

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0964

Date of Decision: 8 November 2018

Complaint

The customer's claim is that the company has wrongfully charged surface water drainage charges as he is not using the full surface water drainage at his property. The customer is seeking a reduction in the cost of his surface water charge.

Defence

The company submits the surface water drainage charge is based on connection rather than the loading entering the sewer network. The customer is not eligible for any rebate as his surface water drainage is connected to the company's assets. For the customer to become eligible for a rebate on the charges he must modify his drainage to divert all surface water from the company's assets to the customer own soakaway, to date, the company is unaware of any such modifications being made. The company has not made any further offers of settlement.

Findings

I am satisfied the company has not failed to provide its services to the standard to be reasonably expected with regard to the surface water charges.

Outcome

The company needs to take no further action.

- The customer must reply by 6 December 2018 to accept or reject this decision.

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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 customer is entitled to be reimbursement of his surface water charges as some of his surface water drainage is diverted to a soakaway rather than the company assets. The company is required to meet the standards set out in OFWAT's Charges Scheme Rules and the Water Industry Act 1991.
2. From the evidence put forward by the customer and the company, I understand that on 14 April 2016 the customer contacted the company with various issues, one being that his property was not connected to the public sewers for surface water drain charge. Various correspondence took place between the parties between April 2016 and September 2016 on all the various issues resulting with no firm conclusion with regards to the surface water drain charge. In October 2018, the customer once again contacted the company informing them that he had water butts to collect rainfall and a soakaway, which meant that a least 50% of the surface water would not go into the public sewers and therefore he should be eligible for a rebate. The company responded to the customer on 28 October 2018 stating that to become eligible for a rebate on the surface water charges he must modify his drainage to divert all surface water from the company's assets to the customer own soakaway and then a further application could be made with supporting evidence.
3. On 28 May 2018 the customer submitted a further surface water rebate application form which was rejected by the company as some or all the surface water drainage still drained into the public sewer.
4. As shown in the company's defence, in 1999 OFWAT directed that surface water drainage should be charged as a separate service and from 1 April 2000 the company changed its billing method so that customers only pay for the surface water which drains into the public sewer. At the same time OFWAT required the company to offer rebates to customers who could

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demonstrate that their premises were not connected to the public sewer. Since April 2000 the evidence shows that the company has included information on how to claim a rebate of surface water charges within its bills. After careful analysis of the evidence put forward by both parties, in my view, the test for any rebate is whether the property is connected for surface water drainage, rather than if it is connected then how much usage occurs.

5. The company's Charges Scheme details within Part 3 Paragraph 2.2 (c) and Part 8 Paragraph 7.2 the processes for applying the rebate and the requirement that the customer's property is not connected to the company's assets at all with regards to surface water drainage. I find that the company's policy is in accordance with its regulatory obligations and once it is established that a property is not connected to the public sewer for surface water drainage, a reduction in charges will apply. Therefore, after careful analysis of the evidence, I agree with the company's interpretation that the customer's property must not be connected to the public sewers for the purpose of surface water drainage rebate.
6. Whilst I have sympathy for the customer's position, I find from the evidence provided that the customer has not established that his property is not completely disconnected from the public sewers for the purpose of surface water drainage. It matters not, whether it is partly disconnected, it must be fully disconnected to fall within the scope of the rebate. In light of the above, I am satisfied the company did not fail to provide its services to the customer to the standard to be reasonably expected in this respect. Therefore, the customer's claim is unable to succeed.
7. 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 the surface water drainage charge, nor has the customer proved the company failed to provide services to the standard to be reasonably expected when investigating these issues.

Outcome

The company does not need to take any further action.

What happens next?

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- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 6 December 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 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**