

HAMBLETON DISTRICT COUNCIL

Report To: Cabinet
4 June 2019

Subject: PRIVATE WATER SUPPLIES (ENGLAND) REGULATIONS 2016 (AS AMENDED)

All Wards
Portfolio Holder for Environmental Health, Waste and Recycling: Councillor S Watson

1.0 PURPOSE AND BACKGROUND:

- 1.1 The purpose of this report is to introduce the requirements of the Private Water Supplies (England) (Amendment) Regulations 2018 which have amended the Private Water Supplies (England) Regulations 2016, made under the Water Industry Act 1991. The amendment regulations came into force on the 1st October 2018 and must be fully implemented by July 2020.
- 1.2 The primary aim of the Regulations is to ensure that water from private supplies is wholesome and complies with drinking water quality standards. There are 52 commercial supplies in Hambleton and a further 228 supplies servicing domestic properties
- 1.3 The amended Regulations introduce four main changes as follows:
- Increased sampling requirements for commercial supplies.
 - Removal of statutory maximum fee levels.
 - Increased data return to the Drinking Water Inspectorate.
 - Specified competency requirements for sampling officers.
- Increased Sampling**
- 1.4 The Regulations require additional sampling of commercial supplies and an increase in the number of parameters that must be analysed.
- 1.5 With the exception of *Escherichia coli* the Regulations allow local authorities to reduce or stop sampling for the other parameters if certain criteria are met. The criteria include having at least three years of regular sampling data showing compliance with the relevant standard; that the risk assessment has not indicated any factors to cause deterioration in the quality of the water and; the consideration of any other relevant data.
- 1.6 It is anticipated that if all the criteria are included, the cost of a sample will increase from £100 to £800 which will be passed onto the business owners. Sampling for a full suite of parameters will mean an increased workload for the officers in the Commercial team, both in terms of additional time and the logistics of obtaining the water required for the analysis to be carried out. Therefore work is ongoing in the service to determine the sampling parameters that may be safely excluded or reduced, with the agreement of the Drinking Water Inspectorate as follows:
- 1.7 All products (for example, disinfectants) used to treat private supplies must be approved. Therefore some parameters need only be included if the risk assessment has identified the use of unapproved products. This would create a reduction of over £120 in the cost of a sample.

- 1.8 Monitoring for radioactivity (including Radon and Tritium) can be excluded for all supplies except groundwater sources in moderate to high radon areas. The map at Annex A shows that there are four borehole supplies in the district in moderate radon areas. Excluding the radioactivity analysis will reduce the sample cost by £180.00 for the supplies not in the affected areas.
- 1.9 As pesticide analysis has not been undertaken previously there is no data on which to base exclusions or reductions. Therefore relevant data would have to be obtained from other sources; in particular the Drinking Water Inspectorate will provide 'Risk Maps' by late 2019 for most of the chemical parameters including pesticides. Where the data does not allow for any exclusions or reductions sampling will have to be undertaken for a three year period at each relevant supply at a cost of £220.00.
- 1.10 The Environmental Health service currently uses ALS as its appointed provider for water sample transport and analysis. However it is now necessary to undertake a tender process to appoint a new provider to account for the increased sampling requirements.

Removal of statutory maximum fee levels

- 1.11 Since 2010 the Regulations have allowed local authorities to charge fees to cover the reasonable costs of enforcing the regulations and statutory maximum fee levels were imposed. The 2018 Regulations have removed the maximum fee levels and new fees were set in October 2018 based on reasonable cost recovery. The current fees are available on the Council's website.

Increased data return to the Drinking Water Inspectorate

- 1.12 The 2018 Regulations require that the findings of every risk assessment and details of any associated enforcement action are provided to the Drinking Water Inspectorate in a specified format within 28 days of the risk assessment being carried out. This is in addition to the annual return to the Drinking Water Inspectorate which provides details of the private water supplies in the district and the activities carried out to regulate those supplies.

