

Water Fittings Enforcement Policy

PROTECTING YOUR WATER SUPPLY, PROTECTING YOUR HEALTH

ESPW has a legal duty to make sure the water it supplies is of the highest quality possible. It must also make sure others follow the rules on connecting, using and maintaining pipes and water fittings inside homes and businesses.

These rules are called the Water Supply (Water Fittings) Regulations 1999 (the Regulations). They are designed to stop the waste, misuse, contamination and inaccurate measurement of water the company supplies. Anyone who owns or occupies buildings connected to the public water supply, or who installs plumbing or water fittings, must follow the Regulations.

It is ESPW's duty to enforce them. The company and its contractors are allowed to enter properties and conduct inspections to make sure the Regulations are being followed.

From April 2017, eligible non-Household customers can choose which retailer they buy their water and sewerage services from. However, ESPW will remain the wholesaler with sole responsibility for enforcing the Water Fittings Regulations within our region.

WHAT WE CAN DO

There are several steps ESPW can take to make sure the Regulations are followed.

INFORMAL APPROACH

In many cases, ESPW will simply follow an inspection with a report, 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 put right. 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 Regulations.

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

WARNING LETTERS

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

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 says work to put things right must be carried out. If the work is not done, then more serious action is likely to follow.

WORKS IN DEFAULT

If work listed on an enforcement notice is not done in time, ESPW may carry out the works itself and charge the costs to the person or company concerned. This is done under Section 75 of the Water Industry Act 1991.

DISCONNECTION OF SUPPLY

Sometimes a problem may be so serious it is considered an emergency. If so, ESPW may have to cut off 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.

SIMPLE CAUTIONS

ESPW 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. Any contraventions must still be rectified.

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 reference in future criminal proceedings
- Reduce the likelihood of re-offending

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, ESPW 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 would be more appropriate or effective

PENALTIES

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

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 Contractor who certified the water fitting complied with the Regulations.

POWERS OF ENTRY

Employees with authorisation from ESPW have the right to enter a business or home at any reasonable time of day. They first must 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 ESPW employees are stopped from entering a property, the company may get a court warrant. This allows entry to be made by force if necessary.

PUBLICITY

If a person or business is found guilty in court of breaching the Regulations, ESPW 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 follow them and to deter anyone tempted to break them.

YOUR RIGHT TO APPEAL

As a regulatory body, ESPW Ltd is accountable for its actions.

To make a complaint, please email:
generalenquiries@espwater.co.uk

or write to:

ESP Water
Bluebird House
Mole Business Park
Leatherhead
KT22 7BA
www.espug.com