



**IN THE FIRST-TIER TRIBUNAL
(CONSUMER CREDIT)
GENERAL REGULATORY CHAMBER**

Case No. CCA/2010/0010

On appeal from:

**Office of Fair Trading's
Decision reference**

Determination of Minded to Revoke
Notice for Licence No. 425118

Dated:

11 August 2011

BETWEEN:

Carltons Business Limited

Appellant

and

The Office of Fair Trading

Respondent

Heard at:

Regus, Victory Way, Dartford and
Dartford Magistrates Court.

Date of hearing:

7th- 9th June 2011 (sitting in public)

Date of decision:

10 August 2011

Before:

Peter Hinchliffe	Tribunal Judge
Alex Dalgleish	Tribunal Member
Alasdair Warwood	Tribunal Member

Attendances:

For the Appellant:

Mr Anthony Green, the Appellant's
Managing Director

For the Respondent:

Mr Sudip Sen of the Office of Fair
Trading.

DECISION OF THE FIRST-TIER TRIBUNAL

The appeal is hereby dismissed

REASONS FOR THE DECISION

1. Background to the Appeal

- 1.1 The Appellant (“Carltons”) was granted a consumer credit licence to carry out debt collection activities. The licence, registration number 425118, was renewed on 29 November 2007 (the “Licence”).
- 1.2 On 14 September 2010 the Respondent (“OFT”) issued a notice to Carltons headed “Minded to Revoke a Consumer Credit Licence under section 32 of the Act”. The ‘Minded to Revoke’ notice notified Carltons that the OFT had doubts about Carltons’ fitness and competence to engage in credit activities covered by the Licence and invited Carltons to make representations in response to the OFT’s proposal to revoke the Licence. The Minded to Revoke notice set out the reasons for the OFT’s doubts over Carltons’ fitness to hold the Licence.
- 1.3 Carltons responded to the Minded to Revoke notice at a hearing at their offices and in written representations.

2. The OFT’s decision

- 2.1 On 24 November 2010 the OFT issued a further notice that outlined their findings and concluded that Carltons was not fit to hold a consumer credit licence and that the Licence was revoked. The OFT’s reasons for revoking the Licence can be summarised as follows:
- 2.2 The “Preliminary Notice” used by Carltons in its debt collection activities did not comply with the Debt Collection Guidance issued by the OFT and Carltons had refused to make it compliant.
- 2.3 Mr Anthony Green of Carltons had misrepresented himself in Carltons’ debt collection activities as being a solicitor and/or a lawyer in order to intimidate consumers in order to obtain payment.
- 2.4 Mr Green was a controller of Carltons and the OFT found him to be disingenuous, intransigent and aggressive and found that “his obstructive approach to regulation is mirrored by his behaviour towards consumers”. The OFT found that Mr. Green’s conduct was directly relevant to Carltons’ fitness.

3. Summary of grounds for Appeal

- 3.1 On 20 December 2010, Carltons submitted a Notice of Appeal against the OFT's decision to revoke the Licence ("the Decision"). Carltons rejected the OFT's findings in the Decision and gave the following reasons for their appeal:
- (i) The Preliminary Notice had been in use for over thirty years and there had never been any complaints about it from debtors, nor had any debtors ever claimed to have been confused by it.
 - (ii) The content of the Preliminary Notice had been agreed by Trading Standards over thirty years ago.
 - (iii) No advice had been provided by Kent Trading Standards about the complaint regarding Carltons that had been notified to them and Carltons had been targeted unreasonably by them.
 - (iv) The OFT's delay and failure to communicate with Carltons regarding the complaint about them was unreasonable.
 - (v) The review by the OFT was a white wash "designed to cover up the poor or improper actions of trading standards and the OFT staff".
 - (vi) The allegation that Mr. Green had represented himself to be a solicitor was not based on a proper investigation and was untrue.
 - (vii) The OFT had ignored the rules of natural justice in its investigations and conclusions.

