

WATRS

Water Redress Scheme

ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/X571

Date of Decision: 20 November 2021

Party Details

Customer:

Company:

Complaint

The customer has a dispute with the company regarding its refusal to recalculate charges back to 2017 using different average daily consumption rates for the business when open and when closed. The customer says that the company has been incorrectly billing him because of inaccurate estimated readings given to it by the previous service providers. 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 recalculate his charges using an average daily consumption of 4.28 units when operating and 0.35 units when closed.

Response

The company acknowledges that meter readings passed to it in 2017 by the previous two suppliers were inaccurate. The company further acknowledges that it amended the readings after the customer provided copies of Final Invoices from the previous suppliers. The company says that it has waived an outstanding account balance to reduce the balance to zero and henceforth the customer will be billed according to its normal quarterly billing routine. The company has not made any offer of settlement to the customer.

Preliminary Findings

The claim does not succeed. I find that the evidence does not support on a balance of probabilities that the company is continuing to incorrectly charge the customer. The company has waived all charges and brought the customer's account to a zero balance and confirmed that he will be charged according to its normal billing routine henceforth. I find that the company has not failed to provide its services to a reasonable level and has not failed to manage the account to the level to be reasonably expected by the average person.

Preliminary Outcome

The company does not need to take further action.

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

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Case Outline

The customer's complaint is that:

- He has experienced an ongoing dispute with the company concerning issues with billing on his account. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled.
- Prior to 2017 his water was supplied by REDACTED and his wastewater account was with REDACTED.
- On 01 April 2017 both his accounts were taken over by the company.
- The company did not take its own meter readings when it took over responsibility for the accounts. The customer says that this has resulted in the company basing its subsequent billing on estimated readings received from the two previous companies.
- Because of using estimated readings, the charges to his business have increased by approximately 40% over the average bills received prior to April 2017.
- Following complaints to the company, actual physical meter readings were taken and the company established an average actual consumption of 4.28 units per day when the business was open and 0.35 units per day when closed due to the pandemic lockdowns.
- He accepted these two average actual consumption figures and requested the company to recalculate his bills back to April 2017 using the new figures.
- The company refused to make the re-calculation.
- He himself made the recalculations and he has paid the company according to his calculations based on the two average consumption figures having taken into consideration the periods when the business was closed.

- The company has accepted the payment but insist that an additional amount of £4,637.00 remains outstanding. The customer says the company has not explained the basis for its calculation and has not provided invoices to support its demand.
- Believing the company had not properly addressed his concerns he, on or around 14 November 2020, escalated his complaint to CCWater who took up the dispute with the company on his behalf. The records show that CCWater contacted the company on 01 February 2021 and requested more detailed information from it and to review the customer service provided.
- On 01 April 2021, CCWater advised him that it had received a formal response from the company answering in reasonable detail the questions posed to it. The company had confirmed that it had recalculated bills based on an actual meter reading taken in September 2019 and applied a credit of £3,543.07 because of failing to take a meter reading between April 2017 and September 2019. CCWater also informed him that it could not take any further action to have the company change its position and was therefore closing his complaint.
- He was unhappy with the proposed solution of the company and thus continued correspondence with both the company and CCWater throughout the following months.
- He remains dissatisfied with the response of the company and has, on 06 September 2021, referred the matter to the WATRS Scheme where he requests that the company be directed to recalculate all his bills using the actual daily usage rates of 4.28 for when the business was open and 0.35 for when it was closed.

The company's response is that:

- It provided its response to the claim in its submission dated 28 October 2021.
- In respect of wastewater services, it was provided with incorrect transfer readings by the previous supplier. The readings were subsequently corrected following receipt of previous actual reads.
- In respect of fresh water supply, the service was transferred to the company as from 05 July 2017. The company acknowledges that it was given an estimated reading by the

previous supplier but subsequently an actual reading taken on 10 July 2017 was identified. The company says the bills were recalculated.

- It will not accept the customer's request to base bills on an Average Daily Consumption [ADC] of 4.28m³ when the business was operating because historic physical readings show that the ADC was variable and thus using a fixed figure would lead to inaccurate calculations. The company notes that this was explained to the customer in its letter to him dated 30 August 2021.
- It refutes the customer's contention that it has never challenged his calculations in respect of consumption while the business was both open and closed due to lockdowns. It notes that it advised the customer in its letter dated 26 July 2021 that it would not accept his calculations.
- It further refutes the customer's complaints in respect of the frequency of meter readings. The company notes that its policy is to invoice business customer's quarterly using two estimated and two physical meter readings in each twelve-month period.
- It takes note that the customer himself has identified that access to the meter is difficult because of vehicles parked above the meter pit, even though the pit is located in a footpath. The company says the customer has always had the right to request an out of cycle reading or to retain at his own expense a plumber to take a private reading. It notes it has no record of the customer making any such request or arrangement.
- It has removed from the customer's account the current outstanding amount of £3,725.12 to leave the account with a zero balance.
- It confirms that the latest meter reading was taken on 14 July 2021 and the next quarterly invoice will be an estimate based on the last two physical readings.
- In summary it defends the complaint and believes the remedies applied to the customer's account are a reasonable response.

