

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0717

Date of Decision: 25 July 2018

Complaint

The customer states that he would like the company to consider providing him with a discount for his sewerage service charges. He understands that sewerage charges are based on the amount of fresh water used and that the company already provides all customers with a 5% allowance for sewerage costs, because not all the fresh water used will go to the sewer. However, he states that only a small proportion of the fresh water he uses actually goes to the sewer (due to the use of a septic tank at his property). The customer states that he has already contacted the company in relation to this issue and, whilst it provided him with a gesture of goodwill (by waiving some of his sewerage charges as a one-off), it did not agree to provide him with any further set discount for his sewerage service charges. The customer states he appreciates it is impossible for him to prove this but he believes that the majority of the fresh water he uses goes to the septic tank and not to the sewer. The customer is therefore requesting that the company reconsiders its position and provides him with a greater discount for sewerage service charges.

Defence

The company states that it has responded to the customer's requests in relation to this issue and explained that its scheme of charges does not provide refunds for partial connections to the sewer. However, it advised the customer that if he wanted to stop paying for sewerage service charges, he would need to completely disconnect his sewerage connection to the company's sewerage network and transfer it to his septic tank system. The company states that, as a gesture of goodwill, it offered to waive some of the customer's sewerage charges as a one-off. However, it has confirmed that, unless the customer completely severs his connection to the company's sewerage network, it cannot provide him with any further discount. The company has highlighted the relevant sections of its scheme of charges to illustrate its position. Consequently, the company indicates that the customer is not eligible for any further discount for his sewerage costs. In light of all the above, the company submits that it is not obliged to provide the customer with the redress being claimed and has made no offers of settlement.

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Findings

It has not been established that the company failed to provide its services to the standard to be reasonably expected by the average person. The company has demonstrated that, in accordance with its scheme of charges, it does not provide a sewerage service charge discount (in addition to the standard 5% allowance based on fresh water usage) to any customer even if they can show that less fresh water goes to its sewerage network.

Outcome

The company does not need to take any further action.

The customer must reply by 22 August 2018 to accept or reject this decision.

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ADJUDICATOR'S DECISION

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Party Details

Customer:[].

Company: [].

Case Outline

The customer's complaint is that:

- He would like the company to consider providing him with a discount for his sewerage service charges.
- He understands that sewerage charges are based on fresh water usage and that the company already provides customers with a 5% allowance for sewerage costs because not all the fresh water used will go to the sewer. However, he states that only a small proportion of the fresh water he uses actually goes to the sewer (due to the use of a septic tank at his property).
- The customer states that he has already contacted the company in relation to this issue and, whilst it provided him with a gesture of goodwill (by waiving some of his sewerage charges as a one-off), it did not agree to provide him with any further set discount for sewerage service charges.
- The customer states he appreciates it is impossible for him to prove this but he believes that the majority of the fresh water he uses goes to the septic tank and not to the sewer.
- The customer is therefore requesting that the company reconsiders its position and provides him with a greater discount for sewerage costs.

The company's response is that:

- It acknowledges the customer's request for a discount for his sewerage service charges (as a result of the use of septic tank at his property). The company also notes the customer's assertion that most of the fresh water he uses is sent to the septic tank and not the sewer.

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- The company states that it responded to the customer's letter in relation to this issue and explained that its scheme of charges does not provide refunds for partial connections to the sewer. However, it advised the customer that if he wanted to stop paying for sewerage service charges, he would need to completely sever his sewerage connection to the company's sewer network and transfer it to his septic tank system.
- The company states that, as a gesture of goodwill, it offered to waive some of the customer's sewerage charges as a one-off. However, it has confirmed that, unless the customer completely severs his connection to the company's sewerage network, it cannot provide him with any further discount. The company has highlighted the relevant sections of its scheme of charges to prove its position.
- Consequently, the company indicates that the customer is not eligible for any further discount for his sewerage service charges.
- In light of all the above, the company submits that it is not obliged to provide the customer with the redress being claimed.

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.

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How was this decision reached?

1. The customer's request is for the company to consider providing him with a discount for his sewerage service charges. The basis of this request is the customer's assertion that the majority of his fresh water is sent to his septic tank and not the company's sewerage network. The customer states that he has already contacted the company in relation to this issue and, whilst it provided him with a gesture of goodwill (by waiving some of his sewerage charges as a one-off), it did not agree to provide him with any further set discount for sewerage service charges. The customer requests that the company reconsiders its position and provides him with a greater discount for sewerage service charges.
2. I remind the parties that adjudication is an evidence-based process and in order for any remedy to be awarded, the evidence must show that the company has not provided its services to the standard that would reasonably be expected of it.
3. Following careful consideration of the parties' respective submissions, I am particularly mindful of paragraphs 6.20 and 6.21 of the company's scheme of charges. I note that these paragraphs state:

6.20 - When calculating measured sewerage charges, a 5% allowance will be given against the volume of water recorded by the meter in recognition of the fact that not all water used will be returned to a sewer.

6.21 - 5% is based on the average amount of water a domestic property will use which will not be returned to a sewer. As with all averages, some properties might be able to show that more water is not returned to a sewer but the costs to customers of the Company offering individual assessments would be significant and could lead to all customers paying more as a result. Therefore the Company will not increase the standard 5% allowance for domestic customers.

4. Accordingly, I find that the company's scheme of charges makes it clear that the company will not increase the standard 5% sewerage charge allowance for any customer even if they are able to demonstrate that less fresh water is returned to the company's sewerage network.

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5. Consequently, under the circumstances, I am not satisfied that the company's refusal to provide the customer with a greater discount for sewerage service charges (in accordance with the terms of its set scheme of charges) amounts to a failure to provide its services to the standard to be reasonably expected by the average person.
6. In the interests of completeness, I draw attention to the fact that by virtue of section 142 of the Water Industry Act 1991, the company is entitled to set its own scheme of charges and charge its customers in accordance with that scheme of charges. Therefore, I am not satisfied that the company has failed to provide its services to the standard to be reasonably expected by the average person by setting its own scheme of charges and charging the customer accordingly.
7. Whilst it has not been specifically raised by the parties, I find that it may be prudent at this stage to highlight that it is entirely beyond the scope of this scheme to review or make any determinations relating to the fairness of the company's set scheme of charges.
8. I have also reviewed all the communications between the parties in relation to this issue. I am satisfied that the company provided detailed responses and explanations to the customer and maintained its position that it cannot provide him with a discount for his sewerage service charges under the circumstances (referring to the appropriate sections of its set scheme of charges). Accordingly, I do not find that the company's actions in this regard amount to a failure to provide its services to the standard to be reasonably expected by the average person.
9. Based on a full review of all the evidence available to me, I am not satisfied that the company's actions amount to a failure to provide its services to the standard to be reasonably expected by the average person. Consequently, in the absence of any substantiated failures on the part of the company, I am unable to uphold the customer's claims for redress.

Outcome

The company does not need to take any further action.

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What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 22 August 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 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.



E. Higashi LLB (Hons), PGDip (LPC), MCI Arb.

Adjudicator

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