

Anglian Water Trade Effluent Enforcement Policy

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Introduction

1. Anglian Water Services Limited is the statutory water and sewerage undertaker for the Anglian Region. The company's statutory duties include the provision of essential water supplies and the collection, treatment and disposal of used water for almost 7 million customers. The company has regulatory powers including the powers of enforcement and prosecution that are essential for ensuring:

- the health and safety of employees and the public.
- the protection of the environment.
- the protection of company assets.
- the conservation of water supplies.
- the protection of drinking water quality.
- the company complies with its own statutory and regulatory obligations.

Non-domestic (e.g. trade effluent) discharges to sewers are controlled by Anglian Water. Traders are not allowed to discharge trade effluent to the sewer without the company's permission, which is granted in the form of a Consent to Discharge. Traders are required to comply with the conditions of the Consent to Discharge at all times.

The company works with its traders to achieve compliance. Where necessary this may involve formal enforcement action under the provisions of the Water Industry Act 1991.

2. Anglian Water complies with the Regulators Code. Further details can be found [here](#). The Regulators Code is a framework for how regulators should engage with those they regulate.
3. At Anglian Water, we are committed to a Prevention First approach in managing domestic and non-domestic discharges into our Water Recycling Network (the public sewers, sewerage system and Receiving Water Recycling Centre). This mindset prioritises proactive engagement, education, and risk mitigation to prevent non-compliant or harmful discharges before enforcement becomes necessary. We recognise that prevention is more effective, sustainable, and collaborative than relying solely on punitive measures. While we reserve the right to take enforcement action under the Water Industry Act 1991, including prosecution where appropriate, our primary aim is to work with businesses and domestic properties to embed good practice, reduce risks at source, and improve long-term environmental outcomes.
4. This policy sets out the general principles the company intends to follow for enforcement and prosecution.

Purposes and methods of enforcement

5. The purpose of enforcement is to ensure that preventative or remedial action is taken to secure compliance with the law. The need for enforcement may arise from any unconsented activity, any breach of a consent condition or from some other form of illegal activity. The company expects full compliance with relevant legislative requirements and consents. Enforcement powers will be used by the company to ensure full compliance.
6. Where a criminal offence has been committed, the company will consider initiating a prosecution, administering a caution or issuing a warning to secure compliance with the law and to ensure a proportionate response to the criminal offence committed. These enforcement methods are distinct from other legal remedies which may be available to the company such as a civil action for damages and/or an injunction.

Principles of enforcement

7. The underlying principles of this enforcement policy are:
 - proportionality in the application of the law and in securing compliance.
 - consistency of approach.
 - transparency in how the company operates.
 - accountability.
 - targeting of enforcement action.

Proportionality

8. The principle of proportionality seeks to achieve a balance of action to protect company assets, the environment and preserve essential services against risks and costs.
9. Some incidents or breaches of regulatory requirements cause or have the potential to cause serious damage to the company's assets and/or serious interruption to the company's activities. The company's first response is to prevent such consequences occurring or continuing. The enforcement action taken by the company will be proportionate to the risks posed and to the seriousness of any breach of the law (including actual harm and the potential for harm).

Consistency

10. The company seeks to achieve consistency in information and support tendered and recommendations made, its response to incidents, the use of powers and enforcement decisions.
11. It is to be recognised that this does not mean simple uniformity. The company needs to take into account many factors, including but not limited to, the scale of any consequences, the attitude and actions of management and the history of compliance. Decisions on enforcement are a matter of professional judgment and the company will exercise discretion and appropriate methods to secure compliance with the law.

Transparency

12. The company through this policy, the training of its staff and the review and development of its procedures seeks to ensure that:
- Third parties or customers understand how enforcement action is taken.
 - Where remedial action is required, it is clearly explained (in writing, if requested) why the action is necessary and when it must be carried out; the company aims to distinguish clearly between best practice information and legal requirements.
 - Opportunity is provided to discuss what is required to comply with the law.
 - Where urgent action is required, a written explanation of the reasons is provided as soon as practicable.
 - The company will always notify traders of a non-compliance with its Consent to Discharge.

