

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference:

WAT/XXX/X457 Date of Final Decision:

25 April 2023

Party Details

Customer: The Customer

Company: The Company

Complaint

The customer is unhappy the company has refused to adopt a pumping station on his property and claims for it to do so.

Response

It is under no legal obligation to adopt private assets and it has explained this to the customer. It denies the claim.

Findings

The evidence shows the company provided its services to the standard to be reasonably expected.

Outcome

The company does not need to take any action.

The customer must reply by 25 May 2023 to accept or reject this decision.

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Case Outline

The customer's complaint is that:

- He asked the company to adopt the pumping station on his property but it has refused.
- He claims the company to assist him in maintaining the pumping station and connected assets.
- In comments on the company's response the customer says:
 - The issues with his sewage system could have been avoided had the company set it up differently in the first instance.
 - It could be easily rectified now if the company either fit a new valve or connected his property to a new sewer pipe at its own cost.
 - He was not aware of any issue prior to purchase as he had limited access to the property during the Covid pandemic and solicitor enquiries only confirmed his foul water was connected to the public sewer.
- In comments on the preliminary decision the customer says:
 - Prior to purchase the company confirmed he was connected to the mains sewerage.
 - However, he is connected to the mains via pipework outside his property that goes uphill.
 - Sewage does not return to the sewer rather it returns to this pipe.
 - The company's sewage system does not work and it remains responsible for the pipework in the road outside his property.

The company's response is that:

- The customer has a private pumping station on his property which pumps his sewerage into the company's rising main/public sewer network. The pump is needed due to the height of the customer's property in relation to the sewer - there is no gravity led flow.
- The rising main (pressured pipework) is a private asset until it leaves the boundary of the customer's property and enters the shared access driveway.
- There is no operational issue with the rising main on its network which takes flows from the property to the public sewer network.

- The customer is experiencing operational issues with his private pump and would like it to take on ownership/responsibility for the pump. However, as the pump only serves the customer's property it does not fall within the criteria for adoption under the Adoption of Private Sewers Regulations 2011. This means it cannot adopt the private pumping station.
- It has followed all policies, processes and legal and regulatory requirements. It does not believe it has failed to provide services to the standard to be reasonably expected.
- It denies the claim.

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. I acknowledge the customer has a pumping station on his property and he is unhappy with how the system operates.
2. Ofwat guidance makes clear that customers are usually responsible for any pipework or assets on their private property. Further, the company has properly referred to the Adoption of Private Sewers Regulations 2011 which confirms it is not responsible where the asset only serves one customer as in this case.

3. I acknowledge the customer's comment that the company could have set up the sewage system differently during the development stage. However, I cannot say that the company had any obligations in this regard. Further, the customer purchased the property as it was, at his own risk.
4. I find no law or policy requires the company to accept responsibility for the pumping station or related assets on the customer's private property. Therefore, I cannot say the company failed to provide its services to the standard to be reasonably expected in refusing to do so. Consequently the customer's claim is unable to succeed.
5. I appreciate the customer will be disappointed with this outcome. However, I am unable to find a failing by the company in the given circumstances.
6. I have considered the customer's comments however my findings remain the same. I have not seen any evidence the company's assets are not working correctly. And, while the customer maintains the company should take responsibility for resolving problems arising due to the manner in which he is connected to its network, I find it has no obligation to do so.

Outcome

The company does not need to take any action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 25 May 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.



J Mensa-Bonsu LLB (Hons) PgDL (BVC)
Adjudicator