

APPENDIX E

TEMPORARY USE BAN AND NON-ESSENTIAL USE BANS EXCEPTIONS

This Appendix provides information on the Exceptions and Concessions for Portsmouth Water, for TUBs and NEUBs and information on TUB Section 76 of the Water Industry Act 1991.

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1 EXCEPTIONS AND CONCESSIONS FOR PORTSMOUTH WATER

The Appendix provides information on the Exceptions and Concessions for Portsmouth Water, for TUBs and NEUBs and information on TUB Section 76 of the Water Industry Act 1991. We would apply Temporary Use Bans and Non-Essential Use Bans in accordance with the UKWIR *Managing Through Drought: Code of Practice and Guidance for Water Companies on Water Use Restrictions (2013)*.

1.1 Temporary Use Bans (TUBs)

The following tables set out the exceptions and concessions for Portsmouth Water. Where customers feel that they should be granted a concession that is not listed, they are welcome to contact us with their representation. We will consider all representations to the Ban in a fair way, i.e. complaints, requests to be exempted from the Ban, and other appeals. We will record all representations and respond appropriately. All discretionary concessions may be varied or withdrawn if drought conditions worsen, in line with the Code of Practice.

Table 1 Portsmouth Water's discretionary concessions to the Temporary Use Ban

Group	Notes
Customers on our Priority Services Register	<p>Vulnerable customers are those on our Priority Services Register, which is a free service for those requiring additional support and consideration. There is no definitive definition of a vulnerable customer, and anyone is able to contact us to be included on our list if they have specific requirements due to age, ill health, a disability or mental illness. This could be for example, receiving their bills in appropriate formats such as braille, or it could be those who rely on water due to medical conditions and so would be prioritised during times of reduced supply.</p> <p>We will contact all the customers on our Priority Services Register to let them know what is happening, that they are exempt from the temporary use ban. We will also put the information on our website. We will work with other organisations to ensure our vulnerable customers are safeguarded.</p>
Elderly and disabled customers	<p>Any customer in this group, but who are not on our Priority Services Register can get in touch with us to request that they are exempt from the temporary use ban. We will put information on how to apply for an exemption on our website.</p> <p>If granted, the concession will cover the customer's residence and will cover the use of a hose (both handheld and adapted for irrigation) for watering plants and gardens, with restraint. It does not cover the watering of lawns.</p>
Use of micro irrigation systems	<p>The systems must be fitted with a pressure reducing valve, a timer, must not be handheld. The concession will be withdrawn if the drought becomes severe, and we need to apply to the regulator to take more water from the environment to supply customers with potable water. These systems must apply water directly to the soil surface or below the surface, with no spray, misting or aerial dispersion.</p>
Use of drip irrigation system	<p>A concession will also be given to the use of drip irrigation systems where possible. The concession will be withdrawn if the drought becomes severe, and we need to apply to the regulator to take more water from the environment to supply customers with potable water. These systems must apply water directly to the soil surface or below the surface, with no spray, misting or aerial dispersion.</p>
Commercial Customers cleaning	<p>We will allow concessions to commercial window cleaners as we are aware of the potential financial impact on local businesses. Further, many window cleaners</p>

domestic windows	use pole mounted hose systems that are water efficient, compared to older techniques.
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Table 2 Places where there are no permitted concessions to Temporary Use Ban restrictions

