

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1510

Date of Decision: 2 August 2019

Complaint

The customer submits that the company carried out work on his road in April and May 2018. This negatively impacted on the water pressure to his home. Prior to the work being undertaken, he considered that the water pressure at his property was excellent. His meter has been exchanged three times due to blockages. However, the company has yet to identify and address the cause of the blockages. The company suspects that an isolating valve situated on his drive may be responsible for the low water pressure. The customer requests that the company *“remove the ‘isolating valve’ located on his driveway (at the company’s own expense).”*

Defence

The company submits that it tested the water pressure at the OSV at the boundary of the property and found this to be in excess of regulatory requirements (0.90 bar) for pressure. Its own target is 1 bar. It placed a logger on its asset at the boundary of the property which showed that the pressure is consistently 3-3.5 bar and never falls below 1 bar. It is not correct that the customer’s meter has been exchange three times, nor that there are blockages. Debris was found where the meter is sited, so it flushed out the water supply. However, pressure tests taken afterwards show that the debris was not the cause of the lower than expected pressure as after the supply was flushed out there was no difference to the water pressure at all. It informed the customer that as there was a difference between the pressure in his kitchen and bathroom taps, this is an internal plumbing issue which is the customer’s responsibility to resolve. The private Service Valve (SV) located within the customer’s property boundary is not its asset and has never been its responsibility. It has apologised verbally and in writing when there have been any failures of service. It sent the customer a cheque for £50.00 to say sorry when it incorrectly fitted a logger to his neighbour’s supply by mistake and delayed matters. No offer of settlement was made.

Findings

The company is legally only responsible for the water main, the communication pipe from the water main to the boundary of a property and the OSV. Property owners or occupiers are responsible for pipework that runs from the boundary of the property to the property and all the pipework, fixtures and fittings inside the property. The SV on the customer’s driveway is not the company’s responsibility. The company is not legally obliged to remove or pay for the

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removal of the SV. The company is legally obliged to maintain a minimum pressure of water in the communication pipe serving a property of 7 metres head. The evidence provided shows the company is meeting its obligation to supply water to the OSV at the minimum rate required. The company failed to provide its services to the customer to the standard to be reasonably expected by fitting a logger to the customer's neighbour's supply by mistake. However, the company has provided appropriate and sufficient redress for this failing. Other than this, there is no evidence to show that the company has failed to provide its services to the customer to the standard to be reasonably expected.

Outcome

The company does not need to take any further action.

The customer must reply by 30 August 2019 to accept or reject this decision.

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ADJUDICATOR'S DECISION

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Date of Decision: 2 August 2019

Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- The company carried out work on his road in April and May 2018. This negatively impacted on the water pressure to his home. Prior to the work being undertaken the water pressure at his property was excellent.
- His meter has been exchanged three times due to blockages. However, the company has yet to identify and address the cause of the blockages.
- The company's contractor attended his property to investigate the cause of the low water pressure and carried out 'flushing'. However, the low pressure problem remains unresolved. The company suspected an 'isolating valve' situated on his drive may be responsible for the low water pressure he is experiencing due to a blockage after recent pipe replacement work. It was also confirmed that this isolating valve used to belong to the company with three-monthly maintenance checks being carried out before moving away from the private drive/property by installing an Outside Stop Valve (OSV).
- He wants the isolating valve removed; the company should have removed it before it installed a new OSV at the boundary.
- The customer requests that the company *"remove the 'isolating valve' located on his driveway (at the company's own expense)."*

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The company's response is that:

