
FINAL NOTICE

**Integer Vehicle Solutions LTD
Unit 1
Meridian Trading Estate
20 Bugsby's Way
London
SE7 7SF**

9 November 2021

ACTION

1. By an application dated 6 June 2019 ("the Application"), Integer Vehicle Solutions LTD ("IVSL") applied under section 55A of the Act for Part 4A permission to carry on the regulated activity of advice, investigation or representation in relation to a personal injury claim.
2. The Application is incomplete.
3. For the reasons set out below and pursuant to section 55V of the Act, the Authority has refused the Application.

SUMMARY OF REASONS

4. By its Warning Notice dated 15 June 2021, the Authority gave notice that it proposed to refuse the Application and that IVSL was entitled to make representations to the Authority about that proposed action.
5. As no representations were received by the Authority from IVSL within the time allowed by the Warning Notice, the default procedures in paragraph 2.3.2 of the Authority's Decision Procedure and Penalties Manual applied, permitting the Authority to treat the matters referred to in its Warning Notice as undisputed and, accordingly, to give a Decision Notice.
6. By its Decision Notice dated 21 September 2021, the Authority gave IVSL notice that it had decided to take the action described above.

7. IVSL had 28 days from the date the Decision Notice was given to refer the matter to the Upper Tribunal.
8. Under section 390(1) of the Act, the Authority, having decided to refuse the Application and there having been no reference of that decision to the Tribunal, must give IVSL a final notice of its refusal.
9. IVSL has failed to respond to nine separate requests for the provision of information considered by the Authority to be necessary to allow the Application to be determined. The last request included a statement to the effect that IVSL must contact the Authority within 10 business days, or the Authority would recommend to the Authority's Regulatory Transactions Committee that IVSL receive a Warning Notice. No response was received.
10. The Authority has therefore determined the Application based upon the information received to date, in circumstances where its requests for information have not been met. Having reviewed that information, the Authority cannot ensure that IVSL satisfies, and will continue to satisfy, the threshold conditions.
11. Authorised firms (and those seeking authorisation) are expected to engage with the Authority in an open and cooperative way. The failure to provide the requested information raises concerns that IVSL would fail to do so if the Application were to be granted.
12. The failure to provide the information raises concerns as to whether IVSL:
 - a. can be effectively supervised by the Authority as required by threshold condition 2C (Effective supervision);
 - b. has appropriate human resources, given IVSL's failure to provide the Authority with the requested information as required by threshold condition 2D (Appropriate resources); and
 - c. will conduct its business with integrity and in compliance with proper standards as required by threshold condition 2E (Suitability).

DEFINITIONS

13. The definitions below are used in this Final Notice.

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

"the Application" means the application referred to in paragraph 1 above;

"the Authority" means the Financial Conduct Authority;

"the Decision Notice" means the Decision Notice dated 21 September 2021 given to IVSL by the Authority;

"the RDC" means the Regulatory Decisions Committee;

"the RTC" means the Regulatory Transactions Committee;

"SUP" means the Supervision section of the Authority's handbook;

“SYSC” means the Senior Management Arrangements, Systems and Controls section of the Authority’s handbook;

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

“the Warning Notice” means the Warning Notice dated 15 June 2021 given to IVSL by the Authority.

