

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT-X121

Date of Decision: 8 March 2021

Complaint

The customer says that she has been experiencing odours within her property for many years. The customer has, at her expense, engaged two separate drainage companies to conduct investigations into the drainage systems around her property. The customer says these investigations have shown no faults or defects in the drainage systems.

The customer believes that as there are no faults in her private drainage systems, these odours are coming from the company's sewer systems.

The customer seeks a payment of £397.00 from the company in respect of the drainage surveys she has had conducted. The customer also requires that the company stops releasing odours into her property.

Defence

The company first received reports of odours from the customer in 2012. It says that it has attended her property on a number of occasions and conducted various investigations into the matter. The company says that it has found no problems with its systems.

The company considers that the issue is related to a problem with the customer's private drainage pipework. It reports that a belly had been discovered in a pipe and that may result in stagnant water giving rise to odours.

The company considers it has no liability in respect of the odours experienced by the customer and rejects the customer's claim.

Findings

The reports provided by the customer in relation to the surveys she had commissioned show conflicting information. One report says a belly had been discovered in a pipe. The other report says that there are no structural or service problems with the customer's underground drainage pipework. Neither report suggests the problem lies with the company's systems.

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The evidence therefore does not establish that the company has failed to meet the standards to be reasonably expected.

Outcome

The company does not need to take any further action.

The customer must reply by XXXX to accept or reject this decision.

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Party Details

Customer:

Company:

Case Outline

The customer's complaint is that:

- There have been long standing issues with odours in the customer's property. The customer believes these are from the company's sewer network. Many incidents have been reported to the company over the last eight years.
- Private contractors have carried out surveys of the drains at the customer's property. The contractors have found no faults or defects on the customer's private drainage systems. The contractors believe that issues lie with the company and the company should address the problem.
- The customer believes that the company is controlling the pressure in the pipework and the odours that are released into the customer's property.
- The customer requests that the company stops releasing odours into her property.

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- The customer seeks payment of £397.00 in respect of costs incurred for private contractor surveys.
- The customer has made comments on my preliminary decision which I have addressed at the end of this decision.

The company's response is that:

- Since 2012, the customer has reported 17 occasions of odour problems. No other neighbours in the area have reported odour issues inside or outside their properties.
- The company has visited the customer's property on a number of occasions and has carried out investigations. The company has found no defects or faults in its systems. The company believes the odours are coming from inside the customer's private drains or from within the property. The customer has been advised to contact her insurers.
- The company will not reimburse any of the customer's costs. The company considers there are no payments due under the Guaranteed Standards Scheme (GSS). The company will not consider any further concessions as it believes this is a private matter.

How is a WATRS decision reached?

In arriving at my decision, I have considered two key issues:

1. Whether the company failed to provide services to the customer according to legislation and to standards reasonably expected by an average person.
2. Whether or not the customer has suffered any financial loss or other disadvantage as a result of a failing of the company.

In order for the customer's claim against the company to succeed, the evidence available to the adjudicator must show on the balance of probabilities that the company has failed to provide its services to the standard one would reasonably expect and as a result of this failure, the customer

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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 I have not considered it in reaching my decision.

How was this decision reached?

1. The customer says that she first made the company aware of foul odours permeating her house in 2012. Issues have been ongoing since then and the matter has been repeatedly reported to the company. The customer notes that the odours have been much worse during the past year and have been reported daily to the company vis SMS.
2. The odours occur intermittently throughout the day and night and the customer complains of sore throats, headaches and nausea. The customer says the odours vary in strength and include different smells at different times. Odours can affect different rooms or the whole house.
3. The customer says that she has engaged two different companies to inspect and survey the drainage pipes and manholes around her property. She says that the companies have found no blockages or defects.
4. The customer believes the odours are gases released through the sewer network and this release is controlled by the company opening and closing valves within their systems.
5. The company says that it has attended the customer's property on many occasions dating back to 2012. It says that it has carried out a number of investigations including CCTV surveys and jetting the sewer in an attempt to identify the source of odours. The company also contacted local residents and organisations to remind them of the need to ensure non-flushable items were not disposed of through the drains.
6. The company reports that the results of its investigations showed no faults or restrictions in the public sewer that could constrict the pipes or hold the flow. The company says that it had

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discovered a belly, which I take to mean a dip, in the customer's private pipework under the property that held water and had the potential to become stagnant and odorous. It says that, as a goodwill gesture, it jetted the private drains to clear the stagnant water but noted this was only a temporary measure. The company notes that the foul odours reported had not been present when it, or its contractors, attended the site.

7. The company has responded to the customer's comments concerning the release of gases by the company. The company says that gases are naturally created within the sewer and cannot be added by the company. It also says that it is not possible to start or stop gases or pump them into a property.
8. The company has provided a summary of a number of further reports of odours from the customer. It notes that it attended the customer's property on several occasions and undertook various inspections. The company says that its inspection showed no faults or blockages in its systems.
9. Following the various surveys and inspections, the company's position is that it has found no faults, defects or blockages in its network. The company concludes that there is nothing that indicates the odours result from any problem with its systems. It has identified a belly in the customer's pipework and considers this to be the most likely cause of the problems experienced by the customer.
10. The customer's says that she has had her drainage systems inspected by two separate companies. Both companies have concluded that there are no faults or blockages within the customer's private systems. The customer's position is that the odours result from the company's working practices and that sewer gases are released into the systems causing seepage into her property.
11. It is evident that the customer has experienced ongoing problems with odours in her property for a number of years. Two drainage companies have been engaged by the customer to carry out inspections of the customer's private drainage systems. The company has also carried out a number of inspections since the complaint was reported to them in 2012.
12. A receipt dated 20 November 2014 from a drainage company includes a description of the works ("the 2014 report") carried out as follows:

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“Attended site to clear blockage. Jetted upstream to clear kitchen sink line to improve bad smell. Look see shows belly in pipe. Unable to guarantee smells will stop. Advised liner may help with smells.”

