

SPSO decision report



Case: 201608499, Clear Business Water
Sector: water
Subject: incorrect billing
Decision: upheld, recommendations

Summary

This summary is linked to case 201810639 in relation to Scottish 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 below) and Scottish Water (see case 201810639).

Recommendations

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

- Clear Business Water should reach their own view on whether or not a customer is liable for charges and if this is contradicted by Scottish Water, they should pursue this as a dispute through the dispute resolution process detailed in the Operational Code.