

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1314

Date of Decision: 15 April 2019

#### Complaint

The customer explains he is unhappy that a water meter cannot currently be installed at his property. He believes that, if he was on metered charging, his water bills would be much lower. The customer also believes that the company has just made up his assessed charges and that they are not an accurate reflection of his actual water usage. The company has explained to the customer that the reason it cannot install a water meter at his property is due to his private pipework setup. It confirms that it is not obliged to make changes to the customer's private pipework. The customer explains that the company also provided an explanation of how his assessed charges are calculated. However, the customer remains dissatisfied and is now claiming for the company to either 'correctly' bill him for his assessed charges or to come and install a water meter at his property.

#### Defence

The company explains that it attended the customer's property to see if a water meter could be installed. However, the setup of the customer's private water pipes makes it impossible to install a water meter. The company has indicated that the customer would need to make changes to his private water pipes so that a water meter can be accommodated. The company acknowledges the customer's assertions that the company should make (and cover the cost of) any necessary changes to his private water pipe setup so that it can install a water meter. However, the company explains that it is not obliged to make alterations to private water pipe setups in this manner. The company explains that the customer is being correctly charged by assessed charges in accordance with its scheme of charges (as approved by OFWAT). The company confirms that the customer is currently on the lowest available assessed charges rate and there is no other method of charging currently available to the customer. The company states that, in light of all the above, it does not accept any liability for the customer's claims for redress.

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### Findings

I am not satisfied that that the company has failed to provide its services to the standard to be reasonably expected by the average person. Based on the evidence provided, I do not find that the company has charged the customer incorrectly. Nor do I find that the company is under any obligation, under the present circumstances, to install a water meter at the customer's property.

### Outcome

The company does not need to take any further action. The customer is not obliged to accept this decision and is free to pursue their dispute through all over avenues as available to them.

The customer must reply by 15 May 2019 to accept or reject this decision.

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# ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /1314

Date of Decision: 15 April 2019

## Party Details

Customers: [ ].

Company: [ ].

## Case Outline

### **The customer's complaint is that:**

- The customer states he is unhappy that a water meter cannot currently be installed at his property. He believes that, if he was on metered charging, his water bills would be much lower.
- The customer also believes that the company has just made up his assessed charges and that they are not an accurate reflection of his actual water usage.
- The company has explained to the customer that the reason it cannot install a water meter at his property is due to his private pipework setup. It confirms that it cannot make changes to the customer's private pipework (as the pipes are not company assets). The customer indicates that the company has also provided an explanation of how his assessed charges are calculated.
- However, the customer was not satisfied with this position and therefore referred the matter to CCWater (Consumer Council for Water) who concluded that the company had committed no failures in relation to this issue and that the customer was being correctly charged.
- The customer remains dissatisfied with this situation and is now claiming for the company to either 'correctly' bill him for his assessed charges (to more accurately reflect his actual water usage) or to come and install a water meter at his property.

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### **The company's response is that:**

- The Water Industry Act 1991 makes it expressly clear that water companies can set their own scheme of charges and charge their customers accordingly. The company's scheme of charges makes it clear that the company can charge its customers through assessed or measured charges. Therefore, assessed and measured charging are both valid forms of raising charges.
- The company confirms that it has attended the customer's property to see if a water meter could be installed. However, the setup of the customer's private water pipes makes it impossible to install a water meter. The company has indicated that the customer would need to make changes to his private water pipes so that a water meter can be accommodated.
- The company acknowledges the customer's assertions that the company should make (and cover the cost of) any necessary changes to his private water pipe setup so that it can install a water meter. However, the company explains that it is not obliged to make alterations to private water pipe setups in this manner (as detailed in section 3.3 of its scheme of charges).
- The company explains that, in light of the circumstances, the customer is correctly being charged by assessed charges in accordance with its scheme of charges (as approved by OFWAT). The company confirms that the customer is receiving financial assistance from the company and therefore receiving a discount. It has explained (through a response given to the customer's MP) that if the customer were to eventually move to metered charging, his bills could be higher than his present bills.
- The company confirms that the customer is currently on the lowest available assessed charges rate (as set within its charges scheme and approved by OFWAT) and there is no other method of charging currently available to the customer.
- The company states that, in light of all the above, it does not accept any liability for the customer's claims for redress.

### **The customer's reply is that:**

- The customer reconfirms his position and also highlights that he has been taken to court in relation to his outstanding payments owed to the company. He indicates that the court found the charges on the customer's account were correct and payable. He submits that the court did not take his side.

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## How is a WATRS decision reached?

In reaching my decision, I have considered two key issues. These are:

1. Whether the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.
2. Whether or not the customer has suffered any financial loss or other disadvantage as a result of a failing by the company.

In order for the customer's claim against the company to succeed, the evidence available to the adjudicator must show on a balance of probabilities that the company has failed to provide its services to the standard one would reasonably expect and that as a result of this failure the customer has suffered some loss or detriment. If no such failure or loss is shown, the company will not be liable.

I have carefully considered all of the evidence provided. If I have not referred to a particular document or matter specifically, this does not mean that I have not considered it in reaching my decision.

