

Unedited comments from UKDP Private Sewers Transfer Survey

A number of questions within the report allowed for respondents to make any additional comments they felt relevant. Due to the volume of additional comments made, however, it was not feasible to include them all within the main body of the report.

To follow is the full and unedited comments made in respect of relevant questions. Please note that we have not made any amendments to any typing errors within the text to ensure the sentiments of the comments did not change. The only changes made are those that might have otherwise compromised the confidentiality of the report e.g. names of councils or specific WaSCs.

4

Do you believe that the transfer of private sewers is a positive move by the government?

- Cuts confusion for general public
- I await the detail as I can see we will still get involved
- Remove large burden in terms of bureaucracy regarding repair notices
- However have concerns on how it will apply and the impact it will have on public health if the water companies are not able to meet the demand.
- It will simplify things so that house owners only need to know that they are responsible for drains up to their boundary and all private sewers are responsibility of Sewerage Undertaker. Slightly worried about performance of Sewerage Undertaker and lack of enforcement ability to get them to take action.
- Yes because there will be less discussion about who is responsible. However, that does not mean that the problems will get solved cause the sewage undertaker might not recognise the problem or give it priority.
- Removes a lot of uncertainty from owners of private sewers. Provides a single responsible body.
- Provided that the issue of shared-pipework within the curtilage of a dwelling is taken to be within the remit of the WaSC in every case
- will depend on funds available however
- Drainage disputes cause distress to some residents because they worry about the costs involved. It's never their sewage attitude.
- Very good idea, solves a lot of issues establishing ownership.
- Yes but the implementation is going to causing difficulty... the law should simply say "at that point a drain becomes a sewer, it should not involve curtilage or site boundary.

Already we are seeing arguments about the impact of council houses, and contiguous curtilages, e.g. where multiple properties are in one ownership, the Sewerage Undertakers are suggesting this is one property and therefore not their responsibility.

- Most residents will accept responsibility for pipework within the curtilage of their property but not outside. The transfer should help to resolve this issue provided Local Authorities are not expected to confirm the precise location of the blockage/defect.

- Not entirely convinced that [the WaSC] will get their act together. Have occasional trouble getting them to deal with s24's as it is.
- Unsure if Local Water Authorities will be able to cope with demand
- It will remove the confusion/misunderstanding - that home owners may be responsible for sewers that lie outside their curtilage
- Fairer to residents
- This transfer will prevent the continual confused arguments between [the WaSC], the owners of ex-council owned property over blocked combined drains or private sewers.
- It will require WaSCs to up their response times
- Removes some of the grey area's and disputes between LA's and Water Authorities. i.e. pre / post '37 adopted or otherwise.
- Its depends on whether the water companies have the capacity to undertake all the works. The cost will be passed indirectly onto all residents through their water bill
- Yes because it will remove uncertainty over ownership and responsibility. However, I can see access complications on properties where the owners are not at home.
- From a customer perspective it is definitely an improvement .
- As long as it's set up in a workable manner.
- Most people do not realise that they have the responsibility for a private sewer and thus have no insurance or other funding to cover the cost of any problems with it. It will help especially those on low incomes for whom even a small bill is a real financial problem.
- Depending on the service given by the water authorities
- Remove the anomalies that current exist
- It is generally a positive move - it should give householders more certainty rather than the surprise / shock that they experience that they are responsible for private sewers - however there are potential negative impacts with the likely potential increase in water and sewerage charges to cover the cost of works.
- A simplification for the consumer especially for the less service minded water undertakers. However, there is a real risk that smaller repair works would be given low priority presenting a risk to public health. Local authorities can force repairs to be undertaken at present but will local authorities be able to force the undertakers to carry out works is a concern.
- It is essential that the word curtilage is defined in the course of the transfer.
- Not sure, I think that homeowners are going to suffer and that there will be more confusion (initially) then there is now concerning ownership and responsibility etc
- Providing that expectations are met
- enforcement in the hands of private companies not a good idea
- As long as the water companies unblock all drains which are private
- I would be more positive about the transfer if I was confident the WaSCs were competent and capable of undertaking the work.
- Drainage authorities have the expertise and resources to deal with drainage problems
- Its been on the cards for a long time but will only create the same situation as we have now with pre 37
- Depending on what the transfer actually results in them doing. If its 100% of all blockages and disrepair then yes. If not then no
- Only if the maps provided by the sewage undertakers are very accurate and there is a way in which if contractors are called to a problem the sewage undertaker will pay the contractor for the call out if found to have been a public sewer.

- It will lessen confusion amongst householders about responsibility for private sewer clearance and maintenance
- I do not agree with the detail. That is I believe individuals should remain responsible for the drains from their property until it joins with the drain from another property.
- Depends on how well [the WaSC] deal with the new work.
- Clarity for homeowners and other agencies
- The new arrangements will be fair and understandable by the public
- It removes confusion for property owners
- Councils do not now have the resources to investigate blocked sewer/drain
- Reduces the opportunity for a water company to refuse to accept liability for a sewer on the grounds that it is not known by them to be a public sewer - this usually results in the local authority/client/client's insurers being required to submit proofs (not necessarily resulting in an acceptance of liability)
- It is almost impossible for multiple beneficial users to co-ordinate maintenance work collectively - and most do not even understand their liabilities in this regard
- but must be facilitated properly and the public educated
- Is this happening in northern Ireland?
- As long as it is managed properly and private sewer owners are informed of what level of service they could expect to receive and so all customers have realistic expectations.
- Will still have drains, private sewers not connected to the public sewer, private pumping stations, septic tanks, cesspools, packaged treatment plants, water in cellar investigations, flooding complaints and statutory nuisances to deal with,
- It should have been done a long time ago. Enforcement by LAs in default is not an efficient or effective mechanism for dealing with wide spread failing infrastructure. Transfer is highly supported from an LA and private sewer owners point of view.
- Clarification needed on who will be dealing with initial enquiries and who will confirm who is responsible in areas of doubt eg lateral drains and location of defects.
- It will take away some statutory functionality from Environmental Health Officers and future drainage problems will be dealt with by taking enforcement against a privatised corporate body using less appropriate legislation.
- Enormous public benefit

5

Currently, councils have the ability to serve and enforce legal notices on homeowners when a defective private sewer poses an environmental health threat. Post-transfer, are you aware of any legal abilities councils will possess over WaSCs to enforce repairs of defective pipework?

