

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1028

Date of Decision: 16 October 2018

#### Complaint

The customer's claim is that the private pumping station serving the customer's property should have been transferred in 2016 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 private pumping station serving his property and provide an apology.

#### Defence

The company submits the private pumping station is not eligible for adoption. This is because the customer's property is a multiple property site within a single curtilage, with a common drainage arrangement serving a number of individual properties that have separate lease agreements. Accordingly, under Department for Environment Food & Rural Affairs (DEFRA) guidelines, the drainage is not regarded as private sewers for transfer. Furthermore, the company has apologised within its dialogue with the customer but is happy to provide a further apology if required. 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 customer's private pumping station. 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 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 needs to take no following further action.

- The customer must reply by 13 November 2018 to accept or reject this decision.

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# ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /1028

Date of Decision: 16 October 2018

## Party Details

Customer: [ ]

Company: [ ]

## Case Outline

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

- The private pumping station serving the customer's property (10 Ash Place) should have been transferred to the company's ownership in 2016 under the Water Industry (Scheme for Adoption of Private Sewers) Regulations 2011.
- The customer is seeking the company to adopt the private pumping station serving his property and provide an apology.

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

- The private pumping station serving the customer's property is not eligible for adoption as Ash Place is a multiple property site within a single curtilage, with a common drainage arrangement serving a number of individual properties that have separate lease agreements.
- Under Department for Environment Food & Rural Affairs (DEFRA) guidelines, the drainage for Ash Place is not regarded as private sewers for transfer.
- Furthermore, the company only became aware the private pumping station serving the customer's property was not eligible in November 2017, when the customer contacted the company regarding an issue with the pumping station. Before this time the company was not aware a private pumping station served the customer's property as it relies on customers to let them know a private pumping station exists with regard to their property.
- The company detail that it has apologised within its dialogue with the customer but is happy to provide a further apology if required.

## How is a WATRS decision reached?

In reaching my decision, I have considered two key issues. These are:

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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 centres on whether the company should have adopted ownership of the private pumping station serving the customer's property, Ash Place. The company is required to meet the standards set out in the Water Industry Act 1991 and the Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008. The combined effect of these is to place an obligation on a water and sewerage company that when there is a report of a leak, the company needs to investigate fully if the company's assets are to blame and, if repairs are needed, make such repairs to prevent further leaks.
2. 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).
3. From the evidence put forward by the customer and the company, I understand the company wrote to the customer in 2011 advising him of the transfer of private pumping stations, which would take place in 2016 in line with the Water Industry (Scheme for Adoption of Private Sewers) Regulations 2011. The evidence shows this letter was a generic letter sent to all its customers and not specific to the customer or his property. However, the letter clearly states that any pumping station not having been transferred to the company's ownership before 1 October 2016 would be transferred on the 1 October 2016. The letter makes no mention of multiple property sites within a single curtilage with a common drainage arrangement serving a number of individual properties that have separate lease agreements being exempt. However, I accept that the letter

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was a generic letter rather than specific to each customer or their properties. I accept that the letter may have led to the customer to form the view that the pumping station would also transfer to the company. Nevertheless, 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. The company within its defence implies that it cannot be aware of every private pumping station connected to its network, and it is for the customer to highlight that a private pumping station exists so the company can adopt it if possible and within the regulations and guidelines. I find that this is consistent with standard practice in the water industry and reflects the size and complexity of water network in the UK. I am satisfied that it is impractical for the company to be aware of every private pumping station connected to its network and that at the time it sent the generic letter to the customer it was not aware of the pumping station.

4. On 12 November 2017, the customer contacted the company to report a sewer blockage. On 13 November 2017 the company attended the property and cleared a problem at the customer's pumping station to resolve the blockage. I am satisfied the evidence shows the company noted at this time the pumping station serving the customer's property was a private pumping station and this information was passed on to the company's pumping station transfer team.
5. The company's pumping station transfer team investigated the matter further and was of the view the private pumping station serving the customer's property could not be adopted as the customer's property is located on multiple property site within a single curtilage. The company's email, dated 26 March 2018, explains the company undertook a land referencing exercise. This showed that Ash Place, within which the customer's property is located, is a multiple property site within a single curtilage, with a common drainage arrangement, serving a number of individual properties that have separate lease agreements. After careful analysis of the evidence, I agree with the company interpretation that due to the nature of this single curtilage under sections 13, 15, 18 and 19 of DEFRA's guidelines, the private pumping station serving the customer's property would not be regarded as a station for adoption by the company. Therefore, I find the company did not fail to provide its services to the customer to the standard to be reasonably expected by acting upon DEFRA's guidelines .
6. 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 sum paid of £30.00 under the GSS is appropriate compensation for the failings regarding email response timing and subsequent GSS payment delay.

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7. The customer has requested an apology from the company. Having carefully considered the various correspondence put forward in evidence, I am satisfied the company has failed to provide its services to the customer to the standard to be reasonably expected by the average person as explained above. However, I am satisfied the company has sufficiently apologised and paid recompense where appropriate within its dialogue with the customer. Therefore, I find the company is not required to provide a further apology.
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 transfer of ownership of the private pumping station, 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 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.

#### What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 13 November 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.

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**Mark Ledger FCIArb**  
**Adjudicator**

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