

Enforcement Policy for the Implementation of Water Park Byelaws 2010

Introduction

Yorkshire Water is one of the region's biggest landowner. The Company wants areas of natural beauty and amenity in and around its reservoirs to be accessible to everyone and to ensure that they are used in a safe and responsible manner for the benefit of everyone. This policy sets out the principles and procedures which Yorkshire Water will adopt to implement and enforce the Yorkshire Water Services Limited Water Industry Act 1991 Water Park Byelaws 2010 ("the Byelaws").

Background

In 1996 at an Inquest following an incident at Ogden Reservoir, Yorkshire Water gave an undertaking to the Coroner for West Yorkshire that it would pursue the matter of applying for Byelaws under Section 157 of the Water Industry Act 1991 to enable it to better police and manage activities at reservoirs which pose a potential threat to the health and safety of both staff and the general public and may cause damage to the natural environment.

Yorkshire Water is under a statutory duty to "ensure that water and land is made available, in the best manner, for recreational purposes". The Byelaws and their application are part of the Company's commitment to ensuring both land and water are made available for recreational purposes.

The Regulatory Framework

The Byelaws were made under section 157 of the Water Industry Act 1991 and came into effect on 14 December 2011. A list of the Water Parks at which the Byelaws will be enforced is available on the company's website together with a plan showing the extent of the area covered. On site signs will also refer to specific Byelaws, the area to which Byelaws are applicable and make reference to where further information can be obtained.

Enforcement of Byelaws

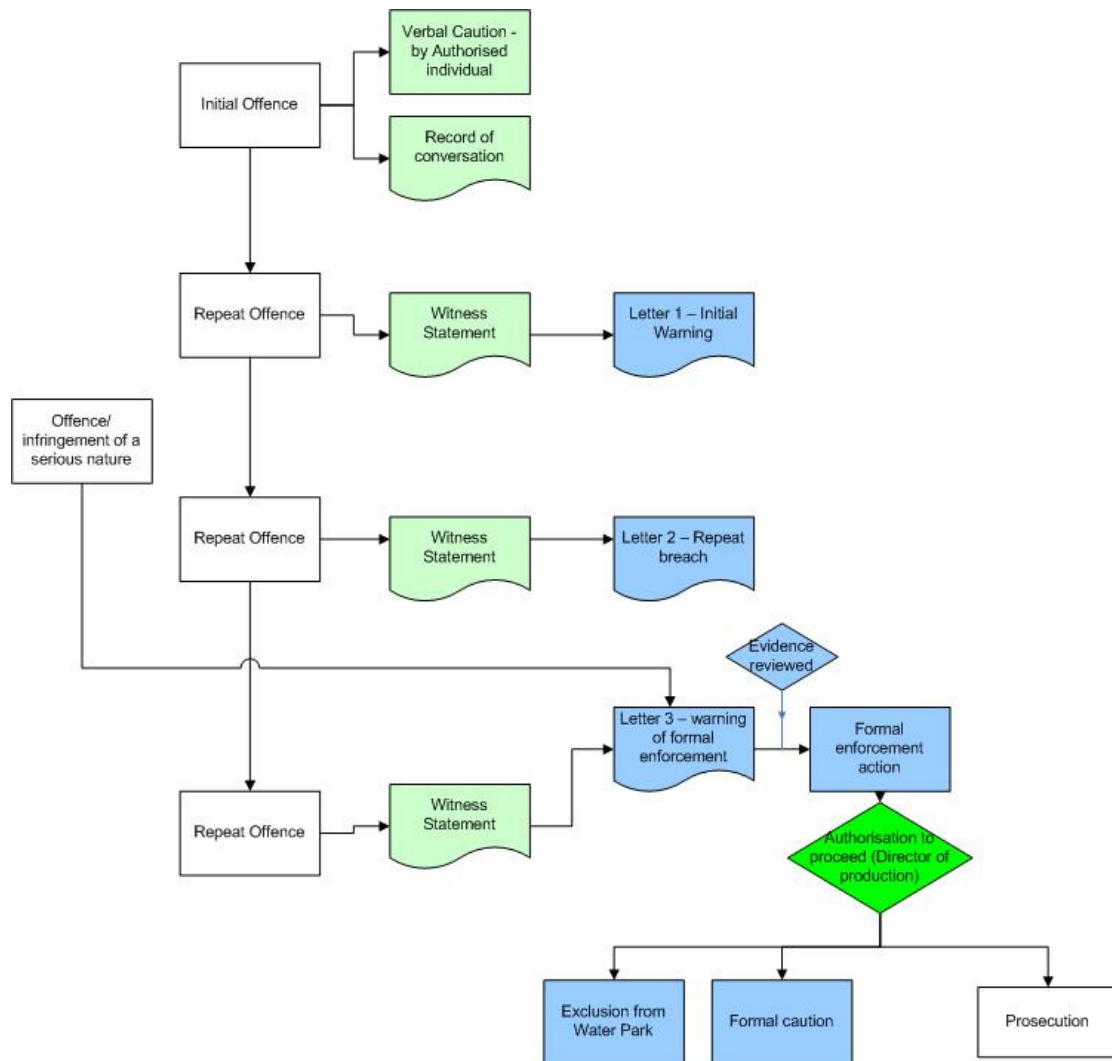
The principle underlying the Company's approach to the enforcement of the Byelaws is to ensure that a:

