

Case study 2 – Consequences of a lack of procedures, site schematic or communication about the operating regime for a private water supply.

In April 2015, a consumer in Devon, whose water for domestic purposes was being served by a Regulation 9 supply, experienced flooding in the garden of their rented property. To relieve what they assumed to be a blocked drain, the tenant called out a plumber, who located a manhole cover and saw what he described as ‘a lot of dirty looking water and a blue rope’ within the pit. Although the purpose of the rope was unknown to the plumber, he nevertheless pulled it, which resulted in the flood water receding from the manhole. In the belief that he had solved the problem, the plumber left the site. Later that day consumers of the private supply started to notice a drop in water pressure on their supply, which historically was not an unusual occurrence. However, on this occasion the flow began to diminish and eventually stopped altogether.

The plumber had in fact removed a plug from the private water supply storage reservoir and had caused insufficiency of the supply. A member of the local committee responsible for the upkeep and maintenance of the supply contacted the plumber’s employer and threatened the company with legal action. Uncertain of their legal position, the plumber’s employer contacted the Inspectorate for advice and was advised to contact the local authority as the regulators of private water supplies.

The local authority discovered that those in control of the supply had responded to recover the situation by recharging the reservoir manually from the public supply using bowsers, which had taken several days. Since the supply had been restored by this time the local authority advised those in control of the supply to make a record of the incident and document the actions they had undertaken to rectify the situation for future reference, and to include the contact details of the company who supplied the bowsers, the quantity of water required, key user contacts etc. This would then form an emergency and management procedure for future reference and evidence a procedure for future risk assessments by the local authority.

The local authority took the opportunity at this time to refer those in control of the supply to their risk assessment, which they had undertaken in 2012, using the Inspectorate’s risk assessment tool. This had identified, among other risks, the need for securing reservoir inspection chambers to prevent unauthorised access. An action plan for the mitigation of the risks had been produced with completion deadlines, however, the local authority did not return to verify that these actions had been completed to the deadline they had set due to other pressing priorities. This included the urgency to complete all of the private water supply risk assessments in their area to meet the regulatory five-year deadline.

The local authority agreed informally with the relevant persons that remedial work should be undertaken immediately to prevent any further recurrence. Although the Regulations give scope to allow local authorities to make this judgment, they are reminded to use their powers of enforcement where this approach has not been effective and/or the supply presents a risk to human health. This gap in the current enforcement regime has been addressed in the revised Regulations giving a fixed timescale for action to be taken by the relevant person(s), before enforcement action must be taken. The local authority has since taken regulatory samples from the supply which had satisfactory results for the parameters tested.

The risk assessment tool developed by the Inspectorate identifies the lack of an appropriate schematic as being an inherent risk for a private water supply. This case study confirms the importance of having documented schematics, as well as appropriate procedures and records for its management. It also highlights the lack of control or awareness that many tenants in rented properties have in respect of their private water supply.

Where local authorities agree action plans with relevant person(s), either as an informal arrangement, or as part of the steps within a Notice, they must have systems in place to verify the completion of mitigating actions to appropriate deadlines. As set out in the action plans in the Inspectorate's risk assessment tool, this can be through site visits if convenient or through the submission of documentation or photographs by the relevant person. Where action is agreed informally and it is not completed on time, the local authority should then use the relevant enforcement power to secure action. As this case study illustrates, an informal approach is not always a reliable method to bring about the necessary measures to ensure that supplies are wholesome and sufficient, and free from risks to human health.