

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0565

Date of Decision: 29 August 2017

Complaint

The customer's complaint concerns the Rateable Value ("RV") charge basis. The customer submits that the company is charging her incorrectly. The customer also submits that the company has failed to give full explanations in writing. The customer has also raised issues about a public sewer on her property.

Defence

The company submits that it has no power to alter the RV set for a property. It refutes the customer's submission that it routinely failed to respond to her letters, and submits that this happened on only one occasion. The company also submits that the customer's complaint in her WATRS application form about the public sewer on her property is the first time she has raised this issue.

Findings

There is no evidence to show that the RV used by the company is not the correct RV for the property. Nor is there any evidence to show that the company has charged the customer incorrectly on the RV basis. The company delayed in responding to the customer's letters of 17 March 2017 and 19 June 2017. However, the credit already given by the company to the customer for these errors is appropriate and sufficient. As the customer's complaint about the public sewer on her property has not been through the company's or CCW's complaints procedure, it cannot be considered.

Outcome

The company does not need to take any further action.

The customer must reply by 26 September 2017 to accept or reject this decision.

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ADJUDICATOR'S DECISION

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Date of Decision: 29 August 2017

Party Details

Customer: [REDACTED]

Company: [REDACTED]

Case Outline

The customer's complaint is that:

- She is unhappy that the Rateable Value ("RV") for her property is set at 451. She believes that the RV that the company uses to determine her billing charge is too high. She should be paying Band E rates for her charges.
- She originally contacted the company about the high water rates in 1998. However, the company has refused to give full explanations in writing. It was only when she sought assistance through the Consumer Council for Water ("CCW") that the company has responded in writing.
- She had no knowledge about CCW when she originally complained, but complained to CCW in 2015. She did not really understand its explanation. So after talking to Age UK and getting extra information, she complained again to CCW in 2017.
- The sewer drain for all of her street is on her property's driveway. She has had to organise and pay for unblocking it.
- The customer requests that the company (1) take responsibility for her neighbours' sewers which is on her property or offer some reduction in her bill; (2) provide an apology for not providing written responses "particularly possibly in 1998" when she could have had more access to records; (3) remove Rateable Value charging and link water rates to her home band as she is worried that she is unable to pay her bill as it has now risen to £88.00 a month; (4) Waive her 2016/2017 annual bill in the sum of £699.44.

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The company's response is that:

- It has no power to alter the RV set for a property. It has explained to the customer since her very first contact relating to this matter on 17 May 2011)that the only alternative charge to RV is a metered charge basis.
- Whilst the customer states that she originally made contact in 1998, she has not provided any evidence to support this and, as its records do not date back that far (legally it is not obliged to keep records over six years old), it is unable to confirm or deny this statement.
- It has advised the customer that that District Valuer set the RV of her home and it has no authority to change it. It has sent the customer application forms for a water meter and explained that if a metered charge basis does not work out for her financially she can revert to the RV charge basis within 12 months. It has also provided details of schemes it runs that may be of assistance if the customer is struggling to pay her charges.
- It refutes the customer's submission that it routinely failed to respond to her letters, it can confirm that this happened on the one occasion, it acknowledged its error and credited the customer's account with £30.00.
- The customer's complaint in her WATRS application form about responsibility of the public sewer within her property boundary is the first time she has raised this issue with it. It has checked its records and has found no reports of blockages from the customer. The customer has also not provided any details about when she employed a private plumber to clear a blockage in the shared sewer at her home, or specified what she is claiming in regards to this.

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.

If the evidence provided by the parties does not prove both of these issues, the company will not be directed to do anything.

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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.

How was this decision reached?

1. I must remind the parties that adjudication is an evidence-based process where the burden of proof rests on the claimant, in this case the customer, to prove her case on the balance of the evidence.
2. The customer has made a number of submissions about the parties' communications. However, the customer has not provided full and substantive evidence of all of these communications such as the dates and times of calls, contemporaneous notes of calls or copies of all correspondence. I therefore, in the absence of any substantive evidence showing otherwise, attach more weight to the information on the account notes submitted in evidence by the company.

