

# CABINET AGENDA



**TUESDAY 24 APRIL 2018 AT 7.30 PM  
CONFERENCE ROOM 2 - THE FORUM**

The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

#### Membership

Councillor Williams (Leader)  
Councillor Griffiths (Deputy Leader)  
Councillor Elliot

Councillor Harden  
Councillor Marshall  
Councillor G Sutton

For further information, please contact Member Support or

## **AGENDA**

**1. MINUTES** (Pages 4 - 22)

To confirm the minutes of the meeting held on 27 March 2018.

**2. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**3. DECLARATIONS OF INTEREST**

To receive any declarations of interest

A member with a disclosable pecuniary interest or a personal interest in a matter who attends a meeting of the authority at which the matter is considered -

(i) must disclose the interest at the start of the meeting or when the interest becomes apparent

and, if the interest is a disclosable pecuniary interest, or a personal interest which is also prejudicial

(ii) may not participate in any discussion or vote on the matter (and must withdraw

to the public seating area) unless they have been granted a dispensation.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests, or is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal and prejudicial interests are defined in Part 2 of the Code of Conduct for Members

[If a member is in any doubt as to whether they have an interest which should be declared they should seek the advice of the Monitoring Officer before the start of the meeting]

#### **4. PUBLIC PARTICIPATION**

An opportunity for members of the public to make statements and ask questions in accordance with the rules as to Public Participation.

#### **5. REFERRALS TO CABINET**

There were no referrals to Cabinet

#### **6. CABINET FORWARD PLAN (Pages 23 - 24)**

#### **7. HEALTH & SAFETY POLICIES (Pages 25 - 202)**

#### **8. PUBLIC SPACE PROTECTION ORDERS (Pages 203 - 264)**

#### **9. HEMEL HEMPSTEAD TOWN CENTRE MARKET CONTRACT (Pages 265 - 270)**

#### **10. FORMALISATION OF GROVEHILL NEIGHBOURHOOD PLAN (Pages 271 - 279)**

#### **11. TRING SPORTS CENTRE (Pages 280 - 286)**

#### **12. INVESTMENT IN ATHLETICS TRACK (Pages 287 - 293)**

#### **13. EXCLUSION OF THE PUBLIC**

To consider passing a resolution in the following terms:

**That, under s.100A (4) of the Local Government Act 1972 Schedule 12A Part 1 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the items in Part 2 of the Agenda for this meeting, because it is likely, in view of the nature of the business to be transacted, that, if members of the public were present during those items, there would be disclosure to them of exempt information relating to the financial and business affairs of the Council and third party companies/organisations.**

**Local Government Act 1972, Schedule 12A, Part 1, paragraph 3.**

## MINUTES

## CABINET

27 MARCH 2018

**Present:**

**Members:**

**Councillors:** Williams (Leader)  
Griffiths (Deputy Leader)  
Elliot  
Harden  
Marshall  
G Sutton

**Officers:** David Barrett Group Manager - Housing Development  
Elliott Brooks Assistant Director - Housing  
Jo Deacon Project Officer (Infrastructure and Project Delivery)  
James Doe Assistant Director - Planning, Development and Regeneration  
Mark Gaynor Corporate Director - Housing & Regeneration  
Nigel Howcutt  
Shalini Jayasinghe Strategic Planning and Regeneration Officer (Town Centre)  
Sally Marshall Chief Executive  
Matt Rawdon Group Manager - People  
Robert Smyth Assistant Director - Performance, People and Innovation

**Also Attendance:**

Councillors Anderson, Birnie, Douris, Link and Tindall.

The meeting began at 7.30 pm

**CA/28/18a Minutes**

The minutes of the meetings held on 30<sup>th</sup> January 2018 and 13<sup>th</sup> February 2018 were agreed by Members present and signed by the Chair.

**CA/29/18 APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of James Deane – Corporate Director of Finance & Resources.

**CA/30/18 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**CA/31/18     PUBLIC PARTICIPATION**

There was no public participation.

**CA/32/18     REFERRALS TO CABINET**

There were no referrals to Cabinet.

**CA/33/18     CABINET FORWARD PLAN**

The Forward Plan was noted with the following amendments;

- April meeting to consider an item on Tring Sports Centre
- Vehicle Repair Shop report moved from the April to the 22 May meeting

Agreed

**CA/34/18     TWO WATERS MASTER PLAN**

**Decision**

**RESOLVED TO RECOMMEND**

**That the Two Waters Masterplan Guidance (as set out Appendix 1 of the report to Cabinet) be adopted as a Planning Statement until the new Dacorum Borough Local Plan is in place when it will be adopted as a Supplementary Planning Document.**

**Reason for decision**

To review the Two Waters Masterplan Guidance and recommend to put forward the document for adoption by Council as a Planning Statement

**Corporate objectives**

Affordable Housing

The Two Waters Masterplan Guidance will help deliver affordable housing through development and sets out guidance for its delivery in accordance with DBC's Core Strategy policy CS19.

Building Community Capacity

The Vision for the Two Waters Masterplan Guidance centres on creating a sustainable community balancing national pressures for delivering housing and development with local needs and sets out guidance for developers and potential



developers to regenerate the area and develop in a manner that builds local community capacity.

#### Delivering an Efficient and Modern Council

The Vision for Two Waters Masterplan Guidance sets out to deliver development that is modern and efficient for the enjoyment of those living and working in the Borough which will be enabled through the guidance provided for development coming forward in the area.

#### Ensuring Economic Growth and Prosperity

The Two Waters Masterplan Guidance sets out a Vision, Objectives and Guidance to steer development that ensures economic growth and prosperity through high quality mixed use development around transport hubs and in close proximity to the town centre, as well as the provision of improved infrastructure including transport. Community Infrastructure Levy (CIL) and/or S106 contributions will enable the provision of improved infrastructure and community facilities that facilitates economic growth and prosperity.

#### A Safe, Clean and Enjoyable Environment

The Two Waters Masterplan Guidance sets out a framework for the delivery of a safe, clean and enjoyable environment.

### **Monitoring Officer/S.151 Officer comments**

#### **Monitoring Officer:**

The Masterplan will provide a framework which can be used to guide development in the area. It should enable a more consistent approach to decision making and thus avoid unnecessary appeals and legal challenges.

#### **S.151 Officer:**

No further comments to add.

#### **Advice**

Cllr Sutton introduced the report, which had been presented to Cabinet previously and the comments gathered have now been taken into consideration and incorporated into this report.

Cllr Sutton handed over to J Doe to provide an overview of the report. J Doe reminded Members that this covers an extensive area of the town, it covers 124 hectares of land, roughly in a triangle between the Plough roundabout and the two train stations, at Boxmoor and at Apsley. The work goes back to late 2015 when the masterplan started to be drafted and in that time there have been a number of public engagements, including facilitated workshops, exhibitions and a general public consultation last year. DBC looked at a number of different scenarios for development within the area.

At the heart of the masterplan are 4 key sites, the first around the station and associated commercial property. The second is based around London Road; around the traffic light junction around the area where Aldi and the light industrial units are. Area three is the small piece of land just opposite the traffic lights on Boxmoor Trust land. There are a collection of sites making up site four at Two Waters Road, incorporating the Magic Carwash down to Sunnyside Nursery, including the car dealerships and other land adjacent.

The consultation was extensive and raised a number of concerns from residents, which summarised, fall into concerns around; building heights, schooling provision and the future of the Sunnyside Rural Trust site and issues around traffic buildup and air quality.

The building heights have been reviewed along with our consultants, looking at the viability advice and there has been a clear case to review the heights, particularly around the station sites. Members may recall that parts of that site were indicated for development to 8 storeys, and have been reduced to 6 in certain locations.

In terms of the school and the Sunnyside Rural Trust; suitable location for the school has not been identified, due to Council concerns over appropriateness and the issues for Hertfordshire County Council in finding an appropriate site to locate a school. This will therefore need to be resolved as the plan progresses; looking for opportunities over the coming months and years.

Members will note that many of the concerns were expressed that the Sunnyside Rural Trust would be removed from the area, but that is not the case, the site is there for a potential option for re-location, but as Members will know, the Council owns that site and will take a decision about what will happen to that site, so hopefully we have been able to cover off those concerns quite effectively.

Traffic – there is a traffic analysis and the developments will have a traffic impact, which will have to be assessed in detail as applications come forward. Key thing is that the majority of the area is in private hands. It will depend on those land owners to bring forward proposals in due course. DBC own a couple of sites (Magic Carwash & Sunnyside site).

The critical point is, this is an area in need of regeneration and whether we have a plan or not, development pressures will come to the Council, so from an officer perspective w the best option to recommend to members is that you have a plan with which to steer those pressures as they come forward. The recommendation is that members accept the revised Masterplan which is set out in the report, and that it goes forward to Full Council for final approval.

The report went to SPAR Overview & Scrutiny Committee in October, there were some concerns raised which are referred to in the report, Cllr Anderson as the Chairman of that Overview & Scrutiny Committee addressed the Cabinet.

Cllr Anderson thanked the Chair and stated that in general there is no issue with the fact that we have got to have a plan; what the purpose of the plan is; and what we are trying to achieve with it. But, speaking on behalf of the committee, they did have quite a few concerns, some of which were paraphrased in the referral. However some were actually said at the meeting and not included in the referral though J Doe and Cllr Sutton were both at the meeting and would have picked up these concerns. He was not convinced that the revised draft, under consideration at this meeting, really covered the issues. He referred to the report and what concerned him was trying to 'park' to one side, transport as an issue, and saying it will be picked up at the application stage, which in his opinion is too late. He added that we have a very serious problem with traffic and highways in Apsley, as the Southern gateway to Hemel Hempstead. The road cannot be extended or widened: it is the only means of access to and from the town, through a substantial community to the south of the town; who don't have access to public transport; and that is what has led to the situation of the road being very heavily congested at all times of day. His concern is that further development would actually exacerbate that problem, no matter how hard one tries to restrict car ownership and usage. Regarding the concerns over air quality: we have two out of the three air quality problem locations in the Borough in this triangle, again, his committee was concerned that the issue hadn't really been covered adequately in the proposed plan. Finally, as a personal comment, through participation in previous local planning enquiries, in his experience Local Plan Inspectors have agreed that site 3, on the corner of the traffic lights at Two Waters, was a key green gateway entrance to the town and he personally would have a very serious problem with development occurring on that land. He went on, development of this site is unrealistic and it is not deliverable, which is one of the key indicators we are supposed to be looking at, because it's against Boxmoor Trust's charter. He personally has a specific issue with developing that site, however he was there primarily on behalf of the committee and the concerns the committee had.

Cllr Birnie absolutely concurred with Cllr Anderson regarding transport and his other views. He pointed out that, in para 5.2 on Page 21, there is a statement that there will be consultation with Herts County Council on the Growth and Transport Plan. He enquired, when? Since it so radically affects all the planning decisions that DBC make; particularly in this area where it is so crucial; and as an ordinary member of the Council, he would like to be a part of whatever consultation takes place, preferably before we have to decide any more major issues or planning applications in this particular area.

J Doe advised that we are not able to give an answer on that as the County Council do not have a programme at the moment. Work on the Growth & Transport Plan has actually stalled at the current time and they have had to rethink it as it covers a wider area; Watford & St Albans as well as Dacorum; and it has been impacted by the recent decision not to fund the Metropolitan Line extension. They are committed to doing a new Growth and Transport Plan, we just have to wait for the new timetable.

The Chair confirmed there was quite a lot in the transport plan about the Metropolitan Line extension that went to the board for consideration last Thursday afternoon. It is very detailed and quite clear from their perspective that it is never going to happen and they are already talking about reallocating the funding towards other schemes (that might have had funding taken away from them to fund the extension, so, in their view, the County should be re-writing that transport assessment on the basis that it will not go ahead. This makes a good deal of difference as it has impacted the viability of other developments.

Cllr Marshall advised that she has a number of different unrelated comments concerning the Plan. She recalled that at the October scrutiny committee every member, bar one, was very vocal about their concerns on the impact of traffic and issues arising from that the availability of parking. It is very difficult to specify what should be done in this sort of document, but she confirmed what Cllr Anderson has said about the strength of feeling of that scrutiny committee. She drew attention to Page 66, developing sustainable travel plans, and the fact that individual developments will be required to deliver sustainable travel plans: She hoped that travel plans will be required as part of the planning process. She hoped that there is an expectation that these travel plans will be required for nearly all of the planning applications. She drew attention to the bottom of Page 326 where there was a comment about the bridge widening on Durrants Hill Road, showing the wrong bridge. In the actual Masterplan she cannot see the Durrants Hill Road at all as the plan doesn't go that far.

She requested clarity on the number of bridges alluded to in page 75, 78, 81 of the Plan, is that a total of 2 bridges? The Chair asked, if one of the bridges is the one on Two Waters Road, by B&Q? Cllr Marshall advised that page 75 refers to the bridge on Station Road.

J Doe confirmed that Station Road suggestions are more about improving access for pedestrians and cyclists and getting off the highway onto the towpath, it is difficult to navigate at the moment.

Cllr Marshall drew attention to the bottom of page 281 and 282, and read out the comment 'tall buildings at gateway locations could create a fortress appearance to the town, rather than a taller block there should be more creativity in the structure design'. She appreciated that in some locations it is appropriate to have taller blocks, but her concern is the point regarding the fortress appearance. What is the position of the Council if, say, five different applications come in from five different developers or sites and they are all proposing tall blocks, which if all were built would create the fortress appearance. Would the Council have a legitimate ground to refuse such a tall block on the 4<sup>th</sup> or 5<sup>th</sup> application on the basis of the collective mass of those tall blocks giving the fortress appearance? J Doe confirmed that the Council would have ground to refuse. He added that part of having the Masterplan is to try and get the development of sites combined so that you can design areas as a whole, perhaps

permitting a focal point for development and then lower concentrations in other areas. The council could proceed as Cllr Marshall is indicating as it will have a design analysis in each case.

Cllr Elliott commented that one of the main things that concerns residents in the area is parking. With new developments, can we impose a minimum parking spaces per flat or bedroom? J Doe responded that we can make those requirements. Our existing plan incorporates a parking standard. There is a separate review on this which will be going to SPAR Overview & Scrutiny Committee, so there will be a fresh set of parking standards across Dacorum. In terms of this development, the brief that has been given to consultants around viability is to assume at least a 1:1 parking provision basis; any 1 unit would have at least 1 parking space. Cllr Birnie commented that his understanding is that our current parking standards were maximum standards? J Doe responded that he is correct: that was the policy of the previous government, however current government policy has changed so they wouldn't necessary be applicable now as they are not supported by national policy so DBC have flexibility to make them minimum standards.

Cllr Harden commented that he was grateful for the consultation on this, especially the concerns from local residents on heights of buildings. He put an opposing view that the taller we make them, the more green space we can save, but he appreciated that you have taken the concerns of residents on board and put in a reduced height. Cllr Harden asked if a record is kept of the postcodes of those people that have been consulted? S Jayasinghe advised that if consultees provided postcodes then we still hold the information, but for example, at the workshop where consultees registered by email, that information has not been captured.

