

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1094

Date of Decision: 31 January 2019

Complaint

The customer submits that the company fitted a water meter at her property as part of its "Progressive Metering Programme" and she is unhappy that, after one year, her bills will revert to measured charges based on metered usage. She complains that other properties in her area have not had a water meter fitted and therefore the company's Progressive Metering Programme is unfair. She also submits that it penalises those in smaller houses, families with children and gardeners. The customer requests that her meter is not connected until every other household in the borough is also connected.

Defence

The company submits it is permitted to compulsorily meter all properties in the areas deemed by DEFRA to be under serious water stress. It fitted a meter at the customer's property in August 2018 under its Progressive Metering Programme, along with other properties in her postcode. It is not feasible to install meters at all properties within the area it serves simultaneously, due to the sheer scale of the operation. The company also contests the claim that metered charges are unfair; billing customers for the water they use is the fairest method of charging. The company did not make an offer of settlement.

Findings

The company has shown that it is legally entitled to implement its Progressive Metering Programme in the customer's area due to her address being located in an area deemed to be under serious water stress. The company has fully explained why it is unable to install water meters at all of its customers' properties in the borough, at the same time. Based on the company's reasons, I accept that due to logistical considerations, it is not reasonable to expect that it connect all customers to its network with a meter fitted, simultaneously. There is a lack of evidence that its PMP has been carried out unfairly or that the metered method of charging is less fair than other billing methods.

Outcome

The company is not required to take any further action.

The customer must reply by 28 February 2019 to accept or reject this decision.

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- On 28 June 2018, it notified the customer that as part of its PMP or “Smart Metering”, it would be fitting a meter at her address: [] (‘the Property’), as well as at all other properties in the postcode. It provided a brochure “Getting your meter”.
- The customer then wrote to it via email from 17 to 19 July 2018 advising that she did not want a water meter installed until everyone else has one. It replied on 24 July 2018 explaining that her request to be billed on a meter when everyone else had theirs’ fitted was not possible. It reiterated this position in its subsequent responses to the customer dated 1 August 2018 and 7 August 2018, following receipt of further emails from the customer. It also spoke to the customer on the telephone on 2 August 2018 and explained its position.
- On 23 August 2018, a new water meter was fitted in the footpath of the Property.
- The customer subsequently contacted the Consumer Council for Water (CCW) who supported its position and advised the customer accordingly.
- The company asserts that The Water Industry Act 1991 (‘the Act’), as amended, requires water companies to submit Water Resources Management Plans (WRMP) - Section 37A. The Water Industry (Prescribed Conditions) Regulations 1999 (‘the Regulations’) also refers - Section 3 (1-3). In 2009, the company submits that it submitted its draft WRMP where the case was made for compulsory metering due to severe water stress. The Department for Environment, Food and Rural Affairs (DEFRA) subsequently agreed that its area was under severe water stress and as such, DEFRA approved its WRMP. Its final WRMP (fWRMP09) was published in July 2012.
- Therefore, the Secretary of State has determined that it may compulsorily meter all properties in the area that it serves. Sections 142 and 162 of the Act provide it with powers to charge with reference to volume and to fit meters. Section 143 of the Act gives it powers to create a Charges Scheme. Its Charges Scheme and its Code of Practice both explain its position with regards to fitting meters on a compulsory basis. It can be noted that all reference is made to the individual consumer/customer only. Therefore, it follows that each individual customer’s metering journey will be entirely separate from any other customers. There is no option within this, to amend it to suit the customer’s request; this would be unfair on other customers.
- The company acknowledges that the customer has concerns about paying for the amount of water she is actually using. It asserts that the customer’s unmeasured bill for 2018/2019 was £563.81. Based on a meter reading taken on 14 January 2018 of 50cm³ (sic), showing that since the meter was fitted on 23 August 2018, this, on average, means that she and other occupants in the property have been using 0.34cm³ each day in that timeframe. The company

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asserts that if this is the customer's "normal" use all year round, her water bill each year would be approximately £360.00. The company remarks this is quite a considerable reduction.

- The company submits it can arrange a Smarter Home Visit for the customer, which will inform her about water usage and ways to save water. Further, if the customer, having now received this Defence, wishes to immediately transfer her account to metered charges, it can arrange this (and suggest the customer indicates in the Reply if this is something she wants).
- The company advises that whilst the meter was fitted in August 2018, it appears that the mast for the area, which will be downloading the data to its offices, will not be in place until the end of January 2019. Therefore the one-year transition period has not begun for the customer at this time and neither has the customer started receiving comparison letters. Therefore, if the customer does nothing at this stage with regards to transferring to metered charges, she is likely to be transferred to a compulsory metered charge in January 2020 or thereabouts.

