

The Role of the Local Authority

Environmental Health will investigate to identify the nature of the problem, the number of properties involved and the action required to resolve the difficulty. This may result in either informal or formal action being taken.

Informal Action

Environmental Health will endeavour to inform users of the appropriate action to take. e.g.

- Use rods to clear pipes personally or with the help of a neighbour
- Contact a local specialist drain company

Formal Action

- A Local Government (Miscellaneous Provisions) Act 1976 Notice would require you together with the other affected persons to remove obstructions from the private sewer within 48 hours. The Notice or covering letter will indicate all other parties involved. If the Notice is not complied with, the work will be completed by the Council and the cost for the works plus any administrative fees will be charged.

- The Building Act 1984, Section 59 Notice would require you together with the other affected persons to repair damaged parts of a private sewer. The Notice or covering letter will indicate all other parties involved. If the Notice is not complied with, the work will be completed by the Council and the cost for the works plus any administrative fees will be charged. Rights of appeal are also set out within this notice.

Problems relating to public sewers must be dealt with by your Sewerage Undertaker Severn Trent Water. They can be contacted on 0800 783 4444 or 0121 722 4000. See the phone book or your water bill for contact information.

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Merlin Way
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Sewers and Drains

Erewash Borough Council

Erewash Borough Council

Environmental Health 1



Public or Private?

The pipe that exits your house is called a drain. If this drain then joins a drain from another property, the pipe becomes a sewer from that joint onwards. Sewers may be public or private.

Responsibilities for unblocking or repairing problem sections of foul sewage systems depend upon whether or not the sewer is classed as 'PUBLIC' or 'PRIVATE' - however this is not always easy to determine.

Public sewers are those that have been adopted by the sewerage undertaker (e.g. Severn Trent plc) and, once adopted, cleaning and maintenance of that sewer is their responsibility. Plans of all such sewers are held by the sewerage undertaker.

Some sewer systems; of private dwellings built before 1 October 1937 are known as 'Section 24 sewers' and are the exception to the rule. They fit the general description of private sewers but they are actually public and therefore managed by the local sewerage undertaker.

A private sewer is a sewer that has not been adopted by a sewerage undertaker, and therefore it is the responsibility of the persons who use the sewer to clear blockages or repair damage.

- The fact that a sewer is located under a public road does NOT necessarily mean that it is a public sewer.
- Some public sewers can be found within the grounds (curtilage) of a private dwelling.

Diagram 1

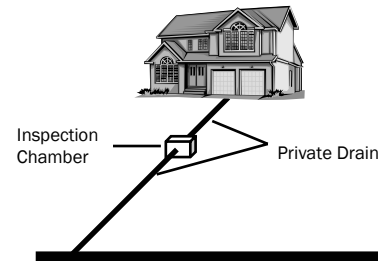
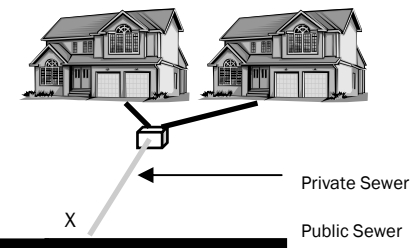


Diagram 2



Your household drain may flow straight into a public sewer (diagram 1). If a blockage occurs anywhere in this private drain, you have sole responsibility for cleaning any blockages or carrying out any repairs. Most properties have some length of private drain.

Drains from two properties may join together and form a private sewer, and then run some distance before connecting with the public sewer (diagram 2). If a blockage or defect occurs at point X in the private sewer system (diagram 2), the owners of the two properties would be responsible for rectifying the problem.

- Note that the boundary of the property does not indicate the end of your responsibility.

Diagram 3 below shows how all the drains from a block of houses link up before running into a public sewer. In some cases, the drains from an entire estate may join a private sewer system before linking up with the public system, and this could be some considerable distance.

Present legislation dictates that the owners or occupiers of premises above the point of the blockage or defect (i.e. whichever properties effluent flows through that point) are responsible. Therefore a blockage at point Y would only involve properties 4, 5 and 6. A blockage at point Z would involve all 6 properties.

Diagram 3