Location	Notes
Newly landscaped gardens	Customers and developers will need to heed the early publicity about potential drought conditions. We believe that, in drought conditions, new homes should be sold without plants or turf.
Newly laid turf	We ask customers and housing developers to wait to lay new turf until after the drought has passed.
Allotments	Allotments which are defined as “gardens” under the legislation and so the Temporary Use Ban applies to them.
Sports or recreation grounds	<p>Local Authorities are responsible for many sports and recreation grounds and these should not be watered once the ‘Temporary Ban’ is introduced.</p> <p>This is because the legislation also defines sports or recreation grounds as “gardens” and so the Temporary Use Ban applies to them as well.</p> <p>If the sports ground is deemed to be unsafe due to the hardness of the ground, then it should be closed.</p> <p>Cleaning activities are only exempt where required for health and safety reasons, as defined in the Code of Practice.</p> <p>Further, Public Authorities such as District Councils and Parish Councils have a duty under the Water Act 2003 to promote water conservation. We hope that all local authorities will fulfil this commitment by developing their own drought contingency plans. They could cover plans to reduce or modify municipal planting in the period leading up to the imposition of restrictions for domestic customers.</p>
Commercial premises	There is no concession for the watering of plants nor the cleaning of windows at commercial premises, such as offices. Cleaning activities are only exempt where required for health and safety reasons, as defined in the Code of Practice.

Table 3 The statutory, common discretionary and agreed discretionary temporary use ban exceptions for the WRSE companies, including Portsmouth Water

TUB Category	Statutory exception	Discretionary Common Exception
1. Watering a garden using a hosepipe	Using a hosepipe to water a garden for health or safety reasons. NB In this category, the definition of “a garden” includes “an area of grass used for sport or recreation”. Therefore, it should be noted that watering areas of grass, which are used for sport or recreation, is covered by a Statutory Exception for health & safety only in relation to the active strip/playing area, not the entire ground.	<ul style="list-style-type: none"> • To Blue Badge holders on the grounds of disability • Use of an approved drip or trickle irrigation system fitted with a pressure reducing valve (PRV) and timer
2 Cleaning a private motor-vehicle using a hosepipe	A “private motor-vehicle” does not include (1) a public service vehicle, as defined in section 1 of the Public Passenger Vehicles Act 1981 (c), and (2) a goods vehicle, as defined in section 192 of the Road Traffic Act 1988 (d)	<ul style="list-style-type: none"> • To Blue Badge holders on the grounds of disability • Use of a hosepipe in the course of a business to clean private motor vehicles where this is done as a service to customers
3. Watering plants on domestic or other non-commercial premises using a hosepipe	Does not include 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.	<ul style="list-style-type: none"> • To Blue Badge holders on the grounds of disability • Use of an approved drip or trickle irrigation system fitted with a PRV and timer
4. Cleaning a private leisure boat using a hosepipe	(1) cleaning any area of a private leisure boat which, except for doors or windows, is enclosed by a roof and walls. (2) Using a hosepipe to clean a private leisure boat for health or safety reasons	<ul style="list-style-type: none"> • Commercial cleaning • Vessels of primary residence • Cases where fouling is causing increased fuel consumption • Engines designed to be cleaned with a hosepipe
5. Filling or maintaining a domestic swimming or paddling pool	(1) filling or maintaining a pool where necessary in the course of its construction (2) filling or maintaining a pool using a hand-held container which is filled with water drawn directly from a tap (3) filling or maintaining a pool that is designed, constructed or adapted for use in the course of a programme of medical treatment (4) filling or maintaining a pool that is used for the purpose of decontaminating animals from infection or disease (5) filling or maintaining a pool used in the course of a programme of veterinary treatment (6) filling or maintaining a pool in	None

	which fish or other aquatic animals are being reared or kept in captivity	
6. Drawing water, using a hosepipe, for domestic recreational use	None	None
7. Filling or maintaining a domestic pond using a hosepipe	Filling or maintaining a domestic pond in which fish or other aquatic animals are being reared or kept in captivity	<ul style="list-style-type: none"> • Blue Badge holders on the grounds of disability
8. Filling or maintaining an ornamental fountain	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	None
9. Cleaning walls, or windows, of domestic premises using a hosepipe	Using a hosepipe to clean the walls or windows of domestic premises for health or safety reasons	<ul style="list-style-type: none"> • To Blue Badge holders on the grounds of disability • Commercial cleaning
10. Cleaning paths or patios using a hosepipe	Using a hosepipe to clean paths or patios for health or safety reasons	<ul style="list-style-type: none"> • To Blue Badge holders on the grounds of disability • Commercial cleaning
11. Cleaning other artificial surfaces using a hosepipe	Using a hosepipe to clean an artificial outdoor surface for health or safety reasons	<ul style="list-style-type: none"> • To Blue Badge holders on the grounds of disability • Commercial cleaning

