



# Executive Committee

No Direct Ward Relevance

6<sup>th</sup> January 2010

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## WATER QUALITY POLICY

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(Report of the Head of Legal, Democratic and Property Services)

### 1. Summary of Proposals

To seek the adoption of a policy in relation to Water Quality in the Council's owned and managed buildings.

### 2. Recommendations

The Committee is asked to **RECOMMEND** that

**the policy in relation to water quality in Council-owned and managed buildings, as attached at Appendix 1 to the report, be adopted.**

### 3. Financial, Legal, Policy, Risk and Sustainability Implications

#### Financial

- 3.1 There is currently no allocated budget for the management and control of water quality in Council owned and managed buildings. Revenue budget bids have been submitted for £10,500 for 2010/11 from General Fund and £18,500 from the HRA for 2010/11.

#### Legal

- 3.2 Under Section 2 of the Health & Safety at Work Act 1974, the Council has a general duty to ensure; so far as is reasonably practicable, the health, safety and welfare at work of all its employees. This includes the maintenance of places of work in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks.
- 3.3 Where non-domestic premises are made available to persons who are not employees, but use Council premises of their work (for example, at the Business Centres), or premises are made available as a place where persons may use plant or substances provided for their use there (for example, leisure facilities), Section 4 of the Act places the Council under a duty to ensure that, such premises are safe and without risk to health.

3.4 The Approved Code of Practice L8 gives practicable advice on the requirements of the Health and Safety at work act 1974(HSWA) and the control of substances hazardous to Health regulations 1999(COSHH) concerning the risk from exposure to legionella bacteria.

3.5 Legal implications if we do not comply with the regulations is Corporate manslaughter (Barrow in Furness, legionella outbreak August 2002).

### Policy

3.6 The Council currently has no policy on Water Quality in its owned and managed buildings and this policy will represent new policy. Whilst the Council does not currently have a formally adopted policy for Water Quality, the policy does formalise the water hygiene strategy that already exists and is being operated within the Council.

### Risk

3.7 In adopting the Policy, the Council is demonstrating its commitment to and management of its Health & Safety duties in respect of members of staff and the public. If the Council does not adopt the Policy, it won't be able to demonstrate that it has a scheme for preventing or controlling the risks associated with water quality.

### Sustainability / Environmental

3.8 In order to comply with the duties in respect of water quality, there is a need to 'flush' relevant systems and this obviously involves using large amounts of water. In addition, where tanks are cleaned, dilute bleach is used. However, the environmental impact of managing water quality is considered to be minimal when compared to the potential impact a failure to manage water quality could have.

### Report

#### **4. Background**

4.1 The Council has an obligation to manage water quality in its buildings. Health & Safety Executive (HSE) Guidance contained in Legionnaire's disease – The control of legionella bacteria in water systems – Approved Code of Practice and Guidance (L8) states that employers and those with responsibilities for the control of premises should prepare a scheme for preventing or controlling the risk arising from Legionella in order to comply with their Health & Safety duties.

4.2 The Council has been complying with its duties but needs to have a formal adopted scheme setting out the relevant practices and processes.

## 5. **Key Issues**

5.1 The Strategy sets out how the Council deals with the control of Legionella in its owned and managed premises. It defines the Legionella Risk Categories and the methodology to be applied to the assessment of the risks.

5.2 Overall, the Council's policy for the management of water quality is:

- a) To have clear procedures for the design and management of water services;
- b) To have specific lines of responsibility for the management of water services;
- c) To identify locations with high risk users of premises;
- d) To identify where possible potential risk areas due to materials, storage methods, poor installation etc. within buildings;
- e) To check on a regular basis the quality of water within buildings;
- f) To train staff and contractors to ensure that works carried out on water services comply with legislation and the policy;
- g) To ensure that any risk of contamination is removed or reduced in an efficient, cost effective manner with the minimum disruption to building users.

5.3 The Approved Code of Practice also requires the allocation of roles and responsibilities and these are set out on page 8 of the draft policy.

5.4 The Policy sets out the survey programme for the Council owned and managed premises and the routine maintenance required to comply with the Council's duties. Water sampling is not required under normal circumstances (that is, where water systems are in regular use). However, some sampling is required where, for example, water temperatures are kept too low to kill the Legionella bacteria and the Policy sets out where such sampling is required and what actions to take in the event of an outbreak.

5.5 Appendix 2 sets out the Water Services Log Book which will be kept at each of the Council's owned and managed premises and will be completed by the premises occupier and maintenance contractors. This will record actions taken in respect of water quality to demonstrate the Council's compliance with its duties and the legislation. The Log Books for all Council owned and managed premises will be checked regularly by Asset Maintenance Officers to ensure that the Council's duties are being met.

5.6 The revenue requested as part of the budget bids will enable the Council to comply with its duties and this Policy by providing the resources to carry out the monitoring of water systems in Council owned and managed buildings.

### 6. **Other Implications**

Asset Management - The Council is responsible for water quality in its owned and managed buildings to ensure that they are safe for use by staff and members of the public.

Community Safety - There are no specific Community Safety implications.

Human Resources - All management and monitoring of water quality will be carried out within existing resources.

Social Exclusion - There are no specific social exclusion implications.

### 7. **Lessons Learnt**

7.1 High profile cases such as the case in 2002 involving Barrow Borough Council demonstrate the importance of water quality in protecting public health. Significant fines and/or imprisonment could result if death occurred as a result of Council failure to manage water quality in its premises in a satisfactory manner.

### 8. **Background Papers**

8.1 HES Guidance: Legionnaire's disease – The control of legionella bacteria in water systems – Approved Code of Practice and Guidance (L8).

8.2 Worcestershire County Council: Water Quality – Management Arrangements for the Control of Legionella and Maintenance on Wholesome Water Quality in Redditch Borough Council owned and managed Buildings.

8.3 Report of the public meetings into the legionella outbreak in Barrow-in-Furness, August 2002.

9. **Consultation**

This report has been prepared in consultation with relevant Borough Council Officers.

10. **Author of Report**

The author of this report is John Homer (Asset Maintenance Officer), who can be contacted on extension 3704 (e-mail: john.homer@redditchbc.gov.uk) for more information.

11. **Appendices**

Appendix 1 – Draft Water Quality Policy  
Appendix 2 – Water Services Log Book