

---

## FINAL NOTICE

---

**To: Nicholas Powell (trading as National Car Sales)**

**FRN: 757158**

**Dated: 15 August 2019**

### ACTION

1. For the reasons set out in this Final Notice, the Authority hereby takes the following action against Mr Powell.
2. The Authority issued to Mr Powell 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 Mr Powell's Part 4A permission.
3. Mr Powell 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 Powell'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;
  - "the Decision Notice" means the Decision Notice issued to Mr Powell dated 26 April 2019;
  - "EG" means the Authority's Enforcement Guide;
  - "the Handbook" means the Authority's Handbook of rules and guidance;
  - "Mr Powell's Part 4A permission" means the permission granted by the Authority to Mr Powell pursuant to Part 4A of the Act";

/cont...

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

“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 Effective Supervision Threshold Condition” means the Threshold Condition set out in paragraph 2C of Schedule 6 to the Act;

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

“the Warning Notice” means the warning notice given to Mr Powell dated 28 March 2019.

### **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 Powell is failing to satisfy the Effective Supervision Threshold Condition, in that Mr Powell has failed to respond to the Authority’s attempted communications and therefore is not capable of being effectively supervised by the Authority, having regard to all the circumstances.
7. Mr Powell has not demonstrated that he 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 the Authority’s ability to supervise Mr Powell effectively, lead the Authority to conclude that Mr Powell has failed to manage his business in such a way as to ensure that his affairs are conducted in a sound and prudent manner, that he is not a fit and proper person, and that he is therefore failing to satisfy the Threshold Conditions in relation to the regulated activities for which Mr Powell 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 Powell 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 Powell or prejudicial to the interests 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 Jacqui Dankyi at the Authority (direct line: 020 7066 2102).

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