

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X203

Date of Decision: 04/03/2021

#### Party Details

Customer:

Company:

#### Complaint

The customer claims that the company has failed to maintain its nearby wastewater pumping station. These failures have led to periodic foul odours, which have caused a nuisance and led to inconvenience and distress. Furthermore, once her issues were raised, the company provided poor customer service. The customer is seeking the company to minimise any smells from the wastewater pumping station.

#### Response

The company says that on each occasion that the customer has contacted the company, it has taken her concerns on board and investigated whether there were any defects at the wastewater pumping station which could contribute to the odours. The company found no issues at the wastewater pumping station and that there was nothing further it could do to decrease the odours. The company has advised the customer to liaise with the Environmental Health Department, who would conduct an investigation and contact the company where appropriate. The company has not made any further offers of settlement.

#### Findings

I am satisfied that the company did not fail to provide its services to the customer to the standard to be reasonably expected, concerning identifying any defects with the wastewater pumping station and reducing any odours. However, I am satisfied there have been failings concerning customer service.

#### Outcome

The company shall pay the customer £50.00.

The customer must reply by 01/04/2021 to accept or reject this decision.

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## Case Outline

### **The customer's complaint is that:**

- The company has failed to maintain its nearby wastewater pumping station. • These failures have led to periodic odours, which have caused a nuisance and led to inconvenience and distress. • Furthermore, once her issues were raised, the company provided poor customer service. • The customer is seeking the company to minimise any odours from the wastewater pumping station.

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

- On each occasion that the customer has contacted the company, it has taken her concerns on board and investigated whether there were any defects at the wastewater pumping station, contributing to the odours. • The company found no issues at the wastewater pumping station and that there was nothing further it could do to decrease the odours. • The company has advised the customer to liaise with the Environmental Health Department, who would conduct an investigation and contact the company where appropriate.

## How is a WATRS decision reached?

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

- Whether the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.
- 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. 1. The dispute centres on whether the company has effectively been carrying out its duties at the wastewater pumping station to prevent the escape of foul odours.
2. The company is required to meet the standards set out in the Water Industry Act 1991.
3. Furthermore, the company also has certain obligations regarding its customer services as set out in the OFWAT Guaranteed Standards Scheme and the company's Customer Guarantee Scheme.
4. From the evidence put forward by the customer and the company, I understand the customer has experienced odours coming from the company's wastewater pumping station on multiple occasions before her contact with the company on 4 May 2020.
5. On 4 May 2020, the customer contacted the company to report unpleasant odours emanating from the company's wastewater pumping station. The evidence shows that the company investigated the wastewater pumping station the same day. However, no odours were detected, or faults found. Between 4 May and 10 June 2020, the customer contacted the company on numerous occasions requesting an update on the smells. On 10 June 2020, the company attempted to contact the customer, but to no avail and on 15 June 2020, the company sent an email advising that a Field Investigation Technician would visit the site and would contact her by telephone to report their findings.
6. On 18 June 2020, following further correspondence from the customer, the company advised that a Field Investigation Technician had visited the site on both the 4 May and 15 June 2020 and found no odours or faults. However, the Field Investigation Technician did note that on their visit of 15 June 2020, silage odours were detected from the local farmer's fields.
7. Further discussions then took place between the parties. However, the customer remained unhappy with the company's responses and following other correspondence, the company advised that it would perform a wet well clean and extra carbon filters would be ordered so that the filters could be changed more frequently.
8. Between 16 July and 21 October 2020, further correspondence took place between the parties concerning the continuing odours, the wet well clean and extra carbon filters. I understand that there were various delays during this period due to fabrication work required for the carbon filters. The evidence shows that the wet well clean and the extra carbon filter work was completed by 21 October 2020, and an email sent to the customer confirm this. The company also explained that the

company could not do anything further to minimise any odours, and during all its investigations, it had found no odours or defects with the wastewater pumping station. The customer remained unhappy with the company's responses and, on 20 November 2020, commenced the WATRS adjudication process.

9. Regarding whether the company has effectively been carrying out its duties at the wastewater pumping station to prevent the escape of foul odours, the customer states that she has experienced numerous foul odours incidents. On each occasion, it was found that no root cause of the smells could be found as either no odours were present or no defects were found. I understand that the company undertook a wet well clean and extra carbon filter work, which would help mitigate odours. The evidence shows that the customer was informed of solutions the company had put in place and that it was completed in October 2020.

10. I note the various correspondence between the parties that the company has not been carrying out its duties effectively at the wastewater pumping station. As explained by the company, no odours were found to be emanating from the pumping station, and no defects were found.

11. On careful review of all the evidence, I am satisfied with the company's position that it has taken reasonable steps to reduce any nuisance by arranging a wet well clean and extra carbon filter work so that the pumping station continues to function correctly. I cannot find any indication that the company has been negligent concerning the odours or its work on the wastewater pumping station. As demonstrated by the correspondence within the CCWater documents and in the company's response, the company investigated the cause of the odours, and it took appropriate action. Whilst I appreciate the customer's position, I believe the company investigated the smells as best it could and acted appropriately according to the results of its investigations. In light of the above, I find there are no grounds to conclude the company has failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning the investigation of the source of the odours at the customer's property. Accordingly, this aspect of the customer's claim fails.

12. The company has certain obligations in respect of its customer services. From the evidence provided, I am satisfied that by the end of the company's dialogue with the customer, the company had adequately explained what action it had undertaken to minimise any odours from the pumping station. However, on a careful review of the various correspondence concerning the company's actions, I find that the company failed to provide its services to the customer to the standard to be reasonably expected regarding customer service. The evidence shows that the company was unable to provide timely updates to the customer's concerns, which led to some limited inconvenience and distress on the customer's part. Given

the limited nature of these failings, I find that the level of inconvenience and distress experienced by the customer would fall within tier 1 of the WATRS Guide to Compensation for Inconvenience and Distress, and I believe that £50.00 adequately covers the customer for any inconvenience and distress incurred due to the company's customer service failings. Accordingly, I direct the company to pay the customer £50.00 for this aspect of her claim.

13. In light of the above, I am satisfied that the company did not fail to provide its services to the customer to the standard to be reasonably expected, concerning identifying any defects with the wastewater pumping station and minimising foul odours. However, I am satisfied that there have been failings concerning customer service.

### Outcome

1. The company shall pay the customer £50.00.

### What happens next?

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

The customer must reply within 20 working days to accept or reject this final 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.

- If you choose to accept this decision, the company will have to do what I have directed within 20 working days of the date in 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.

**Mark Ledger**  
**Adjudicator**