

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X261

Date of Final Decision: 31 March 2023

Party Details

Customer: XX

Company: XX

Complaint

The customer's property suffers from low water pressure as the supply pipe from the water main is too narrow. Initially, the company said it did not own the pipe because, according to the **XX**, it was not laid on the same street as the water main it connects to. The customer believed that both the supply pipe and the water main were located on the same street, and that the **XX** was incorrect. The first preliminary decision concluded that on the balance of probabilities the supply pipe was on a different street to the water main, so the company did not own and was not responsible for the supply pipe. However, following that decision, the **XX** was amended to show that the supply pipe and the water main are in fact on the same street. The company agreed to reinvestigate but then said that the water pressure in the supply pipe exceeds minimum standards and no further action will be taken. The customer wants the company to increase the diameter of the supply pipe to improve his water pressure.

Response

The company initially disputed ownership of the supply pipe on the basis that, under section 179 of the Water Industry Act 1991, the company did not own the service pipe to the customer's property as it was not located in the same street as the water main it connects to and, therefore, the company was not liable to maintain or replace it. Following the first preliminary decision and the amendment to the **XX**, the company reinvestigated and found that the water pressure at the customer's property is not below the minimum pressure the company must supply to a single property. In view of this, the company disputes liability to replace the supply pipe to the customer's property.

Findings

The evidence shows that the company now accepts ownership and responsibility for the service pipe, but the water pressure supplied to it does not

fall below the minimum standard. Therefore, I cannot find that the company has failed to provide its service to the standard reasonably expected by the average customer by refusing to replace it. In view of this, the customer's claim does not succeed.

Outcome

The company does not need to take any further action.

ADJUDICATOR'S FINAL DECISION

Adjudication Reference: WAT-X261

Date of Final Decision: 31 March 2023

Case Outline

The customer's complaint is that:

- He moved to the property in May 2006 and had all the relevant local searches completed during the conveyance. On completion of the sale, he was given all documentation relating to the property dating back to 1830, including more recent local searches undertaken by previous owners of the property, and there was no mention of a private water supply pipe to the property.
- When he moved into the property in 2006, he reported low water pressure to the company. An engineer attended the property and found the stop tap within the property boundary was covered in concrete and could not be isolated. This fault was escalated and a new stop tap was fitted. A flow test was performed and he was told that the water pressure was sufficient and no further action would be taken.
- On the 17 May 2022, he contacted the company by telephone as the water pressure to his property was getting worse. Over one hundred houses have recently been built nearby and he thinks this may be contributing to the low pressure problems. He was told that an engineer would attend the property on 25 May 2022 to investigate.
- On 25 May 2022, the engineer found the water pressure at the stop tap within his property boundary to be 16 litres per minute (LPM). The engineer said that the distance of the property from the water main was causing the problem and the pressure on the mains water supply point was checked. He was then told that more work was required to excavate and expose the water supply pipe.
- The work was scheduled for 6 June 2022 but was not carried out until the week commencing 20 June 2022. During the works, an MSM was installed and a flow rate of 30 litres per minute was recorded. The supply pipe to his property is a 22 mm black alkathene; however, as the stop tap at the property boundary is four hundred metres away from the newly installed MSM, the company's contractors said that this size is insufficient and it should be 35-50 mm.
- The company's technician was very helpful but during his last visit he said that the company's legal team had deemed the supply pipe as private.
- On 4 July 2022, he asked the company to explain this comment and it responded on 28 September 2022 saying that the service pipe to the property was connected to lays in a different street to the water main that it is connected to, which made it private, and that there was no water main on its mapping leading to his home. The company said that the status of the roadways is taken from the

XX which is the definitive source, and according to the **XX**, the water main which the service pipe connects to was in L **XX** and the service pipe was laid in **XX**

