

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1098

Date of Decision: 29 November 2018

Complaint

The customer's claim is that she has been overcharged for her annual water and sewerage services and that the company failed to respond to her request that a meter be fitted at her property. The customer is seeking for the company to explain why the company did not respond to her requests for a meter to be fitted and that her Assessed Household Charge (AHC) is backdated to 2009.

Defence

The company submits that the customer was correctly billed on a Rateable Value basis and the Assessed Household Charge is only applicable when an application for a water meter has been made and it is found that it's not possible to fit one. A number of meter applications had been sent to the customer since 2011 that were never returned and on the 15 March 2018 the company completed an online application together with the customer. As the customer did not apply for a water meter prior to March 2018, and in line with its policy, the company should not backdate the Assessed Household Charge as up until March 2018 the customer was correctly billed. Furthermore, the company has provided a good level of service at all times throughout its dialogue with the customer and therefore the company is not liable for any damages in this respect. The company has not made any offers of settlement.

Findings

I am satisfied the company did not fail to provide its services to the customer to the standard to be reasonably expected, with regard to billing for the period 2009 to March 2018 and the Assessed Household Charge. 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.

- The customer must reply by 31 December 2018 to accept or reject this decision.

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ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /1098

Date of Decision: 29 November 2018

Party Details

Customer: []

Company: []

Case Outline

The customer's complaint is that:

- The company has overcharged by between £700.00 and £800.00 for her annual water and sewerage services.
- The company failed to respond to her various requests that a meter be fitted at her property.
- The customer is seeking for the company to explain why it did not respond to her requests for a meter to be fitted and that her Assessed Household Charge (AHC) is backdated to 2009.

The company's response is that:

- The company's position is that the customer has been correctly charged on a Rateable Value basis at her property since 2009, as the Assessed Household Charge is not a tariff customer 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 unable to fit one. The company further submits that while the customer's charges would have been reduced if she had been charged on the Assessed Household Charge, she has not been overcharged.
- The company submits that OFWAT requires the company must treat all of its customers on assessed charges the same way to ensure customers are not unreasonably disadvantaged because they cannot have a meter. Furthermore, the company submits the OFWAT charging rules specifies the company is only required to offer the Assessed Household Charge tariff when the customer has asked for a meter or been included as part of the Progressive Metering programme, but this cannot be fulfilled.

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- The company submits the customer did not apply for a water meter until March 2018 when the company completed an online application together with the customer, but the option to do so has been available since 2011. Before March 2018, the company had sent the customer numerous water meter application forms that were never returned to the company.
- The company submits it has a duty to treat all its customers fairly and to backdate the Assessed Household Charge prior to the customer's application for a water meter would not be fair to other customers who have followed the same process.
- Furthermore, the company asserts it has provided a good level of service at all times throughout its dialogue with the customer and the customer has already been compensated for any alleged failings. Therefore, the company submits it is not liable for any further 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.

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 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. To succeed in a claim against the company, the customer must prove on a balance of probabilities the company has failed to provide its services to the standard one would reasonably expect and that, because of this failure, the customer has suffered some loss or detriment. If no such failure or loss is proved, the company will not be liable.
2. I must also remind the parties that adjudication is an evidence-based process where the burden of proof rests on the claimant, in this case the customer, to prove their case on the balance of the evidence.

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3. The dispute centres around whether the company should have made the customer aware and responded to the customer requests for a water meter, before March 2018, so that her tariff could change from Rateable Value charge to an Assessed Household Charge when it was later found a meter could not be installed. The company is required to meet the standards set out in OFWAT's Charges Scheme Rules and the Water Industry Act 1991.
4. Furthermore, the company also has certain obligations in respect of its customer services as set out in OFWAT Guaranteed Standards Scheme and the company's own Customer Guarantee Scheme.
5. With regard to the customer's comments that the company failed to respond to her request that a meter be fitted at her property since 2009. The company admits within its defence that seven metering application forms were sent to the customer up until March 2018 with the first form being sent 21 February 2011. However, it states none were returned to the company and that in March 2014 (see company's defence document 8) the customer advised she did not want a meter. Furthermore, unless the customer is part of a Progressive Metering Programme (PMP) the company cannot survey a property and fit a meter without their consent. The evidence shows that the customer fell under a Progressive Metering Programme on the 1 March 2018 and on the 15 March 2018 the company together with the customer's daughter completed an online application for a meter to be installed. On reviewing the customer's comments in both her application and her reply to the company's defence I appreciate and accept that the customer asked for a meter, however, the customer would have had to fill in the application forms sent by the company and return them back to the company. I am satisfied that until March 2018 there is no evidence that the company received a completed meter installation form and by not filling in the application form and returning it, the company did not have to implement the meter installation process. Accordingly, I find the company has not failed to provide its services to the standard to be reasonably expected in this respect. However, I note that the company, in any event, has made a goodwill payment of £50.00 for this alleged failing. After careful review of all the correspondence provided in evidence, I am satisfied the company's credit of £50.00 is more than fair and reasonable in the circumstances to cover the alleged failure in not responding to the metering application forms.
6. With to regard to whether the previous rate charges from 2011 to March 2018 were correct, the evidence shows the customer was billed on a Rateable Value. The Rateable Value is based on the value of the customer's property, its location, the proximity to local amenities and was set in

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the 1970's by an independent District Valuer and the Local Authority. I can see the company has two tariff systems in place, either the Rateable Value or by a meter, and the evidence shows that until March 2018 the company had received no request by the customer for a meter to be installed despite being offered a meter by the company. The evidence shows that the company's charges are authorised by OFWAT and there is no evidence that they have been applied contrary to any code or law. Therefore, I find the customer has not been kept unnecessarily on the Rateable Value tariff and has been billed the correct Rateable Value tariff up until March 2018.

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. The evidence shows in this instance the company was unable to use a meter for recording consumption at the property, as due to the nature of the customer's property. Therefore, the company was correct in applying the Assessed Household Charge at the customer's property from March 2018.
8. In light of the above and after careful review of all the evidence, I find the company has not failed to provide its services to the standard one would reasonably expect with regard to billing on Rateable Value. Further, I am satisfied that the customer has suffered no loss or detriment as, as soon as a meter was requested, and then found that one could not be installed, the customer was moved to the Assessed Household Charge. Accordingly, I find the company does not have to refund the difference between the customer's Rateable Value charges and the Assessed Household Charge for the period 2011 to March 2018.
9. 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 Rateable Value Tariffs and how they were applied.
10. In light of the above, I find the customer has not proven the company failed to provide its services to the standard to be reasonably expected with regards to the metering application forms, the Assessed Household Charge or Rateable Value tariff bills, nor has the customer proved the company failed to provide services to the standard to be reasonably expected when investigating these issues. Furthermore, I find there have been no failings with regard to customer service.

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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 31 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

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