

The complaint

Mr M has complained about the quality of a car he acquired, using finance from Santander Consumer (UK) Plc.

What happened

Mr M took out a finance agreement with Santander for a used luxury car. But the following month, he contacted Santander to complain. He explained there was flaking paint, and once he'd put a shortened number plate on the car, he could see a different paint colour underneath. He also said there was a problem with the stop/start button – and that the car seemed to have been remapped.

An independent inspection was carried out. No faults were found with the stop/start button. However, it confirmed the issue with the paintwork under the rear number plate, and that the car had been remapped to increase its horsepower.

Santander didn't uphold Mr M's complaint. It said it required 'legal' registration plates to be placed on the car, which would cover the paintwork issue. It didn't comment on the remapping.

Mr M then brought his complaint to our service, and one of our investigators looked into what had happened. He noted that the car was second hand. So, it would be reasonable to expect that parts of the car might have already suffered wear and tear.

However, he considered the issue with the paintwork to be a defect, such that the car wasn't of satisfactory quality at the point of supply. As regards Santander's point about a 'legal' number plate, he hadn't seen any evidence that Mr M's number plate was illegal. But in any event, he didn't think Mr M should be expected to cover up a fault.

It's not in dispute that the car's been remapped. Mr M explained he's concerned this may affect the car's ongoing reliability, and it may cost more to service. Our investigator didn't feel there was evidence of that these things would happen, so there was no evidence of any detriment to Mr M.

Our investigator also said that Mr M had sent in evidence of some flaking paint on the alloy wheels, and that the front bonnet may be misaligned. But he wasn't able to determine when this may have happened. He also noted that these issues would have been visible at the point of sale. Accordingly, he didn't think Santander needed to do anything about these issues.

Overall, our investigator thought a reasonable resolution would be for Santander to arrange and pay for the paint around the number plate to be put right.

Santander agreed. Mr M responded to say he'd also like the front bonnet to be aligned, and the alloys repaired to a standard expected of such an expensive car.

The complaint's now been passed to me.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Having done so, I agree with our investigator – and for the same reasons he gave. I know this will be disappointing for Mr M, but I'll explain why.

Santander has agreed to meet the cost of the paintwork around the registration plate, so I won't comment further on this. I'm satisfied it's a fair resolution, as it's clearly a defect that Mr M couldn't reasonably have been aware of at the point of supply.

However, I'm satisfied that the potential misalignment, and the paintwork on the alloys, would in likelihood have been visible at the point of supply. Also, it's unclear when these issues happened. I know Mr M has paid a lot for the car, so he feels disappointed. But it's still the case that it's a used car, and that there will likely be wear and tear/maintenance issues. For all of these reasons, I'm not requiring Santander to put these right.

Finally, I've thought about the remapping. And I've not seen evidence that there's been any detriment to Mr M, or that there's likely to be in the future. So, I cannot comment further on this. If Mr M suffers detriment in the future, he may be able to bring a new complaint to our service.

Putting things right

To put things right, Santander should arrange with Mr M for the issue regarding the rear paintwork to be rectified, and to meet the cost of this.

My final decision

For the reasons given above, it's my final decision to uphold this complaint. I require Santander Consumer (UK) Plc to arrange with Mr M for the issue regarding the rear paintwork to be rectified, and to meet the cost of this.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 21 November 2023.

Elspeth Wood
Ombudsman