

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 2 AUGUST 2012
title: GENERAL REPORT
submitted by: CHIEF EXECUTIVE
principal author: JAMES RUSSELL, HEAD OF ENVIRONMENTAL HEALTH SERVICES

1 PURPOSE

1.1 To inform Committee of relevant issues which have arisen since the last meeting.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions – The following reports generally relate to the Council's ambitions to make people's lives healthier and safer.

2 FLOOD PROTECTION GRANT UPDATE - RIBCHESTER

2.1 Further to my report to the last meeting of Committee, I am disappointed to report that the Ribchester Property Flood Protection scheme still has not signed off as complete. A intended completion inspection was undertaken on 19 July which identified a significant list of items requiring attention by one of the contractors.

3 CLITHEROE MARKET - UPDATE

3.1 Further to my report to the previous meeting of Committee, I am pleased to report that recent feedback from the market is more favourable with improving customer footfall and numbers of traders in response to the ongoing efforts of the part time Market Officer to attract new traders and raise the market profile.

4 ENVIRONMENT AGENCY LIAISON MEETING

4.1 A liaison meeting was held on 13 June 2012. A copy of the minutes are attached as Appendix A to this report.

5 DRINKING WATER 2011 – NORTHERN REGION REPORT

5.1 The above report is available for Members upon request. The report is now published in 2 parts the first relating to region public water supplies and the second relating to Private supplies. The public water supply describes the key facts about the quality of drinking water in the Northern region, which is served by six water companies including United Utilities delivering public water supplies to over 14 million consumers.

5.2 The results of testing in 2011 demonstrated that the overall quality of drinking water in the Northern region was satisfactory. The figure for compliance with drinking water standards at consumer's taps was 99.95% and below the industry average. However, the results of private water supplies in England are of concern with 7.2% of tests failing to meet the standards of 2011. An extract of the Private Water Supplies Report is attached as Appendix B to this report.

- 5.3 This is the third year where reporting on 'public' water supply events uses the Inspectorates new risk-based approach to classification and assessment. Events being classified into five categories: Not significant, Minor, Significant, Serious and Major. Across the region, in 2011, there were fewer events affecting water quality overall (70 compared to 92 in 2010). More than half of these events were of a type that necessitated a detailed investigation by an inspector. However, there were no major or serious events.
- 5.4 In 2011, it was necessary for the Inspectorate to take enforcement action in relation to 4 events.

JAMES RUSSELL
HEAD OF ENVIRONMENTAL HEALTH

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for James Russell on 01200 414466.

JAR/HEALTH & HOUSING/020812

APPENDIX A

LIAISON MEETING BETWEEN RIBBLE VALLEY BOROUGH COUNCIL, THE HEALTH PROTECTION AGENCY AND THE ENVIRONMENT AGENCY

MINUTES OF MEETING HELD ON 13 JUNE 2012 AT RIBBLE VALLEY BOROUGH COUNCIL OFFICES, CLITHEROE

PRESENT:

Phil Goodwin – PIR Environment Agency
Councillor Richard Sherras – RVBC
James Russell – RVBC
Neil Martin - RVBC
Dr Sohail Ashraf - HPA

1. APOLOGIES

Apologies received from Councillor Richard Newmark, RVBC.

2. MINUTES & NOTES OF PREVIOUS MEETINGS – 10 January 2011

- The minutes for January 2011 were accepted as an accurate record.

3. MATTERS ARISING –

- **Paper Pulp** - Stoneygate Lane, Ribchester – No more information, believed resolved.
- **Cement Sector Update:** PG explained that Env Agency undergoing considerable reorganisation and implementing new structure to regulate particular sector processes. Cement Sector Regulation being used as model for other sectors. Resulted in considerable change to officer group membership. Cement Sector group now consists of approx half new officers. Group now preparing 5 year Sector Strategy to;
 - Minimise use of virgin materials – constituent materials and fuel
 - Reduce green house gas emission
 - Ensure good community engagement –Padeswood probably has highest profile at present time

4.HANSON CEMENT UPDATE

- **Lanehead Quarry:** As reported to last meeting, Tarmac ceased quarrying in Bankfield, dewatering plant removed and very much reduced operation. Only process currently is coating on Barber Green plant. Hanson continuing to dewater in default so can extract stone owed by Tarmac. Possible that Tarmac Clitheroe may be eventually sold to LaFarge as part of Monopolies Commission requirement.
- **Review of Permit:** Permits for all cement processes been reviewed in past 2 years. New permit issued for Ribblesdale in July 2011 by centralised permitting unit. New permits set continuing improvement conditions. However, matter complicated by new EU Emissions Directive applicable from January 2013, which sets revised standards some of which are not as stringent. Env. Agency considering implications of new standards and expected to be determined nationally by end of year.

