

Subject:	Water Hygiene And Asbestos Policies Approval	Status:	For Publication		
Report to:	Overview and Scrutiny	Date:	21 st September 2022		
Report of:	Facilities Manager	Portfolio Holder:	Environment and Corporate Services		
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>		
Equality Impact Assessment:	Required:	No	Attached:	No	
Biodiversity Impact Assessment:	Required:	No	Attached:	No	
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1. RECOMMENDATION(S)

- 1.1. That the Overview and Scrutiny Committee review and comment on the new Water Hygiene and Asbestos policies before they are presented to the Joint Consultative Committee (JCC) and to Cabinet for approval and adoption.

2. EXECUTIVE SUMMARY

- 2.1 Under the Health and Safety etc. Act 1974 Rossendale Borough Council have a compliance obligation to manage both water hygiene and asbestos within its buildings.
- 2.2 If either asbestos fibres or the legionella bacteria enter the human body it can lead to life changing health problems and death.
- 2.3 The council has recently tendered the Water Hygiene and Asbestos works contracts in line with authorises constitution and appointed a new competent contractor HSL on a four-year contract beginning in April 2022.
- 2.4 Now the new works contract is in place new polies have now been produced for both Water Hygiene and Asbestos to reflect the requirements of the contract and legislation.

3. BACKGROUND

- 3.1 The legislation requires which is reflected in our contract and enforced in our policies is that:
- 3.2 Water hygiene - each building is initially risk assessed, these risk assessments should be refreshed every two years or when major changes are made to the building. From these risk assessments, monitoring regimes for each building are then put in place with periodic visits, works required on each visit such as sampling, temperature tests, cleaning, serving and any remedial works carried out. Records must be maintained and site logbooks must be kept along with a web based date base. Competent staff must be identified and put in place to manage the contract.

- 3.3 Asbestos - any buildings with known asbestos will initially be subject to asbestos surveys, these surveys will then dictate if the asbestos requires removing or can be managed and left in place. If it is removed this must be carried out by a registered contractors. If asbestos is left in place annual inspections, carried out by a competent person, are required to assess its integrity and condition. Competent staff must be identified and put in place to manage the contract. An asbestos register must be kept with all records for each building, which is available to all staff and contractors.

Note: buildings built post 2000 will have no asbestos.

4. RISK

- 4.1 If we do not have these robust policies in place along with the new contract the authority is at risk of employees and the public becoming sick, suffering from long term illness and death. The consequence of this is that the authority could be subject to the health and safety executive serving improvement orders, closing of facilities and then subsequent reputational damage with loss of service and revenue. Then the possibility of prosecution by the health and Safety executive including corporate and individual manslaughter.

5. FINANCE

- 5.1 Whilst there are no direct financial implications arising from this report the authority could be subject to large financial penalties if these policies are not adhered too.

6. LEGAL

- 6.1 The legal implications have been covered in the body of the report and the policies attached address the legal obligations of the council in regards to asbestos and water hygiene.

7. POLICY AND EQUALITIES IMPLICATIONS

- 7.1 Any policy implications are included in the body of the report.

8. REASON FOR DECISION

- 8.1 Rossendale BC has both a legal and moral obligation to ensure it carries out the works described within the report which these polies enforce, therefore the committee should recommend the policies for the next stage of approval and adoption.

Management of Water Hygiene within Buildings Policy 2022

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Responsible Service	Facilities	Version/Status	
Responsible Author	Facilities Manager	Date Agreed/ Agreed At	
Date last Amended		Due for Review	