Accountability

13. Regulators are accountable to the public for their actions and therefore must have policies and procedures against which they can be assessed. See the [Regulators Code](#) for more information.
14. Anglian Water is accountable for its actions. The way the company deals with comments and complaints are set out in our codes of practice, which are available on our website anglianwater.co.uk/codesofpractice

Targeting

15. The company seeks to ensure that regulatory effort is directed primarily but not exhaustively to those whose activities give rise to serious consequences, where risks and/or hazards are least well controlled or against deliberate pollution or organised crime.

Enforcement options

Prosecution

Purpose

16. The use of the criminal process to initiate a prosecution is an important part of enforcement. It aims to punish wrongdoing, to avoid a reoccurrence and to act as a deterrent to others. It may be appropriate to use prosecution in conjunction with other remedies available to the company. Prosecutions without previous warnings may be pursued where the circumstances warrant it provided the criteria below are met.
17. A decision to prosecute will be taken after full consideration of the implications and consequences. Decisions to prosecute will take account of the Code for Crown Prosecutors.

Sufficiency of evidence

18. A prosecution will not be commenced or continued by the company unless it is satisfied that there is sufficient, admissible and reliable evidence that the offence has been committed and that there is a realistic prospect of conviction.

Public interest factors

19. In addition to the evidential test, the company will consider the following factors in deciding whether or not they prosecute:

- Effect of the offence.
- Foreseeability of the offence and the circumstances leading up to it.
- Intent of the offender.
- Past compliance record.
- Attitude of the offender.
- Deterrent effect of a prosecution both on the offender and others.
- Financial implications of the offending behaviour.
- Personal circumstances of the offender.
- Willingness to co-operate.

20. The factors listed above will be considered in making an overall assessment.

There may be additional factors taken into consideration depending on the circumstances.

Companies and individuals

21. Criminal proceedings will be taken against those responsible for the offence.

Choice of court

22. In cases of sufficient gravity, where circumstances allow, consideration will be given to recommending to the Magistrates that the case be referred to the Crown court. The same factors as those listed at paragraph 19 will be used, in addition to consideration of the sentencing powers in the Magistrates' Court.

Penalties

23. The existing law gives the courts considerable scope to punish offenders and deter others. Unlimited fines and/or imprisonment may be imposed by the higher courts.

24. The company will always seek to recover the costs of investigation and Court proceedings incurred.

Presumption of prosecution

25. Where there is sufficient evidence the company will normally prosecute in any of the following circumstances:

- Incidents or breaches which have significant consequences or which have the potential for such consequences.
- Failure to comply, or to comply adequately, with formal remedial requirements.
- Reckless disregard for management or quality standards.
- Failure to supply information without reasonable excuse or knowingly or recklessly supplying false or misleading information.
- Obstruction of the company's employees in carrying out their duties.
- Impersonating the company's employees.

Alternatives to prosecution

- 26.** In cases where prosecution is not the most appropriate course of action, the alternatives of a caution or warning will be considered, the choice depending on the factors listed above.
- 27.** A caution is the written acceptance by an offender that they have committed an offence and may only be used where a prosecution could properly have been brought. The caution will be brought to the court's attention if the offender is convicted of a subsequent offence.
- 28.** A warning is a written notification that the company believes that an offence has been committed. It will be recorded and may be referred to in any subsequent enforcement proceedings.
- 29.** Additional or alternative remedies e.g. civil actions may be pursued for loss/damage which has occurred as a result of the illegal activity/incident.
- 30.** An advice letter may be sent, such as regarding legislation, consenting and where discharge can or cannot be made.
- 31.** Performance monitoring may be implemented or increased.

Working with other regulators

- 32.** Where the company and another enforcement body both have the power to prosecute, the company will liaise with that other body to ensure effective co-ordination.

Getting in touch

For non-domestic issues/questions please discuss this initially with the local Trade Effluent Regulatory Scientist. The Trade Effluent team can be contacted via tradeeffluent@anglianwater.co.uk

For domestic issues or questions, please call **03457 145 145** anytime. If you have hearing or speech difficulties, you can use Relay UK by dialing **18001** first, followed by our number. Or you can report issues online at anglianwater.co.uk/report

or in writing to; **Anglian Water Customer Services, PO Box 4994, Lancing, BN11 9AL**



Anglian Water Services Limited

Lancaster House
Lancaster Way
Ermine Business Park
Huntingdon
Cambridgeshire
PE29 6XU

anglianwater.co.uk