

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT/X674

Date of Final Decision: 05 December 2021

Party Details

Customer:

Company:

Complaint

The customer has a dispute with the company regarding its refusal to accept responsibility for a neighbouring property having unlawful water supply connections and for harassing his immediate neighbours. The customer says that he represents his near neighbours in the dispute with the company over poor water quality and pressure, and unauthorised entry by company staff onto their property. The customer claims that despite ongoing discussions with the company and the involvement of CCWater the dispute is unresolved and therefore he has brought the claim to the WATRS Scheme and asks that the company be directed to clarify its position and pay compensation for poor service.

Response

The company denies any liability to the customer. It says the customer has no authority to represent his near neighbours, and its own investigations confirm the neighbour's have no water quality or pressure issues. In respect of the unlawful water connections, the company says it has investigated and has not found any such connections bypassing its meter. The company says it has fully responded to the customer's complaints and has clarified in reasonable details its position and the reasons for it. The company has not made any offer of settlement to the customer.

Findings

The claim does not succeed. I find that the evidence does not support on a balance of probabilities that the company has been negligent in its responses to the customer's concerns. There is no evidence submitted to substantiate the customer's complaints and I find that the company undertook investigations to a reasonable level. I find that the evidence shows that the company has not failed to provide its services to a reasonable level and has not failed to manage the account to the level to be reasonably expected by the average person.

Outcome

The company does not need to take further action.

The customer must reply by 05 January 2022 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

- He has experienced an ongoing dispute with the company concerning issues with water supply services. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled.
- His property, and that of his immediate neighbour, is located on a private lane, and both properties receive water supply from a private water pipe.
- Upstream of the properties is a neighbour that operates a forestry business, and he believes, this business interferes with the supply pipe.
- The neighbour operating the business runs three large ponds that she feeds from the supply pipe, causing issues in regard to water pressure at neighbouring properties to his.
- After informing the company, it sent an engineer to investigate at the forest neighbour's property and stated that no unmeasured connections could be identified. However, the customer says he has retained his own water engineer who has identified such connections, but the company has ignored the evidence he supplied.
- The company informed him that it had also contacted the neighbours he represents, and none reported any problems with water pressure or quality.
- He has seen company employees harassing his direct next-door neighbours and entering their property without permission. The customer says that the company has refuted his complaints made on behalf of the neighbour.
- Believing the company had not properly addressed his concerns he, on 20 July 2021, escalated his complaint to CCWater who took up the dispute with the company on his behalf. The records show that CCWater contacted the company on or around 06 August 2021 and requested more detailed information from it and to review the customer service provided.

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- On 11 August 2021 CCWater received a formal response from the company answering in reasonable detail the questions posed to it. The company had confirmed that it had responded to all the customer's contacts and complaints and confirmed it had not identified any illegal connections at his forestry neighbour's property.
- He was unhappy with the company response and continued his correspondence with both the company and CCWater throughout the ensuing period.
- On 07 October 2021, CCWater informed him that it could not take any further action to have the company change its position and was therefore closing his complaint.
- Continuing to be dissatisfied with the response of the company he has, on 06 September 2021, referred the matter to the WATRS Scheme where he requests that the company be directed to clarify its rights and responsibilities in respect of where it has obstructed him, and pay compensation where its actions have fallen below necessary standards.

The company's response is that:

- It provided its Response to the claim in its submission dated 04 November 2021.
- It has investigated all the customer's complaints regarding his neighbour taking water that bypasses the measured supply and meter. The company states that its technicians have attended the neighbour's property on numerous occasions, and it confirms that it has not identified any unlawful connections on the part of the neighbour.
- It has contacted the neighbours the customer purports to represent and has identified that his stated position is factually incorrect. The company states that it has never been provided with any written confirmation from neighbours that they authorise the customer to act on their behalf.
- Its enquiries with the neighbours confirm that they have no concerns regarding water pressure or quality.
- In regard to the customer's complaints of poor water quality, it has tested many samples and provided him with certificates of analyses that confirm that there are no problems with water quality on his or his direct neighbours supply pipe.

- Its staff and contractors are authorised under The Water Supply (Water Fittings) Regulations 1999 to visit properties to undertake inspections to ensure the Regulations are being followed. Following complaints by the customer, its investigations confirm that there is no evidence to substantiate that its authorised personnel have behaved in an inappropriate manner.
- It confirms that there is no evidence that its personnel made unauthorised visits to any property, that they did not show identification, that they trespassed on private land, or failed to obtain prior permission where necessary before entering any property.
- It records the customer has declined to have a water meter installed and his charges are based on an Annual Assessed Charge tariff.
- It confirms that it now considers the frequency and content of the customer's numerous e-mails to be vexatious and it has informed him that it will cease to engage in any further correspondence with him on the subjects he has repeatedly raised.
- The customer frequently raised complaints against its technical and customer service staff, and has often made personal criticisms of individual staff members.
- It acknowledges contact from CCWater on behalf of the customer and confirms that it responded to CCWater with full details as requested.
- In summary, it states that it has responded fully to the customer's concerns and confirms that its investigations do not establish any unlawful connections on the part of the neighbour in question.

