

Complaint

Mr W has complained about a credit card Zopa Bank Limited ("Zopa") provided to him. He says he shouldn't have been provided with a credit card as it was unaffordable.

Background

Zopa provided Mr W with a credit card with a limit of £5,000.00 in August 2022. The credit limit on the card was never increased.

One of our investigators reviewed what Mr W and Zopa had told us. And she thought Zopa hadn't done anything wrong or treated Mr W unfairly. So she didn't recommend that Mr W's complaint be upheld.

Mr W disagreed and asked for an ombudsman to look at his complaint.

My findings

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

We've explained how we handle complaints about unaffordable and irresponsible lending on our website. And I've used this approach to help me decide Mr W's complaint.

Having carefully considered everything, I've decided not to uphold Mr W's complaint. I'll explain why in a little more detail.

Zopa needed to make sure it didn't lend irresponsibly. In practice, what this means is Zopa needed to carry out proportionate checks to be able to understand whether Mr W could afford to repay any credit it provided.

Our website sets out what we typically think about when deciding whether a lender's checks were proportionate. Generally, we think it's reasonable for a lender's checks to be less thorough – in terms of how much information it gathers and what it does to verify it – in the early stages of a lending relationship.

But we might think it needed to do more if, for example, a borrower's income was low or the amount lent was high. And the longer the lending relationship goes on, the greater the risk of it becoming unsustainable and the borrower experiencing financial difficulty. So we'd expect a lender to be able to show that it didn't continue to lend to a customer irresponsibly.

Zopa says it agreed to Mr W's application for a credit card after it obtained information on his income and carried out a credit search. And the information obtained indicated that Mr W would be able to make the monthly repayments due on a credit limit of £5,000.00. On the other hand, Mr W says that he shouldn't have been lent to given his existing debts at the time.

I've considered what the parties have said.

What's important to note is that Mr W was provided with a revolving credit facility rather than a loan. And this means that to start with Zopa was required to understand whether a credit limit of £5,000.00 could be repaid within a reasonable period of time, rather than all in one go. It's fair to say that a credit limit of £5,000.00 required reasonably sized monthly repayments, rather than the whole amount to be paid in one go, in order to clear the full amount owed within a reasonable period of time.

From the information provided, it looks like Mr W declared that he was employed and earning a minimum of £21,000.00 a year. There isn't anything to indicate that this wasn't accurate at the time. Indeed Zopa appears to have cross checked this against information from credit reference agencies on the amount of funds Mr W was receiving into his main bank account each month and this didn't suggest any inconsistency.

Zopa's credit check also did not indicate that Mr W had had any recent previous difficulties repaying credit – such as defaulted accounts or county court judgements - either. Furthermore, while Mr W had active debt balances of around £16,500.00 at the time of the application – this wasn't excessive compared to the validated income.

Nonetheless, I do think that given the amount being lent, there is a reasonable argument for saying that it would have been reasonable and proportionate for Zopa to find out a bit more about Mr W's regular living costs before offering the credit card. That said, having considered the evidence provided, I don't think that Zopa obtaining further information on Mr W's committed regular living expenses at the time, is likely to have led it to conclude that he did not have the funds to sustainably make the repayments due.

I've already explained why Zopa was entitled to rely on the income Mr W declared and it was entitled to rely on the debts it found about as a result of carrying its credit checks. And when Mr W's regular living expenses are added to what Zopa knew of his debts and it is deducted from what it knew about his income the payments to this card appear affordable.

I fully accept it's possible that Mr W's position might have been worse than what it looks like from the information I've been provided with. But it wouldn't be fair and reasonable for me to use hindsight here, or say that Zopa should have known this was the case at the time it was making its lending decision. This is especially as the available information provided does not show me that Zopa ought to have known that Mr W could not repay what he could owe at the time the lending decision was made.

So overall while I'm sorry to hear what Mr W has said about him finding it a struggle to make his credit card payments, I don't think that Zopa treated Mr W unfairly or unreasonably when providing him with his credit card.

In reaching this conclusion I've also considered whether the lending relationship between Zopa and Mr W might have been unfair to Mr W under section 140A of the Consumer Credit Act 1974 ("CCA").

However, for the reasons I've explained, I don't think Zopa irresponsibly lent to Mr W or otherwise treated him unfairly. And I haven't seen anything to suggest that section 140A CCA or anything else would, given the facts of this complaint, lead to a different outcome here. So I'm not upholding this complaint.

I appreciate this will be very disappointing for Mr W. But I hope he'll understand the reasons for my decision and that he'll at least feel his concerns have been listened to.

My final decision

For the reasons I've explained, I'm not upholding Mr W's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 2 September 2024.

Jeshen Narayanan
Ombudsman