

## SPSO decision report

**Case:** 201508010, Business Stream  
**Sector:** water  
**Subject:** charging method / calculation  
**Outcome:** upheld, recommendations

### Summary

Mrs C complained that she had been overcharged by Business Stream. Business Stream accepted that Mrs C had been overcharged but would not pay more than five years of backdated charges. Mrs C said she had repeatedly tried to raise the issue without success and that Business Stream had ignored her correspondence.

Mrs C believed that the issue spanned a period of about 25 years. She explained that a neighbouring property had sub-meters, which deducted from the main meter reading. She used relatively little water, while the neighbouring property used a lot of water. One meter had not been read for an extended period and Mrs C had paid for water used by the neighbouring property, as well as her own water.

Business Stream had refunded Mrs C for a five-year period. A lack of records made it difficult to establish water usage before this. Business Stream stated they had rejected the first overpayment offer from Scottish Water, before achieving an offer which reflected Mrs C's overpayments during a ten-year period. This was a period longer than that for which they were legally required to pay.

We found that Business Stream had taken an excessive length of time to address Mrs C's complaint. She had had to use a firm of solicitors before Business Stream began a full investigation, which we found to be unreasonable as Mrs C had incurred unnecessary costs in order to access the complaints system. We asked Scottish Water if their refund covered a period greater than five years. Scottish Water denied this and their position was supported by their correspondence with Business Stream. We found Business Stream had unreasonably and misleadingly stated to this office and to Mrs C that their Redress and Compensation Policy had been applied, which had resulted in a payment greater than the five-year legal requirement.

We found this to be unreasonable. We found that Business Stream should have given consideration to refunding the costs incurred by Mrs C and to applying their Redress and Compensation Policy to reflect the inconvenience and loss incurred by Mrs C during the period she was being overcharged as well as the failures within Business Stream's complaints process.

### Recommendations

We recommended that Business Stream:

- apply their Redress and Compensation Policy in a manner which is proportionate to the loss and inconvenience caused as they appear to have accepted that a discretionary payment should be paid in this case for the charges back to 2005, but Scottish Water's evidence that itemises the period covered by the refund for overpayment was solely for 2008 to 2013;
- provide evidence they have reviewed their complaint investigation, to establish why they provided misleading and inaccurate information regarding the period of time the allowance granted by Scottish Water was intended to cover; and
- refund the cost of the solicitors fees incurred by Mrs C during the complaint.