

Information note on Regulation 23 (Wales)



Fees

Regulation 23 allows local authorities to charge up to a maximum fee for carrying out specified duties under the Regulations. Schedule 6 of the Regulations sets out the permissible maximum and the conditions that local authorities must adhere to when setting a fee. A local authority may only use this power to recover the actual cost incurred in carrying out a specified activity. The maximum fee is exclusive of Value Added Tax.

Chargeable Activities

Regulatory Activity	Maximum fee (£)
A risk assessment for regulation 9 supplies	700
A risk assessment for regulation 10 and 11 supplies	300
A sampling visit (per visit)	100
An investigation e.g. of a complaint or a breach of a regulatory standard (per investigation)	250
Laboratory testing costs (analysing a sample)	
For regulation 10 or 11 supplies	25
Taken for Group A parameters	110
Taken for Group B parameters	600

When carrying out an investigation, if further samples are taken as part of the investigation, then the cost must be included and recovered up to the specified maximum for an investigation. An additional charge for a sampling visit should not be made.

A local authority can charge for a sample visit if the purpose is to verify the effectiveness of improvements, e.g. following the completion of actions specified in a notice or action plan.

A local authority should not charge for a sample that is taken and analysed solely to confirm or clarify the results of a previous sample.

Where a local authority monitors a regulation 10 supply, where it suspects that the supply presents a potential risk to human health, it should not charge the owner or occupier for the cost of doing so, only if the owner or occupier requested the local authority to carry out the monitoring from the supply.

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Where other parameters are identified in the risk assessment as a risk to human health which are not specified by the regulations, the charges may be included within the £600 maximum allowed for risk assessment charges.

Local authorities can limit the cost of risk assessment by making use of information from other stakeholders, e.g. EA, NRW, the local water company, BGS, DWI. Costs can also be limited by sending out a letter to the relevant persons in advance requesting information about the supply.

Charges will vary between local authorities due to a number of factors (e.g. numbers of supplies, locations etc.). Local authorities should have a transparent charging regime which is easily accessible and in a user-friendly format e.g. on their website.

Where monitoring is undertaken at a single property to represent a number of properties on a single supply, the responsibility for payment should be agreed by the relevant persons. Relevant persons are advised to document any agreements regarding payment of any ongoing charging costs, e.g. regulatory monitoring and risk assessment, maintenance, improvements servicing costs

Payment of fees is chargeable to the appropriate relevant person(s), as determined by the local authority. Where there is more than one relevant person, the legislation does not specify how costs are apportioned (See Information Note on Regulations 2 and 3).