- No, can't enforce Building Act on Public Sewers and a sewer is not regarded as a 'premises' under the Environmental Protection Act so can't be a stat nuisance
- Environmental Protection Act 1990 nuisance action for "accumulations that are prejudicial to health or a nuisance". This would be where a pipe has blocked allowing raw sewage to escape and this has been allowed to remain, whether by lack of action in unblocking / repairing or by no poor clean up operations.
- Abatement notice served to undertaker by LA under Environmental Protection Act 1990, if sewage escaping from sewer is causing nuisance at property not served by it
- EPA premises in a condition so as to be prejudicial to health. This power was extended to include sewage treatment plants and by inclusion services leading to sewage treatment plants
- Possibly serve on owner /occupier who then sites WaSC as responsible person

- Statutory nuisance provisions s.80 EPA, and we have already used them!

It is suggested that some means of enforcement is still required.

- The regulator of WaSCs will need to accept responsibility for ensuring that action is taken and not attempt to pass this off to Local Authorities.
- statutory nuisance powers available however case law is confusing
- I am reasonably aware of our powers over the water service companies.
- Same legislation should apply, Building Act, Local Government Miscellaneous Provisions or EPA 1990. LA's will still have to deal with private drains and treatment works/cesspits
- Unsure what we would use possible nuisance legislation ?
- Obviously I would seek legal opinion, but I am not aware of any reason that prohibits Local Authorities from serving legal notice on Water Authorities should it be deemed necessary
- The majority of drainage calls should come under [the WaSC], Which leaves councils with little legal powers apart from private lateral connections
- Historically water authorities have challenged Council's who seek to serve notice on them e.g problems in serving statutory nuisance notices on sewage works for odour complaints. Such cases can be costly for Council's. There needs to be very clear legislation.
- Whilst powers will continue to be available to require action in respect of single drains powers to deal with WaSCs under nuisance legislation are unclear - may be possible to act if sewage is accumulating on land and is considered prejudicial to health - potential for complex legal cases.
- Possible statutory nuisance powers under the EPA 1990
- There seems to be very little information available
- Council's currently have no powers over the WaSCs and I am unaware of any proposal to change this.
- Have not fully researched this aspect.
- Stat Nuisance EPA 1990 ?
- Stat Nuisance under EPA 1990

s59 BA

LGMPA

PH Act

They will still apply on private unless Acts amended.

- I would say that as they are private companies they are under the same enforcement procedures as home owners. They are not a local authority or council sewage undertaker.
- Assuming we will still retain powers for defective drains on private property, rural drainage etc but unclear of the enforcement route re the WaSCs. As now we will probably threaten with EA but they do seem to respect the EHO's public health role.
- This needs to be resolved
- Section 17 Public Health Act 1961 - but there is a maximum charge of £250.00 therefore of limited value.
- normally through good partnering arrangements we wouldn't have to but we legally think we could.
- What is a WaSCs? I presume it is a statutory undertaker and my answers below reflect that presumption.
- Will take legal advice but normal notice served on owner of the drain or person responsible this would become the water authority
- may be able to apply general legislation but not such as not sure on specific legislation

- Depends on how the problem manifests itself as in some cases may be able to use EPA 1990 S79/80
- I assume the transferred drainage will have the same statutory immunity that public drainage currently enjoys and any recourse will have to be through OFWAT
- Not sure of the detail
- maybe dispute on land transfer and properties not properly registered
- Apart from recommending that the client make a formal complaint to the water authority and its regulator.
- Yes usual LGMP and Building Act enforcement powers
- Statutory nuisance (accumulation of sewage prejudicial to health or a nuisance)
- Statutory nuisances under Part III of the Environmental Protection Act 1990.
- As per above comments for number 4. Environmental Protection Act 1990.
- We have occasionally used abatement notices (Environmental Protection Act) in such circumstances, but a specific sanction would be useful, given the difficulties we have experienced in getting WaSCs to deal with their existing obligations

6

Do you believe that councils should retain the ability to serve legal notice on the WaSCs post-transfer?

- In the interest in public health, Councils should have the ability to ensure work is done within 48 hours for transferred sewers as they are more likely to be closer to the properties and therefore prevent use of facilities due to sewage backing up.
- Current notice system is not suitable. If we are to be the Police for WaSCs then we need a new and appropriate power under new legislation. We do need to retain ability to serve notice on householders because we get a large number of defective septic tank issues which we will still deal with, not to mention private drain problems (though householders normally have more of an incentive to resolve them).
- Yes because that might be the only way to motivate the sewage undertaker to do works.
- In cases where residents are unwilling or unable to deal with reporting and liaising
- We don't have that power now for public sewers and after transfer is implemented those that were private are effectively then public. There does need to be a robust mechanism in place for the public to be assured that WaSCs will fulfil their new duties in a timely manner and possibly some form of recompense should they fail to do so - eg a binding code of practice on WaSCs and an ombudsman type scheme
- That already exists
- Local Authorities will not be resourced to perform this function.
- See 4.
- Who else will provide the necessary checks and balances where an inordinate amount of time has been taken to clear/unblock/repair recurring surcharging sewer
- If the council do not retain this ability, who will?
- We can't / don't do now for public sewers.
- As a statutory undertaker it shouldn't be necessary and if it existed it would raise an expectation on LAs to use powers
- Our water undertaker would use this to buy time and wait for us to serve notice on them to force the issue. I think we would end up serving a lot more notices than we do now. We should not be thought of as the regulator of the water undertaker.
- May have to serve on water undertake if not acting quickly enough