4. The role of the Tribunal

- 4.1 Section 41ZB of the Act deals with disposal of appeals. It provides that:
- (1) *"The First-tier Tribunal shall decide an appeal under section 41 by way of a rehearing of the determination appealed against.*
 - (2) *In disposing of an appeal under section 41, the First-tier Tribunal may do one or more of the following;*
 - (a) *Confirm the determination appealed against;*
 - (b) *Quash that determination;*
 - (c) *Vary that determination;*
 - (d) *Remit the matter to the OFT for reconsideration and determination in accordance with the directions (if any) given to it by the Tribunal;"*
- 4.2 The legal burden of proof in a revocation case is on the OFT. The standard of proof on any issue is the usual civil standard of a balance of probability.
- 4.3 The question to be decided by the Tribunal is whether on the evidence adduced before them Carltons is a fit person to hold a licence at the time the appeal comes before the Tribunal. While the reasons given in the Minded to Revoke notices remained the foundation for the appeal, the Tribunal is entitled to entertain any further matter, which had a

bearing on Carltons' fitness as long as Carltons has been given the opportunity to make representation on such matters.

5. The relevant statutory regime

5.1 Section 25 of the Consumer Credit Act 1974 deals with the requirement that the licensee is to be a fit person. It provides that:

“(2) In determining whether an applicant for a licence is a fit person for the purposes of this section the OFT shall have regard to any matters appearing to it to be relevant including (amongst other things)

- (a) the applicant's skills, knowledge and experience in relation to consumer credit businesses, consumer hire businesses or ancillary credit businesses;*
- (b) such skills, knowledge and experience of other persons who the applicant proposes will participate in any business that would be carried on by him under the licence;*
- (c) practices and procedures that the applicant proposes to implement in connection with any such business;*
- (d) evidence of the kind mentioned in sub-section (2A).*

2A That evidence is evidence tending to show that the applicant, or any of the applicant's employees, agents or associates (whether past or present) or, where the applicant is a body corporate, any person appearing to the OFT to be a controller of the body corporate or an associate of any such person, has

- (a) committed any offence involving fraud or other dishonesty or violence;*
- (b) contravened any provision made by or under
 - (i) this Act;*
 - (ii) Part 16 of the Financial Services and Markets Act 2000 so far as it relates to the consumer credit jurisdiction under that Part;*
 - (iii) any other enactment regulating the provision of credit to individuals or other transactions with individuals;**
- (c) contravened any provision in force in an EEA State which corresponds to a provision of the kind mentioned in paragraph (b);*
- (d) practised discrimination on grounds of sex, colour, race or ethnic or national origins in, or in connection with, the carrying on of any business; or*
- (e) engaged in business practices appearing to the OFT to be deceitful or oppressive or otherwise unfair or improper (whether unlawful or not).”*

- 5.2 Section 25A deals with guidance on the fitness test and provides that:
- (1) *The OFT shall prepare and publish guidelines in relation to how it determines, or how it proposes to determine, whether persons are fit persons as mentioned in section 25.*
 - (2) *If the OFT revises the guidance at any time after it has been published, the OFT shall publish it as revised.*
 - (3) *The guidance shall be published in such manner as the OFT thinks fit for the purpose of bringing it to the attention of those likely to be affected by it.*
 - (4) *In preparing or revising the guidance the OFT shall consult such persons as it thinks fit.*
 - (5) *In carrying out its functions under this Part the OFT shall have regard to the guidance as most recently published.*

5.3 Section 32 of the Act deals with suspension and revocation. It provides that:

- “(2) In the case of a standard licence the OFT shall, by notice*
- (a) inform the licensee that, as the case may be, the OFT is minded to revoke the licence, or suspend it until a specified date or indefinitely, stating its reasons, and*
 - (b) invite him to submit to the OFT in accordance with section 34 representations as to the proposed revocation or suspension.”*

6. Tribunal’s decision on the disputed issues in this case: Appellants use of the description “solicitor” or “lawyer”.

- 6.1 The Tribunal heard evidence from Ms Davidson, Mrs Chandler and Mr Smith about the use by Mr Green of Carltons of the term “solicitor” or “lawyer” to describe his status when he was contacting debtors. Only one of the witnesses, Mrs Chandler, was certain during cross-examination that Mr Green had described himself as a solicitor rather than a lawyer. Mrs Chandler was clear on this point and her evidence was credible. However, the other witnesses could not be certain whether the description “lawyer” or “solicitor” had been used and the distinction between the terms was not clear to Ms Davidson or Mr Smith, which led to some uncertainty on their part about the term that had been used by Mr Green.
- 6.2 Mr Green did not dispute that he refers to himself as a lawyer. He explained why he regards this as legitimate in his correspondence with the OFT. In Carltons` letter of 28 October 2010, it was stated that “Mr Green confirms that he states he is a lawyer”. Mr Green referred to his contact with the Law Society in the early 1990s and attached an e-mail from the Solicitors Regulatory Authority that confirmed that a lawyer is “someone who worked in the legal profession, a very broad definition”. The e-mail from the SRA went on to list the various types of lawyer that are also regulated by the SRA. Mr Green stated clearly throughout the proceedings that he believes that his many years of experience of legal

matters and litigation have qualified him to be regarded as a lawyer and to identify himself to debtors as such. Mr Green's belief derives from an understanding reached in his early days in the debt collection business and he has not verified this understanding in recent years.