- **Kiln Operation:** Continues to be intermittent with production shared with Padeswood in order to meet requirements of European Trading Scheme. Kiln shut at Xmas, then again March – Mid Apr (6 weeks), May – 3rd June (5 weeks), expect to resume operation again beginning of July.
- **Complaints:** Continue to remain low. Averaging less than 1 per month generally odour and dust related. Recent at Brungerley Bridge unsubstantiated.

5. SUBSTITUTE FUELS

- James reported details from recent Hanson Cement Liaison meeting. Substitute fuel usage down to 56.3% compared to previous 70%. This directly linked to intermittent operation. Application made in respect of Solid Recovered Fuel (SRF) and Waste/Recovered Fuel Oil. Trials commenced on main burner. Capital bid being made to extend SRF/WO to burn on Calciner. Company looking to ensure long term contract with companies regarding provision following issues with MBM..

6. PUBLIC HEALTH REPORT WALES

- No additional information or feedback on this report. Conclusion that ‘No convincing evidence that Hanson Cement was harmful to health’. Report available as public document as of April 2012. Phil to obtain full copy and forward to Dr Ashraf. Executive summary to other meeting members.

7. UPDATE ON OTHER PPC SITES

- No additional information. Phil to provide summary to next meeting. If issues then invite PPC Inspector concerned.

8. FLOOD PROTECTION GRANTS

- Second scheme being undertaken with help of Env Agency funding. Almost complete. 27 properties on Stoneygate Lane, Ribchester being assisted with property flood protection measures.

9. ANY OTHER BUSINESS

- RVBC Planning Core Strategy nearing completion and end of public consultation process. Env Agency will have had officers look at content and make comment. Would only be interested in small areas eg flooding aspect.
- Dr Ashraf reported that HPA being abolished in April 2013 and their responsibilities & staff to be transferred to Public Health England. Office location as yet unknown. On call arrangements to be reduced officers on call

DATE AND TIME OF NEXT MEETING

Monday, 10 December 2012 at 2.15pm at Ribble Valley BC Council Offices, Clitheroe

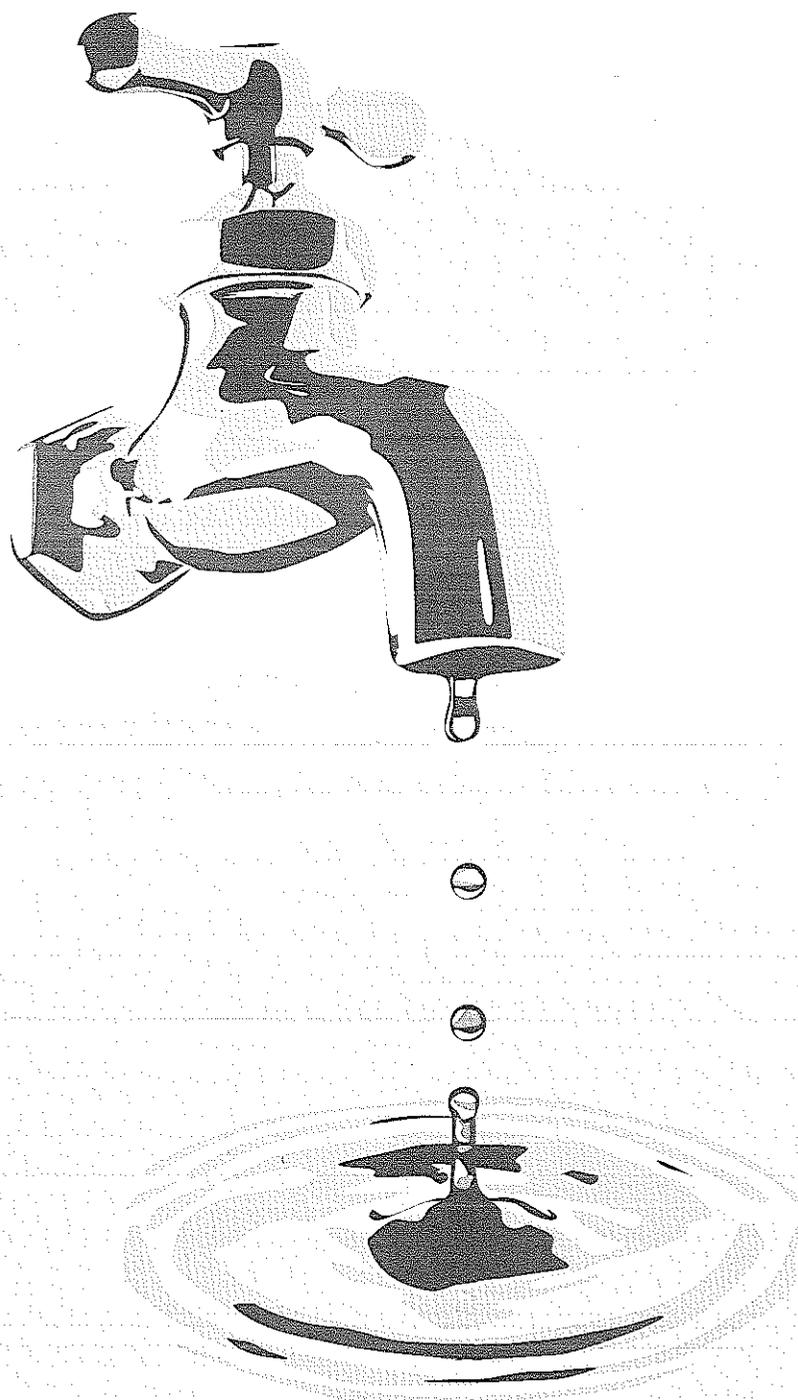
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Drinking water 2011

