

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X498

Date of Final Decision: 2 May 2023

Party Details

Customer: XX

Company: XX

Complaint

The customer claims the company overcharged him for annual water and sewerage services. The company failed to advise him in 2018 that he could not have a meter fitted and then adjust his tariff to a single occupancy Assessed Household Charge. The customer is seeking to be refunded his unmeasured charges from October 2018 to March 2022.

Response

The company says that as the customer did not apply for a water meter before 11 March 2022, and in line with its policy, the company should not refund any charges as up until 28 March 2022, the customer was correctly billed on a Rateable value basis. Before the customer applied for a meter to be installed in March 2022, there was no record of any previous metering survey at the property being requested or undertaken. Furthermore, there is no record of the customer querying his tariff, which would have automatically changed had a metering survey occurred. The company has not made any offers of settlement.

Findings

I am satisfied the evidence shows the company did not fail to provide its services to the customer to the standard to be reasonably expected regarding the customer being billed on a Rateable Value basis. The reasons and evidence provided by the customer are not sufficient to justify his claim that he should be refunded the Rateable Value charges from 2018.

Outcome

The company needs to take no further action.

The customer has until 1 June 2023 to accept or reject this decision.

ADJUDICATOR'S FINAL DECISION

Adjudication Reference: WAT-X498

Date of Final Decision: 2 May 2023

Case Outline

The customer's complaint is that:

- The company has overcharged him concerning his annual water and sewerage services.
- The company failed to advise him in 2018 that he could not have a meter fitted and then adjust his tariff to an Assessed Household Charge.
- The customer is seeking to be refunded his unmeasured charges from October 2018 to March 2022.

The company's response is that:

- As the customer did not apply for a water meter before 11 March 2022, and in line with its policy, the company should not refund any charges as up until 28 March 2022, the customer was correctly billed on a Rateable value basis.
- Before the customer applied for a meter to be installed in March 2022, there was no record of any previous metering survey at the property being requested or undertaken.
- Furthermore, there is no record of before the customer applying for a meter to be installed in March 2022 of the customer querying his tariff, which would have automatically changed had a metering survey taken place.

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 another disadvantage as a result of a failure 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 centres around whether the company received a meter installation request in 2018 and, as a meter could not be installed, adjusting the customer's tariff to a single occupancy Assessed Household Charge.
2. The company is required to meet the standards set out in OFWAT's Charges Scheme Rules and the Water Industry Act 1991.
3. Furthermore, the company has certain obligations regarding its customer services as set out in the OFWAT Guaranteed Standards Scheme and the company's Customer Guarantee Scheme.
4. Under Section 142 to 143 of the Water Industry Act 1991, the company is permitted to charge for water and wastewater services provided and make a Charges Scheme which essentially fixes charges to be paid for services provided. However, as made clear in WATRS Rule 3.5, "*any matters over which OFWAT has powers to determine an outcome*" cannot be considered by WATRS. Furthermore, WATRS Rule 3.4.1 states, "*WATRS may reject all or part of an application to the Scheme where it considers that a customer should be referred to a more appropriate forum for the resolution of the dispute*". The question of whether a company has adhered to Sections 142 to 143 of the Water Industry Act 1991 is a matter for OFWAT to determine, and therefore I will make no findings on this matter in this decision.
5. From the evidence provided by both the customer and the company, I understand that the company was informed on 6 October 2018 that the customer would be moving into his property on 27 October 2018. A welcome pack and a bill for the period 27 October 2018 to 31 March 2019 were sent to the customer shortly afterwards. The evidence shows that the customer was billed on a Rateable Value basis.
6. Between 29 October 2018 and 18 February 2022, the company continued to send its annual bills to the customer. The bills included information on how the customer can manage their account and details about metering to potentially save money on the customer's charges.