- 6.3 The position in law is different. In the Legal Services Act 2007, a "lawyer" is defined as follows:

" 'lawyer' means a member of one of the following professions, entitled to practice as such:

- (a) the profession of solicitor, barrister or advocate of the UK;*
- (b) a profession whose members are authorised to carry on legal activities by an approved regulator other than the SRA;*
- (c) an Establishment Directive profession other than a UK profession;*
- (d) a legal profession which has been approved by the SRA for the purpose of recognised bodies in England and Wales; and*
- (e) any other regulated legal profession specified by the SRA for the purpose of this definition."*

- 6.4 Mr Green does not fit in to any of these categories. He did not seek to argue that he did. The Tribunal noted with concern Mr Green's apparent indifference to the concern that the OFT had set out on this point and his failure to investigate whether the OFT's concern was well founded. The Tribunal finds that Mr Green was wrong to describe himself as a lawyer.

- 6.5 It was clear to the Tribunal and implicit in Mr Green's explanation of his approach to this issue that the description of himself as a lawyer was intended to impose greater pressure on the debtor to repay the debt for fear that legal proceedings were imminent.

7. Tribunal's decision on the disputed issues in this case: Content and appearance of the Appellants' Preliminary Notice.

- 7.1 Carltons sought to defend the content and style of their Preliminary Notice up until the tribunal hearing. Carltons have used the form in this format for over thirty years and see nothing wrong with it. The document is sent to all debtors that they deal with, if the first letter from Carltons does not produce the required payment. They deny that it is deceptive, in that it is presented in a style that resembles a traditional Court form or the public's perception of a formal legal document. Mr Green appeared to be unsure of the sources for this document and simply said that he had used a format that had been in use with a previous employer before Carltons was started in 1979.

- 7.2 At the hearing Mr Green sought initially to defend the Preliminary Notice. He stated that Carltons had repeatedly asked the OFT and Trading Standards to say what precisely was wrong with the form and how it should be changed. They had, he said, been unable to answer. He found the idea that it was confusing to be "amazing" and emphasised that it had been in use for 32 years. As the hearing

progressed, Mr Green repeated his view that it was the responsibility of the OFT and/or Trading Standards to contact Carltons to notify them of changes in law and regulation. In correspondence with the OFT, in the meeting with the OFT and in the early stages for the Tribunal hearing, Mr Green simply denied that the form was capable of being misleading and sought to put the onus on the OFT to justify their concern and explain precisely what alterations to the form were required. In Carltons' letter of 3rd April 2009, Mr Green wrote:

"I have no intention of changing the letter on somebody's whim, Mr Bragg eventually conceded that his only point of concern was the style of font used. I am unaware of an regulation which prohibits me from printing in an old English font in what is, after all, England.....In the event that you continue to disagree with my arguments then I require you to provide me with details in order for me to take this matter further".

In the same letter, Mr Green had already rejected the OFT's concern that the Preliminary Notice did not make it plain who it was from. He was therefore aware of concerns, over and above those relating to the typeface and appearance. He also repeated his complaints about the OFT having misled him about who within the OFT had made the decision to challenge Carltons' use of the form.

- 7.3 In the letter from the OFT of 20th March 2009 that immediately preceded the letter of 3rd April, the OFT had specifically drawn Mr Green's and Carltons' attention to the OFT's Debt Collection Guidance. The Debt Collection Guidance gives specific examples of unfair practices and these include:

"use of official looking documents intended to or likely to mislead debtors as to their status, for example, documents made to resemble court claims"

This and other examples in the Guidance would have given Mr Green an adequate understanding of the basis for the concerns that the OFT and Trading Standards were raising with Carltons had he read the Guidance and done so with an open mind. The OFT brought the Consumer Protection for Unfair Trading Regulations 2008 to Carltons' attention and expressly referred them to Regulation 5 and to commercial practices that are likely to deceive the average consumer by reason of their overall presentation. More recent research could have led Carltons to the Credit Services Association Guidance Document on the 'Use, format and content of standard Debt Collection Letters', produced in association with the OFT. This includes specific guidance about the selection of fonts, including the avoidance of gothic text due to its *"connotations associated with legal documents"*.

