

## REPORT

**SUBJECT: PRIVATE WATER SUPPLIES (WALES) REGULATIONS 2017.**  
**DIRECTORATE: SOCIAL CARE & HEALTH**  
**MEETING: Individual Cabinet Member Decision – Cabinet Member for Social Justice & Community Development**

**DATE: 28<sup>th</sup> February 2018**  
**DIVISIONS/WARDS AFFECTED: All Wards**

### 1. PURPOSE:

- 1.1 To inform the Cabinet Member of new statutory responsibilities introduced by The Private Water Supplies (Wales) Regulations 2017, consider the charges currently levied by the Authority in meeting its obligations and to agree the charges proposed.

### 2. RECOMMENDATIONS:

- 2.1 That charges in relation to the delivery of the Authority's private water supply responsibilities continue on a cost recovery basis.
- 2.2 That the schedule of proposed fees set out in Appendix 1 is agreed, subject to member review as part of the annual review of fees and charges.

### 3. KEY ISSUES:

- 3.1 A sufficient and wholesome water supply is a fundamental necessity for good health and a pre-requisite for any habitable accommodation. The majority of homes in Monmouthshire are served by mains water however a significant number of properties are served by private water supplies.
- 3.2 Whereas mains-supplied drinking water consistently meets standards of chemical and bacteriological composition prescribed by regulations, private water supplies are frequently found to be of poor and/or variable quality.
- 3.3 The Private Water Supplies (Wales) Regulations 2010, which took effect from 4th February 2010, were therefore enacted to put regulatory arrangements in place to ensure that everyone in Wales has a supply of drinking water that meets acceptable standards.
- 3.4 The Regulations set out obligations on local authorities to risk assess certain types of supply every 5 years and to undertake periodic sampling and analysis, the frequency of which varies depending on the nature of the supply. In general 'large supplies' (most of which in the County are related to a commercial activity) are sampled annually, while 'small' supplies are sampled once every 5 years. The parameters analysed also vary according to the nature of the supply. There are currently 52 'large supplies' and 113 'small supplies' known in the County.
- 3.5 The existing charges for services undertaken by Environmental Health in relation to these supplies were detailed in Cabinet Member report dated 8<sup>th</sup> July 2015. The report was endorsed and is provided as a background paper.
- 3.6 The Private Water Supplies (Wales) Regulations 2017 came into force on the 20<sup>th</sup> November 2017 which revoke and replace the 2010 Regulations. The core obligations to risk assess and carry out periodic sampling remain, with a number of additional requirements.

- 3.7 These include the extension of the risk assessment and sampling responsibilities for supplies to single dwellings where the supply is provided as part of a domestic tenancy. Environmental Health are aware of approximately 25 such supplies in this category in the County.
- 3.8 The 2017 Regulations also notably bring changes to a number of the sample analysis requirements, including the monitoring for radioactive substances where appropriate and the fees that may be charged which must remain the reasonable cost of providing the service subject to specified maximum amounts.
- 3.9 The current fees charged by the Authority have remained fixed since the increases introduced by the Cabinet Member report in July 2015. Given the changes introduced by the new Regulations, it is an opportune time to reappraise these fees. Appendix 1 sets out the existing and proposed schedule of fees, to apply with immediate effect and to continue on a cost recovery basis. It is proposed that these fees also continue to be subject to member review as part of the annual review of fees and charges. The schedule also provides the maximum charge permitted by the Regulations where stated.
- 3.10 The private water supply income will be accounted for in the 18/19 budget as it has been in recent years. Based on existing rates a gross income of £8850 is anticipated to be offset against £4250 analysis costs, resulting in a net income of approximately £4600. The new Regulations mean that in some cases less analysis needs to be done. The proposed revised charges, even though they are being increased, will therefore result in a slightly reduced gross income of £8200, offset against less laboratory costs. Ultimately an increase in predicted net income of £700 is anticipated to a total of £5300.
- 3.11 The slight increase in predicted income of £700 for 18/19 will go towards meeting the demands of meeting the private water supply statutory responsibilities.

#### **4. REASONS:**

- 4.1 Current finances dictate that the Authority must recover its full service costs. The proposed revised charges are based on the actual cost of delivering the service.
- 4.2 Charges may need to be raised or lowered in line with changing costs of future service delivery.

#### **5. RESOURCE IMPLICATIONS:**

- 5.1 None. This report recommends a cost recovery approach.

#### **6 Future Generations Evaluation:**

- 6.1 The Future Generations Evaluation, including equalities and sustainable impact assessments, is provided in Appendix 2. The proposals will have a neutral impact.

#### **7. CONSULTEES:**

SLT  
Cabinet Members  
Monitoring Officer and Head of Legal Services  
Head of Public Protection

#### **Results of Consultation**

No adverse comments have been received

**8. BACKGROUND PAPERS:**

Cabinet Member Report 8<sup>th</sup> July 2015 Subject Private Water Supplies (Wales) Regulations 2010

**9. AUTHOR:**

Huw Owen Principal EHO  
Anthony Davies EHO

**10. CONTACT DETAILS:**

TELEPHONE 01873 735433  
[huwowen@monmouthshire.gov.uk](mailto:huwowen@monmouthshire.gov.uk)  
[anthonydavies@monmouthshire.gov.uk](mailto:anthonydavies@monmouthshire.gov.uk)