

# **WEST DUNBARTONSHIRE COUNCIL**

## **Report by the Chief Executive**

**Corporate & Efficient Governance Committee: 28 November 2007**

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**Subject: The Private Water Supplies (Scotland) Regulations 2006 and The Private Water Supplies (Grants) (Scotland) Regulations 2006**

### **1. Purpose**

- 1.1** To advise the Committee on the implications of the above Regulations on Local Authorities and in particular West Dunbartonshire Council and to seek approval for the Environmental Health Section to administer the grant system for same.

### **2. Background**

- 2.1** West Dunbartonshire Council has 20 private water supplies in its area. These vary in size from supplies which serve only one house to supplies serving hotels and bed and breakfast establishments (B&Bs).
- 2.2** The primary driver for this legislative change is a revision of the EC Drinking Water Directive. The Directive lays down prescribed standards on the quality of water intended for human consumption and is transcribed into domestic legislation, in respect of private water supplies, through the Private Water Supplies (Scotland) Regulations 2006 ( "the 2006 Regulations "). The Regulations came into force on 3 July 2007.
- 2.3** Prior to this legislative change the approach to the control of private water supply was more informal. The previous Private Water Supplies (Scotland) Regulations 1992 simply encouraged the maintenance and improvement of supplies. Local Authorities were not compelled by law to ensure that this was actually carried out.
- 2.4** The 2006 Regulations will have a significant impact on larger supplies and supplies associated with commercial or public activities irrespective of their size. Such supplies, designated Type A supplies in the new Regulations, will require to meet the revised quality standards set by the Directive. Smaller domestic supplies, designated Type B, do not fall within the scope of the EC Directive and will be subject to less stringent quality parameters detailed in the Regulations.
- 2.5** There are six Type A and fourteen Type B private water supplies within the West Dunbartonshire Council area.

### **3. Main Issues**

#### Private Water Supplies (Scotland) Regulations 2006

- 3.1** A key aspect of the 2006 Regulations is the introduction of risk assessments. The Regulations place a duty on Local Authorities to risk assess all Type A supplies in their area. The primary objectives of the assessment are the minimisation of contamination of source waters, the reduction and removal of contamination through treatment processes and the prevention of contamination during storage, distribution and handling of drinking water. The Regulations also place a duty on Local Authorities to provide information and advice to enable owners of Type B supplies to complete a basic risk assessment of their supply. The six Type A supplies will be the main target for the attention of the Environmental Health Section. Advice and assistance will be offered when requested by owners and users of Type B supplies.
- 3.2** In August 2006 the Environmental Health Section advised the occupiers of all premises served by a private water supply as to the designation of their private water supply. The letter was accompanied by a comprehensive information pack issued by the Scottish Government entitled "A Guide to Private Water Supplies in Scotland".
- 3.3** Initial risk assessment visits to all Type A supplies will be completed by end November 2007. Meetings with all interested parties will then take place to agree a schedule of any improvement works necessary. The aim of the legislation is the minimisation of contamination of water and the Environmental Health Section will work in partnership with all interested parties to achieve this objective. Enforcement action is considered a last resort and will only be instigated where adequate progress is not being made.
- 3.4** The 2006 Regulations also place a duty on Local Authorities to monitor Type A supplies. Local Authorities will continue to have discretionary powers in relation to Type B supplies similar to their obligations under the 1992 Regulations.
- 3.5** Public or commercial premises, such as hotels, B&Bs, and holiday lets are required to prominently display an information notice. This notice informs tourists, particularly those from vulnerable groups, that the water is from a private supply thus allowing them to make an informed choice about whether or not they wish to consume the water.
- 3.6** The long term expectation is that all Type A supplies will meet the standards set in the 2006 Regulations. However until that standard can be met the Regulations enable a Temporary Departure to be granted from the prescribed quality standard provided that the departure does not constitute a danger to human health. Temporary Departures are strictly time limited. The Departure can remain in force for up to six years depending on the circumstances. A Temporary Departure in respect of microbiological parameters is not permitted. To date there have been no applications for a Temporary Departure in the West Dunbartonshire Council area.

- 3.7** The 2006 Regulations give Local Authorities discretionary powers to recover costs up to prescribed maxima from persons whose premises are served by a private water supply for expenses reasonably incurred by the authority in connection with the 2006 Regulations.
- 3.8** The costs involved with the risk assessment and sampling of Type A supplies is not inconsiderable. Officers estimate that the costs may amount to in excess of £1200 per supply. Officers are also aware that there will be resistance to these costs from those responsible for making the improvements to the private water supplies.

#### The Private Water Supplies (Grants) (Scotland) Regulations 2006

- 3.9** The Private Water Supplies (Grants) (Scotland) Regulations 2006 came into force on the same date as and are closely linked to 2006 Regulations. Their purpose is to provide non-means tested financial assistance to eligible persons – individuals and businesses – towards the cost of improvement works arising from the 2006 Regulations. The maximum grant is £800 per premises. The Grants Regulations contain discretionary powers to make larger grant in circumstances where the maximum grant is insufficient and undue hardship justifies more assistance.

### **4. Financial Implications**

- 4.1** In August 2006 the Scottish Government offered West Dunbartonshire Council grant of £7200 each year for 2006/2007 and 2007/2008 to allow the Council to administer a grant scheme for eligible individuals to improve their private water supply or provide themselves with a private water supply. The sum allocated includes a contribution towards the set up cost of the scheme. As yet no applications for grant assistance have been received.

### **5. Personnel Issues**

- 5.1** Very limited additional resources were made available to the Environmental Health Section. The work involved in evaluating the private supplies within West Dunbartonshire will be absorbed into the current duties of the Section.

### **6. Risk Analysis**

- 6.1** Failure to implement the 2006 Regulations could impact on the health of individuals consuming water from private supplies.

### **7. Conclusion**

- 7.1** The Regulations will ultimately result in an improvement in the quality of water for human consumption in premises served by private water supplies.
- 7.2** The additional work necessary will be offset to some extent by recovery of costs as explained in 3.7 and 3.8

## **8. Recommendations**

- 8.1** The Committee note the content of the report.
- 8.2** The Committee agrees to apply the discretionary powers to recover the costs of the work incurred by the Environmental Health Section in implementing the 2006 Regulations.
- 8.3** The Committee authorise the Environmental Health Section to administer the grants system in respect of the Private Water Supplies (Grants)(Scotland) Regulations 2006.

**David McMillan**  
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**Date: 7 November 2007**

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<b>Appendix:</b>	Nil
<b>Background Papers:</b>	The Private Water Supplies (Scotland) Regulations 2006  The Private Water Supplies (Grants)(Scotland) Regulations 2006  A Guide to Private Water Supplies in Scotland.Scottish Government
<b>Wards Affected:</b>	All