
FINAL NOTICE

To: Sellthiscar Limited (“the Firm”)

Address: Piccadilly House
49 Piccadilly
Manchester
M1 2AP

FRN: 979817

Dated: 4 October 2024

ACTION

1. For the reasons set out given in this Final Notice, and pursuant to section 55J of the Act, the Authority has decided to cancel the Firm’s Part 4A permission to carry on regulated activities.
2. The Authority issued to the Firm the Decision Notice, which notified it that for the reasons given in this Final Notice, the Authority had decided to take the action specified above.
3. The Firm has not referred the matter to the Tribunal within 28 days of the date on which the Decision Notice was issued to it.
4. Accordingly, the Authority has today cancelled the Firm’s Part 4A permission. The cancellation takes effect from the date of this Final Notice.

SUMMARY OF THE REASONS

5. On the basis of the facts and matters set out in this Final Notice, the Authority considers that the Firm has failed to satisfy the suitability Threshold Condition. Specifically, the Authority is not satisfied that the Firm is a fit and proper person to conduct regulated

activities having regard to all the circumstances, including:

- a. the Firm's connection with Mr Kashmiri, its sole director and approved person, who had been convicted of serious criminal offences and dishonestly failed to declare these to the Authority; and
 - b. The Firm's failure to notify the Authority of Mr Kashmiri's criminal convictions in its application for Mr Kashmiri's approval.
6. The Authority considers that it is appropriate to take the action described in paragraph 1 to advance its consumer protection and integrity objectives (sections 1C and 1D of the Act, respectively).

DEFINITIONS

7. The definitions below are used in this Final Notice (and in the Annex):

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

"the Authority" means the Financial Conduct Authority;

"COND" means the Threshold Conditions part of the Handbook;

"the Decision Notice" means the Decision Notice given to the Firm on 12 August 2024;

"DEPP" means the Authority's Decision Procedure and Penalties manual;

"EG" means the Enforcement Guide;

"the Firm" means Sellthiscar Limited (FRN: 979817);

"the Firm's Part 4A permissions" means the permissions granted by the Authority to the Firm under the Act;

"the Handbook" means the Authority's Handbook of Rules and Guidance;

"Mr Kashmiri" means Mohammed Ali Kashmiri;

"RDC" means the Regulatory Decisions Committee, a committee of the Authority which takes certain decisions on behalf of the Authority (see further under Procedural matters below);

"the Suitability Threshold Condition" means the Threshold Condition set out in paragraph 2E of Schedule 6 to the Act;

"the Threshold Conditions" means the Threshold Conditions set out in Schedule 6 of the Act; and

"the Tribunal" means the Upper Tribunal (Tax and Chancery Chamber).

RELEVANT STATUTORY AND REGULATORY PROVISIONS

8. The statutory and regulatory provisions relevant to this Final Notice are set out in the Annex.

FACTS AND MATTERS

9. Mr Kashmiri has been the sole director and shareholder at the Firm since incorporation on 13 July 2022.
10. The Firm was authorised by the Authority on 11 August 2022 to carry out limited consumer credit regulated activities relating to credit broking, debt adjusting and debt counselling.
11. Mr Kashmiri has been approved by the Authority to perform the SMF29 (Limited Scope) senior management function for the Firm since 11 August 2022. The Firm has no other approved persons.
12. On 7 May 2013, at Manchester Minshull Street Crown Court, Mr Kashmiri was convicted of dishonestly making false representations to make gain for himself, or another, or cause loss to other/expose others to risk contrary to section 1(1) of the Fraud Act 2006. On 14 August 2013, Mr Kashmiri was sentenced to 6 months' imprisonment suspended for 24 months, in addition to a confiscation order for £20,000 to be paid within 28 days, or in default to serve 12 months' imprisonment. He also received a suspended sentence of 300 hours unpaid work and was electronically monitored for 3 months.
13. On 13 February 2018, at Manchester Crown Court, Mr Kashmiri was convicted of conspiring with others fraudulently to evade the prohibition on the importation of cannabis contrary to section 170 of the Customs and Excise Management Act 1979. The offending took place between 1 February 2016 and 30 March 2016. On 21 March 2018, Mr Kashmiri was sentenced to 8 years' imprisonment and a 5-year travel restriction order under section 33 of the Criminal Justice and Police Act 2001.
14. On 27 July 2022 Mr Kashmiri, on behalf of the Firm, applied to the Authority for approval to hold the SMF29 (Limited Scope) senior management function. As part of the application, Mr Kashmiri falsely declared that he had no previous criminal convictions, and that the information provided in the application was accurate to the best of his and the Firm's knowledge.
15. Accordingly, it appears to the Authority that Mr Kashmiri is not a fit and proper person in terms of his honesty and integrity and that he poses a risk to consumers and the integrity of the UK financial system, insofar as public confidence in financial services and people operating within it are concerned.
16. For the reasons described above, it appears to the Authority that the Firm is failing to satisfy the Suitability Threshold Condition due to its connection with Mr Kashmiri as its sole director and approved person, and that it is appropriate to cancel the Firm's Part 4A permission.