Cllr Sutton commented that this is a very important area within our local plan; he accept it is a restricted area and that there are some difficulties but it could be an area of exciting developments given the will and with guidance from J Doe's team. He suggested that Cabinet accept the recommendation leading to a good gateway from the West into the town. He is aware that we have issues such as transport, air quality and parking, but let's move forward with this and turn the area into something we can be proud of.

Cllr Tindall advised that like Cllr Birnie he is concerned regarding parking and asked, assuming that if this becomes a plan and the Council agree it, does it means that whatever parking limits we have set out for each of the sites, the developers must then adhere to them? Is it the fact that we have got the parking standards and minimums in a masterplan?

J Doe clarified that parking standards are set out elsewhere, but we are able to ask for a level of parking at application.

The Chair commented that in terms of consultation, our expectations of the number of homes that can be provided in that area have gone down by approx. 700 having listened to the concerns residents had about high buildings etc.

In terms of transport, there is always going to be congestion on the network. With regard to air quality, in the longer term this will be dealt with in changing the types of vehicles we drive and that won't be an immediate change, it will take a generation to change such air quality issues. The issue around parking: there appears to be some misunderstanding about what we were saying about our policy. At the moment we do apply our maximum policy and in his opinion we are too soft in our resolve to stick to that standard and give in to lower numbers too easily. This masterplan will not alter that, but in terms of taking forward our local plan we need to be more robust about our parking standards. Not being able to park anywhere near your home causes great frustration. We should also be flagging up, where development takes place in areas we already have issues, we should take those issues into account when we are developing the area. If we apply a universal standard across the piece we could be potentially adding to those issues and growing frustration with residents by not tackling the issue, we need to be robust when forward planning.

The Chair asked if Members were happy to support the document. Members agreed and recommended the Plan to Council for adoption.

### **Voting**

None.

## **CA/35/18     SENIOR PAY POLICY**

### **Decision**

#### **RESOLVED TO RECOMMEND;**

- 1. That the Council adopt the Pay Policy for 2018/19 as set out in appendix 1 of the report to the Cabinet.**
- 2. That any amendments to the Pay Policy throughout the financial year 2018/2019 which are required as a result of legislative changes be approved by the Chief Executive in conjunction with the Council's Monitoring Officer.**

### **Reason for decision**

To set the Council's pay policy for the financial year 2018/19, as required by Section 38 of the Localism Act 2011.

### **Corporate objectives**

The Council's policies in respect of pay and terms and conditions support all five of the Council's strategic objectives as part of ensuring that services to the community can be delivered to the required standards and with due regard to economy, efficiency and effectiveness.

## **Monitoring Officer/S.151 Officer comments**

### **Monitoring Officer:**

The Pay Policy Statement meets the Council's statutory requirements under Section 38 of the Localism Act 2011 and is therefore suitable for approval by Cabinet and Council.

### **S.151 Officer:**

No further comments to add to the report.

### **Advice**

Cllr Harden introduced the report as the annual policy that has to be brought to Members. There are no major changes this year, though a few minor amendments were set out by M Rawdon.

M Rawdon advised that the changes from last year's Senior Pay Policy are as follows;

- The Council's lease car scheme is being replaced by a car salary sacrifice scheme which is now open to all employees, rather than selected few.
- The 3 essential car user allowances will be discontinued and the previous eligible staff will receive a consolidated increase in their pay equivalent to this amount. The lease car allowances will be consolidated into basic pay for senior officers as of October 2020.
- The redundancy payments have been amended in relation to the changes, reducing from 2.2 weeks to 1.5 weeks per year of service based on contractual weekly pay.
- We have also included the gender pay requirement, all employers with over 250 staff are required to publish this, and for clarity the gender pay gap is the percentage difference between average hourly earnings for men and woman. The Council's gender pay gap is detailed in the report, the mean gender pay gap between males & females was 1% and the median was 8% in favour of women being paid more than males. To conceptualise this, some companies are reporting women are earning 30-40% less than men. Appendix 3 of the report to Cabinet provides some narrative on the gender pay gap. Built around 4 key areas; strategy, recruitment & selection, terms & conditions and the support we provide. A detailed action plan will form part of the people strategy going forward into next year to ensure we continue to support gender parity across all aspects of employment.

The Chair referred to the gender pay gap and asked, with regard Pg 30, Item 14, the figures in 14.1; the 1% pay gap between male and female. It would appear in the first chart that males earn only marginally more than females, but in the second chart that switches round to females earning more and makes reference to 8%, but the difference between those two figures is probably more like 15%, so M Rawdon was asked to clarify those figures.

R Smyth clarified, that these are the 'mean' and 'medium' figures.

Agreed by Members and referred to Council for consideration.

### **Voting**

None.

## **CA/36/18     COUNCIL NEW BUILD PROGRAMME UPDATE**

### **Decisions**

1. That the progress of the Council New Build Programme be noted
2. That an increase be approved to the budget to Kylina Court by £483,200, all to accommodate amendments to the design of the external envelope of the building and to incorporate a sprinkler system, funded from a budget virement from the 2018/19 New Build General budget.
3. That a consultancy budget of £600,000 be approved to develop plans for the next phase of the Council's New Build programme as detailed in Section 7, funded from a budget virement from the 2018/19 New Build General budget.
4. That the following '141 Right to Buy replacement scheme' grant funding payments for affordable housing developments in the Borough be approved as follows:
  - £3,750,000 to Watford Community Housing Trust for 6 No Garage Sites known as Cupid Green Lane, Hyde Meadows, Pulleys Lane, Rucklers Lane, Wood View and Long Arotts.
  - £343,820 to Watford Community Housing Trust for a development known as Nova House, Jupiter Drive, Hemel Hempstead.
  - In addition, this recommendation authorises a +/- 5% adjustment to the stated cost figures as a contingency sum should the Housing Association revise their cost data as these are based on current estimates which could adjust as the project develops
5. That the two '141 Right to Buy replacement scheme' grant funding applications that have now been withdrawn by Hastoe and Thrive be noted.

### **Reason for decision**

To provide a full update on the Council New Build Programme



To seek approval for the payment of “141 Right to Buy replacement scheme’ grant funding to Housing Associations (Registered Providers) delivering affordable housing schemes in the Borough.

### **Corporate objectives**

Delivering Affordable Housing

### **Monitoring Officer/S.151 Officer comments**

#### **Monitoring Officer:**

Under the scheme introduced in 2012 investment in new affordable housing can be made by the Council itself or through grant funding registered providers.

This decision proposes the funding of several developments by Watford Community Housing Trust.

Officers should ensure that each site going forward is covered by the grant agreement (referred to in para 8.2 below) to ensure that the Council’s position is protected and enable it to meet audit requirements.

#### **S.151 Officer:**

No further comments to add to the report.

### **Advice**

Cllr Griffiths introduced the report, which comes for consideration every year and handed over to D Barrett to provide overview detail.

D Barrett advised that the report is split down into three main parts. The first of which is give update on the current approved programme and where we are at with existing schemes. It contains a request to approve an increase on the Kylna Court budget to cover events post Grenfell; cladding and sprinklers design, and it is proposed that this is spread over the existing new build budgets.

The second part deals with the next wave of schemes we would like to deliver as a Council. Previously set out sites have been identified and Housing are now seeking approval for a budget to develop those to planning approval status.

The last part covers ‘1 for 1 right to buy grant funding’ and the grant fund to Watford Community Housing Trust. In addition previously approved funding which has now been withdrawn due to circumstance with Hastoe & Thrive homes is highlighted.

Cllr Anderson expressed concerns regarding the development within his ward in Conniston Road in Kings Langley, which he was not aware of until he saw the report. He was supportive of the report and the principals it contains; though would say that in relation to that specific site, there is no way that anyone will get 8-10 properties on that land. He pointed out that it also includes an electrical substation which hasn’t been shown on the map. In his opinion 6 would be the maximum you might get on

the site and that might affect the viability of the scheme. D Barrett advised that it is Council owned land and we would need to carry out due diligence on the site. He is aware that there are some constraints; i.e trees and a substation. At this point in time 8-10 homes are proposed but it could be less. The report requests approval to move to the next stage to develop the site and work with our colleagues in planning to get a viable scheme.

The Chair referred to page 545, Bulbourne & Tring Rural site, and pointed out to avoid any confusion that in the 2<sup>nd</sup> paragraph it refers to the site being owned by Tring Parish Council. There is a Tring Rural Parish Council, but this site is owned by Tring Town Council.

Cllr Tindall advised that on paper, the site is owned by Buckinghamshire County Council. The Chair advised that he went back to Tring Town Council when this was previously raised and clarified that they are the owners and are selling us something that they do actually own.

Cllr Tindall referred to the loan to Watford and the expenditure of the £3m; he suggested that that it had to be rushed through because we were coming up against the deadline for the 3 permitted years. , D Barrett advised that is not quite correct. The reason it needed to come to Cabinet quickly is because the Garage sites that Dacorum is selling is intrinsically linked with the purchase of these sites. We are keen to get the Capital receipt for selling the garage sites in this financial year, and the bonus is that we are then also able to grant fund some money to be able to purchase them.

Cllr Tindall sought assurance that it is not the case that someone has messed up and we are coming to the end of 3 years and this is rushed through to make sure we didn't put the money back to the government, as that was actually mentioned in one of the documents. E Brooks responded that is a risk with all the 1 for 1 schemes, but not with this particular amount of money. It is an ongoing risk for the Council that, once we have accepted it, if we don't use the receipt within the three years we would have to pay interest.

Cllr Marshall asked, are Ward Councillors advised of impending developments in their ward, as her impression from her colleague is that it has been overlooked this time. It is essential that all Councillors are kept up to date on what is happening.

Cllr Marshall moved on to Page 546, and sought clarification on the number of garage sites covered in paragraphs 7.10 & 7.11. 7.10. are these in addition to the 6 sites mentioned in paragraphs 8 onwards? D Barrett advised that the 3 garage sites that are referred to have not been selected yet, due diligence is underway on sites that are in the programme for sale and we will bring those to committee once we have looked at the sites that are up for sale and select the ones that are the best for homes. They are in addition to those mentioned in the right to buy and replacement scheme.

Cllr Marshall requested that when those 3 sites are selected the Ward Councillors are advised. D Barrett confirmed that would be done. Cllr Griffiths advised that consultation only happens after the sites have been sold, as part of the development? Until the site is identified, you cannot have a consultation on something that might not happen. Cllr Marshall advised she was thinking more that the Ward Councillor is informed. She felt for Members that it is very embarrassing to find out that a decision has been made to sell that block down the road when you know nothing about it. Cllr Anderson added that when the Council first adopted the garages scheme it was explicitly said that Ward Councillors would be advised the moment a site was chosen, and that is something he hopes would continue to happen.

S Marshall added that there has been some occurrences recently on garage sites where there has been a bit of a breakdown in communication and that has been reviewed and Ward Members will be advised where there are sites for disposal and the implications, particularly when members of the community get letters advising them they have to quit.

Cllr Harden referred to the Wood View site, which is not in his Ward, but which he has had correspondence with officers on. He observed that that he had found it a bit of an issue to identify which officer it was that should be able to give accurate information. E Brooks clarified, with regard to the disposal of garage site, D Barrett's involvement is to assist bringing Housing Associations to the table who maybe should bid for a grant. The actual disposal takes place from the Estates Team.

E Brooks recognised there is a need to ensure consistent notification to Ward Councillors and apologised if that has not been the case.

Recommendation agreed by Members.

### **Voting**

None.

## **CA/37/18     SOUTH WEST HERTS JOINT STRATEGIC PLAN**

### **Decision**

#### **RESOLVED TO RECOMMEND;**

- 1. That the Council work with the other South West Herts Authorities (Three Rivers, Watford, Hertsmere and St. Albans Councils) and Hertfordshire County Council to prepare a Joint Strategic Plan.**
- 2. That a Memorandum of Understanding be progressed as the framework for governing future joint working arrangements and for the final terms**

**of this Memorandum of Understanding to be delegated to the Assistant Director – Planning, Development and Regeneration, in consultation with the Planning and Regeneration Portfolio Holder, for agreement.**

- 3. That officers progress work on the joint plan and report this to Cabinet and Council for approval at key stages.**
- 4. That the arrangements for the appointment of staff to be jointly managed between the five Local Authorities and to delegate to the Assistant Director – Planning, Development and Regeneration in consultation with the Corporate Director Finance and Operations and the Assistant Director Performance, Policy and Innovation to make the necessary arrangements and agreement with the other Local Authorities for recruitment, appointment, joint management and sharing of costs and liabilities.**
- 5. That the support of Hertfordshire County Council and the Hertfordshire LEP for this process be noted.**
- 6. That the recruitment arrangements for an urban design officer, shared with St Albans City and District Council, to provide specialist advice be commenced.**

#### **Reason for Decision**

To seek support from Members to proceed with the preparation of a South West Herts Joint Strategic Plan and for governance arrangements to be put in place to enable this work to move forwards.

#### **Corporate objectives**

The Joint Strategic Plan would set the context for the Council's own Local Plan and together both documents would help support all 5 corporate objectives:

- *Safe and clean environment:* e.g. contains policies relating to the design and layout of new development that promote security and safe access;
- *Community Capacity:* e.g. provide a framework for local communities to prepare area-specific guidance such as Neighbourhood Plans, Town / Village Plans etc;
- *Affordable housing:* e.g. sets the Borough's overall housing target and the proportion of new homes that must be affordable;
- *Dacorum delivers:* e.g. provides a clear framework upon which planning decisions can be made; and

*Regeneration:* e.g. sets the planning framework for key regeneration projects, such as Hemel Hempstead town centre and the Maylands Business Park.

### **Monitoring Officer/S.151 Officer comments**

#### **Monitoring Officer:**

The Memorandum of Understanding (MoU) will be the key document to agree the governance arrangements to take the plan forward but officers will need to ensure that it does not fetter the Council's own decision making processes.

The Statement of Common Ground will set the framework and agree key principles and priorities for the Joint Strategic Plan and therefore this should be approved by Cabinet and Council

#### **S.151 Officer:**

The Service will need to ensure that the financial risks to the Council of appointing shared staff are adequately mitigated. This will require a robust MoU that provides for the equitable sharing of potential redundancy costs and agreement on the way forward in the event that no funding is allocated by MHCLG beyond that already awarded. This process will need to involve both the Legal and Finance teams.

#### **Advice**

Cllr Sutton introduced the report, the intention is to create a Memorandum of Understanding so all five authorises in South West Herts work together to strengthen their own local plans.

It is brought before Cabinet due to the timetable, we are the last authority to consider this at Cabinet level and it has been adopted and approved by the other four Councils already. Cllr Sutton handed over to J Doe.

J Doe added that this is a new high level plan for the five Council area. This report is the first steps in taking joint working between the five Councils and the County Council to prepare a joint plan. The scheme meets new requirement for Council's within a defined Housing area to have a statement of common ground for the proper planning of that area. We have had the Joint Leaders and Chief Executives workshop which was held at DBC on 23 January, organised by Catriona Odell who is advisor to government from the Planning Officers Society that has led to the report coming forward. He also drew Members' attention to the Council's success in drawing down funds from the Planning Delivery Fund, our five Council area got its full award and the feedback we have had from government is that the very best Council's got their award, so this will fund 2 posts moving forward to look at creating a plan and looking at strategic sites when the time is right. The report refers to engagement of East of England Local Government Association, with whom DBC Senior Officers have had discussions about some support from them for the process and we have now received a proposal for the five authority group to be considered regarding work to be done with Members.

