

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

Agenda Item No. 6

meeting date: THURSDAY, 8 NOVEMBER 2018
title: PRIVATE WATER SUPPLY (ENGLAND) (AMENDMENT)
REGULATIONS 2018
submitted by: CHIEF EXECUTIVE
principal author: KEN ROBINSON, HEAD OF ENVIRONMENTAL HEALTH SERVICES

1 PURPOSE

1.1 To inform Members of changes to the legal framework and to seek approval to increase charges for Private Water Supplies.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – To help people's lives to be safer and healthier.
- Corporate Priorities – To be a well-managed Council.
- Other Considerations – None.

2 BACKGROUND

2.1 In general terms a 'private water supply' is any water supply which is not provided by a Water Company. The owner and/or the person who uses the supply is responsible for repairing and maintaining it. Private supplies are commonly used in the rural parts of the Ribble Valley. In total over 280 supplies are currently utilised, of which over 160 are single domestic users.

2.2 A private water supply could serve just one property or it could be a large supply with a network of pipes supplying water to many properties. The water may come from a spring, well, borehole, pond, river, stream or rainwater harvesting.

2.3 The environmental health team carry out the statutory duties to ensure that private water supplies are safe and drinking water quality is acceptable for consumption. A review of the fees and charges are necessary to offset or cover the costs incurred by the authority to carry out the duties. Local authorities can make reasonable charges to cover the costs of carrying out the duties in relation to private water supplies, set out in the Private Water Supplies Regulations (England) 2016.

3 ISSUES

Quality standards for water

3.1 Good quality water is very important to everyday life. Every house must have a good supply of clean, fresh water for it to be fit for occupation.

3.2 To make sure that water used in the home, commercial activity and/or producing food is of the high quality required to protect public health, the government has set legal quality standards which must be met. Private supplies are more likely to be contaminated because the sources are more likely to be unprotected from contamination and they are generally not treated to the same standard as public supplies.

- 3.3 Local authorities act as the regulators for private water supplies and have a number of statutory duties under relevant legislation. These place a duty on local authorities to:
- conduct a risk assessment of each private water supply (excluding single domestic supplies) within their area;
 - undertake monitoring in order to determine compliance with drinking water standards, and
 - take enforcement action where standards are not met.

Legislation

- 3.4 The Water Industry Act 1991 requires local authorities to check the wholesomeness and sufficiency of Private Water Supplies (PWS) provided to premises in their area.

The Private Water Supplies (England) Regulations 2016 under which PWS are risk assessed and monitored, came into force on 27 June 2016.

The Private Water Supplies (England) (Amendment) Regulations 2018 came into force on the 11th July 2018. These have added further supplies to the category covered by Regulation 9 of the 2016 Regulations, and have increased the number of parameters that must be analysed to check for safety and wholesomeness.

Work is in progress to recategorise all the private water supplies in accordance with the new regulations. Supply owners affected by the changes will be written to advising them of the changes and the proposed fees and charges.

Water supply categorisation

- 3.5 There are five categories of supply:
- Commercial Supply- supplies water to a premises where the water is used for a commercial or public activity
 - Large Supplies - an average daily volume of water of 10 cubic meters or more
 - Private Distribution System - the water is supplied by a water undertaker or licensed water supplier and then further distributed by a person other than the water undertaker or licensed water supplier
 - Small Supply - the water is supplied to more than one domestic dwelling
 - Single Domestic Supply - a domestic dwelling

These supplies must be risk assessed and monitored as set by the amended 2016 regulations:

Regulation	Description	Volume, Sampling Type and Frequency	Risk Assessment Requirements
Regulation 8	Where a public (mains) supply has onward distribution to consumers through a private system.	As determined by the risk assessment	Every 5 years
Regulation 9	Large supplies (>10 ³ /day) and those used as part of a commercial or public activity (including supplies to tenanted single dwellings)	<10 ³ - Group A & Group B once annually >10 ³ ≤100 ³ - Group A twice annually >10 ³ ≤3300 ³ -Group B twice annually	Every 5 years
Regulation 10	Small shared domestic supplies	Every 5 years	Every 5 years
Regulation 10	Single domestic supplies	On request	On request

Group A sampling involves looking at a suite of basic parameters, Group B sampling covers a much larger suite of parameters. The frequency of these sampling suites depends upon the volume of water used from the supply as outlined above.

There are procedures that local authorities must follow if a private water supply is determined as being a potential danger to human health or unwholesome under the above legislation. This includes a requirement to investigate the cause of any failures, inform users of the supply if it poses a potential danger to human health and giving advice to users to minimise any such potential dangers. Enforcement powers are available if needed.

Fees and Charges

- 3.6 Local authorities are permitted to charge for carrying out risk assessments and enforcement work. The maximum level of fees has been removed in the new regulations, but local authorities' fees can only recover the reasonable costs incurred.

We are asking committee for the approval to set fees for the rest of 2018/19 at 2018/19 costs and uprate for inflation for 2019/20. Hourly salaried on-cost rates are to be used, based on the Environmental Health Officer (EHO) rate and full recovery of laboratory analysis costs. The new regulations require sampling for a larger number of parameters, resulting in higher laboratory charges. The proposed new fees for the Private Water Supplies are set out in Appendix 1.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:

- Resources – None.
- Technical, Environmental and Legal – None.
- Political – None.
- Reputation – None.
- Equality & Diversity – None.

5 CONCLUSION

- 5.1 The Private Water Supplies (England) (Amendment) Regulations 2018 have increased the number of supplies that require risk assessment and monitoring, and have greatly increased the number of water quality parameters that must be analysed. The maximum figures for fees to recover reasonably incurred costs have been repealed, therefore a new arrangement for fees and charges is required.

6 RECOMMENDATIONS

- 6.1 Note the changes to the legislation covering Private Water Supplies.
- 6.2 Approve the Private Water Supplies Fees and Charges, as set out in Appendix 1.

KEN ROBINSON
HEAD OF ENVIRONMENTAL HEALTH SERVICES

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Ken Robinson, extension 4466.

APPENDIX 1

Proposed Fees and Charges for Private Water Supplies

ENVIRONMENTAL HEALTH - ENVHT		Ledger Code	VAT	Charge from 9 November 2018 £	Charge from 1 April 2019 £
Water Sample Risk Assessment and Analysis	Risk Assessment	ENVHT/8417u	Non Vatable	Cost of officer time at £38 per hour	Cost of officer time at £38.80 per hour
	Other Investigations	ENVHT/8417u	Non Vatable	Cost of officer time at £38 per hour plus lab test fees	Cost of officer time at £38.80 per hour plus lab test fees
	Small Supplies (Regulation 10) Sample Analysis	ENVHT/8417u	Non Vatable	£76 plus lab test fees	£77.60 plus lab test fees
	Large Supplies (Regulation 9, Group A + B) Sample Analysis	ENVHT/8417u	Non Vatable	£76 plus lab test fees	£77.60 plus lab test fees
	Bacteriological Sample Analysis	ENVHT/8417u	Non Vatable	£38 plus lab test fees	£38.80 plus lab test fees
	Private Water Sample Re-test	ENVHT/8417u	Non Vatable	£76 plus lab test fees	£77.60 plus lab test fees
	Carrying out works or measures that an owner has failed to carry out in accordance with an improvement notice	ENVHT/8417u	Non Vatable	At cost - recovered in full from the owner	At cost - recovered in full from the owner