



**DRAFT WATER AND SEWERAGE SERVICES
(NORTHERN IRELAND) ORDER 2006**

RESPONSE NOTE

Prepared for Lisburn City Council by BDP



July 2006

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Summary Comments

Lisburn City Council has considered the draft “Water and Sewerage Services (Northern Ireland) Order 2006” and would make a number of key summary comments as set out below.

- Further to the previous consultation document on Water Reform the **Council still agrees that major reform of the Water and Sewerage Services in Northern Ireland is required however, Council is not in agreement with the proposed means for carrying out these reforms.**
- Further to the previous consultation document on Water Reform the **Council still agrees with ‘The Polluter Pays’ approach, however, Council is wholly opposed to the concept that water charges should be introduced across the board for all users.**
- Further to the previous consultation document on Water Reform the **Council is still opposed to the proposal that the Water Service should become a Government Owned Company and consider that the current status of the Water Service being an Executive Agency within the Department of Regional Development should be maintained.**

1.0 INTRODUCTION

Context for the Response

- 1.1 This Response Note provides the comments of Lisburn City Council on the draft “Water and Sewerage Services (Northern Ireland) Order 2006”. The response follows the format of ‘Parts’ set down in the Order. A brief Glossary of Terms is included at the end of section 2.0
- 1.2 The Council notes the importance of the Reform of Water and Sewerage Services and the extent of public opinion generated by the proposed changes to the funding of the Water Services.
- 1.3 The Council accepts that some form of charging will be necessary to help fund the water services in future years but they consider that it is not the appropriate time to review charging regimes until the infrastructure has been upgraded to EU Compliant standards.

2.0 COMMENTS ON THE DRAFT WATER AND SEWERAGE SERVICES (NORTHERN IRELAND) 2006

2.1 Part I Introduction

2.1.1 The Council notes that the following provisions come into operation on the **1st January 2007**:

- Articles referring to 'Charges Schemes'
- Part X referring to Re-Organisation of the Industry.
- Article 300 referring to Regulations.
- Article 302 referring to Power to prescribe forms.
- Article 306 referring to Supplementary, incidental consequential, transitional provision etc.
- Article 307 referring to Application to the Crown
- So much of any other provisions of this Order as confers power on a Northern Ireland department to make regulations or orders or makes provision with respect to the exercise of any such power.

2.1.2 The Council notes that no provisions shall come into force with regards to Fluoridation unless a draft of the order has been laid before and approved by resolution of the Assembly.

2.1.3 The Council notes the definitions listed and welcomes that terms and definitions are consistent with other Acts and Orders previously published.

2.2 Part II Regulatory Authorities and their General Duties

2.2.1 The Council welcomes that before each financial year the Authority will publish a Forward Work Programme containing general description of the projects which it plans to undertake during the year.

2.2.2 The Council welcomes that the Authority will give notice of the Forward Work Programme and will consider representations and objections duly made. The Council also welcome that the Authority will send a copy of any notice given to the Consumer Council (General Consumer Council for Northern Ireland) and the Department.

2.2.3 The Council welcome that the Authority will submit an Annual report to the Department.

2.2.4 The Council welcome that the General Duties of the water industry will be executed in such a way as to protect the interests of consumers with specific mention of the disabled or chronically sick, pensioners, persons on low incomes and rural communities.

2.2.5 The Council welcome that the there will be co-operation between the Department, DOE and the Authority and that there is an onus on all parties to exchange information between each other and a requirement for a consistency of treatment of matters which affect both of them with regard to water and sewerage undertakers and water resource and water pollution.

2.3 Part III Appointment and Regulation of Undertakers

2.3.1 The Council notes that a company shall not be appointed to be a water undertaker or a sewerage undertaker unless it is a limited company and it welcomes the stipulation that it is a duty on the Department to secure that such appointments are made for every area of Northern Ireland and are in place at all times.