Cllr Anderson referred to the requirement to do this, but expressed personal concern as he feels the strategic market assessment was flawed. He is concerned about developing that kind of working any further when it has been flawed thus far, but it remains purely a concern and he can understand the requirement to do it. He hopes DBC will retain absolute autonomy over our Housing figure; that would be his 'red line'.

J Doe responded, to put Cllr Anderson's mind at rest; we have been doing the strategic housing market assessments and whichever view you take about the integrity of that work, the government is now working to a standard methodology. The Government is saying that the five Council area is what should make up our area for common ground for all planning matters, not just Housing but all planning infrastructure matters within that area.

Cllr Birnie asked, does that leave any scope for reallocation of the actual figures within the greater area? J Doe confirmed yes, there is scope for discussion between the five Council's as the plan progresses. The plan will only move forward with the agreement of all Council's and we will be doing our own individual local plan, which the Council will have full sovereignty over as well. As it stands, none of the five Councils have allocated any land, we are all at similar points in our plan making processes.

As an example Cllr Birnie referred to The Crown Estate land along the M1, which currently belongs to St Albans, could that be renegotiated? J Doe advised that one possible outcome would be to identify strategic locations for a new development, so would have to look at a variety of factors about suitability and so on which cannot be pre-judged until discussions have taken place.

Cllr Marshall suggested that Hertfordshire County Council should be added to recommendation 1 (agreed).

The Chair commented that the development numbers are the most contentious issue. These five authorities are all struggling to achieve the numbers, and the other may feel that Dacorum has got the easier ride in terms of its land capacity. Whether you are prepared to release green belt is another argument, but the fact that we have got it to release, some would feel, gives you the capacity for numbers. He has made clear that as far as he is concerned, sovereignty of the numbers and over the plan remains with DBC, (similarly for the others). The benefits for this scheme is that the infrastructure issues, the major highway implications, health care, A41 doesn't stop at the Watford/Three Rivers boundary; the problems of moving around South West Hertfordshire don't stop at the boundaries, and what we hopefully will be able to achieve between the five collectively is to have a plan which addresses some of those infrastructure issues and makes our ability to get funding for some of those more realistic if we do it as a combination of five with support of the County Council.

Recommendations agreed.

**Voting**

None.

**CA/38/18     Q3 RISK REGISTER****Decision**

The content of the report was noted.

**Reason for decision**

To provide the Quarter 3 update on the Strategic Risk Register

**Corporate objectives**

Dacorum Delivers – Risk management is an essential part of ensuring that the Council meets all of its objectives

**Monitoring Officer/S.151 Officer comments****Monitoring Officer:**

No comments to add to the report.

**S.151 Officer:**

No comments to add to the report.

**Advice**

Cllr Elliott introduced the report – been through Audit Committee without many comments. Most of the scores remain unchanged and stable, therefore I welcome any questions.

No questions, recommendation agreed.

**Voting**

None.

**CA/39/18     REVIEW OF HRA BUSINESS PLAN****Decision****RESOLVED TO RECOMMEND**

That the Council approve

1. The updated Housing Revenue Account Business Plan.

**2. The revised development programme budgets as set out in Section 8 of the report; and the budget for the Martindale Development in Appendix 2 of the report to the Cabinet.**

**Reason for decision**

To review and approve the Annual Review of the Council's Housing Revenue Account Business Plan.

**Corporate objectives**

Delivering Affordable Housing

**Monitoring Officer/S.151 Officer comments**

**Monitoring Officer:**

The annual review provides a robust mechanism to monitor the business plan to ensure that it takes account of changes in government policy, law and the economy and therefore meets the Council's statutory requirements.

**S.151 Officer:**

Over the coming months the Council should focus on the medium-term development opportunities that will arise following MHCLG clarifying their approach to potentially lifting the borrowing cap. This will need to combine the updated trend for RTB sales and the increased scope for internal use of the 141 receipts.

The development budgets identified in Appendix 2 represent a re-profiling of previously approved budgets.

**Advice**

Cllr Griffiths introduced the report and advised it is the annual report. The 1% reduction in rents is incorporated into the money we have left to spend. She added that we have another year left on that with no sign of what the policy will be after that. Cllr Griffiths asked E Brooks to add any further comments.

E Brooks highlighted to Members that this is the Annual Review to the Business Plan, the 5<sup>th</sup> review that we have carried out since the introduction of self-financing in 2012 and drew attention to Section 3.2 of the report highlighting the good work that we have been able to do since introduction of self-financing with the additional resources that the Housing Revenue Account had. DBC have made some real differences to our tenants' homes in terms of improvements and the latest calculation from our asset management system around decency levels of our stock is that we are over the 90% level now.

He continued to highlight a couple of issues around Section 4, in particular two areas of government policy, one being the sale of high value Council homes which still hasn't been rolled out to all authorities. The advice we've had this year is to not



make any assumptions in the business plan for any amount of money we would have to generate under this policy but we will need to keep an eye on this. With regard the issue of Universal Credit; whilst this is still an unknown we have made some assumptions having taken advice, in terms of increasing our bad debt provision. We continue to closely monitor the plan throughout the year with Finance. Another point to raise is in Section 7.2 of the report, highlights the current headroom in terms of borrowing. There isn't currently money in the business plan and that is the main impact of the 1% rent reduction, which has affected our income over a length of time by over £30m but as you can see from the business plan we have headroom, as it stands we could borrow £7.8m and that rises to £22m by the end of year 5, this year would be the time for discussions to start about that. Government have been talking around potential for LAs to raise the borrowing gap and we have made initial contact about that but are waiting to hear back, it is something we will need to consider if we want to continue our new build programme after the next phase. The two tables in Section 8.3 give a summary of what we are left with in terms of the investment programme over the coming years; we still have a healthy investment programme in terms of our current stock.

M Gaynor added that whilst there is some difficult news in here, there is a lot of good news as well in terms of the amount of money we are able to invest. To clarify, the government indications of future rent policy are from 2021 are that it will not be a reduction, but an increase of CPI inflation + 1%, which will stabilise the ability to invest in our stock and continue with new build.

Recommendations agreed.

### **Voting**

None.

The Meeting ended at 8.43 pm

# Agenda Item 6

## CABINET FORWARD PLAN

	DATE	MATTERS FOR CONSIDERATION	Decision Making Process	Reports to Monitoring Officer/ S.151 Officer	CONTACT DETAILS	BACKGROUND INFORMATION
1.	22/05/18	Vehicle Repair Shop		03/05/18	David Austin, Assistant Director Neighbourhood Delivery, 01442 228355 <a href="mailto:david.austin@dacorum.gov.uk">david.austin@dacorum.gov.uk</a>	To approve the maintenance and repair of equipment used by the Clean Safe and Green service being brought back in house
2.	22/05/18	Financial Outturn 2017/18		03/05/18	James Deane, Corporate Director Finance & Operations 01442 228278 <a href="mailto:james.deane@dacorum.gov.uk">james.deane@dacorum.gov.uk</a>	To approve the financial outturn.
3.	22/05/18	Equality & Diversity		03/05/18	Robert Smyth, Assistant Director Performance & Projects, 01442 228979 <a href="mailto:robert.smyth@dacorum.gov.uk">robert.smyth@dacorum.gov.uk</a>	To be provided
4.	22/05/18	Hemel Hempstead Town Centre Parking Access and Movement Strategy		03/05/18	James Doe, Assistant Director Planning, Development & Regeneration 01442 228583 <a href="mailto:James.doe@dacorum.gov.uk">James.doe@dacorum.gov.uk</a>	To be provided
5.	22/05/18	Water Gardens update (Part 2)		03/05/18	James Doe, Assistant Director Planning, Development & Regeneration 01442 228583 <a href="mailto:James.doe@dacorum.gov.uk">James.doe@dacorum.gov.uk</a>	To be provided
6.	26/06/18	The Bury – Approval of Stage 1 Bid to Lottery Fund		07/06/18	James Doe, Assistant Director Planning, Development & Regeneration 01442 228583 <a href="mailto:James.doe@dacorum.gov.uk">James.doe@dacorum.gov.uk</a>  Chris Taylor, Group Manager Strategic Planning & Regeneration 01442 228000 <a href="mailto:Chris.taylor@dacorum.gov.uk">Chris.taylor@dacorum.gov.uk</a>  Nathalie Bateman, Team Leader Infrastructure & Project Delivery 01442 228592 <a href="mailto:Nathalie.bateman@dacorum.gov.uk">Nathalie.bateman@dacorum.gov.uk</a>	To consider proposals for establishing a heritage based visitor facility at The Bury, Hemel Hempstead and the content of a bid for funding to the Heritage Lottery Fund
7.	26/06/18	Q4 Risk Register		07/06/18	James Deane, Corporate Director Finance & Operations 01442 228278 <a href="mailto:james.deane@dacorum.gov.uk">james.deane@dacorum.gov.uk</a>  Linda Dargue, Insurance & Risk Lead Officer 01442 228320 <a href="mailto:linda.darge@dacorum.gov.uk">linda.darge@dacorum.gov.uk</a>	To review and approve the risk register as at quarter 4.
8.	26/06/18	Dacorum Borough Local Plan		07/06/18	James Doe, Assistant Director Planning, Development & Regeneration 01442 228583 <a href="mailto:James.doe@dacorum.gov.uk">James.doe@dacorum.gov.uk</a>  Chris Taylor, Group Manager Strategic Planning & Regeneration 01442 228000 <a href="mailto:Chris.taylor@dacorum.gov.uk">Chris.taylor@dacorum.gov.uk</a>  Laura Wood, Strategic Planning & Regeneration Team Leader 01442 228661 <a href="mailto:Laura.wood@dacorum.gov.uk">Laura.wood@dacorum.gov.uk</a>	To consider next steps and timetable in an updated Local Development Scheme for the production of the Local Plan

	DATE	MATTERS FOR CONSIDERATION	Decision Making Process	Reports to Monitoring Officer/ S.151 Officer	CONTACT DETAILS	BACKGROUND INFORMATION
9.	31/07/18	Medium Term Financial Strategy		12/07/18	Nigel Howcutt, Assistant Director Finance & Resources 01442 228662	To be provided
10.	18/09/18			30/08/18		

**Future Cabinet Dates 2018:** 16 October  
13 November  
11 December

**2019:** 29 January  
12 February  
19 March  
23 April  
21 May

**Future Items:**

Enterprise and Investment Plan  
Authority Monitoring Report  
Review of the Constitution (M Brooks)



## AGENDA ITEM:

<b>Report for:</b>	<b>Cabinet</b>
<b>Date of meeting:</b>	<b>24<sup>th</sup> April 2018</b>
<b>Part:</b>	<b>1</b>
If Part II, reason:	

<b>Title of report:</b>	Health and Safety Policies
Contact:	Janice Marshall- Portfolio Holder for Environment and Sustainability  Author/Responsible Officer  Emma Walker- Group Manager, Environmental and Community Protection  David Austin- Assistant Director Neighbourhood Delivery
Purpose of report:	To provide members with information on how Officers propose to manage Health and Safety risks across the Council.
Recommendations	That Cabinet approve the following policies and management plan documents:  Appendix 1: Working at Height Policy  Appendix 2: The Noise at Work Policy  Appendix 3: Whole Body Vibration  Appendix 4, 4a and 5: The Electricity at Work Policy and Portable Appliance Testing Policy  Appendix 6: Bonfire Policy  Appendix 7 & 8: Corporate Asbestos Management Plan and Housing Asbestos Management Plans  Appendix 9: Legionella Management System  Appendix 10: Lone Working Policy  Appendix 11: Hazardous Substances Policy
Corporate	<b>A clean, safe and enjoyable environment;</b> Improving safety of employees, elected members, those that

Objectives:	work with the Council and for members of the public that are effected by the Council's work activity.  <b>Delivering an efficient and modern council; Optimise Resources and Implement Best Practice.</b>
Implications:	<u>Financial</u> The budgetary implications of this work have been approved in the 2018/2019 budget.
'Value For Money Implications'	<u>Value for Money</u>  Not Applicable.
Risk Implications	Consistent and robust Health and Safety Policy for the Council as a whole is the best way to minimise Health and Safety risk for the Council
Community Impact Assessment	Not Applicable
Health And Safety Implications	Consistent and Robust Health and Safety Policy for the Council as a whole is the best way to minimise Health and Safety risk for the Council
Monitoring Officer/S.151 Officer Comments	<b>Monitoring Officer:</b>  The policies will help to ensure that the Council is meeting its statutory obligations. Training for relevant staff and ongoing compliance monitoring will be essential to ensure that the policies are properly implemented.  <b>Deputy S.151 Officer</b>  The financial costs of implementing the Health and safety policies has been specifically factored into the 2018/19 budgets, with the inclusion of a £50,000 growth budget.
Consultees:	Corporate Health and Safety Committee  Corporate Management Team
Background papers:	
Glossary of acronyms and any other abbreviations used in this report:	

## Background

1. Following an audit on the Councils Health and Safety arrangements carried out by Hertfordshire County Council the recommendation to deliver more robust Health and Safety measures was to move the service to Regulatory Services where there was a greater number of Health and Safety qualified staff.
2. A Lead Health and Safety Officer was appointed and various audits were carried out to look the structure of Health and Safety reporting and the arrangements in the service areas for meeting statutory requirements to protect the health safety and welfare of employees and those effected by the Councils work activity.
3. In April 2017 the Corporate Health and Safety Team launched a challenging work plan to assess various risks across the Council and to implement where necessary positive strategies to provide support to managers in assessing risks in their areas and consistency across the council when managing the same risk.
4. The Corporate Health and Safety Team found pockets of excellent practice but a lack of consistency in managing the same risks. Therefore initially 11 areas were focused on to share best practice, ensure the council departments have a consistent approach to the same risk and to identify responsibility for key risks.
5. The work streams cover the areas listed in Table 1.0, they are all headed by an Assistant Director to ensure there is demonstrable senior management buy in, supported by 1 or 2 members of the leadership team, a member of Corporate Health and Safety staff as well as other staff as necessary.

Table 1.0

<b>Risk No</b>	<b>Risk Detail</b>	<b>Responsible Staff</b>
<b>1</b>	Legionella	Elliott Brooks Fiona Williamson
<b>2</b>	Noise at Work and Whole Body Vibration	David Austin Ben Trueman
<b>3</b>	Vehicle Repair Shop	David Austin Craig Thorpe
<b>4</b>	Cemeteries	David Skinner (Nigel Howcutt) Nick Brown (Richard Rice)
<b>5</b>	Contractor Safety	David Skinner (Nigel Howcutt) Ben Hosier
<b>6</b>	White Bridge	James Doe Andrew Horner
<b>7</b>	Adventure Playgrounds	David Austin Julie Still (Joe Guiton)
<b>8</b>	Duty Holders	James Doe Richard Baker (Fiona Jump)
<b>9</b>	Asbestos	Elliott Brooks Fiona Williamson Jim Doyle
<b>10</b>	Occupational Health	Robert Smyth

		Matt Rawdon
<b>11</b>	Lone Working	Robert Smyth Natasha Beresford Chris Taylor
<b>12</b>	Chemical Safety	Mark Brookes Emma Walker
<b>13</b>	Event Safety	Mark Brookes Elliott Brooks

6. The risks areas were identified following an audit carried out by Rosherville Safety Solutions and information held by Corporate Health and Safety.
7. The groups focused on risk reduction, consistency, more efficient working between departments, and clearer responsibilities for Health and Safety functions and pragmatic solutions to compliance issues.
8. The work streams have been extremely successful and resulted in improvements in the occupational health contract, the use of lone working technology, improvements to safe systems of work, improvements in standard documentation and the drafting of 12 documents for approval by Cabinet.
9. The Health and Safety Policy Statement is a legally required document that must be signed annually by the CEO. It is attached in Appendix 12 to this document for information on responsibility for Health and Safety matters.
10. The policy documents are attached in the form of appendices.

