

June- 2015

CYNGOR SIR POWYS COUNTY COUNCIL.
REPORT FOR DELEGATED DECISION
BY
COUNTY COUNCILLOR JOHN T POWELL
PORTFOLIO HOLDER FOR ENVIRONMENT AND SUSTAINABILITY

Date: June 2015

REPORT AUTHOR: Sue Bolter-Head of Regeneration Property and Commissioning

SUBJECT: The Private Water Supplies (Wales) Regulations 2010

REPORT FOR: Decision

1.0 Summary

- 1.1 The Private Water Supplies (Wales) Regulations 2010 came into force on the 4th February, 2010. The Regulations placed a duty on local authorities to sample and risk assess all private water supplies within its area, with the exception of single supplies. In the case of single supplies, the duty only exists if requested to do so and a charge will be levied.
- 1.2 The Regulations required that all risk assessments be completed within a 5 year period. To assist local authorities in Wales, Welsh Government provided grant funding equivalent to £100 for each risk assessment which otherwise would have to be met by the owners of the supplies. The 5 years have now elapsed and the funding has been withdrawn. However the legal requirement to risk assess the supplies remains.
- 1.3 In May 2010, the Board approved a charging scheme in accordance with the new Regulations. However, because of the existence of the grant scheme, no provision was made for the risk assessment of premises that were not single supplies. Consequently, the Council is currently not in a position to undertake further risk assessments.
- 1.4 The purpose of this report is to seek approval for a revised scheme of fees and charges

2.0 Proposal

- 2.1 In 2010, the Council estimated that it had 1050 private water supplies that were subject to the sampling and risk assessment requirements of

the Private Water Supplies (Wales) Regulations 2010. By the end of the 5 year period the Council had achieved 97.2% compliance.

- 2.2 The Regulations place a duty on the Council to risk assess all the qualifying premises every 5 years. In order to do so, it is necessary to adopt a revised charging scheme.
- 2.3 The Regulations state that local authorities may charge a fee for the activities listed below provided they represent the “reasonable cost” of providing the service subject to maximum amounts specified in the Table 1 below:

Table 1

Service	Maximum fees allowed by the regulations (£)	Current fee
Risk assessment of private water supply other than single supply	500	N/A(*)
Risk assessment for single supply (by request only)	500	100
Sampling	100 plus cost of analysis	100 plus cost of analysis
Investigation	100	100
Granting an authorisation for temporary exemption from certain limits in impurities	100	100
*-cost previously covered by grant from Welsh Government		

- 2.4 It is currently anticipated that revised Regulations will be issued towards the end of 2015. However in order for the Council to satisfy its statutory obligations then it is imperative that a revised charging scheme is agreed as a matter of urgency. Once the new Regulations are issued a revised report will be presented to Cabinet.
- 2.5 A risk assessment requires officers to inspect the supply from source to tap. The extent of the assessment can vary significantly depending on the location of the source. Some properties may be supplied by a borehole located in the garden whilst others may be supplied by a spring located on the top of a mountain.
- 2.6 As part of the assessment, officers will identify areas of potential contamination e.g. condition of storage tanks, proximity of grazing animals. They will also identify whether any treatment systems are present and whether they are operating effectively.

- 2.7 Having completed the assessment, officers will complete a risk assessment form, noting all findings and issue the risk assessment to the person responsible for the supply. The risk assessment will also highlight any areas of improvement required.
- 2.8 In the case of properties previously risk assessed, the time taken to review the supply will be reduced. However with new supplies, the comprehensive approach will have to be adopted.
- 2.9 In light of this, it is proposed that a tiered charging is adopted.
- 2.10 In order to demonstrate that the fees proposed represent the “reasonable cost” of carrying out a risk assessment, a breakdown of various stages of undertaking a risk assessment and the estimated average costs are provided in **the Annex to this report**. Based on these costs, it is proposed that the fee for carrying out a risk assessment is £200. In the case of supplies which have been previously risk assessed, it is proposed that the fee is £125.
- 2.11 It should be noted that the Council may charge up to £500 for each risk assessment. However it is felt that this level of charging would be prohibitive on the basis of the following:
- 1) Most supplies are located in remote rural locations where there is no access to mains supply. A fee of £500 could impose a significant financial burden on supply owners and small businesses.
 - 2) In order to undertake the assessment, supply owners must allow access to officers. A fee of £500 could result in owners refusing access to their properties. There are powers of entry powers available to officers and ultimately the option of applying to the courts for a warrant to access the property. However the process is laborious and bureaucratic and is likely to result in a lack of cooperation from supply owners. This will make it difficult for officers to undertake their duties effectively.
 - 3) The fee is likely to result in increased debt recovery to secure the fees payable.
- 2.12 In summary, the fees proposed are summarised in Table 2 below. It is not the intention to revise any other fees as the current charge is the maximum permitted under the Regulations. However in the event that

