
NORTHUMBRIAN WATER LIMITED POLICY DOCUMENT FOR THE HIRE AND USE OF METERED STANDPIPES AND HYDRANTS**INTRODUCTION**

The purpose of this document is to establish a clear and consistent policy for Northumbrian Water Limited (NWL) to adopt regarding the use of metered standpipes and hydrants. This policy will be applied to any organisation, company or individual requiring the use of hydrants and/or metered standpipes for the abstraction of water. The only exception will be to allow any person to take water for extinguishing fires from water mains or other pipes on which a fire hydrant is fixed.

Interference with a water main (which includes a hydrant) is an offence under the Water Industry Act 1991 and as such is liable to prosecution.

Section 59 of the Water Industry Act 1991 states that a water undertaker shall at the request of a Highway Authority provide from such of its pipes as are of appropriate capacity, a supply of water for cleansing drains and cleansing and watering highways upon such terms and conditions as may be reasonable. This covers Highway Authorities but not private contractors and other council activities. It is unacceptable to NWL that the quality and quantity of water supplied to its customers is jeopardised by the use of unauthorised hydrants and unmetered non-backflow protected standpipes. Bearing in mind the provisions of the Act it is important that NWL implements a common and reasonable policy to supply water to Highway Authorities where it is legally obliged to do so whilst protecting its own apparatus from misuse by others.

There will be three different categories of hydrant/standpipe users: -

- 1) Contractors working on behalf of NWL
- 2) Highway Authorities cleansing drains and highways
- 3) Any other organisation or individual other than those detailed on Section 59 of the Water Industry Act 1991

- 1) **CONTRACTORS WORKING ON BEHALF OF NWL**

- a) The Sewerage Project Manager responsible for the contractor carrying out sewer cleansing or other activities on behalf of NWL is required to inform the NWL Network Performance Coordinator. Details will be added to the Operational Use of Water spreadsheet.

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- b) The Contractor will be issued with metered backflow protected standpipes fit for purpose. The Contractor will be provided with a list of designated hydrants for sewer cleansing and other activities.
 - c) The Contractor will only be allowed to use non-designated hydrants if a request is submitted to Network Performance and approval obtained.
 - d) Contractors will be liable to prosecution for: -
 - i) Using a non-NWL metered standpipe on any hydrant unless authorised by NWL
 - ii) Using any standpipe on a non-designated hydrant
 - iii) Using any standpipe and /or any hydrant for activities not related to the contract with NWL

2) **HIGHWAY AUTHORITIES CLEANSING DRAINS AND HIGHWAYS**

NWL will provide a supply of water for this activity subject to the following: -

- a) A Highway Authority requiring the use of a hydrant for drain and highway cleansing must inform NWL Network Performance Coordinator. Details will be added to the Operational Use of Water spreadsheet.
- b) The Highway Authority will be issued with metered backflow protected standpipes fit for purpose. The Highway Authority will be provided with a list of designated hydrants for such cleansing activities.
- c) The Highway Authority will only be allowed to use non-designated hydrants if a request is submitted to Network Performance and approval obtained.
- d) When returning the metered standpipe, or following regular meter readings the Highway Authority will be charged in accordance with NWL's Charges Scheme.
- e) The Highway Authority will be liable to prosecution for: -
 - i) Using a non-NWL metered standpipe on any hydrant unless authorised by NWL
 - ii) Using any standpipe on a non-designated hydrant
 - iii) Using any standpipe or any hydrant for activities other than drain or highway cleansing.

3. **ANY OTHER ORGANISATION OR INDIVIDUAL OTHER THAN THOSE DETAILED IN SECTION 59 OF THE WATER INDUSTRY ACT 1991**

It is important that a uniform approach is adopted when hiring metered standpipes to customers i.e. individuals or companies not connected to Highway Authorities cleansing activities or NWL works.

