

SPSO decision report

Case: 201608179, Business Stream
Sector: water
Subject: charging method / calculation
Decision: not upheld, recommendations

Summary

Mr C made a complaint to Business Stream that he was unreasonably invoiced for backdated water charges for the commercial premises he rents.

Business Stream responded to Mr C by advising that they had been billing Mr C's landlord for the period in question as they believed there to be a shared meter and therefore considered that it was a private matter between Mr C and his landlord to share costs through this period. Scottish Water had then made them aware that the pipework had been amended and that the two separate premises within the building should have been billed separately. Business Stream refunded Mr C's landlord and billed Mr C for backdated charges, beginning from the date they became aware that he had moved into the premises. Business Stream noted that, in the circumstances, The Prescriptions and Limitations (Scotland) Act 1973 allowed them to apply backdated charges for services which they had provided and Mr C had used. They also confirmed that the charges were based on the rateable value of the property which Mr C was using and the size of the meter serving the property. Following Mr C's complaint, Business Stream removed all recovery charges from his account and made credit payments as goodwill gestures. Mr C remained unhappy about the backdated charges and brought his complaint to us. He complained that Business Stream had unreasonably billed him for the water charges.

We obtained all of the information relating to the complaint from Business Stream. We noted that they were correct to calculate charges based on the rateable value of the property. The decision to backdate the charges was also reasonable and Business Stream provided evidence of the steps taken to minimise the charge to Mr C where possible. They also correctly cited legislation which allowed them to do this. We, therefore, did not uphold Mr C's complaint.

However, we noted that it took Business Stream almost 12 months to respond to Mr C's complaint. We therefore made a recommendation that they apologise for this.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for the unreasonable delay in responding to his complaint. The apology should meet the standards set out in the SPSO guidelines on apology, available at <https://www.spsso.org.uk/leaflets-and-guidance>.

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.