

SPSO decision report

Case: 201301844, Business Stream
Sector: water
Subject: charging method / calculation
Outcome: upheld, recommendations

Summary

Ms C complained about a delay in Business Stream issuing their first invoice. Although Ms C's company had occupied the property for several years, Business Stream issued their first invoice in May 2013, and backdated it to October 2010.

When the non-domestic water industry was opened up to competition in April 2008, Scottish Water became the wholesaler and businesses were required to purchase their water through licensed providers. Business Stream are the default licensed provider and Scottish Water passed Ms C's details to them in October 2010. However, Business Stream did not identify Ms C as the occupant until an internal audit of April 2013, despite their representative having visited the site in December 2012. The representative had logged the site as being vacant.

We noted that Ms C may not have known that Business Stream were the default provider before they contacted her. However, we also considered the responsibilities on both parties. This is because Business Stream have a legal duty to collect water charges - which they can legally backdate for up to five years - and so their delay had to be weighed up against the fact that Ms C could have contacted them.

We upheld Ms C's complaint as we found that the evidence did not indicate that Business Stream had taken any significant steps in relation to her premises, despite Scottish Water giving them her details in October 2010. Although the evidence indicated that they acted promptly to identify and send their invoice to Ms C after their 2013 audit, we considered that, on balance, they took an unreasonable length of time to issue a first invoice.

Recommendations

We recommended that Business Stream:

- apologise to Ms C for the delay in issuing their initial invoice; and
- confirm that steps will be taken to ensure that, when their staff contact customers who are yet to be invoiced, they explain that invoices will be backdated (where relevant).