

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X007

Date of Final Decision: 16 July 2022

Party Details

Customer:

Company:

Complaint

The customer claims that the private pumping station and pipework serving the customer's property should have been transferred to the company's ownership under the Water Industry (Scheme for Adoption of Private Sewers) Regulations 2011. The customer is seeking the company to adopt the sewer pipework serving his property, if it is not possible, install new foul sewage pipework to the company's pipework, pay compensation and provide an apology.

Response

The company says the private pumping station is not eligible for adoption. The previous owners of the customer's property had entered into a private agreement with the developer to divert the sewerage from the property into the developer's network via a private pumping station. As set out in Section 102 of the Water Industry (Scheme for Adoption of Private Sewers) Regulations 2011, the company will not take ownership of the private pumping station and the surrounding sewers within the customer's property until the developer, who owns the private pumping station and pipework, applies to the company to adopt the pipework. The company has not made any further offers of settlement.

Findings

I am satisfied the evidence shows that the company did not fail to provide its services to the customer to the standard to be reasonably expected regarding the transfer of ownership of the private pumping station and surrounding sewers within the customer's property. Regarding customer service, I am satisfied there have been no failings regarding customer service as the company has provided a good level of service at all times throughout its dialogue with the customer.

Outcome

The company needs to take no following further action.

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

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Case Outline

The customer's complaint is that:

- The private pumping station and pipework serving the customer's property should have been transferred to the company's ownership under the Water Industry (Scheme for Adoption of Private Sewers) Regulations 2011.
- The customer is seeking the company to adopt the sewer pipework serving his property, if it is not possible, then install new foul sewage pipework to the company's pipework, pay compensation and provide an apology.

The company's response is that:

- The private pumping station is not eligible for adoption.
- The previous owners of the customer's property had entered into a private agreement with the developer to divert the sewerage from the property into the developer's network via a private pumping station.
- As set out in Section 102 of the Water Industry (Scheme for Adoption of Private Sewers) Regulations 2011, the company will not take ownership of the private pumping station and the surrounding sewers within the customer's property until the developer, who owns the private pumping station and pipework, applies to the company to adopt the pipework.

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.

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.

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How was this decision reached?

1. The dispute concerns whether the company should have adopted ownership of the private pumping station and pipework serving the customer's property, Westhaven.
2. The company must meet the standards set out in the Water Industry Act 1991, the Water Industry (Scheme for Adoption of Private Sewers) Regulations 2011 and the Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008.
3. Furthermore, the company has certain obligations regarding its customer services as set out in the OFWAT Guaranteed Standards Scheme (GSS) and its own Customer Guarantee Scheme (CGS).
4. From the evidence put forward by the customer and the company, I understand that the customer's property is located adjacent to a development by REDACTED. Within this development is a private pumping station to which the customer's sewer pipework connects.
5. On 18 September 2020, the customer contacted the company regarding the layout of the sewage pipework at his property. On 20 September 2020, the company attended the property and found that as REDACTED had not requested that the company adopt its pumping station and pipework, any issues would be between the customer and REDACTED.
6. I understand that the customer was unhappy with the company's findings and requested that the company investigate the matter further. The evidence shows that the company discussed matters with REDACTED, and it was confirmed that until REDACTED applied to the company to adopt the pumping station and sewer pipework within the development under Section 102 of the Water Industry (Scheme for Adoption of Private Sewers) Regulations 2011, the company will not take ownership.
7. On 10 May 2021, a second meeting occurred between the company, the customer and REDACTED. I understand that the customer informed the company that he intended to develop part of his property and wanted to create a new connection into a private sewer located between the boundary of REDACTED development and his property.
8. The evidence shows that the customer wished the company to adopt the sewer under Section 102 of the Water Industry (Scheme for Adoption of Private Sewers) Regulations 2011 once he

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connected to the sewer. I understand that the company confirmed that it could adopt the pumping station and pipework. However, REDACTED would need to provide an 'as built drawing' and a CCTV survey to show that the sewers were up to an adoptable standard.

