
FINAL NOTICE

To: Ian Berry (trading as Motorland)
FRN: 729453
Dated: 11 June 2021

ACTION

1. For the reasons set out in this Final Notice, the Authority hereby takes the following action against Mr Berry.
2. The Authority issued to Mr Berry the 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 Berry's Part 4A permission.
3. Mr Berry 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 Berry'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;
"the Authority" means the Financial Conduct Authority;
"Mr Berry" means Ian Berry;
"Mr Berry's Part 4A permission" means the permission granted by the Authority to Mr Berry pursuant to Part 4A of the Act;

“the Decision Notice” means the Decision Notice issued to Mr Berry dated 28 April 2021;

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

“the RDC” means the Authority’s Regulatory Decisions Committee;

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

“SUP” means the Supervision Manual, part of the Handbook;

“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 to Mr Berry dated 7 April 2021.

REASONS FOR 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 Mr Berry is failing to satisfy the Suitability Threshold Condition, in that the Authority is not satisfied that Mr Berry is a fit and proper person having regard to all the circumstances.
7. Mr Berry has failed to notify the Authority of a change in the address and telephone number of his principal place of business contrary to SUP 15.5.4R(1) and SUP 15.5.5R(1) respectively. Mr Berry has thereby failed to deal openly and cooperatively with the Authority in breach of Principle 11 of the Principles (by not providing up to date and correct contact details) and to demonstrate that he is ready, willing and organised to comply with the requirements and standards under the regulatory system.
8. These failures lead the Authority to conclude that Mr Berry is failing to manage his business in such a way to ensure that his affairs will be conducted in a sound and prudent manner, that he is not a fit and proper person having regard to all the circumstances, and that he is therefore failing to satisfy the Threshold Conditions in relation to the regulated activities for which he was granted a Part 4A 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 Berry 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 Mr Berry 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.

Authority Contact

13. For more information concerning this matter generally, please contact Antonella Pavone at the Authority (direct line: 020 7066 5222).

Anna Couzens
Enforcement and Market Oversight Division