

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

20 JANUARY 2011

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

Corporate Management & Finance – Lead Cabinet Member – Councillor T Laing

LEGIONELLA CONTROL AND WATER HYGIENE POLICY AND ASBESTOS MANAGEMENT POLICY

1. Summary

Procedures have been in place for sometime to reduce the risk associated with Legionella and Asbestos in Council buildings.

Policy documents have been produced that take into consideration the latest guidelines on reducing the risk associated with Legionella and Asbestos. The policy documents also clearly define levels of responsibility.

Legionnaire's disease is a potentially fatal form of pneumonia. The bacteria reproduce to high numbers in warm, stagnant water (between 20°C and 46°C). Typically plumbing systems and hot water tanks, pools, showers, fire and sprinkler systems installed in Council buildings that use water and operate at temperatures in excess of 20°C can generate an aerosol presenting a Legionella risk. High temperatures of 60°C and over will kill the bacteria.

The main aim of the Legionnaire's policy is to reduce the risk associated with Legionella by correct; system design and operation, methods of control monitoring, and water treatment. The recommended cleaning and disinfection procedures must be considered if the risk is to be minimised.

Asbestos is a mineral that is resistant to heat, fire and corrosive chemicals. There are three main types:

- Crocidolite (blue)
- Amosite (brown)
- Chrysolite (white)

Asbestos is composed of small fibres, which can only be detected by using a microscope under laboratory conditions. Asbestos fibres are hazardous, and principally cause harm to the lining of the lungs when inhaled. As Asbestos ages, weathers or is worked upon, it becomes more "friable" and fibres may be released more easily.

The main aim of the Asbestos policy is to ensure that any asbestos located within Council buildings is managed in accordance with relevant legislation. There will also be a

requirement on contactors to demonstrate that all staff have sufficient knowledge to recognise asbestos if they encounter it.

2. Recommendations

It is recommended that:

- 1 Cabinet approve the policy for Legionella Control & Water Hygiene as shown in **Appendix A**.
- 2 Cabinet approve the policy for Asbestos Management as shown in **Appendix B**.
- 3 Cabinet note the responsible officers within the policies and delegate authority to the Head of Finance & Assets and the Head of Technical Services to manage, monitor and implement the policy as necessary.

3. Reasons for the Recommendations/Decision(s)

1. The Legionella Control and Water Hygiene Policy and Asbestos Management Policy will ensure that the Council has approved formal procedures in place to reduce the risk associated with Legionella and Asbestos, inclusive of:
 - Documented levels of responsibility.
 - Risk Assessment, management procedures, monitoring and training requirements all fully defined.
 - A Written Scheme/Asbestos Management Plan, for all Council premises.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- In a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- In any other case, whenever it becomes apparent that the business is being considered at the meeting;

And must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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**LEGIONELLA CONTROL AND WATER HYGIENE POLICY
AND ASBESTOS MANAGEMENT POLICY**

SUMMARY

The Council as Local Authority has always had responsibility for water hygiene and the management of asbestos and has utilised health and safety legislation and good practice to ensure these duties are discharged. This report brings together existing procedures to form new policies for both Legionella and Water Hygiene and Asbestos. These policies set out the responsibility, accountability and measures to reduce the risks associated with Legionella and Asbestos in Council buildings.

RECOMMENDATIONS

It is recommended that:

- 1 Cabinet approve the policy for Legionella Control & Water Hygiene as shown in **Appendix A**.
- 2 Cabinet approve the policy for Asbestos Management as shown in **Appendix B**.
- 3 Cabinet note the responsible officers within the policies and delegate authority to the Head of Finance & Assets and the Head of Technical Services to manage, monitor and implement the policy as necessary.

DETAIL

- 1 Having defined levels of responsibility it is critical to the application of the respective Legionella and Asbestos Management Policy. The policy document details the requirements at Executive Level, for Day-to-Day management and also Premise Level Responsibility.

