

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1037

Date of Decision: 12 November 2018

Complaint

The customer's claim is that she should be billed on an Assessed Household Charge without the company accessing her property to establish whether an internal Smart Meter can be fitted or not. The customer is seeking: a refund of her water bill for the current year; to be billed on an Assessed Household Charge basis; and, for the company to pay a minimum compensation of £600.00 for stress and inconvenience incurred.

Defence

The company submits that as it has been found that the customer's property has a shared water supply the customer will only become eligible for the Assessed Household Charge if the company is unable to install an internal meter within the customer's home. To date the company has not been given access to the customer's property. Furthermore, in accordance with the Water Industry Act 1991 and the Water Industry Regulations 1999, the installation of a Smart Meter and the use of the Smart Meter for billing purposes is lawful and justified. Therefore, the company is not liable for any damages in this respect. The company has not made any further offers of settlement.

Findings

I am satisfied the evidence shows the company did not fail to provide its services to the customer to the standard to be reasonably expected regarding to the intended installation of the internal Smart Meter and the Assessed Household Charge. The reasons and evidence provided by the customer are not sufficient to justify her claim that she should be billed on an Assessed Household Charge. Furthermore, I am satisfied there have been no failings with regard to customer service as I find the company has provided a good level of service at all times throughout its dialogue with the customer.

Outcome

The company needs to take no following further action.

- The customer must reply by 10 December 2018 to accept or reject this decision.

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Party Details

Customer: []

Company: []

Case Outline

The customer's complaint is that:

- She should be billed on an Assessed Household Charge without the company accessing her property to establish whether an internal Smart Meter can be fitted or not.
- The company will not move her onto a Assessed Household Charge without first establishing whether she can have a meter installed.
- Her property has been derelict due to uncompleted building works and her water bill should be refunded as she used very little water during this period.
- The customer is seeking a refund of her water bill for the current year, to be billed on an Assessed Household Charge basis, and for the company to pay a minimum compensation of £600.00 for stress and inconvenience incurred.

The company's response is that:

- The company's position is that, in accordance with the Water Industry Act 1991 and the Water Industry Regulations 1999, the installation of a Smart Meter and the use of the Smart Meter for billing purposes is lawful and justified. As the Government has determined the [] Water region to be an area of serious water stress, the restrictions set out in section 144B of the Water Industry Act 1991 do not apply and therefore the company is entitled under section 162 of the Water Industry Act 1991 to install Smart Meters on a compulsory basis and charge the customer using a variable tariff once her two-year comparison period expires.
- The Assessed Household Charge is not a tariff customers can apply for and it is not applicable unless an application has been made for a water meter and it is found that the company are

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unable to fit one. In this instance the company has not been given access to the customer's property so is unable to establish whether or not it is unable to fit a Smart Meter.

- Furthermore, a full explanation of the why a Smart Meter is lawful and justified in this instance has been given within its dialog with the customer.
- Furthermore, the company asserts it has provided a good level of service at all times throughout its dialogue. Therefore, the company submits it is not liable for any damages in this respect.

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 the company has failed to provide its services to the standard one would reasonably expect and 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 dispute centres on whether the customer should be billed on an Assessed Household Charge without the company accessing her property to establish whether an internal Smart Meter can be fitted or not. The company states the Government has published guiding principles that state that, where a water company is in an area designated as an area of serious water stress, it must consider compulsory metering.
2. From the evidence provided by both the customer and the company, a Smart Meter was incorrectly installed on a shared water supply on 9 January 2018. The meter was activated on 24 January so as to start the company's two-year comparison period. On 3 February 2018, the

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customer contacted the company requesting that the Smart Meter not be activated as the water supply was shared. After various correspondence between the parties in which the customer contacted the Consumer Council for Water (CCW), on the 7 March 2018 the company wrote to the customer explaining that it would need to make an appointment with her and her neighbours to establish whether the water supply was shared. At the same time the customer was informed that if the supply was found to be shared and the company could not fit an internal meter then the customer could apply for the Assessed Household Charge. On the 12 March 2018 the company received a telephone call in which the customer stated she would not let anyone have access to her property. Further correspondence took place between the 7 March 2018 and 11 June 2018 resulting in the company confirming with the customer's neighbours that the water supply was a shared supply. On the 2 July 2018, a letter was sent by the company to the customer informing her that it had been established that the water supply was shared, and it need to carry out an internal survey to see whether an internal meter could be installed in her property. It was also explained to the customer if no access to the property was given by the customer the company would have to charge a "No Access" tariff of £601.92. Further correspondence took place resting with the company's message of 20 July 2018 in which the company apologised for a mistaken appointment on 9 July 2018 and reiterating the need to carry out a survey to establish whether an internal meter could be fitted and whether the Assessed Household Charge could be applied for.

