

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: **WAT-XX68**

Date of Decision: **20/07/2021**

#### Party Details

Customer: "The customer"

Company: "The Company"

#### Complaint

The customer has a dispute with the company regarding the backdating of a tariff change. The customer claims the change should be backdated to the date when he took up residence in his property, but the company will only grant the backdating to the date of his application for the change. The customer claims that despite ongoing discussions with the company and the involvement of CCWater the dispute is unresolved and therefore he has brought the claim to the WATRS Scheme and asks that the company be directed to backdate the revised tariff charges to October 2016 when he first occupied the property.

#### Response

The company states that it has correctly applied the appropriate regulations and guidelines in respect of its application of the Assessed Household Charges tariff. The company says it rightly backdated the tariff to the date the customer applied for it. It further contends that the customer's own actions delayed the application of the tariff by a period of approximately sixteen months. The company records that the customer has not paid for any water services since October 2016. The company has not made any offer of settlement to the customer and declines to extend the backdated application of the tariff beyond **XX** May 2018.

#### Findings

I am satisfied that the company has correctly applied the backdating of the tariff and has correctly identified the start date of the tariff. I further find that the customer's own actions delayed the implementation of the tariff. Thus, I find that the claim does not stand, and the customer is not due to have the tariff backdated to the date he took occupation of the property. Overall, I find that the company has not failed to provide its services to a reasonable level nor has failed to manage the customer's account to the

level to be reasonably expected by the average person.



The company does not need to take further action.

The customer must reply by 17/08/2021 to accept or reject this decision.

# ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-XX68

Date of Decision: 20/07/2021

## Case Outline

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

• He has experienced an ongoing dispute with the company concerning the backdating period for applying the Assessed Household Charges (AHC) tariff. The customer says the charges should be backdated to the date he took up residence in his property, but the company refuses to do so. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled. • He was on the AHC tariff at his previous residence during the period 2007 to September 2016.

• He took up residence in his current dwelling as from XX October 2016. • He understood his landlord was opposed to the installation of meters in the building and that he would need to wait for a six-month period to have elapsed before applying for a meter. • Consequently, he contacted the company on XX February 2017 and requested to be placed on the AHC tariff at the new residence. • On XX June 2017 a company engineer visited his property to undertake a metering survey but at that time he was out of the country and could not facilitate access for the survey. He states that he did not return to the UK until April 2018. • He contacted the company again on XX May 2018 and applied for a water meter to be installed, this being the first step in the application process for the AHC tariff. • The company undertook a metering survey on XX May 2018 and classified his property as not being acceptable for metering. The customer says that it is from this date only that the company accepts to charge him at the AHC tariff. • The company engineer who undertook the survey advised him that the entire block is unsuitable for metering and that he should have been on the AHC tariff since the day of his first occupation. The customer states that the company has charged him at the more expensive tariff based on Rateable Value for the period October 2016 to May 2018. Consequently, the customer requested the company backdate the AHC tariff to October 2016, but he claims it has refused to do so. • Believing the company had not properly addressed his concerns the customer on XX April 2021 escalated his complaint to CCWater who took up the dispute with the company on his behalf. • CCWater contacted the company and requested to receive a detailed explanation of its position and actions in respect of dealing with the customer's complaints. • On XX May 2021 CCWater confirmed to him that the company would not change its position that the AHC tariff could only be backdated to the date at which he applied for a water meter. This date being XX May 2018. • CCWater confirmed that it could not take any further steps to alter the position of the company and was closing his complaint. • The customer says that despite the intervention of CCWater, the

dispute is ongoing, and the company has not changed its position and CCWater are unable to obtain a resolution between the parties. The customer remains dissatisfied with the response of the company and has, on **XX** June 2021, referred the matter to the WATRS Scheme where he requests that the company be directed to apply the AHC tariff as from October 2016.

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

- It provided its response to the claim on **XX** June 2021.
- It acknowledges that the customer was charged according to the AHC tariff at his previous residence. The company says that this shows that the customer was aware of the application process for the AHC tariff.
- It acknowledges the customer changed residence in 2016 and took up residence at his current dwelling as from **XX** October 2016. As there was no water meter fitted to the supply at the property the customer was charged at the Rateable Value tariff.
- On **XX** January 2017 the customer began the AHC application procedure by formally requesting to have a water meter fitted at the property. The company states that it made an appointment with the customer to have a metering survey carried out on **XX** February 2017 but that he refused access to its engineer on the day of the survey. The company closed the customer's application.
- Again, on **XX** June 2017 it sent an engineer to the customer's property to undertake a meter survey following the customer's latest request dated **XX** May 2017. The company records that the customer was not present, and access could not be achieved and as before the application was closed.
- On **XX** May 2018 it received e-mails from the customer requesting again that he be placed on the AHC tariff, and in response the company telephoned the customer the next day, **XX** May 2018. The company says that the customer agreed to receive a metering survey, and this was done on **XX** May 2018.
- The metering survey confirmed that the property was not able to be metered and thus the customer was placed on the AHC tariff as from the date of his meter request – **XX** May 2018.
- The customer has since requested to have the revised tariff backdated to October 2016, the time when he first took up residence. The company contends that it has explained to the customer that its published procedures show that the tariff can only be applied once a property has been confirmed as not suitable for a meter.
- The customer has not made any payments whatsoever to the company for services provided since he took possession of the property on **XX** October 2016. Thus, the company has passed the considerable outstanding amount to a debt collection agency for recovery.
- In summary, it confirms its position that it has correctly applied the AHC tariff as from May 2018 in compliance with the Water Industry Act 1991, its Charges Scheme, its Code of Practice, and the OFWAT guidance on the use of the AHC tariff.
- It further confirms that it has correctly followed its own debt recovery procedures and the negative markers placed on the customer's credit history file are correct and will not be removed until such time as he settles the outstanding balance of his account.
- It does not accept to backdate the AHC tariff beyond **XX** May 2018. The customer's comments on the company's response are that:
- On **XX** June 2021, the customer submitted comments on the

company's response paper. I shall not repeat word for word the customer's comments and in accordance with Rule 5.4.3 of the Rules of the WATRS Scheme I shall disregard any new matters or evidence introduced. • The customer reiterates his position that he applied for a water meter to be installed on **XX** January 2017, and the first survey attempted by the company fell when he was out of the country. He further asserts that, instead of cancelling his applications after not obtaining access, the company should have made efforts to visit his property on more than one occasion. The customer claims that the fact the property is not suitable for a meter was the same in October 2016 and as such he should have his application backdated to that time.

