

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference WAT/X446

Date of Final Decision: 18 May 2023

Party Details

Customer: XX

Representative: XX

Company: XX

Complaint

The customer says the company charged her based on the rateable value of her property despite her evidencing the rateable value is incorrect. She seeks an apology; that the company recalculate her bills and; that the company pay an unspecified sum of compensation for distress.

Response

It is entitled to charge customers based on the rateable value of their property and it charged the customer correctly. It does not set the rateable value and there is no way for a customer to change this. It denies the claim.

Findings

The evidence shows the company provides its services to the standard to be reasonably expected.

Outcome

The company does not need to take any action.

The customer must reply by 16 June 2023 to accept or reject this decision.

ADJUDICATOR'S FINAL DECISION

Adjudication Reference: WAT/X446

Date of Final Decision: 18 May 2023

Case Outline

The representative's complaint is that:

- The company charged her mother, the customer, based on the rateable value of her property.
- However, the rateable value for her mother's property is incorrect, given its size.
- She successfully challenged this with the Council many years ago and it adjusted her Council tax banding.
- She also challenged this with the company, but it has continued to charge based on an incorrect rateable value.
- Her mother has been overcharged for many years.
- She seeks that the company apologise, recalculate bills and, pay an unspecified sum of compensation for distress.
- In comments on the company's response she maintains the rateable value is incorrect and the company should not have charged on this basis. Her mother has not paid the disputed sums and her account is in arrears. The company's attempts to recover the debt is causing her mother distress.
- In comments on a preliminary decision the representative said the copy she received had formatting errors so she could not access all the text. She questioned if the adjudicator had seen her comments on the company's response and repeated her position.
- The adjudicator directed that WATRS send a further copy of the preliminary decision to the representative and allowed further time for comments. No further comments were received by the deadline.

The company's response is that:

- It is entitled to fix charges for services under sections 142 to 144 of the Water Industry Act 1991.

- Its charges scheme says it will charge based on the rateable value (“RV”) of a property. The RV is set out and published in the Valuation List. It does not set the RV and cannot change this.
- By way of background, assessments were originally made by the District Valuer’s office of the Inland Revenue. In 1990 the District Valuer’s office was disbanded and households could no longer appeal the RV of their property. RVs were last updated in 1990 so any changes to a property since then will not be reflected. However, all properties built since 1990 have a water meter installed. These offer a better and more cost-reflective basis of charging.
- It has explained this to the customer previously and she switched to a metered supply in 2020.
- It has tried to support the customer by placing her on a discounted tariff and encouraging her to set up a payment plan.
- It denies the claim.

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.

How was this decision reached?

1. I accept the company is entitled to set charges for its services under the Water Industry Act 1991.
2. I acknowledge the company publishes a scheme of charges, approved by Ofwat. This says it can charge based on the published rateable value of a property.

3. I acknowledge the rateable value of a property is published in a Valuations List. I accept the company has no control over this list or the values set, rather the List was established in 1990 by the District Valuer.
4. I acknowledge the customer disputes the rateable value set for her property. She has gathered evidence to support her view that this is set too high. Further, that the Council has recognised this and adjusted her Council tax banding.
5. However, it remains the case that the rateable value, as published in the Valuations List, has not changed. There is no law or policy requiring the company to disregard the rateable value based on a customer's challenge. Rather, the company's charging scheme is clear; it will charge based on the rateable value.
6. As the company charged the customer in accordance with its charges scheme and based on the published rateable value of the property, I am satisfied it provided its services to the standard to be reasonably expected.
7. I acknowledge the customer has built up arrears as she has not paid the disputed charges. However, the company is entitled to recover sums owed. That the company seek payments of arrears is not evidence it has failed to provide its services to the standard to be reasonably expected.
8. I appreciate the customer and her representative will be disappointed with my findings. However, my role is to consider if the company has acted in line with law and policy. I am satisfied it has.
9. On review of the representative's comments on my preliminary decision I consider the representative misunderstood my findings due to not having sight of a full legible copy. I allowed the representative further time to comment on a legible copy however they were unable to provide further comments by the deadline. I have not allowed a further extension as it is unlikely this would alter my findings, given the company is legally entitled to charge based on the rateable value as set in the Valuation List.

Outcome

The company does not need to take any action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 16 June 2023 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.



J Mensa-Bonsu LLB (Hons) PgDL (BVC)
Adjudicator