SPSO decision report

SPSO Scottish Public Services Ombudsman

Case:	**201508759, Business Stream**
Sector:	water
Subject:	incorrect billing
Outcome:	upheld, recommendations

Summary

Mr C complained that Business Steam failed to act reasonably in respect of backdating his water charges. Mr C's complaint concerned two adjacent properties (property A and property B) that he rented over a period of some years. Mr C initially rented property A for approximately three and a half years. During this time, there was cyclical re-evaluation of the properties; however, as a cyclical re-evaluation, this was not reflected in billing, consistent with Business Stream's policies. Approximately 18 months later, Mr C also rented property B. He continued to rent both property A and property B for approximately three years. Mr C then ceased to occupy property A. At this point, the Scottish Assessor's Association updated the records to merge the properties retrospectively for the period Mr C occupied them both, increasing the value of the properties to account for the re-evaluation. Business Stream sought to backdate Mr C's water charges for this period. Mr C disputed Business Stream's basis for the charges.

After considering the relevant Rateable Value Policy, and obtaining independent advice from a water policy consultant, we upheld Mr C's complaint. We found that Business Stream had backdated Mr C's water charges based on a later version of their Rateable Value Policy; however, the version of the policy in force at the relevant time specified that water charges would not be backdated in this manner.

We recommended that Business Stream re-assess Mr C's charges, and apologise to him.

Recommendations

We recommended that Business Stream:

- evidence that they have re-assessed the backdating of charges for the relevant period, to take into account the findings of this investigation;
- evidence that they have re-assessed charges from a specific date to ensure that they take into account the appropriate rateable value; and
- apologise for the failings this investigation has identified.