Legionella Management Policy

1. Introduction

- 1.1 The key objectives of this policy are to ensure that Rossendale Borough Council (RBC) has systems in place to manage the risks from Legionella Bacteria within building water systems and to ensure that our Corporate Management Team, Staff, Elected Members and Partners are informed on how we comply with our legal obligations to manage Legionella . This policy provides a practical framework within which to meet these obligations.
- 1.2 The policy is to be used to implement the legal obligations of RBC to maintain a safe environment for all within our all our buildings and our work activities.
- 1.3 The bacterium Legionella Pneumophila are common in natural water sources such as rivers, lakes and reservoirs however this is normally not normally harmful to Humans .The bacterium may also be found purpose- built water systems within buildings, if conditions are favourable, the bacteria can grow increasing the risk of legionnaire's disease to building users. This can cause breathing problems and pneumonia type symptoms particularly to old and people with other health conditions this can then cause life changing health conditions or in the worst case fatalities.
- 1.4 This policy forms part of our wider organisational commitment to health and safety as detailed within our Health and Safety Policy.

2. Scope

- 2.1 This policy applies to all our Corporate Management Team, Staff, Elected Members, Partners, stakeholders, contractors and the public who occupy, visit, work within or use our premises, or who may be affected by our activities or services.
- 2.2 The policy should be used by all to ensure they understand the obligations placed upon RBC to reduce the risks from Legionella. Everyone who carries out work for RBC should apply the policy in their work.

3. Legislation

- 3.1 The principal legislation applicable to this policy is:
- 3.2
 - Health and Safety at Work Act etc.1974
 - The Management of Health and Safety at Work Regulations 1999
 - The Workplace (Health Safety and Welfare) Regulations 1992
 - Control of Substances Hazardous to Health Regulations (as amended) 2002 (COSHH) Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

- 3.3 The approved code of practice (ACoP) “Legionnaires” Disease – The control of Legionella bacteria in water systems (L8) brings together all the above legislation and gives guidance on how to comply with the present legislation and its associated guidance documents HSG274 Parts 1, 2 and 3.

4. Duties

- 4.1 Under The approved code of practice ACoP L8 the ‘Duty Holder’ and is required to ensure:
- appropriate ‘Responsible Person(s)’ are appointed to oversee, control and coordinate controls to reduce the risk of Legionellosis.
 - suitable records are kept.
 - adequate resources are available to control the risk of Legionellosis.
 - sources of risk are Identified and assessed.
 - where possible, risks are eliminated .

5. Policy Statement

- 5.1 RBC acknowledges and accepts its responsibilities under the Health and Safety at Work Act etc. 1974 and outlined The ACoP L8

- 5.2 To comply with RBC’s duties under ACoP L8 RBC will :

- Appoint contractors to deliver the requirements in ACoP L8 and ensure that there are appropriate contract management arrangements in place. The currently appointed contractors from January 2022 to January 2026 are:
HSL – 5 Alton Business Park Alton Road, Ross-on-Wye HR9 5BP.
- Carry out risk assessments on all buildings every two years, and following major works and carry out subsequent remedial works.
- Carry out the routine inspection, flushing, cleaning regimes and remedial works recommended in risk assessments.
- Keep records of all works and all routine visits.
- Ensure that all RIDDOR notifications made to the HSE in relation to Legionellosis are managed appropriately and notified to RBC’s Joint Consultative Committee.

6. Key Roles and Responsibilities

- 6.1 The Duty Holder has overall governance responsibility for ensuring this policy is implemented and to ensure correctly resourced in order to ensure legal compliance. A review of the policy will take place after four years or if there is a change in legislation.

The Duty Holder is :

The Chief Executive – Neil Shaw
Futures Park, Bacup, OL13 0BB
01706 252527
neilshaw@rossendalebc.gov.uk

- 6.2 The Responsible Person has been given authority by the Duty Holder to ensure this policy and the ACoP L8 is implemented on a day to day basis.

The Responsible Person is:

Facilities Manager – Lee Childs
Futures Park, Bacup, OL13 0BB
01706 252527
leechilds@rossendalebc.gov.uk

7. Inspections Programme

- 7.1 All RBC's buildings, whether they are operational or non-operational, will have a water hygiene risk assessment carried out every two years or sooner if major renovation works are carried out.

