

The complaint

Miss B complains that National Westminster Bank Public Limited Company trading as Mettle (Mettle) won't let her open a new account following its decision to close a current account in 2018.

What happened

Miss B applied for an account with Mettle which was declined in June 2024. Miss B complained to Mettle who issued its final response letter (FRL) on 4 February 2025 where it explained that it wasn't able to comment further on the decline of the account application.

Unhappy with this decision Miss B referred her complaint to our service. One of our investigator's looked into it, and they recommended it wasn't upheld. In summary, they said Mettle was able to make commercial decisions about who they offer their services to.

Miss B disagreed. She has said that this decision has affected her both financially and emotionally and would like Mettle to conduct an investigation into her account history. She asked for a decision by an Ombudsman, so her complaint was passed to me for a decision. I then sent both parties my provisional decision in which I set out that the complaint fell outside of our services jurisdiction. For reference, here is what I said:

'I have provisionally decided this complaint falls outside our service's jurisdiction. I appreciate this will disappoint Miss B, given we've previously provided an opinion on the merits of her complaint, but based on the information I currently have, I am unable to fairly conclude that Miss B is eligible to bring this complaint. I'll explain why.

I don't have a free hand to decide complaints. I must act within my powers which are set out by the Financial Services and Markets Act 2000 along with the Financial Conduct Authority's (FCA) Dispute Resolution (DISP) Rules, which form part of its handbook. These can be found on the FCA's website. Ombudsmen are required to work within the confines of the rules.

DISP 2.7 sets out who this service can consider complaints from – namely eligible complainants. Mettle offers bank accounts for sole traders and limited companies with up to two owners. They don't offer any accounts for personal customers.

So, the relevant part of DISP 2.7.3R to Miss B's complaint here says:

An eligible complainant must be a person that is:

...

(2) A micro-enterprise;

(a) in relation to a complaint relating wholly or partly to payment services, either at the time of the conclusion of the payment services contract or at the time the complainant refers the complaint to the respondent; or

(b) otherwise, at the time the complainant refers the complaint to the respondent

...

A micro-enterprise is defined within the rules as:

an enterprise which:

(a) employs fewer than 10 persons; and

(b) has a turnover or annual balance sheet that does not exceed €2 million

And, the glossary definition of micro enterprise in the FCA handbook makes clear that to determine whether there is a micro-enterprise, articles 3 to 6 of the Annex to the Micro-enterprise Recommendation (2003/361/EC) must be applied. In summary, the recommendation requires the above figures to include enterprises operating in the same or adjacent markets when linked through individuals who own or control them.

So, in order to determine Miss B's eligibility to bring this complaint as a microenterprise, she was asked to provide details of the business she says she runs as a sole trader – namely the turnover and balance sheet figures and number of employees. Miss B was also asked for information relating to the business she owns and controls, which is a limited company; and a website on which this limited company was referenced. It hasn't been disputed by Miss B that she is the director of the company or that the website relates to her business. And I find there to be a clear connection between the website and the company given the company was stated in the terms of service on the website, although I note reference to the company has since been removed from those terms. Given this I find the questions asked of Miss B are necessary and appropriate to determine jurisdiction in relation to an eligible complainant.

The information that was asked of Miss B is also important to make sure the correct legal person is bringing this complaint - whether that is Miss B as a sole trader or that of the limited company, which has its own legal personality separate to her. That would require our service to understand what the nature of the business is that she runs as a sole trader and how this relates to the nature of the business of the limited company. The reason for this is it is important that any determination on the merits of a complaint is addressed to the correct legal person, otherwise that determination would not be enforceable.

Miss B asked on what basis this service was linking her to this limited company. Companies House holds a record of someone matching Miss B's personal details, to the extent that I'm satisfied it is the same person, being listed as a director of this limited company. And as I've set out above it hasn't been disputed by Miss B that she is the director of the company. Miss B has also explained that the limited company is not dormant and so for the reasons explained above I find it necessary for us to have requested the information we did.

Miss B is unable to bring this complaint in her personal capacity as a 'consumer' - another category of complainant listed in DISP that can bring complaints to our service. The glossary definition of consumer in the FCA handbook is:

'any natural person acting for purposes outside his trade, business or profession.'

