

Mr J Layte
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Our ref: Case 1243345

25 November 2016

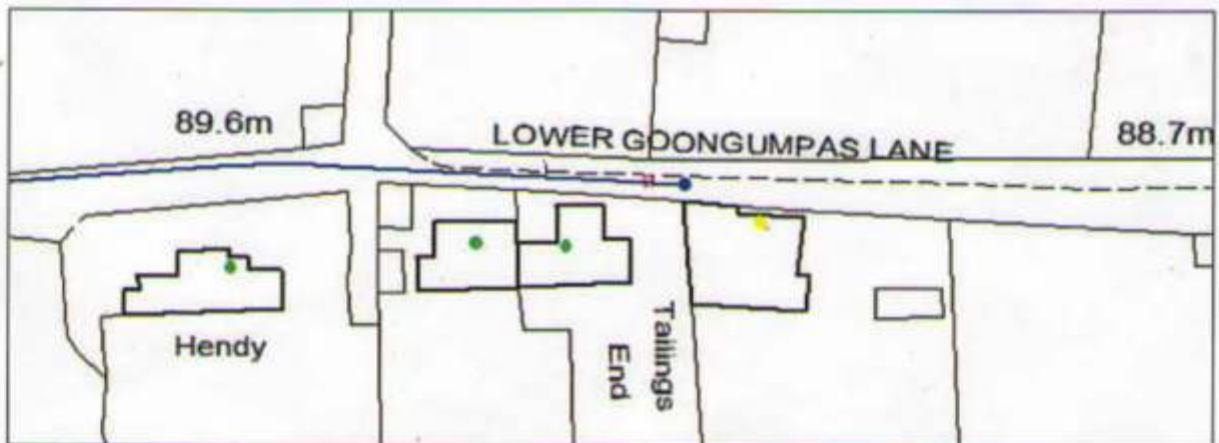
Dear Mr Layte

Thank you for your email of the 27 October 2016 including the various attachments in support of your claim. I have now had the opportunity to review your complaint and this letter details my findings after concluding my investigation. For ease of reference I have categorised the points you raise along with my comments below.

Pipe Ownership

You claim that the pipe from the location of the property Tailings End is South West Water's (SWW) responsibility. SWW records show this pipe as a public water main installed in 1955. You may be aware that privatisation of the water industry took place in 1989 and the infrastructure and associated mapping documentation transferred to SWW at this time.

The extent of SWW's responsibility of this water main is shown on the map below.



The blue dot at the end of the water main signifies a fire hydrant which is standard apparatus to enable routine maintenance to take place such as flushing. SWW's responsibility would also include the communication pipe which runs from the water main to the boundary of the street in which the water main is laid. The photograph below taken from Lower Goongumpas Lane shows the position of the fire hydrant indicating the end of the water main, along with the sign you erected at the location of the boundary stop tap. The communication pipe runs from the SWW main to the boundary of the road. The pipe from this point to your property is your private supply pipe and therefore your responsibility.



We have undertaken a survey of where other properties in the vicinity are connected to the SWW main. All properties are connected from this locality including two fairly new connections in 2012.

It is usual practice for billing meters to be installed at the boundary of where the responsibility changes. This enables any interference on the supply pipe easier to identify as leaks or excessive consumption would be recognised by an inflated bill. At your request during 2008 individual billing meters were installed at the three properties served by your private supply pipe. Whilst this may have enabled an easier means for SWW to bill you and your immediate neighbours, this is not normal practice and may account for some of the confusion regarding pipe ownership.

You indicate that the supply pipe runs from Tailings End to Goon Farm and that your supply branches off from this direction. This is incorrect as our investigations confirm that both your property and Goon Farm have separate connection points to the water main at Tailings End. We do not know the exact path of your private supply pipe. We would however advise that such private pipes are often shown on properties' deeds.

Road Names

I note your reference to the road names in the area being incorrect. SWW mapping systems use both Ordnance Survey and National Street Gazetteer. Ordnance Survey is the national mapping agency for Great Britain, and National Street Gazetteer the definitive source of street information for England and Wales. SWW cannot amend corporate records unless advised by official sources. If you have concerns that the records for the road names in your area are incorrect I would recommend that you approach either of these agencies.

On review of your complaint I can advise that the naming of the roads does not alter the situation. As previously outlined the supply pipe for your property starts from the boundary of the road where the SWW water main is laid. Or to simplify matters, from the location you have erected the sign.

Leakage Notice

I can see from our records that you raised concerns regarding a possible illegal connection to your supply during 2013. On 28 April 2014 you were issued with a letter advising that a leak had been located on your private supply pipe. Although our Leakage Inspector had identified a continual use of water, on reflection this was the incorrect notice to use. Where water is believed to be wasted or misused and not as a result of a leak SWW will issue a notice under section 73 of the Water Industry Act 1991.

It is apparent there was erroneous use on the private supply serving your property. I acknowledge the very comprehensive investigation you have undertaken in order to identify the source of this usage. However, I must reiterate that this was a civil matter between you and your neighbours concerning your private supply pipe.

Water Regulations Visits

I recognise that due to the nature of your investigation into the erroneous use of water on your supply pipe you regularly turned off the stop tap at Tailings End. I also recognise that for convenience and your own water consumption purposes you chose to install a rainwater harvesting system at your property.