7. On 11 March 2022, the customer contacted the company to request a metering survey, and following further discussions, a survey was booked for 28 March 2022. On 28 March 2022, the company found that the customer's outside stop tap was shared with other flats in the same building, and therefore the company could not install a meter.
8. On 31 March 2022, the company altered the customer's tariff to single occupier Assessed Household Charge to reflect the fact that from 28 March 2022, he could not have a meter fitted. The evidence shows that the customer was advised that the Assessed Household Charge is only applied after a request for a meter has been made and the company is unable to either install the meter or use the meter for recording consumption at the property in question.
9. On 9 April 2022, the customer contacted the company as he believed that the company failed to advise him in 2018 that he could not have a meter fitted and then adjust his tariff to an Assessed Household Charge. Between 12 April 2022 and 7 March 2023, various correspondence took place between the parties regarding whether the company should refund the customer's unmeasured charges, which resulted in the company refusing to do as until March 2022, the company had received no request by for a meter to be installed despite being informed though his bills that such an option existed. The customer was unhappy with the company's position, and in March 2023, the customer commenced the WATR's adjudication process to progress matters further.
10. Within its defence, the company has provided OFWAT's guidance on the Water Meters and pointed out the relevant sections of its Charges Scheme, the Water Industry Act 1991 and the Water Industry Regulations 1999. Furthermore, the evidence shows that OFWAT authorises the company's charges, and there is no evidence that they have been applied contrary to any code or law.
11. Concerning whether the previous rate charges to March 2022 were correct, the evidence shows the customer was billed on a Rateable Value. The Rateable Value is based on the value of the customer's property, location, and proximity to local amenities. It was set in the 1970s by an independent District Valuer and the Local Authority. I can see the company has two tariff systems in place, either the Rateable Value or by a meter, and the evidence shows that until March 2022, the company had received no request by the customer for a meter to be installed despite being informed though his bills that such an option existed.

12. I note the customer's comments that he requested a metering survey in 2018 after moving into his property. However, on reviewing all the evidence, I cannot find any request for a metering survey to be undertaken before March 2022.
13. The evidence shows that the customer was provided information showing that he could save money on his bills if a meter were installed. This information was included in his bills. Therefore, I find the customer has not been kept unnecessarily on the Rateable Value tariff and has been billed the correct Rateable Value tariff up until March 2022.
14. From the evidence put forward by the company, the Assessed Household Charge is only applied after a request for a meter has been made, and the company is unable to either install the meter or use the meter for recording consumption at the property in question. The evidence shows in this instance, the company could not use a meter for recording consumption at the property. Therefore, the company correctly applied the Assessed Household Charge at the customer's property in March 2022.
15. In light of the above and after careful review of all the evidence, I find the company has not failed to provide its services to the standard one would reasonably expect concerning billing on Rateable Value or notifying the customer that a meter might reduce his bill. Furthermore, I am satisfied that the customer has suffered no loss or detriment as, as soon as a meter was requested and one could not be installed, the customer moved to a single occupier Assessed Household Charge. Accordingly, I find the company does not have to refund the Rateable Value charges for the period between October 2018 and March 2022.
16. The company has certain obligations in respect of its customer services. From the evidence provided, such as the timeline set out in the company's defence, I am satisfied that by the end of the company's dialogue with the customer, the company had adequately explained the reasons behind measure charges, the Assessed Household Charge and Rateable Value Tariffs and how they are applied. Accordingly, I find that there have been no failings concerning customer service.
17. The customer and company have made comments on the preliminary decision and having carefully considered each aspect of the comments, I find that they do not change my findings, which remain unaltered from the preliminary decision.
18. Considering the above, I find the customer has not proven the company failed to provide its services to the standard to be reasonably expected with regards to the metering, the Assessed

Household Charge or Rateable Value tariff bills, nor has the customer proved the company failed to provide services to the standard to be reasonably expected when investigating these issues. Furthermore, I find there have been no failings concerning customer service.

Outcome

The company needs to take no further action.

What happens next?

- This adjudication decision is final and cannot be appealed or amended.
- The customer must reply by 1 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.



Mark Ledger FCI Arb
Adjudicator