

## **The complaint**

Mr N complains about how Santander Consumer (UK) Plc, trading as Volvo Car Financial Services (who I'll call VCFS), handled a parking fine for a car he was financing through them.

## **What happened**

The details of this complaint are well known to both parties, so I won't repeat them again here. Instead, I'll focus on giving my reasons for my decision.

## **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.

I know it will disappoint Mr N, but I agree with the investigator's opinion. I'll explain why.

Where the information I've got is incomplete, unclear, or contradictory, as some of it is here I have to base my decision on the balance of probabilities.

I've read and considered the whole file, but I'll concentrate my comments on what I think is relevant. If I don't comment on any specific point it's not because I've failed to take it on board and think about it but because I don't think I need to comment on it in order to reach what I think is the right outcome.

Mr N acquired his car under a regulated consumer credit agreement and the processing of fine's that are referred to the business, who remain the owners of the vehicle, is ancillary to that activity, so our service is able to look into complaints about it.

### ***Where VCFS wrong to pay the fine and charge Mr N?***

Section 5.1.5 of the terms and conditions of Mr N's finance agreement explains that VCFS may pay charges for him, recover those charges from Mr N, and charge an administration fee. I don't, therefore, think they were unreasonable to do so.

### ***The provision of the penalty charge notice?***

VCFS clearly should have supplied a copy of the penalty charge notice to Mr N when he asked for it. They offered Mr N £25 in compensation for the distress and inconvenience caused and I think that was reasonable in the circumstances.

### ***Has Mr N been deprived of his right of appeal?***

VCFS have explained that they believe Mr N will still be able to appeal the fine even though the penalty has been paid. I'm not sure if that is the case as I think it's likely time had ran out by the time they issued their final response. That may mean that Mr N is unable to present an appeal, but in those circumstances, I think VCFS have been fair as they've explained

they will consider any appeal and provide a refund if necessary. VCFS are clearly not responsible for making decisions on any appeal, but I think their offer is a fair one. I say that because their early payment of the fine has avoided the charge being doubled if it wasn't paid in 14 days, I haven't seen any evidence to suggest an appeal would have been successful and that Mr N has, therefore, been financially disadvantaged, and because VCFS's action is likely to ensure Mr N isn't out of pocket even if he would have had a valid appeal.

### **My final decision**

For the reasons I've given above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr N to accept or reject my decision before 15 February 2024.

Phillip McMahon  
**Ombudsman**