8. Remedial Works

- 8.1 Any inspection, cleaning, water temperature monitoring / control , flushing regimes and or remedial works to the water systems within buildings will be carried out by our appointed contractor within the time scales recommended in the risk assessments.

9. Records Register

- 9.1 A web based register with all up dated building risk assessments, service records and work sheets will be kept, and will be available for staff to access through a link on the intranet.

10 Training

- 10.1 Legionella awareness training will be delivered to relevant staff by RBC's appointed competent contractor once within the four year period of the contract, and refresher training will be delivered to the Responsible Person annually.

Asbestos Management within Buildings Policy 2022

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Asbestos Management Policy

1. Introduction

- 1.1 The key objectives of this policy are to ensure that Rossendale Borough Council (RBC) has systems in place to manage the risks from asbestos and to ensure that our Corporate Management Team, Staff, Elected Members and Partners are informed on how we comply with our legal obligations to manage asbestos. This policy provides a practical framework within which to meet these obligations.
- 1.2 The policy is to be used to implement the legal obligations of RBC to maintain a safe environment for all within our all our buildings and our work activities.
- 1.3 Buildings built or refurbished before the year 2000 may contain asbestos. If an asbestos containing material is disturbed or damaged it can release asbestos fibres into the air which are a danger to health. Operatives who carry out repairs and maintenance work are at particular risk.
- 1.4 This policy forms part of our wider organisational commitment to health and safety as detailed within our Health and Safety Policy.

2. Scope

- 2.1 This policy applies to all our Corporate Management Team, Staff, Elected Members, Partners, stakeholders, contractors and the public who occupy, visit, work within or use our premises, or who may be affected by our activities or services.
- 2.2 The policy should be used by all to ensure they understand the obligations placed upon RBC to reduce the risks from asbestos. Everyone who carries out work for RBC should apply the policy in their work.

3. Legislation

- 3.1 The principal legislation applicable to this policy is: **The Control of Asbestos Regulations 2012. (CAR 2012).**
- 3.2
 - Health and Safety at Work Act etc.1974
 - The Management of Health and Safety at Work Regulations 1999
 - The Workplace (Health Safety and Welfare) Regulations 1992
 - Personal Protective Equipment at Work Regulations 1992
 - Hazardous Waste (England and Wales) Regulations 2005 (Amendment 2009)
 - Control of Substances Hazardous to Health Regulations (as amended) 2002 (COSHH)
 - Construction (Design and Management) Regulations 2015

- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

4. Duties

4.1 Under The Control of Asbestos Regulations 2012 RBC is the 'Duty Holder' and is required to:

- Find out if asbestos containing materials (ACMs) are present, where we have an obligation to do so, presuming that materials contain asbestos unless there is strong evidence that they do not.
- Identify the location and condition of any ACMs.
- Protect employees from the risk associated with working with asbestos
- Assume asbestos is present if the property was built prior to the year 2000. If built after the year 2000 asbestos will not be present and no further action will be required.
- Keep an up-to-date record (an asbestos register) of the location and condition of ACMs or presumed ACMs.
- Assess the risk from any ACMs found.
- Implement the Asbestos Management policy / plan and manage the risk from ACMs, and review and monitor its implementation.
- Set up a system to provide information on the location and condition of ACMs to anyone who is liable to work on or disturb them.
- Assess the reliability of information received relating to asbestos within the properties we own and manage. Anyone who has information on the whereabouts of asbestos within these properties is required to make this information available.

5. Policy Statement

5.1 RBC acknowledges and accepts its responsibilities under CAR 2012 as outlined at 5.2, and will implement controls and safe systems of work to protect people who may potentially be exposed to asbestos, as far as is reasonably practicable.

6. Key Roles and Responsibilities

6.1 The Chief Executive has overall governance responsibility for ensuring this policy is implemented in order to ensure legal compliance. A review of the policy will take place after four years or if there is a change in legislation changes.