FACTS AND MATTERS

14. The Application was received by the Authority on 6 June 2019.
15. Further information was requested from IVSL under section 55U(5) of the Act.
16. Between 12 December 2019 and 19 February 2021, the Authority sent IVSL sixteen emails, two letters and made sixteen telephone calls to elicit information that would assist the Authority in determining the Application.
17. On 12 December 2019, the Authority sent an email to IVSL using the contact details in the Application requesting the following information in support of the Application by 23 December 2019:
 - 1) SMCR Form A for IVSL’s sole director; and
 - 2) SMCR Statement of Responsibilities.
18. On 18 December 2019, the Authority sent an email to IVSL requesting the following information in support of the Application by 10 January 2020:
 - 1) Calculations showing IVSL was meeting or would meet its prudential resources requirement as set out in CMCOB 7.2;
 - 2) An explanation of why the firm thought it would not be dealing with eligible complainants as defined under DISP 2.7;
 - 3) An explanation of how the firm generated leads;
 - 4) A copy of the firm’s pre-contract agreement and one-page summary document; and
 - 5) A fully completed compliance monitoring program, confirming who would be responsible for the business risks identified by the firm.
19. On 22 January 2020, the Authority attempted to call IVSL to ask when it was going to provide the information requested on 12 December 2019 and 18 December 2019. There was no response. A voicemail message was left requesting IVSL to return the Authority’s call.
20. On 27 January 2020, the Authority attempted to call IVSL. Another voicemail message was left requesting IVSL to return the Authority’s call. The Authority then sent an email to IVSL informing it that a failure to provide the information requested on 18 December 2019 by 10 February 2020 would result in the Application being determined based upon the information received to date. The Authority noted that this might result in a recommendation to the RTC that it issue IVSL with a Warning Notice proposing to refuse the Application.

21. On 13 February 2020, the Authority attempted to call IVSL. A voicemail message was left requesting IVSL to return the Authority's call.
22. On 4 March 2020, the Authority sent IVSL a letter informing it that a failure to provide the information requested on 18 December 2019 by 18 March 2020 would result in the Application being determined based upon the information received to date. The Authority noted that this might result in a recommendation to the RTC that it issue IVSL with a Warning Notice proposing to refuse the Application.
23. On 16 June 2020, 18 June 2020, 22 June 2020, 24 June 2020 and 2 September 2020, the Authority attempted to call IVSL again. There was no response to any of these calls.
24. On 15 September 2020, the Authority sent an email to IVSL attaching a letter (which was also sent by recorded delivery post). The letter noted the lack of a response to the Authority's requests for information on 12 December 2019 and 18 December 2019. The letter informed IVSL that a failure to provide the information would result in the Application being determined based upon the information received to date and that this might result in a recommendation to the RTC that it issue IVSL with a Warning Notice proposing to refuse the Application. IVSL was given 10 business days to provide the information. IVSL failed to respond by 29 September 2020.
25. On 12 October 2020, IVSL sent an email to the Authority, confirming it had received the FCA's most recent communication but was confused as to what it was required to provide.
26. On 20 October 2020, the Authority sent an email to IVSL, providing copies of the requests for information on 12 December 2019 and 18 December 2019. The Authority requested a response by 23 October 2020.
27. On 18 November 2020, the Authority sent another email to IVSL noting that IVSL had failed to respond to the Authority's previous email. The Authority asked IVSL to provide the information requested on 12 December 2019 and 18 December 2019 by 27 November 2020.
28. On 30 November 2020, the Authority attempted to call IVSL. There was no response. The Authority then sent IVSL an email, asking that the information requested on 12 December 2019 and 18 December 2019 be provided by 7 December 2020.
29. On 2 December 2020, the Authority called IVSL. IVSL explained that it had been badly affected over the last year, and it might be taken over by another firm. The Authority asked IVSL to provide the information requested on 12 December 2019 and 18 December 2019 as soon as possible, and suggested that IVSL should consider withdrawing the Application if it was unable to provide the information. IVSL agreed to update the Authority by 16 December 2020. The Authority then emailed IVSL asking it to confirm by 16 December 2020 whether it wished to continue pursuing the Application.
30. On 9 December 2020, the Authority called IVSL. IVSL confirmed that it was going to be bought by another firm, and that this firm had requested details of the applicant's current regulatory status. The Authority sent an email to IVSL

confirming that IVSL had temporary permission and that its application for full authorisation was incomplete.