**Appendix 1: Working at Height Policy**

This focuses on using the hierarchy of control to assess risk to working at height. It assists managers in making assessments and decisions over what equipment should be used when working at height. It advises managers on how to comply with the Working at Height Regulations 2005. The policy requires review in October 2019.

**Appendix 2: The Noise at Work Policy**

Aims to guide service managers through the regulations and provide support in how to comply. This re-iterated the requirement for health surveillance for all staff exposed to 80dB as part of their work activity. A generic noise risk assessment document is provided for service managers to complete. This policy will require review in October 2019.

**Appendix 3: Whole Body Vibration**

Assists services whose employees are at risk from whole body vibration to manage the risk and comply with relevant sections of the Control of Vibration Regulations 2005. There is an example risk assessment, advice on health monitoring and signposts to guidance and support. The policy will require review in Oct 2019.

**Appendix 4, 4a and 5: The Electricity at Work Policy and Portable Appliance Testing Policy**

Outlines the legal obligations by the organisation and how managers should ensure these are complied with internally and through Contractors and Sub-Contractors. The policy is required to ensure a consistent approach across

the organisation to the same risk. There is supporting information in the supplement to the policy. The Policy requires review in October 2019.

**Appendix 6: Bonfire Policy**

Prohibits the use of bonfires to dispose of commercial waste by DBC staff, their Contractors and Sub Contractors. This policy excludes bonfires for events (for example Bonfire Night) The Policy is due for review in October 2019.

**Appendix 7 & 8: Corporate Asbestos Management Plan and Housing Asbestos Management Plans**

These been drafted to outline the Councils way to manage Asbestos in both Commercial and Housing Stock. The plans set up roles and responsibilities for individuals and groups to set up to ensure that any non-compliance with the management plans are identified at the earliest opportunity. It also ensures a consistent approach to Asbestos management between the two tenures (and departments). The Asbestos Management Plans are due to be reviewed annually.

**Appendix 9: Legionella Management System**

Drafted as part of the Legionella Work Stream. The Management System covers both commercial assets and Housing Properties. The Management System is based on the Approved Code of Practice L8, Legionnaires' disease - The control of legionella bacteria in water systems. This introduces a monitoring system that will be supported with performance data to ensure the system is embedded. The Management System is due for review in October 2019.

**Appendix 10: Lone Working Policy**

Introduced to ensure a uniform approach to Lone Working across the Council. The policy introduces uniform control measures, standardised training and the use of electronic lone working devices. The Policy is due for review in May 2018 due to the contract with Reliance Lone Working devices coming to an end. The re-tender exercise is due over the summer and the policy will be reviewed once the options for lone working technology have been reviewed.

**Appendix 11: Hazardous Substances Policy**

This has been introduced to ensure that the same chemicals are assessed for risk in the same way across the council. There was a cross departmental audit that highlighted some issues with consistency of the control of hazardous substances. The new policy provides a model risk assessment form and a register on the document centre is being formulated to ensure that a catalogue of chemicals used have the correct assessment that other departments can use if they use the same chemical.





## Working at Heights

### 1. Introduction

**This Policy has been produced to provide a framework to assist managers in providing a better understanding of the issues that should be considered when staff are working at height. It cannot and does not intent to cover every eventuality with regard to working at height.**

Falls from heights are one of the main causes of workplace fatalities and major injuries. Injuries include paralysis, spinal and neck injuries and fractures. The most likely causes of falls are the result of the following:

1. Overreaching
2. Climbing with loads
3. Using inappropriate equipment such as vehicles, desk and chairs
4. Not securely fixing access equipment
5. Placing access equipment on unsuitable surfaces
6. Falling objects

### 2. Legal duties

Dacorum Borough Council (DBC) has a duty under the following legislation to identify hazards, assess the risks and put in place the necessary control measures to either avoid or control the risks associated with working at heights:

1. Health and Safety at Work Act 1974 (HSWA 1974)
2. The Management of Health & Safety at Work Regulations 1999 (MHSWR 1999)
3. The Work at Heights Regulations 2005 (WAHR 2005)

### 3. Purpose

To assist in safe systems of work, prevent injuries to staff, members of the public and others that may be affected by DBC's undertakings

### 4. Scope

This Policy applies to all DBC staff including agency, temporary staff, contractors (including sub-contractors), and co-habiting users of the Civic buildings.

## **5. Competency**

All employees required to work at heights should be competent to do so in so far that it can be shown that they have been provided with the following:

1. Information on the work being carried out and the risks involved in Working at heights.
2. Adequate training to enable them to work at heights safely.
3. Instructions on how to use the access and safety equipment correctly.
4. Appropriate supervision in proportion to the task by a competent and trained supervisor.

## **6. Risk Assessment**

Prior to any work being carried out that involves working at height Group Managers are to ensure that they are compliant with Regulation 3 of MHSWR 1999 (Regulation 6 of WAHR 2005) in that a suitable and sufficient risk assessment has been carried out taking into account the following factors:

1. Height to be worked at
2. How long and how often the work occurs
3. The condition of the surface to be worked on

### **Control measures**

When selecting the appropriate method of work to minimise the risk, consideration should be given to the following hierarchy of measures. As each level is qualified by as so far as is reasonably practicable (SFAIRP) mitigation for using a lower level of protection should be justified.

#### **Avoidance:**

1. Can the work be carried out from ground level e.g. using long handle tools.

#### **Prevention:**

Consideration should be given to the following in order to prevent a fall by:

1. Using existing place of work that is already safe be used
2. Using collective protection e.g. guard rails, tower scaffolds, MEWPs etc
3. Personal work restraint

#### **Minimise the distance/consequence of falls by:**

1. Personal arrest equipment
2. Using safety nets, air bags

#### **Provision of equipment**

Choice of equipment should only be made after consideration has been taken of the nature of the work to be carried out and taking into account the principles laid out in Regulation 7 WAHR 2005 concerning selection of work equipment included in those principles are the following,

1. The working conditions
2. Distance to be negotiated
3. Distance and consequence of a fall
4. Duration and frequency of use

5. Evacuation and rescue plan (dependant on service work activities)
6. Additional risks posed by use, installation or removal of the work equipment

The HSE on line tool [WAIT Tool](#) may assist in the decision for a solution.

### **Personal protection equipment (PPE) [INDG 174](#)**

The personal protection equipment at work regulations 1992 requires that PPE be used as a last resort if the risk to safety cannot be controlled by other means. If the risk cannot be controlled then employers must provide PPE. Group managers are to ensure that the correct PPE is provided and:

1. It has been assessed before its intended use to make sure it is fit for the purpose
2. The equipment is stored and maintained properly
3. It is provided with instructions on how it is to be used
4. Users have been trained in its use
5. It is used being correctly used by employees

### **7. Notification of works**

Generally there is no requirement to produce a formal notification of works to the HSE for working at heights as a standalone activity but if the scope of works falls under the Construction Design & Management Regulations 2015 (CDM 2015) then DBC as the duty holder has that responsibility.

Where working at height is likely to impact on others e.g. Employees, tenants, members of the public it is good practice to notify them in advance so that they can make alternative arrangements if needed. In emergency situations (storm damage, burst water tanks etc) this is not always possible.

### **8. Permit to work**

Where contractors are engaged by DBC, the GM who has commissioned the work should ensure that a Permit to Work System is in place.

Permits to work at height should reflect the risks associated with the task being undertaken. It should be clear with no ambiguity as to what systems of work are to be permitted for the task. The method statement and risk assessment should be provided by the contractor prior to work commencing.

In its basic form the following should be included in the Permit to Work:

1. Start & End date /time of permit
2. Description of the work
3. Name of organisation undertaking the work including any sub-contractors
4. Workers e.g. Competency
5. Work area e.g. Stability of surface area etc
6. Access equipment
7. Fall prevention/restraint and arrest systems

8. Weather conditions and including windspeed limits if applicable if working outside
9. Any special instructions e.g. are there any other trades involved etc

Group Managers should ensure that only competent persons issue and sign permits to works on behalf of DBC.

**Corporate Health & Safety Officers will immediately prohibit any unsafe work at height on any DBC premises undertaken by a third party.**

#### **8. Method Statements**

Prior to work at height being undertaken consideration should be given to producing a method statement (in addition to the risk assessment).

A method statement is a useful way of recording the hazards involved in specific work at height tasks and communicating the risk and precautions required to all those involved in the work. The statement need be no longer than necessary to achieve these objectives effectively.

The method statement should be clear and illustrated by simple sketches where necessary. Avoid ambiguities or generalisations, which could lead to confusion. **Statements are for the benefit of those carrying out the work and their immediate supervisors and should not be overcomplicated.** They are particularly useful on the job if the risk assessments cannot be accessed physically during the work.

Equipment needed for safe working should be clearly identified and available before work starts. Workers should know what to do if the work method needs to be changed.

## Appendix I: Use of ladders/stepladders

Although the use of ladders and step ladders is not prohibited under the WAHR 2005 their use should be justified in the risk assessment and should only be considered if the work is of a short duration (30 minutes) INDG 455 and appropriate for the work.

Group managers must ensure the following:

1. A ladder register is maintained and updated
2. Periodical inspections at least annually is carried out by a competent persons
3. The equipment is identified by service department and labelled with:
  - a) Asset number
  - b) Serial/Model number if applicable
  - c) Inspection label – with date of last inspection and date of next formal inspection
4. Ladders/Step ladders are stored securely to prevent unauthorised use
5. Only competent/trained employees in the use of ladders/stepladders are permitted to use them
6. Pre –user checks INDG 455 are carried out by employees with any defects reported to line managers
7. Defective equipment are taken out of use until repaired or replaced.

When considering the use of ladders/stepladders for a task an assessment should be made if the work is suitable for lone working and if lone worker provisions are in place. If they are not then a minimum of two workers should be used.

### References:

Health and Safety at Work Act 1974 (HSWA 1974)

The Management of Health & Safety at Work Regulations 1999 (MHSWR 1999)

[INDG 401 The work at height regulations, a brief guide](#)

[INDG 455 Safe use of ladders and stepladders, a brief guide](#)

[INDG 174 Personal protection equipment regulations , a brief guide](#)

[HSE WAIT Toolkit](#)

## 1. Introduction

This policy deals with how the Dacorum Borough Council (DBC) addresses the risk to employees from the exposure to noise at work as a result of operating machinery, working near machinery or working in loud environments as a significant part of their job.

The Noise Regulations are designed to protect against risks to both health and safety from exposure to noise – the health risk of hearing damage in those exposed, and safety risks such as the noise affecting the ability to hear instructions or warnings.

## 2. Legal Duties – Control of Noise at Work Regulations 2005

The Control of Noise at Work Regulations 2005 require employers to control the health risks to their employees from exposure to noise and to others who may be affected by the work of the Council.

Where a hearing protection zone exist those charge of premises you should make sure that visiting workers, including contractors, know in which areas they should use hearing protection and know how to obtain it.

### Regulation 4 – Exposure limits

Defines the permitted exposure levels for noise -

- 1) *The lower exposure action values are –*
  - (a) a daily or weekly **personal noise exposure of 80 dB** (A-weighted); and
  - (b) a peak sound pressure of 135 dB (C-weighted).
  
- 2) *The upper exposure action values are –*
  - (a) a daily or weekly **personal noise exposure of 85 dB** (A-weighted); and
  - (b) a peak sound pressure of 137 dB (C-weighted).
  
- 3) *The exposure limit values are –*
  - (a) a daily or weekly **personal noise exposure of 87 dB** (A-weighted); and
  - (b) a peak sound pressure of 140 dB (C-weighted).

### Regulation 5 – Risk Assessment

Requires DBC to assess the risk to health and safety from noise in the workplace, employees exposed to noise above the lower action level must have their noise exposure assessed.

### Regulation 6 – Elimination

Regulation 6 requires the elimination, or control of exposure to noise. Elimination is near impossible given the nature of the tasks undertaken by some of DBC's services especially in the vehicle workshop, waste transfer station, waste collection, grounds maintenance and grave digging.

DBC's equipment purchasing policy will consider where practicable equipment with lower noise levels to combat the noise at source. Where possible engineering solutions will be implemented e.g. screening or enclosing a noise source.

Given the tasks undertaken by staff particular in the VRS, CSG, Waste transfer station and Cemeteries then personal hearing protection (in partnership with other noise reduction control measures) may remain the practical solution for protecting staff from occupational noise exposure.

### **Regulation 7 - Hearing Protection**

Where the daily or weekly **personal noise exposure of 80 dB** is likely then DBC will provide hearing protection. The single number rating (SNR) will be identified by the risk assessment.

Where ear protection is provided employees **must** wear the protection.

Where a hearing protection zone has been declared access to this area will be restricted. The hearing protection zone must be identified by signage and hearing protection provided to staff and visitors entering the hearing protection zone.

### **Regulation 9 - Health Surveillance**

If the risk assessment indicates that there is a risk to the health employees who are, or are likely to be, exposed to noise (normally above 80 dBA A(8)) DBC will ensure employees are placed under suitable health surveillance, which shall include testing of their hearing.

### **Regulation 10 - Information, instruction and training**

In service areas where staff are exposed to noise levels shall be provided with information, instruction and training which covers:

- (a) the nature of risks from exposure to noise;*
- (b) the exposure limit values and upper and lower exposure action values set out in regulation 4;*
- (c) the significant findings of the risk assessment, including any measurements taken, with an explanation of those findings;*
- (d) the availability and provision of personal hearing protectors under regulation 7 and their correct use in accordance with regulation 8(2);*
- (e) why and how to detect and report signs of hearing damage;*
- (f) the entitlement to health surveillance under regulation 9 and its purposes;*
- (g) safe working practices to minimise exposure to noise;*

### 3. Purpose

The purpose of this policy is to assist DBC comply with the legislation and protect the health of employees. The control measures within the risk assessment, hearing protection zones, purchasing decisions, task rotation all combine to reduce the level of noise exposure.

### 4. Scope

This policy applies to DBC staff, including agency, temporary workers, work experience, volunteers and those that may be employed via a Government Scheme that are likely to be exposed to noise at work.

### 5. How DBC Controls of the risk of noise exposure

#### Risk assessment

Each service area **must** complete a Noise at Work risk assessment based on the generic noise risk assessment for operating hand held power tools (**Appendix I**). Excessive noise from equipment/machinery can be identified by the operator. Well maintained equipment will be quieter and have lower vibration levels.

