

**LICENSING AND REGULATORY COMMITTEE 16<sup>TH</sup> MARCH 2023****PRIVATE WATER SUPPLY REGULATIONS 2016 – CHARGING SCHEME****REPORT OF ENVIRONMENTAL AND HEALTH LICENSING TEAM MANAGER****LEAD CABINET MEMBER – COUNCILLOR RITA HESELTINE – DEPUTY LEADER AND  
CABINET MEMBER FOR REGULATORY SERVICES****PART A – SUMMARY REPORT****1. SUMMARY OF PROPOSALS**

- 1.1 The Local Authority has the responsibility for risk assessing and monitoring private water supplies within the district to ensure that water from private water supplies is wholesome, so that people who drink water or consume food or drinks made from private supplies may do so without risk to their health.
- 1.2 Given the reprioritisation of our resources due to Covid and the requirement for officers to undertake training and become accredited to undertake this work there has been a gap between 2019 and recently in us charging households.
- 1.3 Following further amendment to the legislation, this report advises on the charging structure. The Local authority can recover the costs of carrying out risk assessments, undertaking sampling and recover the cost of analysis of water samples carried out by UKAS accredited laboratories.
- 1.4 The purpose of the report is to advise on the planned programme of work, and to note the proposed charging scheme. As we have not charged for this work for a while, we have included a proposal to spread these costs in exceptional circumstances.

**2. RECOMMENDATIONS**

- 2.1 To note proposed programme of private water supply risk assessments and sampling.
- 2.2 To note the proposed charging scheme.

**3. SUMMARY IMPACT ASSESSMENT**

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	A safe and sustainable District
	Has an Equality Impact Assessment (EqIA) been completed?	

	No	
SCRUTINY POWERS APPLICABLE	No	
KEY DECISION	No	
TARGET COMPLETION/ DELIVERY DATE	March 2024	
FINANCIAL IMPACT	Yes	The charging scheme seeks to recover costs expended by the Local Authority in implementing the private water supply monitoring scheme.
LEGAL ISSUES	Yes	None – For information only
OTHER IMPACTS, RISKS & OPPORTUNITIES	None	Risk of action by DWI if we do not discharge our duties in relation to private water supplies. Reputational risk of illness or outbreak associated with private water supply we have not engaged with. Opportunity to improve quality of private water supplies across South Staffordshire.
IMPACT ON SPECIFIC WARDS	No	

## **PART B – ADDITIONAL INFORMATION**

### **4. INFORMATION**

#### **Background**

- 4.1 A private water supply is any supply not provided by a water company where the water is consumed for domestic purposes or as part of a public or commercial activity. About 1% of the population of England and Wales use a private water supply. Most of these supplies are situated in remote, rural parts of the country and can originate from a range of sources including boreholes, natural springs and watercourses.
- 4.2 A map of private water supplies in South Staffordshire has been attached at Appendix 1 for information.

#### **Regulatory Framework**

- 4.3 The Drinking Water Inspectorate (DWI) was created in 1990 to provide independent reassurance that public water supplies in England and Wales are safe and drinking water is acceptable to consumers. Its role includes oversight of local authority enforcement of regulations in respect of private water supplies.
- 4.4 Private Water Supply (England) Regulations 2016 (amended 2018) provide measures and controls for the work of local authorities with private water supplies. These included a new accreditation scheme that all officers involved in private water sampling had to be certified before undertaking these duties and a new method for risk assessments. Officers from the Environmental Protection Team have now undertaken training and have become accredited and carry out these duties.

4.5 The regulations provide that local authorities may charge a fee to the relevant person responsible for the supplies for carrying out duties including:

- Risk Assessments
- Sampling visits
- Investigations (where water quality is not up to the appropriate standard)
- Analysis of samples

### **Water Quality**

4.6 Even if water looks clear, untreated water can contain microorganisms (from animal droppings or human sewage) or chemical contamination which may not be detectable by taste or smell. Some microorganisms, such as Cryptosporidium, Giardia, Campylobacter and E.coli 0157 can cause vomiting and diarrhoea or more severe illness in some cases.

4.7 The effects of chemicals depend on the type and amount of chemical present. One common concern relates to lead, which is dissolved from lead pipework, and can impair childhood development.

4.8 The local authority has powers under the Regulations to require that a supply is improved by the relevant person(s) who control the supply. The Regulations also require local authorities to provide private water supply monitoring data to the Drinking Water Inspectorate in the form of an annual return.

### **Private water supplies categories**

4.9 Supplies are categorised into three groups:

- **Small Supplies**

A water supply with a daily volume of less than 10m<sup>3</sup> (serving fewer than 50 people) where no commercial activity takes place.

These are subdivided into two types:

**Shared supplies** – These have one supply, managed by the *supply owner* who shares the water with a number of other properties whose occupants are *supply users*. Within South Staffordshire we have 9 Small (Regulation 10) Supplies which serve between 2 – 10 other properties.

**Single supplies** - A water supply that serves only one private domestic dwelling where no commercial activity takes place.

The majority of private water supplies within South Staffordshire are single property supplies of which we have approximately 65. These supplies only need to be sampled and risk assessed at the owners or occupiers request, and therefore the financial impact is negligible.

- **Large Supplies (Regulation 9)**

A water supply with an average daily volume greater than 10m<sup>3</sup> (serving over 50 people) or serving a commercial premise for example: B&B's, holiday lets, food premises. These supplies require a risk assessment every five years and sampling at least once a year at a frequency determined by the risk and volume of water used.

Within South Staffordshire we have a 10 Large Supplies which serve 2 cafés, a brewery, holiday accommodation, food processing establishments and 2 farms.

### **Risk Assessment and Monitoring**

- 4.10 Risk assessments are increasingly being used worldwide as an essential part of a drinking water quality surveillance and control programme. Each local authority is required to carry out a risk assessment of every private water supply except a supply to a single dwelling where the water is not used as part of a commercial or public activity, unless requested to do so by the owner or occupier of the dwelling every five years.

### **Charging schedule**

- 4.11 The legislation provides a revised charging scheme for local authorities to recover the reasonable costs of carrying out risk assessments, investigation, sampling and monitoring of supplies.
- 4.12 The setting of charges is within existing delegated authority following reports on this matter in November 2019 and July 2018.
- 4.13 We have not carried out sampling or monitoring of supplies since 2017. Risk assessments were last carried out in 2014. The costs of these risk assessments and sampling were recovered through the old charging system at the time so supply owners are aware of the charges.
- 4.14 In the current cost of living crisis there is concern that the charges will have a significant impact on the supply owners affected. The proposed charging scheme in Appendix 2 has been developed to recover the reasonable costs of providing the service, in consultation with Finance on hourly rates.
- 4.15 As the amount of time to carry out the different duties can differ from site to site an hourly rate has been assessed, with an indicative range of hours that each is likely to take. This work will include any pre-visit work and post visit actions. Analysis costs from the laboratories used to test the samples will be passed on to the relevant person.
- 4.16 South Staffordshire has in excess of one hundred properties who obtain their drinking water from a private water supply source. Of these less than 20 are defined as commercial supplies or those where multiple domestic properties are served by a single supply. It is only these larger supplies where the local authority

has a duty to carry out risk assessments and undertake regular monitoring.

- 4.17 For the majority, where a single domestic dwelling has its own supply, we are not required by the regulations to carry out monitoring unless so requested by the owner or occupier of the dwelling.
- 4.18 The owners of Private water supplies are not subject to charging by water authorities. The average water charge in the UK when provided by the utilities is between £400 and £450 per year.
- 4.19 It is our intention to contact all supply owners prior to the reintroduction of the monitoring scheme to explain the new regulations that have been introduced with the additional requirements and explain the charging scheme. We can also reduce the amount of time it will take to carry out a risk assessment if they are willing to cooperate by completing and returning a questionnaire which can be used to fill in parts of the risk assessment tool (a mandatory spreadsheet with over 17 different sections and 200 questions to be completed).
- 4.20 A typical charge for a risk assessment, which is likely to take 5 hours including the desktop assessment and site visit, will be in the region of £200 plus travelling costs. Complex and/or larger supplies, typically serving more properties will take longer and cost more. In exceptional circumstances, the cost of risk assessment could be spread across the 5 years period for which the risk assessment is valid.
- 4.21 For all but one supply that requires sampling, an annual test of the water is required. The other supply will require two samples per year because of the amount of water used. Our estimate of the time to carry out each sample, plus travelling to the laboratory for analysis is just over 2 hours per supply (we typically can carry out three samples per day so the time taken to deliver the sample to the laboratory is shared between the supplies). The cost will be about £85 + the cost of the samples analysis.
- 4.22 For Shared supplies, the charge is made on the supply owner, who has the option to pass on a proportion of that cost to each of the supply users, it is not charged in its entirety to each user.

## **5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

None

## **6. PREVIOUS MINUTES**

Report from November 2019 to Licensing and Regulatory Committee.

Report July 2018 to Licensing and Regulatory Committee re fee charging.

## **7. BACKGROUND PAPERS**

Appendix 1 – Map of private water supplies in South Staffordshire

Appendix 2 - The Charging Scheme

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