

**CLAS CIRCULAR**  
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## **FAITH AND SOCIETY**

### **Burial ground memorials**

The Ministry of Justice has published [\*Managing the safety of Burial Ground Memorials: practical advice for dealing with unstable memorials\*](#), which has been produced by sub-Group of the Burial and Cemeteries Advisory Group representing burial ground operators, memorial masons and cemetery managers as well as the Health and Safety Executive. The guidance represents good practice on the standard expected in the risk management of memorials in all types of burial grounds, public or private.

Although the risk of injury from unstable gravestones is very low, burial ground operators should have systems in place to control the risks from memorials to their employees, contractors, friends' groups, volunteers and members of the public. They owe a general duty of care to visitors and other members of the public. Responsibilities are also set out in various legislation covering burial grounds, such as the Local Authorities' Cemeteries Order 1977 (LACO). Operators who are employers or self-employed persons also have duties under the Health and Safety at Work etc Act 1974 (HSWA74) and associated regulations such as the Management of Health and Safety at Work Regulations 1999. Operators should do all that is reasonably practicable to ensure that people are not exposed to health and safety risks.

The guidance sets out a risk-based approach to help operators develop a proportionate approach to managing the risks associated with memorials that is based on good practice. It also reminds us that ownership of memorials remains with the family of the deceased and highlights the need for operators to communicate with memorial owners, the bereaved and the wider community as part of the arrangements for managing memorials, pointing out that the potential for distress when this is overlooked. Where memorials are found to require maintenance, every effort should be made to contact the family to effect repairs. Only when the memorial poses a significant risk, such as imminent collapse in a way that could lead to serious injury, does immediate action need to be taken to control the risk.

[Source: *Ministry of Justice Press Release* – 16 January 2009]

### **NHS and religion**

The Department of Health has published a new booklet, [\*Religion or belief: a practical guide for the NHS\*](#). The guide covers issues such as recruitment, religious observance in the workplace, healthcare chaplains, gathering information on staff and sexual orientation, as well as moral and socio-religious issues such as gambling and interest-bearing accounts, proselytising, diet, modesty, and issues surrounding the beginning and end of life, such as termination of pregnancy and palliative care.

[Source: Department of Health – 9 January 2009]

## **WATER**

### **Ofwat and United Utilities: recent developments**

Rising indignation at the increases in bills for surface-water drainage is clearly beginning to have an effect within DEFRA and Ofwat. On 21 January the following letter was sent by Regina Finn, CEO of Ofwat, to all MPs:

You may have seen in the press that some water and sewerage companies have changed the way that they charge for surface water drainage. This may even be an issue in your constituency. The change applies to all non-household customers who receive sewerage services from Northumbrian Water, Severn Trent, United Utilities or Yorkshire Water. Press attention has focused on the impact on places of worship, sports clubs and community groups. I am writing to explain the background to this matter, the reasons for the change and why we believe that it will benefit the environment and customers.

#### *Background on surface water drainage*

Water and sewerage companies have to remove and process the rainwater which falls on properties and then flows directly or indirectly into the public sewer systems. This is known as surface water drainage (SWD).

This is an essential service. Without good upkeep of the sewer system, the likelihood of surface water flooding and sewer flooding would increase dramatically. This essential service comes at a significant cost; approximately £600 million a year across England and Wales. Companies are therefore entitled to charge customers so they can provide this service.

#### *Our view: the fairest way to charge*

Calculating the precise costs of draining surface water through public sewers is not simple. In the past, companies based their charges on the rateable value of the premises. Rateable values are not a good indication of how much surface water drains from a property to the public sewer.

In 2003 we recommended that charging in relation to site area would be the fairest approach. The larger the customer's site area, the more surface water is likely to drain from it into public sewers. Charging by site area better reflects the actual costs imposed on the sewer system by customers. Customers now broadly pay for the service they receive, whereas in the previous system some customers subsidised others. For example, a small city centre newsagent, with a small drainage footprint, could end up paying in part for services used by a large out-of-town factory.

It is for the water companies to decide how to charge their customers. Different water companies structure their charges differently, and they are responsible for their own charging schemes and how they implement them. Ofwat ensures that the charging

schemes accord with the company's price limits. Therefore, a change of approach does not affect the total revenue.

*Our view: an environmentally responsible approach*

As well as being the fairest approach, we believe charging by site area is also the most environmentally responsible approach.

Site area based charging offers financial incentives for all organisations to deal with surface water more sustainably, for example by installing soakaways, or by replacing an asphalt car park with a gravel one. This will reduce the likelihood of flooding from overloaded sewers. Flooding from sewers creates great hardship and can also cause pollution when water courses or open spaces are affected. Reducing the risk of these events is a key priority for consumers.

The Pitt Review of 2007's floods in Gloucestershire, Yorkshire and Humberside reinforced the message that surfaces which did not allow water to soak through them, such as concrete and asphalt, increased the likelihood of flooding. Set in the context of predicted wetter winters because of climate change, the issue of surface water flooding is more relevant than ever before.

