

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1609

Date of Decision: 6 November 2019

Complaint

In September 2018, a water main belonging to the company burst and, shortly afterwards, the customer started to experience low water pressure which was not resolved until July 2019. The company insists that the mains supply was not the cause of the persistent low water pressure and concluded that the pipework under the customer's kitchen sink and/or his kitchen tap were causing the problem. However, the customer's kitchen sink pipework and tap were both installed in late 2017 and, if inadequate or faulty, would have caused low water pressure from that time. The water pressure returned to normal in July 2019, even though the customer had not made any alterations to the kitchen pipework or plumbing. The customer believes that the company is responsible for the low water pressure and wants it to take responsibility by paying £1,000.00 in compensation for the stress and inconvenience suffered.

Defence

The company carried out extensive investigations to find the cause of the low water pressure in the customer's home. The results indicated that the problem was caused by the flow of water on the customer's private pipework, rather than the water pressure in the company's network. After the water main burst on 17 September 2018, the pressure in the network remained at its previous level of 5 bar for around a month, however, to reduce the risk of further bursts, this was reduced to 3.5 bar following the installation of a Pressure Reducing Valve (PRV). In July 2019, the company adjusted the PRV to regulate the pressure in the network and the company accepts that the customer noticed an improvement at this time. However, as the water pressure supplied to the customer complied with the statutory pressure requirements both before and after the adjustments, and before and after the main burst, the company believes that the higher overall pressure present in the network previously may have concealed the low water flow present on the customer's private pipework. The company does not accept responsibility for the low water pressure inside the customer's home and denies liability to pay the customer compensation for distress and inconvenience.

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The company has not made an offer of settlement.

Findings

Under section 65 of the Water Industry Act 1991, the company has a duty to provide water “constantly and at such a pressure as will cause the water to reach to the top of the top-most storey of every building within the undertaker’s area.” Section 65 does not impose a minimum requirement for water pressure, however, as part of the guaranteed standards imposed on water companies by Ofwat, the industry regulator, the minimum legal requirement is equivalent to a flow of 9 litres per minute, or a pressure of 10 metre head at the boundary of the property. Having reviewed the evidence, I find nothing to suggest that the company has contravened section 65 of the Water Industry Act 1991 or failed to supply water to the customer with adequate pressure. In view of this, and based on the evidence provided, I find that the low water pressure experienced by the customer was most likely caused by a fault on the customer’s internal pipework for which the company is not responsible. Therefore, I do not find that the company has failed to provide its service to the standard reasonably expected by the average customer and the customer’s claim for compensation does not succeed.

Outcome

The company does not need to take any further action.

The customer must reply by 3 December 2019 to accept or reject this decision.

The company's response is that:

- It has carried out extensive investigations to find the cause of the low water pressure in the customer's home, the results of which all indicate that the problem was caused by the flow of water on the customer's private pipework, rather than the water pressure in its network.
- The water main burst on 17 September 2018 and was repaired very quickly; water supplies/pressures were restored by 18 September 2018. After the water main was repaired, the pressure in its network remained at its previous level of 5 bar for around a month. However, in order to protect the network from further bursts, this was reduced to 3.5 bar following the installation of a Pressure Reducing Valve (PRV).
- It conducted tests at the boundary of the customer's property; these showed that there is 3.5 bar of pressure on the water supply provided to the customer, which is above the statutory requirement. Tests were also conducted inside the property; these confirmed that the flow at the internal stop tap was 25 litres per minute (LPM), the flow at the kitchen tap was 10 LPM, and the flow at the bathroom tap was 15 LPM. Therefore, the results indicated that the low water pressure inside the customer's home was caused by an issue with the internal pipework for which it is not responsible.
- After the installation of the PRV, it monitored its network and, following contact from other property owners in the same area as the customer, it made some adjustments to regulate the pressure in the network during July 2019. It accepts that the customer noticed increased water pressure at this time, however, it believes that, prior to the installation of the PRV, the higher overall pressure present in the network may have concealed the low water flow present on the customer's private internal pipework.
- The water pressure supplied to the customer complied with the statutory pressure requirements both before and after the burst water main, and before and after the adjustments to the network. Therefore, the issue with reduced water flow within the customer's home is not related to the operation of its network.
- It does not accept responsibility for the low water pressure and denies liability to pay the customer compensation for distress and inconvenience.