- In extreme circumstances
- As we have a good working relationship with the Company I would not expect to have to serve notices - but we do need to have the power to do so as a last resort. Other LAs may not have the same relationship with their companies and this power would be even more important for them.
- There is no guarantee that the WaSCs will take the necessary action and councils have local knowledge and the ability to act faster than OFWAT or CC Water.
- But there may be some problems with this
- The Government has disproportionately reduced the public health element of Councils' formula grant to account for their reduced responsibility for private drainage. It therefore makes no sense in then imposing on them an extra unfunded responsibility for public sewers. The WaSCs are already regulated and if they fail in their responsibilities then it should be up to Ofwat to undertake enforcement. It may be necessary to change Ofwat's powers over the WaSCs.
- If the water company does not take responsibility for the work than the Council could undertake works be serving notices - last resort to fixing problem
- Experience dealing with WaSC's would lead me to believe profit would take priority over actually dealing with problems,
- Private drains need to be covered also.
- See above.
- As WaSCs are statutory undertakers it will be difficult to enforce and will require separate legislation
- If retained the ability to serve notices Councils would then need the resource to be able to investigate, draft up notices and enforce. This is unlikely to happen with the spending cuts facing all local authorities.
- See above.
- Depends on whether its needed or not
- Experience suggests we will have to remind them of their responsibilities as we do now for S24 sewers
- But we do not have enforcement powers over water and sewerage companies post transfer.
- The service standards of the WaSC's should make this unnecessary. We haven't experienced problems with respect to repairs of existing public sewers so don't envisage a problem post transfer.
- It would defeat the object of the transfer which aims to streamline the responsibility of private sewer ownership. If private sewer owners were not happy with the response of the WaSC, they would continue to contact EH and our work load would not reduce. There should be an independent body that customers could complain to if they are not happy with the service they receive.
- The response from WaSCs in the past has been variable and sometimes slow.
- Wasn't aware that we have existing powers over WaSCs (other than as mentioned in 5 above -see comments)

7

How would you rate your council's relationship with your WaSC?

- Frequent arguments over ownership of sewers
- Contact mainly circles round arguments over responsibility (WaSC or householder). Call centre staff seem to be trained to argue that a pipe is not responsibility of WaSC! Also, they have little understanding of PHA1936 s.24. In terms of workers who deal with problems it's very hit and miss and depends on the individual. Most are reasonably helpful.

- [The WaSC] are generally reluctant to work with [the council] on resolving drainage issues.
- We have a good relationship with area based individuals. Relationship on higher management level or region-based is more difficult.
- There are instances at the moment were WaSCs are reluctant to become involved in drainage investigations eg checking public sewers to ensure they aren't backing up into private sewers reflecting the reported problem
- A working relationship. we have a priority number for health we can use rather than the general public numbers
- The WaSC attitude to investigation of public sewerage problems is generally a 'do minimum' approach.
- Depends who picks the phone up.
- No intimate contact/communication although a few known individuals listed as contact points
- Thames water do respect my requests for them to deal with sewers that I deem to be "Section 24".
- Call centre a night-mare people on the ground excellent
- Our Water Authority representatives are always happy to meet and discuss but their promises often don't come to fruition.
- good relationship with operational staff - some problems getting in contact with correct people via contact centre
- [One WaSC] good, [the other WaSC] average.
- Our WaSC has shown great reluctance to adopt pre-1937 sewers.
- The WaSC for the area that I work in seems to change their mind every week concerning the ownership of section 24's, and which areas have or haven't been adopted by them
- We have a good working relationship with the local area engineer and customer co-ordinator but the companies general attitude to local authorities is not good.
- no real joint working, better communications and joint approach necessary
- Has got worse in the last 2 years.
- With the proviso that occasionally we have to remind them of our PH role and powers
- We have biannual health Liaison meetings with [the WaSC]
- My Council works with two WaSC's. We find that our relationship comes down to individuals within each organisation. In the main it is very good.
- we have a very good working relationship at present
- We pursue on-going cases via Quarterly Liaison Meetings between interested parties
- Sometimes a very good service, sometimes not.
- Good working relationship regarding joint working on drainage cases from clearance crews on the ground - less good corporately
- Good service when they accept a pipe is theirs, but recurrent disputes about whether it is or not.
- Waters cos are hard to contact. Disjointed. No designated contacts. On site Drainage crews don't communicate well to LA.
- Have had difficulties in getting WaSC to accept responsibility for problems with Section 24 sewers. Also a number of instances where WaSC has changed the status of a public sewer to that of a culverted watercourse or private sewer.



Is the WaSC in your area communicating effectively with your council regarding the proposed transfer?