1.2 Non Essential Use Bans (NEUBs)

Where customers feel that they should be granted a concession that is not listed, they are welcome to contact us with their representation. We will consider all representations to the Ban in a fair way, i.e. complaints, requests to be exempted from the Ban, and other appeals. We will record all representations and respond appropriately. All restrictions will be applied in a proportionate manner based on prevailing drought conditions, in accordance with the UKWIR Code of Practice.

Table 4 Permitted concessions to the Non Essential Use Ban restrictions

Situation	Notes
Plants for sale	There are concessions for watering plants for sale at commercial premises
Pools	There are concessions for swimming pools open to the public, pools under construction, pools used for medical or veterinary purposes.
Cleaning	There are concessions for the cleaning of vehicles, non- domestic buildings and industrial plant for health and safety reasons.
Dust suppression	Dust suppression will only be permitted on health and safety grounds and to reduce environmental pollution. We strongly advise the use of alternative or recycled water.
Customers on the Priority Services List	Concessions may be available for water efficient plant watering and filling ponds <i>on request</i> .
Cleaning of aircraft	The cleaning of aircraft is likely to be permitted on health and safety grounds.

Table 5 Situations where there are no permitted concessions to Non Essential Use Ban restrictions

Situation	Notes
Outdoor plants at commercial premises.	Concessions will not be permitted for watering outdoor plants at commercial premises.
Pools not open to public	Concessions will not be permitted for commercial swimming pools that are not open to public. In a severe drought it is proportionate to restrict commercial pools and in many cases the pool is not the primary source of income. We hope hotel and sports club customers understand the need for restrictions, and people can access public alternatives.
Commercial building cleaning	Concessions will not be permitted for commercial building cleaning.
Vehicle washers	Concessions will not be permitted for mechanical vehicle washers. Vehicle washers with water recycling should be encouraged for day to day use but do not give the right water conservation message in a severe drought situation.

	NB Jet wash establishments could transfer to hand washing as this would be permitted.
Day to day cleaning of vehicles, boats or rolling stock	<p>Concessions will not be permitted for the day to day cleaning of vehicles, boats or rolling stock. We anticipate that local authorities will voluntarily reduce vehicle washing at the start of a drought as part of their commitment to water conservation.</p> <p>While bus and train cleanliness is very important to customers it should be stopped during severe drought to conserve water.</p> <p>Cleaning activities are only exempt where required for health and safety reasons, as defined in the Code of Practice.</p>
Unoccupied buildings	<p>The restriction on operating cisterns in any building that is unoccupied and closed is difficult to interpret. The legislation specifically refers to automatically operated cisterns that are connected to toilets or urinals. Unoccupied and closed is assumed to mean at night or out of term time for educational establishments. This is the very time when the automatic controllers provide the greatest savings. They only operate when people are present and for an occasional hygiene flush. We believe therefore that the legislation was aimed at old style siphon operated cisterns that filled and emptied continuously.</p> <p>The owner /manager of an unoccupied building with a continuous siphon system has two options. The first is to replace it with PIR (passive infra-red) motion sensor system to ensure water efficiency. The second option is to isolate the building from the water supply when unoccupied to comply with the regulations.</p>

Table 6 Statutory and Discretionary exceptions to these restrictions which can be applied by water companies

	Drought Order Category	Statutory Exemptions	Common Exception
1	Watering outdoor plants on commercial premises	<p>This includes plants which are in a pot or container that is outdoors or under cover and plants which are in the ground under cover.</p> <p>This does not include plants grown (i.e. cultivated or propagated) or kept for sale or commercial use or plants part of a National Plant Collection or temporary garden or flower display.</p>	None
2	Filling or maintaining a non-domestic swimming or paddling pool	<p>This restriction shall not apply to:</p> <ul style="list-style-type: none"> · Pools open to the public (a pool is not open to the public if it may only be used by paying members of an affiliated club or organisation). · Filling or maintain a pool that is used by pupils of a school for swimming lessons. · filling or maintaining a pool where necessary in the course of construction. 	None