Private water supplies in England

July 2012

A report by the Chief Inspector of Drinking Water



Overview of private water supplies in England

Drinking water 2011 is published as a series of seven reports, two describe private water supplies in England and Wales and five cover public water supplies.

This report, the second of its type, presents information about the quality of private water supplies in England. Private water supplies are those not provided by water companies or licensed water suppliers, instead they are the responsibility of the owners and users. Since July 2002¹, in England only a licensed water supplier is permitted to own and operate a new private distribution system², likewise, if an existing private distribution system is sold, it can only be purchased and operated by a licensed water supplier. Details of all licensed water supplies in England and Wales can be found in the companion reports on public water supplies. The information in this report comes from the private water supply records that local authorities are required to maintain and send to the Drinking Water Inspectorate annually.

The report describes the number, nature and usage of private supplies. It also discusses local authority activities in relation to carrying out risk assessments and requiring private supplies to be improved. The results of drinking water quality testing are summarised in tables with commentary by the Inspectorate. For the purposes of the report, data provided by local authorities have been allocated to one of nine regions of England as illustrated in Figure 1. Maps showing the distribution of private supplies across each region are provided at *Annex 1*.

In England, 524,669 people live or work in premises which rely on a private water supply, but many more people are exposed to private supplies when they are travelling through, or taking a holiday in, more rural areas of the country. In addition, there are probably in excess of 60,000 people living in the 25,788 single domestic dwellings served by private supplies exempt from regulatory monitoring and a further 2,015,244 people attend festivals, shows and other events served by a temporary private water supply.

¹ The Water Act 2003 amended the Water Industry Act 1991.

² A private distribution system is a particular type of private water supply where the source is mains water

Figure 1: Reporting regions



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The quality and safety of these water supplies is controlled by the Private Water Supply Regulations³, which implement the EU Drinking Water Directive⁴. The drinking water standards and the principles of regulation are the same for both public and private supplies: self-regulation by the owner/operator and independent scrutiny.

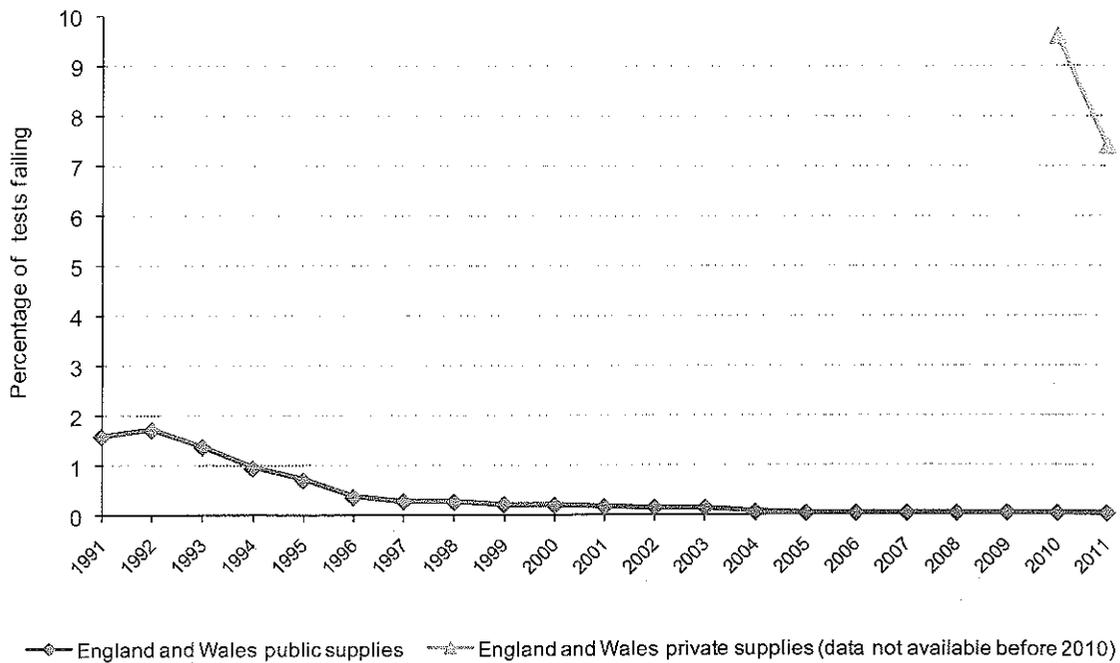
Across Europe all member states have reported that small private or community supplies are of poorer quality and less safe than larger public supplies. In 2011, the EU Commission reviewed small water supply data provided by 19 member states and this study confirmed that fewer than 60% of small water supplies were fully compliant with the Drinking Water Directive standards. The EU Commission has concluded from this review that action is needed to improve small supplies across Europe and has committed to developing a best practice framework for action by 2013.

