

# WATRS

## Water Redress Scheme

### ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT X229

Date of Final Decision: 1 December 2022

#### Party Details

**Customer:** The Customer

**Company:** The Company

#### Complaint

The customer complains that there was a spike in her water consumption in circumstances where she and her husband did not increase their water usage. She says that there is reason to believe that she has been wrongly billed and asks that something should be done about her bill to cover the unexplained spike in consumption.

#### Response

The company says that there was no spike in consumption but there was increased usage of metered water during the period of the pandemic. It says that there is no evidence that the customer's water meter was working incorrectly, especially as the customer has now reduced her water usage and the meter readings have fallen. Although the company is not willing to waive the customer's higher-than-expected bill of £93.00 or commit to paying for the water meter to be tested, it has supplied its customer services to the expected standard.

#### Findings

I find that the evidence shows that the usage by the customer passed through the water meter during the period when the customer's consumption was higher than expected. There is no evidence that there was a leak or shared supply and, as the consumption is now reduced, it is likely that the meter was recording correctly. The customer has been offered the opportunity to have the meter tested but she has declined this. I find that the evidence therefore supports that this was the customer's actual usage during the period about which she is concerned. Moreover, the company has taken a substantial number of steps to try to assist the customer. I find that the company has supplied its services to the expected standard and the customer is not able to succeed in her claim for a remedy.

#### Outcome

The company does not need to take further action.

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# ADJUDICATOR'S FINAL DECISION

Adjudication Reference: WAT X229

Date of Preliminary Decision: 1 December 2022

## Case Outline

### The customer's complaint is that:

- Following a larger than expected bill at her home in **XXX**, the customer (who is a pensioner) contacted the company to investigate. She did not believe that she had used the volume of water that was recorded by the meter.
- The company attended her home on 5 October 2021 and concluded that the customer was being billed to the correct meter and that there were no signs of a shared supply or leaks. The company offered a meter accuracy test (MAT) (to be paid for by the customer if no fault was found) and advised of the associated costs, but the customer has not taken up this offer.
- The customer has taken steps to lower her usage; and her monthly bills reduced in August 2022, but the balance still included the unexplained usage (the cost of which is approximately £93.00). The customer says that this was a spike in consumption, and something must have been wrong, so it is unfair that she should be asked to pay for it.
- The customer is also unhappy with the comments that the company has made about guests visiting and contributing to the usage, as her son and daughter-in-law have only visited once in the relevant period.
- The customer remains aware that she can request a MAT but does not want to pay the associated fee, particularly as the usage has returned to normal levels. The customer feels that it is wrong for the company to have billed her for water she has not used and more recently, she thinks that the meter may be under-recording as usage is now very low, to a point that the company has said it would arrange another visit to check the meter.
- The customer would like something to be done about her bill to cover the unexplained spike in consumption.

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

- The company supplies water and sewerage services to the customer, and she is charged on a metered basis. Metered accounts are billed quarterly. The customer pays monthly on a budget plan. The company explains that it arranges monthly payments in advance of the quarterly charges, based on a forecast of anticipated use calculated from previous meter readings. The aim is to cover the quarterly charges over the course of each budget plan. Customers will notice their payments change at each review depending on how much water has been used and what the quarterly charges have been.
- The customer's overall use is in line with expected use for two persons. The amount used had peaked at 136m<sup>3</sup> between February 2020 – January 2021 (a period which coincided with national lockdowns and restrictions on movement). The company says that rather than a spike (which the company denies) the consumption was consistent with the subsequent period of twelve months between February 2021 – January 2022.
- At the annual review in January 2021, the company had expected a similar amount to be used over the next twelve-month period but agreed to lower the forecast from 131m<sup>3</sup> to 115m<sup>3</sup> when the customer called on 21 January 2021 as she expected the water use to be lower.
- The water use was lower during February 2021 – January 2022 than it had been in the previous year, it remained higher than 115m<sup>3</sup>. It was measured at 125m<sup>3</sup>. At the annual review in January 2022, the company set the customer's payments in accordance with this because it expected that a similar amount would be used during 2022, so increasing the monthly payments from £38.00 to £45.00 to cover the level of anticipated use and the shortfall from the previous twelve months.
- The customer contacted the company on 9 March 2022 about the increase in her payments. The company assured the customer that there were no signs of any issues and that the payments were right. The customer was told that she could pay the balance to reduce the monthly payments. The customer complained about the increase to the company on 20 May 2022. The company carried out visits in May, June and October 2022 which confirmed that the company was billing the customer on the correct meter and that there were no signs of a shared supply or any leaks. The customer's use has reduced since March 2022, allowing the payments to be lowered in August 2022.
- The company refers to section 5 of the company's Terms & Conditions of a Metered Supply and section 3.3 (5) & 3.3 B of the company's Charges Scheme. The company states that the

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customer has been charged for the water used as evidenced by the meter readings and the balance included in the customer's budget plan.

