

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0759

Date of Decision: 25 June 2018

Complaint

The customer was placed on the Assessed Household Charge in October 2017. He was not aware prior to this date that there was a tariff that would help him to reduce his bills. The company attempted to fit a water meter as part of its compulsory metering programme but found that this was not possible. The customer was then placed on the assessed charge. The customer requests that this is backdated to the start of his tenancy, 29 October 2015.

Defence

The Assessed Household Charge is not a tariff that customers can apply for. It is only applicable where an application for a water meter has been made and it is found that no meter can be fitted. The customer's bills advertised water metering. The company has backdated the assessed charge to the date it found that no meter could be fitted. The customer has not been incorrectly charged.

Findings

The Assessed Household Charge is not a tariff that can be applied for; it is only available in situations where a water meter cannot be fitted. Water metering was advertised on the company's bills but the customer did not request a meter. The company is only obliged to backdate the charge to the date that it found a meter could not be fitted.

Outcome

The company does not need to take any further action.

The customer must reply by 23 July 2018 to accept or reject this decision.

This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.

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Date of Decision: 25 June 2018

Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- The customer paid unmeasured charges for water since October 2015 and was unaware that there was a tariff that would help him to reduce his bills. When the company attempted to fit a meter at the customer's property, it was discovered that a meter could not be installed. The company placed the customer on its Assessed Measured Charge, backdated to the date of the meter survey.
- The customer requests that the charges be backdated to 29 October 2015, the start date of his tenancy.

The company's response is that:

- The Assessed Household Charge is a tariff that is only applicable where a customer has made an application for a water meter but it is found that one cannot be fitted. Metering is advertised on all of the company's bills. The Assessed Household Charge is not advertised on the company's bills, however information is available on the company's website and in the company's charges schedule. The OFWAT website makes it clear on how the assessed charge scheme may be used. The company must treat all of its customers on assessed charges in the same way. The purpose of the assessed charge is to ensure that customers are not unreasonably disadvantaged because they cannot have a water meter. The charge is not available to customers who can have a meter fitted at their property. The assessed charge was

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backdated to 10 October 2017. The customer has had the option of applying for a meter since he moved into the property. He has therefore not been overcharged and no refund is due.

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. The company is entitled, under the Water Industry Act 1991, to charge customers for water and sewerage services. However, it is limited in how it may charge for water services. The company must charge customers on an unmeasured basis, by reference to the rateable value of the property, unless and until a customer requests a water meter or the company is entitled to proactively fit water meters as part of a compulsory metering scheme.
2. In the customer's case, his property was covered by the company's compulsory metering scheme. An appointment was arranged for the company to survey and fit a water meter on 10 October 2017. On this date, it was found that it was not physically possible to fit a water meter to the customer's property.
3. Where it is determined that it is not possible to fit a water meter at a customer's property, the company is then able to consider alternative methods of charging. Unless it is found that a water meter cannot be fitted, the company is only able to charge customers by reference to the

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rateable value of the property or by reference to a customer's actual usage as recorded on a water meter. Accordingly, I am satisfied that the Assessed Household Charge is not an open tariff that customers can apply for. Furthermore, the company is not able to offer this tariff to any customer unless it is first established that a water meter cannot be fitted to the customer's property.

4. I therefore find that the application of the Assessed Household Charge to a customer's property is directly linked to the request or attempt to fit a water meter. I am satisfied that the company's bills included information on being billed with a water meter. I find that, as this is a necessary pre-requisite to being placed on the Assessed Household Charge, there is no basis for backdating the charge prior to any request for a water meter to be fitted or, as in this case, the date a metering survey was conducted under a compulsory metering scheme.
5. Accordingly, I find that the customer has been correctly charged for water and sewerage services by reference to the rateable value of the property up to 10 October 2017. I find no legal basis for the customer to be entitled to any refund for water services prior to this date. 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 23 July 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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A handwritten signature in black ink, consisting of a stylized, cursive 'A' followed by a long horizontal line that ends in a small flourish.

Alison Dablin, LLM, MSc, MCI Arb

Adjudicator

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