

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X534

Date of Decision: 01/09/2021

Party Details

Customer:

Company:

Complaint

The customer claims that the company has incorrectly reimbursed his surface water drainage charges. The charges to be reimbursed should be calculated from the date the customer moved into the property, not from a set period before the customer has contacted the company. The customer is seeking the company to refund his surface water drainage charges, including interest from 1991, not April 2012, as previously agreed.

Response

The company says it was for the customer to inform it of any dispute regarding the surface water drainage charge. As the customer did not contact the company until January 2021, the reimbursement of charges would only apply from January 2015 in accordance with its policy. If rebates were to be backdated beyond six years, it would place an unreasonable cost burden on the balance of customers, whose bills would have to increase to meet the additional expense of paying more significant rebates. Although the customer did not apply for a surface water drainage rebate in 2013, the company has agreed to take this date as if he did apply and, as a gesture of goodwill, reimbursed the customer from April 2012. The company has not made any further offers of settlement.

Findings

I am satisfied that the evidence shows the company did not fail to provide its services to the standard to be reasonably expected regarding the surface water drainage charges. The reasons and evidence provided by the customer are not sufficient to justify his claim that the company reimburse his surface water drainage charges from 1991.



The company does not need to take any further action.

The customer must reply by 29/09/2021 to accept or reject this decision.

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X534

Date of Decision: 01/09/2021

Case Outline

The customer's complaint is that:

• The company has incorrectly reimbursed his charged surface water drainage charges from April 2012. • The charges to be reimbursed should be calculated from the date the customer moved into the property, not from a set period before the customer has contacted the company. • The customer is seeking the company to reimburse his surface water drainage charges, including interest from 1991, not April 2012, as previously agreed.

The company's response is that:

• It was for the customer to inform the company of any dispute regarding the surface water drainage charge. • As the customer did not contact the company until January 2021, the reimbursement of charges would only apply from January 2015 in accordance with its policy. • If rebates were to be backdated beyond six years, it would place an unreasonable cost burden on the balance of customers, whose bills would have to increase to meet the additional expense of paying more significant rebates. • Although the customer did not apply for a surface water reduction in 2013, the company has agreed to take this date as if he did apply and, as a gesture of goodwill, reimbursed the customer from April 2012.

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 dispute centres on whether the company should reimburse the customer's surface water drainage charges from when the customer moved into the property in 1991.
2. The company must meet the standards set out in OFWAT's Charges Scheme Rules, the Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008 and the Water Industry Act 1991.
3. The company also has certain obligations regarding its customer services as set out in OFWAT Guaranteed Standards Scheme and its own Guarantee Standards Scheme (GSS).
4. From the evidence put forward by the customer and the company, I understand that the customer contacted the company in February 2013, when the customer was informed that he needed to arrange a visit to claim an allowance on his surface water drainage charges. It is not clear why, but I understand that an application was made and no visit took place, therefore, the customer's enquiry was not progressed further.
5. On 25 January 2021, the company received the customer's application form to reduce his surface water drainage charges. I understand that the document was signed and dated 20 January 2021. The company states in its response that there was no indication on the form that the customer applied for a surface water rebate previously.
6. The company states that when it received the application, it checked its systems and found no other claims, and a site visit was required to confirm that all the surface water discharges to a soak-away. The company visited the customer's property and established that the property was not connected for surface water. The company then wrote to the customer confirming its findings and issued a refund of the surface water charges from 25 January 2015, back six years in line with its 2020/21 Charges Scheme.
7. The evidence shows that the customer was unhappy that the surface water drainage charges had only been backdated to 25 January 2015, as in his view, the charges should be backdated to when he moved into the property in 1991. The customer progressed his complaint to CCWater to resolve.
8. I understand that during the company's dialogue with CCWater, it was found that the company had records showing that the customer initially contacted the

company in 2013. Whilst the customer did not apply for a surface water reduction following the conversation in 2013, the company decided to take this date as if he did apply and, as a gesture of goodwill, reimbursed the customer from April 2012. However, the customer remained unhappy as he still believed that the company should backdate the charges to when he moved into the property in 1991 and, on 6 July 2021, commenced the WATRS adjudication process.

9. As to whether the company should reimburse the customer's surface water drainage charges from 1991, the evidence shows that in 2000 OFWAT issued guidance to water companies that they should offer a rebate to customers when all their rainwater drains to a 'soak-away or direct to a watercourse rather than to the public sewer. The company states within its response that with OFWAT's approval, it opted to apply a standard charge, with the opportunity for customers to claim a surface water rebate if appropriate.

10. I understand that the company voluntarily introduced this scheme on 1 April 1997, and since that date, it has advised its customers of the scheme on their bills and within an annual letter. I also note that section 8.3 of the company's 2020/21 Charges Scheme advises that it is the customer's responsibility to apply for a reduction in charges and where it can be established that the property is not connected to the public sewer for surface water drainage, the reduction in the charge for a successful claim will be made for up to six years.

11. The evidence shows that, on 25 January 2021, the company received the customer's application form to apply for a reduction in surface water drainage charges and following this, the company issued a refund of the customer's surface water drainage charges from 25 January 2015, back to 6 years, in line with its 2020/21 Charges Scheme. From the evidence provided, I am satisfied that the company was correct to issue a refund of the customer's surface water charges from 25 January 2015.

12. I note the customer's various comments that he had contacted the company before 25 January 2021 on numerous occasions concerning a rebate on his surface water drainage charges. However, the evidence shows that the earliest contact was in 2013. It is unclear from the evidence whether the customer applied for a rebate at this time as both parties have conflicting views. However, I note that following the discussions with CCWater, the company made a goodwill gesture and backdated the charges to April 2012.

13. The evidence shows that section 4.10 of the company's Charges Scheme 2012/13 advises that the reduction in charge is applied from the start of the charging year in which a successful claim is made. Therefore, had the customer's application taken place in February 2013, he would have been refunded to April

2012. Accordingly, I find that although the customer did not apply for a reduction until January 2021, he has not suffered a loss as the company, following the discussions with CCWater, backdated the charges to April 2012 as if he had made the application in February 2013.

14. The customer has made comments on the Preliminary Decision with regard to the OFWAT regulations. However, on careful review I find that the customer's comments do not alter my Final Decision.

15. Considering the above, I find the customer has not proven that the company failed to provide its services to the standard to be reasonably expected by the average person concerning the rebate on his surface water drainage charges, nor has the customer proved that the company failed to provide services to the standard to be reasonably expected when investigating this issue.

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.

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Mark Ledger
Adjudicator