

# Information note on Regulation 16 (Wales)



## Maintenance of records

Regulation 16 requires each local authority to make and keep a record of private water supplies in its area and in accordance with Schedule 5 of the Regulations. In order to obtain information on private water supplies in its area, local authorities are advised that any new supplies in their area are registered with them by the supply owner or other relevant person. Local authorities are required to discharge their duties as soon as practicable when they become aware of a new supply. Therefore any relevant person who fails to register with a local authority a new private supply that the local authority has become aware of may be served a Notice under Section 85 of the Water Industry Act 1991, to require them to provide information to enable the local authority to exercise all duties and powers in respect of private water supplies. Failure to comply with such a Notice is an offence and liable, on summary conviction, to a fine. The information a local authority must hold on each supply is listed in Schedule 5 of the regulations, as follows:

- the name of the supply, together with a unique identifier;
- the type of source. There are three categories of sources: (1) surface waters (rivers, streams, lakes, reservoirs); (2) groundwaters (springs, wells, boreholes) that are not influenced by surface waters; and (3) mixed sources which are groundwaters that are influenced by surface water. For groundwater the geological strata should be recorded);
- the geographical location using a grid reference – this means the 12 figure ordnance survey grid reference (Easting and Northing) of the location of the source, as close as possible to its known location (as the precise location of the source may not be obvious);
- an estimate of the number of people served by the supply;
- an estimate of the average daily volume of water supplied in cubic metres (using 0.2m<sup>3</sup>/day per person, which is 200 litres per person per day);
- the type of premises supplied (for example, private domestic dwellings, hotels, bed and breakfast establishments, schools, colleges, hospitals, public libraries, food production undertaking etc);
- detail of any treatment process, together with its location (examples of treatment processes include collection chambers, blending, coagulation and flocculation, clarification, settlement, sedimentation, aeration and oxidation, filtration, ion exchange, membranes, disinfection); and
- the details of the local health board in whose area the supply is located (address, telephone, e-mail, and contact person).

# Information note on Regulation 16 (Wales)



The local authority must review and update that initial record at least once a year, in practice through the annual data return to DWI. It should also do so as soon as practical after any significant change in circumstances (for example installation of a new treatment process). For supplies to single dwellings and supplies of 10m<sup>3</sup>/day or less that are not part of a commercial or public activity, local authorities must update the records when they are aware of any changes (such as a new risk assessment, or result of monitoring or other information about the supply). This information can be gathered during a general visit to the supplies (not related to a water supply) or as a desk top exercise, e.g. through questionnaires, etc. This record must be kept for at least 30 years.

Schedule 4 states the local authority is also required to include in the record for each private water supply within 28 days of the information being available, the following:

- a plan and description of the supply – this schematic plan forms part of the risk assessment and should show/describe the source, the treatment and distribution network (including inspection chambers or storage tanks). The local authority will need to liaise with the supply owner or operator to obtain this, if not already provided;
- the monitoring programme for the supply – (number of samples planned for the year, number of samples taken during the year and whether supply closed/or was no longer in operation or new supply sourced during the year);
- the risk assessment
- the date, results and location of any sampling and analysis relating to that supply, and the reason for taking the sample (routine programmed compliance sample (distinguishing whether the samples is an audit or check monitoring sample), as a result of the risk assessment, investigation of failure, request from owner/occupier, complaint or operational incident);
- the results of any investigation (of a failure to meet a standard or indicator parameter value) undertaken in accordance with the Regulations; whether the supply has been determined as a potential risk to human health or not, and whether there is an informal or formal action plan. This could cover improvements to the source (like fencing, diversion ditches), improvement works to collection chambers, storage tanks or inspection chambers, the distribution network (such as pipework or valves), and/or any treatment processes (either on the supply or at individual properties);
- any Notices served under section 80 of the 1991 Act (or Regulation 20) – brief details of the action required by the Notice and whether the Notice been complied with by the date specified in the Notice;

# Information note on Regulation 16 (Wales)



- any action agreed to be taken by any person under the Regulations (whether agreed informally or by means of a Notice);
- any request for the local authority to carry out sampling and analysis, undertake a risk assessment or give advice (reason for request – such as complaint, prospective house purchase, complaint from a tenant); and
- a summary of any advice given in relation to the supply (and who the advice was given to).
- a summary of the reasons for a decision to reduce or exempt altogether the monitoring of a particular parameter under Part 4 of schedule 2 regulation 11(8A).” (for further details see Information note for regulation 7)

Schedule 5 of the 2017 regulations also requires a summary of any risk assessment. Local authorities should therefore send to the Inspectorate a copy of the summary sheet, which is derived from the risk assessment tool on its completion, for each of its supplies that it has assessed as high or very high risk.

Local authorities must also record the risk rating of each risk assessment that it has carried out for the required calendar year as part of its annual data return to the Inspectorate. This rating should reflect the risk at the time of the annual return, not at the time the risk assessment was carried out. Therefore in some instances supplies that were assessed as high risk at the time of their inspection may well be medium or low risk by the time the data return is due (at the end of each January) following the completion, as verified by the local authority, of the mitigating actions identified by the risk assessment.

The local authority must retain the information in the record relating to the risk assessments and sampling and analysis for at least 30 years and it must retain the other information for at least five years.

Under the Private Water Supplies Regulations (Wales) 2017, local authorities are under a statutory duty to provide certain information relating to private water supplies to the Welsh Ministers. The Drinking Water Inspectorate collates and reports this information on behalf of Welsh Ministers. The information kept by the local authority and the DWI does not constitute a public register.

The provision of this information takes the form of an annual report which is generally known as the ‘data return’. The requirements for submission are published as an annual information letter which specify the records and information that local authorities are required to maintain and send in the form of an Excel workbook. A summary of this information is produced by DWI annually.

# Information note on Regulation 16 (Wales)



## **Notification of information**

This Regulation is the statutory basis for the requirement of every local authority to send an annual report to the Inspectorate by 31 January each year, of the status and records for every private water supply during the preceding year (2018 records submitted by 31 January 2019 for example).

A local authority must upon request, send the Welsh Minister a copy of the records required under regulation 16.