

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0723

Date of Decision: 19 September 2018

Complaint

The customer requested a water meter be fitted in 1998 but the company deemed his address unmeterable. It has since fitted a meter in the exact same location. The customer submits that the decision taken in 1998 was incorrect and requests the metered charges be backdated to 1998.

Defence

The company started providing water meters free of charge in 1997. It was not possible to fit a meter to the customer's outside stop tap as this was shared with a neighbour. The internal stop tap was covered in tiled boxing in. It was not possible to fit a meter as the pipework would have to have been exposed. There was still no guarantee that a meter could have been fitted. The photographs suggest that the type of meter used in 1998 could not have been fitted to the customer's pipework due to space restrictions. The company introduced an assessed charge in 2000, however it had no way to flag the customer's property as unmeterable in 1998. This meant the customer was not put on the assessed charge when this became cheaper than the customer's rateable value. It has since credited the customer's account with the difference between the rateable value and the assessed charge.

Findings

There have been significant changes to the company's metering policy and budget, the technology of water meters, and the billing of unmeterable properties between 1998 and 2017. The finding that the customer's property was unmeterable must be reviewed in respect of the budget, policies and technology in 1998. The installation of the meter required boxing in to be removed, presenting a more complex installation than the company had the budget and policy to complete in 1998. The meter used in 1998 may not have fitted without the pipework being adjusted, this being work outside of the company's policy. Its finding that the property was unmeterable in 1998 was a reasonable one. The customer was entitled to be charged by the assessed charge when this became cheaper; the company has now rectified this oversight.

Outcome

The company does not need to take any further action.

The customer must reply by 17 October 2018 to accept or reject this decision.

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ADJUDICATOR'S DECISION

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Date of Decision: 19 September 2018

Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- The customer states that he contacted the company to request a water meter in 1998. The company attended but informed him that there was not enough room to fit a meter. He was told that he would be placed on a lower tariff. The customer contacted the company to advise that he could make adjustments to accommodate the meter, however the company refused this. The company has now installed a meter in the same location, despite no alterations having been made. The customer submits that the plasterboard of the boxing in was easily cut out to allow for the install. The customer also advised the company in 1998 that the company could have installed the meter outside of the boxing, at floor level.
- The customer requests that his metered charges are backdated to 1998, plus interest.

The company's response is that:

- The company states that the customer requested a water meter in 1998. It visited the property and found that a meter could not be fitted to the outside stop tap. The company did not have the budget to fit a meter inside the property as every internal meter would require pipe work alterations at the very least. The company would not have exposed an internal stop valve that was boxed in by tiling in 1998 as, until the pipework was exposed, there was no guarantee that a meter could be fitted. The company does not believe that the meters used in 1998 would have fitted on the customer's pipework shown in photographs taken in July 2017 due to its different shape and increased circumference. The company did not have any alternative tariffs available prior to 2000

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and the customer therefore continued to be charged by reference to the rateable value of the property. It also did not have a process to flag the customer's property as unmeterable; this was introduced later and automatically moved customers to the cheaper of the rateable value or the assessed household tariff. The company has backdated the assessed household charge and found that this was cheaper than the customer's rateable value from 2009/10 onwards. The company has refunded the customer the sum of £167.73 as the difference between the rateable value and the lowest assessed household charge. The company denies that there was any failure in respect of its finding that the property was unmeterable in 1998.

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.

How was this decision reached?

1. The customer contacted the company in 1998 to request a free water meter from the company. The company visited the customer's property and found that it was not possible to fit a meter to the outside stop tap as this was shared with a neighbour. The company also deemed that no meter could be fitted to the internal stop tap as this was inaccessible behind tiled boxing in. The customer's property was therefore deemed unmeterable and he was charged for water by reference to the rateable value of his property until an internal water meter was fitted in 2017.

