

APPLICATION ON PAPERS

CONSENT ORDERS CHAIR OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of: Mr Andrew Eyre

Considered on: Tuesday, 25 April 2023

Location: Remotely via Microsoft Teams

Chair: HH Suzan Matthews KC

Legal Adviser: Ms Tope Adeyemi

Summary Consent order approved
Severe Reprimand and fine of £1944

Costs: £1067

CONSTITUTION OF THE COMMITTEE

1. A Consent Order is made on the order of the Chair under the relevant regulations.

INTRODUCTION

2. The Chair had considered a draft Consent Order, signed by a signatory on behalf of ACCA on 27 March 2023 and Mr Andrew Eyre on the 20 March 2023, together with supporting documents in a bundle numbering pages 1-134.

ACCA



+44 (0)20 7059 5000



info@accaglobal.com



www.accaglobal.com



The Adelphi 1/11 John Adam Street London WC2N 6AU United Kingdom

3. When reaching their decision, the Chair had been referred by the Legal Adviser to the requirements of Regulation 8 of the Complaints and Disciplinary Regulations 2014 (as amended) ("CDR8") and had accepted her advice. The Chair had also taken account of the content of ACCA's documents entitled "Consent Orders Guidance" and "Consent Orders Guidance FAQs".
4. The Chair was satisfied that Mr Andrew Eyre was aware of the terms of the draft Consent Order and that it was being considered. The Chair has considered the Service Bundles pages 1-3 and 1-7.
5. The Chair was also satisfied that Mr Andrew Eyre was aware that he could withdraw his agreement to the signed draft Consent Order by confirming the withdrawal in writing. No such withdrawal had been received to date.

ALLEGATIONS

6. Mr Andrew Eyre admitted the following:

Allegation 1

Mr Andrew Eyre, a Fellow of ACCA, who did not hold an ACCA practising certificate:

- a) From 09 May 2018 to 01 October 2019, was a director of 'Forge Sheffield Ltd' which was a firm in and/or holding out to be in public practice, contrary to Global Practising Regulation 3(2)(a) (as applicable between 2018-2019).
- b) From 20 August 2019 to 17 April 2020 and 15 June 2022 to 28 October 2022, was a director of Eyre & Co Accountants Limited, previously known as Forge Accountants Ltd, which was a firm in and/or holding out to be in public practice, contrary to Global Practising Regulation 3(2)(a) (as applicable between 2019-2020 and 2022).

- c) From 20 August 2019 to 17 April 2020 and 01 June 2022 to 28 October 2022, held 25% or more of the shares in Eyre & Co Accountants Limited, previously known as Forge Accountants Limited, which put him in the position of being in effect a principal in the firm, contrary to Global Practising Regulation 3(2)(b) (as applicable between 2019-2020 and 2022).

Allegation 2

Between 09 May 2018 to 01 October 2019 and 20 August 2019 to 31 May 2020, Mr Eyre, through Forge Sheffield Ltd and Eyre & Co Accountants Ltd (previously known as Forge Accountants Ltd) was provided accountancy services within the terms of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 without having registered with a supervisory authority for monitoring purposes contrary to Regulation 3(2) of Annex 1 of the Global Practising Regulations 2003 (as applicable between 2018-2020).

Allegation 3

Mr Eyre is guilty of misconduct in respect of the matters set out at allegations 1 a-1 c and 2, pursuant to bye-law 8(a)(i).

That Mr Eyre shall be severely reprimanded and shall pay a fine of £1944 and costs to ACCA in the sum of £1067.

DECISION AND REASONS

- 7. The following facts were agreed by Mr Andrew Eyre and ACCA.
- 8. The Investigating Officer had conducted an investigation into the allegations against Mr Andrew Eyre in accordance with The Complaints and Disciplinary Regulations (CDR)(2019) 8(1)(a) and was satisfied that:

- a) they had conducted the appropriate level of investigation as evidenced by the enclosed evidence bundle and determined that there was a case to answer against Mr Andrew Eyre and that there was a real prospect of a reasonable tribunal finding the allegations proved; and
 - b) the proposed allegations were unlikely to result in exclusion from membership.
9. The relevant facts, failings and/or breaches had been agreed between the parties and were set out in the detailed allegations above together with the proposed sanction and costs.
10. A summary of the key facts were as follows.

