

THURSDAY, 31 JULY 2014

**REPORT OF THE PORTFOLIO HOLDER FOR OPERATIONS AND ASSETS****ADOPTION OF REVISED LEGIONELLA AND ASBESTOS MANAGEMENT PLANS****EXEMPT INFORMATION**

Non Confidential

**PURPOSE**

This report sets out the revised Asbestos and Legionella management plans and policies and seeks to formally adopt them as policy.

**RECOMMENDATIONS**

It is recommended that

- Cabinet formally approve the revised and updated Asbestos policy entitled **'ASBESTOS MANAGEMENT PLAN'**
- Cabinet formally approve the revised and updated Legionella policy entitled **'MANAGEMENT PLAN FOR THE CONTROL OF LEGIONELLA BACTERIA IN WATER SYSTEMS'**

**EXECUTIVE SUMMARY**

As an employer and owner/manager of property the Council has a statutory duty to comply with legislation relating to both asbestos and legionella.

**Asbestos.**

The Health and Safety at Work Act and the Control of Asbestos Regulations require employers and building owners/managers to have a formal policy and plan in place to deal with the management of asbestos containing materials within their buildings. The policy must be in writing and must be reviewed on a regular basis.

**Legionella.**

Approved Code of Practice L8, known as the L8 regulations covers the control of legionella bacteria in water systems. Again there is a requirement for employers and building owners/managers to have a formal policy and plan in place to deal with the management of water systems within their buildings to ensure that legionella bacteria is properly controlled. This policy/management plan must be in writing and reviewed on a regular basis.

Tamworth Borough Council has engaged Graham Environmental Services through a formal OJEU tender process to provide the technical resource to undertake the management of both Asbestos and Legionella across both corporate and housing properties. On a day to day basis the contractor undertakes surveys, sampling and testing, provides reports and advice.

Under the terms of the contract the Contractor was required to work with Officers to update both the asbestos and legionella policies to ensure continued compliance with the relevant legislation and to ensure that any changes in legislation had been addressed.

The updated combined policy document and management plan has been produced by the contractor in consultation with the Officers involved and those with named responsibilities.

Both policies need to formally adopted by the Council, although the day to day delivery aspects are already in place and are being carried out.

Where identified as essential to comply with the requirements set out within the policy, suitable training will be provided and updated/refreshed as necessary.

### **OPTIONS CONSIDERED**

No other options were considered as there is a statutory duty to have these policy documents and management plans.

### **RESOURCE IMPLICATIONS**

No additional resources are required. The day to day operational elements are already in place and are accounted for within the various departmental budgets.

The costs associated with the production of the policy documents has been accounted for within the various departmental budgets and formed part of the OJEU tender process.

Staff resources are already in place and the day to day delivery is already taking place.

### **LEGAL/RISK IMPLICATIONS BACKGROUND**

As an employer and building owner/manager we have a statutory obligation to have a policy and management plan in place for both asbestos and legionella; furthermore there is an obligation to review and update these policies, plans. Failure to approve and adopt these could leave us open to prosecution by the Health and Safety Executive.

### **SUSTAINABILITY IMPLICATIONS**

None identified

### **BACKGROUND INFORMATION**

None

### **REPORT AUTHOR**

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### **LIST OF BACKGROUND PAPERS**

None

### **APPENDICES**

- Management plan for the control of legionella bacteria in water systems – policy document for approval
- Asbestos management plan – policy document for approval