PROCEDURAL MATTERS

17. This Final Notice is given to the Firm under section 390(1) of the Act.

Decision maker

18. The decision which gave rise to the obligation to give this Final Notice was made by the RDC. The RDC is a committee of the Authority which takes certain decisions on behalf of the Authority. The members of the RDC are separate to the Authority staff involved in conducting investigations and recommending action against firms and individuals. Further information about the RDC can be found on the Authority's website:

<https://www.fca.org.uk/about/committees/regulatory-decisions-committee-rdc>

Publicity

19. Section 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 Authority must publish such information about which this Final Notice relates as the Authority considers appropriate.
20. 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 the Firm or prejudicial to the interest of consumers or detrimental to the stability of the UK financial system.
21. The Authority intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

Authority Contacts

22. For more information concerning this matter generally, the Firm should contact Poonam Pandya at the Authority (direct line: 020 7066 1654).

Jeremy Parkinson
Enforcement and Market Oversight Division

ANNEX A

RELEVANT STATUTORY PROVISIONS

1. The Authority's operational objectives, set out in section 1B(3) of the Act, include securing an appropriate degree of protection for consumers (section 1C of the Act) and protecting and enhancing the integrity of the UK financial system (section 1D of the Act).
2. The Authority is authorised by section 55J of the Act to cancel an authorised person's Part 4A permissions, where it appears to the Authority that an authorised person is failing, or is likely to fail, to satisfy the Threshold Conditions.
3. Paragraph 1A(2) of Schedule 6 to the Act states that, for the purposes of Schedule 6 to the Act, the "non-financial resources" of a person include, amongst other things, the human resources that the person has available.
4. The suitability Threshold Condition set out in Part 1B(2E) of Schedule 6 to the Act provides, in relation to a person ("A") carrying on or seeking to carry on regulated activities which do not consist of or include a PRA-regulated activity that:

"A must be a fit and proper person having regard to all the circumstances, including-

(a) A's connection with any person;

[...]

(d) whether A has complied and is complying with requirements imposed by the [Authority] in the exercise of its functions, or requests made by the [Authority], relating to the provision of information to the [Authority] and, where A has so complied or is so complying, the manner of that compliance"

RELEVANT REGULATORY PROVISIONS

5. In exercising its power to cancel a firm's Part 4A permissions, the Authority must have regard to the regulatory requirements and guidance published in the Handbook and in regulatory guides, such as EG. The main considerations relevant to the action specified in this notice are set out below.

The Threshold Conditions

6. COND sets out guidance on the Threshold Conditions.
7. COND 1.2.1 sets out that the Threshold Conditions represent the minimum conditions to which the Authority is responsible, which a firm is required to satisfy, and continue to satisfy, in order to be given and to retain a Part 4A permission.
8. COND 1.2.3G reproduces the relevant statutory provision that the Authority may exercise its own-initiative powers to cancel an authorised person's Part 4A permission, if a firm is failing to satisfy any of the Threshold Conditions, or is likely to fail to do so.

