

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1602

Date of Decision: 31 December 2019

Complaint

The customer's claim is the company has failed to complete engineering works surrounding his property in a timely manner, which in turn has led to inconvenience and distress. The customer is seeking the company to pay compensation of £500.00 for the inconvenience and distress incurred.

Defence

The work has not caused any damage to the customer's property, as it has all taken place on the road and in the field opposite his property. The company accepts that there will have been some disruption for the local community while the work was being undertaken, and there have been some delays outside of the company's control. However, this is a major scheme which is necessary to secure the water supply in the area and as such in these circumstances the company does not pay compensation for the inconvenience caused to the residents. Accordingly, no sums are due. Furthermore, the company states there were no failings with regard to customer service as the company has provided a good level of service throughout its dialogue with the customer. The company has not made any offers of settlement.

Findings

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 engineering works. With regard to customer service, I am satisfied there have been no failings with regard to customer service as the company has provided a good level of service throughout its dialogue with the customer. Consequently, the customer's claim does not succeed.

Outcome

The company needs to take no further action.

The customer must reply by 28 January 2020 to accept or reject this decision.

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

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Date of Decision: 31 December 2019

Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- The company has failed to complete engineering works surrounding his property in a timely manner.
- The engineering works have caused continual noise at the customer's property due to traffic. Also, the works have produced dust and spoiled his view which in turn has led to inconvenience and distress.
- The customer is seeking the company to pay compensation of £500.00 for the inconvenience and distress incurred.

The company's response is that:

- The work has not caused any damage to the customer's property, as it has all taken place on the road and in the field opposite his property.
- The company accepts that there will have been some disruption for the local community while the work was being undertaken, and there have been some delays outside of the company's control.
- However, this is a major scheme which is necessary to secure the water supply in the area and as such in these circumstances the company does not pay compensation for the inconvenience caused to the residents.
- Furthermore, the company asserts it has provided a good level of service at all times throughout its dialogue with the customer. Therefore, the company submits it is not liable for any damages in this respect.

How is a WATRS decision reached?

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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 the company has failed to provide its services to the standard one would reasonably expect and 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 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 compensation where the company has failed to complete its engineering works in a timely manner. The company is required to meet the standards set out in the Water Industry Act 1991 and the Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008.
2. Furthermore, the company also has certain obligations in respect of its customer services as set out in OFWAT Guaranteed Standards Scheme and the company's own Customer Guarantee Scheme.
3. From the evidence put forward by the customer and the company, I understand that in January 2019 the company began a major engineering scheme to lay 10 miles of new water pipes in Stroud to improve the water supply network in the area. On 8 February 2019, the company sent a letter to the customer to let him know that work would be starting in the vicinity of his property. In early February 2019, the company had to stop the main laying in the field opposite the customer's property as it was identified that a closed badger sett had been opened. The sett had to be monitored for 21 days to check for any activity. While the sett was being monitored the programme of work was altered and work began on laying the new water main in the road. I also understand from the evidence that the works were further delayed due to a tree preservation order and meadow grass being present. As shown by the company's defence documents, a

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further letter was sent to the customer on 9 April 2019 to provide an update, and to advise that the company were holding a drop-in session for customers in the area. The evidence shows that a press release was also issued on 10 April 2019 providing information about the work and drop-in session. On 26 May 2019, the customer sent an email to the company as he was unhappy with the work opposite his property. The works were causing excessive noise and spoiling his view from his property. On 31 May 2019, the company responded to the customer explaining that this was essential work and that no compensation would be paid. Further discussions took place between the parties and in June 2019 the customer escalated the dispute to CCWater to resolve matters. Various discussions took place between all the parties resulting in the company confirming no compensation would be paid. The customer's remained unhappy with this position and on 25 October 2019 commenced the WATRS adjudication process. As matters currently stand, the works surrounding the customer's property have not been completely finished as there is still some work outstanding within a private field. The evidence shows that a letter was sent to the residents to inform them of this on 30 October 2019.

4. With regard to the customer's comments that the company have failed to undertake the works in a timely manner to reduce the disruption and noise surrounding his property. The company states that engineering schemes of this nature can be disruptive to the local community, and the company takes all steps to minimise any inconvenience as much as possible. I note the various issues the company had regarding the opening of a closed badger sett, the tree preservation orders and existence of meadow grass. Furthermore, I am aware that these large-scale engineering projects do unfortunately cause noise and disruption to the local community, however, after careful analysis of all the evidence I am not persuaded that the noise and disruption experienced by the customer exceeds what would have been reasonably expected by the average person. As shown by the timeline within the company's defence documents, the customer was kept informed throughout the works and given the opportunity to consult the company through the various drop-in sessions. As evidenced by the timeline set out within the company's defence documents I find that the length of time to undertake the engineering works, was in my view and taking into account the factors outside the company's control, not longer than what would have been reasonably expected by the average person. Therefore, I find the company has not failed to provide its services to the customer to the standard to be reasonably expected by the average person with regard to the length of time to undertake its engineering works and any noise or disruption caused.

5. The company has certain obligations in respect of its customer services. From the evidence provided I am satisfied that by the end of the company's dialogue with the customer, the company had adequately explained the reasons behind why there was a delay with the company's engineering works.
6. 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 engineering works. With regard to customer service, I am satisfied there have been no failings with regard to customer service as the company has provided a good level of service throughout its dialogue with the customer. Consequently, the customer's claim does not succeed.

Outcome

The company needs to take no further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 28 January 2020 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**

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