### How is a WATRS decision reached?

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

- Whether the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.
- Whether or not the customer has suffered any financial loss or other disadvantage as a result of a failing by the company.

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. 1. The dispute relates to the customer's dissatisfaction that the company declines to backdate his inclusion on an AHC tariff beyond May 2018.
2. I note that the WATRS adjudication scheme is an evidence-based process, and that for the customer's claim to be successful, the evidence should show that the company has not provided its services to the standard that would reasonably be expected of it.
3. The parties agree that the customer was on an AHC tariff at his previous residence. They also agree that he moved house and took up residence at his current address as from **XX** October 2016.
4. The parties further agree that on **XX** January 2017 the customer contacted the

company requesting he be put on the AHC tariff as he was at his previous address. He was informed that the company would need to first carry out a metering survey and agreed a date of **XX** February 2017 with the customer.

5. The company states that the customer did not allow access to the property; thus, the survey did not take place and the AHC application was duly cancelled. The customer has claimed that his landlord would not permit a meter to be installed and thus he declined to proceed with the survey. The customer has not supplied any evidence to support his understanding in regard to the landlord's position.

6. Similarly, I can see that the customer on **XX** May 2017 again applied for placement on the AHC tariff and was again reminded that a metering survey would need to be done. The parties agreed a date of **XX** June 2017 for the survey, but it seems to me that the customer had left the country without informing the company. As no access could be gained the customer's application was cancelled for a second time.

7. The customer confirms that he did not return to the UK until April 2018. I can see that he sent two e-mails to the company on **XX** May 2018 and the company responded by telephone on **XX** May 2018. During the telephone discussion the customer agreed to a metering survey and this was undertaken on **XX** May 2018.

8. The survey confirmed that the property was not suitable for metering and thus the customer was placed on the AHC tariff as from the time of his application dated **XX** May 2018.

9. In respect of assessed charges I note the following from the website of Ofwat :-

"Assessed charges

If you cannot have a water meter installed, your water company should offer you an assessed charge. This is an alternative to your rateable value charge.

You will not be offered an assessed charge unless you apply for a meter."

10. Thus, I am satisfied that the company was correct in requiring a metering survey to be undertaken prior to considering the customer's application to be placed on the AHC tariff.

11. I am satisfied that it has been established that two metering survey appointments were agreed by the parties and that on both occasions acts by the customer prevented the surveys taking place. I note that the company's Charges Scheme states :-

"7.1.3 If you have caused a delay which prevented us from installing the meter within 50 calendar days – for example, by not attending pre-arranged appointments or by asking for the meter to be fitted at a later date – we will continue to charge

you on your existing tariff until we have either fitted the meter or find we are unable to install one."

12. When the customer took up residence on **XX** October 2016 the property was not metered and thus the customer was charged at the RV tariff. I am satisfied that the company was correct in this action. Thus, in compliance with section 7.1.3 of the Charges Scheme, as shown above, the company acted correctly in keeping the RV tariff because the customer had failed to facilitate the metering surveys.

13. I find that the company has followed the regulations and procedures in respect of the customer's application to be placed on the AHC tariff and I further find that it has acted correctly when cancelling the previous two applications because the customer failed to facilitate the surveys.

14. I find that the company has acted correctly in backdating the tariff to the date of the successful application on **XX** May 2018. I shall not direct the company to backdate the application of the tariff beyond **XX** May 2018.

15. The company says that the customer has made no payments to it for water services provided since he has taken up residence at the property in October 2016. At point 4 of his comments on the company's response document the customer states: "I have always paid all my bills on time including **XX** until the start of dispute".

16. I am satisfied that the customer acknowledges not paying any charges to the company over a period in excess of four and a half years. From my reading of the submitted documentation I am satisfied that the company has followed its own debt recovery procedures and acted correctly, both when placing negative markers on the customer's credit history file and in passing the outstanding debt to a debt collection agency.

17. The customer has requested that the negative markers be removed, and I can see that the company has declined to do so. I am satisfied that the markers show an accurate representation of the customer's payment history since October 2016, and thus I shall not direct the company to remove them.

18. My conclusion on the main issues is that the company has not failed to provide its services to a standard to be reasonably expected by the average person.

#### Preliminary Decision

- The Preliminary Decision was issued to the parties on 14 July 2021.
- The company submitted comments on the Preliminary Decision on 15 July 2021.

- The company noted the contents of the Preliminary Decision.
- Also on 15 July 2021, the customer submitted comments on the Preliminary Decision.
- The customer repeats his earlier position.
- The customer has submitted additional items of evidence.
- Having read the comments of both parties I am satisfied that amendments to the Preliminary Decision are not required.

### **Outcome**

1. The company does not need to take further action.

### **What happens next?**

This adjudication decision is final and cannot be appealed or amended.

The customer must reply within 20 working days to accept or reject this final 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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**Peter Sansom**  
**Adjudicator**