- We have 2 Water Companies that cover the LA area and have had good communication from one and no communication with the other
- However they do not seem to be aware of how they will deliver or react to demand.
- Not had any contact.
- We haven't heard much and certainly nothing officially (like in writing).
- The larger one is and the smaller one appears not to be moving on it.
- We have to initiate contact the communication is reactive not pro-active on the part of the WaSC
- not aware of contact
- Had no information provided since the decision to transfer has been confirmed. But we have an annual meeting with them and in Feb 10 they said they were making plans but no detail was produced.
- Yearly liaison meetings, and a working group set up.
- No contact so far.
- Heard nothing.
- I do not believe that [the WaSC] have made any attempt to contact me at [the council].
- Certainly no contact from them with myself. Maybe they are at a higher level, but I'm not aware of it.
- Only attended 1 annual event by [the WaSC] where it was mentioned. However, my team only deals with commercial premises, they may of been in discussion with the team who is responsible for investigating domestic premises
- Not recently
- Have had no contact.
- We have had one meeting regarding the transfer, but it was some time ago. There has been no further contact.
- No communication at all so far
- Minimal communication so far
- They are sending information every now and again.
- Just started.
- No communications have been received to date.
- I haven't seen any information concerning the transfer from the WaSC
- To date there has been no formal communication on this.
- not heard anything from them
- We have not received any communication to my knowledge with the WaSC regarding the transfer at this moment in time
- Not aware of what information they have but suspect they are in the same position as the Council
- I've had no information other than a seminar run by CIEH, local agents don't seem to have any more information than I have.
- [first WaSC] - yes
[second WaSC] - don't know. If they are it is not with me and I manage the Team that currently delivers the drainage service.

- Haven't yet received info. Not sure where info is going within LA
- I believe that they're consultants have contacted Building Control in order to gather data on assets
- Not heard anything
- Information received only from the overall industry representative at the Rhayader training session earlier this year (presentations also given by DEFRA and UKDP)
- No correspondence at all on this issue
- Although there is a possibility that the WaSC have communicated higher up the management structure and the information is not being filtered down.
- Not currently the case.
- No formal contact on this issue.
- Communication has just started

9

How well do you feel the WaSCs are prepared for the transfer?

- Its very hard to say as little info in this regard has been given,
- Based on the fact that we haven't heard much at all.
- The sewerage undertaker in this area is to date unsure of drainage runs and not starting to pro actively take the information from Local Authorities i.e. Drainage maps and plans to start to build a database of local knowledge.
- I have not been made privy to this information.
- no contact regarding issue
- See 4.
- Being dealt with my management at this council
- Worried the scale of the extra work will mean they cannot cope
- I am not sure, but I expect them to be well prepared.
- I have no idea what resources the local WaSC has at hand. They have stated that the transfer will invoke an 8-fold increase in work, but I do not know whether they will be subcontracting work out to other drainage contractors to cope with this or whether they will increase their staff levels as appropriate. There has been little information as to how they propose to deal with the transfer and how they intend on surveying and assessing the new assets they will be adopting.
- see above
- see above!
- see answer to 8 above
- Due to lack of communication, I am unaware of their status.
- It would seem that the WaSC cover to large an area, are understaffed, and non-communicative at the best of times
- I am aware that they are undertaking preparation work but as they have not been in communication with this Council I cannot comment on their state of preparedness
- Thames Water does not have up to date plans of sewers they currently maintain let along when they will take responsibility for private sewers.
- Has it actually been finalised what they will take on?
How will the billing issue be covered? I'm assuming water bills going up

- I do not know what stage of preparation each of the two organisations is at. I do think that they probably think that Councils have far more resources than they actually have dealing with drainage matters.
- As the subject has not been raised I am unaware of the adequacy of the plans.
- No approaches have been made by any of the 3 WaSC's covering our area requesting information about problematic sites, areas of concern etc as yet.
- No info given as to how they will cope
- TUPE is a concern.
- Briefing sessions arranged for the New Year when more information may be made available.
- Have heard informal anecdotal evidence from WaSC employee that changes are being made to deal with transfer issues.

10 What issues do you feel are most important for the WaSCs to address? Please rate these issues in terms of how important you believe they are. (Please provide an answer for each option).

- Existing problems and an ability to inform providers of existing problems where works were stopped to allow the water providers to take the issue up
- We have had discussions with [the WaSC] and these issues
- All of the above are very high importance communication is vital.
- curtilage could be an issue with flats, multi occupied buildings and similar
- A simple and easily understandable definition of curtilage needs to be agreed. Without this I can foresee EHOs still having discussions with WaSCs about responsibility
- Adoptions and confirmation of ownership should not be a problem. the law simply transfers on the due date. the physical site layout will confirm!

Curtilage is a red herring, we should work with sewers not lateral drains et al. but assuming that isn't accepted, we will need to rely on the definition being written into guidance or law as necessary.

Homeowners will be paying they need to be advised. they also need to understand what they are getting for their money. thats a commercial necessity

Mapping whilst a legal duty at the moment, it would not be possible to map the entire sewer network without significant cost. The value of mapping the entire network is questionable. For me the value is in mapping mains, the mapping of private sewers is not likely to lend any real value. this is something that could be added indicatively over time as complaints are responded to. WASC should not rely on LA planning departments etc. for accurate records.

- Only completed the 'not important' line in order to move on - not for me to say as it'll be their problem.
- Surveying the assets to allow for future planning. There are a lot of pitch fibre sewers that will be failing over the coming years so some plan of works needs to be implemented.
- all issues are of extreme importance. Clarity is imperative for this to transfer to happen without incident
- Each area came out as a high, Maps being updated and the public knowing who to contact & who is responsible at the top of the list.
- communication is paramount, clarification of responsibilities important
- Speed of response to drainage issues and to address the issues.

Curtilage has no relevance and 99% of drainage law relates to deriving benefit from the pipework not to location of the pipework.

- ability to prioritise responses
- I believe that they must have a clear and effective system for prioritising repair of defective assets once transferred and sufficient funds ring fenced to achieve improvements in all regions. We believe that Councils should be able to feed into the prioritisation process.
- Response times
 - Contractors

How well do you believe your council is prepared for the transfer?

