

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /1309

Date of Decision: 15 April 2019

Complaint

The customer submits that the dispute concerns his request to have the water meter that serves his property relocated closer to his property. He has been complaining to the company about the location of the meter since 2013. He and his wife are in their 70s. They are getting older and want to be able to read the meter to ascertain their water consumption. However, this is currently difficult due to the meter being located on a busy road about a mile away. The pipe to the property also crosses several fields, and should there be a leak between the meter and the property he will be charged. The customer requests that the company relocate the water meter closer to his property.

Defence

The company submits that under its Code of Practice, it will not move a meter, externally or internally, if a property is located 50m or more away from its water main. Under sections 162(1) and (3)(a) of the Water Industry Act, it has a very wide power to install a meter at any point on either its pipework or privately owned supply pipes at its sole discretion. No legal right exists to limit this power and there is therefore no legal right that the customer can exercise to require it to reposition the meter at a point of the customer's choosing. It arranged for a scan counter to be fitted to the meter to make it easier to read, but the appointment was cancelled by the customer. Apart from fitting a scan counter, there is no other current device or technology that can be installed to make reading the meter easier. It has also informed the customer of its Access Services available for elderly or vulnerable customers. No offer of settlement was made.

Findings

I can appreciate the difficulty of the situation for the customer and I appreciate that the customer will be disappointed that I am not in a position to direct the redress sought. However, my remit is limited. The company has submitted evidence to support its submissions that under its Code of Practice, if a property is located more than 50 meters from its main, it must install the meter at the start of the supply pipe. It is not in dispute that the customer's property is more than 50 meters from the company's main. There is no evidence to show that the company's Code of Practice is contrary to any law or policy. It is also important to note that it is not within my remit to review the company's Code of Practice. The WATRS scheme is limited in scope and I have no power to review or challenge the company's Code of Practice. The evidence also

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confirms the company's submissions about its statutory powers. The company has therefore not failed to provide its services to the standard to be reasonably expected in this matter.

Outcome

The company does not need to take any further action.

The customer must reply by 15 May 2019 to accept or reject this decision.

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Party Details

Customer: []

Company: [].

Case Outline

The customer's complaint is that:

- This dispute concerns his request to have the water meter that serves his property relocated closer to his property. He has been complaining to the company about the location of the meter since 2013. He and his wife are in their 70s. They are getting older and want to be able to read the meter to ascertain their water consumption. However, this is currently difficult due to the meter being located on a busy road about a mile away. The pipe to the property also crosses several fields, and should there be a leak between the meter and the property he will be charged.
- (The customer had previously raised a complaint about a non-return to sewer allowance, but confirms in his Comments on the Defence that he is no longer complaining about the waste water charge. I will therefore not address this issue.)
- The customer requests that the company relocate the water meter closer to his property so that it is easier for him to read.

The company's response is that:

- The customer moved into the property on 28 June 2013 and contacted it on 5 December 2013 to request that his meter be moved closer to his property.
- Under its Code of Practice, it will not move a meter, externally or internally, if the meter is located 50m or more away from its water main.

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- In certain circumstances, it has moved the meter due to a joint supply issue, but this is only considered if there is no other option.
- It arranged for a scan counter to be fitted to the meter to make it easier to read, but the appointment was cancelled by the customer.
- Apart from fitting a scan counter, there is no other current device or technology that can be installed to make reading the meter easier. It has mentioned the Access Service available for elderly or vulnerable customers – one service being the company always taking an actual meter read for each scheduled bill. It also mentioned having a new supply laid but this would be at a cost to the customer.
- Under sections 162(1) and (3)(a) of the Water Industry Act, it has a very wide power to install a meter at any point on either its pipework or privately owned supply pipes at its sole discretion. There is no legal right that exists to limit this power and therefore no legal right that the customer can exercise to require it to reposition the meter at a point of the customer's choosing. Further, water is supplied to the customer at the point at which it leaves its service pipe. As a result of the provisions set out under sections 46(2), 158(4), 163(2) and 179(1) of the Act, it lays the service pipe up to a point as close to the boundary of the property and the street as possible at which point it places a stop tap. As a water undertaker only owns the pipe that it lays, the water undertaker only owns this part of the service pipe. The supply pipe from this stop tap to the premises that it supplies is in private ownership.
- Should there be a leak on the private supply pipe, it can offer a one-off leakage allowance.
- Moving the meter along the private supply pipe would mean that any water supplied to the customer at its stop tap that leaks out of the private supply pipe at a point before the meter would not be recorded on the meter as having been supplied to the customer and would therefore not be billed.

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.

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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. I must remind the parties that adjudication is an evidence-based process.
2. 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.

Third parties

3. I acknowledge the customer's submissions about the work done by the company for neighbouring properties. However, for the purposes of WATRS my remit is to determine the issues between the customer and the company. Any submissions in relation to other properties cannot be considered.

Location of the water meter

4. The company has submitted evidence to support its submissions that under its Code of Practice, if a property is located more than 50 meters from its main, it must install the meter at the start of the supply pipe (usually at the highway boundary).
5. It is not in dispute that the customer's property is more than 50 meters from the company's main.
6. There is no evidence to show that the company's Code of Practice is contrary to any law or policy. It is also important to note that it is not within my remit to review the company's Code of

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Practice. The WATRS scheme is limited in scope and I have no power to review or challenge the company's Code of Practice.

7. In addition, there is no evidence to show that any legal rights exist that limit the company's power to install a meter at a location of its choosing. I therefore accept the company's submissions in this regard.
8. I also accept the company's submission that water is supplied to a customer at the point at which it leaves its service pipe. Companies are legally only responsible for the water main and the communication pipe from the water main to the boundary of a property/company stop tap. Property owners or occupiers are responsible for the supply pipe, which runs from the boundary of the property/company stop tap to the property. I therefore accept the company's submissions that it is entitled to fit the meter where its responsibility ends.
9. I am also particularly mindful that Ofwat, the Water Industry Regulator's guidelines state that if a customer has special requirements such as due to age, illness or disability, the company **may** move their meter free of charge to a location where they are able to read it. Alternatively, the company **may** provide a more frequent meter reading service *[adjudicator emphasis added]*. This therefore also indicates that the company has the discretion to move the meter or provide an alternative solution. The evidence submitted to this adjudication shows that the company offered to fit a scan counter on the meter and has provided the customer with information about its Access Services for elderly or vulnerable customers, which includes a meter read for each scheduled bill.
10. I can appreciate the difficulty of the situation for the customer and I appreciate that the customer will be disappointed that I am not in a position to direct the redress sought. However, my remit is limited. The evidence confirms that the company has acted in accordance with its Code of Practice and its statutory powers. The company has therefore not failed to provide its services to the standard to be reasonably expected in this matter.
11. Consequently, in view of above, the customer's claim does not succeed.

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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 15 May 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.



U Obi LLB (Hons) MCI Arb
Adjudicator

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