The noise risk assessment is in addition to the risk assessments for the use of a particular piece of fixed or mobile machinery.

The noise risk assessment may cross reference:

- training in the use of equipment
- Maintenance and servicing of equipment
- Use of equipment, and any
- Pre-user checks of equipment

These may be controls within other risk assessments such Hand Arm Vibration, Whole Body Vibration or task specific risk assessments e.g. use of brush cutters.

The Group Manager for the service is responsible for ensuring that staff attend any hearing tests and training as part of ongoing compliance with this policy.

Staff **must** attend Noise at Work Awareness Training and any Occupational Health appointments.

Staff **must** be trained and deemed competent in the use of equipment/machinery; this must be recorded as part of their probationary and on-going training records.

Staff **must** complete any records as part of the risk assessment and detail any faults, and bring the faults to the attention of their supervisor/line manager. Failure to comply with this policy and associated procedures and risk assessment should be treated as a conduct issue.

#### Health Surveillance

Health surveillance for noise-induced hearing loss (NIHL) usually means regular hearing checks (audiometric testing) to measure the sensitivity of hearing over a range



of sound frequencies. It should include informing employees about the state of their hearing and the keeping of records.

An initial hearing health screening should be conducted for all staff exposed to noise at or above the lower exposure action value of 80dB. Further screening will be directed upon the advice of the Occupational Health provider or employee's doctor for exposed to noise between the lower and upper action values.

After the initial round of hearing health surveillance, DBC will provide annual health surveillance to employees that are frequently exposed to noise above the upper exposure action values (85dB). From the noise survey conducted this will be mostly be (but not limited to) CSG staff, those in the waste transfer station and VRS.

Where exposure is between the lower and upper exposure action values (e.g Old Town Hall staff, Management of Waste/CSG/VRS), or where employees are only occasionally exposed above the upper exposure action values, health surveillance will only be required if information comes to light that an individual may be particularly sensitive to NIHL or as a result of the initial screening.

### Pre-Employment

Where the job role has identified that there will be exposure to noise (such as CSG, or cemeteries) are **required** to complete an electronic health screening questionnaire prior to starting employment. This process is managed by Human Resources. This to ensure that they are suitable for the role, that role does not exacerbate an existing condition and whether any reasonable adjustments need/or can be made.

### Purchase and Replacement of machinery

No equipment should be purchased unless information relating to noise exposure to the operator is provided. Only equipment that is CE marked will be purchased.

## **Appendix I**

Generic Noise risk assessment for use of hand held power tools

## **Appendix II: Additional Sources of information**

Noise doesn't lose your hearing!

<http://www.hse.gov.uk/pubns/indg363.pdf>

Noise at work: A brief guide to controlling the risks

<http://www.hse.gov.uk/pubns/indg362.pdf>

Corporate Health & Safety Contacts

[Corporate.HealthAndSafety@dacorum.gov.uk](mailto:Corporate.HealthAndSafety@dacorum.gov.uk)

Regulatory Services

01442 228 455 ext 2455

## 1. Introduction

This policy deals with how the Dacorum Borough Council (DBC) addresses the risk to employees from the exposure of whole body vibration at work as a result of using mobile machinery\* or other vehicles over poor surfaces as a main part of their job.

Vehicles such as vans, lorries and buses, which are normally driven on well-maintained public roads, may also expose their drivers to some WBV, but the levels are likely to be relatively low and therefore the likelihood of related health risks is low.

*\*Mobile machinery is the term used by the HSE in L141*

## 2. Legal Duties – Control of Vibration at Work Regulations 2005

The Control of Vibration at Work Regulations 2005 (the Vibration Regulations) require employers to control the health risks to their employees from exposure to WBV.

*“whole-body vibration” means mechanical vibration which is transmitted into the body, when seated or standing, through the supporting surface, during a work activity or as described in regulation 5(3)(f);*

Regulation 4 of the Vibration Regulations defines the permitted exposure levels for whole body vibration -

- a) the daily exposure limit value is 1.15 m/s<sup>2</sup> A(8);
- b) the daily exposure action value is 0.5 m/s<sup>2</sup> A(8),

Regulation 5 of the Vibration Regulations requires DBC to assess the risk from vibration.

Regulation 6 requires the elimination, or control of exposure to vibration. Elimination is near impossible given the nature of the tasks undertaken by some of DBC's services especially grounds maintenance and grave digging.

*“There are few examples of other methods of work that eliminate or reduce exposure to WBV. It is possible in some cases to minimise the transport of goods or materials or to replace manned with unmanned machines such as remotely controlled conveyors”.L141 Guidance on Regulations para 61.* For example the ‘spider’ currently used by CSG.

Equipment purchased by DBC will consider where practicable mobile machinery with low whole body vibration values. As technology advances it may be that remote control grass cutters/diggers will be introduced to eliminate vibration to the operative.

Regulation 8 requires that employees are provided with information, instruction and training in relation to:

- the sources of vibration,
- the control measures the Council has implemented to eliminate or control vibration,
- the exposure values and exposure limits,

- Significant findings of the risk assessment.

All employees who are exposed to the risk of whole body vibration **must** attend the WBV Awareness Training course.

### 3. Purpose

The purpose of this policy is to assist DBC comply with the legislation and protect the health of employees. The control measures within the risk assessment, should include purchasing decisions, training and task rotation. All combine to reduce the level of whole body vibration exposure.

### 4. Scope

This policy applies to DBC staff, including agency, temporary workers, work experience, volunteers and those that may be employed via a Government Scheme that are likely to be exposed to whole body vibration.

### 5. How DBC Controls of the risk of Vibration

#### Risk assessment

Each service area **must** complete a Whole Body Vibration risk assessment based on the risk assessment accepted by the Health & Safety Executive (HSE) for Clean Safe and Green in March 2016 for hand arm vibration. (**Appendix I**)

This is in addition to the risk assessments for the use of a particular piece of mobile machinery.

#### Training and Qualifications

This risk assessment requires all mobile machinery (diggers, dumpers, ride-on mowers, tractors and the like) to be maintained and inspected in accordance with the manufacturers' guidelines. Only staff that have received specific training or hold specific licences for the mobile machinery must operate the machinery.

The Group Manager for the service is responsible for ensuring that staff obtain and retain the appropriate qualifications (training and/or licence) for operating mobile machinery such as dumpers, diggers, ride-on mowers, tractors and the like.

Staff **must** attend Whole Body Vibration Awareness Training.

Staff **must** be trained and deemed competent in the use of moveable machinery; this must be recorded as part of their probationary and on-going training records.

Staff **must** complete the Operators Daily Machine Checklist and detail any faults, and bring the faults to the attention of their supervisor/line manager.

Task rotation is an essential part in controlling the exposure of whole body vibration. Where mobile machinery has been assigned a time limit per day then

this must be obeyed. If work is to continue then a second operator must be used if the daily time period of use is to be exceeded. Employees that use moveable machinery **must** participate in task rotation when the action values have been exceeded.

Documentation to prove compliance with the policy and risk assessment must be held and available for audit by the service at all times.

### Health Surveillance

Unlike Hand Arm Vibration (HAV) health surveillance for WBV is not appropriate since it fails to meet the criteria listed in regulation 7(2). It is not considered that any methods exist for the detection of changes in peoples' backs which can reliably indicate the early onset of changes (which may cause low back pain) that are specifically related to workplace factors.

Valuable information can, however, be obtained from less precise measures than those provided for by a formal health surveillance approach, such as reporting and monitoring of symptoms. This is generally known as 'health monitoring'. It is good practice to put in place this type of system to allow individuals to make early reports of low back pain in order to assess the need for action on WBV, manual handling or posture. However, it is not a legal requirement under these regulations

Staff should be directed to sources of information on whole body vibration (**see Appendix II**)

### Pre-Employment

Prospective employees likely to be exposed to WBV (those that operate mobile machinery) are **required** to complete an electronic health screening questionnaire prior to starting employment. This process is managed by Human Resources. This to ensure that they are suitable for the role, that role does not exacerbate an existing condition and whether any reasonable adjustments need/or can be made.

### Purchase and Replacement of machinery

No equipment should be purchased unless information relating to whole body vibration is provided. Only equipment that is CE marked will be purchased.

## Appendix I

The Hand Arm Vibration risk assessment accepted by the HSE for Clean Safe and Green in March 2016.

<http://dennis/Docs/Documents/Forms/AllItems.aspx?RootFolder=%2FDocs%2FDocuments%2FCorporate%20Health%20and%20Safety%2FHand%20Arm%20Vibration&InitialTabId=Ribbon%2EDocument&VisibilityContext=WSSTabPersistence>

## Appendix II : Additional Sources of information

**Drive away bad backs:** Advice for mobile machine operators and drivers

<http://www.hse.gov.uk/pubns/indg404.pdf>

Control back-pain risks from whole-body vibration: Advice for employers on the Control of Vibration at Work Regulations 2005

<http://www.hse.gov.uk/pubns/indg242.pdf>

Corporate Health & Safety Contacts

[Corporate.HealthAndSafety@dacorum.gov.uk](mailto:Corporate.HealthAndSafety@dacorum.gov.uk)

Regulatory Services

01442 228 455 ext 2455

## 1. Introduction

This policy deals with how the Council addresses the risk from electricity for the safety of its tenants, employees and visitors to Dacorum Borough Council (DBC) buildings where DBC is the dutyholder.

Where DBC is the freeholder it should be made clear in the lease/licence who is the dutyholder and who is responsible for the maintenance of the electrical system within the building. There should be a clear record of who is the dutyholder and confirmation given to the lease/licence holder that they are the dutyholder.

Housing tenants must be informed that they not permitted to undertake work on the electrical installation within their property. The tenants must report defects to their housing officer.

Where there is doubt DBC will be assumed to be the dutyholder. DBC may be a dutyholder of buildings that contains no DBC employees.

**Appendix I:** details the DBC Estate, listing the address, dutyholder, the Group Manager for the Service Area responsible and location of records. This will be completed as part of the dutyholders health & safety workstream.

It is not within the scope of this policy to determine the frequency of the Electrical Installation Condition Survey or the frequency that premises are to be re-wired. The DBC estate is varied and the condition of each property within the estate will differ. Remedial works including rewiring will be determined by the latest Electrical Installation Condition Survey or any specific improvement works programme.

## 2. Legal Duties – Electricity at Work Regulations 1989

Besides the specific legal duties detailed in the Electricity at Work Regulations 1989, further general duties are contained within the Health & Safety at Work Etc. Act 1974 particularly s2, 3, 4 and the Management of Health & Safety at Work Regulations 1999 as amended.

Specific duties and guidance on complying with the Electricity at Work Regulations 1989 are detailed in **Appendix II**.

**No DBC staff member is to undertake work on an electrical system or tamper/bypass or remove any safety device unless they as employed as a competent person as defined by Regulation 16 of The Electricity at Work Regulations 1989. Disregarding this aspect of the policy will be considered as gross misconduct due to the risk to themselves and others.**

**Contractors (including subcontractors) working on electrical system must present their qualifications and up to date membership of the professional body for DBC to confirm their credentials prior to permits to work being issued. It is not sufficient for a main contractor to vouch for a subcontractor.**

Prior to any work being undertaken on electrical systems, risk assessments, method statements and permit to works must be completed. These must be task and site specific. Phraseology such as “*appropriate PPE*”, “*suitable precautions*” will not be deemed suitable or sufficient.

Unless DBC checks the competency of contractors/subcontractors it will be difficult for DBC to rely on a due defence as defined by Regulation 29 of The Electricity at Work Regulations 1989.

### **Absolute/reasonably practicable duties.**

Duties in some of the Regulations are subject to the qualifying term ‘*reasonably practicable*’. Where qualifying terms are absent the requirement in the regulations are said to be absolute. If the requirement in a regulation is ‘absolute’ **the requirement must be met regardless of cost or any other consideration.**

### **3. Purpose**

The purpose of this policy is to assist DBC comply with the legislation and protect the safety of employees, co-tenants and visitors to DBC buildings where DBC is the duty holder.

The major risks arising from electricity is electrocution, burns and fire as a result of overheating electrical appliances and circuits.

### **4. Scope**

This policy applies to DBC staff, including agency, temporary workers, work experience, volunteers and those that may be employed via a Government Scheme that are likely to be exposed to risks from electricity. Contractors/subcontractors working on DBC premises must also follow this policy.

The risk of injury for most visitors to buildings where DBC is the dutyholder is extremely remote.

### **5. How DBC Controls of the risks from Electricity**

All premises that DBC is a dutyholder will have an Electrical Installation Condition Survey undertaken by a competent person on the handover of the building after construction, after major refurbishment or re-wire, and then periodically thereafter as recommended by the competent person.

#### **5.1 Electrical Installation Condition Survey**

Electrical Installation Condition Survey must be documented and detail the extent of the survey detailing any parts of the system not included together with an explanation why they were excluded. The survey report should identify any defects and **state whether the system is satisfactory or unsatisfactory.**

Defects will be identified as:



**Code 1 (C1) 'Danger present'. Risk of injury. Immediate remedial action required.**

**Code 2 (C2) 'Potentially dangerous'. Urgent remedial action required**

**Code 3 (C3) 'Improvement recommended'.**

**FI Further Investigation required without delay**

For DBC to achieve compliance C1, C2 and FI faults on Electrical Condition Survey must be addressed. The timescales and remedial work needed will be guided by competent person.

In addition to the Electrical Installation Condition Survey employees have a duty to undertake pre-user checks of any electrical equipment they use. The extent of the pre-user check will be determined by the risk assessments for that service area. In some service areas such as adventure playgrounds, and cemeteries this may be a formal daily check.

**Any defects must be notified to the line manager. Any exposure of conductors\* will result in the equipment being taken out of service.**

## **5.2 Specific requirements of the legislation**

### **5.2.1 Regulation 4 – Requires systems to be maintained.**

This will generally be via Electrical Installation Condition Survey, pre-user checks, and prohibiting the use of defective electrical systems.

### **5.2.2 Regulation 6 – Controls in adverse conditions**

This section will apply to electrical equipment used externally e.g. external sockets, security lights, CCTV cameras, external electrically powered equipment, or in equipment used hostile environments such as the vehicle workshops, CSG hanger, cemetery workshop etc.

Depending on the use and location of the equipment/electrical outlet they should have the correct ingress protection (IP) rating (See **Appendix III**).

No cable or extension lead is to be placed over or across a traffic route.

### **5.2.3 Regulation 7 – Insulation, protection and placing of conductors**

This requires conductors to be insulated or other controls to prevent contact with conductors.

### **5.2.4 Regulation 8 - Earthing or other suitable precautions**

Earthing or other suitable means is required to prevent danger arising when any conductor (other than a circuit conductor) which may become charged due to use or a fault in the system.

### **5.2.5 Regulation 11 Means for protecting from excess of current**

The means of protection is likely to be in the form of fuses or circuit breakers or it may be provided by some other means capable of interrupting the current or reducing it to a safe value. All such devices must be working correctly.

### 5.2.6 Regulation 12 - Cutting off the supply and isolation

Isolation is having suitable means of ensuring that the supply will remain switched off and inadvertent reconnection prevented.

To assist in identifying the correct circuits to be isolated each consumer unit/fuse box must be labelled to identify the circuits.

