

complaint

J, a sole trader complains that Santander UK Plc has applied bank charges to its account. It says that these charges have caused it problems and made its financial situation worse. J is represented by its proprietor, Mrs K.

background

Mrs K says Santander has applied fees and charges to her account without her agreement. She says that there's no contract in place between her business and Santander that allows it to make these charges – so Santander should refund these fees.

Santander rejected this complaint. It said all the fees and charges had been applied in accordance with the account terms and conditions. But it said it'd refunded £137 of the charges as a gesture of goodwill.

Our adjudicator looked at this complaint and said he didn't think it should be upheld. He explained that the charges had been applied in line with the terms and conditions of the account. And he explained that a Supreme Court ruling in 2009 meant that we couldn't say the charges were unfair or too high.

Mrs K is unhappy and she asked for an ombudsman to review the case and issue a final decision.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I've reached the same conclusion as the adjudicator, for similar reasons.

I have some sympathy with Mrs K – she says the charges have had a severe impact on her business – they've affected its operational viability. So I've looked at J's account statements but I've seen no evidence that the charges were applied other than in line with the terms and conditions of account. And because of the Supreme Court ruling, I can't find them to be unfair or excessive.

I'm sorry to disappoint Mrs K. But it follows from what I've said that I won't be asking Santander to refund any of the charges, as she'd like it to do.

my final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs K, on behalf of J to accept or reject my decision before 13 November 2015.

Andrew Macnamara
ombudsman