The procedure is as follows: -

- a) The Customer contacts Northumbrian Water Ltd Business Income Team at Northumbria House, Pity Me, Durham, DH1 5FJ. Either by telephone 08458500514, fax 0191 3016445 or email: standpipes@nwl.co.uk.
- b) The customer is asked as to the purpose for which the metered standpipe is to be used. If acceptable and on payment of a deposit and a hire fee the customer will be issued with a 25mm metered backflow protected standpipe. A licence for the agreed duration will be issued. Any additional rental charges will be charged in accordance with NWL's Charges Scheme.
- c) NWL reserves the right to refuse to issue a metered standpipe in cases where it is felt that a new service connection or temporary service connection would be more appropriate.
- d) Anyone found using a hydrant for which they have no licence and/or a non-NWL metered standpipe will be liable to prosecution. Non-compliance with any of the conditions of the licence will result in immediate withdrawal and permission to use the metered standpipe, forfeiture of the returnable deposit and possible prosecution. Any decision to prosecute will ultimately be made in accordance with NWL's Prosecution Policy.
- e) Non-return of the metered standpipe will result in additional rental being charged and forfeiture of the deposit.
- f) Provided the metered standpipe is returned undamaged, the customer will be refunded their deposit. If the customer's usage allowance has been exceeded, the customer will be charged for any water used in accordance with NWL's Charges Scheme. The refund of the deposit will be held until the excess consumption has been paid for.
- g) If the standpipe is damaged in any way, (including situations where the standpipe has been modified by the customer or it has become blocked) lost or stolen, the customer's deposit will be retained.

Contact Details

A standpipe may be hired by contacting

Business Income

Northumbria House

Pity Me

Durham

DH1 5FJ

Tel : (0845) 8500514

ILLEGAL ABSTRACTION FROM WATER HYDRANTS

PROSECUTION POLICY

Background to the problem

1. As the statutory water undertaker for all, or part of, the counties of Northumberland, Tyne & Wear, Durham, Cleveland and North Yorkshire, Northumbrian Water Limited (NWL) operates a water distribution system in these areas such that: -
 - i) Customers receive water whose quality complies with the Water Supply (Water Quality) Regulations 1989 (SI 1147) (as amended);
 - ii) Any interruptions to customer services comply with the requirements of the Water Supply and Sewerage Services (Customer Service Standards) Regulations 1989 (SI 1159); (as amended)
 - iii) Customers receive at least 10 metres head at their property boundary (Instrument of Appointment Annexe A Levels of Service/DG 2A).
 - iv) All applicable statutes, statutory instruments and byelaws are complied with.
2. NWL has a statutory duty to supply water from a hydrant for organisations such as Highway Authorities that require a water supply for drain and highway cleansing. Where a request is made for a water supply from a hydrant for any other purpose, NWL may grant a licence specifying the hydrant to be used and provide a 25mm metered backflow protected standpipe by way of hire for the applicant's use.
3. The attachment of any pipe or apparatus to any main or pipe vested in NWL without NWL's consent is an offence contrary to s. 174 (3) Water Industry Act 1991. An applicant who complies fully with the licensing will be protected from infringement of s.174 (3).
4. The attachment of unmetered, unlicensed standpipes to water hydrants and the drawing of large volumes of water out of the system can cause severe disruption. The following problems may occur: -
 - 4.1 There is the risk of the hydrant being damaged and this not being reported, which would reduce the fire fighting cover within the area serviced by the hydrant.
 - 4.2 Unmetered standpipes frequently lack backflow protection which means there is a serious danger that contaminated water may get into the public water supply (back siphonage).

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- 4.3 NWL keep a record of Special Needs Customers including kidney dialysis units since the correct functioning of these machines requires not only a minimum water pressure but also a particular quality of water. Interruptions to the water supply to dialysis machines may thus lead to blockages or medical interference.
 - 4.4 The increased velocity of the water, which occurs on abstraction, disturbs sediments in cast iron water mains. This causes discolouration of water supplies to customers and consequent claims against NWL by consumers for damage to laundry etc.
 - 4.5 A sudden, large-volume abstraction of water can lead to a lack of pressure in the main, which affects the supply to customers.
 - 4.6 Bursts to the main can occur when the hydrant is turned on/off too quickly; this may cause pressure-reducing valves to fail resulting in major disruption.
 - 4.7 The abstractor is avoiding the capital cost of the installation of the hydrant and depriving NWL of the revenue cost of the water involved.
 - 4.8 Considerable quantities of water can run to waste.
 - 4.9 In extreme weather conditions, quantities of water spilling across a road can freeze quickly, causing a serious hazard to both traffic and pedestrians, possibly leading to accidents.

