



Leicester  
City Council

**CABINET**

**17 NOVEMBER 2008**

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## **WATER HYGIENE REMEDIAL WORKS AUTHORISATION OF CAPITAL EXPENDITURE**

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### **Report of the Interim Service Director of Property Services**

#### **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 27<sup>th</sup> March 2008 cabinet approved the sum of £345,000 in the capital programme for 2008-2009 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 2008-2009.
- 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.
- 2.3 This report needs to be read in the context of separate reports on today's agenda on property scheme works and the corporate capital programme. To the extent that works to the value of £600,000 are spent on schools, this will be funded from separate resources dedicated for this purpose within the schools block.

#### **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.

## **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 3 years is £345,000 per year and funds to this value were allocated in the 2008/9 Capital Programme subject to the submission of further details of the works to be undertaken this year.
- 4.6 Water hygiene risk assessments have identified high priority works that amounts to £345,000 and these will be undertaken in the current financial year 2008/9 from this funding. The schemes identified as high priority are detailed in Appendix 1.
- 4.7 To date water hygiene risk assessments have been conducted at all of the 108 properties detailed in Appendix 1 of this report. The Corporate Water Hygiene Co-ordinator has commissioned £90,000 of water hygiene remedial works to 20 of the sites targeted for this years capital funding. The other 89 properties currently have estimated values issued against them totalling £255,000. 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)

Council at its meeting on 27<sup>th</sup> March 2008 allocated funding of up to £345,000 for Water Hygiene remedial works from the Corporate Capital programme for financial year 2008/9, 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.

As part of a separate report on the agenda for Cabinet on the review of the corporate capital programme, it is proposed that CYPS contribute £600,000 from their service resources for capital schemes towards financing some of these works and others proposed for the CMF that are for the benefit of schools.

### 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 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 some sort of action must be put in place to mitigate risks.

## 6. Other Implication – Table

<b>Other Implications</b>	<b>Yes/No</b>	<b>Paragraph References within this Report</b>
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. 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 Property Services 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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**Interim Service Director of Resources**

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

## APPENDIX 1 : Summary of Water Hygiene Register / Programme for 2008/9 (High Priority Works only )

Note : This list may be subject to some variation, due to possible reprioritisation during 2008/9 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 2009

Department	Number of Properties	Cost
Education	51	£232,489.70
Regeneration and Culture	5	£4,000.00
Resources	5	£17,670.40
Adults and Housing	47	£91,300.25
<b>Totals</b>	<b>108</b>	<b>£345,460.35</b>

Schemes commissioned to date for 2008/9

Site	Department	Commission	Estimate
Cooper House EPH	A&H	£ 2,645.00	
Brookside Court OPH	A&H	£ 3,450.00	
New Walk Centre	RES	£ 10,420.40	
Slater Primary School	CYPS	£ 3,450.00	
Montrose School	CYPS	£ 4,600.00	
Millgate School	CYPS	£ 2,955.50	
Linden Primary School	CYPS	£ 17,250.00	
Braunstone Frith Infant School	CYPS	£ 641.70	
St Marys Infant School	CYPS	£ 345.00	
Town Hall and Square	RES	£ 5,750.00	
Arbor House EPH	A&H	£ 8,280.00	
Mayflower Primary School	CYPS	£ 7,331.25	
Fosse NHC Centre	A&H	£ 9,125.25	
Catherine Infant School	CYPS	£ 3,536.25	
Kingfisher YC	A&H	£ 2,300.00	
Knighton Fields Primary School	CYPS	£ 4,600.00	
Avenue Junior School	CYPS	£ 5,750.00	
Avenue Infant school	CYPS	£ 5,750.00	
Folville Junior	CYPS	£ 4,830.00	
Forrest lodge Primary	CYPS	£ 3,450.00	
Melbourne Centre	A&H	£ -	£ 2,000.00
Mellor Community Primary	CYPS	£ -	£ 5,000.00
Highfields Library	A&H	£ -	£ 1,000.00
Hazel Primary School	A&H	£ -	£ 6,000.00
Herrick Primary School	CYPS	£ -	£ 6,000.00
Forest Lodge Primary School	CYPS	£ -	£ 5,000.00
Fosse Primary School	CYPS	£ -	£ 5,000.00
Granby Primary School	CYPS	£ -	£ 5,000.00
Central Lending Library	A&H	£ -	£ 1,000.00

