REPORT TO:	**Overview & Scrutiny Committee**	**AGENDA ITEM:**
DATE OF MEETING:	**15th September 2010**	**CATEGORY: RECOMMENDED**
REPORT FROM:	**Director of Community Services**	**OPEN**
MEMBERS' CONTACT POINT:	**Gill Hague X5742 gill.hague@south-derbys.gov.uk**	**DOC:**
SUBJECT:	**Consultation on Draft Proposals for Schemes for the Transfer of Private Sewers to Water and Sewerage Companies in England and Wales**	**REF:**
WARD(S) AFFECTED:	**All**	**TERMS OF REFERENCE: EDS17**

1.0 Recommendations

1.1 Members recommend to Environmental & Development Services Committee at its meeting on 7th October 2010 a response to be forwarded to the Department for Environment, Food and Rural Affairs on the consultation regarding the Transfer of Private Sewers to Water and Sewerage Companies in England and Wales.

2.0 Purpose of Report

2.1 To inform Members of the consultation document and seek their views to be forwarded to the Environmental & Development Services Committee as the Council's response to the consultation document relating to the transfer of private sewers to water and sewerage companies.

3.0 Detail

3.1 The consultation document attached as Appendix 1 sets out the proposals for transferring private sewers and lateral drains to the ownership of the statutory water and sewerage companies (WaSCs) in order to resolve the multiple problems presented to homeowners by private sewer ownership.

3.2 Alongside plans to transfer private sewers and lateral drains connecting to the public sewerage network, Government is proposing to make the adoption of such new sewers by the WaSCs compulsory. In support of this Government plans to introduce a mandatory build standard for gravity foul sewers and lateral drains that will make the construction of new sewers and lateral drains connecting to the public network subject to national standards unless the WaSC and developer agree otherwise.

3.4 The rationale for imposing mandatory adoption and the new build standard concerns the need to stem the proliferation of new private sewers which would replicate the same problems in the future. Mandatory adoption will ensure that all new sewers

connecting to the public network will ultimately become the responsibility of the WaSCs, ensuring their continued maintenance. Imposing national sewer standards will guarantee that WaSCs acquire appropriate quality assets when adopting new sewers, enabling them to avoid passing on unnecessary costs of repair and upgrading to bill-payers. It is envisaged that the combination of mandatory adoption and mandatory sewer standards will improve the sustainability and integrity of the sewerage network as a whole and alleviate customer burden by making all sewers and lateral drains connected to the sewerage network public.

3.5 There will also be an option for those building sewers to seek the agreement of WaSCs to construct new sewers to different standards, where appropriate. This measure is intended to avoid stifling the development of innovative techniques in the construction of new sewers, which might otherwise be precluded by a mandatory build standard.

3.6 The agreements must contain terms that bind the WaSC to adopt the new sewer. These terms will ensure the adoption of the newly built sewer, whether or not the other terms of the agreement, such as the meeting of agreed construction standards, are met by whoever has built the new sewer. This means that even if the new sewer does not actually meet the standards described in the agreement, it must nevertheless still be adopted as a public sewer. WaSCs will then be able to make use of the other features of the adoption agreements, concerning bonds or other financial sureties, to improve, repair or conduct any work on the sewer necessary to bring it up to acceptable standards.

3.7 Requiring adoption ensures that all new sewers are eventually integrated into the public sewerage network as the responsibility of the WaSCs, and that new private sewers are not created. (It should be noted however that there are some exceptions to the mandatory transfer of existing private systems to a WsSC and they are set out in paragraphs 4.9 – 9.16 in the attached document Appendix 1)

4.0 Financial Implications

4.1 The Council is a landowner and there may well be private sewers for which it is currently responsible. No financial implications regarding potential transfer of those existing private sewers to a WaSC are known.

5.0 Corporate Implications

5.1 Ensuring that existing and future sewers are the responsibility of a single body and that standards will be in place regarding the constructions of new ones will progress the Corporate Plan theme of Sustainable Growth & Opportunity.

6.0 Community Implications

6.1 Ensuring that existing and future sewers are the responsibility of a single body and that standards will be in place regarding the constructions of new ones will progress the Sustainable Community Strategy theme of Healthy Communities and A Sustainable Environment.

6.2 However liabilities and costs will be transferred from private owners and this will result in increases in sewerage bills. A more detailed breakdown of the impacts of the proposal are attached in Appendix 2.

7.0 Conclusions

7.1 The document contains a series of questions aimed at facilitating discussion and Members are advised to consider the questions in order to formulate their response.

7.2 Under the current Building Regulations the Council, where the applicant chooses to use our Building Control Service, will remain responsible for ensuring the proper construction of drains until the point where they meet the public sewer. If additional drains from other new properties are in future connected to the original link then that link will itself constitute a new sewer and will be taken over by the WaSC. However, we do not at this point know whether the WaSC will have powers to compel the Council to undertake other work over and above what is normally done to meet the Building Regulations to ensure that the WaSC is satisfied with the condition of the drain.

7.3 Initial responses are invited by 7 October with a view to identifying the main questions and issues which arise. These will be discussed in series of targeted consultation workshops hosted by Defra starting in October and concluding by 18 November by which time any further comments should be submitted. This will allow stakeholders to work through some of the details of transfer and raise any issues of concern. Further details of these events will follow in due course and will be advertised on these pages of the Defra website.

8.0 Background Papers

8.1 Consultation on Draft Regulations and Proposals for Schemes for the Transfer of Private Sewers to Water and Sewerage Companies in England and Wales – published by the Department for Environment, Food and Rural Affairs on 26th August 2010.