

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1100

Date of Decision: 24 December 2018

Complaint

The customer submits the company has overcharged him for surface water drainage. He claimed a refund but the company has only backdated this to 1 April 2016. He claims a rebate backdated to 12 November 2013, which is the date he took ownership of the property.

Defence

The company states the wholesaler applied a rebate to the start of the last financial year, 1 April 2016. This is in line with the wholesaler's policy. It has asked the wholesaler to provide a further rebate; however, it has refused.

Findings

The customer has not proven any failing by the company.

Outcome

The company does not need to take any further action.

The customer must reply by 24 January 2019 to accept or reject this decision.

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- The customer queried the charges and the company (the retailer) completed the application to have the customer's banding reduced to band 3.
- The wholesaler agreed to the reduction and backdated this to the start of the financial year. This is in line with the wholesaler's policy. The company has enclosed the wholesaler's scheme of charges to support this.
- The company has repeatedly asked the wholesaler to backdate the band 3 charges to 2013 as the customer wishes, however the wholesaler has refused.
- It notes the customer challenges the original band 5 rating. This was set in 2007 and there is nothing to suggest it was incorrect at that time.
- It also notes the customer questions the landlord's bills. However, it cannot discuss the account of a third party.

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. In its response the company refers to decisions made by the wholesaler. In order to make a decision in this matter I must clearly distinguish between actions taken by the wholesaler and the duty owed by the retailer (the company) to its customers. Since the water market in England

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opened up to retailers in April 2017, all non-household customers have been moved to a wholesale/retail split service. As a result, a non-household customer now only has a relationship with the retailer. In turn, an adjudicator operating under the Water Redress Scheme may only make findings related to those things for which the retailer, as the party to the case, has responsibility, and not those things for which the wholesaler has responsibility. This includes, however, the effectiveness with which the retailer has operated as an intermediary between the wholesaler and the customer.

2. The wholesaler billed the customer for surface water drainage based on a property in band 5. In 2016 it reassessed the property and subsequently applied band 3 charges from 1 April 2016.
3. I note the customer questions the validity of the band 5 charges and seeks that the wholesaler applies band 3 charges from the date he took ownership. However, I find these are matters concerning the wholesaler. As explained above, I cannot make any findings on matters for which the wholesaler has responsibility. However, I can consider whether the company put forward the customer's arguments to the wholesaler adequately and challenged its decision when asked to.
4. The documents demonstrate the company repeatedly asked the wholesaler to apply band 3 charges from 2013 on the customer's behalf; however, the wholesaler refused these requests. The company then correctly informed the customer of the wholesaler's position. I am satisfied that the company has discharged its duty to the customer by making representations to the wholesaler on his behalf. Therefore I find that the company has not failed in this respect.
5. I note the customer questions why the landlord was billed for a lesser sum. However, the company has said it cannot comment on a third party account. I appreciate why the customer is concerned about the difference in charges; however, I accept the company cannot discuss a third party account for data protection reasons. In any event, I find the dispute over the customer's charges remains a matter for the wholesaler.
6. I appreciate that the customer will be disappointed with the outcome of this decision. However, for the reasons explained above, I am unable to find any failing by the company and so the customer's claim is unable to 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 24 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.



Justine Mensa-Bonsu, LLB (Hons), PGDL (BVC)

Adjudicator

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