



North Devon Council

Report Date: Wednesday, 19 July 2023

Topic: Private Water Supplies Fees amendment

Report by: Head of Planning, Housing and Health

1. INTRODUCTION

- 1.1. The Council (NDC) has a legal duty to inspect and sample Private Water Supplies in the District to ensure water is potable/wholesome.
- 1.2. The Private Water Supplies Regulations 2016 (as amended) provide for Local Authorities to charge up to prescribed limits.
- 1.3. These fees are published on the Council's website and require revision.
- 1.4. The maximum fees the Council can set are in the Private Water Supplies Regulations 2016 (as amended) (see Appendix A). The current and proposed fees are in Annex B to this report.

2. RECOMMENDATIONS

- 2.1. Full Council approves a simplified revised list of fees (as set out in Appendix B) for Private Water Supplies to replace those currently published on the NDC website.

3. REASONS FOR RECOMMENDATIONS

- 3.1. The customer is charged the most appropriate (targeted) fee for the service provided.
- 3.2. The revised fee structure better reflects the actual costs of providing the service.
- 3.3. The current ambiguities or expectations set from the outdated list currently published are removed and the potential for customer query/complaint reduced.

4. REPORT

- 4.1. The cost to the customer of the PWS service consists of an officer visit charge and the actual laboratory costs for sample analysis. The proposed amendments to the published figures simplifies the costs for risk assessment and review, laboratory and officer costs.
- 4.2. The council carries out statutory risk assessments on a 5-yearly cycle and the process is the same whether it be an initial risk assessment or a subsequent assessment. Whether a visit is for an initial risk assessment or a risk review the costs are the same and need to be charged accordingly.
- 4.3. As the Private Water Supply service has developed, sampling analysis has become bespoke to the individual supply. This is a benefit for the customer as many Local Authorities sample and charge a full bacteria and chemical suite for every supply on every visit. We carry out targeted sampling, which saves the customer money.
- 4.4. The current approved published pricing for sampling and analysis does not reflect the actual cost of providing the service which needs to be passed on to the customer. The proposed amendment provides a footnote to contact the Council for details prior to the visit or for confirmation during the site visit.
- 4.5. The proposed fees fall within the legislative framework of permitted fees, and provide the flexibility sufficient for NDC to charge the most appropriate fee based on risk assessment and the history of the supply.
- 4.6. Customer challenges have been received regarding levied charges due to the outdated nature of the current fee structure.
- 4.7. The main cost associated with the fees calculated is in respect of officer time. Direct costs include salary, employers' pension contributions and employers' National Insurance contributions, etc. Indirect costs include the reasonable overheads such as office accommodation, ICT and other central administrative support costs for the service.
- 4.8. The fees that the Council can set are as outlined in the Private Water Supplies Regulations 2016 (as amended) and are prescribed as

maximum limits that the Council can charge up to (see Appendix A).

4.9. The Council's proposed fee structure is as set out in Appendix B. The fees are set to recover Officer time (as above), but also any direct charges from the laboratory related to the targeted sampling required. They are set for non-profit recovery of costs.

4.10. A customer consultation would normally be considered, however; the proposed change only affects the Risk Review fee of £135.00 increase to £204.00. This current fee is no longer relevant, as in practice, its procedure is the same as a Risk Assessment, which is set out at £204.

4.11. All other fees remain unchanged. The proposed changes also clarify the charging for the analysis of samples, as described in 4.4 above. In effect these have not changed, just how they are portrayed on the website.

5. RESOURCE IMPLICATIONS

5.1. The new charges are expected to increase the level of income but within the context of recovering the associated costs of providing the service. Our records show that last year January to end of December 2022 we undertook a total of 409 visits, 372 were risk reviews.

6. EQUALITIES ASSESSMENT

6.1. Please detail if there are/are not any equalities implications anticipated as a result of this report. If so, please complete the Equality Impact Assessment (EIA) Summary form available on Insite and email to the Corporate and Community Services Team at equality@northdevon.gov.uk.

6.2. An Equalities Assessment has been undertaken. There are no equalities implications anticipated as a result of this report.

7. ENVIRONMENTAL ASSESSMENT

7.1. There are no environmental implications arising from these proposals.

8. CORPORATE PRIORITIES

8.1 What impact, positive or negative does the subject of this report have on:

8.1.1 The commercialisation agenda: Positive



8.1.2 Improving customer focus: Positive

8.1.3 Regeneration or economic development: Neutral

9.0 CONSTITUTIONAL CONTEXT

9.1 Article of Part 3 Annexe 1 paragraph: all the powers and functions of the Council have been given by statute to the Full Council.

9.2 Referred or delegated power? Delegated.

10.0 STATEMENT OF CONFIDENTIALITY

10.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

11.0 BACKGROUND PAPERS

The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

11.1 The current published fees document, as on the Council's website.

11.2 LGA Guidance (June 2017) on Locally Set Licence Fees.

11.3 BEIS Guidance (March 21) for Business on the Provision of Service Regulations, October 2009.

12.0 STATEMENT OF INTERNAL ADVICE

The author confirms that advice has been taken from all appropriate Councillors and Officers:

12.1 Jeremy Mann, Head of Planning, Housing and Health

12.2 Daryl Littlejohns – Environmental Health Manager (Author)

12.3 Peter Reeves – PWS Sampling Officer

12.4 Jon Triggs - Director of Resources and Deputy Chief Executive