

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0959

Date of Decision: 7 November 2018

Complaint

The customer's claim is the company is incorrectly charging him for surface water drainage based on the company's charging band 2 which applies to semi-detached properties rather than charging band 1 which applies to terraced properties. The customer is seeking the company to charge him on band 1 tariff and reimburse him the additional surface water drainage charges since 2001.

Defence

The company submits it has correctly applied the surface water drainage charge. This is because the customer's property is a semi-detached property, not an end of terrace property as the customer submits. Accordingly, the customer's property should be classed for the purpose of the surface water drainage charge as a band 2 property which applies to semi-detached properties. The company has not made any further offers of settlement.

Findings

I am satisfied the evidence shows the company did not fail to provide its services to the customer to the standard to be reasonably expected regarding the surface water drainage charge. With regard to customer service, I am satisfied there have been no failings with regard to customer service, which the customer has not been already adequately compensation for, as the company has provided a good level of service at all other times throughout its dialogue with the customer.

Outcome

The company does not need to take any further action.

- The customer must reply by 5 December 2018 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.

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ADJUDICATOR'S DECISION

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Date of Decision: 7 November 2018

Party Details

Customer: []

Company: []

Case Outline

The customer's complaint is that:

- The company is incorrectly charging him for surface water drainage based on the company's band 2 which applies to semi-detached properties rather than band 1 which applies to terraced properties.
- The customer is seeking the company to charge the band applicable to terraced properties and reimburse the additional surface water drainage charges between 2012 and 2001, which is when he moved into the property.

The company's response is that:

- The customer's property adjoins a single property which is not part of a terrace and therefore the customer's property is a semi-detached property, not as the customer infers a terraced property.
- Accordingly, the customer should be changed on a band 2 tariff which is the band that applies to semi-detached properties.
- The company admits that after the customer contacted the company in April 2018 it incorrectly changed the banding from band 2 to band 1 in April 2018 and proceeded to refund the customer the additional surface charges from 2012. However, this was later to be found incorrect as after further investigation it was found the customer's property to be semi-detached rather than part of a terrace. However, the refund already given to the customer was honoured as a gesture of goodwill in light of this service failure.
- Except for the above failure in service, which the customer has already been adequately compensated for, the company at all other times provided a good level of service through its dialogue with the customer and therefore is not liable for any further damages in this respect.

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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. The dispute clearly centres on whether the customer's property is deemed a semi-detached or terraced property for the purposes of the surface water drainage charge. The customer maintains that it is a terraced property and the company that it is a semi-detached property.

In order to provide their services to consumers water companies are required to meet the standards set out in OFWAT's Charges Scheme Rules and the Water Industry Act 1991. Furthermore, the company also has certain obligations in respect of its customer services as set out in OFWAT Guaranteed Standards Scheme (GSS) and the company's own Customer Guarantee Scheme (CGS).

2. From the evidence put forward by the customer and the company, I understand the customer contacted the company on 25 April 2018 advising that his property was a terraced property not a semi-detached property. Following this contact the company's Tariff team changed the surface water drainage charges from band 2 (applicable to semi-detached properties) to band 1 (applicable to terraced properties). It is not disputed that the various charging bands are shown

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in section B3.1(xi) 5b of the company's Charges Scheme which extracts of the company has supplied within its defence.

3. The customer contacted the company again on 3 May 2018 to query the amendments made and various discussions took place resulting in the company establishing that in fact the customer's property was semi-detached and not a terraced property. A letter was sent to the customer on 18 May 2018 explaining the reasons behind why the company was of the view the property was a semi-detached property and it would be changing the band to band 2. Furthermore, it also admitted various failures in service with regard to changing the banding from 2 to 1 and back again. The letter states in recognition of these failures it would honour the refund already given to the customer.
4. As stated within the customer email dated 11 June 2018 the Technical Guidance for Permitted Development for householders gives the description of a terraced property as follows:

'terrace house' means a dwelling house situated in a row of three or more dwelling houses used or designed for use as single dwellings, where:

(a) it shares a party wall with, or has a main wall adjoining the main wall of, the dwelling house on either side or

(b) if it is at the end of a row, it shares a party wall with or has a main wall adjoining the main wall of a dwelling house which fulfils the requirements of sub-paragraph (a).

5. On careful review of the photographs supplied by the customer and the map provided by the company with its defence I accept the customer's property has a main wall adjoining the wall of the property, The House. The customer states that The House was originally three terrace properties which have been combined into one property. However, this does not alter the fact that The House is now one property, not three separate properties. The House does not have another wall which adjoins a third property and I find that The House is not a terrace house as set out in paragraph (a) of the Technical Guidance for Permitted Development. The customer's property does not have an adjoining wall with another property excluding The House. Therefore, it is also not a terrace house as set out in paragraph (a) of the Technical Guidance for Permitted Development
6. As The House is not a terrace house as set out in paragraph (a) of the Technical Guidance for Permitted Development then I find that the customer's property cannot come under paragraph (b) of the Technical Guidance for Permitted Development as it does not share an adjoining

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wall with a terrace house. Therefore, after careful analysis of the evidence, I agree with the company's interpretation that the customer's property is semi-detached and the customer's property should fall under the semi-detached band (band 2) for the purpose of the surface water drainage charge. I do not dispute the customer's claim that the property was previously part of a bloc of terraced houses. I have to make a decision based on the property as it is currently constituted, and I find that it is a semi-detached property. Accordingly, I am satisfied the company did not fail to provide its services to the customer to the standard to be reasonably expected in this respect. Therefore, the customer's claim is unable to succeed.

7. The company has certain obligations in respect of its customer services and I am satisfied the company accepts it provided poor service in this respect, this poor service is explained within the company's defence. After careful consideration of all the evidence put forward by both parties, I find the refund of the additional surface water charges from 2012 is appropriate compensation for the failings regarding the additional surface water charges.
8. 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 with regard to the surface water drainage charge, 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 with regard to customer service, which the customer has not been adequately compensated for, as the company has provided a good level of service at all other times throughout its dialogue with the customer.

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 5 December 2018 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 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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