

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT-X423

Date of Decision: 16 June 2021

#### Complaint

The customer does not want to have a water meter installed in his property. The company says that the installation is compulsory, but the information contained in the booklet provided by the company states that it is voluntary. He states that a company's employee has already tried to install the meter without his permission outside his property. He asked him to leave, which he did before completing the installation. The customer does not want to have a meter installed and prefers to keep paying for water services based on his current fixed rate.

#### Defence

The company states that they are allowed to install meters without customers' permission in specific circumstances, namely where the property is located in an area that has been designated by the Secretary of State to be an area of serious water stress. As the customer's property is inside such a designated area, the company is allowed to install the meter without the customer's permission.

#### Findings

The company has provided the documentation from the government and Ofwat, the industry regulator, which explains the circumstances under which the company is able to install meters under the Universal Metering Policy. It has also confirmed that its supply area, which includes the customer's property located in the Central Region, has been designated as being under serious water stress. Therefore, I find that the company is entitled to install the meter at the customer's property.

#### Outcome

The company does not need to take any further action.

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

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# ADJUDICATOR'S DECISION

Adjudication Reference: WAT-X423

Date of Decision: 7 June 2021

## Party Details

**Customer:** The Customer

**Company:** X Company

## Case Outline

### **The customer's complaint is that:**

- The company wants to install a meter in his property, but the customer prefers to keep paying based on the fixed rate.
- The booklet provided by the company states that the meter installation is optional.
- The company has already tried to install a meter in his property without his permission. He asked the engineer who trespassed on his property to leave, which he did before completing the installation of the water meter.
- In response to the preliminary decision the customer stated that the legislation does not make it mandatory to install water meters.

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

- It can install meters and charge on that basis when the customer lives in an area that has been designated to be under serious water stress.
- The customer's property is located in the Central Region, which is an area that has been designated as under serious water stress.
- Its policy is to install meters in all properties within its supply area and it has legal powers to do so without the customer's permission.

## How is a WATRS decision reached?

In reaching my decision, I have considered two key issues. These are:

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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. The customer states that the booklet supplied by the water company states on page 10 that no water company is required to introduce compulsory metering. The company states that the booklet also says that water companies have the power to choose metering as a way to manage water resources in the area, which means that while it is not required to fit meters, they are permitted to do so under certain circumstances.
2. The customer says that the booklet also states that the company cannot insist that existing households pay for water on the metered basis. However, the company notes that this statement is followed by the following text: “except in specified circumstances (known as prescribed conditions)”. This is clarified in section 2.3 of the booklet which states that “a water company in England can install a water meter and charge on that basis, if the household customer: lives in an area which has been determined by the Secretary of State to be an area of serious water stress and subject to a metering programme as part of a plan to maintain secure water supplies”.
3. In the response to the preliminary decision the customer refers to a legislative report (CBP 7342, 17 February 2016), which states in section 3.2 that “No water company is required to introduce compulsory metering, even if it is in an area of severe water stress”. However, the following paragraph states “The relevant legislation simply gives the water companies the power to choose to use metering as a way of managing water resources in their area”. I also note a

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Research Briefing published by the House of Commons on 27 June 2019 <https://commonslibrary.parliament.uk/research-briefings/cbp-7342/> clearly states that when the customer's property is in an area of water stress and the company decides to install a meter, the customer cannot refuse the installation of the meter. Therefore, I find that it is the company's decision whether or not to install a meter when the customer's property is in an area designed as under serious water stress.

4. The company has supplied the customer with two links and documentation from the Government and from Ofwat, which show that the company is able to install meters under the Universal Meter Policy. The company has confirmed that the customer's supply area, which is located in the Central Region, has been designated as under serious water stress. I note that the company has notified the customer about its plans to install a meter in his property. In view of the fact that the customer's property is located in an area of serious water stress, I find that the company has a legal right to install a water meter without an application for one from the customer.
5. The company states that after the meter is installed, the customer can choose for a period of two years whether to keep paying the fixed rate or to move to metered rates if these are cheaper. After the two years period, if the customer has not already asked to be changed to metered charges, then the company will make the switch and the customer will be required to pay metered charges going forward.
6. In view of the above, I cannot direct the company to make an exception and not install the meter in the customer's property. However, the company needs permission from the customer to enter into his property and install the meter in his premises. I am mindful that the customer stated that the company's employee entered in his property and attempted to install the meter before he was stopped by the customer. I note that the company's Charges Scheme states in section 6.2.2(2) that if the property occupant refuses to access to the company to install the meter, the company will apply the highest band to the customer's property. The company may also apply to the Magistrates Court to obtain a warrant to enter his premises to install a meter. This application can be done based on sections 162 and 172 of Water Industry Act which allow water companies to enter into a property for the purpose of installing a water meter.
7. In view of the above, I find that the company has not failed to reach the standard to be reasonably expected by the average person.

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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 xx June 2021 to accept or reject this decision.
- If you choose to accept this decision, the company will have to do what I have directed within 20 working days from the date on which WATRS notifies the company that you have accepted my decision. If the company does not do what I have directed within this time limit, you should let WATRS know.
- If you choose to reject this decision, WATRS will close the case and the company will not have to do what I have directed.
- If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision. WATRS will therefore close the case and the company will not have to do what I have directed.



**Pablo Cortés, Ldo, LL.M, PhD**

**Adjudicator**

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