

## SPSO decision report

**Case:** 201608005, Business Stream  
**Sector:** water  
**Subject:** incorrect billing  
**Decision:** upheld, recommendations

### Summary

Mr C complained that Business Stream was incorrectly charging him for surface water drainage at his business premises. He said he was not liable for this as the guttering and downpipe along the building fed into a soak away in the ground. Business Stream made three requests for the supply point ID (SPID) to be de-registered by Scottish Water. Each request was refused and Business Stream requested that a verification of service visit was undertaken by Scottish Water to clarify if surface water charges should apply. A visit found that the guttering and downpipe were not connected to the main sewerage system. This report was sent back to Scottish Water, who determined that the water which landed on the car park adjacent to Mr C's business premises dispersed onto nearby roads which did connect to the main sewerage network, therefore charges remained liable. Business Stream reflected the view of Scottish Water, despite their inference that they did not agree with this view. Mr C remained unhappy and asked us to investigate.

We asked Business Stream for all of the information they held regarding the complaint and their determination of Mr C's liability for charges. They provided details of the responses from Scottish Water to the three de-registration requests which indicated differing reasons for refusals on each decision. The information indicated that Business Stream did not question this further and applied the charges to Mr C. Business Stream did not begin a dispute process, which is outlined in their operational code. We were not satisfied that Business Stream had made a clear decision themselves and we considered that this had resulted in delays for Mr C and potentially incorrect charges. We took the view that Scottish Water had arranged for the premises to be inspected and this report advised that the property was not connected to the main sewer system. We found that Scottish Water then took an opposing view on this based on assumptions about the rainfall flowing from the adjacent car park. We were of the view that there was not sufficient evidence that the charges should apply and we upheld the complaint. We asked Business Stream to clarify their position and justify this in terms of the legislation and operational code.

### Recommendations

What we asked the organisation to do in this case:

- Business Stream should provide their view on Mr C's liability for property drainage and roads drainage charges. The explanation should provide a clear legal basis for any applicable charges, citing the appropriate sections of relevant legislation or operational code.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.