

## SPSO decision report

**Case:** 201508644, Business Stream  
**Sector:** water  
**Subject:** incorrect billing  
**Outcome:** upheld, recommendations

### Summary

Mr C complained on behalf of a transport company (the company) that Business Stream had unreasonably failed to fully refund overpayments going back to 2002. Mr C said that a hybrid meter should have been installed to differentiate between the water flow required for fire fighting and the water required for normal usage. Instead, a single meter had been put in in 2003, which was much larger than the company required. It was, however, smaller than the meter it replaced, which resulted in a reduction in the company's water bills. The company had, therefore, been unaware that the wrong type of meter had been installed until 2013. Mr C was able to provide correspondence sent to the company at the time of installation, in which they were told explicitly a hybrid meter had been installed.

Business Stream stated they believed the Prescription and Limitation Act (1973) (the Act) applied, and they were, therefore, justified in restricting any refund to the company to a five-year period.

We found that it would not be appropriate for us to comment on the interpretation of the Act by Business Stream as ultimately this would be a matter for the courts. We considered, however, that Business Stream had failed to demonstrate that their redress and compensation policy had been appropriately or proportionately applied to this case. Business Stream told us that they did not believe further payment was merited, but they did not provide any explanation for this decision. Nor did they explain why this consideration was only made after Mr C's complaint had been submitted to us, rather than as part of their complaint investigation. We considered that this was unreasonable and upheld Mr C's complaint.

### Recommendations

We recommended that Business Stream:

- refund the cost of the original meter installation in 2003;
- provide evidence that they have reviewed the case, applying their redress and compensation policy to reflect the circumstances of the case, including both the original failings and subsequent overcharging in a manner which is proportionate to the loss suffered by the company; and
- provide evidence that they have reviewed their complaints process to ensure that due regard is given to the redress and compensation policy and that decisions relating to it are documented contemporaneously as part of the investigation.