

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1111

Date of Decision: 10 December 2018

Complaint

The customer's claim is that the company has provided no assistance in solving an increase in consumption between 28 February and 13 October 2017, despite the customer believing that an adjoining business had connected to its water supply without authorisation and for its own purposes. The customer asserts this inaction led to ever increasing bills, as well as inconvenience and distress. The customer is seeking a reduction in its bill of £5,039.36 for the period 28 February-13 October 2017.

Defence

The company submits the third-party connections to or leaks from the customer's private supply pipe is a private issue, which the company is not responsible for. Accordingly, the company cannot reduce the customer's bill as the customer is liable for the usage on his supply pipe whether or not there is any third-party connections to or a leak from that supply. Therefore, no sums are due in this respect. The company has not made any further offers of settlement.

Findings

I am satisfied the evidence points to the fact the company did not fail to provide its services to the customer to the standard to be reasonably expected regarding the third-party connections to the customer's supply pipe. The evidence shows the company did not fail when dealing with the customer's complaint, to provide customer service to the standard to be expected.

Outcome

The company needs to take no following further action.

- The customer must reply by 11 January 2019 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.

www.WATRS.org | info@watrs.org

ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /1111

Date of Decision: 10 December 2018

Party Details

Customer: []

Company: []

Case Outline

The customer's complaint is that:

- The company has provided no assistance in solving an increase in consumption between 28 February and 13 October 2017, which led the customer's bill to increase to £5,039.36 from an estimated £141.54.
- Through its own investigations the customer believes that an adjoining business had connected to its water supply without authorisation for its own purposes and the company has taken no action in this regard.
- This inaction and lack of assistance led to ever increasing bills, as well as inconvenience and distress.
- The customer is seeking a reduction in its bill of £5,039.36 for the period 28 February-13 October 2017.

The company's response is that:

- Third-party connections to, or leaks from, the customer's private supply pipe are a private issue, which the company is not responsible for. Accordingly, the company cannot reduce the customer's bill as the customer is liable for the usage on its supply pipe, whether or not there is any unauthorised third-party connections or a leak from that supply.
- However, as a gesture of goodwill the company has offered the customer a credit of £503.90 against the bill.
- On each occasion the customer made a complaint, this was taken seriously and fully investigated. The company asserts it kept the customer updated on the investigations that identified the source of the increase in consumption as the customer's own supply pipe.
- The company state it should not pay any compensation as when dealing with the customer's complaint the company did all it could, as quickly as it could with regard to investigating the source

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.

www.WATRS.org | info@watrs.org

of the customer's high consumption, and there was no intention to cause the customer stress, inconvenience or waste their time.

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 centres on whether the company provided assistance to the customer with regards to the high consumption recorded due to an alleged third-party connection to the customer's private supply pipe. 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).
3. The customer initially contacted the company on 15 September 2017 reporting a leak that was established to be on the customer's supply pipe. Initially the location of the stop tap and meter could not be located; however, the evidence shows this was eventually located 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.

www.WATRS.org | info@watrs.org

and a meter reading was taken on 19 September 2017 that showed an exceptionally high consumption. The company contacted the customer on 13 October 2017 advising that this meter reading showed an exceptionally high consumption and that the company would be issuing a revised bill for the period 28 February and 13 October 2017 based on this reading rather than the estimated amount. The quantum of the bill was £5,039.06, approximately thirty-five times higher than the estimated bill amount of £141.54. The evidence shows that the customer receives its water supply from the company, whilst its sewage services come from [] Water, a separate retailer. I understand that the bill presented to the customer is a combination of both water and sewage services. At the same time, the company put the customer's account on hold whilst both the customer and company undertook various investigations to establish the source of the high consumption.