³ The Private Water Supplies Regulations 2009 SI 3101

⁴ Council Directive 98/83/EC - European Drinking Water Directive

This will draw on the experience of member states, including the UK, where a risk assessment and risk management approach to improving small water supplies has been implemented. Figure 2 shows the picture for England and Wales and compares public and private supplies in relation to the overall number of tests failing to meet quality and safety standards. Tables 17a-d in the body of the report and *Annex 2* provide more detail. The Inspectorate is pleased to note that there were fewer microbiological test failures in 2011 compared to 2010 when the risk management approach was introduced into law in England and Wales. For example, in 2011, the number of tests failing the microbiological standard for *E. coli* was 10.6% compared to the baseline figure of 13.7% for 2010. While these figures are encouraging, they also confirm there is a continuing and substantive risk to public health that remains to be mitigated by local authorities through implementation of the risk assessment element of the private supply regulations before the end of 2014. By the end of 2011, about one-eighth of private supplies in England had been risk assessed. Table 8 in the body of the report gives more detail about progress with risk assessment.

Figure 2: Percentage of tests from public supplies and private supplies failing drinking water standards – England and Wales



Private supplies vary greatly in their nature ranging from springs and boreholes serving individual properties, to larger groundwater or surface water supplies serving hotels, businesses, holiday accommodation, leisure facilities, country parks, military sites and villages. However, not all are to be found in the countryside, many can be found in larger towns and cities serving factories, business parks, educational centres, shopping centres, visitor attractions and healthcare premises. The first chapter of this report provides an update on the information about the number and nature of private supplies in England first reported in *Drinking Water 2010*. During 2011, local authorities improved the completeness and accuracy of their private supply records providing the Inspectorate with details of an additional 4,346 supplies in England, bringing the total of registered English private water supplies to 44,079. However, it should be noted that these figures continue not to represent the totality of private supplies because there were nine local authorities in England that have so far failed to provide records to the Inspectorate, as required. Notwithstanding this deficiency in records, the sufficiency of information is now such that it is possible, for the first time, this year to produce reasonably robust figures in relation to the number of private supplies in the UK as a whole. Overall, there are records for 85,090 private supplies in the UK, of which more than half (52%) can be found in England. The region with the most private supplies is Scotland (23%), closely followed by Wales (21%) and South West England (17%). Fewer, but nonetheless significant, numbers of private supplies are located in Mid and West Wales (12%), North West England (8%), West Midlands (7%), East of England (6%), Yorkshire and Humberside (5%) and North Wales (5%).

One of the main changes introduced by the new regulations was the setting up of arrangements for oversight, reporting and technical support. Since 1 January 2010, the Inspectorate has had a supervising role in relation to how well local authorities are carrying out their new duties of risk assessment, monitoring and requiring improvements to safeguard public health. The information published in *Drinking water 2010* reflected the baseline position and discussed early implementation issues. This report records how things have changed after a further year and also summarises key supporting activities of the Inspectorate during the year. In the body of the report the Inspectorate has included a series of case studies building on those published in *Drinking water 2010*. Feedback from local authorities and our wider audience was positive about our use of case studies, both as a learning tool and also as a means of acknowledging best practice. New in this year's report are two Annexes: *Annex 3* detailing the relevant guidance on the regulations and advice in the form of Information Letters and topical technical advice notes that the Inspectorate has published and made available on its website to local authorities, private supply owners and other interested parties; and

Annex 4 which contains details of the Inspectorate's private supply technical enquiry service. *Annex 4* shows that in the five years preceding the coming into force of the new private supply regulations, the Inspectorate received and answered an average of 45 private supply enquiries each year. This compares to 444 enquiries handled during 2011. While the majority (79%) of enquiries continue to come from local authorities, *Annex 4* shows that the Inspectorate's advisory service is being accessed increasingly by a wider group of private supply stakeholders, particularly private supply owners, which represent 8% of the total number of enquiries in 2011.

