

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE – 29TH MAY 2002

**PRIVATE WATER SUPPLY REGULATION – OUTCOME OF
CONSULTATION**

Report by Director of Community Services

1. PURPOSE OF REPORT

- 1.1 To advise the Committee of the outcome of a Consultation Document on the Regulation of Private Water Supplies in Scotland.

2. BACKGROUND

- 2.1 The Scottish Executive published a Consultation Document on the Regulation of Private Water Supplies in Scotland in November 2001. The consultation period ran from November 2001 until 14th February 2002.
- 2.2 The consultation was circulated to all Local Authorities, MSPs, Scottish MPs, Scottish MEPs, NHS Health Boards, Academic and Professional Institutes and a variety of rural, farming and business organisations.
- 2.3 The consultation confirms that there is overwhelming support for the improvement of the regulatory framework for private water supplies in Scotland. There are however some reservations about the operational details and additional costs and the Executive has confirmed its intention to take submissions on board when formulating proposals for a new regulatory framework.

3. DISCUSSION

The key outcomes of the consultation can be summarised as follows:-

- 3.1 The Scottish Executive will consult further on the proposal that Local Authorities should have a duty to monitor private water supplies serving 50 or more persons and/or associated with a commercial activity. Local Authorities should have a power to monitor all other supplies. The Scottish Executive is unable at present to confirm whether any breach of new regulations will be enforced against the occupier of the property or the owner of the land on which the source of supply is located.
- 3.2 The Scottish Executive will consult further on the proposal that the provision of water unfit for human consumption and provision of unwholesome water will result in the issue of an Enforcement/Improvement Notice. Failure to comply will constitute a

criminal offence for the provision of water unfit for human consumption and a breach of regulations for the provision of unwholesome water.

- 3.3 The Scottish Executive has to take further consideration of offering financial support for the improvement unsatisfactory private water supplies.
- 3.4 It is proposed that Local Authorities shall have a duty to provide support and education to users of private water supplies and shall compile a register of private supplies providing 10m³ as an average per day, or serving 50 persons or more.
- 3.5 Users of private supplies will be required to adopt a microbiological risk protocol to identify risk from cryptosporidium.
- 3.6 The Scottish Executive intends to set out parameters and sampling frequencies as set out in the Directive, although this could result in additional costs for local authorities.
- 3.7 The Scottish Executive intends to propose that commercial undertakings in public buildings must display their current water quality test results in a prominent position.
- 3.8 The Scottish Executive is taking legal advice on whether private distribution systems carrying water from the public network should be adopted by Scottish Water or remain in private ownership. Further consideration will then be given to the consequences if such systems are adopted by Scottish Water.

4. FINANCIAL IMPLICATIONS

- 4.1 The report acknowledges and recognises the resource implications for Local Authorities but does not make comment on whether additional funding will be available to implement any new regulations.

5. LEGAL IMPLICATIONS

- 5.1 Directive 98/83/EC.

6. POLICY IMPLICATIONS

- 6.1 The Council is committed to complying with all statutory legislation.

7. CONCLUSIONS

- 7.1 An extensive consultation on Private Water Supply Regulation has been completed by the Scottish Executive.
- 7.2 The consultation has resulted in the Scottish Executive intimating additional powers and responsibilities for Local Authorities which have

financial implications. The consultation has raised a number of additional matters which are to be the subject of further consideration by the Scottish Executive. It is important that additional responsibilities arising from new legislation are reflected in the grant settlement from the Scottish Executive.

8. RECOMMENDATIONS

8.1 The Committee is invited to note the report.

William Stafford
Director of Community Services

2nd April 2002

WS/JFC/RRS

LIST OF BACKGROUND PAPERS

1. Consultation Report – Private Water Supply Regulation

Any person wishing to inspect the background paper above should telephone 01563 57611 and ask for John Crawford, Head of Protective Services.

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AGENDA