

Garsdale Parish Council

Email: garsdaleparishcouncil@outlook.com
Website: garsdaleparishcouncil.com

Sean Hall, Principal Environmental Health Officer
South Lakeland District Council,
South Lakeland House, Lowther Street,
Kendal, Cumbria LA9 4DQ

14/3/2015

Dear Mr Hall,

In your email reply to Mr Johns dated 25 February 2015, you start by stating that "As a District Council we are legally required to undertake the functions detailed within the regulations"

In fact, the "Legislative background to the Private Water Supplies Regulations 2009 Section 9(E&W) of the Private Water Supplies: Technical Manual" states:

- In paragraph 2.2.6.6 that "A local authority may use its own staff to carry out the risk assessments provided they are trained and competent. Alternatively, the local authority may commission an external organisation or individuals to carry out the risk assessments on its behalf. The local authority will need to be satisfied that the external persons doing the risk assessments are trained and competent. A local authority using external persons should audit a small number of the risk assessments to be satisfied that they have been carried out competently and in accordance with the guidance"
- In paragraph 1.1.6 that "A local authority may now charge a relevant person (or persons) responsible for a private water supply a fee up to a specified maximum for carrying out a risk assessment (including the cost of auditing a risk assessment carried out, or commissioned, by the relevant person)"

Furthermore, quoting from your email to Garsdale Parish Council:

"To undertake the risk assessment in line with the requirements of the Drinking Water Inspectorate (DWI), and subsequently comply with the Regulations, the assessors undertaking this function must be competent in the assessment of private water supplies. This requires a knowledge of the particular catchment where the water is collected, the method and type of collection/extraction, and a technical understanding of the equipment installed and treatment process. A plumber is likely to have a comprehensive knowledge of the equipment but would likely require additional training in their ability to assess the catchment and treatment facilities and interpret the legislation to assess if further enforcement action is necessary. Both the Officers who work for SLDC and the assessors employed by TOBIN are competent in these areas and therefore able to assess the supplies".

Obviously a plumber would need to have undertaken additional training in order to conduct PWI risk assessments, and as stated in paragraph 2.2.6.6 the legislation requires SLDC to ensure that risk assessments are carried out by people that SLDC has recognised as competent.

This then raises several important questions:

Firstly, what qualifications and documented experience do the contractors currently appointed to carry out the risk assessments have? In the SLDC contract specification, the only reference is that "*The purpose of this procurement exercise is to secure the services of a suitably qualified and experienced consultant/organisation to undertake the risk assessments required for our Regulation 10 supplies*". Please could you confirm what documentation the SLDC has required from Tobin as proof that each individual assessor has attended sufficient UK based training in risk assessment of PWS's, and that all assessors have the "*knowledge of the particular catchment where the water is collected*" stated in your previous email as an important requirement?

Clerk to the parish council: Phil Johns Ben's Bridge, Garsdale, Sedbergh, LA10 5PH Telephone: 015396 22170	Chairman of the parish council: Annette Colton, Slack House, Garsdale, Sedbergh, LA10 5PE Phone: 015396 21957 (eve) 21219 (day)
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Please could you also confirm your schedule for auditing the risk assessments carried out by the contractors as required by paragraph 2.2.6.6 quoted above.

Secondly, there is no reason the SLDC should not be able to accept risk assessments carried out by a local with the same level of experience and training as required from the Tobin contractors, as well as a similar or better knowledge of local catchment areas.

In your email you argue that *"Your proposal to pay for a volunteer to undertake the requisite and approved training to enable him/her to conduct these assessments at a much more reasonable cost raises a number of concerns. I appreciate that you could recruit someone to undertake the required training or employ a contractor to assess these supplies, but additional assurances would have to be provided to ensure that the requirements of the legislation and potential enforcement elements of the process have been adequately addressed and at present I am unsure these assurances could be provided"* To imply that no persons living in the SLDC area would be able to demonstrate the necessary integrity and honesty is prejudicial in the extreme, and would potentially apply to all current SLDC employees who actually live in the area as well. It is also completely contrary to the statement above requiring local knowledge of the catchment area for each water supply.

Finally, paragraph 1.1.6 quoted above explicitly gives a third option: the SLDC are allowed to just audit risk assessments that have been either carried out by the house owner or commissioned from a third party.

Garsdale Parish Council is very concerned that prior to the tender for the contract of PWS risk assessments, there has been no consultation with the main stake holders. We believe that as a minimum the Parish Councils in affected areas should have been consulted, particularly as in this case the council is not even spending its own budget but will be recharging the cost directly to the individual householders.

We are also concerned that the tender went out with a very short deadline for replying, and with no options for local companies to bid for just their own areas. We believe that the SLDC should prioritise spending money with local companies where possible as part of their duty to look after our local communities, rather than appointing international contractors where the money will not benefit the SLDC area any further.

Since January, many householders have been subjected to unannounced visits from the current contractors, without receiving any letters beforehand, or any attempts at making appointments by phone.

The SLDC apparently sent out a voluntary survey to all households in 2010, which like all voluntary surveys was ignored or forgotten by most residents at the time. Since then there has been absolutely no further communication to house holders. At the very least, a leaflet could have been handed out when taking the water samples!

This raises two additional concerns;

- firstly, that the SLDC intends to directly or indirectly allow Tobin to claim the costs of failed visits from the house holders, when the failed visits were in fact due to inadequate information from SLDC.
- Secondly, if the SLDC insists that the house holder has to allow the contractor inside their homes, we believe the SLDC has a duty to carry out DBS checks for all relevant contractor staff.

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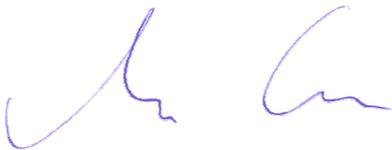
In view of these concerns, we strongly suggest that the SLDC should take action as follows:

- 1) make arrangements for auditing risk assessments submitted by owners of water supplies
- 2) develop a specification for the training, qualifications and experience required for approval to carry out risk assessments, and approve anyone who can demonstrate the appropriate.
- 3) Ensure the requirements in 2) above are applied to all personnel used by the current contractors – Tobin UK.
- 4) Consult the parish councils in affected areas on the specific requirements and recommendations for PWS's in their area, to ensure risk assessments and recommendations are balanced and take account of local conditions.
- 5) Ensure residents are aware of options and specifically that they do not necessarily need to accept Tobin UK as the only body allowed to perform risk assessments as this would constitute a monopoly provider and may deter the development of more efficient local assessors.

It is not reasonable to expect house holders to pay the bill for a risk assessment carried out by a contractor they have had no say in appointing, and whose qualifications have not been explicitly specified and checked.

In all other walks of life there is more choice and competition which ensures reduced costs for businesses and house holders. Examples include virtually all other risk assessments (fire, electrical and so on) and services such as house energy efficiency assessments which are arguably more complex than water risk assessments and yet typically cost well under £80.

Yours sincerely,



Annette Colton, Chairman, on behalf of Garsdale Parish Council.

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