

Appendix D

Consistent notice for Temporary Use bans

1. Introduction

South Staffs Water's published level of service is to introduce a temporary use ban or TUB on water use on average not more than once in 40 years. In line with other water companies in the country we would only implement TUBs during periods when they will reduce demand. Although every drought is different, we do not expect to implement a TUB in the period October to March inclusive. If we are in this period and do not implement a TUB prior to applying to the EA for a drought permit we will demonstrate:

- That we have explored other demand saving measures (water efficiency, pressure management, more leakage control etc.)
- That we have not used a TUB because it would only result in minimal savings
- Why we had not implemented a TUB earlier in the year.

The introduction of the Flood and Water Management Act (FWMA) 2010 effectively superseded water companies' powers to ban hosepipe usage as set out in the Water Industry Act 1991, section 76 by allowing them a wider range of temporary water use restrictions that can be implemented without recourse to a drought order. The FWMA makes provision for applying restrictions to all or part of a Company's area. It also provides the opportunity for companies to apply concessions, and to make exemptions for certain activities. The Water Use (Temporary Bans) Order 2010 provides more detail on types of usage, exemptions and conditions relating to companies' new powers.

In addition to following the Code of Practice on Water Use Restrictions, we share insight and discuss drought planning with other regional groups.

Based on these experiences, the regional water company members propose to adopt a consistent form of notice for Temporary Use Bans, and this is presented below.

We will follow the requirements of relevant legislation and the UKWIR Code of Practice¹ when considering temporary water use restrictions, particularly with regard to: the way in which representations will be dealt with; a proportionate response to the prevailing drought conditions; and communication with customers.

¹ Managing through drought: Code of practice and guidance for Water companies on water use Restrictions – UKWIR 14/WR/33/6, 2013

Water Industry Act 1991
[Company name]

Temporary Ban on Water Use

[Company name] gives notice that, pursuant to sections 76 and 76A–C of the Water Industry Act 1991, the following uses of water supplied by [Company name] are restricted.

This notice, and further details concerning the prohibitions, current drought and water efficiency advice may be found on the website of the [Company name] here: [website address]

Water use restrictions will start on [date] at 0800 hours and continue until further notification. The restriction applies to [all] of the water resource zones defined in [Company name]'s statutory drought plan and as indicated on the map.

Prohibited Uses

The use of a hosepipe, including using sprinklers, dripper hoses, automatic irrigation systems and similar devices, is prohibited for the following:

1. Watering a garden using a hosepipe;
2. Cleaning a private motor-vehicle using a hosepipe;
3. Watering plants on domestic or other non-commercial premises using a hosepipe;
4. Cleaning a private leisure boat using a hosepipe;
5. Filling or maintaining a domestic swimming or paddling pool;
6. Drawing water, using a hosepipe, for domestic recreational use;
7. Filling or maintaining a domestic pond using a hosepipe;
8. Filling or maintaining an ornamental fountain;
9. Cleaning walls, or windows, of domestic premises using a hosepipe;
10. Cleaning paths or patios using a hosepipe;
11. Cleaning other artificial outdoor surfaces using a hosepipe.

Note that customers can still undertake the above activities if they use mains water from a bucket or watering can; or use water that is not sourced from the mains such as grey water, rainwater from a water butt through a hosepipe, or private boreholes for example.

The following definitions apply:

- “Using a hosepipe” includes the drawing of water supplied by [Company name] from a container through a hosepipe; and filling a container by means of a hosepipe with water supplied by [Company name];
- “Garden” includes a park, gardens open to the public, a domestic garden, a lawn, a grass verge, an allotment used for non-commercial purposes and any other green space;
- “Hosepipe” includes anything designed, adapted or used to serve the same purpose as a hosepipe.
- The prohibitions apply whether or not any device is attached to the hosepipe, such as a sprinkler for example; and
- “Using a hosepipe for domestic recreational use” includes operating water slides and other recreational equipment.

These prohibited water uses are covered by the Water Industry Act 1991 section 76 as amended by the Flood and Water Management Act 2010. Further definitions may be found in the Water Use (Temporary Bans) Order 2010, which is available at: legislation.gov.uk/uksi/2010/2231/contents/made

Statutory Exceptions

Customers who meet the requirements below can continue to use water without having to make representation to [Company name] to receive permission. In using water, it is requested that customers use water wisely and adopt water efficient practices:

- Using a hosepipe for health or safety reasons, where this includes (a) removing or minimising any risk to human or animal health or safety; and (b) preventing or controlling the spread of causative agents of disease;
- Watering plants that are (1) grown or kept for sale or commercial use, or (2) that are part of a National Plant Collection or temporary garden or flower display;
- Cleaning any area of a private leisure boat which, except for doors or windows, is enclosed by a roof and walls;
- Filling or maintaining a pool where necessary in the course of its construction;
- Filling or maintaining a pool that is designed, constructed or adapted for use in the course of a programme of medical treatment;
- Filling or maintaining a pool that is used for the purpose of decontaminating animals from infections or disease;
- Filling or maintaining a pool used in the course of a programme of veterinary treatment;
- Filling or maintaining a pool in which fish or other aquatic animals are being reared or kept in captivity;
- Filling or maintaining a domestic pond in which fish or other aquatic animals are being reared or kept in captivity;
- Filling or maintaining an ornamental fountain which is in or near a fish-pond and whose purpose is to supply sufficient oxygen to the water in the pond in order to keep the fish healthy.

NB Watering areas of grass, which are used for sport or recreation, is covered by a Statutory Exception for health and safety only in relation to the active strip/playing area, not the entire ground.

Discretionary Exceptions

Customers who meet the criteria below for a Discretionary Exception can continue to use water without having to make representation to [Company name] to receive permission to use water for the following restricted uses. It is requested that customers that meet the requirements for a Discretionary Universal Exception use water wisely and adopt water efficient practices.

The criteria for Discretionary Exceptions include:

- Commercial customers that use hosepipes in the course of their day-to-day cleaning business operation as a service to customers to clean private motor vehicles, private leisure boats, walls and windows of domestic premises, patios, paths or artificial outdoor surfaces.
- Customers that hold who hold a Blue Badge or are registered on Priority Services Register of [Company name] and who have mobility issues but are not in possession of a blue badge may use a hosepipe to carry out the following activities;
 - Watering a garden attached to a domestic dwelling, or watering plants on domestic premises;
 - Cleaning a private motor-vehicle;
 - Watering plants on domestic or other non-commercial premises
 - Filling or maintaining a domestic pond using a hosepipe
 - Cleaning walls or windows of domestic premise;
 - Cleaning paths or patios or other artificial outdoor surfaces,
- Cleaning a private leisure boat using a hosepipe in any of the following circumstances:
 - Where the boat is a primary residence,
 - where fouling is causing increased fuel consumption,
 - the engines are designed to be cleaned with a hosepipe

The following definition applies:

- “Blue Badge” means a current valid Blue Badge issued by the relevant Local Authority.

Representations

Representations concerning any of these prohibitions may be made in writing at [email address]. To be considered representations must be received by [date] at 1700 hours. If, as a result of any representation, [Company name] decides to vary any terms of the prohibition, a further notice will be published. Subject to this, the prohibitions will have effect from the stated date and will remain in force until further notice. Any person who contravenes any of these prohibitions may be guilty of an offence, and liable, on summary conviction, to a fine not exceeding £1,000.

[Resource zone map]