3. Within its defence, the company has provided OFWAT's guidance on the Water Meters and pointed out the relevant sections of the Water Industry Act 1991 and the Water Industry Regulations 1999.
4. As stated within OFWAT's guidance water companies in high stressed areas can compulsorily meter their customers. As shown within the defence documents most of south-east and eastern England is classed as being seriously water stressed. The customer's property falls within one of these areas classed as water stressed.
5. The company states that, as the customer's property falls within an area classed as water stressed, it is entitled under section 162 of the Water Industry Act 1991 to install a Smart Meter on a compulsory basis and therefore set a tariff based on volume of water used. From the evidence put forward, in my view, the company has shown the Water Industry Act 1991, as amended, allows it to implement a programme for setting tariffs based on the volume of water used in areas designated to be areas of serious water stress. I am also satisfied the company was required to consider compulsory metering under the Government guiding principles. The

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company obtained approved permission from the Government in June 2012 to implement its Final Water Resources Management Plan which included its compulsory metering policy.

6. Accordingly, having reviewed the evidence in full, I must find the company has implemented the compulsory metering scheme fully in accordance with the applicable legislation. It has also received specific permission from the relevant Government department. In view of this, I find the policy to install water meters has been properly implemented and find no failure in this respect. I have no authority to direct the company make an exception for the customer. As the customer's property falls within an area classed as water stressed, the company can insist on fitting a water meter.
7. From the evidence put forward by the company, the Assessed Household Charge is only applied after a request for a meter has been made and the company is unable to either install the meter or use the meter for recording consumption at the property in question. However, for the company to know whether it can install a meter it needs access to the customer's property. Therefore, until such time as the customer gives the company access to undertake a survey then I am satisfied that the company is entitled to apply its "no access" tariff, if appropriate. Accordingly, I find I am unable to uphold the customer's claim to billed on an Assessed Household Charge as, without the company accessing her property to establish whether an internal Smart Meter can be fitted or not, it cannot be determined whether the Assessed Household Charge would apply. Therefore, this aspect of the customer's claim is unable to succeed.
8. I acknowledge the various arguments put forward by the customer regarding her request for an apology in relation to the company stalking her property on 4 January 2018. The company states they have no record of attending her property on this date and the customer has not provided any evidence to contradict this. As there is no evidence to support this claim, I am satisfied that the company has not failed to provide its services to the standard to be reasonably expected in this regard. The company admits when on another date it arrived at the customer's property by mistake it sent the customer a hamper by way of an apology, which was then followed by a written apology on 20 July 2018. Therefore, I find the company is not required to provide an apology with regarding this aspect of the customer's claim.
9. I acknowledge the various arguments put forward by the customer regarding a refund on this year's water bill charges. As stated with her application her property is derelict, and that building works are to be carried out, however, according to the company's defence documents the

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company is currently providing full water and wastewater services to the property and therefore, I find that the customer's bills are correct and payable. Furthermore, under the company's Charges Scheme (section 16(2a)) all properties undergoing renovation, or building works need to be reported to the company so it can provide advice about whether the customer needs to apply to its Developer Services Department for a new single metered supply, whether a temporary building supply is needed, or whether the property should be compulsorily metered. From the evidence provided, except for the statement within her application, it appears that the customer has not currently contacted the company to discuss the building works and it seems from the company's investigations that the customer is currently in residence at the property. In my view, the customer should discuss these issues further with the company as if the property is devoid of all furniture and unoccupied the company will remove water and waste services whilst building works are progressing. Accordingly, I find I am unable to uphold the customer's claim regarding a refund on this year's water bill. Therefore, this aspect of the customer's claim is unable to succeed.

10. The company has certain obligations in respect of its customer services. From the evidence provided I am satisfied that by the end of the company's dialogue with the customer, the company had adequately explained the reasons behind the Assessed Household Charge and why it needed access to the customer property to establish whether a meter could be fitted.
11. In light of the above, I find the customer has not proven the company failed to provide its services to the customer to the standard to be reasonably expected by the average person with regard to the intended installation of the internal Smart Meter and the Assessed Household Charge, nor has the customer proved the company failed to provide services to the standard to be reasonably expected when investigating these issues. Furthermore, I am satisfied there have been no failings with regard to customer service as the company has provided a good level of service throughout its dialogue with the customer.

Outcome

The company does not need to take any further action.

What happens next?

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- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 10 December 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 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.



**Mark Ledger FCI Arb
Adjudicator**