31. On 16 December 2020, IVSL sent an email to the Authority confirming that its sale had been agreed and was in the process of being finalised. IVSL stated that its buyers would contact the Authority.
32. On 17 December 2020, the Authority sent an email to IVSL asking it to confirm by 24 December 2020 whether it wished to continue pursuing the Application.
33. On 4 January 2021, the Authority sent another email to IVSL asking it to confirm by 8 January 2021 whether it wished to continue pursuing the Application.
34. On 21 January 2021, the Authority called IVSL. The Authority confirmed that it had not received any response from IVSL's buyers. IVSL provided the buyers' names and contact details.
35. On 22 January 2021, the Authority sent an email to the buyers, including the new sole director of IVSL. The Authority asked IVSL to confirm by 27 January 2021 whether it wished to continue pursuing the Application.
36. On 28 January 2021, the Authority sent a further email to IVSL asking it to confirm by 1 February 2021 whether it wished to continue pursuing the Application.
37. On 3 February 2021, the Authority sent an email to IVSL attaching a letter (which was also sent by recorded delivery post). The letter informed IVSL that a failure to provide the information requested on 12 December 2019 and 18 December 2019 would result in the Application being determined based upon the information received to date and that this might result in a recommendation to the RTC that it issue IVSL with a Warning Notice proposing to refuse the Application. IVSL was given 10 business days to provide the information. IVSL failed to respond by 17 February 2021.
38. On 18 February 2021, the Authority attempted to call IVSL, using the number supplied previously by IVSL for its new director. The call did not connect. The Authority then attempted to call IVSL using a second number provided by IVSL. The Authority left a voicemail message requesting IVSL to return the Authority's call.
39. On 19 February 2021, the Authority attempted to call IVSL again. The call was answered but the recipient did not respond. The Authority then attempted to contact IVSL using the second number supplied previously by IVSL. The call did not connect.
40. To date, the Authority has not received any response to its requests for information on 12 December 2019 and 18 December 2019, and IVSL has failed to provide the information.

IMPACT ON THRESHOLD CONDITIONS

41. IVSL has failed to respond to nine separate requests for the provision of information considered by the Authority to be necessary to allow the Application to be determined. The final request gave IVSL 10 business days to respond, and included a statement to the effect that IVSL must contact the Authority, or the Authority would recommend to the RTC that IVSL receives a Warning Notice.

42. The Authority has therefore determined the Application based upon the information received to date, in circumstances where its requests for information have not been met. Having reviewed that information, the Authority cannot ensure that IVSL satisfies, and will continue to satisfy, the threshold conditions.
43. Authorised firms (and those seeking authorisation) are expected to engage with the Authority in an open and cooperative way. The failure to provide the requested information raises concerns that IVSL would fail to do so if the Application were to be granted.
44. The failure to provide the information raises concerns as to whether IVSL:
- a. can be effectively supervised by the Authority as required by threshold condition 2C;
 - b. has appropriate human resources, given IVSL's failure to provide the Authority with the requested information as required by threshold condition 2D; and
 - c. will conduct its business with integrity and in compliance with proper standards as required by threshold condition 2E.

IMPORTANT NOTICES

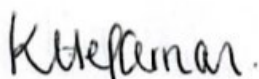
45. This Final Notice is given under section 390(1) of the Act.

Publication

46. Sections 391(4), 391(6) and 391(7) of the Act apply to the publication of information about the matter to which this Notice relates. Under those provisions, the Authority must publish such information about the matter to which this 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 you or prejudicial to the interests of consumers or detrimental to the stability of the UK financial system.
47. The Authority intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

Authority contacts

48. For more information concerning this matter generally, contact Greg Williams, Manager, Claims Management Companies Transition Team at the Authority (direct line: 020 7066 1475 / email: Greg.Williams@fca.org.uk).



Kim Heffernan
Executive Decision-Maker on behalf of the Authority

ANNEX A – REGULATORY PROVISIONS RELEVANT TO THIS FINAL NOTICE

Relevant statutory provisions

1. Section 55A(1) of the Act provides for an application for permission to carry on one or more regulated activities to be made to the appropriate regulator. Section 55A(2) defines the “appropriate regulator” for different applications.
2. Section 55B(3) of the Act provides that, in giving or varying permission, imposing or varying a requirement, or giving consent, under any provision of Part 4A of the Act, each regulator must ensure that the person concerned will satisfy, and continue to satisfy, in relation to all of the regulated activities for which the person has or will have permission, the threshold conditions for which that regulator is responsible.
3. The threshold conditions are set out in schedule 6 of the Act. In brief, the threshold conditions relate to:
 - (1) Threshold condition 2B: Location of offices
 - (2) Threshold condition 2C: Effective supervision
 - (3) Threshold condition 2D: Appropriate resources
 - (4) Threshold condition 2E: Suitability
 - (5) Threshold condition 2F: Business model

