

TONBRIDGE & MALLING BOROUGH COUNCIL
LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

28 February 2011

**Joint Report of the Director of Health and Housing and Cabinet Member for
Environmental Services**

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 CHARGING FOR PRIVATE WATER SUPPLIES

Summary

The report seeks approval from Members to introduce a charging policy to recover costs incurred in undertaking risk assessments and analysing samples from private water samples in accordance with the Private Water Supply Regulations 2009.

1.1 Background

1.1.1 A report to this Board in March 2010 outlined the implications of the Private Water Supply Regulations 2009, which included the introduction of a new, more onerous regime for local authorities to follow in respect of private water supplies, including the requirement to carry out risk assessments of the majority of supplies within the next four years. Additionally, we will be required to increase the frequency of monitoring of an estimated 30 supplies and private distribution networks, compared with the 10 recorded supplies we monitored this time last year.

1.1.2 This clearly has some significant resource implications, which we anticipate that the team will be able to accommodate, in part as a result of the recent changes introduced to the Environmental Monitoring programme.

1.2 Charging for Risk Assessments and Sampling

1.2.1 We do not currently levy a fee for taking water samples, we only charge for the cost of water analysis, for which we are invoiced by the laboratory. However, the regulations make provision for local authorities to charge for undertaking this work. Having researched the new guidance, charges that are proposed by other Kent local authorities and our own charges in respect of contaminated land enquiries, it is proposed to introduce a charge of £35 per hour to recover officers' time, plus the costs of analysis.

1.2.2 Supplies serving a single dwelling are largely exempt from the regulations and are therefore unlikely to incur any charges. Other supplies which serve a number of dwellings, commercial properties or private distribution networks, will be required

to pay a fee for risk assessment and the sampling costs. These will range between biennial sampling for a small supply (i.e. serving a few dwellings) to a large supply (i.e. serving a commercial operation or an estate) which may require biannual sampling. Fees will be apportioned equally between the users of a private water supply.

- 1.2.3 As soon as the charges have been agreed we will write to all the owners of private water supplies and distribution networks to make them aware of the new arrangements.

1.3 Legal Implications

- 1.3.1 The regulations make provision for councils to make a reasonable charge for carrying out this work.

1.4 Financial and Value for Money Considerations

- 1.4.1 In setting the proposed fee, which is derived from the Environmental Protection Officer's hourly rate, the Council is seeking to recover reasonable costs associated with providing this service.
- 1.4.2 The regulations are specific in preventing cost recovery from the service of a notice requiring improvements to a defective supply, but do allow charges to be made for carrying out works in default.

1.5 Risk Assessment

- 1.5.1 The new regime for evaluating and sampling private water supplies is one based on risk assessment. Following the completion of risk assessments, each supply will be classified and its sampling and analysis regime determined.

1.6 Equality Impact Assessment

- 1.6.1 See 'Screening for equality impacts' table at end of report

1.7 Recommendations

- 1.7.1 It is **RECOMMENDED** that Cabinet **APPROVE** the proposed fee in respect of carrying out work associated with the implementation of the Private Water Supplies Regulations 2009.

Background papers:

contact: Jane Heeley

Nil

John Batty
Director of Health and Housing

Councillor Owen Baldock
Cabinet Member for Environmental Services

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The proposed charges are applied to the owners of all private water supplies, whether individuals or businesses.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	There is a statutory basis for making these charges and our intention is simply to recover the cost of officers' time.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.