- Until we know exactly when the transfer will take place (need to see official document saying Oct 11 rather than just a consultation document) we don't know what info the WaSC will want from us if anything.
- Not sure whether or not we have to do anything
- Decisions not made.
- It will not impact us at all in terms of preparation. We are likely to investigate initially as normal.
- I am unclear as to what preparation is required on behalf of the Local Authority.
- should not have that great an impact but more info needed
- Never been discussed in the team or planning dept.
- don't know what's expected of us, no mechanism established to deal with complaints that will still come our way although we may no longer be responsible, difficulties in establishing where on the system a blockage/defect may be ie in the length still responsible for by home owner or length now responsibility of WaSC. Dispute resolution process, a process of recovery of expenses incurred unnecessarily.
- Just need to know mechanism for referring cases through to Water Authority.
- Central government is making us cut personnel and our resources, so if the worse of the cuts are made, then we are not prepared in the slightest.
- As per my previous answer, I can only answer in relation to commercial
- Little or no preparation is seen as necessary.
- Can't wait to lose this area of responsibility
- No detail available yet
- We have only just started considering the ramifications.
- Don't know as we are unsure as to what our role will be
- All we have to do is tell residents that their private sewer and lateral drains are public and that they should contact the WaSC.
- Do we need to be prepared?
- Whilst we are aware, the plans submitted as part of the information process from government appears to have errors against written definitions of responsibility.
- Awaiting guidance from Government on the implementation of the new legislation, including guidance on the expected role of LAs
- I am not sure what preparation there is to do. Most councils do not possess maps of private sewers and each issue is investigated on its own merit. Therefore, the only preparation relates to personnel issues e.g. if there are to be any transfers of resources.
- This information hasn't been communicated to any relevant PPD departments yet so wouldn't know
- Will need publicity and to change advice to owners

- There has been little information to prepare anything on
- Not sure that we need to be prepared other than knowing to refer relevant enquirers on to WaSC more often than before.
- OK

12 What issues do you feel are the most important for your council to address? Please rate these issues in terms of how important you believe they are. (Please provide an answer for each option).

- All of the above is important but i don't think it should be the council that is taking the lead. That should be the sewage undertaker.
- Information the council holds is not necessarily accurate. Experience has shown that what is on the plan for newbuild is not what is put in place. The plans are indicative, and building control functions on whether the system is effective, not whether its located exactly where it was intended.
- See 10.
- Not sure what information we'll be supplying to the WaSC, other than on request.
- All complaints of overflowing shared drainage will be referred to WaSCs via front of house. This service holds no information or mapping on the location of private drainage and therefore has little or no info to provide to water authority.
- A process will only work if the communication channels are sufficient. Handover of information is important, but I do not expect that all Local Authorities are in a position to readily offer information as it may not be sufficiently recorded
- We understand the hand over from our side.
- Protection of public health as a result of transfer.
- we need to be informed by [the WaSC] exactly what will happen, when and how they want us to deal with future complaints. Will they deal with every property?
- Transfer of human resources.
- I am perfectly happy with the current situation as far as the first two items immediately above are concerned.
- TUPE

13 Does your Environmental Health or Pollution team possess information regarding historic drainage issues that you believe may be relevant and useful to WaSCs? If you answer "Yes", please continue with questions 14 and 15. If you answer "No", you should proceed to question 16.

- Possibly in some areas
- Although we have endeavoured over the past 12-18 months to rectify and resolve any ongoing issues
- However a lot of this is officer knowledge
- In our council it is the private sector housing team that deals with the drainage issues.
- We have files on the history of both section 24 and private drains /sewers that officers have worked on going back many years.
- Not within environmental health but I believe our highways/drainage team may possess maps.
- I am not sure that a WaSC would be interested in historical information that is paper based. The cost of trying to scan the information into a usable form would probably make it impracticable

- We have lists of addresses where we have undertaken work, and served notices.
- Jointly held with building control
- One or two maybe.
- But not much
- Drainage files are stored as microfiches
- We have information on drainage issues for approximately the last 8 years
- Some information kept on layouts of private drainage systems but this was better done in the past than at present
- Some information on files
- Limited amounts of historical information where there have been repeated issues or a particularly difficult issue to resolve.
- Some data on specific cases but no significant mapping data other than Council/RSL estates
- some info
- Not much documentary material available and what we hold is not available in a searchable form -i.e. individual paper file records rather than GIS mapping.
- Probably, but very piecemeal bits of knowledge in the heads of staff who have dealt with particular cases. Information about specific private sewers dealt with is not recorded in a way that would be easy to interrogate and pass on to others.
- Limited amount available on individual cases on our database
- Some limited information
- Generally through officer experience and remembering certain 'problem' jobs or areas where drainage system is deemed to be poor
- Information available but may be difficult to retrieve

14 **Has your WaSC approached you to transfer this information to them?**

- Not available in a transferable compatible format. Majority of information is on paper files.
- They may have been to the planners for info or building control, As far as I am aware no direct approach has been made to ES
- Specific items have been requested, but we hold much more.
- Not that I'm aware of, but they may be communicating with others.
- Not aware of any contact from the WaSC
- Yes, but they have not amended their maps to show changes
- It has been discussed at a liaison meeting.
- Only from a mapping point of view thus far (Building Control)
- To date (Dec 2010) - request for contact name

15 **Do you believe that the quality and quantity of information your council holds is such that a financial value could be placed against it if a WaSC wishes to use this data?**

- Paying for time it takes to collate
- This local authority hold historic planning/building control maps and including runs officer mapped further to complaints and defects.
- any request would need to be accompanied with resource to provide the information under FOI

- Other than the cost of reproducing it.
- The most used information is the [WaSC] mapping system.
- Both organisations should seek to share information collected during inspections which would assist in resolving the drainage issue.
- some information may have a financial value
- Wouldn't be for me to decide that
- The data potentially has a financial value but as far as the WaSC is concerned it would not be the end of the world if they did not have it, and thus it is doubtful if they would be prepared to pay for it. Were the WaSC to ask for the provision of information that required significant staff time to produce then we would only provide on a reimbursable basis.
- The cost element relates to extracting the information from a hard copy filing system that covers the whole of the Council area.
- The data we hold is but a very small fraction of what the true liability is. It would be very difficult to derive a meaningful cost from this.
- The SWU can request the information under the Environmental Information Regulations and therefore is likely to receive it FOC
- Majority of information transferred previously - remaining information is limited.
- Inasmuch as for a limited number of cases that happen to spring to mind we would be able to tell a WaSC useful info about specific private sewers that would otherwise take them time for them to discover from scratch for themselves.
- May just be a duplicate of information already held.

