



PRIVATE WATER SUPPLIES – CASE STUDY 2014/05

The objective and purpose of Regulation 8

In February, an MP wrote to the Inspectorate on behalf of a constituent who was complaining about a 'copper residue' in her drinking water. In line with normal practice, the Inspectorate contacted the water company to find out if they were aware of the complaint and, if yes, to establish whether the company had investigated appropriately or, if no, to require the company to investigate. The company was able to confirm that the constituent was not a customer on their billing records, but had previously requested a direct connection to the mains supply free of charge. Her request had been handled as a first time connection request, the quote for which was influenced by the nearest main being several miles away. When handling her request the company did not recognise, and inform the local authority, that the existing supply to the property was a mains water supply provided by means of a 'further onward distribution' arrangement across land owned by another party (as defined by Regulation 8 in the private supply regulations).

The Inspectorate's next action was to contact the local authority to make them aware of the water quality complaint associated with the Regulation 8 supply. In March, the local authority confirmed that while they had discussed and agreed the Regulation 8 arrangement with the water company, they had not been able to investigate the complaint because the complainant was not contactable and the owner of the adjacent premises had recently passed away.

In May, the local authority contacted the Inspectorate again to report that the matter had been progressed, not by them, but by the water company who was installing a free connection to the mains supply. The company was contacted again by the Inspectorate whereupon it was explained that other new mains work was being carried out in the supply zone to improve resilience against insufficiency, therefore they could now meet the original request for a direct connection to this property at no expense to the owner. The Inspectorate pointed out that on completion of these works, the duties on the local authority under the private water supply regulations would fall away, but the duty to investigate the water quality complaint did not fall away, instead it transferred to the water company.

In July, the company reported that the connection to the property had been made to the company's newly laid main and a water fittings inspection had been carried out which had confirmed there was no copper pipework inside the property. Additionally, sampling had been carried out and all the results were satisfactory. This information enabled the Inspectorate to answer and close the original enquiry from the MP.

This case study highlights how requests for new connections to water companies provide an opportunity to identify Regulation 8 supply situations. All companies should update their new connections procedures so that staff are aware that these supplies should be recorded on the private supply record and therefore they should notify the local authority whenever such an arrangement comes to light.

While it is not uncommon for consumers to make a complaint about their drinking water when they have exhausted all other routes for resolving a supply problem, as this case illustrates, care is required to ensure that best endeavours to resolve a supply problem do not distract from the duty to carry out a timely investigation of any



reported water quality concern. Regulation 8 was introduced into the new private water supply regulations in 2010 because it was known that this type of supply arrangement usually lacked any professional oversight in its set up, maintenance and management, causing a disproportionate and growing number of disputes triggered by impaired quality or sufficiency for which there was no means of resolution. Typically, to supply a property in this way the owners will have had to lay a long service pipe and connect this to another service pipe located on an adjacent premises. In doing so the owners may not have paid regard at the time to ensuring that the pipe materials and installation were both compatible and suitable. In this case it was found retrospectively that there was no copper plumbing within the property, therefore, if the supply arrangement had not ceased, the local authority would have been under a duty to establish if any part of the 'onward distribution' network was made of copper, whether its condition was the cause of a quality problem and, if so, who was responsible for its replacement. To enable such an investigation, the local authority would need to trigger the duty of the water company to carry out a fittings inspection at the primary premises (the customer of the water company) and report on the nature and condition of the onward distribution arrangement. The intention of Regulation 8 was twofold: in the short term to provide a means for remedying deficiencies and preventing future disputes from arising when the supply arrangements cease to be serviceable; and, in the longer term, by identifying these supply arrangements to enable planning by the water company to improve the local supply infrastructure over time so that all such properties can benefit in the future from a secure and safe direct connection to the public mains supply. The Inspectorate expects water companies and local authorities to be working jointly to put in place plans for the eventual removal of all Regulation 8 supplies. In this planning process, the risk assessment and monitoring powers of both water companies and local authorities, which are now fully aligned, should be used to gather evidence that can then be used to enable any investment in improvements to the public water supply infrastructure necessary to achieve the goal of making 'onward distribution' obsolete.

