

**Water Regulations Advisory Committee**  
25<sup>th</sup> September 2002  
Room 8ab, 2<sup>nd</sup> Floor, Ashdown House

**Those Present:**

**Members**

Professor Swaffield (Chair)	Water Regulations Advisory Committee (WRAC)
Geoff Marsh	WRAC
Mike Rymill	WRAC
Terry Stephenson	WRAC
Andrew Hutchinson	WRAC
David Hodges	WRAC
David Gibson	WRAC

**Observers**

Mike Waite	Drinking Water Inspectorate
Mike Johnson	Office of the Deputy Prime Minister (ODPM)/Building Regulations Division
David Howarth	National Water Demand Management Centre
Steve Tuckwell	Water Regulations Advisory Scheme (WRAS)

**Secretariat**

Peter Jiggins	Rob Mynard	Nicola Clarke	Grant Gahagan
---------------	------------	---------------	---------------

**Apologies**

Richard Clayton	Roger Emmet	Linda Dulieu	Bernard Bateman
Gareth Jones	Richard Gill	Margaret Lovett	Ian Drummond
Ray Cummings			

**1) Introductions**

- a) The Chairman opened the meeting. The members were informed that the new Minister with responsibility for water was Eliot Morley. The Chair also extended his thanks on behalf of WRAC to John Roy who recently stood down as a Member.

**2) Matters arising from minutes of 28 May 2002**

- a) The Secretariat updated Members on progress with developing a WRAC website, as recommended by the Code of Practice for Scientific Advisory Committees. This would soon be online to keep stakeholders informed of the work of WRAC.

**3) Water industry response to WRAC's enforcement report**

- a) John Swaffield referred to the formal industry response to WRAC's Enforcement Report and reported back on his meeting with WRAS. They discussed the creation of a best/good practice guide for water companies and WRAS was assured that WRAC wished to work very closely with the water industry. Current industry good practice would be used as examples, rather than taking a singular prescriptive approach as may be implied by 'best' practice. Companies would then be able to select and use the guidance that was relevant to their areas of operation.
- b) The discussion then moved on to Approved Contractor schemes. WRAS was supportive of establishing common minimum requirements for schemes, but felt that any benefits (above the statutory ones) should be at the discretion of scheme operators. It was suggested that a stakeholder

forum should be set up with the aim of maintaining the minimum entry criteria and overseeing the future development of Approved Contractor schemes.

#### **4) Feedback from Technical Working Group (TWG) and discussion**

- a) Professor Swaffield gave a summary of the main work areas of the TWG. This included the test requirements for innovative products. Where no test criteria existed for a new product, a system was required to test such products and allow them to be used until the Regulations could be changed. The last meeting of the TWG agreed to explore the possibility of setting up a panel to deal with test criteria for new products. This panel would consist of representatives of WRAS, Defra and WRAC.

**Action: Secretariat, WRAS**

- b) The secretariat explained why point of sale control was not a realistic option at the present time. It would require primary legislation to introduce and there were numerous complexities that needed to be worked through. For example, certain products would only contravene the Regulations if installed in certain ways or places. The Group had considered other avenues and product labelling was thought to be an alternative to improve customer information at the point of sale. The TWG had agreed to promote the use of a system of labelling similar to that currently used on electrical white goods. The Secretariat would liaise with the National Water Conservation Group to progress this approach.

**Action: Secretariat**

- c) A member expressed the need for a review of the current Regulator's Specifications (the former water byelaws test criteria) to remove out of date information, such as references to old byelaws. Another member added that when new standards came into force they could affect older ones and create contradictions. A member queried when an update would be triggered, as out of date references undermined the credibility of the documents. WRAS was asked to highlight issues of discrepancy and contradiction in the Regulator's Specifications and relate this to the Secretariat.