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2. The customer's claim is for his water charges to be backdated, based on his current recorded water use, to 1998 when, he submits, a water meter should have been fitted.
3. I am mindful that there have been a number of significant changes in respect of the company's policy for fitting water meters between 1998 and 2017. The policy of fitting water meters free of charge was introduced in 1997; prior to this, a charge would have been payable by a customer requesting a meter. The company's budget for fitting water meters was then increased in 2012 following the designation of the company's region as being an area of serious water stress. The technology used for water meters has changed greatly between 1998 and 2017. Finally, OFWAT, the water regulator, required water providers in 2000 to create an alternative, assessed charge for customers that were unable to have a water meter fitted through no fault of their own.
4. I find that each of these changes may result in the company reaching a different decision about whether the customer's property was unmeterable, or in the company charging the customer differently.
5. My assessment as to whether the company reasonably determined that the customer's property was unmeterable must be made with reference to its policies and billing processes in place in 1998 when this decision was made.
6. I have been provided with photographs showing the boxing in before the meter was fitted, after the boxing had been removed, and after the meter had been fitted in 2017. I note that the original boxing in was tiled and grouted with a small hole enabling a person to access the internal stop tap.
7. The customer has stated that "the plasterboard was easily cut out to simply install the new meter". Whilst I acknowledge that the customer feels that this is a simple installation, I am not persuaded that, in reality, the meter installation was as straightforward as this statement suggests. It is clear that a section of tiling, two tiles high, had to be removed in order to gain access to the plasterboard.
8. I have taken into account the fact that the company's budget for metering in 1998 was smaller than it was from 2012 onwards. I accept the company's submission that it was not its policy in 1998 to fit water meters inside a property on the basis of the cost and complexity of making changes to pipework. I find that the company acted reasonably by deeming the property to be

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unmeterable based on it being impossible to access the pipework without tiling and plasterboard being removed, something that the company would not have undertaken at that time.

9. Furthermore, the company has provided me with a photograph of the type of internal water meter that the company was installing in 1998. The current water meter is also shown in the photographs. I note that these meters are of completely different designs. The 1998 meter fits inline on the pipework, expanding the circumference uniformly, such that the diameter of the pipe was increased at the centre of the meter to more than twice the size of the original pipe. The current water meter extends from the pipework in one direction, and, whilst it is much greater in overall size, it does appear that the rear of the meter, butting up against the wall, does not increase the size of the pipe in that direction.
10. The photograph of the customer's pipework before the meter was fitted shows that the pipe was fairly close to the wall. Whilst it is difficult to ascertain the scale, I find from the shadows that it is unlikely that a water meter of double the diameter of the existing pipe could fit against the wall.
11. The customer has stated that it would have been possible to fit the 1998 meter with "some 'twinkling'/adjusting of existing secondary pipes, or a pair of elbow/Z-bends connections off the mains pipes". Whilst I accept this to be the case, I am mindful that the company in 1998 did not have the budget for fitting internal meters except in exceptional circumstances. I find that the added complexity described by the customer is precisely the complexity that placed the installation out of scope in 1998 for policy and budgetary reasons.
12. The customer has also suggested that the meter could have been fitted outside of the boxing in. I am satisfied that this would have required fairly significant plumbing work in order to take the pipework outside of the boxing in, and that this too would have exceeded the company's budget and policy stipulations in 1998.
13. For these reasons, I find that the company acted in the manner expected of a reasonable water supplier when it deemed that the customer's property was unmeterable in 1998, for reasons of access and budget. I am not persuaded that the company's successful installation of a water meter in 2017 affects the validity of its finding in 1998 due to the number of significant changes to both the budget and the water meter technology used by the company.

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14. In view of this, I find that there is no basis for the company to backdate the customer's metered charges to 1998 or otherwise. The company has explained that in 2000 it introduced both an Assessed Household Charge and a process in its systems by which unmetered properties would be 'flagged' and placed on the Assessed Household Charge when this became cheaper than the rateable value charges for a property.
15. I am satisfied that the customer has been disadvantaged by the company's failure to place him on the Assessed Household Charge and, from 2009, the Single Occupier banding. However, the company has provided a table of comparison charges. This shows that the customer's rateable value remained cheaper than the assessed charge until the year 2009/10. From that time, the difference in charges was around £20.00 a year. The total difference in charges between the customer's rateable value and the assessed charges, on which the customer should have been placed in 2009, is £167.73. I find that this is the correct basis on which the customer's charges should be reassessed, having found that the determination that the customer's property was unmeterable in 1998 was an appropriate finding to make.
16. The company has credited the customer's account with £167.73 in respect of the amended billing, and further credits in respect of customer service failures that do not form a part of this dispute. I am satisfied that the company has corrected the customer's billing. I find no basis for any further credit or adjustment to be made to the customer's account. The customer's claim is therefore 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 17 October 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.

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- 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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A handwritten signature in black ink, consisting of a stylized, cursive 'A' followed by a long horizontal stroke that ends in a small flourish.

Alison Dablin, LL.M, MSc, MCI Arb

Adjudicator

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