Financial Conduct Authority

FINAL NOTICE

To: **Crimson Car Sales (Gary Poole registered as)**

Of:

8 Gandalfs Ride
South Woodham Ferrers
Chelmsford
CM3 5WX

FRN: **653365**

Dated: **13 July 2016**

ACTION

1. For the reasons set out in this Final Notice, the Authority hereby takes the following action against Mr Poole.

2. The Authority issued Mr Poole a Decision Notice which notified him that for the reasons given below and pursuant to section 55J of the Act, the Authority had decided to cancel Mr Poole's permission.

3. Mr Poole has not referred the matter to the Tribunal within 28 days of the date on which the Decision Notice was issued to him.

4. Accordingly, the Authority has today cancelled Mr Poole's permission.

DEFINITIONS

5. The definitions below are used in this Final Notice:

    "the Act" means the Financial Services and Markets Act 2000;

"the Authority" means the Financial Conduct Authority;

"the Decision Notice" means the Decision Notice issued to Mr Poole dated 27 May 2016;

"Mr Poole" means Gary Poole registered as Crimson Car Sales;

"Mr Poole's permission" means the permission granted by the Authority to Mr Poole pursuant to Part 4A of the Act;

"the Return" means the CCR007 return for the period ended 1 October 2015, which Mr Poole was due to submit to the Authority by 11 November 2015;

"the suitability Threshold Condition" means the Threshold Condition set out in paragraph 2E of Schedule 6 of the Act;

"the Threshold Conditions" means the threshold conditions set out in Schedule 6 to the Act; and

"the Tribunal" means the Upper Tribunal (Tax and Chancery Chamber).

REASONS FOR ACTION

6.   On the basis of the facts and matters and conclusions described in the Warning Notice issued to Mr Poole dated 25 April 2016 and in the Decision Notice, it appears to the Authority that Mr Poole is failing to satisfy the suitability Threshold Condition, in that the Authority is not satisfied that Mr Poole is a fit and proper person having regard to all the circumstances, including whether Mr Poole managed his business in such a way as to ensure that its affairs were conducted in a sound and prudent manner.

7.   This is because Mr Poole has failed to comply with the regulatory requirement to submit the Return. Mr Poole has not been open and co-operative in all his dealings with the Authority, in that Mr Poole has failed to respond adequately to the Authority's repeated requests for him to submit the Return, and has thereby failed to comply with Principle 11 of the Authority's Principles for Businesses and to satisfy the Authority that he is ready, willing and organised to comply with the requirements and standards under the regulatory system.

8.   These failures, which are significant in the context of Mr Poole's suitability, lead the Authority to conclude that Mr Poole has failed to manage his business in such a way as to ensure that his affairs are conducted in a sound and prudent manner, that he is not a fit and proper person, and that he is therefore failing to satisfy the Threshold Conditions in relation to the regulated activities for which Mr Poole has had a permission.

DECISION MAKER

9.   The decision which gave rise to the obligation to give this Final Notice was made by the Regulatory Decisions Committee.

IMPORTANT

10.   This Final Notice is given to Mr Poole in accordance with section 390(1) of the Act.

<u>Publicity</u>

11.   The Authority must publish such information about the matter to which this Final Notice relates as the Authority considers appropriate. The information may be published in such manner as the Authority considers appropriate. However, the Authority may not publish information if such publication would, in the opinion of the Authority, be unfair to Mr Poole or prejudicial to the interest of consumers.

12.   The Authority intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

<u>Authority Contact</u>

13.   For more information concerning this matter generally, please contact Namrata Kanzaria at the Authority (direct line: 020 7066 9026).

John Kirby
Enforcement and Market Oversight Division