1. proportionate;
2. targeted;
3. consistent ; and
4. transparent

policy is adopted and used which will help to ensure that the Company's natural resources are used and maintained in a way which is safe for all and sustainable for the future.

1. Proportionality and consistency of approach

Not all breaches of the Byelaws will have a significant effect on the health and safety of both staff and the general public nor will they cause harm to the water environment. In order to ensure a targeted, consistent and proportionate approach the following process will be adopted;



- first infringement/offence* within a 12 month rolling period: information/verbal caution/record of conversation. *Unless serious infringement/threat/violence towards YWS employees/ other members of the public: letter 3 – warning of formal enforcement.
- second infringement/offence within a 12 month rolling period: letter 1: initial warning of unacceptable behaviour.
- repeat infringements within a 12 month rolling period: letter 2: repeat breach.
- continued infringement/serious infringement: letter 3: warning of formal enforcement action, which may lead to formal enforcement action – prosecution/formal caution/exclusion from Water Park.

Serious infringement is classed as any incident involving a verbal or physical harm, or the threat of harm, to Yorkshire Water employees and/or members of the public.

2. Targeted enforcement

Yorkshire Water has identified a number of Water Parks where there has been a history of unacceptable behaviour which has had or could have had an effect on the health and safety of both staff and members of the public and which have caused or could have caused damage. It is the Company's intention to target these Water Parks and the activities within the Water Park which give the greatest cause for concern. This Policy and the Water Parks

at which the Byelaws will be applied will be kept under review and the Water Parks to which the Byelaws may be enforced may change from time to time.

3. Transparency

Water Parks subject to this will follow the process outlined above. Not all breaches of the Byelaws will have a significant effect at all Water Parks and the purpose of this policy is to make clear the situations where formal action in response to a breach may arise. Whilst the policy is intended to achieve a consistent approach it is accepted that there needs to be some form of residual discretion retained to allow flexibility in light of local circumstances. The exercise of discretion should be the exception and any move away from the procedures set out in this Policy should be reasoned and properly documented.

The enforcement of Byelaws is expected to be a gradual response. Members of the public seen/found to be in breach or undertaking a prohibited activity for the first time will be approached and given information about the Byelaws and the fact that their behaviour amounts to a breach of a Byelaw. For full details of the enforcement process see process diagram above.

Following a verbal caution a record of conversation will be taken and personal details gathered. For each further encounter, a witness statement will be needed for each Byelaw infraction. Later incidents should refer to previous witness statements so a holistic view of YWS interactions with each offender is maintained.

All information relating to an Individual's personal details will be stored appropriately on YWS systems and will be used for the purposes of crime prevention.

4. Application.

The enforcement of Byelaws will fall principally on those employees of YWS and its service partners that have been given authorisation to enforce the Byelaws. Individuals will be authorised to act on its behalf to give verbal cautions.

Any individual, regardless of Authorised status, that may have witnessed a Byelaw breach may be asked to give a witness statement as supporting evidence and may, if necessary, be asked to testify in Court.

This enforcement policy will be reviewed by Yorkshire Water at a regular frequency of once per year by the Manager of Central Control & Optimisation (having responsibility for Raw Water assets) and the Manager of Land Property & Planning (having responsibility for Conservation & Recreation) acting jointly.

Presented and signed off as Policy on 06 August 2012