



**REPORTS FOR DECISION BY THE
CABINET MEMBER FOR ENVIRONMENT**

Date Issued: 13 April 2011

	Page Nos.
1. Report of the Assistant Director of Environment & Regulatory Services - Fees and Charges for Private Water Sampling 2011/2012	1 - 7

A Record of Decision will be issued following the conclusion of 5 clear working days from the date of issue of the Report

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Agenda Item 1

MAIDSTONE BOROUGH COUNCIL

CABINET MEMBER FOR ENVIRONMENT

REPORT OF THE ASSISTANT DIRECTOR OF ENVIRONMENT & REGULATORY SERVICES

Report prepared by: Steve Wilcock

Date Issued: 13 April 2011

1. FEES AND CHARGES FOR PRIVATE WATER SAMPLING 2011/2012

1.1 Key Issue for Decision

1.1.1 To consider proposed fees for Private Water Sampling services provided by the Environmental Health Section for the financial year 2011/2012.

1.2 Recommendation of the Assistant Director of Environmental Services

That the Cabinet Member for Environment agrees fees for the financial year 2011/2012 for chargeable services provided by the Environmental Health Section as detailed in the body of the report.

1.3 Reasons for Recommendation

1.3.1 The Environmental Health Section has not provided a chargeable Private Water sampling service for some years.

1.3.2 It is felt appropriate to bring the new fees more in line with other Kent authorities. The table in Appendix 2 shows current fees comparisons across Kent Authorities.

1.3.3 The fees proposed are as follows:

Activity	Maximum Fee Permitted by the Regulations	Fee Recommended for Adoption in Maidstone
Risk assessment (each assessment)	£500	At cost of officer time - to maximum of £500
Sampling (each visit)	£100	£50
Other investigations (per investigation)	£100	£50
Grant of Authorisation (per authorisation)	£100	£100
Analysis of Sample	£500	Cost of analysis and officer time recharged up to a maximum of £500

1.4 Alternative Action and why not Recommended

1.4.1 There is no alternative available, as LAs must charge for this service. It is felt that the proposed fees accurately reflect the service costs.

1.5 Impact on Corporate Objectives

1.5.1 The process of reviewing fees is essential to ensure that operational costs are recovered and that Council budgetary objectives are met.

1.6 Risk Management

There is a risk that service users could object to the increases. The fees, however, relate to statutory services and users are required to take up these services.

1.6.1 The Council will need to ensure that all the appropriate marketing material and the website is updated to ensure that customers are aware of the latest costs.

1.7 Other Implications

1.7.1

1.	Financial	X
2.	Staffing	X
3.	Legal	
4.	Equality Impact Needs Assessment	
5.	Environmental/Sustainable Development	
6.	Community Safety	
7.	Human Rights Act	
8.	Procurement	
9.	Asset Management	

1.7.2 Whilst the charges for the services specified cannot be regarded as income generators, it is considered that they should be increased to be more in line with other UK authorities.

Recommendations

(1) To agree to the proposed charges detailed in the report to recover the costs incurred by the council in discharging the duties of the Private Water Supplies Regulations 2009.

(2) To agree that increase due to inflation will be reviewed annually alongside other Environmental Health fees and charges.

1.8 Background Documents

Appendix 1 – Summary of Private Water Regulations 2009

Appendix 2 – Fees comparisons across Kent Authorities.

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes No

If yes, when did it appear in the Forward Plan? _____

Is this an Urgent Key Decision? Yes No

Reason for Urgency

[State why the decision is urgent and cannot wait until the next issue of the forward plan.]

How to Comment

Should you have any comments on the issue that is being considered please contact either the relevant Officer or the Member of the Executive who will be taking the decision.

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Appendix 1: Summary of Private Water Regulations 2009 Implications

The 2009 Regulations

Local authorities are required to inspect and sample Private Water supplies to ensure they are clean and safe to drink. Existing regulations stipulate what inspection and sampling has to be carried out and also makes provision for authorities to recover the costs incurred in undertaking such duties.

The Private Water Supplies Regulations 2009 (the '2009 regulations') came into force on 1 January 2010 and have been published introducing a new sampling regime and fee structure that allows a local authority to set new charges. This report sets out recommendations for how the new charges should be determined and what those new charges should be.

These regulations comply with requirements of and EU Directive by introducing a number of new requirements. There is still a requirement for local authorities to regularly sample all supplies, with the exception of single domestic supplies, to ensure they are safe and wholesome to drink. The frequency of sampling and some of the parameters subject to testing have however changed.

The key new requirements are:

- A risk assessment must be carried out on all Private Water Supplies (PWSs) within 5 years of the regulations coming into force.
- Enforcement powers are strengthened where a problem supply is identified.
- The risk assessment and sampling of water supplied via private distribution systems (PDS) is required for the first time. These are systems where mains water is supplied to a location but then further distributed by someone other than the water undertaker.
- Full records will need to be maintained and submitted annually to the Drinking Water Inspectorate (who oversee the implementation of all drinking water regulation in the UK).

Cost recovery

Regulation 21 and Schedule 5 to the 2009 Regulations make provision for local authorities to make a charge for certain activities required by the

regulations. The charge may only cover the reasonable cost of providing the service and is subject to maximum limits. The fee is payable by the owner or users of the water supply.

Under the previous 1991 Regulations there was a similar provision for charging for sampling and a charge of £50 per sample (the maximum allowed) was made by this authority. As the maximum limit has been revised these charges need to be reviewed.

Under the 2009 Regulations charges can be recovered for the following:

- i. risk assessment
- ii. sampling
- iii. Investigation
- iv. Granting an authorisation
- v. analysis

The cost of each of these will vary in terms of officer time and resources required. It is therefore proposed to set the charges based on the officer costs per full hour plus any extra analysis/resource costs.

For sampling however, the time involved is roughly the same in most cases and to be equitable to all supply owners it is proposed to set this as a fixed fee.

If, however a sample is taken at the same time as a risk assessment is carried out then the sampling time will form part of the overall risk assessment time and be charged accordingly i.e. a separate sampling charge will not be made.

The analysis costs are set by the laboratory. The amount charged to the customer will simply be the charge that the laboratory makes for undertaking the analysis. This is a constant charge dependant upon the parameters sampled for. A set of analysis charges will be agreed with a designated lab.

Appendix 2 - Current charges for sampling Private Water Supplies

Local Authority	Analysis Cost	Cost of Officer Time
Ashford	No information obtained	No information obtained
Canterbury	No information obtained	No information obtained
Dartford	No information obtained	No information obtained
Dover	No sampling previously undertaken	No sampling previously undertaken
Gravesham	Total cost of analysis is re-charged	£50 per visit
Maidstone	No re-charging done at present	No re-charging done at present
Medway	No sampling done at present	No sampling done at present
Sevenoaks	Total cost of analysis is re-charged	£35 per visit
Shepway	No re-charging is currently undertaken	No re-charging is currently undertaken
Swale	Total cost of analysis is re-charged	£44.18 per hour and £16.36 admin charge. Costs reduced by sampling more than 1 supply in same day
Tonbridge & Malling	Total cost of analysis is re-charged	An additional £5.30 is charged for bacteriological samples only
Thanet	No information obtained	No information obtained
Tunbridge Wells	Total cost of analysis is re-charged for additional samples only	None