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.

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2. 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 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 dispute relates to the customer's dissatisfaction that the company has refused to recalculate his invoices going back to 2017 using different ADC for when the business is open and when closed.
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. I find that it is important to record at this point that the timeline for this dispute has been ongoing for a long period of time to the extent that the status has continuously evolved. I wish to emphasise the following dates:
 - 01 April 2021 – CCWater close the customer's complaint.
 - 06 September 2021 – the customer escalates his complaint to the WATRS Scheme.
 - 28 October 2021 -- the company responds formally to the complaint.

4. The customer, in his application to WATRS, has requested the following remedy:

I would like to be invoiced for water supply/sewerage based on the average actual daily readings of 4.28 units per day when The Barn was open and 0.35 units when closed.

5. For the avoidance of doubt, I record that *The Barn* is the name of the business premises at the centre of the billing dispute.

6. I note that the company advised the customer in its e-mail of 02 August 2021 and its letter dated 30 August 2021 that it did not agree to base all volumetric charges on an ADC of 4.28m³ per day when the business was operating. The company says that its reference to actual physical meter readings taken while the business was open shows that ADC was variable, and thus using a fixed ADC would produce inaccurate billings.

7. The company has submitted into evidence a spreadsheet showing actual meter readings recorded between the meter installation on 22 September 2016 and the most recent reading taken on 14 July 2021. From my study of the spreadsheet, I am satisfied that the ADC was variable according to the recorded readings.

8. The company acknowledges that the readings in respect of both water supply and wastewater services given to it by the two previous providers were inaccurate.

9. It further acknowledges that the customer provided copies of Final Invoices from the previous suppliers that were based on actual readings, and these were used to recalculate accurate opening readings with which to commence billing from the point the company took over the services.

10. I can see that in respect of water supply the readings were amended using a reading of zero when the meter was installed on 22 September 2016 and an actual physical reading of 1171 recorded on 10 July 2017.

11. Similarly, I note that the company has explained in reasonable detail that it was also given inaccurate readings by the previous wastewater service company (that was not the same company as the water supply provider). Again, the company acknowledges that it recalculated charges based on final invoices provided by the customer.

12. I can see from the evidence that the customer has made his own calculations of the charges he believes are payable based on using an ADC of 4.28m³ when the business

was open and 0.35m³ when closed. The customer has made payments to the company according to these calculations.

13. On 27 July 2021 the customer informed the company that his calculations, following the payments made, indicated an outstanding balance of £2,049.00 and that he intended to pay only this amount to bring his account balance to zero.
14. On 29 July 2021 the company confirmed to the customer that it did not agree that a payment of £2,049.00 would reduce the account balance to zero.
15. The company, in its Response document, has stated that it has credited the customer's account with the amount of £3,725.12 in order to bring the balance to zero. It confirms the latest physical meter reading was on 14 July 2021 and states that the next quarterly invoice will be an estimated bill based on the last two physical readings.
16. On this basis, I am satisfied that the customer's account balance was at zero on 14 July 2021 and that henceforth he will be billed according to the company's practice of quarterly invoices based on two estimated readings and two physical readings.
17. In summary, I find that the company has explained to a reasonable level the reasons for its billing methodology at the outset of its responsibility for the customer's account. I find that the company has taken reasonable measures to rectify the meter reading issues and has made fair and reasonable recompense by waiving some £3,725.12 in outstanding charges.
18. Overall, I am not satisfied that the evidence submitted has established that the company has not supplied its services to a reasonable level.
19. In his application to WATRS the customer requests that the company be directed to invoice him using the ADC of 4.28m³ when the business is operating and 0.35m³ when closed. As I have found that the company performed reasonably in reducing the account to a zero balance and in confirming normal charging henceforth, it thus follows that I find that the customer's request is not appropriate. Thus, I shall not direct the company to change its stated position and permit the requested alternative charging basis.
20. My conclusion on the main issues is that the company has not failed to provide its services to the standard to be reasonably expected by the average person.

The Preliminary Decision

- The Preliminary Decision was issued to the parties on 18 November 2021.
- The customer has, on 19 November 2021, submitted comments on the Preliminary Decision.
- The customer reiterates parts of his original position. He further repeats his original comments in respect of the spreadsheet submitted by the company showing actual meter readings recorded between September 2016 and 14 July 2021. I have reviewed the spreadsheet yet again, and I find that my original conclusion remains unchanged.
- The customer has also raised comments regarding a payment he regards as an advanced payment and that he expects to be returned in his next invoice. As before, I am satisfied that the company waiving the outstanding balance and returning the account to a zero balance is a reasonable recompense to the customer.
- Having read the comments of the customer I am satisfied that no amendments are required to the Preliminary Decision.

Outcome

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 by 17 December 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.



Peter R Sansom
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Member, London Court of International Arbitration.
Member, CI Arb Business Arbitration Panel.
Member, CI Arb Pandemic Business Dispute Resolution Arbitration Panel.
Member, CEDR Arbitration Panel.
Member, CEDR Adjudication Panel.

Adjudicator

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