

## Annex A

# CONSULTATION ON CONSOLIDATION OF PUBLIC WATER QUALITY REGULATIONS



## RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

Organisation Name

Citizens Advice Scotland

Title **Mr**

Surname

Beattie-Smith

Forename

Sarah

### 2. Postal Address

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### 3. Permissions - I am responding as...

**Individual**

/

**Group/Organisation**

Please tick as appropriate

**(a)** Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate  Yes  No

**(b)** Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick **ONE** of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

**(c)** The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate  Yes  No

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate*

Yes

No

## ANNEX B

### CONSULTATION QUESTIONS

#### Part 1

1. Do you agree with our approach to incorporating a risk approach provision into these regulations?

Yes

#### Comments:

Citizens Advice Scotland, its 61 member bureaux, consumer helpline and Extra Help Unit form Scotland's largest independent advice network. CAB advice services are delivered using over 250 service points throughout Scotland, from the islands to city centres, and through our helplines. Together, the Citizens Advice Service in Scotland helped 300,000 people with nearly 1 million issues in 2013/14.

On 1st April 2014, the roles and responsibilities of Consumer Futures were transferred to the Citizens Advice Service, encompassing Citizens Advice Scotland and our sister organisation Citizens Advice (England and Wales). Citizens Advice Scotland now represents the interests of citizens and consumers in essential regulated markets including energy, post and, in Scotland, water. Our aim within the water industry is to challenge and shape policy to ensure it reflects the needs of consumers. Citizens Advice Scotland, therefore, welcomes the opportunity to respond, as part of our new role as a statutory consultee and consumer representative organisation, to this consultation on the amendment and consolidation of the Scottish public drinking water quality regulations ("the Regulations").

Citizens Advice Scotland further welcomes the Scottish Government's commitment "to ensure the standard of water in Scotland is the best it can be", and shares its commitment to achieving these standards. Against this background, Citizens Advice Scotland generally supports the Scottish Government's proposed changes to the current legislation, which we understand will align the current legislative framework more closely with the EU's Drinking Water Directive (Council Directive 98/83/EC).

Citizens Advice Scotland believes that the proposed changes to the legislation, in particular the incorporation of risk assessments/water safety plans at each water treatment works, will encourage a 'belt and braces' approach to water quality, which is welcome. It is anticipated that this will, for example, help to ensure acceptable standards of safety are achieved throughout the water supply chain for the benefit of the end user. The achievement of this aim, at no additional cost to Scottish Water's

customers, will represent good value for consumers, and make an important contribution to improving and maintaining standards across the water industry.

2. Do you agree that Scottish Water should provide Scottish Ministers with a copy of the initial risk assessment once complete?

Yes

Comments:

Scottish Water is publicly owned and plays a vital role in the Scottish economy, and within our society as a whole, given the essential services it delivers to communities and industries across Scotland. Citizens Advice Scotland, therefore, takes the view that the Regulations should contribute to strengthening Scottish Water's accountability through Scottish Ministers to the Scottish public. We believe that placing a duty on Scottish Water to provide the Scottish Ministers with copies of the initial risk assessments of water treatment works can make an important contribution in this area.

3. Do you agree with our proposed changes to the 1980 Act which require Scottish Water to carry out investigations in public buildings?

Yes

Comments:

Citizens Advice Scotland notes the proposed changes to the 1980 Act, which would require Scottish Water, rather than local authorities, to carry out investigations and report failures in public buildings served by a public water supply. We take the view this will help to promote a consistent approach to investigating and reporting failures in public buildings across all of Scotland's 32 local authorities. Using Scottish Water's expertise in this area is, we believe, an effective and efficient use of public resources.

4. Do you agree with the creation of these new offences?

Yes

Comments:

We believe that creating the proposed offences will provide individuals, different corporate bodies and other entities with clarity about their individual and corporate responsibilities under certain aspects of the legislation, and with regard to the prescribed penalties for breaches of these

responsibilities.

Citizens Advice Scotland recommends, however, that the Scottish Government should take action to publicise, and to raise awareness of, these new offences. We consider it is particularly important to raise awareness of the new offences, given that individuals and unincorporated associations will be amongst those potentially liable for these offences. In this respect, it should be highlighted that those potentially liable, as unincorporated associations, could include, for example, voluntary organisations, trade unions, members' clubs and religious communities etc.

