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**FINAL NOTICE**

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To: **Penwood Properties Limited**

Of: **19 Parsonage Road  
Horsham  
West Sussex  
RH12 4AW**

Dated: **28 October 2009**

**TAKE NOTICE: The Financial Services Authority (the "FSA") of 25 The North Colonnade, Canary Wharf, London E14 5HS gives Penwood Properties Limited final notice about a decision to cancel the permission granted to Penwood Properties Limited to carry on regulated activities**

**1. ACTION**

- 1.1 The FSA gave Penwood Properties Limited ("Penwood") a Decision Notice on 16 September 2009 (the "Decision Notice") which notified Penwood that for the reasons given below and pursuant to section 45 of the Financial Services and Markets Act 2000 (the "Act"), the FSA had decided to cancel the permission granted to Penwood pursuant to Part IV of the Act ("Penwood's Part IV permission").
- 1.2 Penwood was informed of its statutory right to make a reference to the Financial Services and Markets Tribunal, but it has not referred the Decision Notice to the Tribunal within 28 days of the date on which the Decision Notice was given to it. Accordingly, the FSA has today cancelled Penwood's Part IV permission.

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**2. REASONS FOR ACTION**

- 2.1 On the basis of the facts and matters and conclusions described in its Warning Notice dated 6 August 2009 (the "Warning Notice"), and in the Decision Notice, it appears to

the FSA that Penwood is failing to satisfy the threshold conditions set out in schedule 6 of the Act (the "Threshold Conditions").

- 2.2 This is because, in the opinion of the FSA, Penwood's resources are not adequate in relation to the regulated activities it has had permission to carry on. Specifically, financial information provided by Penwood in its Retail Mediation Activities Return demonstrated that Penwood's capital resources requirement is £10,372, and that it had a capital resources deficit of £11,677 at 30 June 2008. Penwood has failed to rectify the deficit despite being given adequate opportunity to do so. By failing to maintain capital resources equal to or in excess of its relevant capital resources requirement, Penwood is also in breach of Principle 4 (Financial prudence) of the FSA's Principles for Businesses.
- 2.3 These failings are significant and material in relation to the regulated activities for which Penwood has had permission, and Penwood therefore fails to satisfy Threshold Condition 4 (Adequate resources).

### **3. DECISION MAKER**

The decision which gave rise to the obligation to issue this Final Notice was taken by the Regulatory Decisions Committee.

### **4. IMPORTANT**

- 4.1 This Final Notice is given to Penwood in accordance with section 390(1) of the Act.

#### **Publicity**

- 4.2 Sections 391(4), 391(6) and 391(7) of the Act apply to the publication of information about the matter to which this Final Notice relates. Under those provisions, the FSA must publish such information about the matter to which this Final Notice relates as the FSA considers appropriate. The information may be published in such manner as the FSA considers appropriate. However, the FSA may not publish information if such publication would, in the opinion of the FSA, be unfair to Penwood or prejudicial to the interests of consumers.
- 4.3 The FSA intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

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#### **FSA Contact**

4.4 For more information concerning this matter generally, you should contact Clare Harries at the FSA (direct line: 020 7066 6170/fax: 020 7066 6171).

**John Kirby**  
**FSA Enforcement and Financial Crime Division**