- 7.4 When the Debt Collection Guidance of the OFT, the Unfair Business Practice Regulations and the Credit Services Association guidance were brought to Mr Green's attention during the hearing, he noted their relevance to the Preliminary Notice and its style and content. In Mr Green's closing remarks he accepted that he could have made changes to the form of the Preliminary Notice at an earlier stage. He

argued that since Carltons had become aware of the seriousness of the position, following the Determination of the Minded to Revoke Notice, changes had been made and that Carltons were therefore acting reasonably and properly.

- 7.5 The Tribunal finds that the use of the Preliminary Notice was deceitful and improper. The Notice was designed to look like an official or legal document and to create uncertainty over who it was from. The guidance from the OFT in its Debt Collection Guidance was clear about the need to avoid using documents that were intended to deceive consumers into believing that they were facing legal action or were engaged in a formal legal process when this was not the case. This was the effect of the Preliminary Notice.
- 7.6 The Tribunal were greatly concerned at the lack of understanding that Mr Green had of changes in the regulation of debt collection since he started Carltons. Of equal concern was Mr Green's apparently genuine belief that, unless those responsible for regulating consumer debt collection informed him that changes were required to Carltons' business practice and did so in sufficient detail for Carlton's to know what to change, they, Carltons, had no responsibility to re-assess the suitability of their own business practices.

8. Tribunal's decision on the disputed issues in this case: whether the Appellants behaviour was threatening and oppressive?

- 8.1 The evidence of Ms Davidson and Mrs Chandler on their initial telephone contact with Mr Green of Carltons was clear and compelling; they had felt intimidated and anxious as a result of their phone dialogue with Mr Green. Mr Smith's evidence that his wife was in tears after a brief conversation with Mr Green was also persuasive. The Tribunal is aware that debt collection is by nature confrontational and the debtor's fears about their financial position may heighten their anxiety in any dealings with a regulated debt collector.
- 8.2 Mr Green was clear in his evidence and in examining the witnesses that he does not swear and that shouting or threatening is unhelpful to the process of debt collection. He produced witness evidence to support his position and this was not challenged by the OFT. The Tribunal did not find persuasive evidence that Mr Green swore or became abusive in the course of debt collection.
- 8.3 However, it did become apparent that statements that Mr Green regarded as truthful and normal practice were likely to be regarded as threatening and intimidating by the debtor. References to bankruptcy or insolvency and to interest accumulating on a daily basis when first contacting debtors fell into this category. The Tribunal accepted the evidence of Ms Davidson and Mrs Chandler that their credible defences to the debt that Mr Green sought to recover were not heeded. Mr Green's own account indicated that he regarded the word of the creditor as final on the question of whether a debt was due and the arguments that were raised by both witnesses, regarding the unsatisfactory quality of the goods or services that were the subject of

the unpaid invoices, did not cause him to change his approach to them in the phone conversations or subsequently. The Tribunal noted Mr Green's assertion that he would take factual disputes and issues raised by debtors back to the creditor in order to seek their views, but also noted that Mr Green was unable to confirm how these arguments and issues would change his approach to the debtor during the call in which they were first raised or subsequently.