2.3.2 The Council welcomes that there are provisions within the Order for enforcement and insolvency with regard to the water and sewerage undertakers and these may take the form of financial penalties.

2.3.3 The Council similarly welcomes that provisions have been made within the Order for an appeals system should the penalties leave a party aggrieved.

2.3.4 The Council welcomes that the Order confers function on the Consumer Council for Northern Ireland in relation to consumer matters and that the Consumer Council shall have regard to the disabled or chronically sick, pensioners, persons on low incomes and rural communities.

2.3.5 The Council welcome that the Consumer Council will send the Department annual reports and will publish the aforementioned Forward Work Programme.

2.3.6 The Council welcomes that the Order provides for the Consumer Council to direct the Authority or undertaker to supply information for the purpose of reporting on behalf of the consumer, and furthermore, should the party not provide information then they must give notice to the consumer Council for the reasons of default.

2.3.7 The Council welcomes that provision is made within the Order for the Consumer Council to investigate complaints on behalf of consumers.

2.3.8 The Council welcomes that the Consumer Council will report statistical information with regard to complaints made by consumers and the handling of such complaints.

2.3.9 The Council welcomes that there is a duty on the Authority to keep under review the activities connected with the matters in relation to which water and sewerage undertakers carry out their functions.

2.3.10 The Council welcomes that each relevant undertaker will set up a procedure for dealing with complaints.

2.4 Part IV General Duties of Water Undertakers.

- 2.4.1 The Council welcome that the Order makes it a duty of every water undertaker to develop and maintain an efficient and economical system of water supply within its area and to ensure that all such arrangements have been made for providing supplies and making them available to people who request them and for maintaining, improving and extending the water undertakers networks.
- 2.4.2 The Council welcomes that there are standards of performance set down in connection with the Water Supply.
- 2.4.3 The Council welcomes that it be a duty on each water undertaker to prepare and maintain a water resource management plan and this will be reviewed annually and a statement of the conclusions of the review will be sent to the Department.
- 2.4.4 The Council welcomes that the Order makes it a duty for the water undertaker to prepare and maintain a drought plan, and this plan will be reviewed no later than 3 years from the plan was last published or sooner if required.
- 2.4.5 The Council welcome that before preparing a drought plan there should be consultation with the Authority, the Department and DOE.
- 2.4.6 The Council welcomes that the Order makes it a duty on the undertaker to allow any person to take water from any mains for the purpose of extinguishing fires and that at the request of the Northern Ireland Fire and Rescue Service Board fix hydrants on its water mains at convenient locations.
- 2.4.7 The Council note that the undertaker may disconnect a service pipe supplying water to a premises if the occupier is liable to pay charges in respect to water supply and has failed to do so.
- 2.4.8 The Council welcome that the Order lists in Schedule 2 those premises which are not to be disconnected for non-payment of charges. This list includes any dwelling which is occupied as the only or principle home, accommodation for the elderly, hospitals, a premises for primary medical services, general dental services or pharmaceutical services, children's homes, education establishments, detention centres, emergency services premises, amongst others.
- 2.4.9 The Council welcomes that should a water undertaker cut off the water supply to an inhabited house then the undertaker must serve notice on the District Council to that effect.
- 2.4.10 The Council welcomes that the Order makes it a duty of the undertaker to ensure that there is sufficient constant pressure to deliver water to the top-most storey of every building within the undertaker's area.

- 2.4.11 The Council welcomes that the Order makes provisions for the standards of wholesomeness of the water supply and that it is a duty on the undertaker to supply same to premises and to publish information regarding water quality supplied.
- 2.4.12 The Council welcomes that the Order makes it an offence to supply water unfit for human use and similarly makes it an offence to waste water from various sources.
- 2.4.13 The Council welcomes that the Order makes it an offence to pollute or be likely to pollute water in a treatment works which is destined for human consumption.
- 2.4.14 The Council welcomes that it is a duty of the DOE to maintain records regarding water quality of private water supplies.
- 2.4.15 The Council welcomes that provisions with regards to fluoridation require a draft order to be laid before and approved by resolution of the Assembly prior to implementation, and prior to such order consultation will take place with DHSSPS who will report within a 4 year period after such arrangements come into force.

