

Agenda Item	11
Report No	CP/15/23

## THE HIGHLAND COUNCIL

**Committee:** Communities and Place Committee

**Date:** 24 May 2023

**Report Title:** Private Water Supply Enhanced Grants

**Report By:** Executive Chief Officer, Communities and Place

### 1. Purpose/Executive Summary

- 1.1 This report invites Members to approve a revised policy for the award of an enhanced grant to improve a private water supply. The previous policy permits enhanced grant for financial hardship. The revised policy proposes to add:
- availability of enhanced grant to address climatical water scarcity, and
  - availability of enhanced grant to address lead contamination.
- The changes have been discussed with the Drinking Water Quality Regulator (DWQR) who are satisfied with the new enhanced grant proposals.

### 2. Recommendations

- 2.1 Members are invited to approve the amended policy as shown on Appendix 2.

### 3. Implications

- 3.1 Resource - This report relates to a proposed change to the enhanced grant policy only. The Private Water Supply Grant scheme is fully funded by the Scottish Government.
- 3.2 Legal – The preparation of this policy meets the requirements of Regulation 8 (2) of the Private Water Supply (Grants)(Scotland) Regulations 2006 which states a local authority may pay to an eligible person a grant in excess of £800 where satisfied that the eligible person could not, without undue hardship, finance the expense of the approved works without such a grant.

- 3.3 Community (Equality, Poverty, Rural and Island) - there are no implications arising from this report.
- 3.4 Climate Change / Carbon Clever - there are no implications arising from this report.
- 3.5 Risk – there are no specific risks to the Council from the proposed amended policy.
- 3.6 Gaelic - there are no implications arising from this report.

#### **4. Background – Private Water Supplies in Highland**

- 4.1 In Highland the population served by private supplies is estimated at 17%. There are currently 1102 “Regulated” supplies (commercial or large private water supplies) that are registered and subject to mandatory risk assessment and monitoring and intervention by the Council.
- 4.2 These supplies serve 3850 properties and an estimated population of 32324. The proactive programme aims to ensure each supply is visited annually to check they meet the required standards.
- 4.3 There are also 1679 domestic smaller private water supplies registered whereby our duty is to offer advice and assistance and discretionary powers in respect of sampling. These supplies serve 2174 properties and an estimated population of 8697.

#### **5. Grants to improve private water supplies**

- 5.1 The Private Water Supplies (Grants)(Scotland) Regulations 2006 enables an eligible person to apply to the Council for a grant of up to £800 to improve their private water supply (PWS). The scheme extends to both domestic and business premises. If there are a number of houses on the supply a grant is payable in respect of each property if the grant eligibility criteria is met.
- 5.2 The grant scheme is fully funded by the Scottish Government and overseen by the Drinking Water Quality Regulator (DWQR). The changes proposed in this policy have been discussed with the DWQR who are satisfied that it falls within the scheme.
- 5.3 Since the scheme was introduced in 2007, the Highland Council has awarded over 2000 grants totalling £1,405,477. **Appendix 1** provides examples of the type of grants awarded. As shown, in 2022/23 the Council awarded 32 applications with an expenditure of £38,000. Improvements that were funded included the installation of water disinfection systems (UV), source protection improvement works and two new water supplies.
- 5.4 The maximum permitted grant is £800 per eligible person however there is provision within the Regulations for a Local Authority to enhance this grant in excess of £800 if they can be satisfied that the eligible person could not without undue hardship, finance the expense of the approved work without such a grant. The current approach to assessing financial hardship for enhanced grants was approved by Committee in 2007. The Council has awarded 10 enhanced grants since 2007.

5.5 Since the introduction of the grants, there has been a change in the Regulations to reduce the level of lead in drinking water. The Highland region has also experienced water scarcity as a result of climatical changes that have impacted on some private water supplies. There are also the impacts of the cost of living crisis. In light of these factors officers have reviewed the current approach on the award of enhanced grants to improve a private water supply.

## **6. Proposed change to the policy on enhanced PWS grants: Water Scarcity**

6.1 Parts of the Highlands have experienced lower levels of rainfall and falling groundwater levels over the last four years which have impacted on some private water supplies.

6.2 To assist homeowners during these periods the Scottish Government funded an Emergency Bottled Water Scheme which enabled Environmental Health to provide free bottled drinking water to eligible persons. However, the emphasis is on owners to find longer term solutions to improve water resilience and reduce the impact of water scarcity on their private water supply.

6.3 Environmental health has provided advice to PWS owners/users and visited a number of supplies to carry out a risk assessment to identify improvements that would improve water resilience and water quality. However, finding solutions to water resilience can be quite challenging, both in finding new ways to secure water catchment and containment but also to fund them. For many properties there is no nearby Scottish Water main supply to connect onto. In some cases, the only long-term viable option is to consider the installation of a ground water borehole supply which require a significant investment (approx. £15-25k).

6.4 The Regulations do not define “undue hardship” however following recent discussions with the DWQR it has been deemed reasonable for our policy to include climatical influenced water scarcity as a criteria to consider for a discretionary enhanced grant.

6.5 A revised policy is detailed in **Appendix 2** that proposes a discretionary enhanced grant of up to £5000 for improvements to a supply that is affected by climatical water scarcity.

6.6 If an applicant for an enhanced grant for climatical water scarcity is unable to self-fund the difference of approved project expenditure, they may consider completing a Financial Test of Resources as per the current approach to assessment of financial hardship.

