



ARTICLE NO: 1C

**CORPORATE OVERVIEW &
SCRUTINY COMMITTEE:**

MEMBERS UPDATE 2011/12

ISSUE: 3 NOVEMBER 2011

Article of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor Forshaw

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SUBJECT: TRANSFER OF PRIVATE SEWERS TO UNITED UTILITIES

Wards affected: Borough wide

1.0 PURPOSE OF ARTICLE

1.1 To advise Members of the changes set to take place in October 2011, with respect to Private Sewers.

2.0 BACKGROUND

2.1 Since the recognition that good sanitation was needed to prevent the spread of disease, legislation has contained powers to ensure that adequate drainage is installed and maintained for properties. The use of this legislation has been invested with Local Authorities for decades.

2.2 A simple way to understand the legislation is to consider that whoever gains the benefit of the drainage pipe work, up to the point where it enters a public sewer, has at least some responsibility. It may be helpful to look at some definitions in relation to drains and sewers at this point:

- Drain – this is generally the pipe work for one property.
- Private sewer – this will be where at least 2 drains converge and therefore serve more than one property
- Public sewer – this is a sewer vested in a sewerage undertaker and is generally the sewer “in the middle of the road”. It also includes the sewers for properties built before 1937.

2.3 Sewerage Undertakers have responsibility for the maintenance of public sewers. The responsibility for private sewers and drains rests with the householder or householders who are served by the pipe work. The Council therefore currently encourages/requires single householders or groups of householders to unblock

or maintain their pipe work accordingly. In order to expedite the works after appropriate legal action has been ignored, the Council can undertake the works itself, via a contractor, and make the appropriate recharges.

- 2.4 Last year the Environmental Protection team were involved in 153 drainage complaints, although this has been as high as 219 a few years ago. Some of these complaints involve one property and are resolved by the owner after advice from ourselves. Some involve multiple properties who refuse to co-operate and require legal action and sometimes court action to chase payment. Thus, whilst the Council has no responsibility for unblocking drains itself and does not have the staff to do so, it does however, have a duty to ensure that foul sewerage is not prevented from reaching the appropriate treatment works.
- 2.5 It is sometimes confusing for householders to accept that they are jointly responsible for pipe work which can, in some cases, stretch for some distance away from their property. For some it is difficult to understand that they even have responsibility for pipe work below and on their property.

3.0 2011 CHANGES

- 3.1 From the 1st October, sewerage undertakers (United Utilities (UU) for us) will take on the responsibility for private sewers, lateral drains and pumping stations. This actually equates to a 75% increase in the total length of the wastewater network UU will be responsible for.
- 3.2 Not all pipe work is transferring to UU. Customers will still be responsible for:
- Private drains within the property boundary
 - Existing surface water sewers that drain direct to watercourses
 - Land drainage and highway drainage
 - Privately owned sewerage treatment works and pipes connected to them
 - Privately owned septic tanks and cess pits
 - Large “multi-occupier” commercial sites
 - Private sewer and/or lateral drain owners who appeal against the transfer.
- 3.3 Diagrams, which compare existing and future arrangements are included at appendix 1. Colour versions have already been widely distributed by UU and can also be found at www.unitedutilities.com.
- 3.4 UU has been investing in new equipment for unblocking sewers and putting in place the internal structures to deal with the changes. They have also commenced the publicity work surrounding the issue and Members may have already received communications by post. There is also extensive information on the UU website.

4.0 IMPLICATIONS FOR WLBC

- 4.1 It can clearly be seen that some of the responsibility for drainage is shifting away from WLBC. Officers currently provide an excellent service for residents in assisting locate where pipe work is blocked, encouraging and where necessary enforcing, the unblocking of drains and private sewers. It is anticipated that the initial investigation work for most drainage complaints will move to UU.

- 4.2 However, due to the rural nature of the Borough there are relatively large numbers of properties served by septic tanks or cess pits. In addition, every property will still have a drain within the curtilage of their property.
- 4.3 In reviewing the workload regarding drainage it was estimated that the current workload equated to approximately 0.1 f.t.e. This work is shared out between staff and thus, given that some of the work will still remain with us, the overall impact will not be huge. It is envisaged that in larger authorities staff will transfer via the TUPE regulations to UU. However, this will not be the case for us.

5.0 IMPLICATIONS FOR RESIDENTS

5.1 United Utilities are supporting the changes as they feel it will be good for customers and will:

- Remove the unfair burden on customers currently served by these pipes.
- Provide much greater clarity on ownership and responsibilities
- Ensure the cost of maintenance will be distributed more fairly across the customer base

5.2 From October 1st customers will contact UU if they suspect a drainage problem and if private or public sewers will be unblocked and maintained by UU. If, after their initial investigations, UU have established that only the drain serving one property is affected, it is envisaged they will advise the householder accordingly and pass on the details to ourselves.

5.3 It is worth pointing out that from 2014, there is expected to be an increase in water rates to support this work and change in legislation.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

6.1 Proper drainage assists in preventing diseases spread by bacteria and pathogens. The issue links to one of the community strategy objectives as follows:

To improve health outcomes, promote social wellbeing for communities and reduce health inequalities for everyone (**improved health for all**).

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 There are no significant financial or resource implications arising from this article.

8.0 RISK ASSESSMENT

8.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers as a result of this report.”

Background Documents

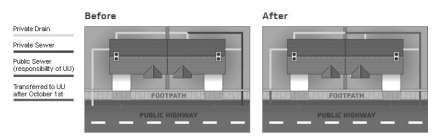
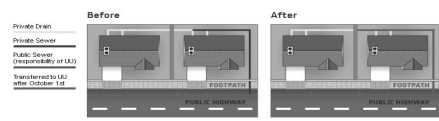
There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Appendix 1 – Diagrams showing sewer and drain responsibility.



Appendix 1