In accordance with the New Water Supply (Water Fittings) Regulations 1999 you had a responsibility to notify SWW of any change to the water system at your property. The Regulations are imposed on the Water Industry by Statutory Instrument and are in place to prevent the contamination of drinking water. Our Water Regulations Team was notified when SWW became aware of the rainwater harvesting system, and our Regulations Officers visited you in order to ensure the system was compliant.

During the initial inspection a number of non compliances were identified and these were issued together with instructions on what was required along with timescales for rectification. I have watched your video of the re inspection from July 2015 and can see that access to your loft space by our Regulations Officer was not prohibited. However, the re inspection was not

completed at this time as our Regulations Officer was concerned for his personal health and safety following the various alterations you had undertaken in your loft.

It was noted during a visit to your property that you had stated your intention to not comply with the Regulations issued for your rainwater harvesting system. It was as a result of this that SWW had to eventually issue a Statutory Notice to ensure that the system was made complaint.

I note your comments regarding Richard Harrison, Regulations Officer. I must say I find this very surprising as Richard has an exemplary record with SWW. After discussing your case with the various personnel involved I have reason to believe that Richard was acting appropriately and professionally at all times during his visits to your property. I would suggest that you refrain from making any further comments about Mr Harrison.

Since the work at your property has been completed our Water Regulations Team have undertaken a thorough check of the wider area to ensure there are no other potential sources of contamination. Some issues have been identified and the Regulations Officers are working with the property owners to rectify these. None of the non compliances identified in the wider area would have had any impact on the supply to your property.

Water Quality

I can see that water quality tests were undertaken at both your property and from the SWW supply at the boundary stop tap. Although the tests were satisfactory it is recorded that there were elevated levels of certain metals present within your property after approximately ten minutes of flushing. The tests taken from the boundary stop tap did not show the same elevated levels confirming that the water quality issue existed along your private supply pipe, or with the internal plumbing within your property.

The quality issue experienced with your water supply is attributed to the infrequent use of the supply. Water pipes are designed for continual use as water can corrode pipework, depending on the material, when stagnant.

I can see no reason why you are still choosing to turn off the water supply at the boundary stop tap. Turning the water supply back on permanently and running off water from your kitchen taps for an hour will ensure the quality of your water is maintained.

I have to bring to your attention a serious concern following my review of your complaint relating to the water supply to your tenant Mr Bellward. I understand that Mr Bellward resides with his elderly father and as a consequence of your actions has no direct water supply to his property. I'm informed that the arrangement for toilet flushing is via a bucket filled from a bath tub which is connected to the guttering of an adjacent property. I must highlight that as a landlord you have a legal requirement to ensure your tenant has a running water supply. This situation can no longer continue for environmental health reasons. SWW therefore immediately instruct you to remove the padlock from the meter chamber cover to enable your water supply (and consequently that of Mr Bellward) to be turned back on.

SWW will check the meter chamber during December to ensure this action has been completed. I must stipulate that it is an offence under section 174 of the Water Industry Act 1991 to interfere with SWW apparatus.

Compensation

I note your request for SWW to compensate you for your time taken to investigate the erroneous use of your water supply and for the rainwater harvesting system. This request has been rejected. Whilst I can appreciate the time you have taken to investigate the matter, I must once again point out that this was a private investigation on a private supply pipe. SWW cannot be held liable for payment of sums relating to a private matter. It was also your decision to install the rainwater harvesting system during this time. Our Water Quality Scientist confirmed that your water supply was compliant and wholesome if used correctly. The rainwater harvesting system was an unnecessary purchase and therefore will not be funded by SWW. However, I do recognise that you had to turn the water off periodically in order to identify other possible connections to your supply.

Your letter indicates that your complaint has been going on for the last eight years. SWW records do not agree with this. We have a record of your request for separate meters on 25 August 2008 due to the pipe serving more than one property. We then have a record from 29 August 2013 where you suspected an illegal connection to your supply.

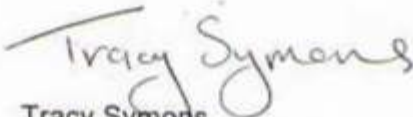
SWW has made an offer of £1,500 to represent the time taken in order to handle your complaint and to recognise that the wrong notice was issued to you initially. On review I believe this to be an appropriate and reasonable offer.

From reading all previous correspondence relating to your complaint I appreciate that my findings will not be what you were hoping for. I can assure you that my review of your complaint has been extremely thorough and I have considered all the information you have presented. Whilst SWW may have made some historical administrative errors the fundamental point remains that this was a private issue on a private pipe.

I note that you have already referred your complaint to the Consumer Council for Water (CCW). If you remain dissatisfied with SWW's handling of your complaint you may be eligible to take your concerns to WATRS the Industry Redress Scheme. WATRS offers an independent adjudicator service for disputes between customers and their water and sewerage providers. CCW will advise you on the next steps.

Finally, I would like to confirm that the offer of £1,500 will remain open until 5pm on the 31st December 2016.

Yours sincerely



Tracy Symons
Customer Delivery Manager
South West Water