## **7. Proposed change to the policy on enhanced PWS grants: Lead in Water**

7.1 Lead in drinking water is a public health concern and is primarily caused by dissolution of lead from pipework and plumbing fittings. It is important to prevent continued exposure to elevated levels of lead in drinking water especially for vulnerable groups (the young, elderly, pregnant woman) so the identification of the lead contamination source in a supply and its removal is the most effective solution.

7.2 The water quality standard for lead in drinking water has been tightened twice over the last 20 years: from a Prescribed Concentration Value (PCV) of 50ug/l in 1990, to 25ug/l

in 2004, and down to 10ug/l in 2013. A tighter standard of 5ug/l has been proposed in Europe and Scottish legislation is currently under review.

- 7.3 Scottish Water have a duty to investigate a lead failure on a **mains** water supply. Where the failure is due to Scottish Water's pipework, they must take remediation action. Where the lead contamination is due to pipework or fittings in the building, the owner of the property is responsible for any remediation work. For lead contamination in a private water supply, the owner has responsibility to investigate, locate and remediate the lead contamination from source to tap, and often involving remediation work at remote hillside tanks and locations beyond the property curtilage.
- 7.4 The Regulations do not define "undue hardship" however following recent discussions with the DWQR it has been deemed reasonable for our policy to include lead in water as a criteria to consider for a discretionary enhanced grant.
- 7.5 A revised policy is detailed in **Appendix 2** that proposes a discretionary enhanced grant of up to £1500 for improvements to a supply for the removal and replacement of lead in the supply.
- 7.6 If an applicant for an enhanced grant is unable to self-fund the difference of approved project expenditure, they may consider completing a Financial Test of Resources as per the current approach to assessment of financial hardship.

Designation: Executive Chief Officer Communities and Place

Date: 5 May 23

Authors:

Alan Yates, Strategic Lead - Environmental Health & Bereavement Services  
Patricia Sheldon, Senior Environmental Health Officer (Lead officer: Private Water Supplies)

Background Papers:

Transport, Environmental and Community Services Committee, 16<sup>th</sup> August 2007  
Report No. TEC/53/07 'The Private Water Supplies (Scotland) Regulations 2006 and The Private Water Supplies (Grants) (Scotland) Regulations 2006'

[My Gov Scotland - Private Water Supply Grant](#)

# APPENDIX 1: Highland Council Grant Claim 2022/23

## Schedule 4

### ANNUAL REPORT

Information to be provided in connection with expenditure under section 47 of the Local Government in Scotland Act 2003

Type A supplies	
No. supplies	1102
No. commercial premises served	2075
No. domestic premises served	1775
Max. population served (estimate)	32324

Type B supplies	
No. supplies	1679
No. domestic premises served	2174
Max. population served (estimate)	8697

Breakdown of grant provision		
	Regulated ('Type A')	Exempt ('Type B')
No. grant applications received	18	14
No. grant awards	18	14
No. grant refusals	0	0
No. applications pending	5	5
No. awards in excess of £800 due to financial hardship	0	0
Avg. amount of grant awarded per PWS	800	800
Avg. amount of grant awarded per premises	800	800
No. grants awarded to provide point of entry treatments	12	10
No. grants awarded to provide point of use treatments	0	0
No. grants awarded to provide other treatment systems	2	1
No. grants awarded to provide source protection measures	2	2
No. grants awarded to provide new (i.e. replacement) private supplies	2	1
No. grants awarded to provide new domestic distribution system	1	0
Avg. length of time to process grant application	30 days	30 days

## APPENDIX 2:

### The Highland Council - Policy for enhanced Private Water Supply Grant

#### Local Government in Scotland Act 2003

#### Private Water Supplies (Grants) (Scotland) Regulations 2006, regulations 8(2)

1. Subject to meeting the eligibility criteria within the Regulations, the level of grant is restricted to £800 per property, but this level can be exceeded if an eligible person:-
  - a) Can prove financial hardship; and/or
  - b) Is applying for grant of **up to £5000** towards the amount of approved expenditure to improve the resilience of a supply as a result of climatical water scarcity impacting upon their supply; and/or
  - c) Is applying for a grant of **up to £1500** towards the amount of approved expenditure to remove and replace lead pipework/lead contamination in the supply.
2. Highland Council will consider the award of grant above £800 for essential works at domestic premises only.
3. If the eligible person is in receipt of the following benefits, the full costs of the essential works may be considered eligible for grant:-\*
  - a) Qualifying Universal Credit
  - b) Housing Benefit
  - c) Guaranteed Element of Pension Credit
  - d) Council Tax Reduction
  - e) Income Based Job Seekers Allowance
  - f) Housing Benefit

*(\*qualifying allowances/benefits will be kept under review)*
4. Where the eligible person is not in receipt of the benefits/allowances in paragraph 3 above, additional grant will be considered subject to the following conditions:
  - a) The award of additional grant is subject to an assessment of an applicant's financial circumstances,
  - b) The assessment shall be carried out in accordance with the Scheme of Assistance Financial Test of Resources and the applicant will be required to complete a form and submit financial documentation to enable this assessment.
  - c) The financial assessment will consider the circumstances of all relevant persons (i.e. everyone with an interest in the property; their spouse/civil partners and any other owners or any person over the age of 18 who resides or intends to reside with the applicant).

5. The award of additional grant will be based on the costs of essential works above £800.
  6. Applications for an enhanced grant shall be assessed and approved by the Senior Environmental Health Officer (Lead officer for Private Water Supplies).
  7. An appeal of a decision to refuse an enhanced grant should be made in writing within 21 days to the Strategic Lead Environmental Health & Bereavement Services Officer who will review the appeal in consultation with the Chair and Vice Chair of the Communities and Place Committee.
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