

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0948

Date of Decision: 3 December 2018

Complaint

The customer's complaint is that the water pressure at her property is low. She has communicated extensively with the company on this issue and it is now believed that the root cause is likely to be the old age and poor condition of her shared private water pipes. The customer states that three of the four houses on the shared private water pipes have agreed to replace the pipes to resolve the issue. However, the fourth house has refused. The customer therefore seeks that the company either replaces her shared private water pipes itself or forces the fourth house to accept the proposed private water pipe replacement works. The customer is also seeking an unspecified refund from the company.

Defence

It has investigated this issue and confirms that the customer's low water pressure is most likely due to the old age and poor condition of her shared private water pipe system. This conclusion is supported by the fact that the pressure the company provides from its own connection pipe is 2.5 bars (significantly above the required minimum pressure). The company has explained that the customer and her neighbours, who are jointly responsible for their shared private water pipes, will need to agree to the replacement of their private pipes on their own. The company has explained to the customer that it cannot force households to comply with their neighbours' wishes to replace their shared private water pipes. Nor is it responsible for replacing its customers' private water pipe systems. Consequently, the company does not accept that it is liable to provide the customer with the redress claimed.

Findings

I am not satisfied that the company failed to provide its services to the standard to be reasonably expected by the average person. I find that the evidence available shows that the company has met its obligations to provide the customer with water pressure above the required regulatory standard. Furthermore, I am satisfied that the company has appropriately addressed the concerns raised by the customer. Therefore, the customer's claims for redress do not succeed.

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Outcome

The company does not need to take any further action.

The customer must reply by 4 January 2019 to accept or reject this decision.

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- In addition to the claims detailed above, the customer is also seeking an unspecified refund from the company for this issue.

The company's response is that:

- The company does not accept any liability to the customer.
- It confirms that the customer owns a terraced property that is connected to a shared private water pipe network. The property owners on this shared private water pipe system are jointly responsible for any repair/maintenance work required.
- The company further confirms that, originally, it was believed that the customer's low water pressure was due to a leak on the shared private water pipes. Accordingly, it located and repaired a leak on the shared private pipes free of charge. In recognition of the time taken to resolve this issue, as a gesture of goodwill, the company provided the customer with a refund of a year's water charges (£224.88).
- At this time, it became apparent that the customer's low pressure issue was more likely due to the old age and poor condition of her shared private water pipes. This conclusion was supported by the fact that the water pressure leading to the property boundary (where the company's responsibility ends) was 2.5 bars at the external stop tap. This is significantly above the required water pressure that the company is obliged to provide.
- The company explains that the best way for the customer to increase her water pressure is to carry out a separation of supply. It confirms that it has extensively discussed this option with the customer on many occasions. The customer would need to employ a private contractor to do this work but the company has offered to help as much as it can (for example, by installing pipework from its mains up to the start of her path and completing the connection free of charge). However, the company states that it has no power to force other households to replace their shared private water pipes.
- The company states that another option would be for the customer to install cold water storage. However, this is something she would need to discuss privately with a plumber.
- In conclusion, the company states that it has gone beyond its obligations to assist the customer. It does not accept that it has failed to provide its services to the standard to be reasonably expected and does not accept that it is liable to provide the customer with the redress claimed.

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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. 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.
2. The customer states that the water pressure at her property is too low. It does not appear to be in dispute that the main cause of this issue stems from the condition of the customer's shared private water pipes. Furthermore, it does not appear to be in dispute that the properties who share this private water pipe system are jointly responsible for its maintenance/replacement.
3. The customer has stated that her complaint against the company is that three of the four houses connected to the shared private water pipe system have agreed to replace the pipes. However, the fourth house has refused. The customer is therefore seeking for the company to force the fourth house to agree to the proposed replacement works or for the company to go ahead and replace the shared private water pipes itself (without the full agreement of all the owners of the shared private pipes). The company has refused to comply with the customer's requests and explained that it does not have the power to force households to agree with their neighbours to

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replace their shared private water pipes. The company has also explained that it is not obliged to replace private water pipes (especially without the permission of all the shared private pipes' owners).

4. Under the circumstances, I do not find that the company has failed to provide its services to the standard to be reasonably expected by the average person. It may be helpful if I explain that the company is a water and sewerage services provider and it is obliged to provide these services to the standard to be reasonably expected. However, it is beyond a water undertaker's obligations/powers to resolve conflicts between neighbours or to force a particular household to agree to their neighbours' demands to replace their shared private water pipe system. Similarly, the company is not obliged to replace a customer's shared private water pipe system (with or without the permission of all the shared private pipes' owners). Consequently, whilst I appreciate the difficult position the customer may be in, I cannot find any failure of the company as it is not required to do as the customer has requested.
5. In order to clarify any potential confusion, I must highlight that the company is only responsible for the maintenance of its own water pipe network. It is not responsible for the maintenance or replacement of all its customers' private water pipe systems (shared or otherwise).
6. Turning to the company's specific obligations with regards to water pressure provision, I note that, in accordance with the *Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008*, water companies are required to maintain a minimum water pressure in their communication pipe of seven metres static head (0.7 bars of pressure).
7. Following a review of all the evidence available to me at the time of adjudication, I do not find that the company has provided the customer's area with a water pressure falling below the required minimum of 0.7 bars (specifically, the company has shown that it provides 2.5 bars of pressure at the external stop tap). Accordingly, I am not satisfied that the company has failed to provide its services to the standard to be reasonably expected by the average person with respect to its provision of water pressure to the customer's area.
8. I understand the customer's concern is that the water pressure within her property is low. However, it may be helpful if I explain that the company (in accordance with the *Water Supply*

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and Sewerage Services (Customer Service Standards) Regulations 2008) is only obliged to maintain a minimum water pressure of seven metres static head (0.7 bars of pressure) in its communication pipe (the company's main water pipe that feeds into its customers' private pipes). The company is not under any obligation to maintain all of its customers' private internal pipework to ensure their properties are receiving their desired water pressure level.

9. I now turn to a review of the company's actions in response to the customer's concerns. Based on the evidence provided; I am satisfied that the company acknowledged the customer's concerns, investigated the issues to the best of its ability based on the information available at the time, provided reasonable explanations and took appropriate remedial action under the circumstances.
10. Taking into account all of the above, I am satisfied that the company's actions in response to the customer's concerns have been fair, reasonable and proportionate. Therefore, overall, I am not satisfied that the company failed to provide its services to the standard to be reasonably expected by the average person.
11. Following careful review of all the submissions provided, I am not satisfied that any unresolved failures have been established on the part of the company to provide its services to the standard to be reasonably expected by the average person. Consequently, in the absence of any unresolved failures on the part of the company, the customer's claims do not succeed.

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 4 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 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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