

Title of meeting: Cabinet Member for Housing and Tackling Homelessness

Date of meeting: 18th September 2024

Subject: Water Hygiene Policy

Cabinet Member: Councillor Sanders - Cabinet Member for Housing and Tackling Homelessness

Report by: James Hill - Director of Housing, Neighbourhood and Building Services

Report Authors: Adam Hardwick - Assistant Director Building Services
Steve Groves - Head of Building Maintenance

Wards affected: All

Key Decision: No

Full Council Decision: No

1. Purpose of Report

1.1 The purpose of this report is to seek approval from the Cabinet Member for Housing and Tackling Homelessness for a new Water Hygiene policy that outlines our approach to manage water systems to help reduce the risk from legionella and other bacteria in all council Housing Revenue Account (HRA) assets only, including residential dwellings and sheltered schemes.

2. Recommendations

2.1 The Cabinet Member for Housing and Tackling Homelessness approves the Water Hygiene policy and asks the Housing, Neighbourhood and Building Services to implement the policy on 1 October 2024.

2.2 The Cabinet Member for Housing and Tackling Homelessness approves the implementation and communication plan for the updated policy.

3. Background

3.1 Legionnaires' disease is a potentially fatal form of pneumonia. Everyone is susceptible to infection with some people being at a higher risk. Legionnaires' disease is contracted by inhaling small droplets of water (aerosols), suspended in the air, containing the bacteria.

3.2 The legal framework and guidance that relates to managing legionella includes the Health and Safety at Work etc. Act, 1974; The Management of Health and Safety at Work Regulations 1999; The Control of Substances Hazardous to Health

Regulations 2002 and L8 - 'Legionnaires' disease: The control of legionella bacteria in water systems' (4th edition 2013)

- 3.3 The Corporate Health & Safety Policy (version 9 Nov 2023) highlights the Service Directors responsibility to ensure that their service has appropriate arrangements in place to meet the aims and requirements of the policy including legionella management.
- 3.4 The Social Housing (Regulation) Act 2023 introduced four new Consumer Standards that defines required outcomes and specific expectations that Landlords are required to meet.
- 3.5 The Water Hygiene policy will support the Regulator of Social Housing Consumer Standards in relation to the following.
- Safety and Quality Standard
 - Section 1.1 Stock Quality
 - Section 1.3 Health & Safety
 - Transparency, Influence and Accountability Standard (all sections)

4. Water Hygiene Policy

- 4.1 The Water Hygiene policy is consistent with all Housing, Neighbourhood and Building policies, to enable ease of review by residents. The is a similar structure to all other Housing, Neighbourhood and Building policies.
- 4.2 The policy outlines our approach to manage our water systems to help reduce the risk from legionella and other bacteria and ensures we meet our statutory and legislative obligations.
- 4.3 The scope of the policy is all council Housing Revenue Account (HRA) assets, including residential dwellings and sheltered schemes; other assets such as offices, garages, community buildings and land where we have a repair and maintenance responsibility.
- 4.4 The statutory Duty Holder and Responsible Person roles are detailed within the policy that also confirms that specialist contractors who are members of the Legionella Control Association (LCA) will carry out all legionella related inspections and works.
- 4.5 All buildings with communal water storage tanks, calorifiers and associated pipework shall have a current and compliant legionella risk assessment. Generally, no legionella risk assessments will be carried out to single residential properties with individual cold-water storage, hot water generation and associated pipe work.
- 4.6 Legionella risk assessments will be strictly in accordance with the requirements of Approved Code of Practice and Guidance L 8 and BS 8580:2019. When legionella risk assessments identify required measures to remove or reduce risks

they will be reviewed and carried out in a timely manner as responsive repairs or as part of a planned improvement programme as appropriate.

- 4.7 A timely provision for a review of legionella risk assessments will be at a maximum interval of two years, with additional reviews in certain circumstances such as significant changes to legislation, the system, personnel or building use.
- 4.8 Where it is not reasonably practicable to remove risks then a written scheme for controlling measures will be prepared by the specialist legionella contractor, reviewed, implemented and managed by the Water Hygiene Engineer.
- 4.9 We will ensure that appropriate records are kept. All records will be securely held and legionella risk assessments and written schemes will be retained throughout the period they remain current and for a minimum two years after that period.
- 4.10 Relevant roles managing water safety will be provided with regular training so that they are properly updated on changes in legislation and best practice in the management and control of legionella in water services.
- 4.11 The Water Hygiene Safety Panel will be chaired by Head of Compliance and include appropriate Heads of Service from Buildings and Housing together with appropriate representation from the Water Hygiene Engineer and other directorates as appropriate. The panel will meet quarterly.
- 4.12 The panel will coordinate and communicate water safety across all Housing, Neighbourhood and Building teams to ensure risks are managed consistently and are appropriately resourced, complying with all legislation and providing appropriate information to residents, staff and contractors.
- 4.13 The panel will have oversight of the process, changes to the legislation and effectiveness of the legionella policy, updating and implementing changes as appropriate.
- 4.14 Residents should regularly clean and disinfect showerheads as well as inform us if the hot water is not heating properly or there are any other problems with the water systems.
- 4.15 The policy provides details regarding resident's voice, how we have made sure the policy is fair

