
FINAL NOTICE

To: Francis Birchall trading as Dual Mortgage Brokers

Of: Liscard Business Centre
The Old School
188 Liscard Road
Liscard
Wallesey
CH44 5TN

FRN: 434613

Dated: 27 June 2016

ACTION

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

“Mr Birchall” means Francis Birchall trading as Dual Mortgage Brokers;

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

“the Decision Notice” means the Decision Notice issued to Mr Birchall dated 10 May 2016;

“RMAR” means the Retail Mediation Activities Return for the period ended 30 September 2015, which was due to be submitted by 11 November 2015;

“the Threshold Conditions” means the threshold conditions set out in Schedule 6 to the Act; and

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

REASONS FOR ACTION

6. On the basis of the facts and matters and conclusions described in its Warning Notice issued to Mr Birchall dated 1 April 2016 and in the Decision Notice, it appears to the Authority that Mr Birchall is failing to satisfy the Threshold Conditions, in that the Authority is not satisfied that Mr Birchall is a fit and proper person having regard to all the circumstances, including whether Mr Birchall managed his business in such a way as to ensure that his affairs are conducted in a sound and prudent manner.
7. This is because Mr Birchall has failed to comply with the regulatory requirement to submit the RMAR. Mr Birchall has not been open and co-operative in all his dealings with the Authority, in that he has failed to respond adequately to the Authority’s repeated requests for him 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 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 Mr Birchall’s suitability, lead the Authority to conclude that Mr Birchall 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 Birchall 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 Mr Birchall 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 Birchall 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 Prea Deans at the Authority (direct line: 020 7066 2272).

John Kirby
Enforcement and Market Oversight Division