

complaint

Mr W complains about a debt that Regal Credit Consultants Limited is trying to collect. He says he is disputing the debt and is unhappy that he is being asked to repay the debt. He is also unhappy about the way Regal Credit Consultants has tried to collect the debt and the contact it had with him.

background

The case was considered by one of our adjudicators, who did not recommend it be upheld. In summary, she was satisfied that Regal Credit Consultants was able to seek recovery of the debt from Mr W; she did not think the contact with Mr W was overall unreasonable and didn't amount to harassment; a court would need to consider whether the debt was actually enforceable; and, it was not unreasonable to agree to remove his telephone number from its systems for only 14 days.

Mr W accepted some of the adjudicator's conclusions but he was particularly unhappy that she felt it was reasonable for Regal Credit Consultants to only remove his telephone number for 14 days.

As the complaint could not be resolved informally it has been referred to me for consideration.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Having done so, I have come to the same overall conclusions as the adjudicator, for what are broadly the same reasons.

Regal Credit Consultants is authorised by the Financial Conduct Authority (FCA) for the regulated activity of debt collection, which is the activity it is engaged in with Mr W. The debt is from a hire agreement and despite Mr W's understanding this is a type of credit. The type of hire agreement means that it is not a regulated consumer credit agreement, as set out in the Consumer Credit Act. The debt does not however need to be a *regulated* consumer credit agreement for Regal Credit Consultants to attempt to collect the debt.

Mr W says that the debt is in dispute but from the evidence presented I am not persuaded that is actually the case. It is clear that Mr W believes he should not have to pay the debt but that does not however demonstrate the debt is in disputed or therefore that Regal Credit Consultants should refrain from collection activity. Mr W's complaint against the originator of the debt was considered but not upheld.

Having considered the circumstances here, I am satisfied that Regal Credit Consultants is sufficiently authorised to seek recovery of the debt and that it is actually reasonable here to contact Mr W about repayment of the debt.

Mr W is unhappy about the contact he's received from Regal Credit Consultants but the frequency of contact does not seem unreasonable in my view. Regal Credit Consultants did seek clarification when Mr W first raised an objection and it swiftly responded to him to explain what the original creditor had said about the debt.

I have listened to some telephone calls between Mr W and the agents of Regal Credit Consultants. It is clear from the calls that the parties did not agree with each of the points the other party had raised and that some of the conversations did not go as Mr W would have liked. However, it was Mr W that was increasingly animated through some of the calls and not the agents at Regal Credit Consultants. One of the calls was terminated by the agent at Regal Credit Consultants and although this may have been somewhat unnecessary, in my view, it was clear that no amicable agreement was ever going to be reached during that call. On balance, and considering Mr W's conduct during the calls, I do not think Mr W was dealt with in an unhelpful or discourteous manner.

Mr W asked Regal Credit Consultants to remove his telephone numbers from its records and he is correct that the rules around debt collection do say that a business should adhere to any specific contact requests. Regal Credit Consultants did agree to remove the telephone numbers but said it would only do this for 14 days. If a debtor did then engage with the collection agent through other means I agree that it would be unreasonable for the collection agent to then recommence telephone contact with the debtor. No further collection activity was I understand attempted with Mr W, so Regal Credit Consultants' actions do not seem that unreasonable.

I have noted what Mr W says about this being a data protection issue but this is something the Information Commissioner's Office will be able to clarify in more detail as I understand Mr W is considering taking this issue further.

While I appreciate Mr W will remain unhappy about my decision I am not persuaded there are sufficient grounds to uphold this complaint as I do not think he has been treated unreasonably or unfairly.

my final decision

My final decision is that I do not uphold this complaint and I make no award or direction against Regal Credit Consultants Limited.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr W to accept or reject my decision before 30 December 2014.

Mark Hollands
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