		<ul style="list-style-type: none"> · filling or maintaining a pool using a hand-held container which is filled with water drawn directly from the tap. · filling or maintaining a pool designed, constructed or adapted for use in the course of a programme of medical treatment. · filling or maintaining a pool that is used to decontaminate animals from infections or disease. · filling or maintaining a pool used in the course of veterinary treatment. · filling or maintaining a pool in which fish or other aquatic animals are being reared or kept in captivity. 	
3	Filling or maintaining a pond	This restriction shall not apply to ponds in which fish or other aquatic animals are being reared or kept in captivity or to filling or maintaining the pond with a hand-held container which is filled with water directly from the tap.	Blue Badge holders on grounds of disability
4	Operating a mechanical vehicle washer	None	None
5	Cleaning any vehicle, boat, aircraft or railway rolling stock	Cleaning any vehicle, boat, aircraft or railway rolling stock for health and safety reasons	None
6	Cleaning any exterior part of a non-domestic building or non-domestic wall	Cleaning any exterior part of a non-domestic building or non-domestic wall for health and safety reasons	None
7	Cleaning a window of non-domestic building	Cleaning a window of non-domestic building using a hosepipe for health and safety reasons	None
8	Cleaning industrial plant	Cleaning industrial plant using a hosepipe for health and safety reasons	None
9	Suppressing dust	Suppressing dust using a hosepipe for health and safety reasons	None
10	Operating cisterns on unoccupied buildings	None	None

2 TEMPORARY USE BAN: SECTION 76 WATER INDUSTRY ACT 1991

- Potable water supplied throughout the area of Portsmouth Water must NOT be used for the following purposes. Portsmouth Water will publish all Temporary Use Ban and Non-Essential Use Ban notices on our website in accordance with the Code of Practice.
- watering a 'garden' using a hosepipe;
- cleaning a private motor-vehicle using a hosepipe;
- watering plants on domestic or other non-commercial premises using a hosepipe;
- cleaning a private leisure boat using a hosepipe;
- filling or maintaining a domestic swimming or paddling pool (except when using hand held containers filled directly from a tap);
- drawing water, using a hosepipe, for domestic recreational use;
- filling or maintaining a domestic pond (excluding fish ponds) using a hosepipe;
- filling or maintaining an ornamental fountain;
- cleaning walls, or windows, of domestic premises using a hosepipe;
- cleaning paths or patios using a hosepipe;
- cleaning other artificial outdoor surfaces using a hosepipe.

2.1 Definition of a garden

A "garden" includes all of the following: a park; gardens open to the public; a lawn; a grass verge; an area of grass used for sport or recreation; an allotment garden, as defined in section 22 of the Allotments Act 1922; any area of an allotment used for non-commercial purposes; and any other green space.

Exemptions

The following will be exempted from the restrictions:

- using a hosepipe in a garden or for cleaning walls or windows of domestic premises, paths or patios, a private leisure boat or an artificial outdoor surface, where such use is necessary for health and safety reasons.
- people with severe mobility problems who hold a current Blue Badge as issued by their local authority will not be prohibited from using a hosepipe to water a garden attached to a domestic dwelling, plants on domestic premises, or allotments where the Blue Badge holder is the tenant.
- using a hosepipe to clean a private motor vehicle, walls and windows of domestic premises, or paths, patios and other outdoor surfaces where this is done as a service to customers during a business.
- using a hosepipe to water an area of grass or artificial outdoor surfaces used for sport or recreation, where this is required in connection with a national or international sports event. A list of qualifying events will be published on [Company name]'s website and updated as and when required.
- drip or trickle irrigation watering systems, fitted with a pressure reducing valve and a timer, that are not handheld, that place water drip by drip directly onto the soil surface or beneath the soil surface, without any surface run off or dispersion of water through the air using a jet or mist.