



Leicester
City Council

CABINET

1 SEPTEMBER 2009

WATER HYGIENE REMEDIAL WORKS AUTHORISATION OF CAPITAL EXPENDITURE

Report of the Interim Director of Strategic Asset Management

1. Purpose of the Report

- 1.1 To seek authorisation for the release of capital monies for essential Water Hygiene Health and Safety works as identified in the report.

2. Summary

- 2.1. On 27th March 2008 cabinet approved the sum of £345,000 in the capital programme for 2009-2010 to fund Water Hygiene remedial works subject to the submission of details of the works to be undertaken. This report provides that detail and requests the release of the £345,000 funding for the year 2009-2010.
- 2.2. The attached appendix sets out the proposed programme of works, which relates to the identified priorities in relation to water hygiene. The implementation of these works will improve the Council's ability to meet legal and service objectives.

3. Recommendations

- 3.1. Cabinet are recommended to:
 - 3.1.1. Approve the release of the allocated funds of £345,000 within the Capital programme for the implementation of the Water Hygiene works identified in Appendix 1 & 2.

4. Report

- 4.1 New codes of practice and guidance have been introduced over the years that are not directly retrospective, but have rendered practices that were deemed satisfactory when our buildings were constructed or altered, to become unsatisfactory unless remedial works are actioned. Under the Approved Code of Practice L8 (The Control of Legionella Bacteria in Water Systems) organisations are required by law to manage their water systems.

- 4.2 This legislation and guidance was introduced by the Health and Safety Commission in 2002. The Council, being an employer and provider of services to the public, has a duty to ensure, so far as reasonably practicable, the health and safety of its employees and others affected by its work. The actions being undertaken to manage our water systems have been set and reported to Directors Board.
- 4.3 As part of the ongoing management process the risk assessments carried out within the last twelve month period identified high priority works that should be carried out in this financial year.
- 4.4 This work is additional to the annual maintenance/renewal of systems and arises out of the requirements of the new legislations.
- 4.5 The estimated costs of works needing to be undertaken over the next 2 years is £345,000 per year. Funds to this value were allocated for the 2009/10 Capital Programme.
- 4.6 Water hygiene risk assessments have identified high and medium priority works that amount to £345,000 and these will be undertaken in the current financial year 2009/10 from the funding allocated. Sites that have a low user risk but have schemes identified for high priority works are detailed in Appendix 1. The schemes identified as medium priority detailed in Appendix 2 and relate to further works in building containing high risk users where highest priority works have already been completed.
- 4.7 To date water hygiene risk assessments have been conducted at all of the 191 operational properties detailed in Appendix 1 & 2 of this report. The Corporate Water Hygiene Co-ordinator has commissioned £39,500 of water hygiene remedial works to 14 of the sites targeted for this years capital funding. The other 177 properties currently have estimated values issued against them totalling £306,100. A detailed programme of works and exact costs and dates for completion, will be devised and reported upon to the Corporate Asbestos & Water Hygiene Task and Finish Group bi-monthly, following a tendering and programming process conducted by Engineering Services. This programme of works which will meet legal and service objectives and bring benefits over and above basic compliance with legislation in terms of improved safeguards for the health and safety of those who use, operate and maintain our buildings, improved operational and maintenance efficiency and are a positive contribution to safeguarding the continuity of service delivery.
- 4.8 This report recommends that Cabinet release the allocated funds to enable these works to be undertaken.

5. Financial and Legal Implications

5.1 Financial Implications – (Nick Booth, Extn. 297460)

There is provision of up to £345,000 for Water Hygiene remedial works from the Corporate Capital programme for financial year 2009/10, subject to details of the proposed works being approved by Cabinet. This report provides the breakdown of the proposed works.

Failure to implement the recommended changes from the risk assessments could affect the validity of Leicester City Councils insurance cover and would also lead to additional or elevated insurance premiums.

5.2 Legal Implications – (Joanna Bunting, Extn. 296450)

Leicester City Council has a legal obligation under Section 4 of the Health and Safety at Work Act 1974 to control the risks associated with water hygiene in its properties so far as is reasonably practicable.

Responsible officers and members of the Council (as well as the Council itself) could be liable to prosecution under the Health and Safety at Work Act and under extreme cases the law of manslaughter, and if found guilty could be liable to a fine or imprisonment. Also under Owners Liability and Employers Liabilities the Council could have civil liability. This is usually covered by insurance. Case law has established the principle that if one could reasonably foretell that events could occur, then reasonable action must be put in place to mitigate risks.

6. **Other Implication – Table**

Other Implications	Yes/No	Paragraph References within this Report
Equal Opportunities	NO	
Policy	YES	All council policies could be affected.
Sustainable and Environmental	YES	Action enables a more sustainable building and service provision.
Crime and Disorder	NO	
Human Rights Act	NO	
Elderly Persons/People on Low Incomes	YES	Elderly persons are identified as high risk with regards to contracting Legionnaires disease.

