

**To:** INFRASTRUCTURE, LAND AND ENVIRONMENT POLICY BOARD

**On:** 24 JANUARY 2018

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**Report by:** DIRECTOR OF ENVIRONMENT & COMMUNITIES

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**Heading:** THE WATER INTENDED FOR HUMAN CONSUMPTION (PRIVATE SUPPLIES) (SCOTLAND) REGULATIONS 2017

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## **1. Summary**

- 1.1 The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 came into force on 27 October 2017 and have replaced the previous regulations with regard to large private water supplies or those serving property where a commercial or public activity takes place. This report outlines the current work ongoing to address the implications of the new regulations, recognising this being the first appropriate board date to provide an update.
  - 1.2 Guidance supporting the regulations has extended the definition of a commercial property and this now includes bed and breakfasts, privately rented property, holiday let accommodation, church or village halls and dairy farms.
  - 1.3 Environment & Communities is currently undertaking an exercise to identify any properties which will now fall within the remit of the regulations under the new definition and it is expected that the current number of four supplies covered by the regulations will increase significantly once this exercise is completed.
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## **2. Recommendations**

It is recommended that the Infrastructure Land and Environment Policy Board:

- 2.1 Notes the introduction of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 and the extension to the definition of a commercial property within the guidance supporting these regulations.

- 2.2 Notes the ongoing exercise to determine the number of private water supplies covered by the revised regulations within Renfrewshire.
  - 2.3 Requests that a further report on the full implications of the new regulations in Renfrewshire is brought to a future meeting of the Board.
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### **3. Background**

- 3.1 All private water supplies were previously regulated through the Private Water Supplies (Scotland) Regulations 2006. Amendments introduced by the EU Drinking Water Directive 2015/1787 meant that these regulations were no longer compliant with EU regulations and the Scottish Government have therefore introduced the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 to update the regulatory framework within Scotland.
- 3.2 Private water supplies have been known to cause illness when contaminated by bacterial and chemical agents. Private water supply regulations are implemented as a means to protect public health where members of the public may use a private water supply as a source of drinking water.
- 3.3 The new Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 apply only to what is termed as “larger supplies”, meaning those supplies which provide greater than 10m<sup>3</sup> of water a day; supplies that are used by more than 50 people or supplies to premises used for a commercial or public activity.
- 3.4 Currently, within Renfrewshire, there are four private water supplies that are regulated under the Private Water Supplies (Scotland) Regulations 2006. However, with new Scottish Government guidance to accompany the regulations extending the definition of a commercial activity to include bed and breakfast property, private rented property, holiday let accommodation, church or village halls and dairy farms, these numbers are expected to significantly increase. This will have implications for supplies previously not covered by the regulations and also for Environment & Communities in terms of resources required to undertake the additional work.
- 3.5 Environment & Communities is currently undertaking an exercise to identify any premises within Renfrewshire which should now be brought into regulation under the new legislation. This includes identifying any property which may have a commercial use or where it is a privately rented property.
- 3.6 The regulations require that relevant private supplies are registered with the local authority, are subject to at least one annual water sampling check and have a risk assessment covering all aspects of the supply from its source to the point of compliance, normally the drinking water tap within any premises. The regulations also set out water quality parameters that require to be met, monitoring requirements and risk assessment obligations for local authorities, collation and reporting of information and offences for failing to comply with enforcement notices.

- 3.7 The regulations allow for the recovery of reasonably incurred expenses by local authorities when undertaking sampling, analysis, risk assessments and enforcement activity in relation to private water supplies. It is intended that all costs incurred by Environment & Communities in discharging the functions of the regulations will be recovered from the owner of the private water supply.
- 3.8 The Private Water Supplies (Scotland) Regulations 2006 will currently remain in effect to regulate water quality for small private water supplies serving only private dwellings where there is no commercial or public activity taking place. It is however, the Scottish Government's intention to eventually replace these regulations as well and this will form the basis of a future consultation exercise undertaken by the Scottish Government.

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### **Implications of the Report**

1. **Financial** – Minimal impact as any reasonable costs incurred from the regulation of private water supplies are recoverable from the owners of the supply.
2. **HR & Organisational Development** – None
3. **Community Planning** –  
  
Our Renfrewshire is well – Effective regulation of private water supplies brought into the remit of the legislation will ensure that the health of residents and visitors to establishments using a private supply for drinking water is not compromised.
4. **Legal** - None
5. **Property/Assets** - None
6. **Information Technology** - None
7. **Equality & Human Rights** - The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website
8. **Health & Safety** – None
9. **Procurement** – None
10. **Risk** – None

11. **Privacy Impact** – None

12. **CoSLA Policy Position** – Not applicable

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**List of Background Papers**

- (a) Background Paper 1 – The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017

The foregoing background papers will be retained within Environment & Communities for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is the Regulatory and Enforcement Manager

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