

## **complaint**

Mr V complains that Anthony Grant Clayton, trading as Wentworth Direct Finance, took a payment from his account when it was not authorised to do so.

## **background**

Mr V asked Wentworth Direct Finance to find him a loan. He says that he was told that he was guaranteed a loan and that the fee would only be taken once the loan was approved. Mr V's application for a loan was refused but a fee was charged. He complained to Wentworth Direct Finance but was not satisfied with its response so complained to this service.

The adjudicator recommended that this complaint should be upheld. She concluded that Wentworth Direct Finance had taken the fee when it was not authorised to do so. She recommended that Wentworth Direct Finance should refund the fee, with interest, and that it should pay £50 to Mr V to compensate him for the distress and inconvenience that he had been caused.

Wentworth Direct Finance has not responded to the adjudicator's recommendation.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

A £69.95 fee was taken from Mr V's account in May 2012 and is shown on Mr V's account statement as "*Card payment to Wentworth Finance*". Wentworth Direct Finance has not produced any evidence to show that it was entitled to take the payment and it has not responded to the adjudicator. I therefore consider that it would be fair and reasonable for Wentworth Direct Finance to refund the fee, with interest, to Mr V and that it should pay him £50 compensation.

## **my final decision**

For these reasons, my decision is that I uphold Mr V's complaint. In full and final settlement of it, I order Anthony Grant Clayton, trading as Wentworth Direct Finance, to:

1. Refund £69.95 to Mr V.
2. Pay interest on that amount at an annual rate of 8% simple from the date of payment to the date of settlement.
3. Pay £50 to Mr V to compensate him for the distress and inconvenience that he has been caused.

If Wentworth Finance Direct deducts tax from the interest element of my award, it should send Mr V a tax deduction certificate when making payment. He can then use that certificate to reclaim the tax if he is entitled to do so.

Jarrold Hastings  
**ombudsman**