

SPSO decision report

Case: 201104998, Scottish Water
Sector: Scottish Government and devolved administration
Subject: damage caused / claim for compensation
Outcome: not upheld, no recommendations

Summary

Mr C's car struck a large pothole. This caused damage to his car tyre, which had only recently been fitted. It needed replaced. When he telephoned the council to advise them of the road condition they said they already knew about the pothole and would send him a claim form which he completed and returned to them. They then told him, however, that the damage was due to a burst water main, and that they had passed his claim to Scottish Water. However, Scottish Water said that this had been an unforeseen incident outwith their control. They turned down his claim as they said it was not their responsibility, as they had not been told about the problem until the following day.

Mr C considered this unreasonable as the council had the information earlier. He also thought that Scottish Water should have monitored their network and become aware of the problem earlier. Our investigation showed, however, that the fault was indeed not reported to Scottish Water until the next day, and that in terms of their regulatory agreement, Scottish Water were under no obligation to monitor their mains water network. We found that they had handled the matter in line with their normal procedures.