2.5 Part V Use of Water.

- 2.5.1 The Council welcomes that provisions are made with regards to drought orders and the appropriate use and preservation of water resources.

2.6 Part VI Sewerage Services

- 2.6.1 The Council welcomes that it is a duty of the sewerage undertaker to provide, maintain and extend the sewerage network within their area and to consider the existing and likely future obligations to allow for the discharge of trade effluent.
- 2.6.2 The Council welcomes that the department will lay down standards in connection with the provision of sewerage services to which the sewerage undertaker must comply.
- 2.6.3 The Council welcomes that the Authority will report at least once a year with respect to compensation paid by the undertaker in not complying with the standards laid down for sewerage services.
- 2.6.4 The Council welcomes that the Order notes that Road Service drains may be used to convey storm drainage and similarly that the undertakers drains may be used to convey road drainage with mutual agreement which will not be unreasonably withheld.
- 2.6.5 The Council welcomes that stipulations have been set down with regard to trade effluent and that it is an offence for a trade effluent to be discharged without appropriate consent.
- 2.6.7 The Council welcomes that there is provision for special category effluent, variations on consents, appeals against variations and special category status.

2.7 Part VII Financial Provisions

- 2.7.1 The Council notes the provisions made with regards to powers of undertakers to charge for services and welcomes that these powers shall have no effect in relation to charges for supply of water to a dwelling or charges for the provision of sewerage services in respect of a dwelling.
- 2.7.2 The Council welcomes that a consumer has the right to elect for charging by reference to volume rather than standing charge.
- 2.7.3 The Council welcomes that no charge will be made for water taken for the purpose of extinguishing fires or taken by the Northern Ireland Fire and Rescue Service Board for any other emergency purposes.
- 2.7.4 The Council notes that the Department may make grants to relevant undertakers for the purpose of defraying or contributing towards any cost they may incur or any losses they may sustain due to compliance with requirements imposed by regulations under Article 202 of the Order.

2.8 Part VIII Undertakers Power and Works

- 2.8.1 The Council welcomes that the Order stipulates that an undertaker will not dispose of any of its protected land, except with the consent of, or in accordance with a general authorisation given by the Department.
- 2.8.2 The Council welcomes that if an undertaker fails to ensure quality of discharge it will be guilty of an offence.
- 2.8.3 The Council welcomes that it is the duty of every undertaker to submit to the Department an approved code of practice with respect to its exercise of any powers conferred to it and to revise such code should the Department request so.

2.9 Part IX Information

- 2.9.1 The Council welcomes that the Authority shall maintain a register with regards to water and sewerage service which will contain all transactions made under this Order.
- 2.9.2 Council welcomes that both the sewerage and water undertakers will maintain registers of all transactions.
- 2.9.3 The Council welcomes that maps and records will be maintained of water works and sewers and these records will be available to the general public at all times free of charge.

2.10 Part X Reorganisation of the Industry

2.10.1 The Council notes the stipulations set down with regards to the reorganisation of the industry, and the nomination of a 'successor company' wholly owned by the Crown but not benefiting from Crown status.

2.11 Part XI Amendments to the Water Order

2.11.1 The Council notes the amendments proposed.

2.12 Part XII Miscellaneous and Supplemental

2.12.1 The Council notes this section.

Glossary of Terms

- The *Authority* means Northern Ireland Authority for Utility Regulation
- *Consumer Council* means the General Consumer Council for Northern Ireland
- *Council* means Lisburn City Council
- *The Department* means Department of Regional Development
- *DOE* means Department of the Environment
- *DHSSPS* means Department of Health Social Services and Public Safety