

## SPSO decision report

**Case:** 201202403, Business Stream  
**Sector:** water  
**Subject:** policy/administration  
**Outcome:** not upheld, no recommendations

### Summary

Mr C's clients occupied premises where it had been established ten years before that the premises were not connected to surface water drainage but that rainwater drainage flowed into a river. Mr C brought this to the attention of Business Stream in 2012. They reassessed the account and sent Mr C's client a refund for the last five years. Mr C complained about this, saying that the refund was not for the entire time his clients had occupied the premises. Business Stream refused further payment and said that in terms of the Prescription and Limitation (Scotland) Act 1973 (the Act) they were not obliged to go back further than five years.

We investigated the complaint and considered all the relevant documentation and customer invoices. We also took into account the Act and Business Stream's redress and compensation policy. Our investigation found that the facts of the case were not in doubt but although Mr C considered that the overpayment should be backdated to his client's date of entry, Business Stream said they were only backdating it for a maximum of five years, in accordance with their usual procedure. We found that their policy confirmed this to be the case and that Mr C appeared to be complaining about the merits of the policy rather than that Business Stream had not acted properly, for instance by not applying the policy properly.