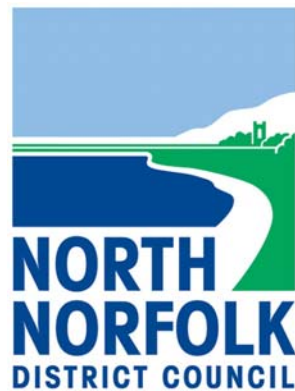


North Norfolk District Council

Environmental Health

Commercial Team

Private Water Supplies and
Private Distribution Networks



Policy Statement for the Implementation of the Private Water Supplies Regulations 2009

Purpose

The purpose of this document is to state the Council's policy on the Private Water Supplies Regulations 2009 ("the regulations"). This document is relevant to enforcement officers, consumers and companies who source their water from a Private Water Supply (PWS) or Private Distribution Networks (PDNs).

Legislation and Associated Guidance

Water Industry Act 1991

Private Water Supplies Regulations 2009

Health and Safety at Work Act 1974

Workplace (Health, Safety and Welfare) Regulations 1992

Management of Health and Safety Regulations 1999

Guidance document produced by the DWI - Legislative Background to the Private Water Supplies Regulations 2009 Section 9 (E&W) of the Private Water Supplies: Technical Manual (April 2010).

WHO Guidelines for Drinking Water Quality 2004

The Private Water Supplies Regulations 2009

The Private Water Supplies Regulations 2009 were introduced to implement Council Directive 98/83/EC on the quality of water intended for human consumption. They came into effect in January 2010 and are enforced by the Commercial Team within Environmental Health.

The approach of the regulations is risk assessment based. They place new enforcement provisions, administrative burdens and duties on the Council to carry out risk assessments and monitor private mains water distribution networks. They allow the council to recover their reasonable expenses, up to a maximum prescribed in the Regulations, that it incurs when fulfilling functions and discharging these duties.

The Drinking Water Inspectorate (DWI) has produced a guidance document to assist with the implementation of these Regulations (noted above).

What is a Private Water Supply?

It is either,

- a private well, spring, borehole or surface water abstraction the water from which is intended for human consumption,
- a 'Private Distribution System' that takes drinking water from the water undertaker (e.g. Anglian Water) and further distributes it to others for human consumption via, for example, a network of pipes. Examples of this in North Norfolk include some caravan sites and private estates.

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The regulations apply to all private supplies of water intended for human consumption, which is defined as,

- a) all water intended for drinking cooking, food preparation or other domestic purpose (i.e. hygiene practices);
- b) all water used in any food-production undertaking where the product is intended for human consumption.

Specific exemptions can be found in the Regulations.

A Private Distribution Network is where water is supplied by a water undertaker (Anglian Water PLC in North Norfolk) and is then further distributed by a third party. Examples of these in North Norfolk may include caravan sites and private estates.

How will the Council implement the Regulations?

The Council will ensure that

- all supplies are risk assessed in line with the regulations within 5 years of the regulations being introduced and every 5 years subsequently. (These risk assessments can be done by Local Authorities or another competent person)
- Monitoring (sampling) is done as indicated by the risk assessments to ensure that the water meets the criteria for wholesomeness in the regulations.

The monitoring programme (sampling and follow up) varies according to the size of the supply (there are currently 98 samples that need to be taken in North Norfolk annually plus an estimated 15 for single dwelling requests; a total of 113).

If the supply fails the Council will implement its responsibilities depending on whether there is a potential danger to human health or the water is unwholesome. These include informing the consumers, investigating the cause and/or serving notices.

If a private supply is a potential danger to human health the Council will serve a notice on the relevant person to either prohibit or restrict the use of that supply. Such notices will be supported by appropriate advice. They may be amended by a further notice at anytime.

The Council will revoke the notice as soon as the danger to human health no longer exists. The Council will also be certain that service of the notice will not create a greater danger to human health than not serving the notice.

The Council's approach will be graduated and risk-based. This would normally begin with informal advice detailing what action is necessary for the protection of human health. If there is no risk to human health but the sample is not wholesome the Council may grant an authorisation allowing a temporary departure from the given limits. Such authorisations will only be given following consultation with the Health Protection Agency and only if the supply of water cannot be maintained by any other means. Authorisations will specify a plan of remedial action which will include a

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timetable for work. They must be complied with within three years. After this period an authorisation for a further three years may be granted with the consent of the Secretary of State. Such authorisations may also be revoked or amended at any time.

Fees

A system of charging was introduced in the regulations so local authorities can recover their costs incurred. The absence of central government funding or a grant scheme places a financial burden on the local authority that can only be relieved by recovering costs from the supply owner.

The *maximum* charges and fees that the Council may recover are as follows:

Service	Maximum fee (£)
Risk assessment (each assessment)	500
Sampling (each visit)	100
Investigation (each investigation)	100
Granting an authorisation (each authorisation)	100
Analysing a sample for other supplies and Single Private Dwellings (each sample)	25

The Council will recover reasonable expenses that it incurs when fulfilling functions and discharging its duties under the regulations in accordance with the decision of the Cabinet of 1st November 2010, as amended.

Emergency procedures

Should a situation arise where a private supply becomes unusable or unavailable and properties are left without a domestic supply, the Council will work with the appropriate water authorities and/or third parties to maintain a supply of drinking water that complies with the regulations. This may include the service of appropriate notices to restore the supply. The Council will seek advice from the Health Protection Agency on the guidance to be given to consumers when a supply fails. This advice will take into account the wider risks posed by restricting use of the supply and agree the criteria for withdrawing the advice. Examples of restrictions and alternative can be found in the [Guidance document produced by the DWI](#)

It is important to note, however, that NNDC has no legal duty to provide such a service and as such cannot guarantee that this will always be available.

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Complaints and Appeal

Any person not satisfied with any aspect of the service they have received or who want appeal against any decisions that affect them should initially contact The Commercial Team at the address below.

Review

This Policy will be reviewed and amended as necessary to reflect new information and guidance received from the DWI whenever it is made available. It shall also be amended in line with any amendments to the Regulations.

The policy will be also reviewed annually to ensure it accurately reflects our service commitments and that it remains fit for purpose.

For further information please contact:

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