

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X640

Date of Final Decision: 15 November 2021

Party Details

Customer: The Customer

Company: The Company

Complaint

The customer is unhappy that his home has a water meter installed. He wants the option of an unmetered, fixed rate. However, the company has refused to remove the meter and charge him on an unmetered basis. He requests the company to reverse its initial decision and charge him a fixed amount instead of using the meter charge.

Response

All properties built in England and Wales since 1990 have water meters fitted. Customers living in properties built since 1990 do not have the option to be billed by an unmetered charge. The customer's property was built in 1993, so it cannot change to unmetered charges. The company has checked that the customer's meter is working correctly and offered him information about WaterSupport, which enables successful applicants to pay a fixed monthly charge.

Findings

Sections 3.3 A (8) and 144B of the Water Industry Act 1991 state that when properties are being served by a metered supply of water, customers do not have the right to get the meter removed and be charged on an unmetered basis. In view of that, I find that the customer is not entitled to be charged on an unmetered basis.

Outcome

The company does not need to take any further action.

Please note, this Preliminary Decision is subject to comments from both parties and the Outcome may subsequently change. This will be recorded in a Final Decision. Please refer to the 'What happens next?' section for more information.

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Case Outline

The customer's complaint is that:

- The customer is unhappy with the charges of his water meter and requested to be charged a fixed amount following the unmetered rate.
- The company refused to remove his water meter and to charge him a fixed monthly rate.
- The customer does not want to keep paying metered rates.

The company's response is that:

- All properties built after 1990 are required to have a water meter and once a meter is installed, water companies are not allowed to remove them and charge customers on an unmetered basis.
- The company has checked that the customer's meter is working correctly and offered him information on WaterSupport, which allows those who qualify into the scheme, to pay a fixed monthly amount.

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.

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

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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. The customer states that he is currently paying around £70.00 a month based on readings of his water meter. The customer believes that this charge is too high as he has a neighbour who has a smaller family and is only paying £34.00 a month based on the fixed unmetered rate. On 29 June 2021 the customer requested the company to remove his meter and pay a fixed monthly charge, but the company refused to make this change.
2. The company states that the customer's property was built in 1993, so it had a meter installed from the beginning as all properties built in England and Wales since 1990 have had water meters fitted. The company states that customers living in properties built since 1990 do not have the option to be billed by an unmetered charge. Accordingly the company refused to remove the customer's meter and charge him the unmetered rate.
3. The customer was not satisfied with the company's response and escalated his complaint to CCWater, which confirmed that they were unable to challenge the meter installation and request the company to charge the customer to an unmetered rate. I am mindful that CCWater also provided the customer with information about compulsory metering, which makes the use of water meters mandatory in many properties.
4. The company refers to sections 3.3A(1) and (8) of the Water Industry Act 1991 which state that once a meter is installed in a property, the customer is not entitled to be charged on an unmetered basis. In addition, section 144B of the Water Industry Act 1991 explains that customers moving into properties with an existing meter cannot have the meter removed and must pay for their water on a metered basis. In view of this, I find that the company is entitled to keep charging the customer on a metered basis.

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5. I note that the company has stated in their defence that they have confirmed that the customer's meter is working correctly. If the customer believes that he is being overcharged or that there may be a leak, he should seek advice from the company to test the operation of his meter.
6. The company stated that it has informed the customer about the possibility of applying for the WaterSupport scheme that allows participants to pay a monthly fixed amount. The customer has refused to make this application because he does not want to share his bank statement with the company.
7. In light of the above, I find that the company has reached the standards to be reasonably expected in the industry as it has followed the law when refusing to remove the customer's meter and charge him the unmetered rate. Therefore, the customer's claim cannot succeed.

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 13 December 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.



Pablo Cortés, Licenciado, LLM, PhD

Adjudicator

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