

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1631

Date of Decision: 24 December 2019

#### Complaint

The customer states that he is experiencing inadequate water pressure. He requests that the company increase the pressure in its network or provide another solution.

#### Defence

The company states that it is supplying the required level of water pressure. It has worked with the customer to resolve his problem, but believes this is a private issue.

The customer was made a goodwill payment of £150.00.

#### Findings

The customer has not established that the company failed to provide its services to the standard to be reasonably expected by the average person.

#### Outcome

The company does not need to take any further action.

The customer must reply by 24 January 2020 to accept or reject this decision.

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# ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /1631

Date of Decision: 24 December 2019

## Party Details

Customer: [ ]

Company: [ ]

## Case Outline

### The customer's complaint is that:

- He is the freeholder of a property containing 5 flats.
- There were no problems with water pressure from when he purchased the flats in 2008 until 2017.
- The customer's tenant on the top floor complained of insufficient water pressure to operate the shower from 12:00 to 06:00.
- In 2017, the customer's previous tenant made the same complaint, but an adjustment by the company to the water pressure in its network resolved the issue.
- No changes have been made to the fixtures in the Property that would explain reduced water pressure.
- Insufficient water pressure impacts on his ability to rent out the flat on the top floor of the Property.
- He has coordinated with the company to resolve the issue, but the remedies suggested have not worked.
- The customer requests that the company restore water pressure to previous levels or provide another remedy.

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### **The company's response is that:**

- The Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008 identify a specific level of water pressure that the company must provide, of seven metres static head.
- The company is providing greater than this level of pressure at all times.
- The company has worked with the customer to resolve his issue, including taking actions that incurred costs.
- Raising water pressure levels can increase the risk of leaks elsewhere in the network.
- The company believes that the problem experienced by the customer is a private issue.
- The customer was made a goodwill payment of £150.00.

### **The customer's comments on the company's response are that:**

- Water pressure levels provided to the Property are lower than they were previously.
- If water pressure levels cannot be increased, a specialist water pump has been identified that would resolve the issue.
- The 2008 regulations were not in place when the flats were created and cannot be applied retrospectively.
- The possibility of installing a low pressure shower has not been properly investigated.

### **How is a WATRS decision reached?**

In reaching my decision, I have considered two key issues. These are:

1. Whether the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.
2. Whether or not the customer has suffered any financial loss or other disadvantage as a result of a failing by the company.

In order for the customer's claim against the company to succeed, the evidence available to the adjudicator must show on a balance of probabilities that the company has failed to provide its services to the standard one would reasonably expect and that as a result of this failure the customer has suffered some loss or detriment. If no such failure or loss is shown, the company will not be liable.

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I have carefully considered all of the evidence provided. If I have not referred to a particular document or matter specifically, this does not mean that I have not considered it in reaching my decision.

### How was this decision reached?

1. The customer argues that the Property is experiencing inadequate water pressure due to a reduction in water pressure levels by the company. However, in order to justify his claim, the customer must establish not only that he is experiencing the loss he claims because of an action by the company, but that in taking this action the company failed to provide its services to him to the standard to be reasonably expected by the average person.
2. As argued by the company, under the Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008, the company is obligated to maintain a water pressure of seven metres static head. While the customer has argued that the water pressure supplied by the company is lower than it was in the past, the company has satisfactorily established that it remains above the statutorily required level.
3. The customer emphasises that the Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008 did not exist when the flats in the Property were created, stating that relying on this regulation constitutes retroactive application of the law. However, retroactive application would require that the law be applied to pre-2008 disputes and that is not what is in question here.
4. Ultimately, the Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008 reflect a decision by the government regarding the proper allocation of responsibilities and burdens between water suppliers and customers. In short, the regulations impose on water companies an obligation to provide a minimum water pressure to the border of properties, rather than obligating water companies to ensure a minimum water pressure is delivered to showers, taps, etc. within a property. The government could, of course, have chosen the latter approach, but chose instead to limit the obligation of water companies and instead place certain burdens on customers with respect to their own properties and fixtures.
5. Moreover, when adopting the Regulations in 2008, the government could have chosen to mandate that even if a water company was supplying the required minimum water pressure, if

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its decision to reduce water pressure impacted a customer negatively, it was obligated to remedy that impact. No such obligation was included in the Regulations, reflecting again the allocation of responsibilities and burdens chosen by the government, even when a water company's actions negatively impact customers.

6. Consequently, on the balance of the evidence available to me, I must find that even if it were accepted that the problems experienced by the customer result from actions taken by the company, those actions would not reflect a failure by the company to provide its services to the customer to the standard reasonably expected by the average person, as they would have been actions the company was allowed to take under the applicable regulatory scheme.
7. I acknowledge that the average person would also expect that where a customer is harmed or inconvenienced by an action taken by the company, even if it was an action it was legally entitled to take, that the company would work with the customer to attempt to resolve the problem.
8. I find, however, that the company has fulfilled this obligation and has made reasonable efforts to assist the customer in resolving the problem he is experiencing. The customer has identified that a specialist water pump or a low pressure shower could be a solution, but given that provision of either of these items would incur a cost to the company, I do not find that the company can be required to provide them, given that the problem experienced by the customer did not result from any wrongdoing by the company.
9. Consequently, for the reasons given above, the customer's claim does not succeed.

#### **Outcome**

The company does not need to take any further action.

#### **What happens next?**

- This adjudication decision is final and cannot be appealed or amended.

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- The customer must reply by 24 January 2020 to accept or reject this decision.
  - When you tell WATRS that you accept or reject the decision, the company will be notified of this. The case will then be closed.
  - If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision.
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Tony Cole

**Tony Cole, FCI Arb**

**Adjudicator**

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