

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0556

Date of Decision: 16 August 2017

Complaint

The customer built a property that required a new connection. The water pressure at the property is very low. The customer submits that the company is responsible for this, by not advising that 25mm pipework would be inadequate, or by not providing water under sufficient pressure.

Defence

The customer is responsible for private pipework after the boundary stop tap. It is not under any obligation to provide advice to customers and it is anticipated that customers ordering a new supply will have the relevant knowledge or have taken appropriate advice. It is supplying water above the legal minimum pressure to the boundary stop tap and is not liable to the customer.

Findings

The company is not under any legal duty to advise customers about the suitability of private pipework, did not hold itself out as expert in this regard, and was not asked about the suitability of the pipework. It was not responsible for the change to the layout of private pipework and the onus was on the customer to check that the plans remained suitable. The evidence showed the company was supplying water above the minimum pressure required.

Outcome

The company does not need to take any further action.

- The customer must reply by 14 September 2017 to accept or reject this decision.

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Adjudication Reference: WAT/ /0556

Date of Decision: 16 August 2017

Party Details

Customer: [REDACTED]

Company: [REDACTED]

Case Outline

The customer's complaint is that:

- The customer states that he ordered a water supply for a new residential property. The customer calculated that the supply would be provided from the front of the property, similar to neighbouring properties, and asked for a 25mm supply. The company proposed an alternative location but, after a site meeting, agreed to the customer's suggested supply position. Due to issues with the parish council, the water connection had to be moved with a new supply from the company's proposed position. The owners of the property have complained of a lack of water pressure. The company advises that this is due to the length of the pipe, and that this should have been made via a 32mm connection. The company did not advise at any time that 25mm would be insufficient for the length of the connection. The customer also submits that the company's infrastructure is the principal cause of the lack of pressure.
- The customer requests an apology and that the company upgrade the supply to the property at its own cost, including any supply ducting to the property.

The company's response is that:

- The company states that it is responsible for providing water to the boundary stop tap of a minimum pressure of 7 metres static head. The private supply pipe is laid by the customer in preparation for a new supply. Its guidance recommends a supply pipe of 32mm where it is 40m to 100m in length. The company denies that it has any duty to provide advice to the customer and it is expected that any person applying for a new connection will have the appropriate

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knowledge. The company will check that the private pipework complies with the statutory requirements regarding depth, but it is not obliged to carry out further checks. The company has measured the pressure of the water on the customer's supply pipe and this "never drops below 17 – 18 meters head". The company denies that it is liable to the customer.

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.

If the evidence provided by the parties does not prove both of these issues, the company will not be directed to do anything.

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 customer built a property and this required a new water connection. The connection was initially to be supplied through a short pipe from [REDACTED]. However, due to issues with the local Parish Council, the supply had to be moved and laid through private land belonging to the [REDACTED], from the main in Main Road. The supply pipe is around 50m in length.
2. In order for the claim to succeed, the customer must demonstrate that the company owed some duty to him in respect of the private pipework laid for the new connection. It is only where a duty exists and the company has failed in this duty, such as if there is a positive duty on the company to provide advice as to the suitability of private pipework, or where it held itself out as an expert when providing specific advice such as that the private pipework would be suitable, that the company may be liable to the customer.

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3. In reviewing the evidence, I find that the application for a new supply relates, in respect of the company, to where the supply will meet the main. The application advises that no pipework should be laid until a survey has been completed so that the location of the connection to the main can be confirmed. However, I find no suggestion within this or any other documentation that the company has advised that 25mm pipework would be appropriate for the customer's specific purpose. The customer did not request the company to confirm that 25mm pipework would be sufficient given the change of route for the new connection.
4. I am also mindful that the change to the location of the connection was required due to a dispute between the customer and a third party, the Parish Council. I consider that, where it is necessary to make significant changes to the plan for a new connection, it is reasonable to anticipate that a customer will confirm that the new plan is appropriate. I find no obligation on the company in relation to the appropriateness of the plan for private pipework, other than in respect to the statutory duty to ensure the pipe is buried deeply enough and has an internal stop tap. In addition, the change to the plan was mandated by a third party, not the company, and I find that there can be no suggestion that the company should have taken any positive step to ensure that the updated plans remained appropriate.
5. In reviewing the relevant legislation and documentation, I also find no positive duty on the company to ensure that the customer's private pipework is appropriate for its intended use. I am satisfied that it is clear that it is the customer's responsibility to lay the private pipework and that the only duty of the company in relation to the private pipework is to ensure that it is laid correctly, i.e. at a sufficient depth, and is compliant. There is nothing to suggest that, using a pipe that is of a lower diameter than recommended, would not be fully compliant with the relevant regulations.
6. In view of this, I find that the customer remained at all times responsible for ensuring that any private pipework being laid was fit for the purpose intended. The company's obligations extended to identifying the appropriate location for the pipework to connect to its main, and to ensure that private pipework that was not laid by an approved contractor was compliant with the relevant legislation. I find no obligation on the company to review the pipework to ensure that it will be appropriate for the customer's usage and I find that the customer was, at all times, responsible for ensuring that the plans for private pipework were still appropriate in light of the changes required to the location of the new connection.

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7. The company states that the only issue in relation to low water pressure relates to the private pipework. As above, I have found that the company is not responsible for the private pipework, was under no positive duty to provide advice to the customer about that pipework, and did not provide any such advice or hold itself out as doing so.
8. In addition, I also note that the company's published guidance for laying private pipework expressly recommends the use of 32mm pipe where the length is 40-100m. I must therefore find that the information was made available to the customer that would have enabled him to identify, without seeking expert advice, that the private pipework should be of 32mm or bigger. I find no failure on the part of the company in that the customer does not appear to have read the guide prior to arranging for the pipework to be laid.
9. The company is obliged to provide water with a minimum pressure of 7 metres of static head. The point at which this pressure must be provided is at the edge of the property, at the end of the pipework that the company is responsible for. This is at the boundary stop tap.
10. The company measured the water pressure at the boundary stop tap over an extended period, from 27 April 2017 until 11 May 2017. The customer does raise concerns that the graph for this is labelled " [REDACTED]" and suggests that it may relate to the pub's water supply, not that of the property. However, in reviewing the CCWater documentation, this has been clarified. As the pipework crossed the pub's land, the recording was labeled [REDACTED] to allow for the equipment to be found at the end of the testing period. I am therefore satisfied that the recording is relevant to the disputed property.
11. The recording shows that the customer was receiving consistently between 17 and 30 metres head. This is significantly above the legal minimum of 7 metres, even during night where the customer states the pressure is reduced.
12. I therefore must find, on the balance of probabilities, that the company is providing acceptable water pressure to the boundary stop tap, and that it is the small diameter of the customer's private pipework that is resulting in the low water pressure. As I have found that there was no obligation on the part of the company in respect of the suitability of the private pipework, and that it is providing water at an appropriate pressure, I find no basis under which the customer's claim may succeed.

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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 14 September 2017 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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Alison Dablin, LL.M, MSc, MCI Arb

Adjudicator

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