

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-XXXX

Date of Decision: 13/09/2021

Party Details

Customer: The Customer

Company: The Company

Complaint

The customer stated that he has been paying for Surface Water Drainage (SWD) in his property since December 1993. The company has accepted that the customer does not use the service, but it has only refunded him for the charges made during the last six years. The customer requested a refund for the charges to be backdated to the time he moved into his property. Accordingly, he requested a refund for the SWD charges made from December 1993 to March 2015.

Response

The company stated that following the customer's application for a SWD rebate, it confirmed that the SWD was not entering into its network, and it provided a refund for SWD charges in line with its Scheme of Charges. The customer was refunded for SWD charges for the last six years. In addition, the company provided a refund for one additional year (£50.00) and made an additional payment of £50.00 by way of apology for not recognising the overcharges sooner.

Findings

The company is required to refund customers in accordance with its Scheme of Charges which has been approved by the regulator Ofwat. The Scheme provides that when a customer successfully applies for a rebate of SWD that does not enter its sewer network, the company is required to refund the customer up to a maximum of six years. The company has refunded the customer for the maximum period and sent him a cheque for £100.00 by way of apology. Given that it is up to the customer to claim a rebate and that the company has provided it in accordance with the rules, I find that the company has complied with the rules, and it is therefore not required to provide further compensation to the customer.



The company does not need to take any further action.

The customer must reply by 11/10/2021 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

The customer's complaint is that: • He has been paying for Surface Water Drainage (SWD) charges since December 1993 even though the SWD is not entering the company's network. • The company agreed with the customer's finding, but it has provided him with a rebate for the last six years only (from 1st of April 2015). • The customer requested a refund for the undue charges applied during the remaining period (from December 1993 to March 2015).

The company's response is that:

The company's response is that: • Following the customer's SWD rebate application in May 2021, the company confirmed that his SWD was not entering into its network. • It applied the reduction in charges and issued a SWD rebate, backdating it to the 1st April 2015 in line with its Scheme of Charges. • The customer has the burden of proving that the SWD does not enter the company's network and the Scheme of Charges limits rebates to the six years prior to an application being made. • The company issued the customer with a cheque for £100.00 by way of apology for not identifying the error earlier.

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 been paying for Surface Water Drainage (SWD) charges in his property since he moved into his property in December 1993, even though the SWD does not enter the company's sewer network. The customer applied for a rebate in May 2021 and the company issued the reduced charge and applied a refund for the last six years, from 1 April 2015. The customer requested the company to refund him for the remaining period for which he was charged, which was from December 1993 to March 2015.
2. The company explained that changes to SWD charges were introduced by Ofwat in April 2001 consisting in a new optional tariff for customers whose properties are not connected for SWD. This change enabled existing customers to apply for the reduced charge and a rebate if they were able to demonstrate that their SWD did not drain into the company's network. However, water companies had the expectation to apply the reduction automatically to properties built after April 2001 where it could reasonably be known that customers were not connected for SWD. The company stated that the burden of proof is on the customer because the cost in trying to establish the surface water arrangements on all properties would be too expensive for the company. Nonetheless, all bills carry a message about the reduced charge and refer to a booklet enclosed with the bills that details how to apply for a rebate.
3. The company's policy changed from April 2014 as a result of a consultation carried out by the regulator Ofwat. Before then, following Ofwat's guidance, all successful applications were only backdated to the start of the billing year. After April 2014, successful applications were backdated to a maximum of six years. The company stated that the customer's SWD charge is approximately £50.00 a year.
4. The customer contacted the company on 18 May 2021 to inform that his property had soakaway drains and so his SWD was not entering the company's network. The company visited the customer's property on 10 June 2021 and confirmed that the SWD was not entering its network. The company then applied the reduced charge and provided a SWD rebate, which was backdated to 1 April 2015. The rebate resulted in a credit of £356.52, which was offset against the customer's existing balance that was reduced from £465.52 to £101.00.
5. When the company backdated the customer's SWD charges, it did so to 1 April 2014, which was a year more than the maximum of six years set in the Scheme of Charges. As a result, the customer was provided with a further credit of £50.00. In addition, the company also arranged for a further £50.00 to be sent to the customer by way of an apology that this error was not recognised sooner. Thus, the company

stated that a cheque of £100.00 was sent to the customer, which should have been received by 27 August 2021.

6. The company stated that after reviewing the customer's neighbouring properties they found that none of them were receiving the SWD reduction. The company stated that it did not have the opportunity to review the customer's supply arrangements before and that it did not have any reason to believe that the SWD was not entering its sewer network prior to the customer contacting the company in May 2021.

7. In view of the above, I find that the company has followed the rules set by Ofwat and its own Scheme of Charges and provided the correct rebate to the customer. Therefore, I find that the company has reached the standards to be reasonably expected by the average person. Thus, the customer's claim cannot succeed.

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