A complaint was raised against Mr Eyre in March 2020 as it appeared he was an ACCA member holding out to be in public practice whilst not holding an ACCA practicing certificate. Mr Eyre's involvement with Forge Sheffield Ltd (FSL) and Eyre & Co. Accountants Ltd (ECAL) was investigated and showed that Mr Eyre had been appointed as a director and shareholder of ECAL on two occasions, namely:

20 August 2019 - 17 April 2020.

15 June 2022 - 28 October 2022.

He was also appointed a director of FSL between:

09 May 2018 – 01 October 2019.

Both entities carried out accounting and auditing activities, so work coming within the definition of public practice.

Mr Eyre explained that his involvement as FSL was solely as an investor and he did not undertake any public practice at this company and he was unaware that by being a Director he had breached ACCA's regulations. He explained he was likewise solely an investor in ECAL and his role as a director was for

investment oversight. As a consequence of this role, he had no involvement with Anti-money Laundering Regulations (ALR).

Mr Eyre ultimately resigned all directorships and relinquished his shareholdings. It is noted that after the investigation had started, he accepted reappointment for a period of 3 months to ECAL. He cooperated with the investigation from the outset.

DECISION ON ALLEGATIONS AND REASONS

11. In accordance with Regulation 8 of the CDR, the Chair has the power to approve or reject the draft Consent Order or to recommend amendments. The Chair can only reject a signed draft Consent Order if they are of the view that the admitted breaches would more likely than not result in exclusion from membership or removal from the student register.
12. The Chair was satisfied that there was a case to answer and that it was appropriate to deal with the complaint by way of a Consent Order. The Chair was satisfied that the Investigating Officer had followed the correct procedure.
13. The Chair considered the bundle of evidence. Based on the documentary evidence, including the finding of the ACCA and the sanction imposed, together with the admission of the allegations by Mr Andrew Eyre they found the facts of the allegations proved. They considered that the admitted facts and the actions of Mr Andrew Eyre amounted to misconduct in that they brought discredit to him, the Association, and the accountancy profession. They therefore justified disciplinary action under byelaw 8(a)(i).

SANCTION AND REASONS

14. In deciding whether to approve the proposed sanction of a severe reprimand, the Chair had considered the Guidance to Disciplinary Sanctions ("the Guidance"). This included the key principles relating to the public interest, namely:

- The protection of members of the public.
- The maintenance of public confidence in the profession and in ACCA.
- The need to uphold proper standards of conduct and performance.

The Chair also considered whether the proposed sanction was appropriate, proportionate and sufficient.

15. In reaching their decision, the Chair had noted, and agreed with, the following aggravating features as identified by ACCA:

- During the early part of the investigation and after regularising his position, he subsequently accepted appointment as a director for a period of 3 months again without holding an ACCA Practicing certificate.
- The length of time that Mr Andrew Eyre had been holding out to be in public practice without an ACCA practicing certificate and without being registered for AML supervision.
- That this occurred with 2 separate entities over different periods.

16. In deciding that a severe reprimand was the most suitable sanction, paragraphs C3.1 to C3.5 of ACCA's Guidance have been considered. The Chair had noted, and agreed with, the following mitigating factors identified by ACCA:

- Mr Eyre has been a member of ACCA since 31 October 2005 and has a previous good record with no previous complaint or disciplinary history.
- Mr Eyre latterly cooperated with the investigation and regulatory process.
- Mr Eyre took remedial action by registering ECAL for AML supervision with HMRC and resigned as a director, relinquishing shareholding in the company.
- Mr Eyre has admitted and apologised for his conduct and expressed remorse for his actions.

17. The Chair considered that both the aggravating and mitigating features identified by ACCA were supported by documentary evidence and were relevant.
18. In the Chair's view, the findings of the ACCA were serious, and the public interest would not be served by making no order, nor would an admonishment adequately reflect the seriousness of Mr Eyre's conduct.
19. In all the circumstances, the Chair was satisfied that the sanction of severe reprimand and a fine of £1944 was appropriate, proportionate and sufficient and that removal of Mr Andrew Eyre from the Register would be a disproportionate outcome and that a Disciplinary Committee would be unlikely to remove him from the Register.

COSTS AND REASONS

20. ACCA was entitled to its costs in bringing these proceedings. The claim for costs in the sum of £1067 which had been agreed by Mr Andrew Eyre appeared appropriate from consideration of the provided financial costs schedules and means declared.

ORDER

21. Accordingly, the Chair approved the terms of the attached Consent Order.
22. In summary:
 - a. Mr Eyre shall be severely reprimanded.
 - b. Mr Eyre shall pay a fine of £1944.
 - c. Mr Eyre shall pay costs of £1067 to ACCA.

HH Suzan Matthews KC
Chair
25 April 2023