6.2 The Facilities Manager has operational responsibility for the management of asbestos safety and will be responsible for overseeing the delivery of these programmes within buildings. The Facilities Manager will fulfil the role of the appointed Duty Holder and will be the overall Responsible Person on behalf of Rossendale Borough Council.

6.3 To comply with RBC's duties under CAR 2012, RBC will:

- 6.3.1 – Maintain an Asbestos Register.
- 6.3.2 – Carry out an intrusive refurbishment/demolition survey to any domestic and non-domestic properties as and when required, as per.

- 6.3.3 – Ensure that information about ACMs (known or presumed) is provided to persons liable to disturb it, accidentally or during the course of their work. This includes staff, contractors and residents. Information will be provided before work begins.
- 6.3.4 – Where practicable asbestos will be labelled.
- 6.3.5 – A process to manage immediately dangerous situations identified during asbestos related works will be implemented and provided to anyone carrying out relevant works for RBC before work begins.
- 6.3.6 – Appoint contractors to deliver the requirements in CAR 2012 and ensure that there are appropriate contract management arrangements in place. The currently appointed contractors are: HSL – 5 Alton Business Park Alton Road, Ross-on-Wye HR9 5BP.
- 6.3.7 – Ensure that all RIDDOR notifications made to the HSE in relation to asbestos safety are managed appropriately and notified to RBC’s Joint Consultative Committee.
- 6.3.8 – Assess the risk of materials and recommended actions and undertake any remedial work required to reduce the risk of an ACM to an acceptable level.

7. Inspections Programme

- 7.1 All RBC’s commercial or domestic properties, operational or non-operational will have an asbestos management survey that is compliant with CAR 2012. This will be located web based asbestos register and where applicable a copy located on its respective site.
- 7.2 Any priorities will have a refurbishment / demolition survey carried out on them before commencing renovation works.

8. Remedial Works

- 8.1 Where asbestos is positively identified and removal, sealing or encapsulation is recommended quotes from licensed contractors for the works under the supervision of our said main appointed consultant contractor.

9. Asbestos Register

- 9.1 A web based Asbestos register with link published on the intranet will be maintained of all properties we own or manage, setting out which properties are and are not required to be included on the asbestos re-inspection programme. All Original surveys, re-inspection surveys and removal works certification will be kept on the register.

10. Competent Persons

- 10.1 Only competent contractors (as per HSG264) will carry out asbestos management surveys (including refurbishment and demolition surveys). They will be UKAS accredited for surveying services and analytical services.

- 10.2 Only competent Licensed Asbestos Removal Contractors will carry out all work on asbestos within buildings including non-notifiable non-licensed work, notifiable non-licensed work or licensed works.
- 10.3 Suitably competent persons will undertake asbestos re-inspections, under the supervision of persons who are suitably trained and competent to manage this work.

11. Training

- 11.1 Asbestos awareness training will be delivered to by RBC's appointed competent contractor once within the four year period of the contract and annually refresher training will delivered to the Duty Holder.

12. Glossary

- 12.1 This glossary defines key terms used throughout this policy:

- Duty Holder: The person or organisation that has clear responsibility for the maintenance or repair of premises, for example through an explicit agreement such as a tenancy agreement or contract.
- Management survey: A survey to enable the management of asbestos-containing materials during the normal occupation and use of premises.
- Refurbishment/demolition survey: A refurbishment/demolition survey is a survey which is necessary prior to any works which may affect the fabric of a building, and which is used to locate (as far as reasonably practicable) asbestos-containing materials. The survey may be within a localised area or cover the whole building.
- UKAS: The appointed national accreditation body for asbestos surveyors. Accreditation is a means of assessing, in the public interest, the technical competence and integrity of organisations offering evaluation services.
- ACM : Asbestos Containing Material
- CAR 2012 : Control of Asbestos Regulations 2012