

## SPSO decision report

**Case:** 201201727, Business Stream  
**Sector:** water  
**Subject:** leakage  
**Outcome:** some upheld, recommendations

### Summary

In 2007, Scottish Water carried out significant work on the infrastructure around a village. As well as replacing mains pipes, they also replaced some private supply pipework. They did this as a good will gesture. (Private pipework is in fact the responsibility of the owner of the property.) In the cold winter of 2010, many pipes around the village froze. It was discovered that some of the pipes laid by Scottish Water's contractors were laid at the wrong depth and Scottish Water undertook a further program of work to replace these.

A local club did not have a water supply for some time. On investigation, they found damage to some of the pipework and repaired this in early 2011. They also contacted Business Stream. It became clear that Business Stream had not been billing the club, as they had the property listed as vacant. A bill was sent in February 2011 for the period April 2009 to October 2010. This showed unusually high usage which indicated there had been a leak, until the repair by the club had fixed the problem. The club complained about having to pay for the water that had leaked, as they felt that the cause of the leak was Scottish Water's negligence in laying the pipe at the wrong level. They also complained about the delay in getting the bill.

We found that communication on the club's concerns about the alleged negligence had been inappropriate, and the issues had not been addressed clearly. Standard replies were provided to something that was not a standard situation. The club had been told that there was a policy, but this did not explain the position clearly or why this had not been dealt with as a claim for compensation. It had also not been made clear to the club that Business Stream figures showed the higher consumption was over a longer and slightly different period to the position as understood by the club. We took the view that it would be helpful for a meeting be held between the club, Business Stream and Scottish Water to properly assess the position and to confirm this in writing. This subsequently led to a significant reduction of the bill.

We did not uphold the complaint that there had been a delay in opening the account. We noted that the club also had a responsibility to ensure it was properly paying for utilities and we did not uphold a complaint of delay in setting up the account. However, there was also no information available about what initial checks were made about occupation of the property, but it was clear that the club had been there for some time. We, therefore, recommended an apology be made for this.

### Recommendations

We recommended that Business Stream:

- apologise for failing to identify that the property was not vacant in 2009;
- arrange a visit to the club by themselves and Scottish Water to discuss the position in detail, and that Business Stream writes to the club explaining the position and any further steps the club can take; and
- apologise to the club for failing to ensure they received an appropriate response to their concerns.