Reply

- In her Reply the customer asserts that the company's reference to a meter read in 2018 is "meaningless", as the meter has not been installed at this time. The customer suggests that if she will be paying less on measured charges, it will be prudent for the company to continue billing her based on RV charges.

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.

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How was this decision reached?

1. The dispute relates to the company's installation of a water meter at the Property and its proposed transfer of the customer's account to metered charges based on actual water usage. The customer submits that not all properties in her area have had a meter fitted and she contests the company's plan to meter her water usage, before others, in the same area as she feels it is unfair.
2. I am satisfied that in its defence, the company clearly set out its powers under the Act and the Regulations that allow it to fit meters and charge customers for their water usage, via its Charges Scheme, based on the amount of water used. Furthermore, I am satisfied that in areas deemed by DEFRA to be under severe water stress, water companies are permitted to install water meters to help achieve its aim and obligation to safeguard future water supplies (based on the premise that it will help customers monitor their water usage and assist it with locating /tracking leaks more quickly).
3. The customer specifically complains about the way the company is implementing its PMP; she asserts it would be fairer for the company to place everyone in the same borough on metered charges, at the same time. In its responses to the customer dated 24 July 2018, 1 August 2018 and 7 August 2018, I find that the company advised that its plan is to meter all property connection by 2030 and that, as this is a large program of works, this period may be extended due to the logistics of getting access to customers' homes and customer availability. The company explained that it has started its PMP in London as this is the most complicated area due to things like traffic and pipework and sheer size. Furthermore, it stated that due to the complex nature of accessing customers' homes and locating outside stop valves, this programme could take a number of months or weeks to get a customer connected to its network with a meter fitted.
4. In light of the company's above explanations, I accept that due to the sheer scale of the operation, it is not possible for the company to fit water meters at all of its customers' properties, at the same time. I mindful that even to fit meters at all properties within one borough is likely entail installing thousands of meters and transferring the same number of accounts to measured charges. It is clear that on 28 June 2018, it advised the customer that, as part of its PMP, it would be fitting a meter at the Property along with all other properties in

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the same postcode. I acknowledge the customer's submission that this has meant that properties in some roads in her area have not yet had water meters installed. However, in light of the company's explanations, I accept that due to logistical constraints of getting so many properties connected to its network via water meter, it is not feasible or reasonable to expect that all properties in her area transfer to metered charges, simultaneously. I find no evidence of the company having promised this either in its publications or elsewhere; rather, the company has been clear that its metering program will take a number of years to complete and that individual customer's journeys to metered water, will differ.

5. Furthermore, I am satisfied that the company has informed the customer about its policy not to transfer a customer's account to measured charges until one-year after the date of the meter installation; this is to allow the customer to monitor and compare usage. The company has also confirmed that a customer may revert to measured charges, at any time during the first year, if they wish. In its defence, the company has provided a meter reading for the customer that it says was taken on 14 January 2018. I am satisfied here that the company has incorrectly referenced 2018 when it means 2019 because, as the customer has correctly pointed out in her Reply, it only installed the meter in August 2018. The company advises that based on the usage recorded on the customer's meter since the meter was installed on 23 August 2018 (an average of 0.34cm³ per day), the customer's annual bill may be less based on the metered usage method of charging. I acknowledge that the company also informed that due to the mast in the customer's area not being in place to download data until the end of January 2019, her one-year transition period has not begun. Furthermore, the company confirms that the customer has not yet started to receive comparison letters. It asserts that if the customer does nothing at this stage with regards to transferring to metered charges, she is likely to be transferred to a compulsory metered charge in January 2020 or thereabouts.
6. I acknowledge the customer's assertion that metered charges penalise those in smaller houses, families with children and gardeners and explains she would like to be able to water her vegetables without having to pay more than her current charges. In its booklet 'Getting Your Meter', the company contends that paying for the water used, as recorded on the water meter, is a fairer way to pay. I accept that metered water charges may be higher for households that use more water than those that use less water; however, I do not accept this constitutes evidence of this method of charging being unfair or less fair than other

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methods. Moreover, the company has explained why metering properties is necessary in order to help it secure future water supplies.

7. Based on the evidence, I find that the company has clearly explained its position to the customer in relation to her complaint and provided in-depth reasons and information surrounding its PMP. I am also satisfied that the company has demonstrated that its implementation of its PMP, has been carried out reasonably and in accordance with its legal obligations. I find no evidence of the company failing to provide its services to a reasonably expected standard in this regard. Consequently, the customer's claim does not succeed.

Outcome

The company is not required to taken any further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 28 February 2019 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.



A. Jennings-Mitchell, Ba (Hons), DipLaw, PgDip (Legal Practice), MCIArb

Adjudicator

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