

FINAL NOTICE DATED 5 December 2008

Cartel (Midlands) Ltd - and - Peter Applewhite

SUMMARY OF THE MATTER TO WHICH THE NOTICE RELATES

Date of issue: 5 December 2008

On 31 October 2008, the FSA decided to refuse an application made by Cartel (Midlands Limited) (“CML”) under Section 60 of the Financial Services and Markets Act 2000 (“the Act”). This application was for the approval of Mr Peter Applewhite to perform the controlled functions of CF1 (Director) and CF8 (Apportionment and Oversight).

The FSA was not satisfied that Mr Applewhite is a fit and proper person to perform the controlled functions applied for (section 61(1) of the Act), because:

- (1) Peter Applewhite failed to demonstrate to the FSA that he is ready, willing and able to comply with the requirements under the regulatory system in that he did not respond to the FSA’s requests for information and for him to attend a competency interview;
- (2) Mr Applewhite failed to demonstrate he has the competence and capability required to perform controlled functions. The FSA was not satisfied that he had the necessary competency and capability to perform significant influence functions, having previously only arranged mortgage contracts;
- (3) Mr Applewhite failed to demonstrate he will carry out controlled functions with due skill, care and diligence because he proposed to enter into a material outsourcing contract on behalf of CML with a service provider that was unable to demonstrate that it had sufficient financial stability to continue trading and therefore to provide CML with key services.

Following the issue of the Decision Notice on 31 October 2008, neither Peter Applewhite nor CML having referred the matter to the Financial Services and Markets Tribunal within the time limit or subsequently, the FSA has issued Final Notices to CML and Mr Applewhite pursuant to section 390(1) of the Act.