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## **FINAL NOTICE**

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**To:** **Keep Sheffield Warm**

**FRN:** **674159**

**Dated:** **5 October 2017**

### **ACTION**

1. For the reasons set out in this Final Notice, the Authority hereby takes the following action against KSW.
2. The Authority issued to KSW the Decision Notice which notified KSW that for the reasons given below and pursuant to section 55J of the Act, the Authority had decided to cancel KSW's Part 4A permission.
3. KSW 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 KSW's Part 4A permission.

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## 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 by the Authority to KSW dated 15 August 2017;

“KSW” means Keep Sheffield Warm;

“KSW’s Part 4A permission” means the permission granted by the Authority to KSW pursuant to Part 4A of the Act;

“the Overdue Balance” means the amount owed by KSW to the Authority comprising an invoice dated 9 September 2016 for £145 for regulatory fees and levies for the period 1 April 2016 to 31 March 2017, which was due for payment by 9 October 2016;

“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 KSW dated 24 July 2017.

## 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 KSW is failing to satisfy the suitability Threshold Condition, in that the Authority is not satisfied that KSW is a fit and proper person having regard to all the circumstances, including whether KSW managed its business in such a way as to ensure that its affairs were conducted in a sound and prudent manner.
7. KSW 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 KSW 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 under the regulatory system.
8. These failures, which are significant in the context of KSW’s suitability, lead the Authority to conclude that KSW 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 KSW under section 55Z and 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 KSW 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 Maria Lewis at the Authority (direct line: 020 7066 0897).

**Anna Couzens**  
**Enforcement and Market Oversight Division**