

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0677

Date of Decision: 31 May 2018

#### Complaint

The customer submits that he requested a water meter on numerous occasions and applied for a water meter in June 2013. Despite this the company failed to change his tariff until 2016 and back-dated the charges to May 2015. The customer seeks a 50% refund of water charges dating back to 2000, as he believes that he should have been placed on an "Assessed Household Charge" (AHC) tariff.

#### Defence

The company submits that it has not overcharged the customer and has complied with its statutory obligations. That it is unable to place the customer on an AHC tariff until an application for a water meter is made and the property is deemed unsuitable. The company did not receive the application until 18 May 2015. It has provided a refund back to this date on an AHC basis.

The company did not make an offer to settle this claim prior to adjudication.

#### Findings

The company has acted in accordance with its legal obligations in providing a refund back to 18 May 2015. The customer is not entitled to a further refund.

#### Outcome

The company does not need to take any further action.

The customer must reply by 28 June 2018 to accept or reject this decision.

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# ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /0677

Date of Decision: 31 May 2018

## Party Details

Customer: [ ]

Company: [ ]

## Case Outline

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

- The customer moved into a two bed flat in 2000 and was paying for his water on a "rateable value" (RV) basis. In 2013 he requested a water meter, as he believed this would reduce his bills. An engineer attended on 3 June 2013 but he did not get out of his van. The customer submits that he returned the application form. The customer was informed that a survey did not need to be completed. A water meter was not installed following this application and the customer received no further communications regarding installation.
- Following receipt of the company's bills, the customer would regularly wait on hold while calling to pay to speak with an adviser about his tariff. The customer would regularly request a water meter.
- In May 2015 the customer applied again for a meter and a survey was due to be conducted on the 8 June 2015. The company left a message that a survey would be conducted on 8 June 2015. This survey did not take place as the company claims not to have been able to access the building. The customer maintains that the company should have not had any difficulty in accessing the property, as "caretakers" are always available and he refers to the photograph taken by the company of the front door and access panel showing the caretakers' buzzer.
- In March 2016, the company placed the customer on AHC tariff as it was unable to fit a water meter due to shared usage. This has resulted in a substantial drop in his bills. The company also subsequently backdated charges to May 2015.

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- The customer believes that the company has consistently overcharged him (by 50%) over a long period of time and was aware that he should have been on the much lower AHC tariff.
- The customer submits that it is widely known that fitting water meters within a block of flats in most cases is not possible, therefore people are unlikely to apply, which is of great benefit to the company.
- The customer requests that the company backdate his charges based on the AHC to the date that he moved into the property (2000).

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

- The company disputes the claim.
- Until such time as a customer applies for a water meter, the company will always bill a customer using the RV of their property. The Inland Revenues District Valuer originally established the RV of each property based on its size, location, and access to facilities, transport and desirability and these can no longer be amended. Under S143 of the Water Industry Act 1991 suppliers can charge using the RV until a customer applies for a water meter.
- The company was not notified of the customer's residency until 20 February 2004 and billing commenced on 17 February 2004. The customer requested a meter application on 3 June 2013 and this was sent on 4 June 2013. However, it states the customer did not return this form.
- The company denies that an engineer attended the property on 3 June 2013 in relation to the customer's property, as it had not received the application. Also, a home survey would have needed to be arranged. It highlights that the customer has included the application the company sent on 4 June 2013 within his documentation. The references handwritten upon it relate to his 18 May 2015 application.
- The company has no record to confirm that it denied a survey would be required in 2013.
- In May 2015 the customer applied for a meter to be fitted and it attempted to survey his home on 8 June 2015 but nobody was present. Between May 2015 and March 2016 the company deemed the whole building to be "unmeterable", as it had surveyed a number of properties that had shared plumbing. The customer was placed on AHC in March 2016 and this was backdated to 23 May 2015.
- The company maintains that it has complied with the relevant legislation S143 of the Water Industry Act 1991 and the customer has not been overcharged. Each year the company has sent through billing information where it advises customers to request a meter. Ofwat provides that where a meter cannot be installed customers' should "not be unreasonably disadvantaged", which is why it has placed the customer on an AHC tariff.

