



Enforcement Policy

Water Supply (Water Fittings) Regulations 1999

March 2017

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1 Enforcement Policy

1.0 Introduction

The purpose of The Water Supply (Water Fittings) Regulations 1999 ('The Water Regulations') is to govern the prevention of waste, misuse, undue consumption, erroneous measurement and contamination of public water supplies in domestic and commercial plumbing installations.

Portsmouth Water has a legal duty to make sure the water it supplies is of the highest quality possible and it must also make sure that anyone who owns or occupies buildings connected to the public water supply, or who installs plumbing or water fittings, has to comply with the Regulations.

Designated Portsmouth Water staff are empowered to enter properties and complete inspections to make sure the Regulations are being complied with. Where they are not, the Company has a duty to enforce the Regulations in its area of supply.

1.1 Policy Objectives

- To make sure there is a consistent approach to the enforcement of the Regulations within Portsmouth Waters area of supply.
- Provide guidance to all involved with water regulations enforcement to make sure enforcement decisions are consistent with current government advice and best practice.
- Let people know the principles used to guide enforcement action.

1.2 The Purpose of Enforcement

The primary function of the Company's enforcement work is to protect the public water supply from the risks mentioned above. Our approach is to work in partnership with customers to encourage compliance and avoid enforcement action either reactively or by our targeted programme of inspections based on potential risk.

Where this approach is unsuccessful Portsmouth Water enforces the Regulations, this is 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 from our expert technical team all the way through to court action, although Portsmouth Water believes prevention is better than cure and that educating people about their responsibilities is the best way to make sure the Regulations are followed.

The company promotes best practice through written and face-to-face advice. You can learn about the requirements of the Regulations on our website www.portsmouthwater.co.uk

1.3 Review

This Enforcement Policy will be reviewed and revised whenever deemed necessary.

Date of last review: March 2017

1.4 Enforcing the Water Regulations

If someone is found in breach of the Regulations, Portsmouth Water must decide what steps it is going to take. There are a number of things that we consider:-

- Is there a risk to public health?
- How much water is being wasted?
- Does the customer have a history of breaking rules?
- How willing are they to put things right?

The vast majority of people want to obey the laws, so in most situations the best thing is for the company to work with its customer's, non-household customers and retailers to solve any problems.

2 Enforcement Approach

2.1 Our Values

To ensure the Regulations are enforced consistently and fairly, the company's decision is based on a number of principles. Firstly, its actions must be in line with the Company's values of:-

- Excellence
- Integrity
- Respect

2.2 Training our Employees

All our enforcement advisors are qualified to a nationally recognised qualification so only properly trained, experienced and authorised people are permitted to complete inspections and enforcement of the Regulations. The company ensures its employees are kept up-to-date with changes in the law, with best practice and with any changes to this policy.

The principles go on as to be:-

2.3 Consistent

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

2.4 Targeted

Portsmouth Water's programme of inspections is based on the potential risk posed by different properties should something go wrong. 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.

2.5 Transparent

If someone is found to be in breach of the Regulations, Portsmouth Water will give them a clear explanation of what is wrong and what they need to do to correct it in plain language. The company 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 Portsmouth Water will explain why, both verbally and in writing, but at all times be open about its work.

2.6 Accountable

Portsmouth Water is accountable for its actions.

The way the company deals with comments and complaints are set out in our codes of practice, which are available on our website www.portsmouthwater.co.uk

In all cases, the response will be proportionate to the seriousness and persistence of the breach.

3 Enforcement Options

There are a number of options that Portsmouth Water can take to make sure the Regulations are followed:-

3.1 Informal approach

On most occasions, Portsmouth Water will simply follow an inspection with a schedule of issues, explaining what the problem is, what should be done about it and by when. The company will then offer extra advice if people ask for it.

A revisit will be arranged to make sure problems have been corrected. This may not be needed if an approved plumber has done the work and issued a certificate to say the property's water fittings comply with the Water Regulations.

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

3.2 Warning letters

These are sent if the informal approach has not worked but a caution or prosecution is not thought to be appropriate.

3.3 Enforcement notices

These are issued in the case of a serious problem when an informal approach has either failed or is not appropriate. An enforcement notice is a formal document that sets out the work involved to rectify problems, and it must be completed. If the work is not done, then more serious action is likely to follow.

3.4 Works in default

If work listed on an enforcement notice is not done in time, Portsmouth Water may complete the work and charge the costs to the person or company concerned.

3.5 Disconnection of supply

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

Water supplies can also be stopped if work listed on an enforcement notice has not been done in time and the premises appear to be empty.

3.6 Simple cautions

Portsmouth Water may give a caution instead of taking someone to court. A simple 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.

3.7 Simple cautions aim to:-

- Deal quickly and simply with cases where there is an admission of failure to comply with the Regulations.
- Divert 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.

3.8 Prosecution

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

Before going down this route, Portsmouth Water 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.

3.9 Penalties

Failure to comply with the Regulations is a criminal offence. Any person or business convicted can be fined up to £1,000 per offence.

3.10 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.

3.11 Powers of entry

Employees with authorisation from Portsmouth Water, have the right to enter a business or home at any reasonable time of day. They first have to give the occupier 24 hours' notice, although this may not be necessary in an emergency. Stopping an authorised employee from entering a property is an offence and anyone found guilty could be fined up to £1,000.

If Portsmouth Water employees are stopped from entering a property, the company may get a court warrant. This allows entry to be made by force if necessary.

3.12 Publicity

If a person or business is found guilty in court of breaching the Regulations, Portsmouth Water will consider publicising the conviction. This could be through the media or the company'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.

4 Your Right To Appeal

As a regulatory body, Portsmouth Water Limited is accountable for its actions. To make a complaint:-

by telephone

023 9249 9888

(8am to 5pm, Monday to Friday)

in writing

Portsmouth Water

PO Box 8

West Street

Havant

Hampshire

PO9 1LG

e-mail

head.office@portsmouthwater.co.uk

website

www.portsmouthwater.co.uk

If you send us a letter or e-mail, please give us your name and address, daytime telephone number if you have one and if possible, the customer number shown on your bill. Please indicate if you are a Non-Household premises as we may need to contact your Retailer.

5 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.

The Regulations are published by Her Majesty's Stationery Office and are available free to view or download from www.legislation.gov.uk.

Water Regulations Guide is produced by the Water Regulations Advisory Scheme (WRAS) and can be purchased from Her Majesty's Stationery Office, ISBN 0-9539708-0-9. Telephone: 0345 717 1100.

Water Regulations Advisory Scheme (WRAS)

Water Regulations Advisory Scheme (WRAS)
Fern Close
Pen-y-Fen Industrial Estate
Oakdale
Gwent
NP11 3EH

telephone
0333 207 9030

e-mail
info@wras.co.uk

website
www.wras.co.uk

Portsmouth Water Limited Water Regulation Department

Portsmouth Water Limited
PO Box 8
West Street
Havant
Hampshire
PO9 1LG

telephone
023 9224 9258

e-mail
head.office@portsmouthwater.co.uk

website
www.portsmouthwater.co.uk

WaterSafe - The Water Industry's Approved Plumber Scheme

WaterSafe
Unit 13
Willow Road
Pen-Y-Fan Industrial Estate
Gwent
Crumlin
NP11 4EG

telephone
0333 207 9030

e-mail
info@watersafe.org.uk

website
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