9. The customer remained unhappy with the company's response as he was of the view that REDACTED had amended his property pipework and, on 2 July 2021, contacted CCWater to resolve the matter. Within the dialogue with CCWater, the company explained to the customer that the previous owners of the property had entered into a private agreement with REDACTED to divert the sewerage from the customer's property into REDACTED pipework via a pumping station and that the company will not take ownership of the private pumping station and the surrounding sewers within the customer's property until the REDACTED, who owns the private pumping station and pipework, applies to the company to adopt the pipework.
10. I understand that since the meeting in July 2021, REDACTED have subsequently applied for the adoption of some of the sewers within its development which have been adopted. However, unfortunately, REDACTED did not offer for adoption the private pumping station and connection from the customer's property to the private pumping station. The customer still believed that the company should adopt the pumping station and, on 20 May 2022, commenced the WATRS adjudication process.
11. As to whether the company should have adopted ownership of the private pumping station and pipework serving the customer's property, the evidence shows that on 1 July 2011, the Water Industry (Scheme for Adoption of Private Sewers) Regulations 2011 came into force which required that privately owned sewers and lateral drains be transferred to the ownership of the company provided that the sewers met specific requirements.
12. One of the requirements was that any sewerage pumping stations and private sewers had to be developed and connected to the pipework as of 1 July 2011 to be automatically adopted by the water undertakers. I understand that REDACTED's pumping station was either developed after or not connected to the company's pipework before 1 July 2011 and therefore was not automatically adopted. Consequently, I find that the company was correct that the pumping station and pipework would not be automatically adopted.
13. The evidence shows that REDACTED had previously entered into an arrangement with the customer's property's previous owners before the commencement of the building of the

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development for the property's sewerage to be serviced by the private pumping station. It is not clear from the evidence as to when this agreement was made. However, once the private pumping station was built, the sewerage pipework of the property was amended to be serviced by the pumping station.

14. I note the customer's comments that sewage pipework running from the property before 1 July 2011 should have been taken over by the company, irrespective of who owned the land the private drainage ran through at the time. The company says it had no records of any sewer drainage at the customer's property on their records or mapping system, and the customer's pipework was initially connected to a private cesspit. After careful review of the evidence and mapping data provided as evidence, I find that the customer's property drainage in 2011 was likely to be unmapped and private. Whilst I sympathise with the customer, the default position is that unmapped pipework would be the responsibility of the freeholder rather than the company and not be adopted.
15. I note that REDACTED has applied for adoption of some of the sewers within its development, which have been adopted. However, unfortunately, REDACTED did not offer for adoption the private pumping station and connection from the customer's property to the private pumping station. After carefully reviewing all the evidence, I find that until REDACTED, which owns the private pumping station and pipework, applies to the company to adopt the private pipework, the company is not required to adopt the pipework. Accordingly, this aspect of the customer's claim fails.
16. The company has certain obligations in respect of its customer services. After careful review of both the customer's letters and the company's responses, I am satisfied that, by the end of the company's dialogue with the customer, the company had adequately explained the reasons why it would not adopt the private pumping station and the sewer pipework serving the customer's property. Accordingly, I am satisfied there have been no failings concerning customer service.
17. The customer has requested an apology from the company. Having carefully considered the various correspondence put forward in evidence, I am not satisfied the company has failed to provide its services to the customer to the standard to be reasonably expected by the average person. Therefore, I find the company is not required to provide an apology.
18. The customer has made various comments on the preliminary decision regarding whether the company should have adopted ownership of the private pipework serving the customer's property.

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As above, the default position is that unmapped pipework would be the responsibility of the freeholder rather than the company and not be adopted. Accordingly, until REDACTED, which owns the private pumping station and pipework, applies to the company to adopt the private pipework, the company is not required to adopt the pipework. Whilst I sympathise with the customer's position, having carefully considered each aspect of the customer's comments I find that they do not change my findings, which remain unaltered from the preliminary decision.

19. In light of 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 transfer of ownership of the private pumping station and the sewer pipework, nor has the customer proved the company failed to provide services to the standard to be reasonably expected when investigating these issues. Furthermore, I am satisfied there have been no failings concerning customer service as the company has provided a good level of service throughout its dialogue with the customer

Outcome

The company needs to take no following further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 6 August 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