance marketing calls.

Our powers to protect the public from companies like his making nuisance calls have recently been made stronger than ever, as we can now make directors and managers of the companies personally liable for fines of up to £500,000. This will help stop them closing down one rogue company and setting up another business again.

Jonathon De Sousa is of Barnton, Northwich and his date of birth is January 1990.

Xternal Property Renovations Ltd (Company No. SC513380).

The direct marketing actions of Xternal Property Renovations Limited were in breach of regulations 21 and 24 of the [Privacy and Electronic Communications Regulations 2003](#).

In order to conduct direct marketing legally, companies must apply to the [Telephone Preference Service \(TPS\)](#) for a licence annually. The TPS then provides licenced companies with a list of telephone numbers that cannot be used for direct marketing, as their owners have withdrawn their consent to receive those calls.

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 restrictions](#).

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

You can also follow the Insolvency Service on: