

CABINET MEMBERS DELEGATED DECISION

Open		Would any decisions proposed:		
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide		YES/NO
	Discretionary /	Need to be recommendations to Council		YES/NO
	Operational	Is it a Key Decision		YES/NO
Lead Member: Cllr Paul Kunes E-mail: paul.kunes@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Vicki Hopps E-mail: vicki.hopps@west-norfolk.gov.uk		Other Officers consulted: Philippa Smith, Rachel Clipston, Amy Burgess		
Financial Implications YES/NO	Policy/Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)				
Date meeting advertised: 6 th July 2021			Date of meeting decision to be taken: 13 th July 2021	
Deadline for Call-In: 20 th July 2021				

Private Water Supplies – Review of Fees and Charges

Summary

The Council has a duty to monitor private water supplies within its area under the Private Water Supplies (England) Regulations 2009 and may recover reasonable costs. The last time the fees were reviewed was in 2011.

This report reviews the current provision and proposes an increase in fees and the use of a contractor to carry out the outstanding risk assessments.

Recommendation

That it be noted note the provision and agree to the implementation of the new fees proposed and to agree to the appointment of a contractor to carry out current risk assessments.

Reason for Decision

The Council has the responsibility to ensure that private water supplies within the Borough are wholesome thus reducing the likelihood of illness.

By not providing adequate resources for the implementation of the Private Water Supply Regulations there may be a risk of cases of ill health associated with the consumption of contaminated supplies. And the authority may be classed as a failing authority in the view of the Drinking Water Inspectorate (DWI) which could in turn lead to an adverse audit report.

1.0 Background

- 1.1 The annual report of the Drinking Water Inspectorate (DWI) on drinking water quality in England and Wales is published in July each year. It provides a comprehensive commentary on the quality and safety of drinking water from both public and private supplies.
- 1.2 The report outlines the work of the DWI and how well the water industry and local authorities are meeting the desired outcomes of drinking water policy which are:
 - Water suppliers deliver water that is safe and clean
 - Consumers have confidence in their drinking water
 - People are not exposed to unsafe private water supplies.
- 1.3 The role of the DWI is to independently check the quality of drinking water which must be wholesome and fit for human consumption at all times and in relation to public supplies to take action to require improvements when there is sound evidence of a risk of a particular water supply failing to meet the drinking water standards.
- 1.4 Improvement and monitoring of private water supplies is the responsibility of local authorities with the DWI exercising a supervisory role. The DWI has a statutory role, on behalf of the Secretary of State, to supervise the work of local authorities in relation to monitoring and enforcement of private water supplies. DWI provides advice to local authorities on the scientific and technical aspects of the implementation of the Private Water Supply Regulations.
- 1.5 The DWI is responsible for reporting on UK compliance with drinking water standards and the requirements of the EU Drinking Water Directive.

2. Private Water Supplies

- 2.1 A private water supply is defined as “any water supply that is not provided by a statutory water undertaker”, i.e. is not on a mains supply, with the water itself coming from a spring, well, borehole, pond or stream.
- 2.2 In England and Wales private water supplies serve just over one million people, but many more are exposed to them when they are travelling throughout the UK or taking a holiday.
- 2.3 A supply may serve just one property or it could be a large supply serving many properties. Households who use private water supplies do not pay water charges to this area's ‘statutory water undertaker’ Anglian Water but may pay a fee to the owner of the private supply if they do not own it themselves. The owner or the person who uses such a supply is responsible for repairing and maintaining it.

3. Borough Council responsibilities for Private Supplies

3.1 The quality and safety of these supplies is controlled by the Regulations. The standards and principles of regulation are the same for both public and private supplies: self-regulation by the owner/operator and independent scrutiny by the regulator.

3.2 The Council has a statutory duty to:

a) take a measured and prioritised approach to this matter by monitoring and sampling supplies focussing on those supplies which would pose the greatest risk to health.

Those deemed to pose the most risk to public health will therefore be dealt with first. This measured approach allows resources to be targeted at the supplies in greatest need of improvement.

b) carry out an assessment of each private water supply in its area to establish whether there is a significant risk of that supply constituting a potential danger to human health. This detailed appraisal would determine the frequency of sampling and the parameters subject to testing. After an initial assessment the process is repeated every five years, or at the request of the owner/users (for single dwellings).

c) to arrange that the supplies in their area are monitored through sampling for chemical and bacterial content to determine compliance with the drinking water standards. The Council has to sample all supplies, with the exception of single domestic supplies, to ensure they are safe and wholesome to drink.

d) where failure of a drinking water standard is reported then to investigate to determine the cause and take appropriate action to secure that private supply owners rectify any deficiencies identified.

3.3 The decision as to whether a particular private water supply is a potential danger to human health would be a matter which is determined by the Council following advice from Public Health England and is based on detailed knowledge of the supply from source to tap obtained from historic monitoring information, assessments and investigations carried out in conjunction with the private supply owner and, where appropriate, the local water supply company and the Environment Agency. If an informal approach does not achieve an improvement in water quality and safety then there are other options provided in the Regulations, including the serving of notices.

4. Private Supplies within the Borough

4.1 There are currently 85 private supplies (known) within the Borough and 1 Private Distribution Systems all listed in the table below.

Table 1: Types of Supplies as defined in the Regulations – Numbers within Borough

Large Supplies (10m^3 /day or serve 50 people) to two or more dwellings where the water is used for a commercial premises	42
Small Supplies ($< 10\text{m}^3$ /day or serve < 50 people) to two or more dwellings (Domestic only)	7
Single dwellings water supplied to a single domestic dwelling	36
Private Distribution Systems	1

4.2 Large Supplies

These are defined as:

- Any private water supply that provides 10m^3 / day or more (or supplies more than 50 persons or more); to two or more...?
- Any private water supply that supplies water to premises where the water is used for a commercial activity irrespective of the volume of water provided or the number of persons supplied; the majority of commercial supplies in the Borough are Bed and Breakfast accommodation and private rented properties;
- Any private supply that supplies water to public premises irrespective of the volume of water provided or the number of persons supplied.

4.3 Small Supplies

Any private water supply that provides less than 10m^3 /day (or supplies less than 50 persons) where the supply is only used for domestic purposes (there is no commercial or public activity) and connects more than one property.

4.4 Single Dwellings

These are supplies which serve a single property for domestic purposes only.

4.5 Private Distribution Systems

These are systems where mains water is supplied to a location but then further distributed by someone other than the water undertaker in their own pipework to land in different ownership.

5. Monitoring Requirements

Table 2 – Monitoring Requirements

Type of Monitoring	Type of Supply	Number of Supplies within the Borough	Frequency
Group A Basic parameters (levels) measured	Large/Commercial Supplies	42	Annually
	Small Supplies	7	Annually
	Single Dwellings	0	As requested
	Private Distribution Systems (Caravan Sites)	1	Annually
Group B Additional parameters measured and as identified in the risk assessment	Large/Commercial Supplies	46	Annually
	Small Supplies	0	Annually
Risk Assessment	Large/Commercial Supplies	42	Every five years
	Small Supplies	7	Every five years
	Single Dwellings	0	Only where requested
	Private Distribution Systems (Caravan Sites)	1	Every five years

6. Proposed charges

- 6.1 It is proposed that a tiered fee for the risk assessment based on the type of the supply, reflecting the time and effort involved in carrying out the risk assessment be adopted with a flat fee for each sample taken.

The current fees were last reviewed in 2011 and were based on an estimate of the time required to carry out the sampling and risk assessment. Since then changes have been made which make the task more onerous with more parameters being tested for so an assessment of the likelihood of these being present needs to be carried out each time. Therefore the amount of time spent

on risk assessing supplies has increased as the form is now longer than it was originally.

Current fees:

Type of Supply	Risk Assessment	Sampling	Investigation of Failure
Single Private Dwelling	£99.50	33.50 plus analysis cost	£100
Small Supplies	£124.00	33.50 plus analysis cost	£100
Large Commercial Supplies	£186.00	33.50 plus analysis cost	£100

Proposed fees:

Type of Supply	Risk Assessment (33.50ph)	Time Taken (includes 1 hour average travel time)	Sampling One sample – second sample £33.50 plus analysis	Investigation of Failure
Single Private Dwelling	£134.00*	4 hours	£67 plus analysis cost	£100
Small Supplies	£234.50*	7 hours	£67 plus analysis cost	£100
Large Commercial Supplies	£368.50*	11 hours	£67 plus analysis cost	£100

*averaged costs – actual costs will be £33.50 ph for the first hour then charged at 15min intervals figures for illustrative purposes only

Contractor fees:

Type of Supply	Risk Assessment (£25.00ph + £0.45 per mile travel)	Time Taken (includes 1 hour average travel time)
Single Private Dwelling	£100.00*	4 hours
Small Supplies	£175.00*	7 hours
Large Commercial Supplies	£275.00*	11 hours

*averaged costs – actual costs will be £25.00ph for the first hour then charged at 15min intervals figures for illustrative purposes only

Options Considered

7. Proposal

- 7.1 During the last 15 months routine sampling has been carrying on ensuring the micro bacterial safety of the supplies for those that use them.
- 7.2 However, as a result of impact of the Covid response and recovery work, risk assessments for Private Water supplies were put on hold meaning that a backlog has built up. There are 42 supplies requiring assessment in this financial year.
- 7.3 As shown above, risk assessments are a time-consuming activity and it would be more expensive for it to be carried out by officers than by a contractor appointed by the authority, undertaking it on behalf of the authority. Therefore it is proposed that these risk assessments are carried out by a properly qualified and competent contractor ensuring that the risk assessments are completed in a timely manner to comply with the Regulations, allowing existing staff to continue with the core sampling work.
- 7.4 It is proposed that the new fees be introduced for the sampling and investigation of private water supplies to allow for full cost recovery of for the provision of the service.
- 7.5 It is proposed to appoint a contractor to carry out the risk assessment of the private water supplies. This would be through a tender process to ensure best value to the customer. The fees for in-house risk assessment are included for comparison purposes.

Policy Implications

None

Financial Implications

Service provided on a cost recovery basis.

Personnel Implications

Appointment of a specialist contractor to fulfil the risk assessment inspections. Full costs may be recovered for this service – details listed above.

Statutory Considerations

The Council has a duty to carry out its functions under the Private Water Supplies Regulations and to comply with the obligations set out in the DWI Guidance.

Equality Impact Assessment (EIA)

None

Risk Management Implications

13.1 The Council has the responsibility to ensure that private water supplies within the Borough are wholesome thus reducing the likelihood of illness.

13.2 By not providing adequate resources for the implementation of the Private Water Supply Regulations the authority may be classed as a failing authority in the view of the DWI which could in turn lead to an adverse audit report or cases of ill health associated with the consumption of contaminated supplies.

Declarations of Interest / Dispensations Granted

Background Papers

Signed:.....

Cabinet Member for:.....

Date:.....

Pre-Screening Equality Impact Assessment

Borough Council of
**King's Lynn &
West Norfolk**



Name of policy/service/function	Private Water Supply Sampling				
Is this a new or existing policy/ service/function?	Existing				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	Provision of sampling for PWS and the use of an external contractor for risk assessments of PWS				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			X	
	Disability			X	
	Gender			X	
	Gender Re-assignment			X	
	Marriage/civil partnership			X	
	Pregnancy & maternity			X	
	Race			X	
	Religion or belief			X	
	Sexual orientation			X	
Other (e.g low income)			X		
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No				
3. Could this policy/service be perceived as impacting on communities differently?	No				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No				
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	/ No	Actions:			
		Actions agreed by EWG member			

Assessment completed by: Name	
Job title	Date

Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.