- However, his property is located in **XX** as the company claimed, so he sent the company information he got off www.geoplace.co.uk to prove that his property is in **XX**, and an email stating that the **XX** lists his property with its unique property reference number as the only single dwelling located at the end of **XX**. However, the company said that even though there was a discrepancy with the street name, its decision regarding the ownership of the pipework was correct.
- The company then concluded that the water supply pipe was laid privately, but he questioned how it would be possible for a previous owner of his property to dig up 400 metres of public highway without previous planning or consent, and then connect the 22 mm supply pipe to a high pressure water pipe without the company's permission. Also, the company did not provide any evidence to show how or when the supply pipe was laid. The company then provided a map showing the water main pipes within **XX**, but no supply pipes were shown.
- He asked the company to acknowledge ownership and responsibility for the water supply pipe from the water main to his property boundary, and for the company to upgrade the water pipe to a suitable size to increase the water pressure, but it refused so he referred his complaint to WATRS.
- The first preliminary decision by WATRS accepted that, according to the **XX** the supply pipe and the water main were on different streets and, therefore, the company did not own the supply pipe to his property and was not obliged to replace it.
- Following that decision, he made contact with the **XX** and it accepted that its mapping was incorrect. As a consequence, the **XX** was amended to show that both the supply pipe to his property and the water main are located on **XX**
- Following this, the company accepted ownership of the supply pipe in the public highway up to the boundary stop tap of his property, and agreed to reinvestigate the low pressure issue.
- On 16 January 2023, the company carried out a flow test at the boundary stop tap and 16 LPM was recorded, not 18 LPM as stated by the company. This is the same flow level as recorded on 25 May 2022 during the initial investigation.
- As above, when the MSM was installed 250 metres from his property in June 2022, the flow rate was recorded at 30 LPM on the 22 mm diameter supply pipe. As confirmed by the engineer, the flow rate reduces by almost 50% over a distance of only 250 metres because the 22 mm diameter pipe is insufficient. Domestic properties should have a service pipe of 25 mm or 32 mm diameter, and the company's website states, "We try to maintain a water flow to your home of at least 22 litres per minute (4.9 gallons per minute), if the supply serves a single property".

- The company tried to avoid acknowledging ownership of the supply pipe, and is now refusing to investigate why the flow rate reduces so much over such a small length of pipe by referencing the Ofwat minimum standards.
- In view of the above, he wants the company to replace the supply pipe with a wider pipe to increase the water pressure to his property.

The company's response is that:

- Under section 179 of the Water Industry Act 1991, a water company has ownership of a service pipe that is laid in a street in which the water main with which it connects is situated.
- A 'Service Pipe' is defined in section 219 of the Water Industry Act 1991 as "So much of a pipe which is (or is to be) connected with a water main for supplying water from that main to any premises and is subject to water pressure from that main or would be subject to water pressure from that main but for the closing of a valve".
- In accordance with **XX**
- The pipe in question is a service pipe and the **XX** which is the definitive data set of streets, showed that it was laid in **XX** and the water main it connects to was located in **XX**. In view of this, it concluded that it did not own the service pipe and was not responsible for replacing it with a wider pipe to increase the water pressure to the customer's property. The preliminary decision issued by WATRS accepted this position.
- In any event, it carried out a pressure flow test on 25 May 2022 at the customer's property boundary and recorded 16 LPM. The aim is to provide no less than 12 LPM at the first tap.
- In June 2022, it carried out a pressure flow test at the water main boundary and a pressure flow of 30 LMP was recorded. This is above the standard of 22 LPM that must be provided to a pipe feeding one property.
- The flow test results mean that even if it had acknowledged ownership of the pipe before the case was referred to WATRS, it would not have replaced the pipe.
- Following the preliminary decision, the **XX** was amended to show that both the supply pipe and water main are located on **XX**, so it agreed to reinvestigate.
- On 16 January 2023, it carried out a pressure and flow test at the boundary stop tap in the highway.
- The Ofwat standards for pressure and flow are no less than 1.5 bar or 13 LPM. The results of the tests were 3.5 bar and 18 LPM, which confirmed that Ofwat's standards are being exceeded.
- It confirms that it is responsible for carrying out any repairs on the pipe in the public highway up to the boundary stop tap, but at present no further work is needed; therefore, it denies liability to replace the supply pipe as requested by the customer.

