

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X046

Date of Final Decision: 9 August 2022

Party Details

Customer:

Company:

Complaint

The customers' nine properties are on a shared supply with one meter. This is inconvenient as one householder has to take responsibility for dividing the joint water bill by nine, collecting the money and paying the bill, and the individual residents are unable to monitor their own water consumption and charges. Therefore, the customers would like the company to change the supply arrangements so that each property receives a bill for its own water consumption.

Response

When the housing development was built, the original supply pipe and meter, previously used by one property, was used to supply and record the water consumption for all nine new properties. The company is not responsible for installing a new supply to each house free of charge; however, if the customers wish to pay for new supplies, it is happy to survey and cost the work required.

Findings

The evidence does not show that the company has failed to provide its service to the standard reasonably expected by the average person by refusing to install a new supply to each property free of charge. In view of this, the customers' claim cannot succeed.

Outcome

The company does not need to take any further action.

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ADJUDICATOR'S FINAL DECISION

Adjudication Reference: WAT-Xmn046

Date of Final Decision: 9 August 2022

Case Outline

The customer's complaint is that:

- They are a group of residents of a housing estate and they have an issue with their water supply.
- About forty years ago, long before any of them lived in the estate, the developer and the company agreed that a single supply and meter would serve all nine properties.
- In 1996, the developer abandoned the estate and ended his agreement with the company. The remaining residents were left with the option of paying for the installation of new supply lines to each property at a huge cost, having the water supply disconnected, or nominating one resident to take full responsibility for paying a single invoice for nine houses and arranging for the repair of any leaks in the pipework.
- Fortunately, one of the residents agreed to take on the responsibility and, since then, the arrangement has been that the company takes a meter reading twice a year and sends an invoice, and this person divides the bill by nine, collects the funds from each household, and pays the bill in full. They also organise the repair of leaks, which occur frequently.
- After making contact with the company in 2021 to discuss this issue, an engineer visited the estate and said that sub meters could be fitted into each property and individual invoices could be raised. This sounded like the perfect solution as it would give each household control of their own water usage and relieve the burden off the individual in charge of paying the collective bill.
- However, the company denied that this was possible and said that fitting a new supply pipe to each property was the only way individual bills could be raised.
- They fully appreciate that the company is not obliged to provide a new supply for each property, but they are appealing to the company as long standing customers who have managed a very difficult situation for many years. They would like the company to consider that the current arrangements were devised long before any existing residents were living on the estate, and some of the residents cannot afford the considerable investment needed to fit a new supply.
- In view of the above, they would like the company to facilitate a change and provide individual bills for each household based on meter readings.

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The company's response is that:

- When the farm was converted into domestic properties, the developer did not apply for or pay for individual water supplies for each property. Therefore, the water to the estate was supplied through one supply pipe, and the water meter previously attached to the farm recorded the water consumption for all the properties.
- The private water supply pipe, which remains the customers' responsibility, is a considerable distance from the water main. There are two ways it can invoice the properties individually; each property can have a new individual supply pipe connected to the existing main, or a new water main can be laid closer to the properties and then new shorter supplies can be connected for each house. However, both of these options would be chargeable to the customers.
- It empathises with the customers' situation, but it should have been made clear to each resident when they purchased their property that the water supply was shared and charged through one meter.
- It has to treat all of its customers fairly and equally and it cannot pay for the installation of individual water meters, especially when doing so would bypass the supply pipe and increase the likelihood of undetected leaks. In addition, a bypass would confuse the issue regarding the responsibility for the private supply pipe, which rests with the residents.
- The residents have the option of installing individual private sub meters to measure their own usage but, again, this would be at their own cost. Furthermore, sub-meters would be for the residents' personal use but charges would continue to be calculated using readings off the existing meter for the single supply pipe.
- The customers say that they were advised by a technician that it could fit internal meters at each property. It apologises for any misinformation given and confusion caused, but it can only fit individual meters to the individual properties if new supplies are connected to the main.
- In view of the above, it denies responsibility to install a new supply to each property free of charge. However, if the customers wish to pay for new supplies, it is happy to enter into further discussions with them to survey and cost the work required.

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.

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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. As the adjudicator of this dispute, I can only direct the company to change the supply pipe and/or meter arrangements of the customers' properties, and bill the customers individually, if the evidence shows, on the balance of probabilities, that the company has failed to provide its service to the standard reasonably expected by the average customer by charging the customers collectively for water supplied through one supply pipe to one meter, and/or by refusing to install a new supply to each property.
2. The customers accept that the company is not responsible for changing the supply arrangements, but ask the company for help to resolve the difficult practical issues caused by having all nine properties connected to one supply and one meter. The customers explain that not all residents can afford to pay for a new supply, but without individual supplies and meters, the customers cannot monitor their own usage in order to conserve water. The company understands the customers' position, but states that it is not responsible for paying for new supplies to be installed, and although it is possible for the customers to fit sub-meters, this would not change the way they are billed.
3. Having reviewed the evidence, I understand that having a shared supply with one meter is inconvenient for the customers, and is particularly onerous for the householder responsible for dividing the bill, collecting the money and paying the bill. However, I also accept that under the provisions of the Water Industry Act 1991 the company is not responsible for changing the private supply arrangement in order for the customers to be billed individually.

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4. In view of this, I cannot find that the company has failed to provide its service to the standard reasonably expected by the average person by refusing to install an individual water supply to each property free of charge, or being unable to fit sub-meters that could facilitate individual billing.
5. I appreciate that the customers will be extremely disappointed by my decision but, as I have found no failing on the company's part, the customers' claim cannot succeed.
6. In response to the preliminary decision, the customers state that it was never their intention to try and persuade the company to install new supply lines free of charge, and this matter only became part of the discussion once the company advised that individual billing was not possible without a new supply being set up for each property. I thank the customer for clarifying this point and I understand that it must have been most frustrating to be given incorrect information about the possibility of installing sub-meters to generate individual bills. However, I accept that installing sub-meters would not allow the company to send individual bills to the nine households involved in this dispute, and it therefore follows that 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 14 August 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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K S Wilks

Katharine Wilks

Adjudicator

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