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- The customer claims that he requested a water meter when he called to pay his bills. The call logs do not show that the customer requested a water meter and most payments were made via its automated system and therefore the customer would not have spoken with an agent to discuss the installation of a water meter.
- The customer has not been overcharged, as his RV tariff is correct until such time as he applied for a water meter (18 May 2015).
- The company states that the AHC tariff should have been backdated to 18 May 2015 and it has credited £10.00 to correct this. It also acknowledges that it failed to respond substantively to the customer's letter of 1 September 2016 and it has credited £30.00 under its "Customer Guarantees Scheme" and it has also applied a further £10.00 payment for the £30.00 being provided late.

### 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?

3. The customer submits that the company has overcharged him and he should be entitled to a refund based on the AHC tariff from when he took up residency of the property in 2000. The customer believes that this equates to approximately 50% of his water charges. The company asserts that it is not required to change the customer's tariff until an application is made. The customer is billed annually and included within each bill is an "annual billing leaflet", which encourages customers to apply for a water meter and provides details of the

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application process. I find that the company has provided clear and open information regarding the meter application process from commencement of the billing process.

4. The customer claims to have applied for a water meter in June 2013. Based on the evidence provided I do not dispute the customer's position but I accept that the company did not receive the application. The company has shown that the customer requested an application on 3 June 2013 and this was sent on 4 June 2013, but it did not receive the application. The customer claims that an engineer attended the property on 3 June 2013 for a survey but did not exit his vehicle. There is insufficient evidence to show that this relates to the customer as he had not returned a completed application, nor had he received it on 3 June 2013. It is therefore more likely that any attendance by the company was not in fact linked to the application. Furthermore, the customer has not provided an explanation as to why he did not follow up this application at the time.
5. The customer also states that he was informed a survey would not be needed. I am mindful from the evidence provided that a survey was required for various properties within the development and it is not an unreasonable requirement. Ofwat's website provides a list of reasons a company may not be able to provide a water meter, such as more than one supply, shared supply, inaccessible pipework, shared communal facilities. The company needs to be able to assess whether the property is suitable for a water meter and therefore an on-site inspection is necessary. I am therefore not satisfied that the company would have advised against a survey. I note that by 2016, the company had surveyed various properties within the development and it was able to conclude that a water meter could not be installed.
6. The customer implies within his submissions that he should have been placed on an AHC tariff by virtue of residing in a flat, as "it is common knowledge that flats have shared access and water meters cannot be installed". However, there is no evidence to support this submission. No evidence has been provided to show that water meters cannot be installed in flats. Further, Ofwat states that a customer must apply for a water meter before they can be considered for the AHC tariff. Under S143 of the Water Industry Act 1991, Ofwat set charges scheme rules, which must be followed. The customer was originally placed on a RV tariff, which would remain in place until the customer applies for a water meter. As I have found that the customer did not apply for a water meter until 18 May 2015, I am satisfied that there

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is no evidence to suggest that the company has erroneously charged the customer by billing him on a RV basis prior to his application.

7. The company has explained, following receipt of the customer's application on 18 May 2015, attempts were made to contact him to confirm an appointment to conduct a survey and that it was unable to gain access to his property. From the communications submitted I am satisfied that the company used its reasonable endeavors to attend the property for survey but the customer was unavailable. The company has produced evidence to show it attended and that it made several calls attempting to arrange a suitable time for a survey but the customer was unresponsive. I note that the customer has referred to caretakers' access, but ultimately I find it is the customer's responsibility to ensure that he is available, or to communicate an alternative arrangement, to allow the company to access the property. Following the survey of other properties within the building, and the customer's request for a survey on 7 March 2016, the company wrote to the customer and concluded that it was unable to fit a water meter and it placed the customer on an AHC tariff band 2. I find this to be a proportionate alternative as a water meter could not be fitted.
8. The company has submitted that the application was received on 18 May 2015 but it only backdated the rebate to 23 May 2015. I can see that it was only following the complaints process that the company acknowledged that the rebate needed to be backdated. However, I note that the company has addressed this by crediting the period of 18<sup>th</sup> to 23<sup>rd</sup> May 2015 as well as providing an additional sum for the inconvenience. I find this to be fair and reasonable.
9. In these circumstances, there is no evidence to show that the company has acted contrary to the statutory provisions or codes of practice or that it has failed to provide its services to the standard to be reasonably expected.
10. Consequently, the customer's 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 28 June 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.
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*D. M. Curnow*

**D.M. Curnow BA (Hons), LL.M, LPC, Solicitor (non-practising).**

**Adjudicator**

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