

SPSO decision report

Case: 201105269, Business Stream
Sector: water
Subject: charging method / calculation
Outcome: some upheld, recommendations

Summary

In 2007, Mr and Mrs C bought some old buildings and adjacent land. They intended to convert the buildings to properties for sale. When they bought the land there was a trough and a tap on it, although the meter for this supply was on land owned by a neighbour (Mr D). Mr and Mrs C believed this was Mr D's supply. Mrs C told us that they agreed with Scottish Water and Mr D that they would use this supply for water needed in their building project. They understood that at the conclusion of the project the supply would revert to Mr D.

When the project was completed in 2010 Mr and Mrs C sought to have the supply disconnected. They were told this would involve a cost. They explained that the supply belonged to Mr D and that they thought he was still using water from the original supply and that the meter was his. Business Stream undertook some investigation and established that Mr D was not using the supply. After ten months of correspondence Business Stream confirmed that Mr and Mrs C were responsible, as the owners of the address supplied. Correspondence continued for almost another year when Business Stream sent a detailed, written response. This, however, contained an error which Business Stream then clarified. Throughout this period Mr and Mrs C were paying fixed charges for the supply, which would end when the supply was disconnected.

Our investigation found that the location of the taps and trough was key. The owner or occupier of the land where the taps are is responsible for the supply. This meant that when the land was sold in 2007 Mr and Mrs C became responsible. We accepted they had not appreciated this at the time, but we could not uphold their complaint that they were charged for a supply that was not their responsibility. However, we found that there had been serious failings in Business Stream's response to their concerns. Mr and Mrs C raised these in July 2010 but did not receive a response until April 2011. We found that by October 2010 Business Stream should have had all the information needed to respond. Their eventual response in April 2011 was correct but was not sufficiently clear, and had not resolved the underlying confusion. However, it had also said that Mr and Mrs C could call to discuss this. When they did so, Business Stream simply noted that there had been a phone conversation and considered that Mrs C understood the position. It appears that, despite a number of attempts by Mrs C to make contact, it was not until March 2012 that they realised a further clearer response was needed. In the circumstances, we found that Business Stream's actions had delayed Mr and Mrs C's ability to organise a disconnection, and that their response to the concerns expressed about this had been inadequate.

Recommendations

We recommended that Business Stream:

- reduce the fixed charges liability for this supply by 50 percent for a certain period, if they receive a disconnection request within six weeks of the date of this decision; and
- apologise to Mrs C for the failings in communication about her concerns.