

# Information note on Regulation 21



## Regulation 21 (Fees)

Regulation 21 makes provision for the charging of fees for the activities that local authorities are required to carry out under the Private Water Supplies (England) Regulations 2016, as amended. These activities are set out in schedule 5 to the Regulations and are shown in the table below. A local authority may only use this power to recover the actual cost incurred in carrying out a specified activity.

### Chargeable activities

Regulatory activity
A risk assessment (for each assessment)
A sampling visit (for each assessment)
An investigation for example of a complaint or a breach of a regulatory standard (for each assessment)
Laboratory testing costs
Regulation 10 supply – non-optional parameters
Regulation 10 supply – additional risk-based parameters
Regulation 9 supply – monitoring of Group A Parameters
Regulation 9 supply – monitoring of Group B parameters

If further samples are taken as part of the investigation, then the cost must be included and recovered. An additional charge for a sampling visit should not be made.

A local authority can charge for a sample visit if the purpose is to verify the effectiveness of improvements, for example following the completion of actions specified in a notice or action plan.

A local authority should not charge for a sample that is taken and analysed solely to confirm or clarify the results of a previous sample.

Where a local authority monitors a supply to a single dwelling where it suspects that the supply presents a potential risk to human health, it should only charge the owner or occupier for the cost of doing so if the owner or occupier requested the local authority to carry out the monitoring from the supply.

A local authority should not charge for the analysis of additional parameters not specified by the Regulations, which have been identified in the risk assessment as presenting a potential danger to human health.

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Local authorities can limit the cost of risk assessment by making use of information from other stakeholders, for example the Environment Agency, National Resources Wales, the local water company, British Geological Society, The Drinking Water Inspectorate.

The time taken to carry out the risk assessment, and therefore the costs incurred, can be reduced by requesting relevant persons to document relevant information about the supply in advance, for example by using or adapting the private water supplies information pack available on our website;

<https://cdn.dwi.gov.uk/wp-content/uploads/2020/11/03154009/info-pack.doc>.

Charges will vary between local authorities due to several factors (for example numbers of supplies, locations). Local authorities should have on their website a transparent charging regime which is easily accessible and in a user-friendly format.

Where monitoring is undertaken at a single property to represent several properties on a single supply, the responsibility for payment should be agreed by the relevant persons. Relevant persons are advised to document any agreements regarding payment of any ongoing charging costs, for example regulatory monitoring and risk assessment, maintenance, improvements servicing costs.

Payment of fees is chargeable to the relevant person(s). Where there is more than one relevant person, the legislation does not specify how costs are apportioned (see information note on regulation 2).