*The effect on community groups*

We understand why community groups are concerned about rising bills in tough economic times. The change in charging method has meant a number of groups have seen significant increases in their SWD charges.

When SWD charges were measured by rateable value, community groups paid no or very low surface water drainage charges. This was because many of these organisations had an artificially low or zero rateable value set by the Valuation Office. Community groups were, however, not exempt from the charges. Under legislation, no premises are exempt from paying water and sewerage charges if they receive a service.

It is also important to recognise that many organisations have seen their SWD charges fall as a result of this change. For example, in the United Utilities area, many charity shops have seen their SWD charges reduced by these changes.

In each case where a company has accepted our advice to charge by site area, we have insisted on a transition period to enable customers to adapt to the change in billing.

*So what can community groups do about it?*

We understand that the immediate concern for community groups who have seen charges rise is what they can do to reduce their bills. Key measures they can take include:

### 1. Checking that the water company's estimate of site area is correct

Water companies who charge SWD by site area will have made an estimate of the site area of each customer's premises. However, this estimate may be incorrect. If a group believes there has been a miscalculation, they should contact their water company for a review. They may be in the wrong charging band and their charges may be too high.

### 2. Checking that the water company's estimate of chargeable site area is correct

The water company should have taken account of any part of the site area which drains naturally. Premises should only be charged for SWD for areas which, directly or indirectly, drain into public sewers. The customer should check that it is not being overcharged.

Areas which drain naturally, such as playing fields, graveyards or some gravel car parks, should not be included in the chargeable site area. If community groups believe that such areas have not been taken into consideration, they should contact their water company for a review. This could result in significant savings.

### 3. Taking action to reduce charges

Community groups can also in some cases take action to reduce their charges by reducing the amount of surface water on their site that drains into the public sewers. This can be done by installing a soakaway or increasing the amount of natural drainage on site.

#### *Specific problems affecting United Utilities' customers*

Over the last three months the press coverage has particularly focused on the north-west region, where the new system has been poorly implemented by United Utilities (UU). Specifically they failed to communicate the fairness and environmental benefits of the new system and failed to take into account the impact upon the 2,000 faith buildings and 600 'not-for-profit' sports clubs in their area.

Ofwat has been concerned by United Utilities' implementation of the changes and has held a number of discussions with the company to find ways to alleviate customers' concerns. We reminded them of the need to assess possible impacts on customers' bills, in particular by taking into account the scale and speed of any bill changes.

United Utilities has responded well to our concerns and is now finalising a series of measures to alleviate the worry and confusion they have caused some of their customers. The proposed package of measures includes a one-year moratorium during which they will freeze the charges to the affected faith buildings, community amateur sports clubs and Guide and Scout Association properties at the 2008-09 levels.

During the moratorium year they will work with customers to communicate the need for the new charges and offer advice on how they can implement environmental improvements which will help them significantly reduce their costs.

United Utilities will also use this time to create a new time frame for implementation, for example spreading the remaining change over a longer period to allow time for customers to take measures which will offset future costs and also benefit the environment.

The moratorium will not only benefit these specified customer groups by freezing charges. Also customers who were expecting to benefit from the fairer system will not lose out during this moratorium as United Utilities has agreed to cover the lost revenue from its profits, not customers' bills.

*What if community groups believe the method of charging is unjust and should be changed?*

We believe charging by site area for SWD is the fairest and most environmentally responsible approach.

We consider that our approach pays due regard to the Government's guidance to us. In 2000 the Secretary of State issued guidance to Ofwat on matters to be taken into account when agreeing companies' charges schemes. This included charging non-household users that are not businesses, including places of worship, community facilities, charities and voluntary bodies. The guidance stated that those making similar demands on a service should be charged on the same basis.

It is not for Ofwat or water companies to impose a social policy to exclude certain groups of customers from charges for services they receive. In our view, if specified groups are to receive a cross subsidy paid for by other customers then it should be made explicit in appropriate legislation.

I hope this letter has clarified the circumstances around the change in charges. If you have any further questions, more information is available on our website at [www.ofwat.gov.uk](http://www.ofwat.gov.uk).

The Church of England issued the following comment on the news of the United Utilities moratorium:

*The fact that United Utilities are at long last looking again at their charging structure is at least a recognition of just how indefensible the new arrangements are. But it does not begin to address the underlying problem. The effect of the policy imposed by the Government and OFWAT is to transfer a financial burden from businesses and other trading organisations to churches and many other community premises. That is a nonsense and the Church of England will, with others, be continuing to press the Government, OFWAT and the water companies for a fair and permanent solution.*

One obvious flaw in Ofwat's approach is that it seems to accept that the onus is on the customer, rather than on the utility company, to make sure that the bill is correct – and that the customer merely has to accept any associated survey costs in doing so. This is totally unacceptable.