

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: XX-240

Date of Decision: 7 April 2021

#### Complaint

The customer complains that the company misled her by telling her in 2017 that a meter could not be fitted at her property and that she has therefore paid bills calculated by reference to the rateable value of her property. When she complained in 2020 that her bills were too high as she is a widow living on her own and dependent on her pension, the company installed a meter but has not given a rebate for the difference in charges backdated to 2017. She also complains that the company told her son that the rebate would be backdated. She asks for a rebate to 2017.

#### Response

The company says that in 2017, the customer was advised that she could have an internal meter. This would have involved adjusting the pipework in the cupboard under her sink but the customer did not want to agree to this and said she would think about it. Nothing further was heard about this until 2020. The company has now installed a meter and adjusted its charges and given a rebate to 19 March 2020, even though this is not required by its Charges Scheme. This was due to the delay caused by the pandemic. The company has in other ways complied with its Charges Scheme.

#### Findings

Although the company has not submitted a copy of its account notes for 2017, its explanation about the content of the note is persuasive. Moreover, if the company had found the property to be unmeterable, the customer would have been eligible for an assessed charge in 2017. As this did not occur, the company's version of events is, on balance, the more likely. Any conversation with the customer's son at an early stage was likely to have been on a hypothetical basis. The customer has not proved that the company has broken a promise to backdate payment.

#### Outcome

The company is not required to take further action.

**The customer must reply by xx 2021 to accept or reject this decision.**

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# ADJUDICATOR'S DECISION

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Date of Decision: 7 April 2021

## Party Details

**Customers:**

**Representative:**

**Company:**

## Case Outline

**The customers' complaint is that:**

- The customer's complaint is that three years ago when she moved properties, she asked for the installation of a meter at her new address. The company said that it was not possible to install a meter outside or inside the property. Since that time, the customer has been charged at the "family rate" for the company's services. This was excessive.
- The customer's representative has been in correspondence with the company, but an answer has not been given. The company has, however, given an allowance, which it backdated to March 2020. The customer says that this is not appropriate. It is argued that the backdating should be effective from the time when the customer asked for a meter, because this is the point from which the customer has been overcharged.
- The representative says that the customer at her previous address had been charged approximately £20.00 for water whereas at her current address she is charged £50.00. It makes no sense for the customer (a senior citizen) to have refused installation of an internal meter and therefore to pay an additional £30.00 per month, on average. The representative denies that this is what occurred.
- The representative also says that the company also initially agreed with him directly to determine the average cost difference and to trace this back to the move-in date, approximately

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three years ago. If these calls are recorded, it can be evidenced in that the company agreed to this, contrary to its current position.

- The customer wants the company to determine the average cost based on the new tariff and trace this back to the move-in date, approximately 3 years ago.

**The company's response is that:**

- The company says that section 3.3.2 of its Charges Scheme 2016-2017 confirms that water meters and any associated equipment will be positioned in accordance with the Meters Regulations and must record the total use of water used by a customer. The Regulations say that the water meter will usually be sited inside a customer's property but may be outside if this is necessary for operational or access reasons. A customer can ask for an alternative location providing it is accepted by the company and any additional costs of £164.00 plus VAT are met by the customer.
- The customer called the company on 2 March 2017 to ask for a meter to be installed. The company visited to survey the property on the morning of 23 March 2017. The company's notes for that visit show that the customer was advised that the company could not fit the meter outside but could install it under the sink with some adjustment to the pipework. The customer declined this option as in previous properties she had always had an external meter. She did say that she may apply again in the future. As no meter was fitted, rateable value-based charges remained applicable.
- On 30 November 2017, the customer phoned to ask about an Inspector's visit about a wastewater flooding issue. This was not related to her meter application.
- The customer then phoned on 19 March 2020 to reapply for a meter. Due to Covid restrictions the company was unable to visit and fit a meter until 13 August 2020. The company credited compensation of £83.12, which was a Guaranteed Standards Payment because the meter was fitted outside the applicable timescales.
- The customer asked the company to look at the charges again and the company agreed to amend her charges to reflect metered charges from 19 March 2020 (when she applied for a meter) less the £83.12 compensation. The difference between metered charges and rateable value-based charges was applied to her account.
- The company spoke to the representative (the customer's son) on 16 September 2020, as the company had arranged to obtain a meter reading. The representative explained that he was unhappy at the charges applied and was seeking redress via the Ombudsman Service.

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- The company replied to the Consumer Council for Water (CCWater) explaining that the meter was installed on 13 August 2020 and providing copies of the incoming and outgoing correspondence up to 15 September 2020.
- The company has followed its policies and procedures as set out in its Charges Scheme 2016-2017.

### 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 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 remind the parties that adjudication is an evidence-based process and that, for the customer's claim to be successful, there must be sufficient evidence to support the claim that she makes. I confirm that in this Final Decision I have taken into account the further comments submitted by the customer's son in response to my Preliminary Decision. I have not, however, arrived at a different outcome.
2. At the heart of the customer's application is a dispute about certain events in 2017.

