

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X129

Date of Final Decision: 10 October 2022

#### Party Details

Customer:

Company:

#### Complaint

The customer claims that the company has failed to maintain its nearby wastewater pumping station. These failures have led to periodic foul odours, which have caused a nuisance and led to inconvenience and distress. The customer is seeking the company to pay compensation of £2,500.00 for inconvenience and distress incurred.

#### Response

The company says the foul odours were caused by a damaged air filter on a nearby wastewater pumping station. On three occasions since 2018, foul smells have been reported, and the company has investigated, replaced, or repaired the air filter. On the last occasion, in May 2022, the repairs were delayed because of a parts issue caused by needing to import the part from abroad. The parts have now been received, and the company has undertaken the work to repair the air valve and is also planning to change the carbon filter simultaneously, which should significantly reduce the odour the customer is experiencing. 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 the customer's services to the standard reasonably expected regarding the length of time for the repairs, its pipework and its investigation into the foul odours. Furthermore, I am satisfied the company's repair and investigation work in May 2022 was done as quickly as possible, considering the circumstances. However, I am satisfied there have been failings concerning customer service.

#### Outcome

The company shall pay the customer £50.00.

The customer has until 7 November 2022 to accept or reject this decision.

*This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.*

# ADJUDICATOR'S FINAL DECISION

Adjudication Reference: WAT-X129

Date of Final Decision: 10 October 2022

## Case Outline

### **The customer's complaint is that:**

- The company has failed to maintain its nearby wastewater pumping station.
- These failures have led to periodic foul odours, which have caused a nuisance and led to inconvenience and distress.
- The customer is seeking the company to pay compensation of £2,500.00 for inconvenience and distress incurred.

### **The company's response is that:**

- The foul odours were caused by a damaged air filter on a nearby wastewater pumping station.
- On three occasions since 2018, foul smells have been reported, and the company has investigated, replaced, or repaired the air filter.
- On the last occasion, in May 2022, the repairs were delayed due to a parts issue caused by needing to import the parts from abroad.
- The parts have now been received, and the company has undertaken the work to repair the air valve and is also planning to change the carbon filter simultaneously, which should significantly reduce the odour the customer is experiencing.
- The company has not made any further offers of settlement.

## 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.

*This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.*

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 has effectively been carrying out its duties at the wastewater pumping station to prevent the escape of foul odours.
2. The company is required to meet the standards set out in the Water Industry Act 1991.
3. Furthermore, the company also has certain obligations regarding its customer services as set out in the OFWAT Guaranteed Standards Scheme and the company's Customer Guarantee Scheme.
4. From the evidence put forward by the customer and the company, I understand the customer has experienced odours coming from the company's wastewater pumping station on multiple occasions since 2018 and before her contact with the company in May 2022.
5. On 25 May 2022, the customer contacted the company to report unpleasant odours emanating from the rising main connected to the company's wastewater pumping station. The evidence shows that the company investigated the wastewater pumping station, and on 26 May 2022, the company contacted the customer to advise that the air and carbon valves would be replaced in June; however, it may be towards the end of June due to the availability of parts.
6. On 2 July 2022, the customer contacted the company to query the progress of the repairs to the company's wastewater pumping station. On 6 July 2022, the customer was advised that there was an issue with the parts' availability, which was delaying the repairs.
7. Between 6 July and 5 August 2022, further correspondence occurred between the parties concerning the continuing odours and delayed repairs. I understand from the company's response that there were continued delays during this period due to the need to import the parts from abroad and the company's subcontractors going into administration. The evidence shows that during this period, the company put in place a schedule to replace the air and carbon filters regularly to

*This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.*

prevent further customer complaints. The company also explained that it could not do anything further to minimise odours until it received the new air and carbon filter parts from abroad. The customer remained unhappy with the company's responses and, on 5 August 2022, commenced the WATRS adjudication process. I understand that since the adjudication process has begun, the company has received the parts and undertaken the work to replace the air and carbon filter at the wastewater pumping station.

8. Regarding whether the company has effectively been carrying out its duties at the wastewater pumping station to prevent the escape of foul odours. The customer states that she has experienced numerous foul odour incidents. On each occasion, it was found that the root cause of the smells was the failure of the air filters, which were replaced. I understand the company has scheduled additional regular air and carbon filter work, which would help mitigate odours in the future. The evidence shows that the customer was informed of solutions the company had put in place.
9. I note the various correspondence between the parties that the company has not been carrying out its duties effectively at the wastewater pumping station. As explained by the company, on each occasion, it was found that the root cause of the smells was the failure of the air filters, which were replaced. However, the delay in replacing the air and carbon filter in May 2022 was due to unavoidable import issues for the parts following Brexit. These import issues led to the repairs not being completed until September 2022.
10. On careful review of all the evidence, I am satisfied with the company's position that it has taken reasonable steps to reduce any nuisance by arranging air filter repairs and extra carbon filter work so that the pumping station continues to function correctly. I cannot find any indication the company has been negligent concerning the odours or its work on the wastewater pumping station.
11. As demonstrated by the correspondence within the CCWater documents and in the company's response, the company investigated the cause of the odours and took appropriate action if required. Whilst I appreciate the customer's position, I believe the company investigated the smells, made repairs as best it could, and acted appropriately according to the results of its investigations.

*This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.*

12. Considering the above, I find there are no grounds to conclude the company has failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning the investigation of the source of the odours at the customer's property. Accordingly, this aspect of the customer's claim fails.
13. The company has certain obligations in respect of its customer services. From the evidence provided, I am satisfied that by the end of the company's dialogue with the customer, the company had adequately explained what action the company had undertaken to minimise any odours from the pumping station.
14. However, on a careful review of the various correspondence concerning the company's actions, I find that, despite the unavoidable delays due to the import issue, the company did not provide its services to the customer to the standard to be reasonably expected regarding customer service. The evidence shows that the customer had to continually chase the company for progress on the parts for the repair.
15. The evidence shows that the company could not provide timely updates to the customer's concerns, leading to inconvenience and distress. I find that these failures fall within tier 1, and I believe that £50.00 adequately covers the customer for any inconvenience and distress incurred due to the company's customer service failings. Accordingly, I direct the company to pay the customer £50.00 for this aspect of her claim.
16. The customer and company made comments on the preliminary decision. Having carefully considered each aspect of both sets comments, I find that they do not change my findings, which remain unaltered from the preliminary decision. However, I also note that the outcome in the preliminary decision failed to accurately reflect my findings as set out in paragraph 15 above, this has been corrected in the outcome.
17. In light of the above, I am satisfied the company did not fail to provide its services to the customer to the standard to be reasonably expected, concerning identifying any defects with the wastewater pumping station and minimising foul odours. However, I am satisfied there have been failings concerning customer service.

*This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.*

**Outcome**

The company shall pay the customer £50.00.



**Mark Ledger FCI Arb  
Adjudicator**

*This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.*