This will require the use of lock off devices where the key is held by the person undertaking the work on that circuit. On older systems this may require the removal of the trip device, or fuse to ensure that the circuit cannot be made live. Control over isolation is to be detailed within the risk assessments and method statements of contractors/subcontractors.

### 5.2.7 Regulation 13 - Precautions for work on equipment made dead

This requires that adequate precautions shall be taken to prevent electrical equipment, which has been made dead in order to prevent danger while work is carried out on or near that equipment, from becoming electrically charged during any work on the equipment/system.

### 5.2.8 Regulation 14 Work on or near live conductors

The default position of DBC is that work must **not** occur on live conductors unless:

- 1) *it is unreasonable in **all** the circumstances for it to be dead; and*
- 2) *it is reasonable in all the circumstances for him to be at work on or near it while it is live; and*
- 3) *suitable precautions (including where necessary the provision of suitable protective equipment) are taken to prevent **injury***

**Work on or near live conductors must be justified in the risk assessments.**

### 5.3.9 Work near underground cables

Underground power cables present a risk of serious or fatal injury during excavation or similar work, particularly to people using hand tools (eg picks, concrete breakers etc).

Precautions **MUST** include:

- (a) mapping, recording and marking on site of cable runs;
- (b) use of cable-locating devices;
- (c) safe digging practices.

Well-established advice on working near underground cables is given in *Avoiding danger from underground services* <http://www.hse.gov.uk/pubns/priced/hsg47.pdf>

**No digging of the ground must commence prior to above controls being taken. Such measures must also be contained within the risk assessment and method statement.**

Should DBC staff authorise such works without ensuring that above controls measures have been implemented then this will be treated as gross misconduct.

### **5.30 Work near overhead power lines**

When working at height using MEWPs, cherry pickers, towers, etc the risk assessment must consider overhead cables.

Well-established advice on work near overhead power lines is given in HSE guidance notes "*Avoiding danger from overhead power lines*" and "*Working safely near overhead electricity power lines*". This advice should be incorporated in the risk assessments and method statements.

### **5.31 Portable Appliances**

These are dealt with in a separate policy.

## 6. General Duties of Employees

### All staff must:

- Report defective electrical circuits and defective electrical equipment to their line manager, initially verbally and then via email.
- Only use electrical equipment they are authorised to use (there is tacit consent to use office equipment). Unless authorised and trained to do so staff should not generally be using power tools.
- Only use electrical equipment (other than office equipment) that they are competent to use either trained by DBC, or a previous employer (which be demonstrated by an up to date certificate)
- Not to use their own personal electrical equipment.

### Line Managers

Act on reports of defective electrical equipment from staff. If in doubt as to the safety of electrical equipment it must be quarantined by taping the lead and plug to the appliance to prevent use.

### Group Managers

Ensure defects identified by the Electrical Installation Condition Survey are acted upon, this may require the commissioning of remedial works.

*\* Regulation 2 defines a conductor as 'a conductor of electrical energy'. This means any material which is capable of conducting electricity (electricity is synonymous with electrical energy) and therefore includes both metals and all other conducting materials. The definition is not limited to conductors intended to carry current and so includes, for example, metal structures, salt water, ionised gases and conducting particles.*

## Supplement to the Electricity at Work Policy

### Appendix I: DBC Estate

<b>Address</b>	<b>Dutyholder</b>	<b>Group Manager of Service Responsible</b>	<b>Contractor engaged to undertake works</b>	<b>Location of Records</b>
The Forum Marlowes, Hemel HP1 1DN	Dacorum Borough Council			

This appendix to be completed as part of the health & safety workstream on dutyholders

## Appendix II – Requirements of specific regulations

### Electrical Installation Condition Survey Defects Codes

**Code 1 (C1)** observation means 'Danger present. Risk of injury. Immediate remedial action required.' It is an immediate threat and should be rectified or made safe as soon as possible. An example of a C1 defect would be accessible live conductors due to damage, poorly modified enclosures or removed maintenance panels. Incorrect polarity would also attract a code C1 as it may allow conductive parts, not normally expected to be live, to become live.

The presence of a code C1 warrants immediate action to be taken which would be to inform the duty holder or responsible person for the installation immediately, both verbally and in writing, of the risk of injury that exists.

A **Code 2 (C2)** is a potentially dangerous defect, these might be things that don't pose an immediate threat but are likely to become a danger in the future. A C2 is described as 'Potentially dangerous - urgent remedial action required.'

The phrase "potentially dangerous", in the C2 code is designed to point towards a risk of injury from contact with live parts after a sequence of events. A sequence of events could mean that an individual may gain access to live parts through a day to day task that would not be expected to give access to live parts.

**Code 3 (C3)** is described as 'Improvement recommended.' This means it does not comply with the regulations but isn't actually dangerous. A code C3 should imply that the installation is not necessarily dangerous but it may not comply with the current version of the regulations or for example, may have damaged fittings that do not have exposed live parts. A code C3, in itself, should not warrant an overall unsatisfactory report.

An observation code **FI** is described as 'Further investigation required without delay.' This means that the electrical contractor has observed something whilst carrying out the testing for instance emergency lights seem very dim. This might not have been covered in the report so they have noted it separately as code FI.

## Key Regulations

### Regulation 4

- 1) All **systems** shall at all times be of such construction as to prevent, so far as is reasonably practicable, **danger**.
- 2) As may be necessary to prevent **danger**, **all systems** shall be maintained so as to prevent, so far as is reasonably practicable, such **danger**.
- 3) Every work activity, including operation, use and maintenance of a **system** and work near a **system**, shall be carried out in such a manner as not to give rise, so far as is reasonably practicable, to **danger**.
- 4) Any equipment provided under these Regulations for the purpose of protecting persons at work on or near **electrical equipment** shall be suitable for the use for which it is provided, be maintained in a condition suitable for that use, and be properly used.

The safety of a system depends upon the proper selection of all the electrical equipment in the system and the proper consideration of the inter-relationship between the individual items of equipment. For example, electrical protection against overloads and earth faults etc may need to be provided in one part of a system to protect another, possibly remote, part of the system.

Inspection and, where necessary, testing of equipment is an essential part of any preventive maintenance programme. Records can aid demonstration of compliance and allow useful analysis of equipment condition. Maintenance records (including test results), preferably kept throughout the working life of an electrical system, will allow the condition of the equipment and the effectiveness of maintenance policies to be monitored. Without effective monitoring, dutyholders cannot be certain that the requirement for maintenance has been complied with.

Regulation 4(3) requires that work activities of any sort, whether directly or indirectly associated with an electrical system, must be carried out in a way which, as far as is reasonably practicable, does not give rise to danger.

### Regulation 6 – Adverse environments

This regulation requires that where *Electrical equipment which may reasonably foreseeably be exposed to –*

- a) *mechanical damage;*
- b) *the effects of the weather, natural hazards, temperature or pressure;*
- c) *the effects of wet, dirty, dusty or corrosive conditions; or*
- d) *any flammable or explosive substance, including dusts, vapours or gases, shall be of such construction or as necessary protected as to prevent, so far as is reasonably practicable, **danger** arising from such exposure.*

The regulation draws attention to the kinds of adverse conditions where danger could arise if equipment is not constructed and protected to withstand such exposure.

Electrical equipment must be suitable for the environment and conditions of use to which it may reasonably foreseeably be exposed so that danger which may arise from such exposure will be prevented so far as is reasonably practicable.

### **Regulation 7 – Insulation, protection and placing of conductors**

*All conductors in a system which may give rise to danger shall either –*

*a) be suitably covered with insulating material and as necessary protected so as to prevent, so far as is reasonably practicable, **danger**; or*

*b) have such precautions taken in respect of them (including, where appropriate, their being suitably placed) as will prevent, so far as is reasonably practicable, **danger**.*

Regulation 7(a) states that conductors must be insulated. Suitable insulation of the conductors in an electrical system is, in the majority of cases, the primary and necessary safeguard to prevent danger from electric shock, either between live conductors or between a live conductor and earth.

Regulation 7(b) permits the alternative of having such precautions taken in respect of the conductors. These precautions may include the suitable placing of conductors. They may comprise of strictly controlled working practices reinforced by measures such as written instructions, training and warning notices etc. The precautions must prevent danger so far as is reasonably practicable.

### **Regulation 8 Earthing or other suitable precautions**

*Precautions shall be taken, either by earthing or by other suitable means, to prevent danger arising when any conductor (other than a circuit conductor) which may reasonably foreseeably become charged as a result of either the use of a system, or a fault in a system, becomes so charged; and, for the purposes of ensuring compliance with this regulation, a conductor shall be regarded as earthed when it is connected to the general mass of earth by conductors of sufficient strength and current-carrying capability to discharge electrical energy to earth.*

This regulation applies to any conductor (other than circuit conductors), including the conductive parts of equipment, such as outer metallic casings, which can be touched and, though not live, may become live under fault conditions.

Techniques employed for achieving the above include:

- (a) double insulation;
- (b) earthing;
- (c) connection to a common voltage reference point on the system;
- (d) equipotential bonding;
- (e) use of safe voltages;
- (f) earth-free, non-conducting environments;
- (g) current/energy limitation;
- (h) separated or isolated systems.



The principle of '**double insulation**' is that the live conductors of the electrical equipment are covered by two discrete layers or components of insulation, each of which would adequately insulate the conductor but which together ensure an improbability of danger arising from insulation failure. This arrangement avoids the need for any external metalwork of the equipment to be connected to a protective conductor or to earth.

**For portable equipment and equipment used externally the preference is to have double insulated equipment.**

The use of a residual current device (RCD) designed to operate rapidly at small leakage currents (typically not exceeding 30 mA), although these devices do not eliminate the risk of electric shock. RCDs **should not be considered as the sole means** of protection but as an additional protective measure. They should be operated regularly using the test trip button. This test trip procedure is important in maintaining the effectiveness of most types of RCD. If single insulated equipment is used externally then it **must** be used in conjunction with a RCD and pre-user checks.

### **Regulation 10 Connections**

The regulation requires that all connections in circuit and protective conductors, including connections to terminals, plugs and sockets, and any other means of joining or connecting conductors, should be suitable for the purposes for which they are used. This requirement applies equally to temporary and permanent connections. The insulation and conductance of the connections must be suitable, having regard to the conditions of use including likely fault conditions.

Plug and socket connections and their use must be arranged so that accidental contact with live conductors at dangerous voltages is prevented. This should be achieved by selection of appropriate equipment but may involve some degree of operator skill and/or training, depending on the circumstances.

### **Regulation 11 Means for protecting from excess of current**

Efficient means, suitably located, shall be provided for protecting from excess of current every part of a **system** as may be necessary to prevent **danger**.

It is recognised that faults and overloads may occur on electrical systems. The regulation requires that systems and parts of systems be protected against the effects of short circuits and overloads if these would result in currents which would otherwise result in danger.

The means of protection is likely to be in the form of fuses or circuit breakers controlled by relays etc, or it may be provided by some other means capable of interrupting the current or reducing it to a safe value.

### **Regulation 12 Means for cutting off the supply and for isolation**

Regulations 12(1) requires:

*where necessary to prevent **danger**, suitable means (including, where appropriate, methods of identifying circuits) shall be available for –*

- a) cutting off the supply of electrical energy to any **electrical equipment**; and*
- b) the isolation of any **electrical equipment**.*

*“isolation” means the disconnection and separation of the **electrical equipment** from every source of electrical energy in such a way that this disconnection and separation is secure.*

12(1)(b) requires that there will be available suitable means of ensuring that the supply will remain switched off and inadvertent reconnection prevented. This is isolation. This will require the use of lock off devices where the key is held by the person undertaking the work on that circuit. On older systems this may require the removal of the trip device, or fuse to ensure that the circuit cannot be made live. The isolator switches/trip device/fuse remains in the possession of the person undertaking the work on the circuit at all times. The circuit should be tested to confirm it is not live prior to undertaking any work on the circuit.

### **Regulation 13 Precautions for work on equipment made dead**

*Adequate precautions shall be taken to prevent **electrical equipment**, which has been made dead in order to prevent **danger** while work is carried out on or near that equipment, from becoming electrically charged during that work if **danger** may thereby arise.*

The regulation may apply during any work, be it electrical or non-electrical. The regulation requires adequate precautions to be taken to prevent the electrical equipment that has been made dead from becoming electrically charged, from whatever source, if this charging would give rise to danger.

The precautions must be effective in preventing the electrical equipment from becoming charged in any way which would give rise to danger.

In the first place, the procedures for making the equipment dead will probably involve use of the means required by regulation 12(1)(a) for cutting off the supply of electrical energy. Isolation of the electrical equipment will be necessary and the means required by regulation 12(1)(b) will facilitate this. Ideally, a means of locking off an isolator can be used. Where such facilities are not available, the removal of fuses or links and their being held in safe keeping can provide a secure arrangement if proper control procedures are used.

### **Regulation 14 Work on or near live conductors**

*No person shall be engaged in any work activity on or so near any live **conductor** (other than one suitably covered with insulating material so as to prevent **danger**) that **danger** may arise unless –*

- a) it is unreasonable in **all** the circumstances for it to be dead; and*

- b) it is reasonable in all the circumstances for him to be at work on or near it while it is live; and*
- c) suitable precautions (including where necessary the provision of suitable protective equipment) are taken to prevent **injury**.*

Testing to establish whether electrical conductors are live or dead **MUST** always be done on the assumption that they may be live and, therefore, it should be assumed that this regulation is applicable until such time as the conductors have been proved dead.

Although live testing may be justifiable it does not follow that there will necessarily be justification for subsequent repair work to be carried out live. The risk assessment must provide a detailed reasoning why working live is being undertaken.

If danger may otherwise arise it is always preferable that work on or near electrical equipment should be carried out when that equipment is dead.

The design of electrical equipment and of the installation should eliminate the need for live work which puts people at risk of injury. This can often be done by careful thought at the design stage of installations. Where situations arise and identifies such systems remedial work should be carried out so that in the future the circuit/conductor (or part therefore) can be isolated.

Live work includes live testing, for example the use of a potential indicator on mains power and control logic circuits.

The factors which should be considered in deciding whether it was justifiable for work to proceed with the conductors live should include the following:

- a) It is not practicable to carry out the work with the conductors dead, eg where for the purposes of testing it is necessary for the conductors to be live.
- b) To make the conductors dead will create other hazards, such as to other users of the system, or for continuously operating process plants etc.
- c) The need to comply with other statutory requirements.
- d) The level of risk involved in working live and the effectiveness of the precautions available set against the economic need to perform that work.

The above must be justified in the risk assessment and must be notified to the person issuing the permit to work prior to commencing works.

### **The need to be near uninsulated live conductors**

The precautions necessary to comply with regulation 14(c) should be commensurate with the risk. The system of work must:

- a) allow only people who are competent to do so to work on or near exposed, live conductors; *and*
- b) indicate within what limits the work is to be attempted; *and*
- c) indicate what levels of competence apply to each category of such work; *and*
- d) incorporate procedures under which the person attempting the work will report back if the limits specified in the system are likely to be exceeded.

This must be detailed in the risk assessment and method statement. In addition to consider placing notices or placards giving details of emergency resuscitation procedures in the event of electric shock at those locations where people may be at greater risk of electric shock.

