

## **Consumer Scotland response to the Scottish Government's proposed Water and Sewerage Services to Dwellings (Collection of Unmetered Charges by Local Authority) (Scotland) Order 2023**

**January 2023**

### **Introduction**

1. Consumer Scotland is the statutory body for consumers in Scotland. Established on 1st April 2022 under the Consumer Scotland Act 2020, we are independent of government and accountable to the Scottish Parliament.
2. Consumer Scotland uses data, research and analysis to inform our work on the key issues facing consumers in Scotland. As the statutory body for consumers we work with business, the public sector and consumer champions to put consumer rights, needs and interests at the heart of markets, services and policy.
3. We welcome the opportunity to respond to the Scottish Government's proposed Water and Sewerage Services to Dwellings (Collection of Unmetered Charges by Local Authority) (Scotland) Order 2023.

### **Recommendations**

4. Consumer Scotland welcomes the proposed Order and considers it could be strengthened by:
  - a. All households should receive clear and simple information on water and sewerage charges as a point of principle
  - b. A stronger requirement is required within the Order for local authorities to engage with householders in a way that highlights their ongoing liability to pay
  - c. Ability to pay assessments should be carried out for those missing one water and sewerage payment to avoid exacerbating existing affordability issues

### **Consumer Scotland Response on the proposed Order**

5. Consumer Scotland has only recently come into existence and has not yet conducted any consumer research in relation to the billing and collection of water charges. However research by previous bodies has highlighted the need for clearer information to be provided to households in receipt of Council Tax Reduction<sup>1</sup>.

---

<sup>1</sup> ['Sink or Swim: Consumers' experiences of water and sewerage debt' | Citizens Advice Scotland \(cas.org.uk\)](#)

6. Evidence also exists<sup>2</sup> of a particular issue relating to people in receipt of 100% Council Tax Reduction who are not aware of an ongoing liability to pay for water and sewerages charges as the notification is included with Council Tax notifications, which they have not paid attention to because they are exempt. Some consumers in this situation assume that water and sewerage charges are part of Council Tax and fall into debt – sometimes significant debt.
7. Increasing awareness among those on passport benefits of their ongoing liability to pay water charges would help some of the most financially vulnerable households avoid unnecessary debt, or at least encourage them to seek additional financial support if it is needed. We would welcome the inclusion of stronger expectation within the Order for local authorities to engage with householders in a way that highlights their ongoing liability to pay.
8. Under the Council Tax (Administration and Enforcement) (Scotland) Regulations 1992, local authorities can demand that the rest of the year be paid by households that miss one payment. There is no obligation on local authorities to undergo an affordability assessment with householders before initiating such action. Consumer Scotland would welcome further consideration by the Scottish Government to include a requirement by local authorities to conduct an affordability assessment for households on 100% Council Tax Benefit, who have missed a water and sewerage payment, before requiring that the rest of the year be paid. Considering the current financial pressure that households are experiencing, and many coping with rising debt, we are concerned that those struggling to pay, who have missed a payment, will not be able to meet this requirement. We would call upon the Scottish Government to consider putting measures in place that sufficiently safeguard financially vulnerable consumers, to prevent local authority debt recovery methods aggravating indebtedness.
9. Many local authorities no longer issue Scottish Water's unmetered charges leaflets to households along with the Council Tax notification. Therefore a larger number of households do not receive a detailed breakdown of water and sewerage charges, nor a clear understanding that a proportion of their Council Tax notification payment goes towards paying for such services to each property. Consequently, it does not help householders to understand that water and sewerage charges are not part of Council Tax payments. For many customers, this remains unclear, particularly as referenced within this response, to those in receipt of 100% Council Tax Reduction. All households should receive clear and simple information on water and sewerage charges as a point of principle. In the absence of direct billing to households by Scottish Water, simple and clear information on customer billing and what charges are used for should be provided to each household. Article 17 of the recast Drinking Water Directive states that 'Member States shall ensure that all persons supplied with water intended for human consumption receive the following information regularly and at least once a year, without having to request it, and in the most

---

<sup>2</sup> ['Sink or Swim: Consumers' experiences of water and sewerage debt' | Citizens Advice Scotland \(cas.org.uk\)](#)

appropriate and easily accessible form, for example on invoices or by digital means such as smart applications'. Information should, as part of what is noted in Article 17, include 'the price of water intended for human consumption supplied, per litre and cubic metre'.

10. Whilst Scotland is still in the process of aligning with the rDWD, we would welcome clear information, in respect of water and sewerage charges, to be provided by local authorities to every household. If Scottish Water's leaflets are no longer to be issued to households, we would welcome alternative and innovative methods of providing such information within the Scottish Government's current Policy Development work, which could be informed through seeking views from consumers on the most effective methods. Consumer Scotland would welcome supporting the development of such research.
11. Consumer Scotland would welcome further engagement with the Scottish Government to discuss the above points.