Complaints about CCW

3. For the purposes of this decision my remit is to determine the issues between the customer and the company. Any complaints about CCW cannot be considered.

Blocked sewer drain

4. I acknowledge the customer's complaint about and requests for redress in relation to the public sewer drain on her property. However, after careful consideration of the documents sent to WATRS, I accept the company's submission that this is the first time she has raised this issue.
5. Under Scheme Rule 1.6, an application for adjudication can only be made by a customer if the dispute has not been resolved to the customer's satisfaction after exhausting the company's complaints procedure and after mediation and/or formal investigation by CCW.
6. As this aspect of the customer's complaint has not been through the company's or CCW's complaints procedure, and neither the company or CCW has had the opportunity to investigate the matter, it falls outside of my remit.

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7. Consequently, the customer's request that the company "take responsibility for her neighbours' sewers which is on her property or offer some reduction in her bill" cannot be considered.

Rateable Value

8. In light of the evidence submitted by the company from OFWAT, the Water Industry Regulator, I accept the company's submission that it has never been responsible for setting RV and it has no power to alter the RV set for a property.
9. There is no evidence to show that the RV used by the company is not the correct RV for the property. Nor is there any evidence to show that the company has charged the customer incorrectly on the RV basis.
10. In light of the evidence submitted, I also accept the company's submission that it has sent the customer application forms for a water meter and explained that if a metered charge basis does not work out for her financially she can revert to the RV charge basis within 12 months. The evidence confirms that the company has also provided details of schemes it runs if the customer is having difficulties paying her charges.
11. In view of all of the above, there is no evidence to show that the company has acted contrary to any law or code or charged the customer incorrectly and that the company has failed to provide its services to the standard to be reasonably expected in relation to its charging basis.

Customer service

12. No substantive evidence has been submitted to support the customer's submission that she originally contacted the company about the high water rates in 1998.
13. A copy of a letter from the customer dated 17 May 2011 has been submitted by the company in evidence. The company states that it received this letter on 6 June 2011 and although it no longer has copy of the letter sent, it responded to the customer's letter on 13 June 2011. The company has submitted a screenshot of its notes for this letter in evidence. This screenshot confirms the company's submission that the letter explained RV; that an alternative for the RV basis was a metered charge basis; and an 'Optional Metering Questionnaire' – an application form for a water meter was also enclosed. In light of this detailed account note and in the absence of any substantive evidence showing otherwise, I am inclined, on a balance of

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probabilities, to accept the company's submission that it replied to the customer and provided a full explanation. I therefore find no failing on the company's part in this regard.

14. It is not in dispute, however, that the company failed to respond to the customer's letter of 17 March 2017 until 26 April 2017; after the customer had escalated the matter to CCW. Nor is it in dispute that the company delayed in responding to the customer's 19 June 2017 complaint, sent via CCW and received on 3 July 2017, within the required 10 working days. I therefore find that the company failed to provide its services to the customer to the standard to be reasonably expected in these regards.
15. However, notwithstanding the above, I am satisfied that when the company did respond it provided full and clear explanations about its charging bases. The company also credited the customer with a total of £60.00 for both these failings. I am satisfied that this was appropriate.
16. Other than the above, no substantive evidence has been submitted to show that customer requested full written responses and the company failed to or delayed in providing these. Consequently, the customer's request that the company provide an apology for not providing written responses particularly possibly in 1998 when she could have had more access to records is unable to succeed.
17. Finally, the customer has also requested a waiver of her 2016/2017 annual bill in the sum of £699.44. I have only found a failing on the company's part in relation to its delay in responding to the customer's letters of 17 March 2017 and 19 June 2017. As discussed above, the company has provided the customer credit in the sum total of £60.00 for these errors. I am satisfied that this was appropriate and sufficient. A waiver of the bill is disproportionate to the failings shown and is not justified.
18. Consequently, in view of all of the above, the claim is unable to succeed.

Outcome

The company does not need to take any further action.

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What happens next?

- This adjudication decision is final and cannot be appealed or amended.
 - The customer must reply by 26 September 2017 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.
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**U Obi LLB (Hons) MCI Arb
Adjudicator**

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