



Your local supply, on tap

## Keeping water safe in your premises

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Affinity Water

May 2021





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# Asset Management document control sheet

## Document amendment history

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## Document approval

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# 1 Introduction

## 1.1 Keeping water safe and available for everyone

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An important part of what we do is to keep water safe in order to protect water quality and conserve supplies. As your water supplier, we have a duty to prevent waste, misuse and contamination. We also need to ensure that water is not being unduly consumed and that it is being measured accurately.

The *Water Supply (Water Fittings) Regulations 1999* place a duty on us to take enforcement action for contraventions of the Regulations. This document sets out our policy and provides information on enforcement action that we may take in the event that we become aware of any contraventions.

Enforcement includes the prevention, assessment and actions resulting from the identification of non-compliance.

For England and Wales, the Water Supply (Water Fittings) Regulations and their Schedules are Statutory Instruments (1999 No. 1148 and No. 1506) available from HMSO and via the Internet link below.

<https://www.legislation.gov.uk/ukxi/1999/1148/contents/made>

## 1.2 Preventing contraventions

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We recognise that most of our customers want to comply with legal requirements so we work with our customers to try to encourage compliance and avoid unnecessary action.

**Providing guidance:** Our technical administration team are available to answer your fittings regulations queries and provide guidance to ensure your water systems comply with regulations. We can advise owners/occupiers of domestic premises when a water quality question is raised.

**Promoting qualified contractors:** We promote the use of 'Approved Contractors' registered on an 'Approved Contractors Scheme' and we encourage customers to use WaterSafe to find one. WaterSafe is a water industry funded online search facility bringing together thousands of qualified contractors. We provide the opportunity for plumbing businesses or sole traders to become recognised by offering training and accreditation for Approved Contractor status and we carry out audit inspections to ensure they meet the required standards.

**Approving proposed work:** We can advise on proposed plumbing work notifications and we receive and manage the work certificates of Approved Contractors.

**Working with local authorities:** We work with Local Authorities and Health Agencies to protect and preserve water that is supplied or distributed on to other destinations.

**Protecting public events:** We inspect installations and provide guidance on complying with regulations for public events like fairs, shows, concerts or carnivals.

**Inspecting public and business premises:** Non-household premises pose a greater risk of waste and contamination so we pro-actively inspect business premises and public buildings to ensure owners continue to protect the public.

**New developments:** We visit new and existing premises being built or converted and advise on ways to legally supply them. We offer advice for private water supply owners to avoid cross or misconnections with the public water supply.

**Keeping informed:** We are members of plumber system designer forums and work with other trade and professional bodies to ensure we are both kept up to date with system design and products.

### 1.3 Your responsibilities as designer, installer, premise owner or occupier

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If you own or occupy premises that are connected to the public water supply, you have a legal duty under the *Water Supply (Water Fittings) Regulations 1999 (Regulations)* to ensure that the water systems within those premises meet the standards set out in the Regulations.

If you design, install, maintain, alter or remove water fittings you must ensure that the Regulations are complied with.

You must notify us if you intend to install a water fitting in connection with certain proposed works which are stipulated in the Regulations. Fittings and appliances must comply with the Regulations and any work carried out must be done in a workmanlike manner that ensures any technical requirements specified in the Regulations are met.

The Regulations place legal obligations on Approved Contractors (individuals that are members of an Approved Contractor Scheme) to issue their customers and us with certificates of compliance for work they have undertaken.

As part of an Approved Contractor Scheme, a member is deemed competent and having the relevant knowledge of the Regulations that is required for the work they are undertaking and this authorises them to issue certificates where they are required.

### 1.4 Water Regs UK

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Water Regs UK is an advisory body established and funded by water companies to promote compliance with the Regulations. It provides a free technical enquiry service; publishes guidance and maintains a directory of products which comply with the Regulations. Water Regs UK also administers one of the Approved Contractor Schemes, the Water Industry Approved Plumber Scheme (WIAPS).

We actively work with the Water Regs UK to ensure there is national consistent interpretation and enforcement of the Regulations and this is made available to you in publications and on the Water Regs UK website.



## 2 General principles for enforcement

### 2.1 Proportionality

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When considering enforcement action, we will look at the seriousness of the contravention as well as any history i.e. persistent actions in contravention of the Regulations that may have been identified during our investigations. We will look at the situation case by case and take account of the degree of risk that was posed so that our response to the failing is proportionate and measured.

### 2.2 Transparency

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We will work with you to ensure that you understand what is required of you and in turn what you can expect of us as your water supplier. We will ensure this policy is made easily accessible on our website and in paper from our teams upon request.

We operate an easy to understand complaints process which is accessible to you in the event that you wish to complain.

Where we do consider that your action has contravened the Regulations, we will provide clear and concise information describing the contravention and the Regulations requirements and we will notify you of any deadline you must achieve in completion of any remedial works.

### 2.3 Consistency

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We will ensure that our decisions are consistent so that we take a similar approach in similar cases to achieve similar outcomes.

### 2.4 Accountability

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In fulfilling our enforcement duties, we are accountable to our regulators, our customers, and other stakeholders to ensure we have policies and standards in place that we can be measured against. Our stakeholders include:

- Department for Environment, Food and Rural Affairs (Defra)
- The Drinking Water Inspectorate for England (DWI)
- Public Health England (PHE)
- OFWAT
- Consumer Council for Water (CC Water)
- Local Authorities across our supply region
- Other water companies with whom we have supply arrangements.