5. Do you have any concerns with these minor amendments?

Yes

Comments:

We note the Scottish Government's new requirement under Regulation 3 that each water supply zone "must have no significant variation in water quality". Citizens Advice Scotland would welcome clarification from the Scottish Government about how this requirement, and the other provisions in Regulation 3, will apply where there are significant incidents of flooding which infiltrate the water supply, or incidents of drought that have a major impact upon the water supply.

Citizens Advice Scotland also notes the intention that, where Scottish Water makes an application to the Scottish Ministers for an authorisation to depart from a requirement of Part 3 ('Wholesomeness of Public Water Supplies'), it must provide a copy of the application and supporting documentation to every appropriate health board, to every appropriate local authority, to the Water Commissioner for Scotland and to the Scottish Association of Citizens Advice Bureau.

We believe that, where Scottish Water makes such applications, it should include confirmation and details of the proactive steps it has taken to ensure that the communities likely to be affected are aware of the application and of the underlying problems, of the action which Scottish Water will be taking to resolve these issues and the timescales for doing so. In this respect, the Scottish Government may wish to consider adding appropriate community councils and appropriate third sector interfaces to the list of bodies and agencies which must be notified under Regulation 24(4).

We believe that similar considerations should be addressed by the Scottish Government in relation to Regulation 28, which applies where the Scottish Ministers can revoke or modify a departure under Regulation 25(5). In this respect, we would recommend that the Scottish Ministers give consideration

to adding appropriate community councils and appropriate third sector interfaces to the list of bodies and agencies which must be notified under Regulation 28(2) of any revocation or modification of a departure.

Citizens Advice Scotland also notes the provisions in Regulation 32(4), concerning the modification and replacement of copper or lead pipes supplying water for human consumption, where there is a risk of contamination from the pipes. The Regulations provide that, where Scottish Water receives notice from the owner of the premises to which the water is supplied of the latter's intention to replace the parts of such pipes that belong to them, Scottish Water will be required to replace the remainder of the pipe.

Citizens Advice Scotland's concern is that the level of such notifications will be limited by many customers' lack of knowledge about the contamination risks posed by water provided to their premises through copper and lead pipes. In effect, customers will be unable to request Scottish Water replaces such pipes if they are unaware in the first place of the types of pipes supplying water to their premises, and of the specific risks of water contamination presented by lead and copper pipes. Citizens Advice Scotland, therefore, considers that, to support Regulation 32, Scottish Water should more proactively provide information to customers about lead pipes.

Given that the Scottish Government has confirmed that one of the driving factors underpinning the consultation is to make the legislation easier to understand it would also be helpful if the Regulations could specify which individuals will fall within its definition of 'owner', and the type of 'premises' to which the Regulations will apply. Will Regulation 32, for example, apply to private homeowners as well as to other groups such as, for example, individuals who own small businesses?

6. Do you agree that a Business Regulatory Impact Assessment (BRIA) is not needed?

Yes  No  Don't Know

Comments:

It would be useful to know if the Scottish Government, in reaching its decision not to undertake a Business Regulatory Impact Assessment, considered the risks of water contamination presented by lead and copper pipes across Scotland? As part of any such analysis, it would also be useful to know how many notifications the Scottish Government anticipated Scottish Water will receive each year from the owners of premises? In addition, it would be helpful to know if this analysis included an assessment of the number of owners, aware of the risks of water contamination posed

by their pipes and/or those of Scottish Water's pipes, who could not to afford to modify or replace the pipes?

## Radioactive Substances

1. It is our intention to transpose the Euratom Directive (in so far as it applies to public water supplies in Scotland) by means of subsequent amendments to the Public Water Supplies (Water Quality) (Scotland) Regulations 2014. Do you have any concerns about doing this?

No

Comments

2. Do you have any thoughts on what the standard for Euratom should be set at?

Don't Know

Comments:

Citizens Advice Scotland notes that the Scottish Government is undertaking research focusing on the position of radon in drinking water, and that the outcomes of this research and of any additional surveys, will help to inform the maximum level of radon to be set for Scotland. We welcome the fact that the research will inform this process. Citizens Advice Scotland believes this will help to promote the use of the highest possible standard, and ensure that water is safe, poses no risks to health or to the environment and is fit for human consumption.