5. Resident consultation and engagement

- 5.1 In accordance with the Regulator of Social Housing, *Consumer Standards, Transparency, Influence and Accountability Standard*, consultation has been undertaken with residents regarding the policy.
- 5.2 A specific Resident Policy Focus Group has been established that meets regularly to provide the opportunity for consultation, engagement and feedback with residents around the development and review of all policies within HNB.

- 5.3 The new policy has been issued to all members of the Resident Policy Focus Group along with a form to record any feedback.
- 5.4 Three written responses were received from residents of the Policy Focus Group. The only comments specific to the legionella policy were that 'you're following all the safety protocol so its fine by me, well done PCC' and 'make it fair for all'. These supported the policies and with no objections raised no changes were identified.
- 5.5 In person meetings were held with the Policy Focus Group on the 11 July 2024 and 12 July 2024. The purpose of these meetings was to discuss the policies in more detail, answer any specific questions about the policies and gain further resident feedback.
- 5.6 In addition to the formal written feedback, members of our Resident Engagement team rang all members of the Policy Focus Group who had not provided written feedback. Generally verbal feedback provided was positive with no adverse comments received.
- 6. Communication and Implementation Plan**
- 6.1 Residents will have access to all repairs and maintenance policies on the PCC website. There will also be regular articles in Housetalk highlighting the policies, providing summaries of them and highlighting residents' responsibilities. Leaflets are being prepared to provide further information related to the policies that will be either be displayed at all local area housing offices, available as part of tenancy update or surveyor visits and provided at tenancy sign up to all new tenants.
- 6.2 Information regarding the policy will always be provided on request and residents can request at their area housing office for the policy in large print, Braille, audio or in another language.
- 6.3 HNB staff will be updated regarding the Water Hygiene policy through HNB bulletins and updates will include links to the PCC e-learning legionella awareness.
- 6.4 We will continue to engage with the Resident Policy and R&M focus groups. Other policies that are planned to be consulted with residents include void and repairs scope of service will include cross referencing the legionella policy.
- 6.5 The policy requires legionella risk assessments to be undertaken more frequently, they are currently undertaken every three years and a plan will be required by the Water Hygiene Engineer to implement assessments to be undertaken every two years in future.

7. Integrated impact assessment (IIA)

7.1 An Integrated Impact Assessment is contained in Appendix B

8. Legal implications

8.1 The application of this policy will ensure compliance with the regulatory framework and consumer standards for social housing in England and meet the Council's obligations as an employer and landlord to ensure our employees and others affected by our undertakings are not exposed to health and safety risks including the risk from legionella as well as preventing or controlling exposure to biological agents, including legionella.

8.2 A failure to discharge the Council's responsibilities in accordance with the regulatory standards, legislation and codes of practice could lead to a range of sanctions including prosecution by the Health and Safety Executive. The obligations are strict and the fines and associated negative publicity would be significant for any organisation found to have failed to manage the risk.

8.3 It is within the Cabinet Member's powers as set out in the Council's constitution to make the recommendations proposed.

9. Director of Finance's comments

9.1 The approval of the Water Hygiene Policy does not change the cost of the service being provided and will not reduce the level of investment in our properties.

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Signed by: **James Hill - Director of Housing, Neighbourhood and Building Services**

Appendices:

Appendix A - Water Hygiene Policy

Appendix B - Integrated Impact Assessment (IAA)

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Neighbourhood and Community Consumer Standard	Neighbourhood and Community Standard
Safety and Quality Consumer Standard	Safety and Quality Standard
Tenancy Consumer Standard	Tenancy Standard
Transparency, Influence and Accountability (including Tenant Satisfaction Measures) Consumer Standard	Transparency, Influence & Accountability Standard

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by the Cabinet member for Housing and Preventing Homelessness on 18th September 2024.

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Signed by: **Councillor Darren Sanders - Cabinet Member for Housing and Tackling Homelessness.**