

SPSO decision report

Case: 201507457, Business Stream
Sector: water
Subject: incorrect billing
Outcome: not upheld, no recommendations

Summary

Mr C complained that he had been overcharged for 23 years by Business Stream. Mr C said that, since 1994, he had been aware of a difference in the water charges for two restaurants he owned of similar sizes. He said he had raised this with his supplier on numerous occasions, but had been told that he was being billed for the correct amount of units.

Business Stream had contacted Mr C subsequently and informed him that his water meter size had been incorrectly recorded and he had been paying an incorrect amount. They refunded the difference for a five-year period. Mr C said he considered this inadequate given the timescale.

Business Stream stated the Prescriptions and Limitations (Scotland) Act 1973 applied; this allowed them to restrict repayments to a five-year period. Although Business Stream could exercise discretion, they did not believe it would be appropriate in this case. Mr C disagreed and believed Business Stream should compromise and repay 15 years of charges.

We found that there were no records that Mr C had repeatedly complained about his water charges. Business Stream's application of the Prescription and Limitations (Scotland) Act 1973 was supported by legal advice. Given the absence of a history of complaints about the size of the bills, we found there were no grounds under which Business Stream could have been expected to exercise their discretion. We did not uphold Mr C's complaint.