- 8.4 The Tribunal sought to clarify the status of the debts that were being pursued with Mr Smith and Ms Chandler. It was accepted by the OFT that the debts due from Mr Smith were not consumer credit debts and the precise status of Mrs Chandler's transaction in consumer credit terms was never fully clarified. The Tribunal raised this issue with the parties and noted that Mr Green confirmed that he did not distinguish between consumer and trade debtors in setting out Carltons' approach to contacting debtors and its processes for dealing with them. Mr Green was clear that he did not vary his approach and nor did the other employee of Carltons with responsibility for contacting debtors over the phone, in dealing with consumer credit or other debt collection activities. The Tribunal therefore felt it was appropriate to draw conclusions about Carltons' dealings with consumers from the evidence that they had heard from the witnesses.
- 8.5 The Tribunal noted the similarity in the evidence of the witnesses; Ms Davidson, Mrs Chandler and Mr Smith, all stated that Mr Green did not listen and merely talked over them. They were all left with the clear understanding that legal action and insolvency proceedings would follow if the debt were not paid in full, irrespective of the objections that they sought to raise. Mr Green's explanation of his approach when dealing with debtors suggested to the Tribunal that the witnesses account was likely to be an accurate reflection of the impression created with debtors. Mr Green did not address the effect that his approach may have had on a consumer, nor did he acknowledge that this should be an issue that he would need to take into account in conducting an activity such as debt collection from consumers. Instead he sought to explain why a reasonable person could not have been confused about the realities of their position in owing money and being confronted by a debt collector, who may have to initiate debt recovery or insolvency proceedings as part of their work.
- 8.6 The Tribunal found that Mr Green's behaviour had been in breach of the Debt Collection Guidance by, for example, ignoring or disregarding claims that debts were disputed and continuing to make unjustified demands for payment of the debts and by not ceasing to threaten legal proceedings when a debt was queried or disputed (see paragraphs 2.6 h. and 2.8 i. of the Guidance). The evidence suggested that Carltons had been oppressive in these cases and from Mr Green's evidence, the Tribunal formed the view that this may be a feature of Mr Green's dealings with other consumers. The Tribunal again noted with concern the lack of any real understanding on Mr Green's part of the regulatory requirements and guidance that are relevant to his dealings with consumer debtors. The shortcomings in regulatory terms in Mr Green's

behaviour may not have been conscious, but appeared to arise out of an ignorance of the standards that Carltons should meet and a lack of understanding that some consumers may be vulnerable or may lack the capacity to respond in the assertive and robust way he believed could be expected of all debtors.

9. Tribunal's decision on the disputed issues in this case: the Appellant's alleged non-co-operation with the Regulator

9.1 The Tribunal viewed this as an unusual basis in itself for seeking to revoke a consumer credit licence. However, the evidence in the papers and from the witnesses from the OFT and Trading Standards was remarkably clear and consistent in establishing that the response from Carltons and Mr Green in particular, to any form of challenge by Trading Standards or the OFT had been to question their right to take issue with Carltons, complain about the process being followed and repeatedly demand clarification of any concern being expressed or information being requested. Carltons were persistently hostile and demonstrated a wilful refusal to understand legitimate concerns being raised by the OFT. During the Tribunal hearing, Mr Green sought to defend his position by seeking to justify each of his complaints and concerns. The relevance of these issues to Carltons' fitness to hold a licence did not become clear to the Tribunal. Some issues, such as who precisely within the OFT had decided to raise the concern over the Preliminary Notice with Carltons and whether it was a 'team' or an 'individual' and whether the position had been misrepresented to Mr Green, appeared wholly irrelevant.

9.2 Great store was placed by Mr Green on the lack of complaints about Carltons during its long period in business. However, each reference to a complaint that had been made or may have been made in the past was dismissed as being misguided or lacking in clarity.

9.3 The Tribunal accepts that Mr Green may genuinely have believed that he had run Carltons in a responsible manner and no conclusion has been reached that suggests that Mr Green has deliberately sought to gain any advantage from his combative approach to regulators and regulation. Indeed, the Tribunal believes that the lack of awareness of the responsibilities of a Consumer Credit licence holder and his apparently limited understanding of the role of Trading Standards and the OFT may have led him to take an approach that was contrary to the best interest of Carltons.

10. Other issues

Evidence was produced by the OFT, immediately prior to and during the course of the hearing, about historic dealings between the OFT and Trading Standards and Carltons. It had not been necessary for the Tribunal to take account of this evidence or reach any conclusion upon it to the detriment of Carltons in coming to its findings.

