

The Highland Council
Community Services Committee
6 November 2014

Agenda Item	13
Report No	COM 39/14

Private Water Supplies Policy for Type B supplies

Report by Director of Community Services

Summary

This report is to highlight Environmental Health's approach on dealing with Type B private water supplies and to seek Member approval for a policy on such.

1. Background

1.1 As members will be aware, one of the key duties for the Environmental Health team is to undertake statutory duties for private water supplies in the Highlands. The area currently has around 2400 supplies serving 5300 properties.

Private supplies can cause illness if not treated or treatment fails. A number of outbreaks of E.coli O157 illness in Scotland have been linked to private supplies. E.coli O157 can cause fatalities and serious illness, including kidney failure.

1.2 Under the Private Water Supplies (Scotland) Regulations 2006 Local authorities are under a duty to classify all private water supplies as either Type A or Type B.

- Type A supplies are supplies which provide water to a commercial premises or provide water to more than 50 persons in domestic properties. Commercial premises include holiday lets, hotels etc.
- Type B supplies are supplies which provide water for up to 50 persons in a domestic situation.

1.2 Local Authorities have a duty to sample and carryout risk assessments in respect of Type A supplies. The sampling regime includes at a minimum, yearly 'check monitoring' and also 'audit monitoring' samples. Environmental Health carries out these duties and has an annual sampling programme in place.

1.3 In respect of Type B supplies local authorities are under a duty to provide advice and assistance to enable people to carry out an assessment of the potential risks to human health arising from their supply. Local Authorities have discretionary powers in respect of sampling Type B supplies.

1.4 The Scottish Government's Drinking Water Quality Regulator (DQWR) has recently written to all Local Authorities stating clearly its expectations of

Councils towards type B supplies and recommending that a clear policy is in place in respect of Type B supplies by April 2015.

2. Type A and Type B supplies in Highland

2.1 There are 737 Type A supplies serving 2989 properties. These properties are 1389 commercial and 1600 domestic. Environmental Health currently sample from the commercial properties on these supplies on an annual basis and follow up on any water quality failures which occur. There are protocols in place and agreed with the Health Board to deal with water supply failures. In addition the regulations dictate how these supplies are monitored and sampled.

2.2 In respect of Type A supplies in 2013 officers carried out 100% of risk assessments required and 95% of sampling requirements. Work is progressing to prioritise workload to ensure 100% of required samples are carried out in 2014. The total number of samples taken from Type A supplies in 2013 was 1165.

2.3 There are 1695 Type B supplies serving 2400 properties.

In 2013 125 samples were taken in respect of enquiry/requests in connection with house sales and grant works.

3. Current Highland Council protocol for Type B Supplies

3.1 The current protocol for dealing with Type B supplies is as required in the legislation:-

- to provide such advice and assistance to a relevant person to enable that person to undertake a risk assessment;
- where samples fail notify the relevant person or persons the steps that we consider necessary or desirable to take in the interests of health;
- when requested take and analyse a water sample within 28 days.

4. DWQR stated requirements for Type B Supplies

4.1 In its letter the DWQR clearly reinforced the requirements of Council's toward type B supplies. These are listed below along with comments on the Council's position.

- a) Local Authorities must ensure they have a comprehensive register of all their private water supplies, including Type B's.
 - Environmental Health has a register of all supplies and is proactive in ensuring it is updated.
- b) Local Authorities must ensure that the owners and users of Type B supplies are provided with information concerning the risks that can be associated with these types of supply.
 - Environmental Health have previously raised publicity/written to all Type B supplies providing information on risk. It is intended to repeat this

exercise in 2015 in conjunction with publicity the Drinking Water Quality Regulator wants to convey to private water supply users.

- c) As soon as Local Authorities become aware that a supply is failing or is likely to fail the standards, they must inform all relevant persons on that Type B supply of the steps to be taken to protect the health of those on the supply.
 - Environmental Health have agreed procedures in place with NHS Highland to ensure these matters are addressed promptly with owners and users of supplies.

- d) Local Authorities should have in place enforcement policies which deal with failing supplies and this includes serving a notice if required. Action must be taken when there is a clear risk to human health, regardless of the supply type.
 - Environmental Health has procedures in place to deal with failing supplies and with respect to Type B supplies owners of properties are given advice and offered grant assistance to upgrade their supply.