7. **Risk Assessment**

A risk assessment has been undertaken on each of the properties identified in the attached Appendix 1 & 2. The works identified and the service use of the building have been used as a basis for prioritisation using a risk algorithm.

8. **Background Papers-Local Government Act 1972**

The Health and Safety at Work etc Act 1974(HSWA).

Management of Health and Safety at Work Regulations 1999 (MHSWR).

Control of Substances Hazardous to Health Regulations 1999 (COSHH).

The Approved Code of Practice L8: The control of Legionella bacteria in water systems-Approved Code of Practice & Guidance. Health and Safety Commission (HSC)(ACOP L8).

Report of the public meetings into the outbreak in Barrow-in-Furness, August 2002. Health and Safety Executive(HSE).

Zurich Municipal Audit 2005

Corporate Directors Board (CDB) Water Hygiene Report 11/09/07

CDB Water Hygiene Follow up report 16/10/07

Capital Programme Submissions.

9. Consultation

Consultation has been carried out with officers in the Strategic Asset Management Division and representatives from Children and Young Peoples Services (CYPS), Resources, Regeneration and Culture, and Adults and Housing at the regular Corporate Asbestos & Water Hygiene Task and Finish Group meetings.

10. Report Author

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Report of the Interim Director of Strategic Asset Management.

Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet)

APPENDIX 1 : Summary of Water Hygiene Register / Programme for 2009/10 (High Priority Works only)

Note : This list may be subject to some variation, due to possible reprioritisation during 2009/10 and unforeseen problems being encountered e.g. asbestos, emergency/reactive high risk remedial works from new risk assessments.

Target dates for all proposed schemes is 31 March 2010

Department	Number of Properties	Cost
Education	16	£25,500.00
Regeneration and Culture	46	£27,000.00
Resources	8	£12,200.00
Adults and Housing	36	£59,400.00
Totals	106	£124,100.00

Schemes commissioned to date for 2009/10

Site	Department	Commissioned	Estimate
495 Welford Road	CYPS		500
68 Knighton Lane Factory	RAC		0
15 New Street	Resources		500
Adult Education College	Adults	4000	
Armada Centre	Adults		3000
Aylestone Pavilion	RAC	3500	
Barleycroft YPC and Healthy Living Centre	Adults		3000
7 Greyfriars	Resources		1000
Beaumont Leys Office	CYPS		4000
Belgrave Library	RAC		500
Bowls Pavilion / Green Workshop & Compound	RAC		1000
Braunstone Frith Community Centre	Adults		2000
Braunstone Oak NHC	Adults		2000
Braunstone Park Stable Block	RAC		0
Brite Centre	Adults	2000	
Cavendish House and Adjoining Toilets	RAC		0
City Gallery	RAC		1500
COLEMAN CENTRE ILC	CYPS		0
Coleman Lodge, Coleman Road	Adults		500
Beaumont Enterprise Centre	Resources		0
Cort Crescent Community Centre Leicester	Adults		2000
Depot Abbey Grounds,	RAC		200
Edward Street (Mobile Kitchen)	Adults	5000	
Evington Park House	RAC		3000
Evington Park Stores and Workshop	RAC		200
Gilmorton Neighbourhood Centre	Adults	1000	
Gilroes Cemetery Crematorium Chapel	RAC		200
Gilroes Cemetery Lodge	RAC		0
Glen Street Rooms	Adults		200
Highfields Youth and Community Centre	Adults		1000