### **Regulation 16 Persons to be competent to prevent danger and injury**

*No person shall be engaged in any work activity where technical knowledge or experience is necessary to prevent **danger** or, where appropriate, **injury**, unless he possesses such knowledge or experience, or is under such degree of supervision as may be appropriate having regard to the nature of the work.*

### **Regulation 29 states:**

*“it shall be a defence for any person to prove that he took **all** reasonable steps **and** exercised **all due diligence** to avoid the commission of that offence”.*

Regulation 29 applies only in criminal proceedings. It provides a defence for a dutyholder who can establish that they took all reasonable steps and exercised all due diligence to avoid committing an offence under regulations 4(4), 5, 8, 9, 10, 11, 12, 13, 14, 15 or 16.

It is for this reason that DBC must be satisfied that contractors/subcontractors working on electrical systems on DBC controlled premises are competent and undertake their working practices having regard to the Electricity at Work Regulations 1989.

## **Appendix III – Ingress Protection Rating**

### **IP Ratings - what they mean.**

#### First Digit (intrusion protection)

1. No special protection
2. Protection from a large part of the body such as a hand (but no protection from deliberate access); from solid objects greater than 50mm in diameter.
3. Protection against fingers or other object not greater than 80mm in length and 12mm in diameter.
4. Protection from entry by tools, wires etc, with a diameter of 2.5 mm or more.
5. Protection against solid bodies larger than 1mm (eg fine tools/small etc).
6. Protected against dust that may harm equipment.
7. Totally dust tight.

#### Second Digit (moisture protection)

1. No protection.
2. Protection against condensation
3. Protection against water droplets deflected up to 15° from vertical
4. Protected against spray up to 60° from vertical.
5. Protected against water spray from all directions.
6. Protection against low pressure water jets (all directions)
7. Protection against strong water jets and waves.
8. Protected against temporary immersion.
9. Protected against prolonged effects of immersion under pressure.

## **Appendix IV - Useful definitions and further reading**

'Electrical equipment' as defined in the Regulations includes every type of electrical equipment from, for example, a high-voltage transmission overhead line to a battery-powered hand lamp. There are no voltage limits in the Regulations; the criteria are whether danger (as defined) may arise.

Regulation 2 defines a conductor as 'a conductor of electrical energy'. This means any material which is capable of conducting electricity (electricity is synonymous with electrical energy) and therefore includes both metals and all other conducting materials. The definition is not limited to conductors intended to carry current and so includes, for example, metal structures, salt water, ionised gases and conducting particles.

The Regulations use the two defined terms, 'danger' and 'injury'. 'Danger' is defined as 'risk of *injury*'. 'Injury' is defined in terms of certain classes of potential harm to people. Where the term 'prevent danger' is used it should therefore be read as 'prevent the risk of *injury*'.

### **Injury**

The purpose of the Regulations is to prevent death or personal injury to any person from electrical causes in connection with work activities.

'Injury' means death or injury to any person from:

- a) electric shock;
- b) electric burn;
- c) fires of electrical origin;
- d) electric arcing;
- e) explosions initiated or caused by electricity.

### **Electric shock**

The human body responds in several ways to electrical current flowing through it. The sensation of shock is only one such effect and this can be extremely painful. When a shock is received, the electric current may take multiple paths through the body and its intensity at any one point is difficult or impossible to predict. The passage of electric current may cause muscular contractions, respiratory failure, fibrillation

### **Dead (as used in regulations 13 and 14)**

The term 'dead' is not defined in the Regulations so it takes its ordinary meaning. Thus, in the context of the Regulations, for a conductor to be 'dead' means that it is neither 'live' nor 'charged'.

## Sources of useful guidance

1. *Electricity at work: Safe working practices* HSG85 (Third edition) HSE Books 2013 [www.hse.gov.uk/pubns/books/hsg85.htm](http://www.hse.gov.uk/pubns/books/hsg85.htm)
2. *Dangerous substances and explosive atmospheres: Dangerous Substances and Explosive Atmospheres Regulations 2002. Approved Code of Practice and guidance* L138 (Second edition) HSE Books 2013 [www.hse.gov.uk/pubns/books/l138.htm](http://www.hse.gov.uk/pubns/books/l138.htm)
3. *Maintaining portable electric equipment in low-risk environments* Leaflet INDG236(rev3) HSE Books 2013 [www.hse.gov.uk/pubns/indg236.htm](http://www.hse.gov.uk/pubns/indg236.htm)
4. *Avoiding danger from underground services* HSG47 (Third edition) HSE Books 2013 [www.hse.gov.uk/pubns/books/hsg47.htm](http://www.hse.gov.uk/pubns/books/hsg47.htm)
5. *Avoiding danger from overhead power lines* General Guidance Note GS6 (Fourth edition) HSE 2013 [www.hse.gov.uk/pubns/g6.htm](http://www.hse.gov.uk/pubns/g6.htm)
6. *Working safely near overhead electricity power lines* AIS8(rev3) HSE Books 2012 [www.hse.gov.uk/pubns/ais8.htm](http://www.hse.gov.uk/pubns/ais8.htm)



## Portable Electrical Appliances Policy

### 1. Introduction

This policy supplements the main Electricity at Work Policy

This policy deals with how the Council addresses the risk from using portable electrical equipment for the safety of employees and visitors to Dacorum Borough Council (DBC) buildings where DBC is the dutyholder.

Tenants within DBC buildings (e.g. Register Office, Library in the Forum) the tenant will be responsible for the purchase, inspection and maintenance of their own portable electrical appliances.

### 2. Legal Duties

The general duties covering the use and maintenance of work equipment in addition to the Electricity at Work Regulations 1989 are contained in:

- Section 2 and 3 of the Health and Safety at Work etc Act 1974,
- The Management of Health and Safety at Work Regulations 1999,
- The Provision and Use of Work Equipment Regulations 1998,

**No DBC staff member is to undertake work (e.g. modification/repair) on portable electrical equipment unless they are employed as a competent person as defined by the Electricity at Work Regulations 1989. Disregarding this aspect of the policy will be considered as gross misconduct due to the risk to themselves and others.**

Contractors (including subcontractors) working with portable electrical equipment **must** prior to any work being undertaken provide risk assessments, and method statements including **justification** why 230 volt appliances are being used. Permit to works must be completed prior to commencing work. These must be task and site specific. Phraseology such as “*appropriate PPE*”, “*suitable precautions*” will not be deemed suitable nor sufficient. It is not sufficient for a main contractor to vouch for a subcontractor.

### 3. Purpose

The purpose of this policy is to assist DBC comply with the legislation and protect the safety of employees, and visitors to DBC buildings where DBC is the duty holder.



#### 4. Scope

This policy applies to DBC staff, including agency, temporary workers, work experience, volunteers and those that may be employed via a Government Scheme that are likely to be exposed to risks from electricity whilst using portable electrical appliances.

#### 5. How DBC Controls of the risks from Portable Electrical Appliances

Portable electrical equipment could cause an electric shock or burn, or fire due to damage, wear or misuse. e.g. electric drills, extension leads, office equipment, portable grinders, pressure water cleaners, floor cleaners, electric kettles and similar equipment used in all environments.

The maintenance plan described in this policy is based on a straightforward, inexpensive system of user checks, formal visual inspection and testing. User checks and formal visual inspections can be carried out by a competent employee.

In this context 'competent' means having suitable training, skills and knowledge for the task to prevent injury to themselves or others.

Portable electrical equipment should only be used in accordance with the manufacturer's instructions, for its intended purpose, and in the environment it was designed and constructed for. If used in external environments it should have the appropriate IP rating (Ingress Protection – See Table 2).


There is no legal definition of portable equipment. However, for this policy it means equipment that is intended to be connected to a generator or a fixed installation by means of a flexible cable and either a plug and socket or a spur box, or similar means. This includes equipment that is either hand-held or hand-operated while connected to the supply, intended to be moved while connected to the supply, or likely to be moved while connected to the supply.

Extension leads, plugs and sockets, and cord sets that supply portable equipment are classified as portable equipment because they operate in the same environment and are subject to the same use as the equipment they serve.

##### **Earthed equipment (Class I)**

This equipment relies on the metallic (exposed conducting) parts of the equipment being effectively earthed. If this earth connection is lost there is a possibility of the exterior of the equipment becoming live, with a potentially fatal result. Anyone touching live metal will be in contact with electricity.

##### **Double insulated equipment (Class II)**

This equipment (which includes double insulated equipment marked  ) is constructed with high-integrity insulation and does not have nor need an earth

connection to maintain safety. If you cannot see this symbol, you should assume that the electrical equipment is a Class I appliance.

Double insulated appliances should be purchased in preference to Class I appliances. This should be detailed within the risk assessment.

The Regulations do not specify what needs to be done, by whom or how frequently (for example, they do not make it a legal requirement to test all portable electrical appliances every year). This allows the dutyholder to select precautions appropriate to the risk rather than having precautions imposed that may not be relevant to a particular work activity.

**Note:** that even if a contractor is used to carry out maintenance procedures, the dutyholder still has overall responsibility for complying with the law.

### **Maintenance plan**

Each DBC site is different, as is the working environment. The vehicle workshop or the CSG hangar is very different to the Forum. Therefore each site must devise their own inspection frequency for its portable equipment based on the nature and the environment that the portable equipment is being used.

Control of risks arising from the use of portable electrical equipment should be based on a risk assessment. Factors to consider when making the risk assessment include:

- type of equipment – the vast majority of which will be either earthed equipment or double insulated equipment;
- whether it is hand-held or not. Equipment that is held by hand or handled when switched on will present a greater degree of risk because, if it does develop a dangerous fault, the person holding it will almost certainly receive an electric shock;
- manufacturer's recommendations;
- initial integrity and soundness of the equipment;
- age of the equipment;
- working environment in which the equipment is used (eg wet or dusty) or likelihood of mechanical damage;
- frequency of use and duty cycle of the equipment;
- foreseeable misuse of the equipment;
- effects of any modifications or repairs to the equipment;
- analysis of previous records of maintenance, formal visual inspection and combined inspection and testing.

Effective maintenance of portable electric equipment can be achieved by a combination of:

- checks by the user;
- formal visual inspections by a competent person;
- where necessary a combined inspection and test, also known as a portable appliance test (PAT), by an electrically competent person.

The aim of these checks is to determine whether the equipment is fully serviceable or whether remedial action is necessary to make sure it is safe to use.

### **User checks (employees)**

The person using the equipment should be encouraged to look at it before use and check for signs that it may not be in sound condition, for example:

- damage (apart from light scuffing) to the supply cable, including fraying or cuts;
- damage to the plug or connector, e.g. the casing is cracking or the pins are bent;
- inadequate joints, including taped joints in the cable;
- the outer sheath of the cable is not effectively secured where it enters the plug or the equipment. Evidence would be if the coloured insulation of the internal cable cores were showing;
- the equipment has been subjected to conditions for which it is not suitable, eg it is wet or excessively contaminated;
- damage to the external casing of the equipment;
- loose parts or screws;
- evidence of overheating (burn marks or discolouration).

These checks also apply to extension leads, plugs and sockets. A user check should be made when the equipment is taken into use and during use. Any faults should be reported to the relevant line manager and the equipment taken out of use immediately.

### **Formal visual inspections (restricted to competent employees)**

An important part of a maintenance regime is the formal visual inspection. Such inspections are necessary because they can reveal most potentially dangerous faults. They can normally be carried out by a member of staff who has sufficient information and knowledge of what to look for, what is acceptable, and who has been given the task of carrying out the inspection (that is, they are competent to do the task).

To avoid danger, trained people should know when the limit of their knowledge and experience has been reached. Simple, written guidance relating to the formal visual inspection can be produced that summarises what to look for and which procedures to follow when faults are found or when unauthorised equipment is found in use. This guidance can also help equipment users.

As part of the visual inspection, you should also consider whether:

- the electrical equipment is being used in accordance with the manufacturer's instructions;
- the equipment is suitable for the job;
- has there been any change of circumstances;
- the user has reported any issues.

Although additional checks are detailed within HSG107 "*Maintaining portable electrical equipment*" which include removing the plug cover this should **not** be done, unless the member of staff has been suitably trained to do so.

Additional checks which include removing the plug cover must **only** be carried out by competent staff named in the risk assessment. These checks may include:

- there are no signs of internal damage, overheating or water damage to the plug;
- the correct fuse is in use and it is a proper fuse, not a piece of wire, nail etc
- the wires including the earth, where fitted, are attached to the correct terminals (see Figure 1);
- the terminal screws are tight;
- the cord grip is holding the outer part (sheath) of the cable tightly; and
- no bare wire is visible other than at the terminals.

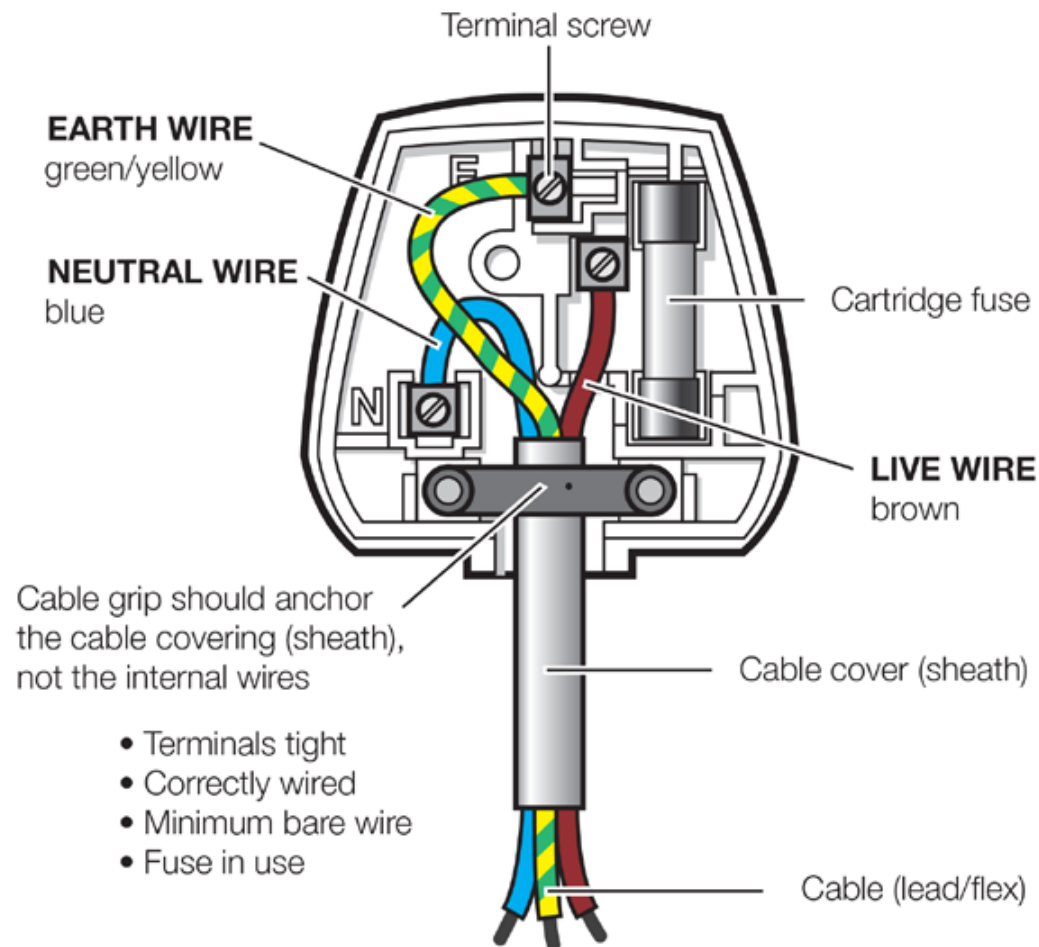


Figure 1: Correctly wired plug.

