

AGENDA MANAGEMENT SHEET

Name of Committee Leader Decision Making Session

Date of Committee 30 July 2010

Report Title Legionnaires Disease and Water Hygiene Policy – Appointment of Statutory Duty Holder

Summary To appoint the Chief Executive as the Statutory Duty Holder in relation to the control of legionella bacteria in water systems.

For further information please contact: Phil Evans
Head of Facilities Management

Would the recommended decision be contrary to the Budget and Policy Framework? Tel: 01926 412293
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No.

Background papers None

CONSULTATION ALREADY UNDERTAKEN:-

Details to be specified

- Other Committees
- Local Member(s)
- Other Elected Members
- Cabinet Member Cllr Martin Heatley
Cllr Colin Hayfield
- Chief Executive
- Legal Barry Jukes
- Finance David Clarke, Strategic Director, Resources – Reporting Officer

- | | | |
|--------------------------|-------------------------------------|---|
| Other Chief Officers | <input checked="" type="checkbox"/> | David Carter, Strategic Director, Customers, Workforce and Governance |
| District Councils | <input type="checkbox"/> | |
| Health Authority | <input type="checkbox"/> | |
| Police | <input type="checkbox"/> | |
| Other Bodies/Individuals | <input checked="" type="checkbox"/> | Ruth Pickering, Corporate Health, Safety & Wellbeing Manager |

FINAL DECISION YES

SUGGESTED NEXT STEPS:

Details to be specified

- | | |
|---|--------------------------|
| Further consideration by this Committee | <input type="checkbox"/> |
| To Council | <input type="checkbox"/> |
| To Cabinet | <input type="checkbox"/> |
| To an O & S Committee | <input type="checkbox"/> |
| To an Area Committee | <input type="checkbox"/> |
| Further Consultation | <input type="checkbox"/> |

Leader Decision Making Session

30 July 2010

Legionnaires Disease and Water Hygiene Policy –
Appointment of Statutory Duty Holder

Report of the Strategic Director of Resources

Recommendation

That the Chief Executive be appointed as the Statutory Duty Holder in relation to the control of legionella bacteria in water systems.

1.0 Background

- 1.1 Legionnaires' disease is a type of pneumonia. It was named after an outbreak of severe pneumonia that affected a meeting of the American Legion in 1976. It is generally regarded as uncommon but is potentially a serious disease and it can prove to be fatal.
- 1.2 The agent that causes Legionnaires' disease is a bacterium called Legionella pneumophila. People catch Legionnaires' disease by inhaling small droplets of water suspended in the air, which contain the bacteria.
- 1.3 A number of conditions increase the risk from legionella:
- a suitable temperature for growth, 20 to 45oC;
 - a source of nutrients for the organism, eg sludge, scale, rust, algae, and other organic matter;and
 - a way of creating and spreading breathable droplets, eg the aerosol created by a cooling tower or spa pool.
- 1.4 Legionella bacteria are widespread in nature, mainly living in natural water systems, eg rivers and ponds. However, the conditions are rarely right for people to catch the disease from these sources.

- 1.5 Outbreaks of the illness occur from exposure to legionella growing in purpose-built systems where the water is maintained at a temperature high enough to encourage growth, eg cooling towers, evaporative condensers, spa pools, and hot water systems used in all sorts of premises (work and domestic).
- 1.6 Under general health and safety law employers have a legal duty to consider the risks from legionella that may affect staff or members of the public and take suitable precautions. As an employer or a person in control of the premises (eg a landlord), you must:
- identify and assess sources of risk;
 - prepare a scheme (or course of action) for preventing or controlling the risk;
 - implement and manage the scheme – including appointing individuals to undertake roles that manage the risks;
 - keep records and check that what has been done is effective; and
 - if appropriate, notify the local authority that you have a cooling tower(s) on site.
- 1.7 An Approved Code of Practice (ACOP) for the management of the risk associated with legionella bacteria is provided by the Health and Safety Executive. The ACOP is known as “L8 – The control of legionella bacteria in water systems.”

2.0 Warwickshire County Council’s Arrangements

- 2.1 WCC has a good history on managing the risks associated with legionella and the arrangements have been subject to enhancements over the last few years with the Property Support Group (PSG) taking the lead role in ensuring an effective management regime. Responsibility for the development and review of property related policies was embedded within Strategic Asset Management Group (SAMG) established last year.
- 2.2 Whilst the overriding arrangements have been considered sound it was considered timely to review them. Accordingly staff from SAMG and PSG in conjunction with colleagues from within the Health and Safety community have reviewed the Council’s Legionnaires Disease and Water Hygiene Policy. Revised documents setting out the overall policy and a more detailed set of procedures have been produced.
- 2.3 The policy and procedures have been formally agreed by the Resources Directorate Management Team and the Facilities Management Service will oversee the implementation of matters arising as part of its operational responsibility for County Council premises.

2.4 In order to comply with the ACOP WCC should make a number of formal appointments including a "Statutory Duty Holder" (SDH) and a "Responsible Person" (RP).

2.5 The roles and responsibilities of these appointments are:

Statutory Duty Holder -

The SDH has overall responsibility throughout the County Council for implementing and achieving the objectives of the Legionnaires Disease and Water Hygiene Policy.

Responsible Person -

The Responsible Person shall have responsibility for the development and implementation of the policy corporately, and the allocation of adequate resources for the management of Legionellosis risk within County Council occupied buildings.

N.B. All appointments need to be formally documented.

2.6 As the Chief Executive has overall responsibility across the organisation for all Health and Safety matters it is suggested that he be formally appointed by the appropriate Portfolio Holders as the SDH.

2.7 Once appointed the SDH can appoint the RP who will take forward the implementation of all matters connected with ensuring the management of the Legionellosis risk. Whilst it is for the SDH to appoint the RP, the Leader may wish to note that the Chief Executive will be recommended to appoint the Head of Facilities Management to the Responsible Person role.

DAVID CLARKE
Strategic Director of Resources

Shire Hall
Warwick
July 2010