The chapter titled *Overview of private supply charges* describes the findings of an audit carried out by the Inspectorate in spring 2012, at the request of ministers, in response to concerns about the private water supply charging regime of local authorities raised by the hospitality sector through the Red Tap Challenge⁵. The Inspectorate was asked to scrutinise the charging information published on local authority websites and to highlight best practice. The findings of this audit are set out in the form of tables with commentary and examples. In summary, the audit found that one-third of local authorities (119 out of 346) displayed comprehensive information and also a charging schedule. In Wales, the figures were 9 out of 22. Around a further quarter (81) of website searches produced comprehensive information, but no charging schedule (seven out of 22 in Wales). The results of the remaining searches revealed 48 websites (five in Wales) displaying limited information together with details of who to contact for further information, three websites containing no information but a 'work in progress' message, and 12 websites where the information was out of date. There were also 83 websites (one in Wales) that contained no information at all on private water supplies.

The audit identified some exemplary examples of local authority website pages displaying information on private water supplies with 13 websites having features of merit. The three website pages judged to be the best were Bury Metropolitan Borough Council; South Oxfordshire District Council; Northumberland County Council. The Inspectorate also commended a further two website pages (Taunton Dean Borough Council and Shropshire Council). However, the overall conclusion was that many local authorities should and could do more to provide complete and accurate information to private supply owners and the general public. In arriving at this conclusion, the Inspectorate acknowledges that the situation has improved since the time of the audit, when some website

⁵ Reducing Regulation Made Simple: Less Regulation, Better Regulation and Regulation as last resort. Dec 2010 Better Regulation Executive

pages were under construction. Nonetheless, it is a matter of fact that a substantial number of local authorities (about 140) fall well short in terms of providing a member of the public with a legitimate interest in private supply regulation and services with the information that they might expect and need.

Risk assessment and risk management

From the beginning of 2010, local authorities have been required to carry out a risk assessment of each private supply in their area to determine whether it poses a potential danger to human health and, if so, to take action to safeguard public health in the short term and to improve the supply in the long term. This duty transposes into law, actions required under Articles 3, 7, 8, 9 and 13 of the EU Drinking Water Directive to safeguard human health and inform consumers about the quality of their water supply with details of the nature and timescale of any necessary improvements.

Risk assessments

Local authorities were given five years to identify and risk assess all relevant private supplies in their area (Regulation 6) and the Inspectorate is required to track the progress being made and provide technical support in relation to methodology and the enforcement process for securing improvements of private supplies. The methodology of risk assessment is based on the World Health Organisation's (WHO) *Guidelines for Drinking water quality*⁶ and *Water Safety Plan methodology*⁷. Initial guidance provided by the Department for Environment, Food and Rural Affairs (Defra) was based on methodology developed by the drinking water regulator in Scotland⁸ in 2006. In *Drinking water 2010*, the Inspectorate indicated that the early local authority experiences and feedback from applying the Scottish methodology would enable its refinement and the development of a risk assessment tool specific to the circumstances and regulations in England and Wales.

The Inspectorate is pleased to report that a new risk assessment tool was developed by Inspectors during spring 2012 based on best practice in member states, particularly a tool developed by the Irish drinking water regulator (EPA). In developing the tool the Inspectorate took into account the views of private supply owners, as well as environmental health practitioners, as expressed through case enquiries to the Inspectorate between January 2010 and February 2012. The tool was then piloted by a number of local authority volunteers and further refinements made in April

⁶ Guidelines for Drinking-water Quality 4th Edition WHO, 2011

⁷ Water safety plan manual (WSP manual): Step-by-step risk management for drinking-water suppliers - How to develop and implement a Water Safety Plan - A step-by-step approach using 11 learning modules WHO 2009

⁸ Private Water Supplies Technical Manual (<http://www.privatewatersupplies.gov.uk>)

risks by requiring temporary event organisers to comply with BS8551 (see Annex 3).