16 What impact do you feel the transfer will have on the residents in your area?

- There will be less confusion over responsibility when blockages etc... occur, may negate the need for householders to take out an insurance policy to cover them in event of blockage etc...
- Positive until they experience problems of getting the water authority to come and clear blockage or carry out repairs.
- Lots of residents don't know about their responsibility regarding private sewers so they will now feel that they are getting value for money.
- Positive that there are less discussion, but not clear that the sewage undertaker will solve problems quicker and it is not beneficial for the residents that the council will have less legal powers.
- The transfer will be a positive one if the sewerage undertaker can respond in an appropriate fashion to blockages and defects, once reported to them.
- It depends on the definition that the WaSC chooses to adopt regarding shared pipework within the curtilage of a dwelling.
- I hope it will be positive as residents get very angry with Council Officers over drainage issues.
- It will be confused and they will not know who to contact about what until the new process are bedded in and the information is communicated to them
- Should save time accessing services providing the WASC can establish the right contracts
- Unless, of course, for those only having a drain and hence deriving no benefit, but find themselves paying additional sewage charges.
- I am sceptical about the whole idea
- If the extra responsibility means call-out times are lengthened generally then it could have an overall negative impact on service to residents

- Hopefully they will receive the same level of service they currently do. Cost wise, residents with specific issues should be better off but overall everyone will be impacted by cost
- They will no longer be financially liable for shared drainage with their neighbours who often do not wish to take responsibility unless it directly affects them eg an overflowing inspection chamber in their garden etc. Often one householder bears the cost and brunt of the defective drainage unless notices are served.
- Depends on any increased levels of charge associated with transfer.
- Hopefully [the WaSC] will be the first port of call for residents, with [the WaSC] referring private connection to us.
- potentially higher charges but more clarity in service provided and probably more rapid response - not having to wait for notice periods to expire etc
- This very much depends how the system is implemented and resourced.
- Not sure, due to the fact that the majority of homeowners are ignorant to their responsibilities in relation to drainage issues anyway
- depending upon additional costs and service provided when transfer takes place
- hard to quantify without knowing what WaSC thinks
- If it works
- I have answered "positive" as residents will no longer have to finance drainage work in other people's gardens (which they consider not to be "theirs"). However, in reality there may be some negative feedback if "problem" sewers are not repaired asap.
- Enquiries to the WaSC should more easily be determined the householder or the Wasc's responsibility.
- At present we respond to all drainage issues within one working day and if we cannot resolve the issue ourselves we then serve drainage notices on all concerned. If works are not completed within the timescales given we arrange to have the works done in default. This equates to responding to several hundred drainage works per year. Until the investigation is carried out it is not possible to establish whether it is a private sewer issue or a single drainage issue. Are the WaSC's going to investigate every drainage complaint and advise customers accordingly if it is single drainage issue as councils do now? Or is the customer going to be passed around from one organisation to another?
- If the service to get clearance is done rapidly and effectively
- Hard to gauge, would depend on the number of private sewers being transferred
- Responsibility for sewers and drains will be much easier for residents to understand, and resolution much quicker.
- If the water authority properly addresses the new responsibility.
- As it will not be a financial burden to them but do have concerns that Water Companies will not be able to cope with demand and residents will not be educated on responsibilities, they will still contact the council and i do not believe they will receive an efficient service - increased public health risks for EHO's to deal with
- Should simplify matters for the public when drainage problems arise
- But additional cost in charges generally

17

How do you believe the majority of homeowners with current drainage issues will react to the impending transfer?

- Generally, I don't feel the public are aware of any impending transfer
- I really believe people will wait until post-transfer. We've already received the first signals indicating this.
- Most people are ignorant of sewers and only give them consideration when they go wrong. there will not be a conditions audit prior to the transfer and that is a problem.
- Most home owners would be concerns about who will bear the brunt of the costs of the transfer
- That is, if they are aware of the transfer.
- Suspect most don't know of the impending changes.
- It depends on the situation. If the problem is fairly minor then it is of little value resolving the matter prior to the transfer. However, if the issue is major then the repairs must be undertaken prior to the transfer.
- I think that many householders will not know that the transfer is going to happen and as such will not take any different action than they are now. Those that do will be split into the ones with a problem with a small effect on them where works can be postponed and so may leave them and those where the problem is too bad to leave. Few cases we deal with are paid for by insurance as either people do not want to pay the buildings insurance excess and risk premiums going up or do not hold a cheap drainage insurance policy. Others the insurance only covers them to the curtilage when the problem is often outside it and not covered.
- generally consider that work will be carried out if covered by insurance - in some cases work will be required under terms of a notice
- If they can be left they will leave them, if not they may challenge being reimbursed?
- No reaction - they will continue to contact the authority
- Tend to think unless there is an emergency homeowners wont do anything.
- As the majority of homeowners are currently unaware of their responsibilities it will probably have little reaction
- there will be some of both
- Dont believe that homeowners are aware of the transfer at all and therefore will have no view.
- I feel owners who have received notices recently and paid for repairs may have concerns.
- With disinterest I would think unless they are aware and most will not be
- Maybe a mixture of the first two.
- Up to them unless we require works in default

18

What do you feel would be the most effective ways for WaSCs to communicate with residents during an investigation and repair project? Please select as many as you like.

