
NOTICE OF DECISION

To: **SMG Performance Cars Limited ("SMG")**

FRN: **754861**

Dated: **1 November 2023**

ACTION

1. For the reasons given below, the Authority has decided to cancel SMG's Part 4A permission. The cancellation takes effect on the date of this Notice of Decision.
2. The effect of the cancellation is that SMG no longer has permission to carry on any regulated activities.

DEFINITIONS

3. The definitions below are used in this Notice of Decision (and in the Annex):

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

"the Authority" means the Financial Conduct Authority;

"EG" means the Enforcement Guide;

"FDA" means the Firm Details Attestation which Authority-authorized firms are required to submit to the Authority under SUP 16.10;

"FEES" means the Authority's FEES Manual, part of the Handbook;

"FSCS" means the Financial Services Compensation Scheme;

"the Further Notice" means the further notice issued by the Authority to SMG dated 22 September 2023;

"the general levy" means the levy a firm must pay to the Authority towards the costs of operating the compulsory jurisdiction of the Financial Ombudsman Service;

"the Handbook" means the Authority's Handbook of rules and guidance;

"the IML levy" means the Illegal Money Lending levy;

"the Notice" means the notice given by the Authority to SMG dated 29 August 2023;

"Part 4A permission" means permission to conduct regulated activities, granted by the Authority under Part 4A of the Act;

"RAG" means regulated activity group as referred to in SUP;

"the Returns" means the CCR007 returns for the period 1 June 2019 – 31 May 2023 which were due for submission to the Authority by various dates between 10 July 2020 – 31 July 2023;

"SFGB Levy" means the Single Financial Guidance Body Levy;

"SMG" means SMG Performance Cars Limited;

"SMG's Part 4A permission" means the Part 4A permission granted by the Authority to SMG;

"SUP" means the Supervision Manual, part of the Handbook; and

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

FACTS AND MATTERS

4. SMG was authorised by the Authority on 17 August 2016 and has Part 4A permission to conduct the following regulated activities:
 - i) agreeing to carry on a regulated activity
 - ii) credit broking
 - iii) debt adjusting
 - iv) debt-counselling.
5. SMG has failed to pay periodic fees and levies owed to the Authority as required under the Handbook under the rules set out in FEES 4.2.1R, 4.3.1R, 5.7.1R, 6.7.1R, 6.7.3R, 7A.3.1R and 13.2.1R. In particular, SMG has failed to pay:
 - i) An invoice dated 7 October 2020 for period fees and levies of £160.33 which had been due for payment by 5 January 2021
 - ii) An invoice dated 29 September 2021 for period fees and levies of £305.30 which had been due for payment by 28 December 2021

- iii) An invoice dated 21 September 2022 for period fees and levies of £408.24 which had been due for payment by 21 October 2022.
- 6. Under SUP 16.3.13R, 16.12.3R, SUP 16.12.4R and SUP 16.12.29CR, SMG is required to submit the Returns to the Authority by the relevant due date. However, SMG has failed to submit the Returns to the Authority. The Authority therefore considers that SMG has failed to provide information to the Authority as is required by the Handbook, namely the information it is required to provide in the Returns.
- 7. Under SUP 16.10.4R, 16.10.4AR and 16.10.14AAR, SMG is required to submit the FDA to the Authority by the relevant due date. However, SMG has failed to submit the FDA to the Authority. The Authority therefore considers that SMG has failed to provide information to the Authority as is required by the Handbook, namely the information it is required to provide in the Returns and FDA.
- 8. On 29 August 2023, the Authority gave SMG the Notice which stated that:
 - (a) it appears to the Authority that SMG is carrying on no regulated activity to which its Part 4A permission relates; and
 - (b) the Authority may take action to cancel SMG's Part 4A permission unless it responds to the Notice in the manner specified in the directions to the Notice.
- 9. SMG failed to respond to the Notice.
- 10. As a result of the matters specified above, on 22 September 2023, the Authority gave SMG the Further Notice which stated that:
 - a) the Authority considered that SMG is carrying on no regulated activity to which its Part 4A permission relates; and
 - b) the Authority proposes to cancel SMG's Part 4A permission on 18 October 2023 unless SMG takes the steps specified in the directions to the Further Notice.
- 11. SMG failed to take the steps specified in the Further Notice.

CANCELLATION OF PART 4A PERMISSION

- 12. From the facts and matters described above and having regard to paragraph 1(3) of Schedule 6A to the Act, the Authority considers that SMG is carrying on no regulated activity to which its Part 4A permission relates. The Authority has therefore decided to cancel SMG's Part 4A permission. The cancellation of SMG's Part 4A permission takes effect on the date of this Notice of Decision.
- 13. The statutory and regulatory provisions relevant to this Notice of Decision are set out in the Annexes.

PROCEDURAL MATTERS

- 14. This Notice of Decision is given to SMG under paragraph 3 of Schedule 6A to the Act (variation or cancellation of Part 4A permission on initiative of FCA: additional power).

The following paragraphs are important.

Annulment of the Authority's decision

15. If SMG is aggrieved by the decision to cancel its Part 4A permission as set out in this Notice of Decision, SMG may make an application for an annulment of the Authority's decision under paragraph 4 of Schedule 6A to the Act.
16. SMG must submit a completed application for an annulment of the Authority's decision to the Authority by 31 October 2024 and in the manner specified by the Authority.

The Tribunal

17. SMG does not have a right to refer the decision to give this Notice of Decision to the Tribunal.

Publicity

18. The Authority intends to publish such information about the matter to which this Notice of Decision relates as the Authority considers appropriate. The information may be published in such manner as the Authority considers appropriate.

Authority Contact

19. For more information concerning this matter, SMG should contact Ogechi Chigbo (direct line: 020 7066 4827).

Anna Couzens
Enforcement and Market Oversight Division