

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-XX46

Date of Decision: 28/07/2021

Party Details

Customer: The Customer

Company: The Company

Complaint

The customer has received a bill for £548.96 for surface charges and highway drainage which have been backdated to 1 October 2019. The customer said that it was unfair that he is asked to pay these charges backdated by 16 months, especially as his business is in financial difficulties due to the pandemic. He said that as this was the company's error, they should only charge him going forward. The customer requests the company to remove the backdated charges.

Response

The company stated that the charges are backdated in line with Ofwat policy of backdating. The company stated that they will not remove the charges because they are payable and if they make exceptions for this business, they will have to do the same for others.

Findings

The company has explained that they discovered that the customer was not paying for surface water and highway drainage (SWHD) on 23 February 2021 and invoiced the customer the maximum period allowed under the Ofwat guidelines. The customer has benefited from free SWHD charges since 2011 and the company has offered the customer to pay the outstanding charges in instalments. In view of that I find that the company is not required to remove the back charges from the customer's account.

Outcome

The company does not need to take any further action.

The customer must reply by 25/08/2021 to accept or reject this decision.

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Date of Decision: 28/07/2021

Case Outline

The customer's complaint is that:

• He has been billed £548.96 for backdated surface water and highway drainage charges for 16 months. • He requested the debt to be removed because it was the result of the company's error, which is now putting pressure on his business that is in financial difficulties due to the pandemic.

The company's response is that:

• The back-dated bill is in accordance with Ofwat's policy. • They have offered the customer to pay the back charges in instalments. • The customer has benefited from free charges since 2011.

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. The customer has a business account since 8 April 2011 for water and wastewater, but the company did not realise that the customer was not paying for surface water and highways drainage (SWHD) until the 23 February 2021. The company found out on this day when reviewing the Data Real and confirmed that

the customer's premises were occupied by his business (redacted). As the SWHD is payable by all commercial accounts, the company invoiced the customer for 16 months in line with the maximum period of back billing allowed by Ofwat guidelines. The back billing covered the period from 1 October 2019 to 1 April 2021. The company set a separate account for the customer to pay the SWHD charges, but it has offered the customer the possibility of merging both accounts.

2. The customer was asked to pay £548.96 in SWHD back charges on 5 March 2021, which was a week later after discovering that the customer was not paying for SWHD charges. The customer believes that it is not fair that he is being asked to pay back charges for a mistake made by the company, and while he is willing to pay for SWHD charges going forward, he has requested the company to remove the back charges. The company's response is that they cannot make exceptions for individual businesses and that the back billing is in line with the regulator's guidelines.

3. The customer stated that his business has been affected by the pandemic, which makes the back payment particularly difficult. The company has offered the customer to pay via an extended 12-month payment plan, which the customer has rejected while his complaint was being considered.

4. I am mindful that the customer has benefited from free SWHD from April 2011 to October 2019, so he has gained from an extended period of no SWHD charges that are payable by all businesses. I note that although the company has required the customer to pay for the maximum period of 16 months allowed by the regulator, it has offered the customer to pay the back bill in instalments.

5. In view of the above, I find that the company has reached the standard to be reasonably expected by the average person and it is not required to remove the backdated SWHD charges from the customer's account.

Outcome

1. 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 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.

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Pablo Cortes
Adjudicator