Relevant provisions of the Authority’s Handbook

4. In exercising its powers in relation to the granting of a Part 4A permission, the Authority must have regard to guidance published in the Authority Handbook, including the part titled Threshold Conditions (“COND”). The main considerations in relation to the action specified are set out below.
5. COND 1.3.2G(2) states that, in relation to threshold conditions 2D to 2F, the Authority will consider whether a firm is ready, willing and organised to comply on a continuing basis with the requirements and standards under the regulatory system which will apply to the firm if it is granted Part 4A permission.
6. COND 1.3.3AG provides that, in determining the weight to be given to any relevant matter, the Authority will consider its significance in relation to the regulated activities for which the firm has, or will have, permission in the context of its ability to supervise the firm adequately, having regard to the Authority’s statutory objectives. In this context, a series of matters may be significant when taken together, even though each of them in isolation might not give serious cause for concern.
7. COND 1.3.3BG provides that, in determining whether the firm will satisfy, and continue to satisfy, the Authority’s threshold conditions, the Authority will have regard to all relevant matters, whether arising in the United Kingdom or elsewhere.

Threshold Condition 2C: Effective supervision

8. COND 2.3.3G states that, in assessing the threshold condition set out in paragraph 2C of Schedule 6 to the Act, factors which the Authority will take into consideration include, among other things, whether it is likely that the Authority will receive adequate information from the firm to determine whether it is complying with the requirements and standards under the regulatory system for which the Authority is responsible and to identify and assess the impact on its statutory objectives; this will include consideration of whether the firm is ready, willing and organised to comply with Principle 11 (Relations with regulators) and the rules in SUP on the provision of information to the Authority.

Threshold condition 2D: Appropriate resources

9. COND 2.4.2G(2) states that the FCA will interpret the term 'appropriate' as meaning sufficient in terms of quantity, quality and availability, and 'resources' as including all financial resources (though only in the case of firms not carrying on, or seeking to carry on, a PRA-regulated activity), non-financial resources and means of managing its resources; for example, capital, provisions against liabilities, holdings of or access to cash and other liquid assets, human resources and effective means by which to manage risks.
10. COND 2.4.2G(2A) provides that 'non-financial resources' of the firm include human resources it has available.
11. COND 2.4.2G(3) states that high level systems and control requirements are in SYSC. The Authority will consider whether the firm is ready, willing and organised to comply with these and other applicable systems and controls requirements when assessing if it has appropriate non-financial resources for the purpose of the threshold conditions set out in threshold condition 2D.

Threshold condition 2E: Suitability

12. COND 2.5.2G(2) states that the Authority will also take into consideration anything that could influence a firm's continuing ability to satisfy the threshold conditions set out in paragraphs 2E and 3D of Schedule 6 to the Act. Examples include the firm's position within a UK or international group, information provided by overseas regulators about the firm, and the firm's plans to seek to vary its Part 4A permission to carry on additional regulated activities once it has been granted that permission.
13. COND 2.5.4G(2)(c) states that examples of the kind of general considerations to which the Authority may have regard when assessing whether a firm will satisfy, and continue to satisfy, threshold condition 2E include, but are not limited to, whether the firm can demonstrate that it conducts, or will conduct, its business with integrity and in compliance with proper standards.
14. COND 2.5.6G provides that examples of the kind of particular considerations to which the Authority may have regard when assessing whether a firm will satisfy, and continue to satisfy, this threshold condition include, but are not limited to, whether the firm has been open and co-operative in all its dealings with the Authority and any other regulatory body (see Principle 11 (Relations with regulators)) and is ready, willing and organised to comply with the requirements and standards under the regulatory system (such as the detailed requirements of SYSC and, in relation to a firm not carrying on, or seeking to carry on, a PRA-regulated activity only, the Prudential Standards part of the Authority's Handbook)

in addition to other legal, regulatory and professional obligations; the relevant requirements and standards will depend on the circumstances of each case, including the regulated activities which the firm has permission, or is seeking permission, to carry on.