

NORTHUMBRIAN
WATER *living water*

ESSEX & SUFFOLK
WATER *living water*

ENFORCEMENT POLICY

WATER SUPPLY (WATER FITTINGS) REGULATIONS 1999

SCOPE

Northumbrian Water Limited (NWL) has a legal duty to make sure the water it supplies is of the highest quality possible. We must also make sure others follow the regulations when connecting, using and maintaining pipes and water fittings at any premises we supply. These regulations are called the Water Supply (Water Fittings) Regulations 1999 (the Regulations). They are designed to stop the waste, misuse, contamination undue consumption and erroneous measurement of public water supplies.

Anyone who owns or occupies buildings connected to the public water supply, or who installs plumbing or water fittings, must comply with the Regulations. It is NWL's duty to enforce the Regulations in its area of supply and our employees and contractors are empowered to enter properties and carry out inspections and works to make sure the Regulations are being complied with.

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1. INTRODUCTION

The aims of this policy

- To make sure there is a consistent approach to the enforcement of the Regulations within the NWL area
- To provide guidance to all involved with Water Regulations enforcement to make sure enforcement decisions are consistent with current government advice and best practice
- To let people know the principles used to guide enforcement action

The purpose of enforcement

NWL enforces the Regulations so as to:

- Ensure the safety of the public water supply
- Reduce the risks to health from contaminated water (both within premises and in the wider water supply network)
- Minimise the wastage of water within premises and promote efficient water use
- Protect company assets
- Preserve valuable water resources; and comply with its statutory obligations

Enforcement can range from providing advice all the way through to court action. We believe prevention is better than cure and that educating people about their responsibilities is the best way to make sure the Regulations are followed.

We promote best practice through written and face-to-face advice. You can find further information about the requirements of the Regulations on our Northumbrian Water website at www.nwl.co.uk/services/business/water-regulations/ and our Essex & Suffolk Water website at www.eswater.co.uk/services/business/water-regulations/

Enforcing the Regulations

If someone is found in breach of the Regulations, NWL must decide what steps to take. There are a number of things to consider:

- Is there a risk to public health?
- What is the severity of the contraventions?
- What is the premises type or primary use?
- How much water is being wasted?

In most situations we will work with those involved to reach a suitable solution.

Training our employees

Only competent and authorised people are allowed to carry out inspections and enforcement of the Regulations. NWL aims to ensure its employees are kept up-to-date with changes in the law, with best practice and with any changes to this policy.

2. OUR APPROACH

To make sure the Regulations are enforced fairly, our decision is also based on a number of values. These say our actions must be:

Consistent

To be fair, decisions have to be consistent. However, no two situations are the same and NWL employees have to exercise their judgement in each case. To help keep decisions consistent we are in regular contact with other water companies and industry groups.

Targeted

NWL's programme of inspections is based on the potential risk posed by different properties should an incident occur. This decides how often a particular property is inspected, with those that pose the biggest potential risk to the public water supply getting more regular visits.

Transparent

If someone is found to be in breach of the Regulations, we will give them a clear explanation of what is wrong and what they need to do. We may also give advice on how to go beyond the basic requirements and meet current best practice. If the breach is serious and immediate action is needed then we will explain why, both verbally and in writing.

Accountable

NWL is accountable for its actions. The way we deal with comments and complaints are set out in our codes of practice, which are available on our websites www.nwl.co.uk/help/contact/our-guaranteed-standards-of-service/ and www.eswater.co.uk/help/contact/our-guaranteed-standards-of-service/. In all cases, the response will be proportionate to be the seriousness and persistence of the breach.

3. ENFORCEMENT METHODS

There are a number of steps NWL can take to make sure that the Regulations are complied with.

Initial inspection

Where contraventions are found during an inspection, we will issue a report, explaining what the problem is, what should be done about it and by when.

A re-inspection will be arranged to make sure all the problems have been put right in the timescales required. This may not be needed if an approved plumber has completed the work and issued a certificate to say the property's water fittings and installation complies with the Regulations.

A full list of approved plumbers can be found at www.watersafe.org.uk

Enforcement letters

These are sent if the work required in the initial inspection report has not been completed within the set timescales, but a caution or prosecution is not thought to be appropriate at this stage.

Notice of intent to prosecute

These are issued in the case of a serious problem when our initial approach has either failed or is not appropriate. A notice of 'Intention to Prosecute' is a formal document that says work to correct the issues must be carried out. If the work is not completed, then more serious action is likely to follow.

Works in default

If work listed on an enforcement notice is not completed in time, NWL may carry out the work itself and charge the costs to the person or organisation concerned. Information on our Charges Scheme (Other Services) can be found here <https://www.nwl.co.uk/services/wholesale-services/wholesale-charges/>

Disconnection of supply

Sometimes a problem may be so serious it is considered an emergency. If so, NWL may have to disconnect the water supply to the premises to protect public supplies.