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.

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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. Under section 65 of the Water Industry Act 1991, the company has a duty to provide water "constantly and at such a pressure as will cause the water to reach to the top of the top-most storey of every building within the undertaker's area." Water companies are legally responsible for the water main, communication pipe from the water main to the boundary of the property and the Outside Stop Valve (OSV) but are not responsible for private pipework. It follows, therefore, that the water pressure measurements are to be taken at the OSV and it is the pressure here that must satisfy certain measurable requirements. Section 65 does not impose a minimum pressure of the water that reaches the top storey of the properties it supplies. However, as part of the guaranteed standards imposed on water companies by Ofwat, the industry regulator, the minimum legal requirement is equivalent to a flow of 9 litres per minute or a pressure of 10 metre head at the boundary of the property.
2. Having reviewed all the evidence provided by the parties, I accept as fact that the customer's property suffered with reduced pressure from September 2018 to July 2019. I also accept that this will have been inconvenient for the customer.
3. The evidence demonstrates that the customer first complained about the problem to the company on 18 September 2018, after a water main burst on the company's network on 17 September 2018. The company accepts that the burst main caused many customers to lose pressure and some had no supply at all. However, the company states that the burst main was repaired, and water supplies had returned to normal, by 18 September 2018. However, the evidence demonstrates that the customer's reduced water pressure persisted.

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4. The evidence demonstrates that the water pressure in the network was 5 bar before the water main burst and remained at this level for a month after it was repaired. However, the company installed a PRV and this reduced the water pressure to 3.5 bar. Following the installation of the PRV, some properties in the same district meter area as the customer experienced slightly low water pressure. The company therefore adjusted the PRV in July 2019 and this resolved the issues experienced by other customers. At the same time, normal water pressure returned to the customer's property.
5. The evidence provided by CCWater demonstrates that the company thoroughly investigated the low water pressure issue experienced by the customer; pressure and flow tests were conducted on the company's pipework on the boundary of the customer's property and these confirmed that the water pressure was 3.5 bar. I accept that this exceeds the minimum legal requirement. The company replaced the customer's internal stop valve free of charge, performed a blow back to clear the private supply pipe of debris, and performed flow tests on the internal stop valve, the kitchen tap and the bathroom tap.
6. The company believes that the high water pressure present before the water main burst masked the low flow rates on the customer's internal pipework and that, when the water pressure was reduced by the PRV, the issue was exposed. The customer states that this argument is flawed because in July 2019 his water pressure returned to normal, yet he had not altered his private pipework or plumbing arrangements.
7. Having reviewed the evidence, I accept that the burst main and the customer's loss of pressure coincided, and this would have led the customer to believe that the two incidents were linked. I also accept that the low water pressure experienced by the customer was remedied at about the same time that the company adjusted the PRV in July 2019, and this may indicate to the customer that the low pressure was caused by a problem on the network. However, from the evidence provided, I cannot conclude that the burst main caused the low pressure initially, or that the adjustment made to the PRV remedied a problem on the company's network and returned normal water pressure to the customer's home.
8. The evidence does not persuade me that the company has contravened section 65 of the Water Industry Act 1991 or failed to supply water to the customer at or above the minimum

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water pressure requirement as set out by Ofwat. Furthermore, on the balance of probabilities, I accept that the internal tests conducted by the company indicate that the low pressure was most likely caused by the internal pipework for which the company is not responsible.

9. I also find plausibility in the company's explanation that the higher water pressure masked a problem on the customer's private pipework and, when the PRV was installed and reduced the pressure, albeit above the minimum requirement, the problem was exposed. The company has not explained how the adjustment to the PRV carried out in July 2019 affected the water pressure on the water supply to the customer's home. However, if the adjustment increased the water pressure, and I find it likely that it did as the company states it remedied slightly low pressure in other properties, it may be that, again, the higher water pressure has masked a problem on the internal pipework.
10. Therefore, while I appreciate that this is not the outcome the customer hoped for, I cannot find that the company has failed to provide its service to the standard reasonably expected by the average customer. As I find no failing on the company's behalf, it therefore follows that the customer's claim for compensation for distress and inconvenience cannot succeed.

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 3 December 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 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.

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KS Wilks

Katharine Wilks

Adjudicator

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