- Face to face is probably the most effective, but unlikely due to restricted resources
- Some people do not like cold calls by face or phone but a letter would be more acceptable or an email if customer uses a computer.
- Local newspaper publicity
- Any communication so long as it is consistent is a means to advise those recieveing the service. LA;s use all bar online tracking as a matter of routine.
- It really isn't our concern how an independent, private organisation elects to conduct its business. That's the idea of it all ~ for L.A.s to be shot of it.
- Leaflet drop through doors

- If there is a problem involving many properties a public meeting is useful as it allows people to air their views and ask questions without having to go through a call centre. Having to battle through a call centre to get questions answered is likely to infuriate people how may already be stressed over a drain problem.
- Written communication is the most effective way to ensure that everyone receives the correct information - not everyone is on email or in the house during the day
- Brent Council has many different ethnicities, therefore providing a service which they can communicate in different languages is a must for effective communication
- Possibly with rates bill
- An on-line tracker would be useful to councils that were contacted by customers so that the council could advise the customer what stage the WaSC was at.
- Face to face discussions would also be of benefit
- Customer should be given preference
- Complex issues are best explained this way in our experience
- Keeping residents informed at all stages is paramount - no excuses for no updates
- Many people still do not use electronic communication
- The most immediate form of communication.
- Online tracker = web based info?

19 Do you think that a formal protocol is required so that all parties involved in drainage issues (WaSCs, councils, insurers, contractors) have an agreed way of working?

- Some form of protocol but not necessarily a formal document
- Very important that when dealing with Drainage Law that all parties are up to date with action that can be taken especially when there is a Public health issue that needs to be dealt with quickly.
- Certainly WASC and council's need something formal, the rest is simply contracted and should not complicate the protocol with additional parties.
- Protocols (formal or informal) rarely provide an answer when there is a dispute between respective parties.
- Why should we be involved, any more than we are with existing s24 stuff?
- Sounds like it could be a good idea.
- It would be good to have a full understanding of their plans.
- We need to know and to be able to communicate to our residents, when they have a problem, what they can expect in terms of timescales etc. We also need to know that the Company will respond to urgent cases within an acceptable timeframe.
- Clear definition of responsibilities would be useful
- Not sure. There are too many variables involved to have an agreed way of working, it needs to be implemented (if at all) after the transfer has gone ahead (if in fact it does go ahead as planned)
- Private drainage only represent about 3% of my drainage crews time and less than 1% of my office staffs' time. Thus I do not envisage that there should be a significant commitment of resources to deal with the transfer.
- I thought the WaSC delt with every problem?
- very important for robust approach
- I think this would be of value as long as there were realistic expectations.
- No essential but it would be very helpful for all concerned

- It would be useful for all parties to be clear about what they are responsible for and to whom to direct queries about matters outside their remit, but I'm not sure if this needs a "formal protocol". I'm perhaps naive but would expect that most of it will work out case by case as we go along.
- It would be useful so that everyone involved would know what is expected of themselves and the other parties.
- Would probably be sensible.

Please provide any additional opinions on the transfer that may not have been included in the questions above, and outline any further issues that you believe need to be addressed. Please also detail any key challenges that you or your department may face in handling drainage issues post-transfer.

- Who will be responsible for sewers on council estates where there is mixed private and Council ownership?
- Council may be able to offer water undertakers a local cost effective service to carry out initial investigations/unblocking etc
- As a rural authority a lot of our drainage problems relate to single privately owned septic tanks and these issues will remain unchanged.
- - More info about the legal powers that the councils will still have.
 - More info about what is not included in the transfer.
 - more info about financial implications for homeowners
- The Council as far as i am aware have had no input or information regarding this change over.

I think residents who have a pre-existing drainage problem should sort that out before being taken over by the water company, due to costs involved. I also suspect the water companies do not realise how much work they will take on and this could leave Councils to deal with sewage spillages under Public Health Legislation. The public in general feel that it is not their responsibility to sort out their drains and some do not like claiming on their insurance as they lose their no claims bonus. I also think insurance companies need to be more involved with the process and it would be interesting to know what involvement they will have.

- In the current economic climate I do not believe WaSCs will do anything other than the 'do minimum' approach.
- Generally we welcome this move. As a small rural authority we do not have the facilities or resources to fully investigate issues ourselves, relying on residents carrying out drainage surveys and us acting on results. Some clarification about the handover will be required. We envisage our involvement in drainage work will reduce however there will still be issues with private drains that will need to be addressed. It is a shame that pumping stations and private STW are not covered in this transfer. This is also a significant area of work for us.
- Councillors getting involved and expecting us to do something to help their residents. People expecting us to get involved on the grounds of health and this clashing with the motivational reality of private enterprise; namely money. I think the water companies will do the minimum required to get by e.g. effect a patch repair where possible whereas we tend to make sure drainage notices are up to full specification. I may be wrong but it is my concern.
- Potentially this is a good change, but I will appreciate some contacts from [the WaSC],
- In one area there is work actively being undertaken under the drainage protocol to renew pitch fibre private sewers on the assumption that the drainage undertaker will not be able to afford to renew the sewer and will just clear blockages.

Most residents do not realise that they are served by a private sewer and refuse to accept this. Thus in many cases it can be the person who is affected that pays the whole bill or suffers the problem (e.g. being unable to use their toilets) whilst the Local Authority has to wait the statutory period before doing the work in default and sharing the cost.