5. Drinking Water Quality Regulator (DWQR) recommendations

- 5.1 The letter goes further to recommend that all Local Authorities should have a clear policy on how we regulate Type B supplies in their areas. This should state how supplies would be monitored, sampling programme, charging regime and enforcement policy. The policy should be in place for April 2015.

6. Proposed policy for type B supplies

- 6.1 Local Authorities have discretionary powers in respect of sampling programmes for Type B supplies. Environmental Health would not recommend that a sampling programme is put in place. Households on private water supplies would be subject to sampling visits and unless made exempt from charges would incur costs. There is no capacity within Environmental Health staff to undertake a regime fair to all properties on private water supplies as all 2400 properties on the 1695 Type B supplies would have to be sampled. Additional staffing would have to be employed for this task.

- 6.2 Local Authorities have discretionary powers in the use of enforcement powers in respect of Type B supplies. As most of our dealings with properties on Type B supplies are in connection with request samples, grants or house sales, we risk assess and give advice on how to improve the supply and offer grant where applicable to improve the water quality. We would not use formal enforcement action to improve supplies in these instances. However we would use enforcement powers where the occupier of a property on a failing supply had no power to improve the water quality and the responsibility lay elsewhere.

- 6.3 The Council's proposed policy is provided in **Appendix 1**.

7. Implications

- 7.1 No resource implications for Highland Council unless it is the Member's wish to introduce a proactive sampling programme in respect of Type B supplies.
- 7.2 Risk implications: Environmental Health's procedures agreed with NHS Highland are aimed to manage risk 'TECS4' on the Council's Risk Register. TECS4 is the Consequences of serious food and water borne disease outbreak.
- 6.4 There are no legal, equalities, climate change/carbon clever, Gaelic or rural implications arising from these proposals.

Recommendation

Members are invited to agree:

- i. Environmental Health's approach to Type B supplies in that a regulatory sampling regime is not introduced in Highland Council; and
- ii. that the Council adopts the Type B policy on Private Water Supplies outlined in **Appendix 1**.

Designation: Director of Community Services

Date: 23 October 2014

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Background Papers: DWQR Information letter PWS 2/2014 Type B Private Water Supplies

Appendix 1



Community Services Environmental Health Policy on Type B private water supplies

Ref: EH/WS/B1
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1. Introduction:

Under the Private Water Supplies (Scotland) Regulations 2006 Local authorities are under a duty to classify all private water supplies as either Type A or Type B.

- Type A supplies are supplies of a commercial nature or provide water to more than 50 persons.
- Type B supplies are supplies which provide water for up to 50 persons in a domestic situation.

In respect of Type B supplies local authorities are under a duty to provide advice and assistance to enable people to carry out an assessment of the potential risks to human health arising from their supply. Local Authorities have discretionary powers in respect of sampling Type B supplies.

This policy sets out how the Highland Council policy will regulate type B supplies in their area.

2. How you will monitor Type B supplies in your area

We will continually review the Private Water Supply register and promote the need to register private water supplies.

3. Your sampling and risk assessment programmes

No proactive programme of sampling or risk assessment to take place.

We will provide advice, sample and risk assess on request

Where information of concern or complaint raised, sample and risk assess where necessary

We will provide private water supply health issue updates to known properties on supplies. (e.g. Drinking Water Quality Regulator information leaflets)

4. Your Charging scheme

The charging scheme is in accordance with the regulations and was approved by the Transport, Environmental and Community Service Committee of 17th August 2006

5. Enforcement policy.

As most of our dealings with properties on Type B supplies are in connection with request samples or house sales we risk assess and give advice on how to improve the supply and offer grant where applicable to improve the water quality.

Enforcement powers will not be used to improve supplies in these instances.

Enforcement powers to be used where the occupier of a property on a failing supply has no power to improve the water quality, the responsibility for carrying out improvement lies elsewhere and no improvements are being made. (e.g. tenanted property) or where it is felt necessary and in conjunction with the Consultant in Public Health Medicine for Public Health reasons.