

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0655

Date of Decision: 14 February 2018

Complaint

The customer submits that he is an old age pensioner living alone in a very small cottage. He was advised to apply for a metered service by a friend. He applied for a meter in May 2017 but was taken aback to discover that it took the company a long time to fit the meter as he was on a joint supply. The meter has now been fitted and his annual charge has been re-assessed from £198.00 to £106.00 per annum. As he has lived in the property for over ten years he believes that he has been overcharged on a pro-rata basis over the period.

Defence

The company submits that it informed the customer of his right to have a meter installed and to be charged on a metered basis by including a message on annual bills and on its website. There is no duty on it to notify the customer of his option of having a water meter and/or provide advice that the installation of a water meter could save him money. The company admits that there was an unnecessary delay in fitting the customer's meter and states that it has made payments to the customer in light of this. In addition, the customer has been charged on a metered basis from 16 May 2017, the date it initially surveyed the Property. No offer of settlement was made.

Findings

There is no evidence to show that the company charged the customer incorrectly on the rateable value basis. The company has submitted evidence to support its submission that it informed the customer of his right to have a meter installed. In his Reply to the Defence, the customer also concedes that this information was provided. The company admits that there was an unnecessary delay in fitting the customer's meter. The company has made payments to the customer totalling £40.00 for its failings and has also backdated its metered charges to 16 May 2017, the date of the initial survey. I am satisfied that the company acted reasonably in this regard.

Outcome

The company does not need to take any further action.

The customer must reply by 14 March 2018 to accept or reject this decision.

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Party Details

Customer: _____

Company: _____

Case Outline

The customer's complaint is that:

- He is an old age pensioner living alone in a very small cottage. A friend of his who lives in similar circumstances could not believe the amount he was being charged for water and told him to apply for a metered service. He applied for a meter in May 2017 but was taken aback to discover that it took the company a long time to fit the meter as he was on a joint supply. The meter has now been fitted and his annual charge has been re-assessed from £198.00 to £106.00 per annum. As he has lived in the property for over ten years he believes that he has been overcharged on a pro-rata basis over the period.
- The customer requests £1,000.00 as redress for the company's overcharging over the past 10 years.

The company's response is that:

- The customer moved into the Property in October 2007. It raised unmetered charges based on the rateable value of the Property from 18 October 2007 until 15 May 2017. It disputes that the customer was overcharged. The unmetered charges for the Property were correctly based on the rateable value of the Property in accordance with the Water Industry Act 1991 and the Water Industry Act 1999 respectively. The unmetered charge is fixed and is not based on the number of occupiers or volume of water used. The metered charge is based on the volume of water used.

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- It informed the customer of his right to have a meter installed and to be charged on a metered basis by including a message on annual unmetered bills and on its website. There is no duty on it to notify the customer of his option of having a water meter and/or provide advice that the installation of a water meter could save him money.
- The customer applied for a meter on 12 May 2017 and a meter was fitted on 25 August 2017.
- It admits that there was an unnecessary delay in fitting the customer's meter and has made payments to the customer in light of this. In addition, the customer has been charged on a metered basis from 16 May 2017, the date it initially surveyed the Property.

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.

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 his/her case on the balance of the evidence.
2. Under Section 143 of the Water Industry 1991 Act the company is entitled to make a Charges Scheme which fixes the charges for any services provided by the undertaker in the course of carrying out its functions.

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3. The company's Charges Scheme 2017/2018 supports the company's submission that unmetered charges for a property are based on the rateable value of the property.
4. There is no evidence that the company's 2017/2018 Charges Scheme was not approved by the regulator Ofwat.
5. I also accept the company's submission that Section 8 of the Water Industry Act 1999 allows companies to charge based on rateable value.
6. There is no evidence to show that the company charged the customer incorrectly on the rateable value basis.
7. In addition, I have not been provided with any substantive evidence to show that the company was aware or should have been aware that the property was on a joint supply prior to the survey on 16 May 2017 and/or that it was the company's responsibility to inform the customer that the property was on a joint supply. I am also mindful of the company's submission that the unmetered charge is fixed and is not based on the number of occupiers or volume of water used.
8. I have also not been provided with any evidence to show that the company is under a duty, legal or otherwise, to inform customers of the option of having a water meter fitted and of the potential savings that could be made by doing so.
9. The company has submitted copies of the customer's bills dated 25 February 2011 and 20 February 2015 as evidence to support its submission that it informed the customer of his right to have a meter installed and to be charged on a metered basis by including a message on annual unmetered bills. I note that in his Reply to the Defence, the customer concedes that he cannot dispute the company's statement that the provision of a meter was always on offer.
10. The company admits that there was an unnecessary delay in fitting the customer's meter. The initial survey of the property took place on 16 May 2017 but incorrectly found that a meter could not be fitted internally and a meter was eventually installed on 25 August 2017. The evidence also shows that the company cancelled an appointment with the customer on 11 August 2017. However, I note that on 29 June 2017, during the period of the delay, the customer was also offered another appointment to find out why a meter could not be fitted internally but initially

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declined this offer. The customer then agreed to a re-survey on 1 August 2017; a month later. The company has made payments totalling £40.00 to the customer for its failings. I am satisfied that this is appropriate. I also note the company has backdated its charges and charged the customer on a metered basis from 16 May 2017. I am satisfied that the company acted reasonably in this regard.

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. Consequently, this claim is unable to succeed.

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 14 March 2018 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.



Uju Obi LLB (Hons) MCI Arb
Adjudicator

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