Table 7: Temporary events – population supplied

Region	Large supplies and any size supply used in a business or public building	Small, shared, domestic supplies	Single domestic dwellings	Private distribution systems	Insufficient information to categorise supplies	Total
Central and Eastern region						
East Midlands	11,765	54	0	122,300	0	134,199
West Midlands	22,220	2,000	0	507,000	0	531,220
East of England	205,698	200	0	250	0	206,148
Northern England						
North East England	67	0	0	61,690	0	61,757
North West England	24,763	713	0	34,872	0	60,348
Yorkshire and Humberside	13,095	20	0	90,000	0	103,115
London and South East	146,291	0	0	255,129	850	402,270
South West England	13,067	700	0	502,500	0	516,267
England Total	436,966	3,687	0	1,573,741	850	2,015,244
Wales	1,070	151	0	79,122	0	80,343

2012. The new tool was presented to local authorities at a series of training workshops organised by the Inspectorate around the country during May 2012. The Inspectorate is pleased to acknowledge that technical staff of water companies also attended and supported these workshops, enabling knowledge and technology transfer between the water industry and local authorities in relation to analytical science and practical water engineering principles and practices.

Table 8 summarises information provided by local authorities in England about the number of risk assessments carried out by them during the first two years following the regulations coming into force on 1 January 2010. Due to the matter of incomplete returns, explained earlier, the information in Table 8 does not reflect the totality of risk assessments that may have been carried out. However, the Inspectorate considers that the picture is a reasonably accurate representation of the progress made and the amount of risk assessment activity that local authorities need to undertake in the remaining three implementation years (by 31 December 2014). After two years, local authorities in England have risk assessed 1,902 private supplies representing one-eighth (12%) of the total requiring such an assessment. At the end of 2010 the number of risk assessments in place was 793, therefore during 2011 progress has been made with 1,209 risk assessments completed. Table 8 shows that local authorities in the North East and North West regions of England have been slow to start this work with only 138 risk assessments in place (representing only 4% of the total number of supplies requiring a risk assessment). This contrasts with a much higher rate of risk assessment activity by local authorities in London and the South East (17%) and the East and West Midlands regions (14%).

When judging the progress being made by local authorities in England it is important to consider not just the absolute number of risk assessments carried out, but also evidence of prioritisation over the five-year period of different types of supply in relation to their public health significance. To this end, in Table 8, the Inspectorate has highlighted the risk assessment figures for particular types of private supply that it would be reasonable to expect local authorities to be targeting at an early stage: food premises, accommodation for tourists/visitors and public buildings. The figures for these three types of supply are encouraging with risk assessments in place for 34% of public buildings, 30% of food premises and 20% of hotels and B&B accommodation. It can also be seen that the approach being taken by local authorities is broadly consistent and commensurate with public health protection with risk assessing of small, shared, domestic supplies (5%) generally being afforded a lower priority relative to those private supplies that are used in the provision of services to the public. Nonetheless close to one-third (100) local authorities have not reported carrying out any risk assessments in their area by the end of 2011.

Table 8: Percentage of supplies with risk assessments

Use of supply*	Percentage of reported supplies risk assessed to date at 31 Jan 2012	Number of risk assessments in place					Total number of risk assessments in place
		Food premises	Bed and breakfast / hotels	Public buildings	Shared domestic supplies	Other	
Central and Eastern region							
East Midlands	14%	27%	25%	29%	10%	0%	71
West Midlands	14%	32%	21%	22%	6%	36%	208
East of England	9%	32%	22%	19%	4%	3%	158
Northern region							
North East England	4%	53%	46%	38%	2%	0%	48
North West England	4%	17%	6%	27%	0%	17%	90
Yorkshire and Humberside	16%	38%	29%	24%	6%	19%	346
London and South East	17%	33%	30%	30%	9%	20%	202
South West England	13%	32%	22%	43%	6%	24%	779
England Total	12%	30%	20%	34%	5%	16%	1,902
Wales Total	27%	16%	29%	52%	8%	45%	614
Total	13%	26%	22%	36%	5%	19%	2,516
*Double counting may occur as some premises have more than one commercial activity							

Risk management

Risk management, in the context of the private supply regulations, refers to the decisions and actions that local authorities are required to take when they become aware, through risk assessment, monitoring or by other means (such as consumer complaints or reports of water-related illness from health professionals) that a supply may pose a potential danger to human health or is insufficient or unwholesome. Risk management therefore involves interpreting the results of water quality tests in the context of the particular water supply (source, infrastructure, treatment and management arrangements). Increasingly, and as a consequence of the new regulations, the local authority will hold this knowledge at the time the laboratory reports an adverse result. This is because a risk assessment will have been carried out and the testing will have been tailored to the known hazards and controls (risk mitigation) pertaining to the particular supply. The decision making of the local authority is thus made straightforward and need not involve costly re-sampling or time spent seeking the opinion of health professionals. Instead, checks can be made immediately with the owner/manager of the supply to establish if there has been any change in the supply circumstances or any malfunction of control measures. From this dialogue the local authority can decide if there is a good reason to carry out a site visit to update the risk assessment and independently validate the controls. In making this judgement the local authority will be taking into account the competence, attitude and behaviour of the supply owner/manager thereby focusing the authority's own resources proportionately towards those situations where they add the greatest value.