Specified competency requirements for sampling officers

- 1.13 From July 2020, the 2018 Regulations require that officers who carry out sampling of private water supplies must be certified under ISO 17024. This will place a financial burden on the service as the training is estimated to cost £1000 per officer and to ensure resilience three officers in the Commercial team will require certification. The Drinking Water Inspectorate is currently developing and piloting a scheme to assist Councils to comply with this requirement. It is intended that this expense will be covered by the income from risk assessments.
- 1.14 The Environmental Health service will provide for the enforcement of the Regulations through the Water Supply Enforcement Policy and ensure that only suitably qualified and competent officers are authorised to enforce the Regulations in accordance with the Councils Scheme of Delegation and delegated powers. The updated Water Supply Enforcement Policy is provided at Annex B and should be read in conjunction the Environment Directorate Enforcement Policy.

2.0 LINK TO COUNCIL PRIORITIES:

- 2.1 Enforcing the requirements of Private Water Supplies (England) Regulations 2016 (As Amended) will contribute to the delivery of three of the Council's key priorities: Enhancing Health and Well Being, Driving Economic Vitality and Providing a Special Place to Live.

3.0 RISK ASSESSMENT:

3.1 There are no key risks with implementing the recommendation.

3.2 The key risk is in not approving the recommendation as shown below:-

Risk	Implication	Prob*	Imp*	Total	Preventative action
Failure to enforce the Regulations and not fulfil the Council's statutory duty.	The safety and security of private water supplies will be compromised if the Regulations are not suitably enforced creating risks to public health and potential reputational damage to the Council.	4	3	12	The Regulations are effectively enforced.

Prob = Probability, Imp = Impact, Score range is Low = 1, High = 5

3.3 Overall the risk of agreeing with the recommendation outweighs the risk of not agreeing the recommendation and is considered acceptable as the Authority has a statutory duty to enforce the Private Water Supplies (England) Regulations 2016 (As Amended) and the Private Water Supplies (England) (Amendment) Regulations 2018.

4.0 FINANCIAL IMPLICATIONS:

4.1 At this stage it is estimated that the implementation of the Regulations will be cost neutral. The full impact of the sampling requirements is currently uncertain until all relevant data is available. However it is anticipated that there will be additional burden for at least the next three years. The income from the fees will be used to fund the costs of enforcing the Regulations and will therefore be met within the existing revenue budget for the Environmental Health service.

5.0 LEGAL IMPLICATIONS:

5.1 The Regulations identify local authorities as the enforcing authority, providing powers to ensure compliance with the Regulations in respect of private water supplies in its area.

6.0 EQUALITY/DIVERSITY ISSUES

6.1 Equality and Diversity issues have been considered however there are no implications associated with this report.

7.0 RECOMMENDATIONS:

7.1 That Cabinet approves and recommends to Council:

- (1) the introduction and enforcement of the Private Water Supplies (England) (Amendment) Regulations 2018 which have amended the Private Water Supplies (England) Regulations 2016 as detailed within the report;
- (2) that where appropriate sampling criteria will be excluded or reduced based on the criteria provided in the Regulations and with the agreement of the Drinking Water Inspectorate;

- (3) that a procurement process is undertaken to appoint a provider for sample transport and analysis.

PAUL STAINES
DIRECTOR OF ENVIRONMENT

Background papers:

Water Industry Act 1991

<https://www.legislation.gov.uk/ukpga/1991/56/section/219>

Private Water Supplies (England) Regulations 2016 (As Amended)

<https://www.legislation.gov.uk/uksi/2016/618/contents>

Private Water Supplies (England) (Amendment) Regulations 2018

<http://www.legislation.gov.uk/uksi/2018/707/contents/made>

Guidance to the Regulations

<http://www.dwi.gov.uk/private-water-supply/regs-guidance/guidance.html>

Environment Directorate Enforcement Policy

Author ref:

Vikki Flowers

Contact:

Paul Staines
Director of Environment
01609 767045

Vikki Flowers
Environmental Health Manager
01609 767037