11. Tribunal conclusion on the evidence and arguments

- 11.1 The Tribunal finds that the use of the standard letter, 'Preliminary Notice for Payment of Debt' was a misleading commercial practice within the meaning of regulation 5 of the Consumer Protection from Unfair Trading Regulations 2008 and was in breach of the OFT's Debt Collection Guidance.
- 11.2 The Tribunal finds that Mr Green's decision to describe himself as a lawyer was, at least since the Legal Service Act 2007 came into force, improper and has always been intended to create a misleading impression.
- 11.3 The Tribunal finds that, on the basis of the limited evidence that it heard about Mr Green's dealings with debtors he has been oppressive within the meaning of S.25 (2A)(e) of the Consumer Credit Act 1974.
- 11.4 The Tribunal finds that Mr Green has been persistently obstructive in his dealings with the OFT and Trading Standards.
- 11.5 In coming to its decision on this Appeal and whether to uphold the revocation of Carltons Consumer Credit Licence the Tribunal has had particular regard to the matters set out in S.25 (2):

"(a) the applicant's skills, knowledge and experience in relation to consumer credit business

(b) such skills, knowledge and experience of other persons who the applicant proposes will participate in any business that would be carried on by him under the licence;

(c) practices and procedures that the applicant proposes to implement in connection with any such business;"

The evidence from Mr Green during the course of the hearing was that:

- Carlton has no system in place to monitor development in the law or regulation relating to consumer credit;
- Carltons had a limited understanding of the legal and regulatory standards that Carltons must follow in its consumer credit work, but a great deal of practical experience of collecting trade debts.
- Mr Green had no detailed knowledge of guidance issued by the OFT in relation to consumer credit and no means of gaining access to good industry practice.
- Carltons operates the same process in all respects when collecting trade or commercial debts and consumer debts and intends to continue on this basis.
- Documentation, practices and procedures have not changed for 30 years and Mr Green regards this as a sign of the strength of these procedures.
- Mr Green did not understand the role of the OFT and Trading Standards in relation to the conduct and capability of consumer credit licence holders.

These failings, coupled with a refusal by Carltons and Mr Green to deal in a reasonable manner with the OFT or Trading Standards or to reconsider their practices when they were questioned, raise clear doubts about Carltons' fitness to hold a consumer credit licence.

- 11.6 All of these concerns were put by the Tribunal members to Mr Green at various times during the hearing. Mr Green was open and consistent in his answers. The Tribunal formed the view that he either struggled to understand why consumers could not always respond to Carltons in a logical, reasoned and confident manner or feigned a lack of understanding. He regarded a lack of complaints as definitive proof that no consumer detriment had occurred, whilst appearing to reject all examples of complaints as evidence of a misunderstanding of the relative position of creditors and debtors. Mr Green expressed his surprise that Trading Standards had any role in relation to debt collection activities. Carltons saw no need to gain access to sources of advice or information on consumer credit regulation; he would look at the OFT website, perhaps once a year, he said and otherwise read the newspapers. Carltons did not belong to any trade associations or any other source of guidance or news on consumer credit matters. No legal advice on the legal or regulatory position relating to consumer debt collection had been sought. The Tribunal also noted Mr Green's poor understanding of the legislation on the use, and publication on stationery, of business names, which had been raised by the OFT in connection with the format of the Preliminary Notice. This was relevant to the OFT's concern that by omitting any details of the source of the Notice, debtors may be more likely to regard it as a Court or other official form. Mr Green did not appear to have made any serious attempt to understand or to resolve this concern. Mr Green accepted that Carltons should have a process for resolving disputes and queries over the debt being collected, but felt that his judgement (and that of the only other person who contacted debtors) would see them through. Mr Green mentioned on more than one occasion that consumer credit work is a small part of Carltons' debt collection work; he estimated it at 2% of the overall business. He was quite clear in stating his belief that Carltons could not operate separate systems for collecting trade and consumer debts within their small business. The response of Mr Green to the Tribunal's concerns about the capability of Carltons and the standards that Carltons sought to apply in its debt collection work only served to confirm to the Tribunal that their concerns were well founded.
- 11.7 The Tribunal takes the view that the conclusions set out in 11.1, 11.2, 11.3 and 11.4 above are best seen as part of a broader failing within Carltons to maintain the necessary skills, knowledge and experience in relation to consumer credit businesses and ancillary credit businesses. The Tribunal finds that Carltons lacks sufficient skills, knowledge and experience to operate a consumer debt collection business and does not have the practices or procedures that are required to deal fairly and properly with consumers. The evidence in the hearing leads the Tribunal to doubt that Carltons was willing to, or capable of, taking the action required to gain and maintain such skills, knowledge and experience.

12. Conclusion

In all of the circumstances of this appeal, the Tribunal unanimously finds that Carltons is unfit to hold a consumer credit licence. The Appeal is dismissed.

Signed on the original:

Peter Hinchliffe

Tribunal Judge

Dated: 11 August 2011