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Rt Hon Oliver Letwin MP  
House of Commons  
London  
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Your ref:

Our ref:

*8th* September 2010

**From Richard Benyon MP**  
Minister for Natural Environment and Fisheries

*Dear Oliver*

**Charges levied by Local Authorities under the Private Water Supplies Regulations 2009**

Thank you for your telephone call regarding the approach of local authorities to charging under the Private Water Supplies Regulations 2009, and the additional information provided by your private office on this issue.

The Private Water Supplies Regulations 2009 that came into force on 1st January 2010 replaced the 1991 Private Water Supplies Regulations and transpose into law the requirements of the 1998 EU Drinking Water Directive which applies to all public and private water supplies intended for human consumption.

For smaller private supplies across the UK the focus is no longer on routine testing (which does not in itself make the water supply safe), but is instead on risk assessment to enable local authorities to deal effectively with those supplies where remedial action is needed to prevent a risk to human health. Where a risk to human health is identified then this risk must be mitigated against and some monitoring may be required to confirm that there is no residual risk to human health. In practice the risk assessment activity will identify those parameters for which monitoring is appropriate and discount

others that are not necessary, thus focussing on the protection of health of consumers and avoiding unnecessary monitoring and associated costs.

The regulations permit Local authorities to recover the costs of risk assessment and monitoring from private water supply owners (or other relevant persons such as residents). The regulations set a maximum cost that can be charged however, local authorities are only permitted to recover the actual costs incurred up to that maximum value. The actual charges levied in a local area are decided by locally elected councillors based on the advice of local authority officers and subject to the constraints of the regulations. In addition it is important to note that these requirements do not apply to single domestic dwellings unless the occupier specifically requests the local authority to carry out a risk assessment and monitoring.

I attach in the following Annex some comparisons of costs between the 1991 and the 2009 regulations for a range of private supplies. The Annex shows the maximum permitted charges under the 1991 and the 2009 regulations. Actual costs will vary according to the circumstances of each water supply. I have also therefore included in the Annex a range of typical charges that are being applied by local authorities under the 2009 Regulations, which in many cases will result in costs well below the maximums permitted in the regulations.

It is evident that some local authorities are estimating the possible financial impact of the regulations based on the maximum permissible charges, rather than estimated actuals. In reality charges will be well below the maximum values permitted by the regulations - for example the cost of conducting a risk assessment for a small supply to a bed and breakfast premises may typically be in the region of £100. DWI is encouraging local authorities to adopt good practice and provide private supply owners with information based on typical ranges rather than maximum prescribed charges. I understand from the DWI that West Dorset District Council are now actively considering a flat rate or hourly charge as used by other authorities.

Responsibility for issuing practical guidance and advice to local authorities on implementation of the Private Water Supplies Regulations 2009 has been transferred from Defra to the independent Drinking Water Inspectorate. I understand from DWI that they are encouraging a light touch approach for small supplies and they will reinforce this by updating the Private Water Supplies Technical Manual Section 9 part 5 to this effect. DWI will make all local authorities aware of the updated guidance electronically and it will be available on the Inspectorate's website.

DWI will produce an independent annual report in July next year and this will inform the evaluation of the regulations including experience on the ground in relation to charges.

DWI would of course welcome details of any further cases where the implementation of the Private Water Supplies Regulations is causing local

concern as this will further aid them in the sharing of best practice with local authorities.

I hope this is a help

Yours truly

Richard

**RICHARD BENYON MP**

## Annex A

### Costs associated with Private Water Supplies Regulations – maximum prescribed charges

Private supply type	1991 Private Water Supplies Regulations			2009 Private Water Supplies Regulations				Notes
	Analysis cost / yr	Sampling cost / yr	Annual total cost	Analysis cost / yr	Sampling cost / yr	Risk assessment /yr	Annual total cost	
Single private dwelling	£50	£50	£100	£5	£20	£100	£125	Separate charges for single private dwellings were not prescribed in 1991 regs. Sampling and risk assessment on request only.
Single commercial premises (Band B)	£50	£50	£100	£500	£100	£100	£700	The 1991 listed commercial premises as a hospital, nursing home, residential home, hostel, boarding school or similar. B and B premises probably regarded as single dwelling.
Small shared supply less than 25 persons (class E) 25-50 persons (class D)	£108	£10	£118	£5	£20	£100	£125	Cost per supply - it would expected for this costs to be shared between the households supplied.
	£540	£50	£590					
Large commercial supply (class E - 200M <sup>3</sup> )	Std £1,950 Red £350	Std £600 Red £200	Std £2,550 Red £550	Std £1,400 Red £800	Std £400 Red £200	£100	Std £1,900 Red £1,100	Actual costs will vary according to the circumstances of the supply Std = standard frequency Red = reduced frequency

### Costs associated with Private Water Supplies Regulations 2009 – example charges

Council	Analysis cost / yr	Sampling cost	Risk assessment costs once every 5 years	Comments
Mendip District Council Somerset	As charged by the Laboratory	Based on hourly rate of £32	Based on hourly rate of £32	The previous sampling charges of £50 did not cover the Officers hourly rate.
Cornwall Unitary Authority			Based on a flat rate of £59 plus an hourly rate of £17 for all premises	This hourly rate means that the charge is based on the size of the private supply and the amount of information which has been provided by the Supply owners/users
South Hams, Devon			Based on a flat rate of £200	
Taunton Deane, Somerset		Sampling visit £74	Based on a hourly rate of £37.00	
Mid Devon		Included in the risk assessment costs where completed at the same time.	Based on a flat rate of £190 which include the sampling visit	
Eden District Council Cumbria			Based on a hourly rate of £38.50	

Note – by way of example a typical risk assessment for a small supply to a B&B establishment would take in the order of 2 hours.