Reducing the risk associated with Legionella

- 2 Legionnaire's disease is a potentially fatal form of pneumonia. The bacteria reproduce to high numbers in warm, stagnant water (between 20°C and 46°C). The presence of sediment, sludge, scale and organic material can act as a source of nutrient for Legionella. The bacteria can subsequently colonise in certain parts of water systems that includes water tanks, taps, showers and fire sprinkler systems. Infection is attributed to inhaling legionella, via water in a spray format. High temperatures of 60°C and over will kill the bacteria.

- 3 In order to reduce the risk associated with Legionella, the Council has an appointed contractor to undertake all the cleaning and disinfection requirements. Within Technical Services there is a designated Legionella Officer in post whose duties include managing the contract.
- 4 The associated monitoring duties are carried out in accordance with the Approved Code of Practice (L8) inclusive of biennial risk assessments of all Council buildings.
- 5 In accordance with current guidelines a comprehensive policy document (**Appendix A**) has been produced to ensure all legislative requirements are fully met.

Reducing the risks associated with Asbestos

- 6 Asbestos is a mineral that is resistant to heat, fire and corrosive chemicals. There are three main types:
 - Crocidolite (blue)
 - Amosite (brown)
 - Chrysolite (white)
- 7 Asbestos is composed of small fibres, which can only be detected by using a microscope under laboratory conditions. Asbestos fibres are hazardous, and principally cause harm to the lining of the lungs when inhaled. As Asbestos ages, weathers or is worked upon, it becomes more “friable” and fibres may be released more easily.
- 8 The main aim of this policy is to ensure that any asbestos located within Council buildings is managed in accordance with relevant legislation. There will also be a requirement on contactors to demonstrate that all staff have sufficient knowledge to recognise asbestos if they encounter it.
- 9 Specific objectives of the Asbestos Policy are in accordance with the Control of Asbestos Regulations (CAR) 2006:
 - To take steps to locate asbestos containing materials and assess their condition;
 - To maintain records of the location and condition of asbestos containing materials found and assess the risk from them;
 - To provide in the form of an ‘Asbestos Management Plan’, information and advice on the location, type and condition of the material to anyone who could be in a position to disturb it;
 - To undertake comprehensive asbestos surveys prior to undertaking any building refurbishment/demolition works;
 - To ensure that all building managers and contactors appointed by the Council understand the risks involved in disturbed asbestos containing materials;
 - To take all reasonably practicable steps to prevent our employees and others from breathing in asbestos fibres.
- 10 In accordance with current guidelines a comprehensive policy document (**Appendix B**) has been produced to ensure all legislative requirements are fully met.

FINANCIAL IMPLICATIONS

- 11 None, all works funded via existing revenue budgets.

LEGAL IMPLICATIONS

- 12 Detailed as follows:

- Health & Safety at Work etc 1974.
- Management of Health & Safety at Work Regulations 1999.
- Control of Substances Hazardous to Health Regulations 2002.
- Control of Asbestos Regulations 2006
- Any fatality arising from a breach of the above Regulations may result in Corporate Manslaughter charges.

RISK ASSESSMENT

- 13 Exposure to Legionella in Council building is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.
- 14 Exposure to Asbestos containing materials is categorised as medium risk.

COMMUNITY STRATEGY IMPLICATIONS

Environment and Housing

- 15 Will protect the built environment from the risks associated with Legionella and Asbestos.

Safer Communities

- 16 Effective management of risks against Legionella and Asbestos are of absolute importance to ensure the users of our buildings and facilities remain safe.

Children and Young People

- 17 School buildings make up the majority of the Council's assets. The policy identifies Building Managers' responsibilities with regard to building users, in this case children and young people.

EQUALITIES IMPACT ASSESSMENT

- 18 N/A.

CONSULTATION INCLUDING WARD/COUNCILLORS

- 19 Consultation has been completed with all interested parties including the Health & Safety Manager and Service Department representatives.

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Background Papers

None.

Ward(s) and Ward Councillors:

The risks from Legionella and Asbestos cover all Council facilities which are located in every ward within the Borough.

Property

Contributes to the asset management requirements by ensuring the correct maintenance and monitoring regimes are in place. With regards to asbestos it also ensures that the correct procedures are adopted for removal works and contractors notification requirements are met in full.