COND 2.4: Guidance on the appropriate resources Threshold Condition

9. COND 2.4.1AUK reproduces the relevant statutory provisions that the resources of a person concerned must be appropriate in relation to the regulated activities that person carries on or seeks to carry on, and that the matters which are relevant in

determining whether such a person has appropriate non-financial resources includes whether that person's non-financial resources are sufficient to enable it to comply with the requirements imposed or likely to be imposed on it by the Authority in the course of the exercise of its functions.

10. COND 2.4.2G(2) provides that the Authority will interpret the term 'appropriate' as meaning sufficient in terms of quantity, quality and availability, and 'resources' as including, non-financial resources and means of managing its resources, an example of which includes human resources.

COND 2.5: Guidance on the suitability Threshold Condition

11. COND 2.5.1AUK(1) reproduces the relevant statutory provision that a person concerned must be a fit and proper person having regard to all the circumstances, including, amongst other things:

- that person's connection with any person (COND 2.5.1AUK(1)(a)); and
- the need to comply with requirements imposed by the Authority in the exercise of its functions, or requests made by the Authority, relating to the provision of information to the Authority, and where a person has so complied or is so complying, the manner of that compliance (COND 2.5.1AUK(1)(d)).

12. COND 2.5.3G states that the emphasis of the suitability Threshold Condition is on the suitability of the firm itself. However, in certain circumstances, the Authority may consider that the firm is not suitable because of doubts over the individual or collective suitability of persons connected with the firm.

13. COND 2.5.6G gives examples of the kind of particular considerations to which the Authority may have regard when assessing whether a firm will satisfy, and continue to satisfy, the suitability Threshold Condition including, but not limited to:

- whether the firm has been open and co-operative in all its dealings with the Authority (Principle 11 (Relations with regulators)) and is ready, willing and organised to comply with the requirements and standards under the regulatory system in addition to other legal, regulatory and professional obligations; the relevant requirements and standards will depend on the circumstances of each case, including the regulated activities which the firm has permission, or is seeking permission, to carry on (COND 2.5.6G(1));
- whether the firm has been convicted or is connected with a person who has been convicted, of any criminal offence; this must include, where provided for by the Rehabilitation Exceptions Orders to the Rehabilitation of Offenders Act 1974 or the Rehabilitation of Offenders (Northern Ireland) Order 1978 (as applicable), any spent convictions; particular consideration will be given to offences of dishonesty, fraud, financial crime or an offence under legislation relating to companies, building societies, industrial and provident societies, credit unions, friendly societies, banking, other financial services, insolvency, consumer credit companies, insurance, consumer protection, money laundering, market manipulation and insider dealing, whether or not in the United Kingdom (COND 2.5.6G(2)); and
- whether the firm has contravened, or is connected with a person who has contravened, any provisions of the Act or the regulatory system (which includes the threshold conditions, the Principles and other rules, the Statements of Principle, codes and guidance) (COND 2.5.6G(4)).

The Enforcement Guide

14. The Authority's policy in relation to exercising its enforcement powers is set out in EG, certain provisions of which are summarised below.
15. EG 8.1.1 provides that the Authority may use its own-initiative power to vary or cancel the Part 4A permissions of an authorised person under section 55J of the Act where:
 - the person is failing or is likely to fail to satisfy the Threshold Conditions for which the Authority is responsible (EG 8.1.1(1)); or
 - it is desirable to exercise the power in order to advance one or more of its operational objectives (EG 8.1.1(3)).
16. EG 8.5.1(1) states that the Authority will consider cancelling a firm's Part 4A permissions using its own-initiative powers under section 55J of the Act in circumstances where the Authority has very serious concerns about the firm, or the way its business is or has been conducted.
17. EG 8.5.2 provides examples of the types of circumstances in which the Authority may cancel a firm's Part 4A permission on its own initiative including material non-disclosure in an application for authorisation or approval or material non-notification after authorisation or approval has been granted. The information which is the subject of the non-disclosure or non-notification may also be grounds for cancellation (EG 8.5.2(2)).