

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X981

Date of Final Decision: 28 June 2022

#### Party Details

Customer:

Company:

#### Complaint

On 7 December 2021, the customer had a water meter fitted. Before the meter was fitted, the customer paid the company £60.00 per month for water services. Since the meter was fitted, her bill has been £18.66 per month. Therefore, the customer was overcharged by approximately £40.00 a month for seventeen years, which equates to over £10,000. The company has refused to refund the customer, even though she asked for a meter on two previous occasions. In view of this, the customer would like the company to refund the overpayments and provide an apology.

#### Response

Before 7 December 2021, the customer's bills were based on the Rateable Value (RV) of her property because her water supply was unmetered. Since the company fitted a meter on 7 December 2021, the customer's charges have been based on her meter readings. The customer made no previous applications for a meter and, in view of this, she has been billed correctly at all times and has not been overcharged. Therefore, the company denies responsibility to provide the customer with a refund and an apology.

#### Findings

The evidence does not show that the company has failed to provide its service to the standard reasonably expected by the average customer by overcharging the customer or refusing to provide her with a refund. Therefore, the customer's claim does not succeed.

#### Outcome

The company does not need to take any further action.

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## Case Outline

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

- She is a single person living in a one-bedroomed flat and has paid £60.00 per month for water for seventeen years.
- She recently discovered that she was paying more than her friends living with their families in large houses, so she asked the company to fit a meter.
- On 7 December 2021, she had a water meter fitted. Her monthly bill is now £5.00 per month because she is in credit, and it is expected to increase to £18.66 going forward. Therefore, she overpaid by approximately £40.00 a month for seventeen years, which equates to over £10,000.
- She always assumed she was only paying for water she had actually used and felt aggrieved that this was not the case, so she wrote to the company and asked it to refund her overpayments. The company failed to respond so, after chasing it on four occasions, she contacted CCW. The company then responded and said it had not made a mistake and would not refund the overpayments.
- The company has confirmed that she requested a smart meter in 2019, and she also asked for a meter a few years before this, but was told that she could not have one as she lived in a flat. The company do not have any records of this due to its system being changed in 2019, but she believes this is unacceptable as companies should have access to recent records.
- The company has acted unprofessionally and, therefore, she wants the company to refund her overpayments and provide her with an apology.

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

- Section 143 of the Water Industry Act 1991 gives it the power to set a Charges Scheme. Its Charges Scheme explains that properties without a water meter are usually billed using a tariff known as Rateable Value (RV), and that customers who apply for a meter will remain on RV until a meter is actually installed.
- Water companies are obligated to let customers know about metering and how they may apply, and it provided this information to the customer on her bills and on billing leaflets. During 2006

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and 2007, it sent the customer and all our other customers a meter application form with their bill; however, the customer did not submit an application for a meter or ask for any further information at this time.

- On 17 November 2021, the customer called to query the amount she paid and was advised to apply for a meter. The customer then applied for a meter and one was fitted on 7 December 2021, so metered charges began on that date.
- The customer's charges have decreased as a result of having the meter fitted and it accepts that it would have benefited the customer to have a meter installed earlier. However, it is unable to make decisions about which customers would benefit from having a meter before one is fitted because it does not know the number of occupiers living in a property or their financial status. Therefore, it relies on customers to make their own choice after receiving the information provided on bills, billing leaflets and other correspondence.
- There is no evidence to suggest that the customer did not receive any of her bills or the annual billing leaflets and, before the customer had a meter, her bills clearly stated that they were based on the RV of the property.
- There is no evidence on any of its systems to suggest that the customer queried her bills before she called on 17 November 2021, and therefore it did not have the opportunity to provide her with verbal information about the benefits of metering sooner than it did.
- It accepts there have been customer service delays and in addition to the CGS payments it has provided to acknowledge this, it has applied a £50.00 credit to the customer's account. It also offers the customer a sincere apology for the delays.
- As the correct charges have been applied to the customer's account at all times, it denies responsibility to provide the customer with a refund and an apology.

### 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

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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 believes she has been overcharged because the unmetered charges she previously paid were significantly higher than the metered charges she now pays. The customer explains that she applied for a smart meter in 2019, and also enquired about a meter a few years before this, but was told that a meter could not be fitted as she lives in a flat.
2. The company says that the customer did not make contact to discuss her charges or apply for a meter until 17 November 2021, despite receiving information about metering on all of her bills. The company states that, in line with its Charges Scheme, the RV tariff was correctly applied to the customer's account until 7 December 2021, the date the meter was installed, and the customer's charges have been based on meter readings since this date.
3. As the adjudicator in this dispute, I will only be able to direct the company to refund the customer and provide an apology if the evidence shows that, on the balance of probabilities, the company has failed to provide its service to the standard reasonably expected by the average person by overcharging the customer.
4. Having reviewed the evidence, I accept that the company's Charges Scheme entitles the company to charge unmetered customers on the RV tariff and that as the customer's property was unmetered when she moved in, the customer's charges were correctly based on the RV tariff at that time. Further, I accept that the company's Charges Scheme states that a customer is only entitled to metered charges after a meter application has been received from the customer and a meter has been fitted at their property.
5. In this case, in line with the company's Charges Scheme, I accept that the company was correct to base the customer's charges on RV until 7 December 2021, the date the meter was fitted. I understand that this will disappoint the customer as she states that she applied for a meter

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previously and says that the company's records are incomplete as they do not show this. I understand the customer's frustration, however, I must base my decision on the evidence I have been presented with and there is no evidence to confirm that the customer applied for a meter before 17 November 2021.

6. In view of the above, I do not find that the company has failed to provide its service to the standard reasonably expected by the average customer by overcharging the customer or refusing to provide a refund. Therefore, while I understand that the customer will be disappointed by my decision, the customer's claim for a refund and an apology does not succeed.
  
7. Following the preliminary decision, the customer has restated her belief that she asked the company to install a meter on two previous occasions, and she complains that the company has failed to keep or provide evidence to show this, and has failed to explain why it took no action to install a meter following her request in 2019. In response, the company has provided further snips from the customer's account record to demonstrate when the customer made contact and to show that it has no record of the customer making any previous requests for a meter. Having considered the further evidence provided by the company, I am satisfied that my initial view that the evidence does not support the customer's claim that she made previous requests for a meter was correct and, therefore, my decision remains unchanged.

#### **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 12 July 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.

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- If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision.

*K S Wilks*

Katharine Wilks

**Adjudicator**

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