

SPSO decision report



Case: 201704783, Clear Business Water
Sector: water
Subject: policy / administration
Decision: upheld, recommendations

Summary

Mr C made a complaint about Clear Business Water (CBW) regarding charges for non-domestic water rates. Mr C was acting on behalf of a landlord who owned a building with multiple tenants. All of the tenants were paying their water rates individually and, therefore, the landlord was not liable for any charges. Mr C received an invoice for water and was told by CBW that the invoice was for a bulk meter which covered the water and waste liability for the whole property. They explained that the tenants were no longer paying this part of the bill. CBW advised that the previous meters were all deregistered from the market and the basis for the current invoices was correct. Mr C was unhappy with this response and brought his complaint to us.

We found that CBW had been approached by one of the tenants about changing the charging setup to a bulk meter. They stated that they spoke with a representative of the landlord (and colleague of Mr C) who agreed to the installation of the bulk meter.

We listened to a call between CBW and the representative of the landlord and were not of the view that consent was given to install a bulk meter, only that CBW could arrange for an initial survey into the matter. We noted that they had not notified Mr C when the account was created and this was something they were required to do under The Market Code. We also found that CBW failed to advise Mr C in initial correspondence that they were billing under The Deemed Contract Scheme where the scheme requires this to be clearly identified to customers. Overall, we found that while the charges were technically correct and liable, the communication from CBW had been poor. We found that the account did not have the authority of the landlord to be created as they did not approve the installation of the bulk meter. Therefore, we upheld this complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for their poor communication. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/leaflets-and-guidance.
- CBW should waive the outstanding balance on Mr C's account in light of the failings identified.

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

- CBW should ensure that correspondence sent to customers under a deemed contract is updated to clearly highlight this, as is required in The Market Code.
- CBW should ensure that the findings of this complaint are shared with staff in a supportive manner, to ensure that the requirements of the Market Code when a gap site is allocated are adhered to.