



DRINKING WATER INSPECTORATE

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Information Letter 10b/11

To: Local Authority contacts in England with no known private water supplies to date, or for which we have no data return

Dear Local Authority Colleagues

Guidance to local authorities in England on charging arrangements under the Private Water Supplies Regulations 2009

Earlier this year either you advised us that there are no existing private water supplies in your area or you did not provide a data submission in relation to private water supplies in your area. However, since in the future there may be private water supplies developed in your area, or you may identify onward distribution systems in your area, we consider you need to be aware of the information set out in this letter.

Regulation 21 of the Private Water Supplies Regulations 2009 permits Local Authorities to recover the costs associated with providing particular services to private supply owners/operators in fulfilment of their duties under the Regulations. These duties include carrying out risk assessments, investigations, and taking and analysing samples. Schedule 5 of the Regulations set out these services and the maximum fees that can be charged. In addition to the specified maximum, the charges made by local authorities can only reflect the *reasonable cost* of providing the service.

Background

In October 2010, an Information Letter was issued by the Inspectorate containing guidance to Local Authorities on charging arrangements under the Private Water Supplies Regulations 2009 (IL 11/2010). In order that the Inspectorate could provide reassurance to ministers on implementation of the charging regime, the letter asked Local Authorities to provide a copy of their charging policy to the Inspectorate. Around fifteen or so charging policies were sent to the Inspectorate in response to this request.

In July 2011 the Chief Inspector of Drinking Water published her report on Private Water Supplies for 2010. It was noted at the time that many Local Authorities had chosen to communicate only the maximum permitted charges to private supply owners and this approach to communications had given rise

to questions and concerns. To assist those Local Authorities (the majority) who had yet to develop and publish a charging schedule, an example of best practice was published in Annex 3 of the report.

During 2011 the government initiated a Red Tape Challenge under the Better Regulation Agenda. This initiative was aimed at testing the proportionality and transparency of all current legislation. Ministers conclusions in relation to the Private Water Supplies Regulations 2009 were that transparency of charging arrangements required improvement. The Inspectorate has been asked to make Local Authorities aware of Ministers' views that information about private water supplies and charging information should be readily available to the public on Local Authority websites, as well as through any leaflets or similar materials made available directly to private supply owners/operators.

Action by Local Authorities

To meet the requirements of Ministers, the Inspectorate considers that, as a minimum, local authority websites should be updated to make activities associated with private water supplies visible as a service provided by the local authority, and to include details of the charging scheme for those activities in a format similar to Annex 3 of the Chief Inspector's Report on Private Water Supplies 2010. It is recommended that any required updating of websites be completed by 31 December 2011 and local authorities are requested to provide the Inspectorate with a link to the website when updated information has been published.

Action by the Inspectorate

To meet the requirements of ministers, the Inspectorate will be auditing the information published by local authorities, including a comparison of charge. The audit outcomes will be reported by the Chief Inspector in her annual report published in July 2012. The Inspectorate will commence an audit of local authority websites from 3 January 2012. The Inspectorate would welcome hearing from Authorities who have developed additional mechanisms to communicate their charging policies to those who may be affected.

If you have any queries regarding this letter, or the planned audit, please contact Phil Smart at Phil.Smart@defra.gsi.gov.uk or the general enquiries telephone number at the head of this letter.

Yours sincerely



Claire Pollard
Deputy Chief Inspector