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 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. After reviewing the evidence during my first preliminary adjudication, I found that the customer's complaint was that the supply pipe to his property was owned by the company but was too narrow to provide adequate pressure. The company stated that the service pipe was located on C **XX** but the water main the service pipe it connects to was located on **XX**, and a water company does not own a service pipe laid in a different street to the water main it connects to. The customer stated that the supply pipe and the water main were both located on **XX** and, as such, the service pipe was not privately owned and the company was responsible for replacing it to increase the water pressure supplied to his property.
2. In order for the customer's claim to succeed, I decided that the evidence must show that the company had failed to provide its service to the expected standard by refusing to acknowledge ownership of the service pipe, and that the company had failed to provide adequate water pressure to the customer's property due to the insufficient width of the pipe.
3. In view of this, I considered the evidence to determine whether, on the balance of probabilities, the service pipe was a company owned asset.

4. The company had set out the legal basis for its belief that the service pipe was privately owned, and stated that under Section 179 of the Water Industry Act 1991 a water company will not own a service pipe laid in a different street to the water main it connects to, and I accepted this to be the case.
5. However, the issue to be determined from the evidence was whether or not the water main and service pipe were in fact located on different streets, or whether they were both located on **XX** as the customer claimed.
6. The company had provided mapping of the area showing the location of the water main and the service pipe, and information from the **XX** to show that the service pipe was on **XX** and the water main was on **XX**. The customer had provided evidence from a website author stating that the **XX** actually shows that the customer's property was on **XX**, and he also provided a copy of his water bill showing his address as '**XX**'
7. Street name discrepancies are not uncommon and, on balance, despite the evidence provided by the customer showing that his property address was listed as **XX**, I preferred the evidence provided by the company. This was because I accepted that the **XX** is the definitive data set for streets and that, on the balance of probabilities, the water main was not on the same street as the service pipe.
8. In view of this, I accepted that under the Water Industry Act 1991, the company did not own the service pipe. As the company is not responsible for maintaining a pipe it does not own, I concluded that it had not been shown that the company had failed to provide its service to the standard reasonably expected by the average person by refusing to accept ownership of the service pipe and refusing to replace it.
9. However, following the preliminary decision, the customer provided evidence to show that the **XX** going to be amended to show that both the supply pipe and the water main were on **XX** WATRS allowed the customer further time to provide evidence to show that the **XX** had in fact been amended, and the customer provided this. The company then agreed to reinvestigate.
10. The company now acknowledges ownership of the supply pipe but as the pressure and flow test carried out on 16 January 2023 showed a flow of 18 LPM and a pressure of 3.5 bar, which exceeds Ofwat's minimum standard of 13 LPM and 1.5 bar, the company still denies responsibility to replace the pipe as requested by the customer.

11. I note that the customer believes that the result of the flow test was 16 LPM rather than 18 LPM but, either way, I accept that it exceeds Ofwat's minimum standard of 13 LPM. I also note that the flow tests carried out in May and June 2022 showed that the minimum standard was also being met at that time.
12. I acknowledge that the customer believes that the supply pipe is too narrow, but I have not been provided with substantive evidence showing the diameter of the pipe causes a reduction in water pressure. In any event, there is no minimum requirement for the diameter of a supply pipe, and the evidence shows that the pipe is capable of providing flow and pressure above the minimum standard set by Ofwat.
13. In view of this, while I understand that the customer will be extremely disappointed by my decision, as the company is providing water pressure above the minimum standard required by Ofwat, I cannot find that the company has failed to provide its service to the standard reasonably expected by the average person. Therefore, the customer's claim cannot succeed and I make no direction to the company in this regard.
14. For completeness, I add that as the **XX** previously showed that the water main and supply pipe were on different streets, I do not find the company's initial refusal to accept ownership of the supply pipe amounts to a failing on the company's part.

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 13 April 2023 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.



K S Wilks

Katharine Wilks

Adjudicator