- In respect of the customer's concern about the company's comments about guests visiting and contributing to the usage, the company says that it made these comments as the customer told the company that her son and his partner were staying at weekends until March 2022 and It was reasonable to expect that additional persons would contribute to overall water use at a property, as facilities are used by those persons, causing an uplift in water use and in turn bills/ payments. The company points out that the reverse was also true, as evidenced by the reduction in recorded consumption since March 2022.
- The company says that a reading taken on 7 October 2022 has satisfied it that this is reflective of the changes the customer has made to her usage and that the meter is recording correctly. The company has continued to monitor the customer's account and has arranged to contact the customer again in December 2022 when the meter is next read.

### 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 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.

The customer has responded to my Preliminary Decision and I have taken her comments into account. The outcome of the Final Decision is, however, the same as the outcome of my Preliminary Decision.

### How was this decision reached?

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1. I note that the cause of the customer's concern arose as a result of an unexpectedly high meter reading. She regards this as a "spike". She explains that she and her husband are pensioners and cannot afford to pay unexpected bills. She states that since a high bill of £93.00, she and her husband have reduced usage, for example by using shower water to flush the toilet. The customer contrasts her situation with her neighbour and others whom she knows. She said that her immediate neighbours are living in exactly the same circumstances as she and her husband, save that her neighbours use a dishwasher and wash cars, but they have lower bills, as also do friends in Scarborough who have extra usage because the husband requires work clothing to be washed daily. In two cases she says that the comparator families are charged half as much as the customer. The customer has reiterated this information in response to mt Preliminary Decision. She says that this does not make sense. Her last meter reading in September 2022 showed she had hardly used any water. On telephoning the company it appeared that the meter reading van had made an error. The customer argues that there is a possibility that this has also happened previously.
2. The company says that although there was an increased usage of 136m<sup>3</sup> between February 2020 and January 2021, before this period the cost of the customer's water usage averaged £45.00 per month and this usage was consistent with the position afterwards, and it has now been reduced. I note that the company told the customer (and the Consumer Council for Water) on 8 August 2022 that her meter readings are now in a range that the company would reasonably expect for a two-person household, which is between £351.00 to £482.00 per annum (£29.25 to £49.17 per month) because her usage after January 2021 has been £454.77 per annum. The company says that the customer's payments of 35.00 per month, introduced following assessments in March and June 2022, are sufficient to meet the bills, including the £93.00 charge incurred when her household's consumption was higher. The company denies that there has been any error and says that it has investigated whether there has been a leak or a shared supply. It says that there is no evidence that the meter is not working correctly and the billing has been accurate.
3. In considering these competing positions, I must bear in mind that adjudication is an evidence-based process and that before I can find in favour of a party's case, the evidence taken as a whole and including inferences drawn from the circumstances, must support that party's arguments. I also bear in mind that an average customer would reasonably expect the company to bill a customer in accordance with its published Charges Scheme and in accordance with the relevant law.

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4. The company has submitted a copy of its Charges Scheme, which states that it will charge customers on a quarterly basis for the volume of water used. In the customer's case there is a water meter at the customer's home. The company has stated that this is designed and manufactured to an international quality standard and there is no evidence to the contrary. I therefore find this to be so and the meter is thus likely to be comparable to other meters which measure water use at other addresses. Section 136 of the Water Industry Act 1991 provides that where a water meter is fitted, it will be presumed to be registering accurately unless the contrary is shown. This means, I find, that, as the customer's water meter showed high levels of usage in 2020 and early 2021 as measured through the meter, this must be taken to reflect the customer's usage in that period unless there is evidence that the meter was malfunctioning.
5. The water meter has not been tested for accuracy. The Water (Meters) Regulations 1988 set out that a customer who believes their water meter is recording inaccurately has the right to have this tested. Where a meter is found to be operating within prescribed limits, it is deemed to be recording accurately and the company may charge the customer for the test. Where the meter is found to be operating outside of prescribed limits, it is deemed to be recording incorrectly and the customer is not liable to pay for the test. This situation has been explained to the customer but no evidence from such a test is available to me. The customer says that the reason for this is that, as pensioners, she and her husband are not able to afford to make the payment of £84.00 that will be necessary if the meter is working correctly. On the other hand, the customer also says that she is "100% convinced that [her] water meter is over recording",
6. While I empathise with the customer's financial concerns, I nonetheless find that without a test result, there is no reliable evidence that supports the customer's view that the meter was malfunctioning apart from an increased level of water usage during the period of the pandemic and its restrictions as well as significantly reduced usage now. The documentation submitted by the company shows, I find, that there was an increase in water usage in 2020 which became particularly high between May 2020 and August 2021, with an average daily use ranging between 0.35 to 0.44 m<sup>3</sup> in that period. This has now dropped significantly. I additionally note that some of the lower readings during the period of higher than usual consumption are only slightly higher than the highest readings outside that period and, overall, I find that there was no "spike" as such, but there was a period of increased consumption. I therefore find that the evidence of usage of water as recorded by the company is consistent with the company's submissions.

