

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0928

Date of Decision: 19 November 2018

Complaint

The customer has reported numerous sewer flooding incidents to the company. The company has placed the customer on a planned maintenance programme where the line is inspected every six months. The customer submits that inspections should be more regular, around every two to three months.

Defence

The customer is the only affected resident of the sewer blockages. It has delivered 'Bin It Don't Block It' leaflets to the neighbourhood. Cleaning the sewer is substantial work for location-specific reasons; lane closures, traffic lights, parking bay suspensions and diversions are required. The cost of this work will be in excess of £10,000.00 before the job is started.

Findings

The blockages are caused by third party mis-use of the sewer. The company has agreed to take a pro-active approach to cleaning the customer's sewer, however this presents a great logistical challenge. The customer is the only resident affected. Six monthly inspections represent a reasonable balance between the severity of the issue and the costs involved in inspecting the sewer. The planned programme may be delayed due to factors beyond the company's control and it may therefore not operate on a strictly six-monthly basis.

Outcome

The company does not need to take any further action.

The customer must reply by 17 December 2018 to accept or reject this decision.

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /0928

Date of Decision: 19 November 2018

Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- The customer has reported a history of sewer flooding incidents to the company. There are blockages affecting the sewer network that serves her property, causing sewer flooding issues and restricted toilet use. The company has placed the customer on a planned maintenance programme where the line is inspected every six months. The customer believes that this is too long and that inspections should be conducted more regularly, about every two to three months. The issue has caused the customer considerable stress, with the customer's children having to stay at other premises and the customer paying for an inadequate service.
- The customer requests more regular inspections are conducted.

The company's response is that:

- The company submits that the sewer blockages are due to third party mis-use, causing rags, fat, oil and grease to enter the sewer. The company has made a policy decision to complete the planned maintenance programme every six months. Cleaning the sewer is a substantial job. It incorporates five road lane closures, [] (MNO) approved 4-way traffic lights on a box junction, multiple parking bay suspensions and multiple diversions. The cost of drawing up plans and involving contractors is in excess of £10,000.00 before the company starts the job. The company must comply with national traffic management rules and MNO's rules. Plans must be submitted and approved and may be disrupted by other contractors, overruns, or cancellations up to three days prior to the works. The company has delivered 'Bin It Don't Block It' leaflets to

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the neighbourhood and it will redeliver the leaflets and speak to customers in due course. The customer is the only affected resident of the sewer blockages at this time. The company must make decisions based on the severity of the situation and the work required. The company believes that six-monthly inspections are sufficient at this time.

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.

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 has reported blockages with the sewer to the company on numerous occasions between 9 November 2014 and 1 May 2018. A total of nine incidents have been reported with the dates indicating that these relate to around five wholly separate incidents.
2. I am mindful that the cause of the blockages is sewer mis-use by people in the local area, causing inappropriate items to enter the sewer, such as rags and grease, causing blockages. This is outside of the company's control; however, I note that it has taken steps to educate those in the local area about sewer misuse through its Don't Block It Bin It leaflet and plans to visit properties to talk to customers.

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3. The company has also agreed to a pro-active preventative approach to the customer's issue by implementing a planned maintenance programme. This will enable the company to keep on top of any blockages that may be forming and clean the sewer regularly.
4. I note that the company states that the customer is the only person currently affected by issues with the sewer. Whilst I accept that the blockages have a severe impact on the customer's ability to live at her property, I am mindful that the severity of the issue is less than if the issue affected multiple customers or causing flooding into the roadway.
5. I also note that the location of the company's sewer is such that the planned maintenance programme requires major road lane closures, diversions and traffic lights. Further, the company must comply with both national traffic management rules and any further rules set by MNO. I am satisfied that cleaning the company's sewer in the customer's area presents a great logistical challenge.
6. I also find that the company's plans, once agreed, may nevertheless be cancelled for reasons outside of the company's control. This may occur where contractors for other parties, such as gas or electric utilities, have an emergency situation or where their scheduled works overrun.
7. I am satisfied that the cost of the planned maintenance programme must be balanced against the scale of the issue. Whilst the issue does affect the customer greatly, she is the only customer that is affected. The work required to operate the planned maintenance programme is extremely large.
8. I am satisfied that the company has fully considered the severity of the customer's situation when determining if the situation was one suited to a planned maintenance programme. I find that six-monthly maintenance visits represent a proportionate balance between the severity of the issue and the expense and time involved in arranging the programme. The customer should also note that, even where the company properly arranges the visits on a six-monthly basis, there is always a possibility that the visits will be delayed due to factors outside its control. The maintenance programme may therefore only operate on an approximately six-monthly basis, due to the complexity of the planning work required and the vulnerability of the work to matters beyond the company's control, such as emergencies or overruns by another contractor's work.

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9. In view of this, I am not persuaded that the company has fallen below the standard reasonably to be expected of a water supplier in how it has handled the customer's complaint of sewer blockages and efforts to stop these recurring. The customer's claim is therefore unable to 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.
- The customer must reply by 17 December 2018 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.



Alison Dablin, LLM, MSc, MCI Arb

Adjudicator

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