
To: INFRASTRUCTURE, LAND AND ENVIRONMENT POLICY BOARD

On: 30 AUGUST 2017

Report by: DIRECTOR OF COMMUNITY RESOURCES

**Heading: RESPONSE TO THE SCOTTISH GOVERNMENT CONSULTATION ON
DRAFT WATER INTENDED FOR HUMAN CONSUMPTION (PRIVATE
SUPPLIES) (SCOTLAND) REGULATIONS 2017**

1. Summary

- 1.1 The Scottish Government launched a consultation document on draft “Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017” during May 2017.
 - 1.2 The consultation sought views on proposed new legislation to regulate the supply of water for larger or commercial private water supplies, which are being introduced to align with, and implement, the EU Drinking Water Directive 2015/1787.
 - 1.3 The final date for submissions to the consultation was 28 July 2017. A response from the Council was required and this was submitted within the timescales set by the Scottish Government, attached as Appendix 1.
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2. Recommendations

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

- 2.1 Notes the consultation on the proposed draft *Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017*.
 - 2.2 Homologates the Council's submitted consultation response as detailed in Appendix 1 of this report.
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2 Background

- 3.1 All private water supplies are currently regulated through the Private Water Supplies (Scotland) Regulations 2006. Amendments introduced by the EU Drinking Water Directive 2015/1787 mean that these regulations are no longer compliant and the Scottish Government has taken the opportunity to introduce new legislation, rather than amending the legislation from 2006.
- 3.2 A consultation document on draft Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 was launched by the Scottish Government, with a closing date for the submission of responses of 28 July 2017. The submitted response to the consultation is included as an Appendix to this report.
- 3.3 The new regulations will apply only to supplies which are considered to be large or are used within commercial operations. Large supplies are defined within the regulations and include supplies that serve more than 50 persons or supply volumes of water greater than 10m³ per day. Supplies serving hotels or food manufacturers would also come within this scope.
- 3.4 In addition to complying with the EU Drinking Water Directive, the draft regulations have been developed to be more easily followed by Local Authority Officers and provide enhanced enforcement provisions to ensure that the water supplied for human consumption from such private supplies, meets prescribed water quality standards and is safe to drink. The draft regulations also set out water quality parameters to be met; monitoring requirements and risk assessment obligations for local authorities; collation and reporting of information and the potential offences for failing to comply with enforcement notices.
- 3.5 The regulations also allow for the recovery of expenses that have been reasonably incurred by local authorities when undertaking sampling, analysis, risk assessments and enforcement activity in relation to private water supplies. The new provisions differ from those within the 2006 Regulations as there are no upper limits for costs which can be recovered, provided they have been reasonably incurred.

- 3.6 It is acknowledged within the consultation document that the additional work associated with carrying out detailed risk assessments for supplies which come within the scope of these regulations will have resource implications for local authorities. However, within Renfrewshire only four of the 120 private water supplies will require to comply with the new regulations and therefore the impact across Renfrewshire will be minimal.
- 3.7 The Scottish Government have indicated that they intend replacing current regulations for small private supplies in due course and expect to issue a consultation in this regard shortly.
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Implications of the Report

1. **Financial** – none
2. **HR & Organisational Development** – none
3. **Community Planning** – none
4. **Legal** – none
5. **Property/Assets**-none
6. **Information Technology** - none
7. **Equality & Human Rights** - none
8. **Health & Safety** – none
9. **Procurement** – none
10. **Risk** – none
11. **Privacy Impact** – none
12. **Cosla Policy Position** – Cosla is supportive of the implementation of legislation which will ensure compliance with the EU Drinking Water Directive.