And because Miss B was applying to open an account for her business she wouldn't therefore be acting outside of her trade, business or profession.

Miss B, despite multiple requests, has not provided this service with the information it has sought regarding her business and any potentially linked enterprises. I am therefore unable

to determine if she is eligible to bring a complaint to our service as a microenterprise, and so I am unable to satisfy myself that her complaint falls within our jurisdiction.'

Miss B responded to my provisional decision disagreeing with my findings. Amongst other points raised, she disagreed that she ever explained the limited company is not dormant and said that she submitted both the application to Mettle and the subsequent complaint as a sole trader. Following further correspondence with Miss B after her disagreement, where I explained why the information was required, she has said that Companies House is showing the limited company as dormant. Miss B has also said that her sole trader business doesn't employ over 10 people and has a turnover or annual balance sheet of less than €2 million.

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.

Jurisdiction

Miss B has said that she did not inform us the limited company is not dormant. However, in response to an email this service sent to her where it was stated that the limited company looked to have been showing as dormant on Companies House since 2021 Miss B said that this was incorrect. I'm therefore satisfied that at the time a natural conclusion to this was to believe Miss B's intention was to explain that company was not dormant.

I appreciate Miss B has stated that both the application to Mettle and subsequent complaint were made as a sole trader however for the reasons I gave in my provisional decision, we are required to additionally assess the details of any linked enterprises in order to determine a complainant's eligibility. Miss B has said that Companies House is showing the limited company as dormant – although I note that she has not herself given personal confirmation of this but has rather pointed to what Companies House reflects. If I treat this as the case and accept the limited company is dormant, ignoring the fact it was until recently listed on a website that is offering goods for sale that Miss B hasn't disputed relates to her business, then the business that Miss B says she runs as a sole trader is the only one for which we need to determine eligibility. I say this because a dormant company wouldn't contribute to being a linked enterprise as it is unlikely to have employees it is actively paying given its status or a significant turnover given it would not be actively trading and so would not breach the threshold for being considered a micro-enterprise; as set out in my provisional decision.

Miss B has said that her sole trader business doesn't employ over 10 people and has a turnover or annual balance sheet of less than €2 million which will mean that it also falls within the definition of a micro-enterprise that I set out in my provisional decision. Therefore, I find that this complaint falls within our jurisdiction and is one that I am able to consider the merits of.

So, I have gone on to consider the merits of this complaint.

Merits

This decision deals with Mettle's decision to not open a new account following National Westminster Bank's (NatWest's) previous decision to close Miss B's previous account in 2018. Both NatWest's actions in 2018 and its more recent actions in refusing a new account to Miss B in its own name (not Mettle's) have been referred to and dealt with by

this service in separate complaints – I have not considered them here.

I have decided not to uphold this complaint. I'll explain why.

It's generally for banks and financial businesses to decide whether or not they want to provide, or to continue to provide, banking facilities to any particular customer. Unless there's a very good reason to do so, this service won't usually say that a bank or financial business must onboard, or keep, a customer.

Mettle is entitled to choose who they accept as a customer in the same way that Miss B is entitled to choose who she banks with. As I've previously explained I won't be making a finding on NatWest's actions in 2018 but I can however take them into account when deciding if Mettle have treated Miss B fairly in these circumstances. Having done so, and considering all of the available information, I'm satisfied Mettle did nothing wrong in declining Miss B's application. I'm also satisfied that Mettle does not need to provide detailed reasoning behind this.

I know Miss B has said she would like a formal investigation to take place by Mettle if it suspects her of any wrongdoing but it is under no obligation to do this. I find that it is able to decline Miss B's application in the way that it has and I don't require it to conduct a further investigation.

I'm sorry to hear of how this has affected Miss B but as I don't find that Mettle have done something wrong or acted outside of their commercial discretion, it wouldn't then be appropriate for me to award any compensation for any distress or inconvenience their decision has caused.

My final decision

For the reasons above, I have decided not to uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss B to accept or reject my decision before 5 December 2025.

Mark Louth
Ombudsman