

SPSO decision report



Case: 201810639, Scottish Water
Sector: water
Subject: incorrect billing
Decision: upheld, recommendations

Summary

This summary is linked to case 201608499 in relation to Clear Business Water.

Mr C complained to Clear Business Water about roads drainage charges applied to his business. Mr C argued that these charges should not apply as he does not have a physical connection to the water supply. Clear Business Water said they could not deregister this aspect of the charges however, they referred the matter to Scottish Water who carried out a site inspection. Scottish Water advised Clear Business Water that the charges should still apply as Mr C's business has the benefits of facilities which drained to the public sewerage systems, implying that Mr C's employees could use the facilities of a business next door.

While SPSO's investigation was ongoing, Scottish Water identified that Mr C should never have had roads drainage charges applied to his business. Mr C was refunded appropriately. Under our powers of the SPSO Act 2002, the Ombudsman decided that we should review the actions of both Scottish Water as a listed authority and Clear Business Water. We found that Clear Business Water failed to take responsibility for reaching their own determination of Mr C's liability and to pursue any disagreement with Scottish Water through the dispute resolution process detailed in the Operational Code.

With regards to Scottish Water, we were critical that they took the view that Mr C's business should be liable for roads drainage charges but did not provide adequate evidence to justify their position. We were also critical of the length of time it took both Clear Business Water and Scottish Water to resolve this matter. We upheld the complaint and made recommendations to both Clear Business Water (see case 201608499) and Scottish Water (see below).

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to identify that the roads drainage charges were inappropriately applied to his business within a reasonable timescale. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/leaflets-and-guidance.

What we said should change to put things right in future:

- Scottish Water should understand the reasons for their failure to identify these premises as being exempt from roads drainage charges by carrying out a significant event review and ensure that steps are taken to review and amend their processes in light of their subsequent findings.
- Scottish Water should provide assurances that similar errors have not occurred in the last 12 months in cases where Scottish Water has been approached by licenced providers on behalf of end-customers, contending that charges should not be applied, in circumstances where the end customer does not have a direct connection to the public water system or public sewerage system and the customer does not have a

legal right to access communal facilities which are so connected.

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.