Charnwood Primary School	CYPS	£	-	£	4,000.00
Coleman Primary School	CYPS	£	-	£	5,000.00
Johnston Children and Family Centre	CYPS	£	-	£	3,000.00
Bridge Junior School	CYPS	£	-	£	6,000.00
Buswells Lodge Primary School	CYPS	£	-	£	5,000.00
Caldecote Community Primary School	CYPS	£	-	£	5,000.00
Reference and Information Library	A&H	£	-	£	1,000.00
Welford House	RES	£	-	£	500.00
Sparkenhoe Community Theatre	RAC	£	-	£	1,000.00
Aylestone Library	A&H	£	-	£	1,000.00
Barleycroft Primary School	CYPS	£	-	£	10,000.00
Beaumont Lodge Primary School	CYPS	£	-	£	5,000.00
Taylor Road Primary School	CYPS	£	-	£	4,000.00
Willowbrook Primary School	CYPS	£	-	£	4,000.00
Wyvern Primary School	CYPS	£	-	£	4,000.00
The Library,36-46 Humberstone Gate	RES	£	-	£	500.00
Cossington Street Sports Hall	RAC	£	-	£	1,000.00
Beaumont Leys School	CYPS	£	-	£	5,000.00
Belgrave Hall	RAC	£	-	£	1,000.00
Crown Hills Community College	CYPS	£	-	£	6,000.00
Eyres Monsell Community Centre	A&H	£	-	£	2,000.00
Fullhurst Community College	CYPS	£	-	£	6,000.00
Judgemeadow Community College	CYPS	£	-	£	6,000.00
The Lancaster School	CYPS	£	-	£	5,000.00
Medway Community Primary School	CYPS	£	-	£	4,000.00
Moat Community College	CYPS	£	-	£	5,000.00
New College Leicester	CYPS	£	-	£	5,000.00
Riverside Community College	CYPS	£	-	£	6,000.00
Rushey Mead Secondary School	CYPS	£	-	£	5,000.00
Sir Jonathan North Community College	CYPS	£	-	£	6,000.00
Soar Valley Community College	CYPS	£	-	£	6,000.00
City Of Leicester School & Sixth Form	CYPS	£	-	£	4,000.00
Barleycroft YPC and Healthy Living Centre	A&H	£	-	£	3,000.00
Belgrave Baheno	CYPS	£	-	£	1,000.00
Armadale Centre	A&H	£	-	£	1,000.00
Tudor Rose NHC and Healthy Living Centre	A&H	£	-	£	1,000.00
Belgrave Library	RAC	£	-	£	500.00
Adult Education College	A&H	£	-	£	3,000.00
Edward Street (Mobile Kitchen)	RAC	£	-	£	500.00
Hillview	CYPS	£	-	£	500.00
27 Lincoln Street	A&H	£	-	£	500.00
15 New Street	RES	£	-	£	500.00
Stocking Farm Y & CC & Healthy Living Centre	A&H	£	-	£	2,000.00
37-39 Sulgrave Road	A&H	£	-	£	500.00
The Linwood Centre	A&H	£	-	£	1,000.00
Mowmacre Division Office	A&H	£	-	£	500.00
ISU Community Centre	CYPS	£	-	£	1,000.00
Surestart Centre 20 Home Farm Walk	CYPS	£	-	£	3,000.00
Inglehurst Infant School	CYPS	£	-	£	4,000.00
Inglehurst Junior School	CYPS	£	-	£	4,000.00
495 Welford Road	CYPS	£	-	£	500.00
Braunstone Oak NHC	A&H	£	-	£	3,000.00
Beaumont Leys Office	CYPS	£	-	£	3,000.00
25 Lincoln Street	A&H	£	-	£	500.00
Braunstone Frith Community Centre	A&H	£	-	£	2,000.00
Coleman Lodge	A&H	£	-	£	2,000.00

Coleman Centre	A&H	£	-	£	2,000.00
Cort Crescent Community Centre	A&H	£	-	£	2,000.00
West End Neighbourhood Centre	A&H	£	-	£	2,000.00
Humberstone Education Project	CYPS	£	-	£	1,000.00
Winstanley Centre	A&H	£	-	£	1,000.00
Gilmorton Neighbourhood Centre	A&H	£	-	£	1,000.00
Glen Street Rooms	A&H	£	-	£	500.00
Highfields Youth and Community Centre	A&H	£	-	£	1,000.00
Kingfisher Youth Centre	A&H	£	-	£	1,500.00
Lansdowne Centre	A&H	£	-	£	1,000.00
Magpie (Part of Eyres Monsell Community Centre)	A&H	£	-	£	3,000.00
Netherhall NHC	A&H	£	-	£	1,000.00
New Parks Community and Youth Centre	A&H	£	-	£	1,000.00
New Found Pool NHC	A&H	£	-	£	1,000.00
Ocean Road Recreation Centre	A&H	£	-	£	1,000.00
Raven Thurnby Lodge Youth and Community Centre	A&H	£	-	£	2,500.00
Rushey Mead Recreation Centre	A&H	£	-	£	1,000.00
Savera	A&H	£	-	£	1,000.00
Southfields Drive Community Centre and Hall	A&H	£	-	£	2,000.00
St Marks Youth Centre	A&H	£	-	£	1,000.00
St Matthews NHC and Sports Hall	A&H	£	-	£	2,000.00
Brite Centre	A&H	£	-	£	2,000.00
Watershed Youth Centre	A&H	£	-	£	1,000.00
<b>SUB TOTAL</b>				<b>£ 106,460.35</b>	<b>£ 239,000.00</b>
<b>TOTAL</b>				<b>£</b>	<b>345,460.35</b>