- I am looking forward to the transfer as the water authority needs to start taking more responsibility for drainage repairs and clearance. Many cases are suspected to be the responsibility of the water authority but if they are in any doubt they do not act but rely on the council to force householders or businesses to take responsibility. This comment and all those above are my opinion as an officer and are not necessarily the opinions of my employer.
- I think most key challenges are already highlighted in this survey
- I hope that [the WaSC] would become the first port of call for people with drainage problems. I feel this would be the best way for the public and its easy for [the WaSC] to refer a private connection back to the householder or local council.
- I do not see any challenges - all problems will be passed on the Water Company as they arise. If not resolved by them, notices can be served by this authority to ensure that the work is done.
- Our key concern are relate to the definition of curtilage
- We feel that there may actually be an increase in workload rather than a decrease if disputes still remain over responsibility and undertakers are able to leave repair work using a similar rationale that they currently use i.e. AMP periods.
- I have heard rumours of the transfer for over 5 years, and cannot believe that it will go ahead, I think that there will be too much opposition from the WaSC, demanding certain stipulations in regards to bringing certain areas up to acceptable standards, before they take them on, the area that I work in has huge problems with vast areas of drainage, that need a lot of money spent on them, for them to be serviceable in the long term.

I can see LA's still getting lots of calls in relation to blocked PSS's are fielding lots of questions that we generally might not have the answers for, and having to deal with some very irate residents whose remedial works/clearances etc are not being dealt with.

- The WaSCs need to communicate with their customer and probably the insurance companies to make them aware of the changes. They need to ensure that the contractors they employ to undertake this work on the transferred sewers are properly trained. They and Trading standards need to ensure that rogue contractors are not conning customers into paying for drain clearances that should be undertaken by the WaSC for free.
- Residents contact the Council even if the issue is with a [WaSC] drain as we are easily contactable. More needs to be done on easily contacting the right person to get the job done.
- Still getting complaints from the public about WaSC
- The most unreliable source will be clear identification of where a problem originates from. ie; a drain may be blocked but the cause could be from the new public sewer. Who will pay for the clearance?
- Some post transfer courses with reps from all agencies setting up working groups.
- It won't always be possible to identify if blockages are in a private drain or shared sewer so who organises the tests / camera survey - WASC or Council or Private owners?
- No key challenges only doubts that WaSCs will embrace their new duties and may claim that some private sewers should not be transferred and that there may be creative use of the term "curtilage".
- Someone will need to make a visit in order to assess whether or not the blockage is within the curtilage of a property. Very often this will only be possible by feeling with rods, in effect clearing the blockage.
- The prospect of a delayed transfer of Private Sewer Sewage Pumping Stations is of some concern. I am of the personal opinion that such installations should be transferred on the same date as private sewers to avoid unnecessary complication of the transfer.

It is likely that the department will be contacted by the SOC perhaps on a daily basis to advise on issues relating to local knowledge of private sewer systems.

- It is likely that residents will continue to approach the council to address drainage problems particularly if involved previously. Need to ensure good publicity prior to the effective handover date.
- Over the years when works in default have been carried out after notices have been served, the outstanding department has been placed against the property and is held by land chargers. What will happen to this department as the owners of the sewers will be with the WaSC's
- (1) I anticipate even more frequent disagreements about who is responsible for what when someone reports a blocked gulley or WC because often no-one will know whether the actual blockage lies within the owner's curtilage or not. The reporter can only describe an overflowing gulley or blocked WC. The distance of a blockage from the point of overflow is often unknown. Also, plunging a trap can hydraulically clear a blockage some distance downstream without identifying exactly where the blockage was located. And even if the distance of the blockage from the point of overflow can be measured with rods etc it will often be the case that the exact route of the pipe and therefore the point at which it crosses a curtilage or joins with a sewer will not be discovered, so even after clearance there could still be uncertainty about who's bit of pipe the blockage was in. I see the potential for WaSC's to wriggle out of many requests for clearance, leaving no-one with any clearly identifiable responsibility for clearing the blockage, and no clear way for anyone to enforce clearance (because equally LA's won't know whether the blockage lies inside or outside a curtilage so won't know whether it is the owner or WaSC who should be served with the appropriate notice).

For private sewers it is easier to demonstrate responsibility because often it is readily apparent that the overflow is coming from somewhere else, or that more than one property is blocked together. But for lateral drains this is not the case and there really does need to be clear guidelines for WaSC's and owners to know which of them will be responsible for investigating and attempting to clear blockages when the actual location is unknown, and also how either party can recover costs from the other if they find that their efforts have cleared a problem in the other party's bit of the pipe.

(2) I also foresee continuing problems with WaSC's evading responsibility by holding different interpretations of what is a curtilage. In particular I can see them still refusing to deal with any sewer on an ex-council estate, arguing that the estate was originally built within one curtilage so in their view no pipe within it is a sewer. There have also been disagreements in the past about pipes receiving the discharge of a single downpipe which itself receives from other properties, such as a rainwater pipe or hopperhead serving adjacent eaves or bathrooms. Ideally the transfer legislation will address all currently disputed examples but I fear it will not.

(3) I have not heard whether the transfer legislation will make the appropriate amendments to all other drainage legislation. I imagine it will repeal s35 LGMPA'76, but without rewording s17PHA61 and s59BA84 LA's would still have powers and duties to require an owner to carry out work to a lateral drain after it has transferred to the WaSC - which would not be proper.

(4) Who will deal with overflowing gulleys etc that are reported by neighbours or passers-by - i.e. where there is no occupier sufficiently concerned to liaise with the WaSC to resolve who will clear it.

(5) Will WaSC's have powers of entry to private property to investigate (a) cases they already know are their responsibility and (b) cases where investigation is needed just to establish who has responsibility.

- Work practices currently under review.
- There is concern about how they will manage the sudden increase in their workloads. Will they still require our expertise? Who will determine where a blockage is esp on lateral drains. Who will be the first point of contact and make the initial assessment. Who will make the final decision during disputes . If WaSC initially makes the decision that a problem is not their responsibility but on investigation by the LA it transpires it is the WaSC will the LA be able to charge for their time as in that situation they are acting as agents.
- We believe that local authorities and WaSCs must communicate with one another before the transfer takes place, and set up lines of communication for when issues arise.