**Action: WRAS**

#### **5) Feedback from Enforcement Working Group (EWG) and discussion**

- a) Professor Swaffield had resumed the Chair of this group following John Roy's resignation. WRAC, Defra and WRAS needed to agree the scope and framework of the good practice guide and identify the key people to take it forward. WRAS agreed to lead this work, with input and steer from WRAC and Defra. Andrew Hutchinson put himself forward for membership of the EWG.

**Action: Secretariat, WRAS**

#### **6) Notification (Paper WRAC EWG2002(02) See Annex 1)**

- a) The Secretariat provided an overview of the above paper, explaining the need to agree how to fulfil WRAC's recommendation on notification. The EWG has previously expressed an interest in holding a notification seminar. The WRAC members agreed to provide the Secretariat with suggestions of invitees and what the focus of the seminar should be. The Secretariat stressed that any seminar needed to retain a clear focus on the key issues. It was suggested that key stakeholders should be invited and provided with a very clear statement of WRAC's objectives. The provisional date and venue for the seminar was 15 January 2003 in Ashdown House. Geoff Marsh agreed to contact plumbing organisations for their input.

**Action: WRAC, Geoff Marsh**

#### **7) Presentation from Severn Trent & Bristol Water**

- a) The group was given an informative presentation by Ian Wilson and Bob Chambers on their enforcement database. Bob Chambers demonstrated how the database was used to manage all

aspects of Bristol Water's enforcement of the Regulations. Ian Wilson then explained how Severn Trent had expanded its application to risk assess non-domestic sites in its area.

**8) Feedback from Plumbing Working Group (PWG)**

- a) Geoff Marsh gave the group an overview of how the PWG was progressing. In particular the plan for a national model for Approved Contractor schemes was progressing well; a draft set of minimum requirements was due to be circulated by the Secretariat for comment.

**9) Review of overall work programme (Paper WRAC2002(03) See Annex 2)**

- a) The general view of attendees was that WRAC was progressing well with its work programme. A meeting of the EWG was scheduled for 24 October to progress the production of the good practice guide and agree the scope and format of the notification forum on 15 January 2003.

**10) Any other business**

- a) The group were informed that the Building Regulations Division of the ODPM were reviewing all regulations covering buildings, including the Water Fittings Regulations. It was felt to be something of an anomaly that ODPM determines the size of waste pipes whereas Defra determines flush volumes.

**11) Date of next meeting**

- a) The next full WRAC meeting will be held on 6 December in room 7ab, Ashdown House, Victoria.

**WRAC Secretariat**  
**October 2002**

Annex 1

## WATER REGULATIONS ADVISORY COMMITTEE

## ENFORCEMENT WORKING GROUP

## The notification requirement

## Overview

1. WRAC's enforcement report recommended that a wider forum should be convened to discuss how to improve the operation of the notification procedure. To give a forum the necessary focus, this paper sets out the key issues that need to be addressed (identified in paper WRAC EWG2002(01)) and a proposal for their handling. Members' views are invited on the issues listed and the proposed work plan, as well as organisations and/or sectors that should be involved in further discussions.

Work Programme

2. This area of work is closely tied to the development of the 'best practice guide', which is to be developed by a sub-committee of the Water Regulations Advisory Scheme (WRAS) [SUBJECT TO MEETING WITH WRAS ON 24 SEPTEMBER]. Conclusions from WRAC's Enforcement Working Group (EWG) related to notifications will need to be incorporated into that document, but there should be agreement now on how this work is to be divided. It is proposed that WRAC's EWG should consider any wider/national issues, including whether the requirement itself is appropriate, and the WRAS sub-committee should deal with issues at water company level to improve enforcement. Close liaison between the groups will be essential and facilitated through cross-membership.
3. The following is proposed as a suitable division of work:

WRAC's Enforcement Working Group: (these are expanded below)

- improvement in notification returns since WRAC's report
- merits of notification
- Approved Contractor schemes
- working with other organisations – local authorities (building control/planning)
- implication (of high notification) on company workloads
- appropriateness of the notification requirement

WRAS sub-committee:

