

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1754

Date of Decision: 9 January 2020

Complaint

The customer's claim is that the company has wrongfully charged wastewater charges in the summer months as he is not using the full wastewater drainage at his property during this period. The customer is seeking a reduction in the cost of his summer wastewater charge.

Defence

The company submits the wastewater volume charge is an assessed charge determined by reference to 92.5% of the volume of water consumed as recorded by the customer's water meter rather than the loading entering the sewer network. The customer is not eligible for any rebate as he has not demonstrated to the company that his wastewater drainage is less than 92.5% of the volume of water supplied. For the customer to become eligible for a rebate on the charges he must modify his drainage to divert wastewater from the public sewers to the customer's own soakaway, installing a separate water supply to the part of the customer's premises where waste water does not return to the sewer or install a sub meter to show that his wastewater drainage is less than 92.5% of the volume of water supplied, to date, the company is unaware of any such modifications being made. The company has not made any further offers of settlement.

Findings

I am satisfied the company has not failed to provide its services to the standard to be reasonably expected with regard to the wastewater charges.

Outcome

The company needs to take no further action.

The customer must reply by 6 February 2020 to accept or reject this decision.

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Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- The customer's claim is the company has wrongfully charged wastewater volume charges during the summer months as he is not using the full wastewater drainage at his property during the summer months.
- The customer is seeking from the company a reduction of his summer wastewater volume charges to reflect the fact that he is not using the full wastewater drainage at his property during the summer compared to the winter months.

The company's response is that:

- The wastewater volume charge is an assessed charge determined by reference to 92.5% of the volume of water consumed as recorded by the customer's water meter rather than the loading entering the sewer network.
- The customer is not currently entitled to any rebate as he has not demonstrated to the company that his wastewater drainage is less than 92.5% of the volume of water supplied.
- For the customer to become eligible for a rebate on his wastewater charges he must install a sub meter to show that his wastewater drainage is less than 92.5% of the volume of water supplied; or install a separate water supply to the part of the customer's premises where waste water does not return to the sewer or with regard to surface water charges modify his drainage to divert surface waste water from the public sewers to the customer's own soakaway. To date, the company is unaware of any such modifications being made.

How is a WATRS decision reached?

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

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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.

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 dispute centres on whether the customer is entitled to be reimbursement of his wastewater charges as he is not using the full surface water drainage at his property during the summer compared to the winter months. The company is required to meet the standards set out in OFWAT's Charges Scheme Rules and the Water Industry Act 1991.
2. From the evidence put forward by the customer and the company, I understand that the charges raised by the company for wastewater services are comprised of a wastewater standing charge; a surface water drainage charge; a highway drainage charge and a wastewater volume charge. The evidence shows that it is the is the wastewater volume charge, which is the aspect of the charge that is disputed by the customer. The customer states that during the summer months his wastewater volume is reduced as a considerable part of his water usage does not return to the public sewerage system as it is used for gardening.
3. As shown in the company's defence, the wastewater volume charge is an assessed charge determined by reference to 92.5% of the volume of water consumed as recorded by the water meter. The evidence shows that the company does not charge for 100% of the water consumed as recorded by a water meter and when calculating the wastewater volume charge, an allowance of 7.5% is applied to take into account any water which does not return to the public sewerage system. As required by OFWAT Charging Scheme Rules, the company's customers

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are to be treated equally and to comply with this the evidence shows that the company applies an allowance of 7.5% as standard. The company states that this allowance takes into account a 5% allowance for water not returning to the sewer and an additional 2.5% for water used for other purposes, such as for gardening. The company states that in some instances, a customer may apply for a Non Return to Sewer ('NRTS') allowance which, if agreed, will calculate wastewater volume charges based on a reduced percentage. With the exception of a surface water drainage rebate a NRTS allowance is the only instance in which a customer may obtain a reduction to wastewater charges being billed. As shown by the company's defence documents in order to obtain such an allowance, the customer must show that the volume of water discharged from his premises is consistently less than 92.5% of the volume of water supplied. After careful analysis of the evidence put forward by both parties, in my view, the test for any rebate is whether the wastewater drainage is less than 92.5% of the volume of water supplied, rather than if the property is connected to the company's sewage assets then how much usage occurs.

4. The company's Charges Scheme details within Part 3 Paragraph 2.3 the processes for applying the NRTS and the requirement that the volume of water discharged from the customer's premises is consistently less than 92.5% of the volume of water supplied. I find that the company's policy is in accordance with its regulatory obligations and once it is established that the volume of water discharged from the customer's premises is consistently less than 92.5% of the volume of water supplied, a reduction in charges will apply. Therefore, after careful analysis of the evidence, I agree with the company's interpretation that the customer must show that the volume of water discharged from his property is consistently less than 92.5% of the volume of water supplied for the purpose of NRTS allowance.
5. Whilst I have sympathy for the customer's position, I find from the evidence provided that the customer has not established that the volume of water discharged from his property is consistently less than 92.5% of the volume of water supplied for the purpose of a NRTS allowance. It matters not, whether in the summer months it is less, it must be less for the full year to fall within the scope of the allowance. The evidence shows that the customer's summer and winter usage does not vary significantly. In light of the above, I am satisfied the company did not fail to provide its services to the customer to the standard to be reasonably expected in this respect. Therefore, the customer's claim is unable to succeed.
6. In light of the above, I find the customer has not proven the company failed to provide its services to the customer to the standard to be reasonably expected by the average person with

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regard to the wastewater volume charge, nor has the customer proved the company failed to provide services to the standard to be reasonably expected when investigating these issues.

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.
- The customer must reply by 6 February 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 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.



**Mark Ledger FCI Arb
Adjudicator**