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7. I am also mindful that increased consumption can have a number of explanations of which meter malfunction is only one possibility. In addition to the reasons above as to why this is not the most probable explanation, I also note that after the period of increased usage was brought to an end by water saving practices implemented by the customer, the usage fell to a level that is consistent with average use by a two-person household. This does not suggest a meter error. Increased consumption in the earlier period could also be explained by an appliance being left in a dripping condition, inefficiency of an appliance or simply more use of water for living and leisure purposes by the members of the household from time to time.
8. While I take into account the customer's concerns that other households that she considers similar have used less water, there is no real data upon which I could make such a comparison. This comparison would involve, for example, the number of hours spent inside the property by each household, the efficiency of the fittings and appliances that use water in each home and the lifestyle choices of the individuals. No such measured information is available.
9. I therefore find that neither increased usage nor a comparison with other families that are believed by the customer to be similar is sufficiently persuasive to show that the meter was not functioning correctly during the period of increased usage.
10. Finally, the customer has pointed out that very recent information about consumption showed that the cost of usage had fallen to less than £30.00 per month which caused the company to wonder if the meter was under-recording. She says that on one occasion the company has indicated that its meter van was reading incorrectly, but I find that an incorrect reading is unlikely to account for the period of increased usage because correct meter readings have been taken after this period.
11. It follows from the above that I do not find that the company has engaged incorrectly in its billing activities. It follows therefore that, even though I accept that the customer is dismayed by a high bill and does not understand how this can have happened and I note her concern that she is having to practice extreme water-saving measures, I find that the company has supplied its services to the expected standard.
12. As for the company's customer services, I am mindful that the company would not reasonably be expected to waive the customer's higher-than-expected bill of £93.00 or to pay for the water meter to be tested because this would not be fair to other customers in a similar situation. I find that the documentation shows that the company has done the following:

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- a. It has offered the customer a MAT.
- b. It has carried out a test involving taking hourly readings over a three-day period and advised the customer of these. The readings showed nothing abnormal.
- c. The company has also advised as to the location of the meter so that the customer can monitor her own meter readings.
- d. It has visited the customer's property in October 2021 and confirmed that there was no leak or shared supply and it is continuing to visit her property to monitor the meter.
- e. It has compared the customer's usage with that of an average customer and advised the customer accordingly.
- f. It has reduced the customer's monthly payments as water usage has returned to normal levels.

I find further that these steps indicate that the company has taken the customer's complaint seriously and provided a relatively high level of assistance. Although the customer complains about remarks made by certain members of the company's staff, she also says that other staff have been pleasant and helpful. I do not find that the evidence supports a concern that the attitude of the company's staff has amounted to a failing in customer service. I find that the company has not failed to meet expected standards in this regard.

13. Moreover, while I note also that the customer is unhappy with the company's references to potential uses by her son and daughter-in-law which she regards as inaccurate, I note that this observation was based on a statement made by the customer. I find that the company made these observations with the aim of assisting the customer to understand the pattern of water usage that might affect her bills and, even if the company misunderstood the information supplied, its comments were in a range of observations that would reasonably be expected in these circumstances.
14. Taking all the above into account, I find that the evidence indicates that the company supplied its services to expected standards and the customer is not able to succeed in her claim for a remedy.

#### Outcome

The company does not need to take further action.

What

*This document is private and confidential. It must not be disclosed to any person or organisation not directly involved in the adjudication unless this is necessary in order to enforce the decision.*



- This adjudication decision is final and cannot be appealed or amended.
- 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.

## Claire Andrews

**Claire Andrews, Barrister, FCI Arb.**

**Adjudicator**

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