

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/ /0654

Date of Decision: 15 February 2018

Complaint

The customer's claim is that the company incorrectly charged him for the period 15 January 2011 to 26 June 2017, as it did not make him aware that it was possible to change his tariff from Rateable Value to the Assessed Household Charge for a single occupier until he requested that a water meter be installed. The customer is seeking repayment for the difference between the Rateable Value charges and the Assessed Household Charge for a single occupier, for the period 15 January 2011 to 26 June 2017.

Defence

The company submits that 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. As the customer did not apply for a water meter prior to June 2017, and in line with its policy, the company should not backdate the Assessed Household Charge as up until June 2017 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 which the customer has not already been compensated for in this respect.

Findings

I am satisfied the evidence points to the fact 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 15 January 2011 to 26 June 2017 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 at all times throughout its dialogue with the customer.

Outcome

The company does not need to take any further action.

- The customer must reply by 15 March 2018 to accept or reject this decision.

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ADJUDICATOR'S DECISION

Adjudication Reference: WAT/ /0654

Date of Decision: 15 February 2018

Party Details

Customer: [REDACTED]

Company: [REDACTED]

Case Outline

The customer's complaint is that:

- The company incorrectly charged him for the period 15 January 2011 to 26 June 2017, as it did not make him aware that it was possible to change his tariff from Rateable Value charges to the Assessed Household Charge for a single occupier until he requested that a water meter be installed.
- The customer is seeking repayment for the difference between his Rateable Value charges of approximately £400.00 per year and the annual single occupier Assessed Household Charge of £237.42 for the period 15 January 2011 to 26 June 2017.

The company's response is that:

- The company's position is the customer has been correctly charged to 26 June 2017, as 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 unable to fit one. The company further submits that while the customer's charges would have been reduced if he had been charged on the Assessed Household Charge, he 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

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when the customer has asked for a meter or been included as part of the Progressive Metering programme, but this cannot be fulfilled.

- The company submits the customer did not apply for a water meter until June 2017, but the option to do so has been available since the customer moved into his current property in 2011. Furthermore, the company has sent the customer information on metering and the welcome letter that was sent on 25 January 2011 included a leaflet containing information on water meters.
- 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.

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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 his case on the balance of the evidence.
3. The dispute centres around whether the company should have made the customer aware, before he requested that a water meter be installed, that his tariff could change from Rateable Value charge to a Assessed Household Charge for a single occupier which would have reduced his charges from January 2011 to June 2017. 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. From the evidence put forward by the customer and the company, on 27 June 2017 the customer contacted the company requesting that a meter be installed. Within the customer's letter of 27 June 2017, he states that he was advised by the company, and he requested, that if a meter could not be installed his tariff could change to the Assessed Household Charge. From the table attached to the same letter it would seem that his annual bill would fall from the current figure of approximately £400.00 per annum to approximately £237.00 per annum.
6. The evidence shows that on 5 July 2017 the company installed a meter at the customer's property. On 20 July the customer contacted the company and raised the issue that his previous Rateable Value charges were too high and wished to have the metered charges backdated. From the company's defence documents, it seems that the backdating of the metered charges was rejected by the company as the customer always had the option, since moving into the property in 2011, to have a meter installed.
7. On 24 July 2017, the customer contacted the company to advise that his meter was also recording the downstairs property's water consumption. Therefore, the customer was advised the meter would be classed as in '*sleeping mode*' and going forward the customer would be charged on an Assessed Household Charge basis. On the same day the customer requested that he be refunded the difference between the Assessed Household Charge for single occupancy and the previous Rateable Value charges.

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8. 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 the meter for recording consumption at the property, as due to the nature of the customer's property, it was also recording the neighbour's consumption. Therefore, the company was correct in applying the Assessed Household Charge at the customer's property from 26 June 2017.
9. With to regard to whether the previous rate charges from January 2011 to June 2017 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 the 1970's by an independent District Valuer and the Local Authority. From the evidence put forward by the company, the Rateable Value system does not take account whether or not the property has single occupancy and no single person reduction is offered by the company. The company has two tariff systems in place either the Rateable Value or by a meter and the evidence shows until June 2017 there was no request by the customer for a meter to be installed. Therefore, I find the customer has been billed the correct Rateable Value tariff up until June 2017.
10. With regard to the customer's comments that he was not aware of the Assessed Household Charge and should have been made aware by the company. As set out above, the company has a two-tariff system in place, either the Rateable Value or by a meter. Within the company's letter dated 25 January 2011 the company included a guide to the bill and information on water meters on each of the customer's subsequent bills information about water meters was included. Furthermore, the company states that due to space constraints on the bill format it cannot go into further depth and include details of the Assessed Household Charge, however, these details can be found on the company's website. I also note the customer's comments within his reply to defence regarding whether the company has a duty to keep customer's informed with regard to the Assessed Household Charge. From careful analysis of the evidence, it shows that Assessed Household Charge is only ever applied once the company know the property is unsuitable for being metered, it is not something that the customer can choose and this being the main reason it is not heavily advertised. Therefore, I find that the current systems in place within regard to information on, and when, the Assessed Household Charge is applied is fair and reasonable.

11. 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 and the customer has suffered no loss or detriment as soon as it was requested, and then found that a water meter 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 of approximately £400.00 per year and the annual single occupier Assessed Household Charge of £237.42 for the period 15 January 2011 to 26 June 2017.
12. 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 Tariff and how they were applied.
13. The company admits within its defence that there were some failings in customer service with regard to delayed responses and delayed adjustments to the customer's Assessed Household Charge and has made credits of £36.54 in this respect. After careful review of all the correspondence provided in evidence, I am satisfied the company's credit of £36.54 is fair and reasonable in the circumstances to cover the failings with regard to delayed responses and delayed adjustments to the customer's Assessed Household Charge.
14. 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 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 to which the customer has not already been compensated for.

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.

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- The customer must reply by 15 March 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.
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Mark Ledger FCI Arb
Adjudicator

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