Once a local authority has identified that a supply poses a potential danger to human health, and/or the quality of a private supply is not wholesome or is insufficient, then action must be taken to secure that all consumers are informed and given appropriate advice to safeguard their health in the short term. Consumers must also be informed of the nature and timescale of any improvement works to affect a permanent remedy. This is achieved by the putting in place of a Notice formally setting out the requirements; there are two Notice options: for situations where there is a potential danger to human health a Regulation 18 Notice is used, for other situations where the supply is insufficient or not wholesome, a Notice under Section 80 of the Water Industry Act 1991 is used. In certain instances it may be appropriate to put in place both a Regulation 18 and a Section 80 Notice. Both types of Notice are flexible instruments that can be varied to reflect the owner's preferred option for providing a permanent remedy or to include additional requirements that come to light as a consequence of new information. The benefits of a Notice (compared to informal verbal or written advice) are twofold: if there is disagreement

about the need for a supply to be improved or there is a dispute over who is responsible for carrying out the work that proves unresolvable, there is a formal process of mediation (appeal) and thereafter, the relevant person(s) is under a legal duty to carry out the necessary improvements. Failure to do so is punishable through the courts or the improvements can be commissioned by the local authority and the costs recovered from the relevant person(s).

In 2011, local authorities in England recorded that 221 Regulation 18 Notices were in place in relation to private water supplies identified as posing a potential danger to human health (Table 9a). In addition, 15 Section 80 Notices have been served in relation to supplies that were either insufficient or not wholesome (Table 9b). By comparison with 2010, there has been a step change (doubling) in local authority action to require the improvement of private supplies by local authorities in England with a total of 237 Notices being put in place (compared to 114 in 2010). The Inspectorate is pleased to record that action to improve unsatisfactory private supplies through the use of Notices had commenced in all the regions of England. However, as shown in Table 9c, the Inspectorate is concerned that 48 local authorities in England have only taken informal action in relation to an unsatisfactory private supply and in 169 out of 236 occasions this appears to be inappropriate as many of the supplies in question are used in the provision of services to the public (constituting non-compliance with the EU Drinking Water Directive). The Inspectorate will be contacting these local authorities in 2012 to audit the records for these private supplies and give advice on any actions required.

Table 9a: Number of supplies where local authorities have served Regulation 18 Notices

Region	Number of local authorities	Reg 8	Reg 9	Reg 10	SDDW	Total
East Midlands	None	-	-	-	-	-
West Midlands	3 local authorities	1	19	16	-	36
East of England	5 local authorities	-	5	-	2	7
North East England	1 local authority	-	8	8	-	16
North West England	7 local authorities	2	57	5	-	64
Yorkshire and Humberside	5 local authorities	-	15	2	1	18
London and South East	14 local authorities	-	17	18	-	35
South West England	12 local authorities	-	37	23	1	61
England total	47 local authorities	3	158	72	4	237
Wales total	8 local authorities	0	94	6	12	112

Table 9b: Number of supplies where local authorities have served Section 80 Notices

Region	Number of local authorities	Reg 8	Reg 9	Reg 10	SDDW	Total
East Midlands	None	-	-	-	-	-
West Midlands	2 local authorities	-	8	1	-	9
East of England	1 local authority	-	1	-	-	1
North East England	None	-	-	-	-	-
North West England	None	-	-	-	-	-
Yorkshire and Humberside	2 local authorities	-	2	-	-	2
London and South East	None	-	-	-	-	-
South West England	2 local authorities	-	3	-	-	3
England Total	7 local authorities	-	14	1	-	15
Wales Total	1 local authority	-	2	-	-	2

Table 9c: Number of supplies where informal action is being taken

Region	Number of local authorities	Reg 8	Reg 9	Reg 10	SDDW	Total
East Midlands	3 local authorities	-	11	2	-	13
West Midlands	3 local authorities	-	5	3	2	10
East of England	4 local authorities	-	1	7	1	9
North East England	1 local authority	-	1	-	-	1
North West England	10 local authorities	1	35	2	-	38
Yorkshire and Humberside	11 local authorities	1	50	17	-	68
London and South East	7 local authorities	-	26	4	-	30
South West England	9 local authorities	1	40	26	-	67
England Total	48 local authorities	3	169	61	3	236
Wales Total	8 local authorities	2	84	7	0	93

Table 9d: Number of supplies where local authorities have put in place authorised departures under Regulation 17