- It replaced the Victorian water mains in the customer's area with new pipework to prevent any future interruptions to the water supplies.
- It tested the water pressure at the OSV at the boundary of the property and found this to be in excess of regulatory requirements (0.90 bar) for pressure. Its own target is 1 bar.
- It also checked the pressure at the nearest fire hydrant, the kitchen tap, and garden tap, all of which were recording pressure in excess of regulatory requirements.
- It removed the water meter to find a small improvement in the pressure and then exchanged this meter for a new upgraded meter.
- It placed a logger on its OSV at the boundary of the property which showed the pressure is consistently 3-3.5 bar and never falls below 1 bar.
- It arranged for its own plumbers, ABC, to carry out further investigations inside the customer's home, in goodwill and at its cost. The water pressure was again found to be over regulatory target.
- ABC flushed out the water supply where the meter is sited having found debris. It re-took pressure tests and found the debris was not the cause of the lower than expected pressure the customer would like because the pressure was identical after this work had been carried out. There was no difference to the water pressure at all.
- It is not correct that the customer's meter has been exchange three times, nor that there are blockages. The original water meter has been exchanged and the new meter is recording usage. No additional exchanges have been carried out. When the meter was taken off the supply (to try and improve the water pressure) and until it was exchanged, no consumption was charged for. It denies that there are, or were, any blockages in any of its assets causing low water pressure.
- It informed the customer that as there was a difference between the pressure in his kitchen and bathroom taps, this is an internal plumbing issue which is his responsibility to resolve.
- Despite the customer's understanding, the private Service Valve (SV) located within his property boundary, and connected to his supply pipe, is not its asset. The SV has never been its responsibility because it is within the customer's property boundary
- ABC advised the customer that if he removes his SV, this might help improve the pressure to his home, but this is a private matter and therefore it will not undertake any work to remove this.
- It has apologised verbally and in writing when there have been any failures of service. It sent the customer a cheque for £50.00 to say sorry when it incorrectly fitted a logger to his neighbour's supply by mistake and this delayed matters.

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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 must remind the parties that adjudication is an evidence-based process.
2. 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.
3. It is almost inevitable in such adjudications that conflicts of evidence arise, and the mere fact that the adjudicator finds in favour of one party on a particular issue does not mean that the other is telling an untruth. The adjudicator's role is to balance the evidence that is presented.

The private Service Valve (SV)

4. The company is legally only responsible for the water main, the communication pipe from the water main to the boundary of a property and the OSV. Property owners or occupiers are

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responsible for pipework that runs from the boundary of the property to the property and all the pipework, fixtures and fittings inside the property.

5. Any issues on private pipework past the point of an OSV, and any costs to investigate and remedy these are the responsibility of the property occupier/owner.
6. In view of the above, I accept the company's submissions that the SV on the customer's driveway is not its responsibility. There is no evidence to show that the SV was ever the company's responsibility. The company is not legally obliged to remove or pay for the removal of the SV.

Water pressure

7. I also accept the company's submission that it measures pressure supplied at a property's OSV, as this is where its responsibility for water supply ends.
8. The company is legally obliged to maintain a minimum pressure of water in the communication pipe serving a property of 7 metres head. The company has submitted evidence from Ofwat, the Water Industry Regulator, which supports this. The company has also submitted evidence to show that under its own policy, it aims to provide 10 metres head and a flow rate of 9 litres per minute at the OSV. The evidence shows that 7 metres head is 0.90 bar and 10 metres head is 1 bar.
9. The evidence submitted to this adjudication supports the company's submissions that the customer has not had low water pressure under the regulatory 7 metres head or below the company's own target of 10 metres head at any time during the company's investigations.
10. The evidence submitted to this adjudication also shows that the company has only exchanged the meter once. There is also no evidence to show that this was due to a blockage, the company states that the meter was exchanged as the meter pod was broken. I also note the company's submissions that some debris was found in its assets during its investigations; however, the flow rate did not change after this debris was cleared. In the absence of any evidence showing otherwise, I accept the company's submissions that as there was no difference in the readings, the debris had no negative impact on the pressure in the customer's property.

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11. I acknowledge the customer's claim and I can appreciate the customer's distress at the issues being experienced inside the property. However, the evidence provided shows the company is meeting its obligation to supply water to the OSV at the minimum rate required. No evidence has been submitted to this adjudication to show that that the issue complained of is the fault of the company's and/or that the company is required to address the low pressure being experienced within the property.

Customer service

12. The company acknowledges that it incorrectly fitted a logger to the customer's neighbour's supply by mistake and that this delayed matters. I find that the company failed to provide its services to the customer to the standard to be reasonably expected in this regard. However, I note that the company offered the customer its apologies and paid the customer £50.00 compensation. I am satisfied that this was appropriate and sufficient.

13. Other than the above, there is no evidence to show that the company has failed to provide its services to the customer to the standard to be reasonably expected.

14. Consequently, in view of all of the above, the customer's claim is unable to succeed.

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 **30 August 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.

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- 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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**U Obi LLB (Hons) MCI Arb
Adjudicator**

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