the revised Regulations alter the maximum fees chargeable then these fees will be reviewed.

Table 2

Service	Maximum fees allowed by the regulations (£)	Current fee (£)
Risk assessment of private water supply other than single supply not previously assessed	500	200
Risk assessment of private water supply other than single supply previously assessed	500	125
Risk assessment for single supply (by request only)	500	100
Sampling	100 plus cost of analysis	100 plus cost of analysis
Investigation	100	100
Granting an authorisation for temporary exemption from certain limits in impurities	100	100

3.0 One Powys Plan

The proposal would support Stronger, Safer and Economically viable communities.

4.0 Options Considered/Available

The Regulations allow local authorities to charge between £100 and £500 for each risk assessment. The report details the rationale for the proposed charging scheme and the disadvantages of charging the maximum fee permissible.

5.0 Preferred Choice and Reasons

The preferred choice is to charge a tiered charging structure to reflect the level of input required by officers to undertake a risk assessment. It is felt that this is the most equitable approach to adopt.

6.0 Sustainability and Environmental Issues/Equalities/Crime and Disorder,/Welsh Language/Other Policies etc

The Regulations are in place to ensure a private water supply is wholesome and safe to drink.

The proposed fees are in keeping with the Council's policy of full cost recovery as outlined in the Council's Statement of Intent 2014-17.

7.0 Children and Young People's Impact Statement - Safeguarding and Wellbeing

N/A

8.0 Local Member(s)

N/A

9.0 Other Front Line Services

N/A

10.0 Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)

Finance note the contents of the report and the risks around charging for the service, the charge reflect more of a contribution towards each assessment than the grant provided for so should not have a negative financial effect. An affordable charge would avoid non- compliance and bad debts.

The Professional Lead –Legal supports the recommendation proposes being based on proportionality of the work required as well as being based on a cost neutral basis”

11.0 Local Service Board/Partnerships/Stakeholders etc

N/A

12.0 Corporate Communications

Communications Comment: The report is of public interest and requires news release and use of social media to publicise the decision.

13.0 Statutory Officers

The Solicitor to the Council (Monitoring Officer) has made the following comment ; “ I note the legal comment and have nothing to add to the report.”

‘The Strategic Director Resources (S151 Officer) notes the comments made by finance’

14.0 Members’ Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

Recommendation:	Reason for Recommendation:
That the proposed charging scheme set out in Table 2 of the report is adopted with effect from the 1st July 2015	To enable the Council to meet its statutory obligations and ensure that private water supplies are wholesome and safe to drink

Relevant Policy (ies):	N/A		
Within Policy:	Y	Within Budget:	Y

Relevant Local Member(s):	N/A
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Person(s) To Implement Decision:	Nia Wyn Hughes
Date By When Decision To Be Implemented:	1st July 2015

Contact Officer Name:	Tel:	Fax:	Email:
Nia Wyn Hughes	01938551299	01938551248	niah@powys.gov.uk

Background Papers used to prepare Report:

Powys County Council Statement of Intent 2014-17 (2015 update)

ANNEX

Private Water Supply Costs

Hourly rate: £40.50

(Inclusive on costs inc. travel, supplies and central recharges)

	Revised Risk Assessment	New Risk Assessment
Preparation i.e. Questionnaires, classification letters, appointments	N/A (information already held on file)	60 mins
Travel	45 mins (based on having visited before and familiar with site)	60 mins (based on new location)
Onsite	60 mins (revision of previous risk assessment only)	75 mins (assessment from source to tap)
Writing up	60 mins (revision of previous information)	75 mins (new inputting of data)
Updating M3	15 mins (revision only)	30 mins (new details)
Total	3 hours x £40.50 £121.50 = £125.00	5 x £40.50 £202.50 = £200.00