

NORTH LINCOLNSHIRE COUNCIL

**HIGHWAYS AND NEIGHBOURHOODS
CABINET MEMBER**

PRIVATE WATER SUPPLIES REGULATIONS 2009

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 The Private Water Supplies Regulations 2009 (the Regulations) regulate the quality of private water supplies intended for human consumption and implements Council Directive 98/83/EC.
- 1.2 The Regulations apply to private water supplies (PWS) other than those provided by a water undertaker or a licensed water supplier.
- 1.3 They impose a duty on the local authority to carry out a risk assessment of the PWS and to monitor the supply and in carrying out these duties the local authority may choose to implement a charging scheme to maximum amounts as set out in the Regulations.
- 1.4 This report sets out the various charging scheme options.

2. BACKGROUND INFORMATION

- 2.1 A PWS is a supply of water intended for human consumption that is not provided by a statutory water undertaker. The PWS may come from a variety of sources. These include wells, springs, boreholes and streams. Regulations on PWS were first introduced in 1991. However, new Regulations were subsequently introduced that aim to ensure that water from private supplies is wholesome. This makes sure that people who drink water or consume food or drinks made from private supplies are not put at risk.
- 2.2 The Regulations impose duties on local authorities to carry out a risk assessment of some private water supplies.
- 2.3 The risk assessment process assesses the supply from the source to the tap and the surrounding area to see if contamination of the water supply is possible. It involves the collation of desk based information, an on-site inspection and sampling of the water supply. The local authority may choose to charge for these services. Charges are capped at a maximum level as set out in the Regulations.
- 2.4 If, following monitoring, the supply does not comply with drinking water standards, or if there is suspicion that the water supply is unwholesome, the local authority must carry out an investigation to establish the cause. If the problem cannot be resolved informally they can issue a formal authorisation setting out the required works and timescales required to

rectify the problem. The local authority may charge for each authorisation issued. There is no right of appeal.

- 2.5 In cases where the water presents a potential danger to human health, a notice must be served prohibiting or restricting the use of the supply. An appeal procedure applies in these cases.
- 2.6 The local authority needs to carry out a risk assessment of all private water supplies at least every five years except where they serve single dwellings. Sampling of the supplies is also required to a timetable as specified in the regulations. The table in Appendix A shows the number and type of PWS which are located within North Lincolnshire. Appendix C shows their locations.
- 2.7 The Regulations advise that local authorities may charge a fee for undertaking the activities of risk assessment, sampling, investigation, granting an authorisation, and analysing a sample. The table in Appendix B details the maximum amount payable by the relevant person as set out in the regulations. The local authority can only charge the reasonable cost of providing the service. This should reflect the time taken to carry out the work. The charge can be based upon an hourly rate or a flat rate.
- 2.8 The relevant person who might be charged for these activities is defined as the owner and occupier and any other person who exercises powers of management or control in relation to the water source. Where there is more than one relevant person the local authority may apportion the fee between the relevant persons.

3. OPTIONS FOR CONSIDERATION

- 3.1 Option 1 – Not to charge for any of the activities associated with the regulations.
- 3.2 Option 2 – To charge a fixed hourly rate of £77.10 (approved for Professional Service fees) for all of the activities identified in the charging scheme (capped at the maximum charge for each activity) as set out in Appendix B.
- 3.3 Option 3 – To charge a flat rate (capped at the maximum charge for each activity). A suggested flat rate charging scheme is also set out in Appendix B.

4. ANALYSIS OF OPTIONS

- 4.1 Option 1: The regulations allow for the local authority to carry the financial costs of implementing the required assessment activities. Approximately 75% of the private water supplies identified to date supply arable farms and single dwellings. Of the remaining 25%, the businesses involved are probably Small to Medium Sized Enterprises. The costs may place a financial burden upon householders and small businesses.

- 4.2 Option 2: The hourly rate charged for professional services is not necessarily applicable to non-commercial services i.e. householders. Taking into account work carried out to date on the risk assessments and further work that is anticipated in carrying out site visits, it is likely that the maximum amount of £500 will be reached by applying this hourly rate for all of the private water supplies within North Lincolnshire.
- 4.3 Option 3 – It is possible to apply a flat rate charging scheme which differentiates between local businesses and householders. This proposed charging scheme reflects the level of work required to complete the assessments. However, the proposed flat rate charges for smaller supplies and single dwellings have been reduced to reflect the lower level of regulatory involvement.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 Existing staff resources can undertake the preliminary work required.
- 5.2 Income generated by the risk assessment process is estimated at £4,000 once every 5 years. Annual sampling of large / commercial supplies is estimated to generate £2,500 per annum. However laboratory analysis costs which will be funded by the council are estimated at £3,000 each year.
- 5.3 If formal action is needed this will require additional support from Legal Services.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

- 6.1 Not applicable.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

- 7.1 Relevant officers were consulted during drafting of this report and their comments reflected in the preceding paragraphs.

8. RECOMMENDATIONS

- 8.1 That the flat rate charging scheme is approved as set out in Appendix B.

DIRECTOR OF PLACES

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Appendix A

Table 1 Number and Type of Private Water Supplies within North Lincolnshire

Type Of Private Water Supply	Description of Private Water Supply	Comment	Number of Private Water Supplies within NLC area	Sampling Frequency
<i>Regulation 8 Further distribution of supplies.</i>	<p>Water is supplied by a water undertaker or licensed water supplier and is then further distributed by a person other than a water undertaker or licensed water supplier.</p> <p>Where a supply originates from the public main supply there is a presumption made by the local authority that the supply is a public water supply until proven otherwise.</p>	Due to the difficulty in identifying these locations an initial estimate has been made of potential locations based upon in-house research.	10-20	Future monitoring of the supply is then carried out based upon the outcome of the risk assessment.
<i>Regulation 9 Large supplies and supplies to commercial or public premises.</i>	Supplies which have an average daily volume of water of 10 cubic metres or more and supplies to premises where water is used for a commercial activity or to public premises	These include farms with diversification activities and small local businesses	5	Must be monitored at least annually by the local authority which should include additional parameters which the risk assessment has identified might be required.
<i>Regulation 10 Other private supplies other than single dwellings not used for commercial activities.</i>	Supplies which have an average daily volume of water of less than 10 cubic metres that are is not used for commercial or public activity	More than one dwelling / non commercial	4	At least every 5 years and more frequently if the risk assessment shows it is required
<i>Regulation 10 Single dwellings not used for commercial activities.</i>	Single dwelling supply not used for commercial purposes	Single dwellings / non commercial	12	LA may monitor but must do so if requested by owner/occupier

Appendix B Table of Maximum & Proposed Flat Rate Charging Scheme

Service Undertaken	Maximum Fee prescribed by Regulations	Proposed Flat Rate Charge	Proposed Flat Rate Charge
		Reg 8 and 9 Private Distribution Systems and Large Supplies	Reg 10 Small Supplies
Risk Assessment (Each assessment)	£500	£500	£100
Sampling (each visit)	£100	£100	£50
Investigation (each investigation)	£100	£100	£50
Granting an authorisation (each authorisation)	£100	£100	£50
Analysing a sample:			
Taken under Regulation 10 (Small supplies and single dwellings)	£25	N/A	£25
Taken during check monitoring	£100	£100	N/A
Taken during audit monitoring	£500	£500	N/A