Hillview	CYPS	4000	
Humberstone Education Project	CYPS		500
Humberstone Heights Golf Course	RAC		200
Humberstone Park Bowls Pavilion	RAC		1500
Humberstone Park Café	RAC		0
Information Centre / Offices Abbey Park	RAC		0
Inglehurst Infant School	CYPS	500	
Inglehurst Junior School	CYPS		3000
ISU Community Centre 124 Wigston Lane	CYPS		500
Short Stay School	CYPS	4000	
Kingfisher Youth Centre	Adults	3000	
Knighton Park Depot	RAC		0
Lansdowne Centre	Adults		2000
Lincoln Street (Divisional Office)	Adults		0
Collegiate House	Resources	2000	
Lodge No 2 Abbey Park,	RAC		0
Magpie (Part of Eyres Monsell Community Centre)	Adults		0
Market Centre Offices	RAC		0
Mental Health Shop	Adults		2500
Monks Rest Gardens Bowling Green Depot	RAC		500
Mowmacre Division Office	Adults		1500
Netherhall NHC	Adults		1000
New Found Pool NHC	Adults		2000
New Parks Community and Youth Centre	Adults		1000
Ocean Road Recreation Centre	Adults		1500
Park House (Parks HQ) Abbey Park,	RAC		0
Linwood Workshops	Resources		1000
Phoenix Theatre	RAC		0
Raven Thurnby Lodge Youth and Community Centre	Adults	3500	
Rushey Fields Depot	RAC		500
Rushey Fields Pavilion and Changing Rooms	RAC		3000
Rushey Mead Recreation Centre	Adults		1000
Saffron Hill Cemetery Chapel	RAC		0
Saffron Hill Cemetery Depot / Store	RAC		200
Saffron Hill Cemetery Muslim Prayer HC	RAC		0
Savera	Adults		2000
Southfields Drive Community Centre	Adults		1000
Phoenix House	Resources		2000
Spinney Hill Park Public Conveniences and Pavilion	RAC		1000
St Marks Youth Centre	Adults		2000
St Matthews NHC and Sports Hall	Adults		3000
Stocking Farm Y & CC & Healthy Living Centre	Adults		1000
Surestart Centre	CYPS		0
The Linwood Centre	Adults		1500
The Pavilion Abbey Grounds,	RAC		1000
Tudor Rose NHC and Healthy Living Centre	Adults		1500
Watershed Youth Centre	Adults		1000
Welford Road Cemetery Office and Store	RAC		0
West End Neighbourhood Centre	Adults		0
Western Park Changing Rooms	RAC		1500
Western Park Depot	RAC		500
Western Park Golf Course	RAC		500
Winstanley Centre	Adults		1500
6-8 St Martins, Social Services Office	Resources		4000
Appleton Avenue / Grounds Maintenance Depot	RAC		0
Aylestone Hall Gardens	RAC		0

Aylestone Playing Fields	RAC		500
Aylestone Recreation ground	RAC		1500
Castle Garden	RAC		0
CherryLeas Assessment Centre,	CYPS		0
DAVENPORT ROAD (PLAYING FIELD	CYPS		500
FORMER DOUGLAS BADER HOME,	Adults		0
GLENFIELD ROAD PAVILION & PLAYING FIELD,	CYPS		3000
MARTIN STREET PLAYING FIELDS & PAVILION	CYPS		3000
MOWMACRE COMMUNITY & SPORTS,	RAC		0
MOWMACRE SPORTS CENTRE	RAC		0
Riverside Rangers Depot	RAC		0
THE MAGAZINE MUSEUM,	RAC		0
VICTORIA PARK BOWLING GREEN,	RAC		1500
VICTORIA PARK PUBLIC CONVENIENCES,	RAC		500
WELFORD ROAD PLAYING FIELD & PAVILION,	RAC		4000
Wellington House	Resources		0
WHEATLAND ROAD RECREATION CENTRE,	CYPS		1000
WHITTENEY DRIVE SOUTH	RAC		200
WILBERFORCE ROAD (GAUL STREET SITE),	Adults		200
		£ 32,500.00	£ 91,600.00
SUB TOTAL			
TOTAL			£124,100.00

APPENDIX 2 : Summary of Water Hygiene Register / Programme for 2009/10 (Medium Priority Works only)

Note : This list may be subject to some variation, due to possible reprioritisation during 2009/10 and unforeseen problems being encountered e.g. asbestos, emergency/reactive high risk remedial works from new risk assessments.

Target dates for all proposed schemes is 31 March 2010

Department	Number of Properties	Cost
Education	39	£116,500.00
Regeneration and Culture	17	£32,000.00
Resources	4	£2000.00
Adults and Housing	25	£71,000.00
Totals	85	£221,500.00

Schemes commissioned to date for 2009/10

Site	Department	Commissioned	Estimate
16 NEW WALK,	Resources		1000
ASH FIELD SPECIAL SCHOOL,	CYPS		3000
AYLESTONE LEISURE CENTRE,	RAC		3000
BRAUNSTONE LEISURE CENTRE,	RAC		1000
COSSINGTON STREET BATHS,	RAC		4000
EVINGTON POOL,	RAC		2000