Region	Number of local authorities	Reg 8	Reg 9	Reg 10	SDDW	Total
East Midlands	2 local authorities	-	7	2	-	9
West Midlands	None	-	-	-	-	-
East of England	3 local authorities	2	88	57	11	158
North East England	None	-	-	-	-	-
North West England	1 local authority	-	2	-	-	2
Yorkshire and Humberside	1 local authority	-	1	-	-	1
London and South East	1 local authority	-	1	-	-	1
South West England	2 local authorities	-	3	-	-	3
England Total	10 local authorities	2	102	59	11	174
Wales Total	1 local authority	-	7	-	-	7

In certain situations where the quality of a water supply does not meet particular drinking water standards, the EU Drinking Water Directive permits a member state to grant a time-limited derogation. Under the private supply regulations these derogations are known as authorised departures. Authorised departures may only be granted by a local authority for a maximum time period of three years and only if requested to do so by the owner of a supply. The purpose of an authorised departure is to inform consumers of the water quality deficiency and to set timescales whereby the owner must make the necessary permanent improvements to bring the supply into compliance. When a local authority grants a departure it must set a less stringent standard for the failing parameter(s) to be complied with during the interim period and it must be satisfied that granting the authorised departure does not cause a potential danger to human health. The local authority is therefore under a duty to obtain and take into account medical opinion from the Health Protection Agency. In addition, the local authority must be satisfied that a supply of water cannot be obtained in the interim by any other reasonable means. If, having granted an authorised departure, the supply is not improved within the specified time period, the local authority may extend the authorised departure, but only with the prior consent of the Inspectorate (on behalf of the Secretary of State). Authorised departures may not be in force for longer than six years in total because authority to grant departures for longer periods (maximum nine years in total) is reserved for the EU Commission and does not rest with a member state. For these reasons the Inspectorate is under a duty to monitor the granting of authorised departures by local authorities for compliance with the requirements set out in Regulation 17.

Table 9d shows that at 31 December 2011, 181 authorised departures were in place, granted by 11 local authorities across England and Wales and 174 of these are in England. The majority (158) of these authorised departures were granted by just three local authorities located in the East of England. The Inspectorate draws attention to the guidance issued⁹ in relation to Regulation 17, which recommends that the authorised departure process is not used if a supply can be improved by other means (putting in

⁹ Legislative background to the Private Water Supplies Regulations 2009 – Section 9 (England and Wales) – Paragraph 9(E) 2 4.5- Authorisation of different standards p 78

place either Regulation 18 or Section 80 Notices). Those local authorities that have granted authorised departures are reminded that they must keep the progress of remedial action under review in accordance with Regulation 17(8). The Inspectorate intends to carry out an audit of the authorised departures that remain in force on 1 January 2013.

Risk management case studies – England and Wales

In *Drinking Water 2010*, the Inspectorate published eight case studies (five in England, three in Wales). These illustrated the use by seven local authorities of the new risk assessment and risk management provisions in the private supply regulations during 2010 to identify and improve unsatisfactory private supplies. Following publication of the report in July 2011, the Inspectorate received positive feedback from local authorities on the value of these case studies as a tool for shared learning with much useful constructive criticism of the risk assessment tool developed in 2006 by the Scottish Drinking Water Quality Regulator and identified by Defra as the methodology to be followed in its initial guidance on the private supply regulations. This feedback confirmed to the Inspectorate that there was a need for an updated risk assessment tool that reflected best international practice on implementation of the WHO *Water Safety Plan Approach*⁷ to risk assessment/risk management.

During the autumn of 2011 the Inspectorate identified a suitable tool developed by the drinking water regulator in Ireland (EPA)¹⁰ and met with them and Irish practitioners as part of the Memorandum of Understanding¹¹ setting out a framework for co-operation between national regulators on drinking water regulation across the UK and Ireland. In January 2012, the EPA tool was made available to the Inspectorate and adapted to the context of drinking water regulation in England and Wales. This new risk assessment tool was then piloted in spring 2012 by nine local authorities (Eden District Council, Taunton Deane Borough Council, Craven District Council, Hertsmere Borough Council, Powys Council, Sevenoaks and Dartford District Council joint Environmental health service, South Lakeland District Council, Mendip District Council and the Council of the Isles of Scilly) and further adaptations made. During May 2012, the Inspectorate ran a series of eight training workshops in the English and Welsh regions, the purpose of which was to make the new risk assessment tool available to each local authority and to address other common technical issues arising in relation to the implementation of the private

¹⁰ Environmental Protection Agency (<http://www.epa.ie/>)

¹¹ Memorandum of Understanding Between the United Kingdom Drinking Water Regulators (<http://www.dwi.gov.uk/about/working-with-others/mou-uk-regulators.pdf>)