



ADJUDICATOR'S DECISION SUMMARY

Adjudication Reference: WAT/X760

Date of Decision: 28 March 2022

Party Details

Customer:

Company:

Complaint

The customer has a dispute with the company regarding its refusal to fully explain its decision to install a meter at his property and move him onto a measured charges tariff. The customer contends that he is the only household in his street to be so charged, and that he has not received a satisfactory response from the company to his requests for clarification. 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 explain why he has been singled out for being placed on a metered tariff.

Response

The company says it has explained to the customer its legal powers to compulsorily install meters and apply metered charges. The company denies that the customer has been singled out and states that there are 59 dwellings on the customer's street and 47 are currently fitted with a meter and 36 are being charged a measured tariff. The company did not make any formal offer of settlement to the customer.

Findings

I find that the evidence does not support that the company has incorrectly installed a water meter at the customer's property or that it is wrongly applying a metered tariff. I find that the evidence does not show that the company has failed to provide its services to a reasonable level or has failed to manage the customer's account to the level to be reasonably expected by the average person.

Outcome

The company does not need to take further action.

The customer must reply by 25 April 2022 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 metering and billing on his account. Despite the customer's recent communications with the company, and the involvement of CCWater, the dispute has not been settled.
- In 2017 the company installed meters at every house in his street.
- In the early part of 2018, the company issued a letter to him explaining that for the ensuing twenty-four month period it would be monitoring his consumption of water through the meter at his property.
- He investigated with his neighbours and identified that he appeared to be the only dwelling in the street to have received such a letter.
- He subsequently contacted the company to enquire why he was the only property to have received the letter about consumption monitoring, but to date he believes he has not received a satisfactory explanation.
- In 2021 the company provided him with average monthly payment Giro slips to use for payment purposes. The customer acknowledges that he refused to pay the monthly charges but offered to put the payments into a "dispute account".
- Believing the company had not properly addressed his concerns he, on 25 April 2021, escalated his complaint to CCWater.
- CCWater advised him on 09 July 2021 that following its investigations it had concluded that the company was correct in its metering procedures and that it had explained to him why he was receiving monthly bills.
- CCWater advised him it could not take any further measures to have the company change its position and was thus closing his case.
- Continuing to be dissatisfied with the response of the company he has, on 30 December 2021, referred the matter to the WATRS Scheme where he requests that the company

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be directed to explain to him why it has singled out his account to change to monthly payments while he believes all his neighbours continue to pay six-monthly.

The company's response is that:

- It provided its response/defence to the claim in its submission dated 10 January 2022.
- Its records show that on 08 September 2017 it installed a meter on the customer's water supply pipe and advised him accordingly.
- On 26 September 2017 it formally advised the customer that he had begun a two-year transition period and that it would send him regular comparisons of charges showing the difference between his previous rateable value (RV) tariff and the metered tariff.
- On 03 June 2020 it sent the customer the final bill for charges raised under the RV tariff and on 08 June 2020 it raised the first metered bill.
- The bill was not paid, and the customer's account became overdue and on 26 January 2021 the customer complained as to why he was being charged on a monthly basis via meter readings. The company says it responded on 05 March 2021
- It has explained to the customer its legal powers in respect of metering.
- It confirms that it is not able, because of data protection regulations, to provide him with any details regarding the water accounts of his neighbours.
- To assist in addressing the customer's concerns that he is being singled out for metered charges it confirms that there are 59 properties in the customer's street and 47 of them are fitted with meters, and currently 36 properties are being charged on a measured tariff.
- It has set out in detail in its defence document its legal powers for metering.
- It notes that CCWater investigated the customer's complaint and found that the company had not acted incorrectly in charging the customer on a metered tariff and that CCWater found no grounds to challenge its position.
- In summary, it confirms that it has acted correctly in installing the meter and in raising charges for consumption recorded through the meter. It notes that the customer's account is currently showing an overdue balance of £970.87.

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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 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 is refusing to explain to him why it appears to charge only his account with a measured tariff while his neighbours continue to pay according to a RV tariff.
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 can see from the evidence provided that the parties agree that a meter was fitted to the customer's supply pipe on 08 September 2017. I accept that the customer was on RV tariff at the time of the meter installation.
4. After a two-year transitional period, the company moved the customer from the RV tariff to the measured charges tariff.

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5. I can see that the evidence shows that the company has set out in detail in its defence submission the legal basis for its installation of meters at properties in the customer's street.
6. I take note that the company has stated that Section 162 of the Water Industry Act 1991 grants it the legal power to compulsorily install water meters. My reference to Section 162 confirms the company's understanding.
7. I accept that the company has also explained to the customer the details of its *Smart Metering Programme* and that this is also available in its Scheme of Charges document.
8. I take note of the company's responses to the customer dated:
 - 25 January 2021
 - 05 March 2021
 - 21 April 2021
 - 28 April 2021
9. I am satisfied that the company has complied with its *Smart Metering Programme* in that it has supplied the customer with advance notice that his tariff would be changed and because it has provided him with regular comparative updates throughout the transition period.
10. The company has submitted evidence to show that it provided the customer with tariff comparisons on the following dates:
 - 27 December 2017
 - 26 March 2018
 - 26 September 2018
 - 26 March 2019
 - 03 June 2020
11. The customer has not disputed receiving these comparisons.
12. I am also satisfied that the company was not able to provide the customer with information concerning the tariff situation in respect of his neighbours. However, I take note that the company has given information in its defence document that confirms the great majority of occupiers in the customer's street have meters installed and are

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charged on the measured tariff. Again, I take note that the customer does not dispute the figures stated by the company.

13. The main limb of the customer's complaint is that he believes he was singled out by the company for meter installation and charging on a measured tariff.
14. In his application to the WATRS Scheme the customer has requested that I direct the company to explain why it singled out his property to change tariffs.
15. I am satisfied that the evidence shows that the customer was not singled out as he claims, and that 47 out of 59 properties in the street are metered and 36 are subject to metered charges.
16. Thus, I find that the evidence does not support the customer's complaint
17. Hence, I am not persuaded that another explanation from the company would serve any additional benefit. Thus, it follows that I shall not direct the company to provide any further explanations to the customer.
18. Overall, I am satisfied that the evidence submitted does not establish that the company has not supplied its services to a reasonable level.
19. 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 14 March 2022.
- The customer has, also on 14 March 2022, confirmed receipt of the Preliminary Decision.
- The customer has reiterated his belief that the company has not satisfactorily explained its metering policy in respect of all properties in his road.
- The customer repeats his position that not all properties are charged on a metered tariff.
- The company has, on 17 March 2022, confirmed receipt of the Preliminary Decision.
- Having read the response of the parties I am satisfied that no amendments are required to the Preliminary Decision.

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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 25 April 2022 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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Adjudicator

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