List of Background Papers

- a) Background Paper 1: Response to the Scottish Government Consultation on draft Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

The foregoing background papers will be retained within Community Resources 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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ANNEX A



Scottish Government
Riaghaltas na h-Alba
gov.scot

Title: Consultation in relation to the draft Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

Individual

☒ Organisation

Full name or organisation's name

Renfrewshire Council

Phone number

0141 618 7598

Address

Renfrewshire House, Cotton Street, Paisley

Postcode

PA1 1BR

Email

Colin.hunter@renfrewshire.gov.uk

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☒ Publish response with name
☐ Publish response only (without name)
☐ Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes ☒ No

CONSULTATION QUESTIONS

Q1: Do you have any comments on the way in which we propose to transpose the Amending Directive?

Yes ☐ No ☒

If "Yes" please enter your comments below.

Renfrewshire Council welcomes the proposed new Regulations

Q2: Do you have any comments on the amended definition of a relevant person?

Yes ☐ No ☒

If "Yes" please enter your comments below.

Renfrewshire Council welcomes clarification and expansion on the definition of who will be considered to be a relevant person

Q3: Do you have any comments on the definition of a private water supply system?

Yes ☐ No ☒

If "Yes" please enter your comments below.

No further comments required.

Q4: Do you have any comments on the concept of water supply zones in the context of private water supplies?

Yes ☐ No ☒

If "Yes" please enter your comments below.

Renfrewshire Council would welcome the introduction of water supply zones which will enable local authorities to monitor the quality of water across a supply zone. This may be of assistance to determine if there could be a wider issue with the zone or if any issue is restricted to a particular supply within a zone.

Q5: Do you have any comments on the enforcement provisions of the new regulations?

Yes ☒ No ☐

If “Yes” please enter your comments below.

Renfrewshire Council welcomes the proposed enforcement provisions which advance those available previously to address water quality failures/protection of supplies. The enforcement provisions allow a graduated approach to obtaining compliance from the owner(s) of a supply, whilst also providing for emergency situations requiring immediate attention.

Q6: Do you have any comments on Schedule 1 – the information which must be registered?

Yes ☐ No ☒

If “Yes” please enter your comments below.

Renfrewshire Council welcomes clarity on the information required for inclusion in the register for each private water supply system. This information will be beneficial when undertaking the assessment of risks for the supply.

Q7: Do you have any comments on the definition of a water supplier and the duties placed upon a water supplier?

Yes ☐ No ☒

If “Yes” please enter your comments below.

Renfrewshire Council welcomes the proposed additional duties placed on water suppliers and notes that this will ensure there is no confusion between responsibility of the water supplier and water consumer.

Q8: Do you have any comments on the proposals regarding recovery of charges?

Yes ☐ No ☒

If “Yes” please enter your comments below.

Renfrewshire Council welcomes the proposals for the recovery of expenses and that these are not capped, but expected to be reasonable which will assist with ‘future proofing’ costs incurred by enforcing authorities in the regulation of private water supplies.

Q9: It is proposed that smaller supplies will be the subject of separate new regulations in due course. Do you have any views on whether and, if so, which of the provisions of the current draft Regulations should not apply to smaller supplies?

Yes ☒ No ☐

If “Yes” please enter your comments below.

Renfrewshire Council would welcome the introduction of new regulations for smaller supplies and considers that all of the proposed regulations for larger supplies should be applied to smaller supplies. However, it would be considered appropriate to relax the frequency of sampling to such longer period as is considered appropriate but this should not be on request, as is currently the situation. This will avoid the scenario that supplies will not be sampled for several years at a time.

Q10: With reference to the draft BRIA do you have any concerns about the impact of the new regulations on businesses, the third sector (voluntary) or any other relevant areas?

Yes ☒ No ☐

If “Yes” please enter your comments below.

It is accepted that there will be additional costs for Local Authorities in meeting requirements imposed through the regulations for undertaking risk assessments. However, as there is no cap on the maximum amount of recoverable costs, it is anticipated that the full costs of risk assessment would require to be passed to the persons responsible for the supply. This is likely to result in supply owners being impacted to a greater degree. There is also the potential for further costs being incurred as a result of increased enforcement and administrative activity required through the new regulations. This will require further consideration.