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:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Description</th>
<th>Volume, Sampling Type and Frequency</th>
<th>Risk Assessment Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulation 8</td>
<td>Where a public (mains) supply has onward distribution to consumers through a private system.</td>
<td>As determined by the risk assessment</td>
<td>Every 5 years</td>
</tr>
<tr>
<td>Regulation 9</td>
<td>Large supplies (&gt;10^3 /day) and those used as part of a commercial or public activity (including supplies to tenanted single dwellings)</td>
<td>&lt;10^3 - Group A &amp; Group B once annually &gt;10^3 ≤100^3 - Group A twice annually &gt;10^3 ≤3300^3 - Group B twice annually</td>
<td>Every 5 years</td>
</tr>
<tr>
<td>Regulation 10</td>
<td>Small shared domestic supplies</td>
<td>Every 5 years</td>
<td>Every 5 years</td>
</tr>
<tr>
<td>Regulation 10</td>
<td>Single domestic supplies</td>
<td>On request</td>
<td>On request</td>
</tr>
</tbody>
</table>
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                 MARSHAL SCOTT
HEAD OF ENVIRONMENTAL HEALTH SERVICES                CHIEF EXECUTIVE

For further information please ask for Ken Robinson, extension 4466.
## Proposed Fees and Charges for Private Water Supplies

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