4. On 19 October 2017 the customer contacted the company to advise it could find no leaks on its supply pipe. On the 30 October 2017 the customer once again contacted the company to advise that the meter readings between 13 October and 30 October 2017 were now consistent with its historical readings and that it was of the view that the adjoining business had inadvertently or mistakenly made a connection to its supply pipe. The customer states it was this unauthorised connection that had increased the recorded consumption for the period 28 February-13 October 2017. Between 30 October 2017 and 27 November 2017 various correspondence took place between the parties with it resting with the company's position that the customer is still liable for the bill as leakage from, or third-party connections to, a private supply pipe is a private matter for which the company has no responsibility. On the 5 December 2017 the customer contacted CCWater to pursue its complaint further. The evidence shows that the company once again put the customer's account on hold until the closure of CCWater's investigation in March 2018.
5. With regard to the customer's comments that it cannot be held responsible by the company for the water usage of other properties, which it says have illegally connected to its private water supply pipe. The company states the customer is still liable for the bill as third-party connections to a private supply pipe is a private matter for which the company has no responsibility. As set out in the company's defence and OFWAT's website, the supply pipe from the meter to the customer's property is the responsibility of the property owner. Therefore, I find that any connections to this pipe, authorised or otherwise are the responsibility of the customer. Furthermore, any leakage from the customer's supply pipe is also the responsibility of the customer. The evidence shows that a leak existed on the customer supply pipe in September 2017; however, it is not clear from the evidence provided by either party whether the cause of the over consumption was this or another leak on the supply pipe or the alleged unauthorised third-party connection. However, it

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.

www.WATRS.org | info@watrs.org

matters not whether the over consumption is from an unauthorised third-party connection or a leak on the customer supply pipe, in both cases it is the responsibility of the property owner. Whilst, I understand the position the customer is in with regard to the over consumption, it is not due to any failing by the company. Accordingly, I find the company is under no obligation to reduce the customer's bill and that it is for the customer to seek redress from any third-parties who have connected to his private supply pipe.

6. In light of the above and after careful analysis of the evidence, I agree with the company interpretation that any third-party connections or leaks from the customer's own supply pipe are the responsibility of the customer. Furthermore, I am satisfied that the company did what it could regarding establishing the source of the over consumption and did not need to take any further action in this regard. Therefore, I find the company did not fail to provide its services to the customer to the standard to be reasonably expected with regard to the customer's supply pipe.
7. On 24 January 2018 as part of its own investigation the company's wholesaler visited the site and was of the view that no leaks were found on the company's assets or that its or customer's supply pipe had been historically tampered with. The customer states that the company, by not attending the property sooner, allowed the third party to conceal and remove any unauthorised connection. The company view was that as the high consumption was a third-party connection or a leak on the customer's supply pipe it was under no obligation to attend the property as this was a private matter. Furthermore, as evidenced by the customer's message dated 30 October 2017, the meter reading from 13 October 2017 was back to the customer's historical usage and had the company visited the site earlier in its dialog with the customer the company position would have not changed. Whilst I understand the customer frustration in this regard I find that the company's actions were reasonable and did not cause any loss.
8. The company has certain obligations in respect of its customer services. After careful review of both the customer's messages and the company's responses, I am satisfied that by the end of the company's dialogue with the customer, the company had adequately explained how it investigated the source of any leaks surrounding the customer's property and the alleged third party connection and the reasons why the customer is responsible for the both the third party connection and any leaks on its own supply pipe.
9. From the timeline set out within the various correspondence, I find the company responded adequately to all the customer's concerns. I note that the WATRS application was submitted on 12 April 2018 after the completion of CCWater's investigation in March 2018 and 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.

www.WATRS.org | info@watrs.org

was not notified of any application until November 2018. The evidence shows that within this period the company pursued the customer for payment. Whilst I appreciate the stress this may cause, in my view, as the company was unaware of the WATRS application and thought the matter had ended with CCWater's investigation I find the company's approach reasonable considering the circumstances. With regard to debt collection messages and threat of disconnection from [] Water, this is a separate entity to the company and therefore does not form part of this adjudication. Overall, after careful analysis of all the correspondence submitted in evidence, I am not satisfied that it has been proven the company failed to provide its services to the customer to the standard to be reasonably expected by the average person in respect of customer service.

10. I note that the customer has requested a reduction in its bill. As above, I am not satisfied that it has been proven the company failed to provide customer service to the standard to be reasonably expected and, as I have already found that the company are not responsible for any third-party connections or leaks from the customer's supply pipe, I cannot find the company liable for these costs. The company's customer service and actions were reasonable and did not cause any loss. I note that the company has offered a 10% credit of £503.90 against the customer bill as a gesture of goodwill and also offered a payment plan to repay the bill over a 12-month period. I do not make any direction in relation to the goodwill gestures offered other than to detail that nothing in this decision is to be taken as an indication that these gestures should not be made if the company continues to consider these appropriate. Accordingly, I find the evidence does not support the customer's position and so this aspect of the customer's claim fails.

11. 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 providing assistance for the high consumption, 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 in respect of customer service as the company has provided a good level of service at all 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 11 January 2019 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**