The WATRS Scheme Rules provide detailed information on the process of adjudication, including the timing of the various stages. It is important for the smooth running of the scheme and fairness to all that time limits are respected and submissions made in good time to allow them to be properly considered as a part of the process. Furthermore, I must also draw attention to the fact that in accordance with the scheme rules, new complaints and evidence cannot be raised at the comments stage. Accordingly, I must disregard any new complaints and/or evidence introduced at the comments stage and will proceed accordingly.

## How was this decision reached?

1. The customer is unhappy that a water meter cannot currently be installed at his property and believes that his water bills should be lower than his current assessed charges. The customer has already complained to the company and CCWater about this issue but they have both concluded that the company's charges are correct and that there were no failures in its service provision. The customer is not satisfied with this situation and continues to claim for the company to either 'correctly' bill him for his assessed charges or to come and install a water meter at his property.

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2. I remind the parties that adjudication is an evidence-based process and in order for any remedy to be awarded, the evidence must show that the company has not provided its services to the standard that would reasonably be expected of it.
3. I must point out that it is entirely beyond the scope of this scheme to examine, challenge or amend any of the company's set contractual terms and/or commercial practices (WATRS Rule 3.5). Accordingly, any complaints relating to matters such as the fairness of the company's set scheme of charges cannot be examined under this scheme.
4. Furthermore, I draw attention to the fact that, in accordance with the rules of this scheme, any new claims and/or evidence submitted by the customer at the comments stage must be disregarded by the adjudicator. Additionally, I should also make it clear that I am unable to address any complaints that have already been subject to court proceedings (WATRS Rule 3.5). I will proceed accordingly.
5. I find that, in accordance with the relevant provisions of the Water Industry Act 1991 (notably sections 142-143), companies are entitled to set their own scheme of charges and charge their customers accordingly. I note that the company's scheme of charges sets out that it is entitled to charge its customers by either assessed charges or metered charges. Consequently, I must conclude that both assessed and metered charges are valid methods for the company to raise its charges and therefore I do not find that the company's act of charging the customer by assessed charges amounts to any failure on its part.
6. I note that the customer has made a claim for the company to 'correctly' charge him for his assessed charges. Following my review of all the evidence available to me at the time of adjudication, I find that I am unable to objectively conclude that the company is incorrectly charging the customer for his assessed charges. Based on the information provided, I am only able to conclude that the customer is currently being billed on the lowest available assessed charge (single occupier) as set by the company's scheme of charges (and approved by OFWAT). Additionally, I note that the customer is also receiving financial assistance with his assessed charges under the company's Essentials tariff (where the company provides him with further discounts on his water bills). Therefore, I am satisfied that the company appears to be appropriately charging the customer for his assessed charges in accordance with its set scheme

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of charges (and associated charging policies). As such, I do not find that the company has failed to provide its services to the standard to be reasonably expected in relation to this matter.

7. The customer is unhappy that a water meter cannot currently be installed at his property and is claiming for the company to come and install a water meter at his property. It is not in dispute that the company has already conducted a survey of the customer's property and found that a water meter cannot currently be accommodated due to the setup of the customer's private water pipes. I am mindful that the sections relating to water meter installation in the company's scheme of charges make it expressly clear that the company is not obliged to install a meter at a property where it is not reasonably practical to do so (or where to do so; the company would incur unreasonable expense). The company's scheme of charges further clarifies that it would be considered unreasonable to install a water meter at a property if the company was required to incur the costs of altering existing plumbing in order to enable a water meter to be installed (such as in the customer's case). Consequently, whilst I acknowledge the customer's frustration, I must conclude that the company is not obliged, contractually or otherwise, to install a water meter at the customer's property under the present circumstances and I do not find that the company's refusal to depart from this position amounts to a failure to provide its services to the standard to be reasonably expected.
8. In the interests of completeness, it may be helpful to explain the company has made it clear that, if the required alterations to accommodate a water meter were made to the property's private pipes (by the customer/customer's landlord), it would be happy to install a water meter. However, under the current circumstances (for the reasons detailed above), it is unable to install a water meter at the customer's property.
9. In light of all the above, I am inclined to accept that the company has correctly maintained the position that it is not obliged to install a water meter at the customer's property and it has appropriately charged the customer for his assessed charges. Accordingly, I am not satisfied that the company's actions in relation to these issues amount to a failure to provide its services to the standard to be reasonably expected by the average person.

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10. Following careful review of all the submissions provided, I am not satisfied that there are any failures on the part of the company at this time. Consequently, in the absence of any failures on the part of the company, I am unable to uphold the customer's claims for redress.

11. This marks the end of the WATRS stage of the customer's complaint. The customer is not obliged to accept this decision and is free to pursue their dispute through all over avenues as available to them.

#### **Outcome**

The company does not need to take any further action.

#### **What happens next?**

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 15 May 2019 to accept or reject this decision.
- When you tell WATRS that you accept or reject the decision, the company will be notified of this. The case will then be closed.
- If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision.



**E. Higashi** LLB (Hons), PGDip (LPC), MCI Arb.

**Adjudicator**

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