- development of standard notification procedures (and forms)
- processing of notification including recording of data
- incentives to encourage increased notification
- type approvals
- prioritisation of inspections following notification
- internal communication with respect to other department or external contractors
- notification of inspections to customers when return cycle of inspections are due
- raising awareness of the need to notify (at local and national level)

Key issues for consideration by EWG**Notification since the period covered by WRAC's enforcement report**

4. WRAC's report recognised that the period it covered represented a transitional stage in the move from Byelaws to Regulations, and that companies had generally improved their

performance in a number of areas since that time. This was re-emphasised by the water industry's formal response, via WRAS. In the report it was noted that companies were having a good deal more success with notifications for new developments than for existing premises. Some consideration should be given to the extent to which notification returns and companies' processes have improved since the period covered by the report.

#### **Merits of notification**

5. The Regulations require that prior to the installation of certain water fittings or plumbing installations the proposed work must be notified to the water company who can then grant permission to proceed, with or without conditions, or withhold consent. This requirement should assist water companies in controlling the quality of water fittings and installations in new developments and in existing premises. The latter gives the water company the option of placing premises installing certain high water using appliances on a metered charge.

#### **Approved Contractors**

6. Approved Contractors are excused some of the pre-installation notification requirements on the grounds that they are certified as competent in the Regulations. In certain cases, Approved Contractors are required to send a Contractor's Certificate to the water company, in addition to the customer, on the completion of 'notifiable' work.
7. A well-functioning Approved Contractor scheme should support companies' enforcement of the Regulations, including the notification requirement (by improving the rate of returns). Similarly, a well-enforced notification requirement should provide a strong incentive for plumbers to join Approved Contractor schemes. Without this requirement and enforcement of it, there is less of an incentive for plumbers to become Approved, making compliance with the Regulations more difficult to secure.

#### **Implications (of high notification) on company workloads**

8. In their submissions to WRAC, at least one company stated that it was only coping with notifications because of the relatively low levels being received. There should be further consideration of the implications for company workloads if a more proactive approach was taken with notifications. This should be considered against the merits of notifications (outlined above).

#### **Is the requirement in Regulation 5 appropriate?**

9. Following its consideration of the points above, the Working Group needs to establish whether it considers the current notification requirement is appropriate, or whether it should recommend its amendment. If the latter, alternatives should be proposed. For example, WRAC's report noted that the notification requirement as it stands does not allow companies to risk-assess in terms of circumstances in which they will require notification. This would be one option for consideration.

**WRAC Secretariat**

September 2002

**Annex 1****Water Regulations Advisory Committee****Work Programme for WRAC**

<b>Date</b>	<b>EWG (Rec.1-3, 5, 9)</b>			<b>PWG (Rec.4)</b>	<b>TWG (Rec.6-8)</b>		
28 May 2002	FULL WRAC MEETING Agree approach						
June/July 2002	Initial Working Group meetings/Await formal WRAS feedback						
July - Sept	Rec.1-3 WRAS to lead, subject to formal feedback	Rec.5 Paper to full WRAC meeting	Rec.9 Complete	Rec.4 Follow up WG meetings	Co-opted members		
					Rec.6	Rec.7	Rec.8
					Follow up WG meetings		Defra to pursue.
25 Sept 2002	FULL WRAC MEETING Update on progress. Liaison and cross cutting issues.						
Sept - Dec		Notification forum. Liaison with WRAS subgroup. Finalise proposals.	-	Draft proposed common minimum requirements.	Relaxation requests for Varyflush and retrofitted dual flush.		
						Progress work on product labelling through Market Transformation Programme (MTP).	
					Finalise proposals		
December 2002	FULL WRAC MEETING Discussion of conclusions, including integration to Best Practice Guide						
By 31 Dec 2002		<b>Deadline</b>	-	-	<b>Deadline</b>	<b>Deadline</b>	<b>Deadline</b>
Jan - April		-	-	Finalise proposals	-	-	-
By April 2003	<b>Deadline</b>			<b>Deadline</b>			
April/May 2003	CONCLUDING FULL WRAC MEETING						