It is understood this company was engaged by the customer. There is no indication in the description of work in which section of pipe the belly was noticed. Reference is, however, made to bad smells.

13. A more comprehensive report dated 3 July 2020 (“the 2020 report”) from a different drainage company includes copies of photographs and details of the surveys carried out. The survey appears to have covered all of the customer’s underground foul water drains. It notes the inspection purpose as “Routine Inspection”. There is no indication in the report of the “belly” reported as being present in the 2014 report. The 2020 report noted that all inspected pipes were in an acceptable structural and service condition. There is no indication that there was any standing water in any pipe. I could see no mention in the report of any odours. The report summary states, “No defects noted, and the system is in a sound structural condition.”
14. The company considers that the belly in the pipe that had been reported was able to hold stagnant water and that may be the source of the odours affecting the customer. The company has provided a copy of an email dated 26 November 2016 to the customer. That email says that the conclusion from the surveys was that a belly existed in the pipework under her property which had the potential to collect water that would become odorous. The company says that it has been unable to locate a copy of the CCTV survey identifying the belly.
15. There is conflicting information in the reports from the drainage companies in respect of the reported belly. The 2014 report refers to a belly in a pipe. No further evidence has been provided that a belly exists. The 2020 report makes no reference to a belly and the photographs provided do not appear to show any belly. However, irrespective of whether or not a belly exists, neither report draws any conclusion concerning the possible source of odours experienced by the customer. The 2020 report makes no reference to odours.
16. I fully appreciate this is a serious matter for the customer that has been ongoing for many years. I also understand the customer’s concerns about her health and the impact this is having on her. However, I can see nothing in the evidence provided that indicates the source of

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the odours permeating the customer's property is the company's systems. Neither of the reports from the two drainage companies engaged by the customer suggests the company is responsible. The company has also conducted a number of investigations and has been unable to reach a definitive conclusion. The company has suggested that the cause is related to a belly in the pipework below the customer's property. However, there is conflicting information about whether such a belly exists.

17. The customer claims that the company is responsible for the odours she has experienced. In order to determine that the customer's claim is valid, the evidence needs to show that the company has failed to provide its services to a standard to be reasonably expected. The company has conducted various investigations into the problem that includes surveys of the drains and jetting the drains to ensure they are running freely. No evidence has been provided that shows the problem is related to a failure on the part of the company. I also find no evidence that suggests the company is releasing gases into its systems or that there are gases in the system that do not occur naturally.
18. In the absence of evidence showing that the cause of odours is related to defects in the company's systems or the company's operating procedures, I am unable to find that the company is responsible for the problem.
19. The customer's claim therefore fails.
20. I have also considered the company's performance in relation to the GSS. The GSS sets out the minimum standards of service customers are entitled to expect from water or sewerage undertakers. This includes response times to written complaints and keeping of appointments arranged with customers. Under the GSS, where a company fails meet the required standards, the company must make an automatic payment to the customer.
21. From the information provided, I could find nothing that indicates the company has failed to meet any of the required standards as set out in the GSS. I therefore make no direction on this matter.
22. The customer has provided comments on my preliminary decision. I have addressed these comments below.

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23. The customer has repeated that there is no evidence a belly exists in her drainage systems. The customer also repeats her belief that odours are caused by the company's odour suppression management, venting management or other working practices. She believes that this decision has not taken these factors into account.
24. In relation to the pipe belly, I have dealt with this and noted that there is conflicting information from the contractors engaged by the customer. However, whether or not a belly exists, neither contractor's report indicates the problem has been caused by the company's systems.
25. In relation to the company's working practices, there is no evidence that indicates anything the company has done resulted in odours. I appreciate the customer believes the company is causing the problem, however, I have seen no evidence that supports this. If other nearby properties had also been affected, that would make it more likely the problem is associated with the company's systems or its method of working. Where only one property is affected, it is more likely that the issue is related to that property. I appreciate that one of the drainage companies engaged by the customer found no problems with the drainage systems inspected. However, its report showed no evidence the problem was related to the company's systems.
26. It is a fact that odours exist in sewer systems. These odours are normally prevented from entering a property by the property's own internal drainage systems. For example, water seals in drain traps prevent gases escaping into internal spaces; soil vent pipes open to the atmosphere vent any gases safely and prevent any pressure build up that could affect water seals.
27. Having reviewed the comments made by the customer, I make no changes to my decision.

Outcome

The company does not need to take any further action.

What happens next?

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- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by [date] to accept or reject this decision.

➤ ***[In cases where the customer has been awarded a remedy]***

- If you choose to accept this decision, the company will have to do what I have directed within 20 working days of the date on which WATRS notifies the company that you have accepted my decision. If the company does not do what I have directed within this time limit, you should let WATRS know.
- If you choose to reject this decision, WATRS will close the case and the company will not have to do what I have directed.
- If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision. WATRS will therefore close the case and the company will not have to do what I have directed.

➤ ***[In cases where the customer has NOT been awarded a remedy]***

- 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.

Signed



Name

Ian Raine (BSc CEng MIMechE FCI Arb MCIBSE)

Adjudicator

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