



South Staffs Water

incorporating



Keeping water safe in premises

Our policy for the enforcement of the Water Supply (Water Fittings) Regulations 1999

May 2014



1. Introduction

The purpose of this document is to set out South Staffs Water's policy, vision and commitments to the effective enforcement of Water Supply (Water Fittings) Regulations 1999 (the Regulations) within the areas we are responsible for supplying water to. Staffs Water has two distinct operating regions; the South Staffs region and the Cambridge region (see Appendix 1 for these supply areas).

The document describes the principles used to ensure compliance with the Regulations and how we will work with organisations and stakeholders to achieve its outcomes.

This document will be reviewed every three years or as necessary as a result of changes to legislation or centrally issued guidance.

2. Aims of the Policy

We are committed to the following aims:

- Enforcement of the Regulations under Section 75 of the Water Act 1991.
- Preventing any contamination of the mains water supply from backflow/back siphonage.
- Preventing any on-site contamination of water supplied for domestic purposes.
- Proactively promoting the Regulations to customers and other interested groups, in particular the notification requirements and statutory obligations.
- Promoting the conservation and economical use of water supplied.
- Ensuring all materials and fittings used by customers are compliant with the Regulations.
- Classifying recycled water used in all premises according to the assessed fluid risk in accordance with Schedule 1 of the Regulations.
- Classifying non-domestic customer premises according to the assessed fluid risk in accordance with Schedule 1 of the Regulations.
- Maintaining regular liaison with all Fluid 4 and 5 risk category premises.
- Maintaining records of all Regulations inspections.
- Maintaining records of actual and potential risk to align with the water supply network and customer elements of our Drinking Water Safety Plans.
- Proactively engaging with the water industry and national bodies to maintain our understanding of best practice.

3. Roles and Responsibilities

Us

We have a legal obligation to enforce the Regulations. Enforcement and monitoring will be carried out on a risk based approach taking into account a number of factors including Drinking Water Safety Plans, high risk premises, public buildings, private water supplies and private boreholes. Inspections will be carried out by trained, experienced and authorised personnel.

Designers, installers, premises owners and occupiers

Designers, installers, premises owners and occupiers have a duty to ensure that installations adhere to the Regulations including making the required notifications in accordance with Regulations 5 and 6.

4. General Principles

Proportionality

We will ensure compliance with the Regulations by responding to failures in a way which is proportionate to the severity and persistence of the contraventions identified. Our actions will take into account the level of impact with regards to public health protection and / or waste of water.

Transparency

Through inspection, consultation and education, we will advise customers of what is required of them in terms of complying with the Regulations and what level of support they can expect from us. This will be explained verbally and in writing.

Consistency

The Regulations will be enforced in a consistent manner taking into account individual circumstances and the level of risk identified. We will also take into account current national guidance.

Targeting

We will carry out a programme of inspections based on criteria concerning the risk posed by the installations and previous inspections, including the type of building, e.g. public buildings and their risk to the public supply.

Accountability

We are responsible to the regulators detailed in Appendix A of “Keeping Water Safe in Premises - Water Industry policy for the enforcement of the Water Supply (Water Fittings) Regulations and Scottish Byelaws” dated December 2013.

5. Actions in Support of Compliance

To support the enforcement of the Regulations we will carry out a number of steps:

Prevention

We recognise that working with developers, designers, installers and health professionals especially in the early development stages of any build will enable designers and installers to comply voluntarily with the Regulations.

Installer Approval Schemes

We support the Water Industry Approved Plumbers Scheme (WIAPS) and in addition the WaterSafe scheme that is the overarching national initiative. We carry out random audits of approved plumbers to ensure the quality of workmanship is maintained. We recognise all individual water company approval schemes, such as the Severn Trent Water Mark scheme and the Anglian Water Aplus scheme.

Fittings Approval Schemes

We actively promote the use of approved materials to ensure full compliance with the Regulations.

