

# **Water Industry Act 1991**

## **Licence Application Notice**

### **Notice of determination under section 17F(1) regarding applications for Water Supply and Sewerage Licences**

**Made on [date]<sup>1</sup>**

**Coming into effect on [date + 1 day]**

The Water Services Regulation Authority (the “Authority”) makes this Notice in exercise of the powers conferred by section 17F(1) of the Water Industry Act 1991 (the “Act”) and as required by section 17F(1C) of the Act.

This Notice may be cited as the Licence Application Notice and shall take effect on the day after it is signed on behalf of the Authority.

Except as otherwise provided in this Notice, words and expressions used in the Act have the same meaning in this Notice as they have in the Act.

#### **1. PURPOSES OF THIS NOTICE**

- 1.1 Section 17F(1) of the Act provides that the Authority must determine for each type of relevant application that may be made:
  - 1.1.1 the form and manner in which an application is to be made;
  - 1.1.2 the information it is to contain;
  - 1.1.3 the documents that are to accompany it; and
  - 1.1.4 the fee that is to accompany it.
- 1.2 Section 17F(1C) provides that the Authority must publish a notice of what it has determined under subsection (1) or (1B) in such manner as it thinks appropriate for bringing the determination to the attention of those affected by the determination.
- 1.3 Pursuant to section 17F(1D), the determination of the Authority under this Notice applies to an application (an “Application”) made for one or more of the following:
  - 1.3.1 the grant of a water supply or sewerage licence giving a retail authorisation or restricted retail authorisation or combination of retail and restricted retail authorisations; and/or
  - 1.3.2 the variation of a water supply or sewerage licence so that it gives a retail authorisation or restricted retail authorisation or combination of retail and restricted retail authorisations.

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<sup>1</sup> The power to make this Notice is contained in s.17F as amended by s.25 of the WA14, which is not yet in force for these purposes.

## **2. THE FORM AND MANNER IN WHICH AN APPLICATION IS TO BE MADE**

- 2.1 Subject to clause 2.2 below, an Application shall be made in writing to the Authority by or on behalf of an applicant on the application form provided by the Authority for that purpose from time to time (the "Application Form"). The Application Form to be used at the date of this Notice is attached in the Schedule to this Notice.
- 2.2 Where the Application also contains an application for a water services licence or sewerage services licence under section 6 of the Water Services etc. (Scotland) Act 2005 (a "Scottish Licence"), the Authority will accept an Application which has been made in writing to the Water Industry Commission for Scotland ("WICS") in the form and manner required by the WICS from time to time and forwarded to the Authority by the WICS, subject to the terms of the Water Supply and Sewerage Licences (Cross-Border Applications) Regulations 2016.
- 2.3 An Application made under clause 2.1 or 2.2 above may be returned to the Authority or WICS as appropriate, by post or email.
- 2.4 Subject to clauses 2.1 to 2.3 above, the address to which Applications shall be returned is as noted in the table below:

<b>Regulator</b>	<b>Address for Applications returned by post</b>	<b>Address for Applications returned by email</b>
The Authority	Case Management Office, Ofwat, 7 Hill Street, Birmingham, B5 4UA	<a href="mailto:casemanagementoffice@ofwat.gsi.gov.uk">casemanagementoffice@ofwat.gsi.gov.uk</a>
WICS	To be confirmed	To be confirmed

## **3. THE INFORMATION TO BE CONTAINED IN AN APPLICATION**

An Application shall contain information about

- 3.1 the type of licence applied for and the anticipated use of such a licence;
- 3.2 the applicant and any person controlling the applicant or involved in the direction, financing or management of the applicant's affairs;
- 3.3 the applicant's managerial, financial and technical competence to perform the activities to be authorised by the licence; and
- 3.4 any other matter which the applicant considers may be relevant to the Authority's determination of their Application,
- each as set out in the Application Form.

## **4. THE DOCUMENTS TO ACCOMPANY AN APPLICATION**

An Application shall be accompanied by the following documents:

- 4.1 the applicant's business plan including curricula vitae for key personnel;
- 4.2 audited statutory accounts and annual report for the applicant (if available);
- 4.3 a structure chart for the applicant showing those individuals or entities who own, control or are otherwise involved in the direction or management of the applicant's affairs;

- 4.4 declarations that individuals who own, control or are otherwise involved in the direction, or management of the applicant's affairs have no unspent criminal convictions;
- 4.5 a certificate in the form prescribed by the Authority from time to time confirming the adequacy (or otherwise) of the applicant's resources to perform the functions authorised by the licence(s) to which the Application relates;
- 4.6 declarations of 'fit and proper' status in relation to individuals who own, control or are otherwise involved in the direction or management of the applicant's affairs;
- 4.7 statement from the applicant's financial backer (if appropriate);
- 4.8 an undertaking from the applicant's ultimate controller (being a person or undertaking who, acting alone or jointly, has control of the applicant and is not itself controlled by another person or undertaking) in the form prescribed by the Authority from time to time;
- 4.9 declarations that the applicant, if granted a licence, will work positively with the Council, the Chief Inspector of Drinking Water, the Environment Agency and the NRW;
- 4.10 declarations that individuals who own, control or are otherwise involved in the direction or management of the applicant's affairs are aware of the responsibilities of licensees under the Act; and
- 4.11 such other supporting documentation as the Authority may reasonably request.

## **5. THE FEE THAT IS TO ACCOMPANY AN APPLICATION**

An Application, whether made to the Authority pursuant to 2.1 above or WICS pursuant to 2.2 above shall be accompanied by the appropriate fee, notified by the Authority from time to time. The appropriate fee at the date of this Notice is £5,250 for each Application (regardless of the number of water supply licences and/or sewerage licences and/or the number of authorisations requested in a single Application).

## **6. GUIDANCE ISSUED BY THE AUTHORITY**

The Authority will issue guidance from time to time regarding the process for making an Application and how to complete the Application Form to assist applicants. Such guidance will be published on the Authority's website and is subject to the terms of this Notice.

## **Schedule**

**[Insert application form]**