5. **Procedure**

NWL has an established policy of taking action against those who abstract water from its mains without a licence using non-designated hydrants or unauthorised standpipes. Where an unauthorised abstraction is witnessed an incident report form is completed following the approved guidelines. When all necessary information cannot be obtained at the scene, the Legal Department will assist in carrying out a vehicle registration search.

NWL has two levels of response to such incidents; it can either offer a formal caution or issue proceedings in the Magistrates' Court. These two options are considered separately below.

6. **Formal Caution**

A formal caution can only be issued in accordance with the Attorney General's guidelines on cautions. It constitutes a criminal record and can be cited in any subsequent conviction. There is no court hearing involved with a caution and no fine or other penalty. Cautions will only be issued via the Legal Department to ensure that the necessary formalities are satisfied.

NWL can offer a formal caution to an abstractor where the circumstances merit a lower level of punishment. It is in NWL's discretion to determine whether the circumstances are such as to justify a caution rather than a summons.

7. **Summons**

A summons is issued via the court in the area where the incident occurred. NWL will issue a summons in all cases of unlicensed water abstraction unless the circumstances show that a caution is the more appropriate response. Once the court issues a summons, the matter is then the concern of the court and no longer solely that of NWL. Northumbrian Water Limited cannot, for example, withdraw the summons after this stage unless the court permits this.

The abstractor will be notified formally of the evidence. If the abstractor wishes to deny the action they must attend personally or be represented and explain their defence to the court. If they wish to plead guilty (and put forward any evidence in mitigation) they can do so either by post, by attending in person or being represented. A Company can attend via a Director or senior officer.

Where there is a hearing the person who reported the incident will generally have to attend as the court often asks questions about the incident. In addition, the Distribution Manager (or delegate) may need to attend as a technical expert on behalf of NWL. Some courts are unfamiliar with this type of action and it may be necessary to explain certain matters to them.

8. **Choice of Response**

The Legal Department will discuss the case with the Distribution Manager and depending on the circumstances NWL will offer the Defendant a caution or issue proceedings.

If the Distribution Manager agrees with the recommendation of the Legal Department, it will be asked to initiate a response.

If the Distribution Manager disagrees with the recommendation of the Legal Department, the matter will be referred to NWL's Management Team for final determination.

9. **Costs/Fines**

The maximum fine, which the Magistrates can impose for this type of offence, is £1000 (Level 3). This limit is raised periodically. Fines, are paid by the Defendant to H M Government.

As a prosecutor, NWL ask the court to order the Defendant to pay.

- i) Legal costs incurred by NWL in bringing the proceedings;
- ii) Cost of the water taken

With (i), the award of costs is discretionary and the court is not obliged to make such an order. At present, NWL asks for £200 in respect of its legal costs on routine prosecutions, which is generally granted. Where the case is especially lengthy or complex the Legal Department will aim to recoup the full costs incurred. With ii), the value of the water used is the cost of the licence fee. This sum is not recoverable where the Defendant has a valid licence. Additional costs will be recovered for any subsequent flushing or damage repairs to the hydrant. The Defendant via the court will pay these costs to NWL.

NWL has six months from the date of an incident within which to issue proceedings. This time limit must be borne in mind in any dealings with the Defendant.

10. **Record Keeping**

The Legal Department maintains a computer database of all prosecutions brought by NWL for this type of offence. When new instructions are received, a cross-reference is carried out to see whether that particular Defendant has been prosecuted before by NWL. Evidence of previous convictions is cited to the court before sentencing.