## 3 Enforcement process

Where a contravention of the Regulations comes to light, we will take appropriate action. How we choose to respond will depend on the circumstances of each case. We will consider the nature and potential consequences of the offence and consider the range of options available in selecting an appropriate approach.

### 3.1 Advisory or warning letter

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If a contravention of the Regulations has come to our attention, we may in the first instance write to you to advise you of the contravention, the Regulations and the remediation work we require you to complete.

We may choose to send you a warning letter to remind you of the need to comply with the law 'without prejudice' to other enforcement action that we may take.

### 3.2 Notice

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We may serve a notice asking you to correct the contravention within a specified timescale. We may also choose to enact other powers of enforcement where we consider them to be appropriate to the circumstances of the case.

### 3.3 Direct intervention

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In specific circumstances, we have the legal power to enter your premises and carry out improvements or disconnections as we deem necessary for the protection of public health, persons, or property. We may recover our reasonable costs for taking this action from the owner or occupier of the premises.

### 3.4 Simple Caution

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Where an offence is admitted, we may choose to offer a 'Simple Caution' in place of initiating a prosecution. We may decide to do this where there is sufficient evidence for a realistic prospect of conviction but it is not in the public interest to prosecute.

### 3.5 Prosecution

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We may prosecute those who are suspected of committing an offence and will apply the Crown Prosecution Service (CPS) *Code for Crown Prosecutors* and the relevant codes of practice of the *Police and Criminal Evidence Act 1984*. The following factors will be taken into account:

- Whether there is sufficient, admissible, and reliable evidence that the offence has been committed;
- Whether there is a realistic prospect of conviction;
- Whether a prosecution is in the public interest.

The CPS criminal prosecutions principles apply:

**Evidential stage:** The Prosecutor must be satisfied that there is enough evidence to provide a 'realistic prospect of conviction' against the defendant. This is an objective test and separate to the test the courts apply of 'beyond reasonable doubt'. The Prosecutor will consider whether the evidence can be used and is reliable. They must also consider what the defence case may be and how that is likely to affect the prosecution case. This 'Threshold Test' is applied to ensure there are no evidential weaknesses in the case. Further investigations may be required by the investigator to secure the evidence. If the case does not pass the evidential stage, it shall not go ahead, no matter how important or serious it may be.

**Public interest stage:** If the case does pass the evidential stage, the Prosecutor must then decide whether a prosecution is needed in the public interest. They must balance factors for and against prosecution carefully and fairly.

We will only proceed to prosecution if a case has passed both stages.

## 4 Complaints procedure

### 4.1 Contacting us in the first instance

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If you have a complaint about the way we enforce the Regulations please call our Fittings Regulations Team. Their details are at the end of this policy. Once we have received your complaint, we will start investigating it as soon as possible.

If you have contacted us by phone we will try to resolve your problem immediately. However if that is not possible, we will let you know and arrange to call you back as soon as we have an answer.

If you have sent us a letter or email we will send you a response with 10 working days and if we fail to do this we will pay you £20. If further investigations are needed to address your issue, our response will include an explanation of what we intend to do and when we intend to do it.

### 4.2 Escalating your complaint

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If you are still not satisfied and feel that our response has not addressed your concerns in full, please do not hesitate to get back in touch.

At your written request your complaint will be reviewed by a senior manager who was not involved in the original investigation. They will independently examine the issues you have raised looking at the way it was handled in the first instance.

You will receive a response to this second enquiry within 10 working days.

### 4.3 Consumer Council for Water (CC Water)

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If you are still not satisfied with the outcome upon receipt of our second response, you can appeal to CC Water (an independent organisation representing the interests of customers) for a further opinion. You can find the contact details at the end of this policy.

### 4.4 Water Regs UK

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If the issue is regarding a technical decision, we will engage the Water Regs UK for a view. Water Regs UK is an advisory body funded by water companies which promotes compliance with the Water Fittings Regulations.

Water Regs UK facilitates consistent interpretation of the Regulations and provides a free technical enquiry service.

### 4.5 Department for Environment, Food & Rural Affairs (Defra)

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In some circumstances we may ask Defra or an independent arbitrator to assist.

## 5 Further Information and Contacts

### 5.1 Affinity Water Network Regulations



Affinity Water Network Regulations  
Redricks Lane  
Sawbridgeworth  
Hertfordshire  
CM21 0RL

Telephone: 01279 775436  
Email: [network.regs@affinitywater.co.uk](mailto:network.regs@affinitywater.co.uk)  
Website: [www.affinitywater.co.uk/fittings](http://www.affinitywater.co.uk/fittings)

### 5.2 Water Regs UK



Water Regs UK  
Unit 13 Willow Road  
Pen-y-Fan Industrial Estate  
Crumlin, Gwent,  
NP11 4EG

Telephone: 01495 983010  
E-mail: [info@waterregsuk.co.uk](mailto:info@waterregsuk.co.uk)  
Website: [www.waterregsuk.co.uk](http://www.waterregsuk.co.uk)

### 5.3 Consumer Council for Water (CC Water)



Consumer Council for Water  
First Floor, Victoria Square House  
Victoria Square  
Birmingham  
B2 4AJ

Telephone: 020 7931 8502  
E-mail: [londonandsoutheast@ccwater.org.uk](mailto:londonandsoutheast@ccwater.org.uk)  
Website: [www.ccwater.org.uk](http://www.ccwater.org.uk)

### 5.4 WaterSafe



To find a plumber in your area visit [www.watersafe.org.uk](http://www.watersafe.org.uk).

## 6 Policy review

This policy will be reviewed on an annual basis or when necessary following regulatory changes or industry issued guidance.

This policy was last reviewed May 2021.

