

Water Supplies

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Approval Date	June 2019
Review Date	June 2020

Water Supplies	Qualifying Criteria for Option (please note the use of each option will only be considered when one or more of the criteria apply)
No Action	Enforcement options shall not be considered where there is no risk to public health from the activities of food businesses.
Investigation	<p>If a water sample fails to comply with the prescribed concentrations or values, defined in the regulations, an investigation will be carried out to determine the cause of the failure/s. The relevant person will then be informed of the findings of the investigation and what further action will be necessary to ensure that the water complies with the prescribed concentration or value.</p> <p>Such an investigation will involve the taking of resamples from the private water supply. Depending on circumstances such samples maybe taken from points on the private water supply other than was sampled previously.</p>
Informal action This may take the form of: Advice; Verbal warning; Written information; Inspection reports; Risk Assessments	<p>Informal action is the first enforcement action to be considered where the water is unwholesome but not a potential danger to human health and in particular where:</p> <ul style="list-style-type: none"> • The risk to human health is not serious enough to warrant formal action (low or medium as defined in the Drinking Water Inspectorate (DWI) Risk Assessment Tool). • The previous record of the supply is such that it would be reasonable to expect compliance when informal action is taken. • Confidence in the supply's management is high. • The risk to public health as a result of non-compliance is not significant. • The action is part of an ongoing project to improve standards. • The supply is for a single domestic dwelling.
Serve a Notice' (Regulation 18, The Private Water Supplies (England) Regulations 2016 (As Amended).	<p>If the private supply of water intended for human consumption constitutes a potential danger to human health, then a notice must be served on the relevant person and the notice must:</p> <ul style="list-style-type: none"> • Identify the private supply to which it relates. • State the grounds for serving the notice. • Prohibit or restrict the use of that supply. • Specify what other action is necessary to protect human health. <p>The consumers of the supply will be informed of the notice and provided any necessary advice.</p> <p>If insufficient information is available to determine if the water constitutes a potential danger to human health, advice will be sought from Public Health England.</p>

<p>Serve a notice (Section 80, The Water Industry Act 1991).</p>	<ul style="list-style-type: none"> • The water is unwholesome or is likely to be supplied in an unwholesome state and there is potential danger to human health. • The risk to human health is serious enough to warrant formal action (high or very high risk as defined in the Drinking Water Inspectorate (DWI) Risk Assessment Tool) • There is a lack of confidence in the ability or will of the relevant person or person in control to respond to informal action. • There is previous history of non-compliance with informal action. • Standards are generally poor and there is low management awareness. This notice will specify what steps are necessary to ensure that the water supplied is wholesome. <p>The consumers of the supply will be informed of the notice and provided any necessary advice.</p> <p>If insufficient information is available to determine if the water constitutes a potential danger to human health, advice will be sought from Public Health England.</p>
<p>Carry out work in default</p>	<p>The relevant criteria to be considered are one or both of the following:</p> <ul style="list-style-type: none"> • Where all opportunities for appeal against the notice have expired. • Where the offence involves a failure either in full or in part with the requirements of a statutory notice.
<p>Simple Caution</p>	<p>Simple Cautions will be used under the following circumstances:</p> <ul style="list-style-type: none"> • To deal quickly and simply with less serious offences. • To divert offenders where appropriate from appearing in criminal courts; and • To reduce the likelihood of re-offending. <p>Simply cautions are issued in accordance with Home Office Circular 30/2005.</p>
<p>Prosecution</p>	<p>Prosecutions may be taken under one or more of the following circumstances including:</p> <ul style="list-style-type: none"> • The offence is serious. • There is a poor history of compliance. • There has been a failure to comply with a statutory notice. • False information has been supplied wilfully, or there has been intent to deceive, in relation to a matter which gives rise to significant risk. • Officers have been intentionally obstructed in the lawful course of their duties.

Relevant legislation and guidance includes:

Water Industry Act 1991

The Private Water Supplies Regulations 2016 (As Amended)

The Private Water Supplies (Amendment) Regulations 2018

DWI Private Water Supplies Sampling Procedures Manual Version 1.5 March 2019

<http://www.dwi.gov.uk/private-water-supply/regs-guidance/Guidance/sampling/pws-sampling-procedures.pdf>

DWI Private Water Supplies Guidance:

<http://www.dwi.gov.uk/private-water-supply/index.htm>