Advance Notification

In addition to work that requires mandatory notification in accordance with Regulations 5 and 6, we encourage notification for unfamiliar products.

Assessment of Risks

We will use relevant guidance and risk assessment methodologies to judge the greatest potential for adverse consequences to occur. To ensure that inspections are targeted correctly, various information sources will be used to plan inspections to maximise the risk reduction. Sources include knowledge of known risk, Drinking Water Safety Plans, customer contacts, notifications, cyclical inspection records, water quality information and both national and local events affecting water quality.

6. Dealing with Contraventions

Advisory and Warning Letters

Customers are advised in writing of any contraventions identified during an inspection. This approach will be used as long as it is believed that this will achieve compliance with the Regulations within a timescale that will protect public health, minimise excessive wastage and ensure our aims are met.

Additional advice will be offered where requested on how to achieve compliance and best practice, clearly differentiating between legal requirements and recommendations of good practice in both verbal and written communications. This includes where there is potential for enforcement action to prevent waste and undue consumption.

Formal Enforcement Notices

An enforcement notice will be issued where it is identified a serious problem has occurred and where advisory and warning letters are not appropriate. This includes failed inspections at public buildings, where it is identified there is a water quality failure.

Where it is identified that the enforcement notice is not adhered to, we may carry out the work and recover all costs.

Direct Intervention

If, during a Regulations inspection, a mains water supplied fitting or appliance is discovered which is believed to present an immediate risk to the public water supply, we may isolate the appliance, disconnect the service pipe or otherwise cut off the supply of water to the premises. In addition, an offence may have been committed which may result in prosecution of the consumer.

Simple Cautions

Under some circumstances a simple caution may be used as an alternative to prosecution. It is not a form of sentence (which only a court can impose), nor is it a criminal conviction. It is, however, an admission of failure to comply with the Regulations and may influence how that individual or business is dealt with, should they commit subsequent offences, and it may also be cited in court in any subsequent proceedings. The aims of the simple caution are to:

- Deal quickly and simply with less serious cases where the customer / installer has admitted a failure to comply with the Regulations.
- Divert less serious offences from the criminal courts.
- Record an individual's failure to comply with the Regulations for possible reference in future criminal proceedings or relevant security checks; and
- Reduce the likelihood of re-offending.

Care will be taken to ensure the customer / installer understands the significance of the caution and is able to give an informed consent to being cautioned.

Prosecutions

Prosecution will generally be reserved for the most serious cases when the customer / installer have failed to respond to our correspondence and all informal requests.

Penalties

Failure to comply with the Regulations is a criminal offence and attracts a fine of up to £1,000 if convicted.

7. Appeals and Redress

In the event that a customer disputes either the contravention that has been issued or the timescale with regards to rectification of the contravention, the customer should address their appeal to the Head of Water Quality and Compliance and clearly state the reasons for their appeal.

8. Commitments

Integrated Approach

We are committed to using a risk based approach to enforce the Regulations as an integrated part of our Drinking Water Safety Plans. This includes reviewing public buildings and identifying the level of the water quality risk within the building against the consequence of a water quality failure occurring.

Approved Installers

We support approved contractor schemes, in particular the Water Industry Approved Plumber Scheme (WIAPS).

Supporting

We are committed to providing advice and information to raise awareness and support of individuals and organisations in achieving compliance with the Regulations.

9. Links to Other Relevant Information

The Water Supply (Water Fittings) Regulations 1999 are published by Her Majesty's Stationery Office and are available to view or download from www.legislation.gov.uk

Other key links are:

- WRAS website (www.wras.co.uk)
- WRAS Information and Guidance Notes and leaflets (WRAS website)
- Water Undertakers Interpretations (WRAS website)
- World Health Organisation – Water safety in buildings
- South Staffs Water website – www.south-staffs-water.co.uk
- Cambridge Water website- www.cambridge-water.co.uk

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