Water supplies can also be disconnected if work listed on an inspection report has not been completed in time or the premises appear to be empty.

Cautions

NWL may issue a caution instead of taking someone to court. A caution is not a criminal conviction, but by accepting it, an individual or business admits breaching the Regulations. This could affect how they are dealt with if they commit any other offences and may be brought up in any future court hearings. Cautions aim to:

- Deal quickly and simply with cases where there is an admission of failure to comply with the Regulations within the timescales required
- Divert less serious offences from the criminal courts
- Record a failure to comply with the Regulations for possible reference in future criminal proceedings
- Reduce the likelihood of re-offending

Prosecutions

This is for the most serious cases, where our initial approach has not worked or where there are frequent, less serious breaches.

Before beginning prosecution, NWL will apply the same tests the Crown Prosecution Service use in deciding whether to bring a case to court. These evidence and public interest tests are described in the Crown Prosecution Service Code for Crown Prosecutors.

The following factors will also be considered:

- The seriousness of the alleged offence
- The severity and scale of potential or actual harm
- Any explanation offered
- The willingness to prevent it happening again
- Whether those involved have broken the rules before and how willing they were to put things right
- The likelihood that a defence could be established
- The strength and admissibility of the evidence
- The probable public benefit of a prosecution and the importance of the case in establishing a precedent
- Whether other action could be more appropriate or effective

Penalties

Failure to comply with the Regulations is a criminal offence. Any person or organisation convicted can receive a fine not exceeding level 3 on the standard scale, per offence.

Defence

The Regulations provide a defence for an owner or occupier charged with an offence based on the installation, alteration, repair, connection or disconnection of a water fitting, if they can prove the work was done by an approved plumber who certified that the water fitting complied with the Regulations.

Powers of entry

Employees with authorisation from NWL, have the right to enter any premises at any reasonable time of day, with 24 hours-notice given. However, prior notice may not be necessary in an emergency or serious incident. Preventing an authorised employee from entering a premises is an offence and anyone found guilty could receive a fine not exceeding level 3 on the standard scale.

If NWL employees are prevented from entering a premises, the company may get a court warrant. This allows entry to be made by force if necessary.

Publicity

If a person or organisation is found guilty in court of breaching the Regulations, NWL will consider publicising the conviction. This could be through the general media or NWL's own publications, website or social media accounts.

The aim would be to draw attention to the Regulations, the need to allow them and to deter anyone tempted to break them.

Charges

NWL will make charges in line with the rates published in the Charges Scheme (Other Services) <https://www.nwl.co.uk/services/wholesale-services/wholesale-charges/> for the following activities:

- Interim inspections (i.e. failed inspection that will require a repeat visit)

- On-site meetings to providing additional design or installation advice to aid compliance
- Failed appointments, or where cancellation is made with less than one weeks' notice
- Remedial works undertaken by NWL in default to make the water supply safe and compliant where a disconnection cannot be undertaken due to Site Specific Arrangements

No charges are applied for:

- Initial inspections
- Successful inspections
- Initial notification reviews

For non-household premises the applicable charges will be collected from the customer's retailer as part of the non-primary charges settlement.

Technical disputes and customer complaints

As a regulatory body, NWL is accountable for its actions. Any dispute regarding NWL's interpretation of the regulations as part of its enforcement activity that cannot be resolved between the two parties will be referred to the Water Regs UK Limited for arbitration.

Any complaints with respect to the manner in which NWL representatives undertake their enforcement activity should be made to the water retailer for the eligible premise (i.e. who the customer pays the water bill to for the premise).

4. FURTHER INFORMATION

General information and contacts

The Water Supply (Water Fittings) Regulations 1999 and amendments make provision for preventing the waste, misuse, undue consumption, contamination and erroneous measurement of water. A free copy can be obtained from the HMSO website www.legislation.gov.uk

The 'Water Regulations Guide' is produced by the Water Regs UK Limited and can be purchased from Her Majesty's Stationery Office and other leading book retailers ISBN 0-9539708-0-9.

NWL have produced a range of risk assessments, support documents and information sheets on a range of fittings and installation practices. These are available to view on our website or by contacting the Water Regulations department directly.

Her Majesty's Stationery Office (HMSO)

Printed copies of enacted legislation can be purchased from the contracted legislation publisher; The Stationery Office Limited (TSO):

The Stationery Office Limited
PO Box 29
Norwich NR3 1GN

(t) 0870 600 5522

(e) book.orders@tso.co.uk

(w) www.tso.co.uk/bookshop

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5. REVIEW

This Enforcement Policy will be reviewed and revised whenever deemed necessary. The last review was December 2022.

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