The customer's comments on the company's response are that:

- On or around 05 November 2021, the customer submitted detailed comments on the company's Response paper. I shall not repeat word for word the customer's comments and in accordance with Rule 5.4.3 of the Rules of the WATRS Scheme I shall disregard any new matters or evidence introduced.
- The customer refutes much of the content of the company's Response. He states that the company has failed to investigate to a reasonable level his complaints of unlawful connections at the forest neighbour's property.

- The customer further contends that the company has not shown sufficient respect to his immediate neighbours and repeats that he has witnessed company employees entering their property without advance notice or permission.

How is a WATRS decision reached?

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

1. Whether the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.
2. 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 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 relates to the customer's dissatisfaction that the company has refused to take action in respect of a neighbouring property that he believes has installed unlawful connections to the water supply pipe feeding the local residents.
2. I note that the WATRS adjudication scheme is an evidence-based process, and that for the customer's claim to be successful, the evidence should show that the company has not provided its services to the standard that would reasonably be expected of it.
3. I note that the customer has not submitted any evidence in support of his claim to the WATRS Scheme.

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4. I can see that the customer has sent numerous e-mails to the company which are submitted into evidence by the company, along with its e-mail responses to the customer.
5. I further take note that CCWater has submitted its communications with the parties.
6. The customer, in his application to WATRS, has requested the following remedy:-

We require clarity as to rights and responsibilities, where x have obstructed us and the local authority.

7. It seems to me that the customer is saying that he represents several of his neighbours in the complaints he has made to the company, and in particular he says that he speaks on behalf of his immediate neighbour.
8. I note that the customer has not provided any evidence to the company or to the WATRS Scheme to substantiate that he formally represents any of his neighbours.
9. From my examination of the numerous e-mail exchanges between the parties it seems that the two main issues raised by the customer are in respect of one neighbour taking water by means of unlawful connections, and the company's unauthorised entry onto a neighbouring property.
10. The customer says that the neighbour runs a business from her property including three large ponds to sustain ducks, swans, etc. The customer contends that this neighbour uses water taken unlawfully from the supply pipe and this causes water quality and pressure issues to other neighbours downstream of the business.
11. The customer has not submitted any evidence to support his contention that the neighbour has any such connections.
12. I can see that the company has responded to the customer in reasonable detail, and confirmed that it has attended the property of the neighbour and has not identified any illegal connections to its supply pipe assets.
13. I also note that the company has confirmed to the local authority environmental health officer that it has not found any unlawful connections at the property that circumvent its meter and that its testing of the water supply did not identify any problems with water quality.

14. In respect of the second limb of the customer's complaint, the company has stated that it has made contact with his direct next-door neighbour who has confirmed that it had not authorised the customer to represent them, and that it had no problem with either water quality or pressure. Again, I take note that the customer has not submitted any evidence in support of his contentions that the company entered the neighbour's property without permission and that its staff were unpleasant and aggressive.
15. I am satisfied from my reading of the company's submission that it has taken the customer's complaints seriously and has made reasonable efforts to investigate the complaints he has submitted. I note that on 29 July 2021 it sent a detailed response, by e-mail, to the customer responding to his complaints on both the main issues.
16. Similarly, I can see that on 11 August 2021 the company sent an additional detailed response to CCWater in which it set out its position regarding the customer's complaints. This document has been made available to the customer.
17. The company submitted further details of its position in its Response document submitted to WATRS on 04 November 2021.
18. I am aware that the customer submitted a detailed point by point reply to the company's Response document, but I am satisfied from my reading of the submission that it contains no new information, and no evidence is submitted by the customer.
19. The customer has requested that the company be directed to provide clarity on its position in respect of his ongoing complaints. I find that the company has with its numerous submissions set out in reasonable detail its response to and position on the customer's concerns and I am satisfied that it has provided sufficient clarity to the customer. I thus decide that I see no benefit in having the company issue another response to the customer and I shall not direct that it do so.
20. The customer has also requested in his application to WATRS that he be paid an unspecified amount of compensation for where the company's actions and conduct have fallen below the necessary standard.
21. Overall, I am not satisfied that the evidence submitted has established that the company has not supplied its services to a reasonable level. As a result, I find that compensation is not appropriate.

22. My conclusion on the main issues is that the company has not failed to provide its services to the standard to be reasonably expected by the average person.

The Preliminary Decision

- The Preliminary Decision was issued to the parties on 26 November 2021.
- On 26 November 2021 the company confirmed receipt of the Preliminary Decision and stated that it had no comments thereon.
- The customer has, on 30 November 2021, submitted detailed comments on the Preliminary Decision.
- The customer sets down his understanding of the Preliminary Decision but does not submit any additional evidence.
- Having read the responses of the parties I am satisfied that no amendments are required to the Preliminary Decision.

Outcome

The company does not need to take further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 05 January 2022 to accept or reject this 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.



Peter R Sansom
MSc (Law); FCI Arb; FA Arb; FRICS;

Adjudicator

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