
FINAL NOTICE

To: Aqua Specialist Environmental Services Ltd

**Address: 9 Thorntree Drive
Coatbridge
North Lanarkshire
ML5 5HQ**

FRN: 785838

Dated: 12 November 2020

ACTION

1. For the reasons set out in this Final Notice, the Authority hereby takes the following action against ASES�.
2. The Authority issued to ASES� the Decision Notice which notified ASES� that for the reasons given below and pursuant to section 55J of the Act, the Authority had decided to cancel ASES�'s Part 4A permission.
3. ASES� has not referred the matter to the Tribunal within 28 days of the date on which the Decision Notice was given to it.
4. Accordingly, the Authority has today cancelled ASES�'s Part 4A permission.

DEFINITIONS

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

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

"ASESL" means Aqua Specialist Environmental Services Ltd;

“ASESL’s Part 4A permission” means the permission granted by the Authority to ASESL under the Act;

“the Authority” means the Financial Conduct Authority;

“the Decision Notice” means the Decision Notice issued by the Authority to ASESL dated 16 July 2020;

“the Overdue Balance” means the amount owed by ASESL to the Authority of £410.69 comprising of an invoice of £250.00 in respect of late return fees which was due to be paid to the Authority by 5 July 2018 and an invoice of £160.69 in respect of periodic fees and levies which was due to be paid to the Authority by 28 December 2018;

“the Principles” means the Authority’s Principles for Businesses;

“the suitability Threshold Condition” means the threshold condition set out in paragraph 2E of Schedule 6 to the Act;

“the Threshold Conditions” means the threshold conditions set out in Schedule 6 to the Act;

“the Tribunal” means the Upper Tribunal (Tax and Chancery Chamber); and

“the Warning Notice” means the Warning Notice issued by the Authority to ASESL dated 23 June 2020.

REASONS FOR THE ACTION

6. On the basis of the facts and matters and conclusions described in the Warning Notice, and in the Decision Notice, it appears to the Authority that ASESL is failing to satisfy the suitability Threshold Condition, in that the Authority is not satisfied that ASESL is a fit and proper person having regard to all the circumstances, including whether ASESL managed its business in such a way as to ensure that its affairs were conducted in a sound and prudent manner.
7. ASESL has failed to pay the Overdue Balance and it has not been open and co-operative in all its dealings with the Authority, in that ASESL has failed to respond to the Authority’s repeated requests for it to pay the Overdue Balance, and has thereby failed to comply with Principle 11 of the Principles and to satisfy the Authority that it is ready, willing and organised to comply with the requirements and standards of the regulatory system.
8. These failures, which are significant in the context of ASESL’s suitability, lead the Authority to conclude that ASESL has failed to manage its business in such a way as to ensure that its affairs are conducted in a sound and prudent manner, that it is not a fit and proper person, and that it is therefore failing to satisfy the Threshold Conditions in relation to the regulated activities for which it 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 ASES� in accordance with section 390(1) of the Act.

Publicity

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 ASES� or prejudicial to the interest of the consumers.
12. The Authority intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

Authority Contact

13. For more information concerning this matter generally, please contact Arunn Thiruchelvam at the Authority (direct line: 020 7066 1241).

Anna Couzens
Enforcement and Market Oversight Division