LEICESTER CREATIVE BUSINESS DEPOT,	RAC		0
LEICESTER LEYS LEISURE CENTRE,	RAC		3000
NEW PARKS LEISURE CENTRE,	RAC		3000
SPENCE STREET BATHS/SPORTS CENTRE,	RAC		4000
ST MARGARETS PASTURE CHANGING ROOM	RAC		2000
HILLVIEW	CYPS	5000	
ABBEY HOUSE EPH,	Adults & Housing		4000
AFRICAN CARIBBEAN	Adults & Housing		3000
ARBOR HOUSE EPH,	Adults & Housing		6000
BARNES HEATH HOUSE COMMUNITY HOME,	CYPS	1000	3000
BEAUMANOR HOSTEL,	Adults & Housing		6000
BROOKSIDE COURT EPH,	Adults & Housing		2000
COOPER HOUSE EPH,	Adults & Housing		3000
DE MONTFORT HALL & GARDENS,	RAC		4000
NETHERHALL SPECIAL SCHOOL,	CYPS		4000
OAKLANDS SPECIAL SCHOOL,	CYPS		10000
THE MILLGATE SCHOOL,	CYPS		3000
MARLBOROUGH HOUSE OFFICES,	Resources		1000
Westgate (Formerly Piper Way School)	CYPS		2000
Westgate (Formerly Emily Forzey School),	CYPS		2000
SHORTSTAY SCHOOL	CYPS	4000	
15 NETHERHALL ROAD COMMUNITY HOME,	CYPS		1500
31 DUNBLANE AVENUE COMMUNITY HOME,	CYPS		1500
BELGRAVE CHILDREN & FAMILY CENTRE,	CYPS		1000
BELGRAVE NHC,	Adults & Housing		2000
COLEMAN NHC,	Adults & Housing		1500
ELIZABETH HOUSE EPH,	Adults & Housing		4000
FOSSE NHC,	Adults & Housing		3000
HASTINGS ROAD DAY CENTRE,	Adults & Housing		5000
HERRICK LODGE EPH	Adults & Housing		6000
HOME FARM NHC,	Adults & Housing		1000
LAYTON HOUSE RESOURCE CENTRE,	Adults & Housing		3000
MANOR HOUSE NHC	Adults & Housing		4000
MARTIN HOUSE DAY CENTRE	Adults & Housing		2000
NEW WALK MUSEUM,	RAC		2000
NORTHFIELDS NHC,	Adults & Housing		500
NUFFIELD HOUSE EPH,	Adults & Housing		2000
PRESTON LODGE EPH,	Adults & Housing		1000
TATLOW ROAD COMMUNITY HOME,	CYPS		4000
THE ROWANS, COLLEGE STREET,	Adults & Housing		1000
THURNCOURT EPH	Adults & Housing		3000
WIGSTON LANE COMMUNITY HOME,	CYPS		5000

ABBEY PUMPING STATION,	RAC		500
ANCHOR CLUB, 17-23	Resources		0
BEAUMONT LEYS LIBRARY	RAC		2000
BISHOPDALE CHILDREN & FAMILY CENTRE	CYPS		2000
BRAUNSTONE FRITH INFANT SCHOOL,	CYPS		2000
BRAUNSTONE FRITH JUNIOR SCHOOL,	CYPS		2000
CATHERINE INFANT SCHOOL,	CYPS		1500
CATHERINE JUNIOR SCHOOL,	CYPS		3500
DOUGLAS BADER CENTRE,	Adults & Housing		5000
ELLESMERE COLLEGE,	CYPS		10000
FOSSE CENTRE LIBRARY,	RAC		2000
GREEN LANE INFANT SCHOOL,	CYPS		3000
GUILDHALL,	RAC		500
HAYMARKET THEATRE	RAC		0
HUMBERSTONE INFANT SCHOOL,	CYPS		1000
HUMBERSTONE JUNIOR SCHOOL,	CYPS		3000
IMPERIAL AVENUE INFANT SCHOOL,	CYPS		2000
JEWERY WALL MUSEUM,	RAC		2500
KEYHAM LODGE SCHOOL,	CYPS		4000
KING RICHARD III INFANT SCHOOL	CYPS		1000
EAGLE HOUSE,	Resources		0
MERRYDALE INFANT SCHOOL,	CYPS		2000
MERRYDALE JUNIOR SCHOOL,	CYPS		4000
NEWARKE HOUSES MUSEUM,	RAC		1500
NORTHFIELD HOUSE PRIMARY	CYPS		1500
OVERDALE INFANT SCHOOL,	CYPS		2000
OVERDALE JUNIOR SCHOOL,	CYPS		1000
PARKFIELD NURSERY,	CYPS		2000
QUEENSMEAD INFANT SCHOOL,	CYPS		3000
ST ANDREWS FAMILY CENTRE,	CYPS		1500
ST BARNABAS C E PRIMARY SCHOOL,	CYPS		0
ST CHRISTOPHERS FAMILY CENTRE & ANNEX,	CYPS		1500
ST MARYS FIELDS INFANT SCHOOL,	CYPS		2000
UPLANDS INFANT SCHOOL,	CYPS		3000
UPLANDS JUNIOR SCHOOL,	CYPS		3000
ADULT EDUCATION CENTRE	A&H	1500	1500
SUB TOTAL		£ 11,500.00	£ 210,000.00
TOTAL			£221,500.00

GRAND TOTALS			
HIGH RISK PRIORITY 1 TOTAL		£32,500.00	£91,600.00
MEDIUM RISK PRIORITY 2 TOTAL		£11,500.00	£210,000.00
SUB TOTAL		£44,000.00	£301,600.00
TOTAL EXPENDITURE COMMITTED 2009/10			£345,600.00