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- a. The customer says that she was advised in 2017 by the company that it could not fit a water meter at her home.
  - b. The company says that the customer was advised that a water meter could be fitted under her sink but that she did not want this and she said that she would contact the company again after she had thought about it. The company says that as a water meter could be fitted, the customer was not eligible for the rate applicable to accounts where no meter can be fitted, and her bills were then chargeable in accordance with the rateable value of the property. The customer contacted the company again in February 2020 and asked for a water meter to be fitted in March 2020. Following the intervention of CCWater, the company has given the customer a rebate of the difference between assessed metered use and the charge based on rateable value from 19 March 2020 when she requested a meter to be fitted, to 13 August 2020.
3. The customer has not put forward documentary evidence that supports her recollection that she was told by the company in 2017 that no meter could be fitted at her house, although her son asks me to consider why it would have been reasonable for the customer to have volunteered to continue to pay a much higher charge for water than she had paid at her previous address or that she would have paid if her property had been metered. .
4. The company has, however, put forward an explanation that supports the company's version of events, namely that the customer was told in 2017 that she could have a meter fitted under her sink, but her preference had been for the meter to be fitted outside and she had not proceeded with the application. These factors are:
- a. The company has referred to its account notes. Although the company has not submitted a copy of these, which is a factor that I take into account in considering also the customer's rival argument, the company's explanation of the content of those notes is that the customer made an application on 9 March 2017 for a meter to be fitted and the company surveyed the property on 23 March 2017. (Although in its stage 1 response to CCWater, the company refers to 2020 rather than 2017, it is clear from the context of the notes that this was a mistake). The company says that its Inspector reported that minor alteration work was needed at the back of the cupboard to fit the meter inside and that a dig on the drive was needed to fit one outside. At that point, the company's record is that the customer declined to have the meter fitted as she was not sure that she wanted the work done. The customer was advised to re-apply if she wanted to reconsider. The

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customer did not re-apply until 19 March 2020. I find, on balance, that it is probable that the account notes exist and, as the note in question contains a reasonable level of detail about the situation in 2017, I further find that the notes provide a reasonably accurate account of what had happened. The company has thus supplied more detail about the survey in 2017 than has the customer.

- b. In addition, the company has submitted evidence of its Charges Scheme which shows that at this point, it was the policy of the company to fit internal meters where possible. It is therefore unlikely that the company would initially have said that no external meter could have been fitted without first establishing whether there could be an internal meter. Although the representative asks why the customer would have refused an internal meter, I find that it is at least possible that the customer did not at the time want the meter indoors and/or did not want the pipes to be moved.
  - c. Finally, I am mindful that, if it not been possible to fit a water meter inside or outside the customer's property, the customer would have become at that point eligible for an assessed charge for water services. This charge is only available for customers who cannot have a meter installed. See 3.5.5. of the company's Charges Scheme for 2016/2017. The facts that there is no discussion of that in the papers I have seen and that the customer's bills continued to be based on the rateable value of the property supports that the company did not conclude at that time that no meter could be fitted.
  - d. On balance, therefore, I find that it is more probable than not that the company did not tell the customer in 2017 that no meter could be fitted. It is more likely that the customer was told that a meter could be fitted internally but the customer did not agree to this.
  - e. In these circumstances, I find that the company has not charged the customer incorrectly but in accordance with its Charges Scheme (save for an adjustment for the delay relating to coronavirus). I find that an average customer would expect that, if it had not misled the customer, the company would apply its Charges Scheme to all its customers. It follows that I find that therefore the company has not failed to meet the expected service standard.
5. The customer's representative says that when he first raised the customer's concerns on behalf of the customer in 2020, the company told him that it would backdate the bills to

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March 2017 when the first application had been made. The customer has not been able to put forward a record of this conversation and nor has the company, but I note that an email was incorrectly addressed to the customer's son in response to the customer's first contact about this issue in February 2020. The email stated that the company would need to satisfy itself that no meter could be fitted before making any change in tariff. I find that it is likely that the situation was the same in any telephone call. The customer's son argues that the customer had previously been told that a meter could not be fitted (which I have found that she has not proved).. The email of 27 February 2020 indicates that the company would need to carry out a survey to ensure that no meter could be fitted. In fact, it was found that a meter could be fitted. I therefore find that, whatever was said in that first conversation, it is likely that it proceeded on a hypothetical basis only, for which the underlying belief (that a meter could not be fitted) was incorrect. I find that the customer has not shown that the company has departed from a promise about backdating the rebate. In consequence, I do not find that the customer has shown that the company failed to supply its services to the expected standard.

6. Accordingly, I do not direct the company to take any further action.

#### **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 9 January 2021 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.

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A handwritten signature in black ink, appearing to read 'Claire Andrews', is positioned in the upper left quadrant of the page.

Claire Andrews, Barrister, FCI Arb

**Adjudicator**

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