

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X809

Date of Final Decision: 9 March 2022

Party Details

Customer: CUSTOMER

Company: COMPANY

Complaint

The customer claims that the company has wrongfully charged surface water drainage charges since March 1987. The company were in possession of the plans for his property from the date the customer moved into the property and would have been aware that his surface water drains to a soakaway. 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 £5,600.00, equating to his surface water drainage charges from March 1987.

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 June 2021, the reimbursement of charges would only be six years from the date the customer notified the company. Accordingly, the company will not reimburse the charges beyond 1 April 2016. 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 1987.

Outcome

The company does not need to take any further action.

The customer has until 6 April 2022 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

- The company has wrongfully charged surface water drainage charges since March 1987.
- The company were in possession of the plans for his property from the date the customer moved into the property and would have been aware that his surface water drains to a soakaway.
- 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 £5,600.00, equating to his surface water drainage charges from March 1987.

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 June 2021, the reimbursement of charges would only be for six years from the date the customer notified the company.
- Accordingly, the company will not reimburse the charges beyond 1 April 2016.

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 another disadvantage as a result of a failure by the company.

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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 centres on whether the company should reimburse the customer's surface water drainage charges from when the customer moved into the property in March 1987.
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 June 2021 to query his surface water drainage charges. The company states in its response that there was no indication that the customer applied for a surface water rebate previously.
5. The evidence shows that the company, in line with both its Charges Scheme and internal policy guide, when first reviewing the customer's surface water drainage charge rebate application, applied the rebate for one year only as at that time the customer had not provided any evidence of a soakaway and its asset mapping shows that there is a surface water sewer in the customer's road.
6. The evidence shows that the customer was unhappy that the surface water charges had only been backdated one year, as in his view, the charges should be backdated to when he moved into the property in 1987. The customer provided the company with evidence of a soakaway, and the company reassessed his application and applied the rebate to a maximum of six years in line with its policy.

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7. However, the customer remained dissatisfied with the rebate and progressed his complaint to CCWater to resolve and, on 3 November 2021, commenced the WATRS adjudication process.
8. Regarding whether the company should reimburse the customer's surface water drainage charges from 1987, OFWAT issues guidance to water companies that they should offer a rebate to customers when all their rainwater drains to a soakaway or direct to a watercourse rather than to the public sewer.
9. I understand that since 2000, the company has advised its customers of the opportunity for customers to claim a surface water rebate on their bills. I also note that the company's Charges Scheme advises 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 a maximum of six years.
10. I note the customer's comments that the company would have known about his surface water as it would have had the development plans. However, the evidence shows that the company was not involved in the development of the customer's property and did not hold the plans for any property that has been built within its region as it holds no responsibility or stake in any property within the company's region. Furthermore, the company was not directly billing any customers when the customer's property was built in 1987 because the water supply in that area was managed by the local Water Authority.
11. The evidence shows that on 8 June 2021, the company received the customer's request for a reduction in surface water drainage charges and following this and further evidence, the company issued a refund of the customer's surface water charges from 1 April 2016 in line with its Charges Scheme. After careful review of the evidence, I find that I agree that the company would have no way of knowing without contact from the customer or inspecting the customer's property, and then the customer providing additional evidence whether the property's rainwater drains were connected to the public sewer. From the evidence provided, I am satisfied that the company was correct to issue a refund of the customer's surface water charges from 1 April 2016.
12. Both the company and customer have made minor comments on the preliminary decision. Having carefully considered each aspect of the customer's and company's comments I find that they do not change my findings, which remain unaltered from the preliminary decision.

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

Outcome

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 by 9 April 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.



Mark Ledger FCI Arb
Adjudicator

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