
FINAL NOTICE

To: Newgate Finance & Properties Limited

**Of: 632 Old Kent Road
London
SE15 1JB**

FRN: 314093

Dated: 10 March 2014

ACTION

1. For the reasons set out in this Final Notice, the Authority hereby takes the following action against Newgate Finance & Properties Limited ("Newgate").
2. The Authority gave Newgate a Decision Notice on 29 January 2014 ("the Decision Notice") which notified it that for the reasons given below and pursuant to section 55J of the Act, the Authority had decided to cancel the permission granted to Newgate under the Act ("Newgate's permission").
3. Newgate 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 Newgate's permission.

DEFINITIONS

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

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

“the Authority” means the body corporate previously known as the Financial Services Authority and renamed on 1 April 2013 as the Financial Conduct Authority;

“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);

“RMAR” means the Retail Mediation Activities Return.

REASONS FOR ACTION

6. On the basis of the facts and matters and conclusions described in its Warning Notice issued to Newgate dated 27 December 2013 and in the Decision Notice, it appears to the Authority that Newgate is failing to satisfy the Threshold Conditions, in that the Authority is not satisfied that Newgate is a fit and proper person having regard to all the circumstances, including whether Newgate managed its business in such a way as to ensure that its affairs are conducted in a sound and prudent manner.
7. This is because Newgate has failed to comply with the regulatory requirement to submit its RMAR for the period ended 31 August 2013, which was due to be submitted by 11 October 2013. Newgate has not been open and co-operative in all its dealings with the Authority, in that it has failed to respond to the Authority's repeated requests for it to submit the RMAR, and has thereby failed to comply with Principle 11 of the Authority's Principles for Businesses 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 Newgate's suitability, lead the Authority to conclude that Newgate 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 Newgate 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 Newgate 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.

Contact

13. For more information concerning this matter generally, please contact Evan Cheminais at the Authority (direct line: 020 7066 7232).

John Kirby
Enforcement and Financial Crime Division