For moulded plugs the fuse can be checked. The formal visual inspection should **not** include taking the equipment apart. This should be confined, where necessary, to the combined inspection and testing.

If in doubt regarding the safety of equipment it must be taken out of service and only brought back into service when confirmed safe to do so after passing a combined inspection and test.

The formal visual inspections should be carried out at regular intervals. The period between inspections can vary considerably, depending on the type of equipment, the conditions of use and the environment and should be guided by the risk assessment.

### Combined inspection and test (PAT)

The checks and inspections outlined above should reveal most potentially dangerous faults. However, some faults, such as loss of earth integrity (e.g. broken earth wire within a flexible cable), deterioration of insulation integrity, or contamination of internal and external surfaces, cannot be detected by visual examination alone. Such faults can only be reliably detected by a combined visual

inspection and test. This should be carried out periodically to back up the checks and inspections and is likely to be justified:

- whenever there is reason to suppose the equipment may be defective and this cannot be confirmed by visual examination;
- after any repair, modification or similar work; or
- at periods appropriate to the equipment, the manner and frequency of use and the environment.

The inspection carried out in conjunction with testing should usually include checking:

- the correct polarity of supply cables;
- the correct fusing;
- effective termination of cables and cores;
- that the equipment is suitable for its environment.

This combined inspection and testing requires a greater degree of competence (in terms of knowledge, training and experience) therefore this is contracted out. To obtain the details of the current contractor contact Building Services who will provide you with the most recent contractor details.

People testing portable electrical equipment should be appropriately trained. It is the employer's duty to make sure that they are competent for the work they are to carry out.

Level 1: A person not skilled in electrical work routinely uses a simple 'pass/fail' type of portable appliance tester where no interpretation of readings is necessary. The person would need to know how to use the test equipment correctly. Providing the appropriate test procedures are rigorously followed and acceptance criteria are clearly defined, this routine can be straightforward.

It is extremely important that when the combined inspection and testing is scheduled that line managers ensure that all portable equipment used by their staff is made available for inspection, this includes equipment locked in cupboards and filing cabinets.

Equipment that fails a user check, formal visual inspection or a combined inspection and test should not be used until it is repaired by a competent person. If it is not economically viable to repair the equipment it must be disposed of via the correct waste stream.

Line managers should take effective steps to ensure that the equipment is not used again until it is repaired by a person competent to carry out the task (i.e. the defective equipment should be labelled as '*faulty – do not use*' and the plug taped securely to the equipment). If the equipment is to be disposed of, this must be done by via the appropriate waste channel. Disposal of waste electrical products is not within the scope of the policy.

## **Maintenance, test records and labelling**

There is no explicit legal requirement to keep maintenance logs for portable electrical equipment. However, a suitable log is useful as a management tool for monitoring and reviewing the effectiveness of the maintenance plan. However the Management of Health & Safety at Work Regulations 1999 as amended requires the findings of the risk assessment to be recorded.

After a combined test and inspection the equipment will be labelled to indicate when it was conducted and whether it passed the inspection and test and is now safe to use.

If a label is applied then there should not be a next test due date on it. The person carrying out the testing should not assess when the next test is due as this decision should be made by the dutyholder based on a risk assessment.

## **Frequency of examinations**

Determining the frequency of inspection and testing is a matter of judgement by the dutyholder, and should be based on an assessment of risk. Table 1 provides some guidance on this issue. The minimum frequencies in Table 1 should be used, unless there is compelling reason to increase the frequency of inspection and testing.

## **Unauthorised equipment**

Staff **shall not provide** or use their own portable electrical equipment at work unless it has been tested and passed the combined inspection and test by the Council's approved contractor. Using unauthorised portable electrical equipment will be considered as mis-conduct.

## **New Equipment**

It is recognised that new equipment will be purchased between the scheduled combined inspection and test. The initial integrity (safety) of new work equipment when first supplied is covered by: section 6 of the Health and Safety at Work etc. Act 1974.

Only brand new equipment (out of the box) is permitted to be used without passing the combined inspection and test. Such equipment must be labelled "New" and contain the date it came into service, the name and signature of the line manager authorising the use of the equipment.

## Repair and replacement

The repair of most portable electrical equipment requires specialist knowledge and expertise if the faulty or damaged equipment is to be restored to the necessary safe condition. Repairs should any be undertaken by competent people having regard to information provided by the manufacturer.

The decision to repair or replace equipment will be down to the service area on a case by case basis. For more specialist equipment such as noise or pollution monitoring equipment it may be that a repair is made. Prior to bringing the equipment back into service it must be accompanied with documentation to demonstrate that it is safe to use.

For less expensive items such as a desk fan or kettle then a replacement will be made.

Where flexible cables have been in use for a long time, it is better to replace rather than repair them because conductor wires, insulation and sheathing materials deteriorate.

## 6. General Duties of Employees

### All staff must

- Undertake pre-user checks when using portable electrical appliances
- Report defective electrical equipment to their line manager
- Only use electrical equipment they are authorised to use (there is tacit consent to use office equipment)
- Only use electrical equipment (other than office equipment) that they are competent to use either trained by DBC, or a previous employer
- Not to use their own personnel electrical equipment.

### Line Managers

- Act on reports of defective electrical equipment from staff.
- Ensure defective equipment is taken out of service, label the item as '*faulty – do not use*' and ensure the plug taped securely to the equipment.
- When required ensure that all portable electrical equipment used by staff is made available for the combined inspection and test.
- For staff given the responsibility of undertaking formal visual inspections ensure that they have been suitably trained.

### Group Managers

- Ensure risk assessments identify the hazards from the use portable electrical equipment and the control measures detail above are incorporated into the risk assessment particularly the formal visual inspection and combined inspection and test.



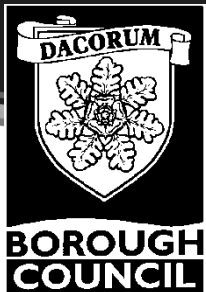
**Table 1** Suggested initial maintenance intervals

<b>Type of business</b>		<b>User checks (employees)</b>	<b>Formal visual inspection (Competent employees)</b>	<b>Combined inspection and test (External Contractor)</b>
Battery operated equipment (less than 40 V)		No	No	No
Extra low voltage (less than 50 V ac), telephone equipment, low-voltage desk lights		No	No	No
Construction	110V equipment	Yes, weekly	Yes, monthly	Yes, before first use on site then 3-monthly
	230V equipment	Yes, daily/every shift	Yes, weekly	Yes, before first use on site then monthly
	Fixed RCDs	Yes, daily/every shift	Yes, weekly	Yes, before first use on site, then 3-monthly (portable RCDs – monthly)
	Equipment site offices	Yes, monthly	Yes, 6-monthly	Yes, before first use on site then yearly
Heavy industrial/high risk of equipment damage (not construction)		Yes, daily	Yes, weekly	Yes, 6–12 months
Light industrial		Yes	Yes, before initial use then 6-monthly	Yes, 6–12 months
Office information technology rarely moved, e.g. desktop computers, photocopiers, fax machines		No	Yes, 2–4 years	No if double insulated, otherwise up to 5 years
Double insulated (Class II) equipment moved occasionally (not hand-held), eg fans, table lamps		No	2–4 years	No
Hand-held, double insulated (Class II) equipment, eg some floor cleaners, some kitchen equipment		Yes	Yes, 6 months – 1 year	No

Earthed (Class I) equipment, eg electric kettles, some floor cleaners	Yes	Yes, 6 months – 1 year	Yes, 1–2 years
Cables, leads and plugs connected to Class I equipment, extension leads and battery charging equipment	Yes	Yes, 6 months – 4 years depending on type of equipment it is connected to	Yes, 1–5 years depending on the equipment it is connected to

**Table 2: Ingress Protection****IP Ratings - what they mean.**

First Digit (intrusion protection)	Second Digit (moisture protection)
<ol style="list-style-type: none"> <li>1. No special protection</li> <li>2. Protection from a large part of the body such as a hand (but no protection from deliberate access); from solid objects greater than 50mm in diameter.</li> <li>3. Protection against fingers or other object not greater than 80mm in length and 12mm in diameter.</li> <li>4. Protection from entry by tools, wires etc, with a diameter of 2.5 mm or more.</li> <li>5. Protection against solid bodies larger than 1mm (eg fine tools/small etc).</li> <li>6. Protected against dust that may harm equipment.</li> <li>7. Totally dust tight</li> </ol>	<ol style="list-style-type: none"> <li>1. No protection.</li> <li>2. Protection against condensation</li> <li>3. Protection against water droplets deflected up to 15° from vertical</li> <li>4. Protected against spray up to 60° from vertical.</li> <li>5. Protected against water spray from all directions.</li> <li>6. Protection against low pressure water jets (all directions)</li> <li>7. Protection against strong water jets and waves.</li> <li>8. Protected against temporary immersion.</li> <li>9. Protected against prolonged effects of immersion under pressure.</li> </ol>



## 1. Introduction

Dacorum Borough Council's (DBC) Commercial Bonfire Policy aims to address the legal, environmental and health risk to employees and the organisation from burning commercial waste/bonfires.

## 2. Legal Duties

DBC has a zero tolerance towards bonfires at all operational sites, deeming the burning of commercially generated waste an unlawful practise. Burning waste produces smoke that contains a range of pollutants which can pollute the environment, cause local nuisance and have damaging health effects. It also increases background levels of air pollution.

Dacorum Borough Council has a duty of care to ensure that all waste is disposed of through the correct waste streams, using the waste hierarchy and ensuring only registered Waste Carriers are contracted to dispose of waste at an Authorised Treatment Facilities. All waste leaving site must generate a Waste Transfer Note as a record of waste removal. Burning activity of any sort can result in criminal prosecution and substantial fines under the:

- Environmental Protection Act 1990 – sections 33 and 34
- The Clean Air Act 1993 – section 2
- Highways Act 1980 – section 161A
- The Waste (England and Wales) Regulations 2011 – section 12

## 3. Purpose

The purpose of this policy is to assist DBC in complying with the legislation and protect the health of employees, the public and the environment.

## 4. Scope

This policy applies to DBC staff, including agency, temporary workers, work experience, volunteers and those that may be employed via a Government Scheme that are likely to dispose of commercial waste. **This policy also applies contractors (and their subcontractors) such as but not limited to Osbornes, Interserve, Sun Realm etc. engaged by DBC.**

## 5. How DBC Controls of the risk from burning commercial waste/bonfires

Once the policy is approved by Corporate Management Board and the Health & Safety Committee the policy becomes binding, breaching this policy will be result in disciplinary action.

Burning of commercial waste or having bonfires is **absolutely prohibited**. All waste generated by DBC must be disposed of via the appropriate waste stream, together with a waste transfer note to demonstrate that DBC has complied with its duty of care.

\*Bonfires used as part of a team building, scout/brownies or similar activities are excluded from this policy. Such events must be risk assessed by the event organiser and must **not** be used to burn commercial or domestic waste.



**DACORUM BOROUGH COUNCIL**

**CORPORATE**

**ASBESTOS POLICY & MANAGEMENT PLAN**

## Asbestos Policy & Management Plan

<b>Contents</b>	<b>Page</b>
<b>Review and Amendments</b>	<b>3</b>
<b>1: Asbestos Policy</b>	<b>4-13</b>
1.1: Policy Statement	4
1.2: Policy Aims and Key Objectives	4
1.3: Introduction	4
1.4: Scope of Asbestos Policy	5
1.5: Duty to Manage	5
1.6: Duty Holders	5
1.7: Roles & Responsibilities	6
1.8: Asbestos Management Group (AMG)	9
1.9: Asbestos Surveying	9
1.10: Asbestos database and Risk Assessment	9
1.11: Asbestos Training/Awareness	10
1.12: Information sharing	10
1.13: Asbestos Incident	10
1.14: Asbestos removal contractors	11
1.15: Labelling of Asbestos Containing Materials (ACMs)	11
1.16: Monitoring	11
1.17: Reviewing the AMP	11
1.18: Reference Legislation, Approved Codes of Practice (ACOPs) and Guidance Documentation	12
<b>2: Asbestos Management Plan</b>	<b>13-21</b>
2.1: Introduction	13
2.2: Gap analysis	13
2.3: Asbestos identification (surveying)	14
2.4: Managing identified ACMs	15
2.5: Managing the condition of identified ACMs	16
2.6: Periodic review	17
2.7: Maintenance, refurbishment and demolition procedures	18
2.8: Asbestos discovery, disturbance and emergency procedures	19
2.9: Informing relevant person(s) of the presence of ACM's	20
2.10: Communicating and sharing the Asbestos Management Plan	20
2.11: Training	20
2.12: Monitoring/Auditing	20

## Review and Amendments

Review Date	Revision Number	Page Number	Comments / Amendments	Initials
	<b>01</b>		Initial issue by Life Environmental to DBC	<b>AR</b>

<b>Reviewed and approved by:</b>			
<b>Name</b>	James Deane	Nigel Howcutt	Richard Rice
<b>Position</b>	Corporate Director Finance and Operations	Assistant Director Finance and Operations	Group Manager Commercial Assets and Property Development
<b>Signature</b>			
<b>Date</b>			
<b>Name</b>	Tracey Simmonds		
<b>Position</b>	Building Legislation Compliance Officer		
<b>Signature</b>			
<b>Date</b>			

The AMP is reviewed and revised and signed off as suitable for current activities by DBC Corporate Director Finance and Operations, Assistant Director Finance and Operations, Group Manager Commercial Assets and Property Development and Building Legislation Compliance Officer.

<p><b>The AMP including records should be reviewed at least</b></p>
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## **Asbestos Policy**

### **1.1: Policy Statement**

This policy is designed to provide a clear acknowledgement of the responsibilities that Dacorum Borough Council (DBC) has in relation to the management of asbestos and its approach to the management of asbestos within the properties it has responsibility for.

### **1.2: Policy Aims and Key Objectives**

The aims and objectives of this policy are summarised as follows:

- Provides clear lines of responsibility within DBC for the management of asbestos
- Specifies responsibilities in the management of asbestos
- Provides a commitment to communication regarding asbestos
- Clarifies the DBC Asbestos Management Strategy
- Establishes the Asbestos Management Group (AMG) which will review and monitor all areas of compliance and
- Prevent or reduce to the lowest level reasonably practicable risks to the health and safety of DBC's employees, contractors and the public using its buildings

### **1.3: Introduction**

The purpose of this document is to set out The Council's policy for identifying and managing asbestos within its premises, to ensure that systems are in place when work is to be carried out, to ensure that systems are in place in the event of an emergency (uncontrolled release of asbestos fibres) and to demonstrate compliance with its legal obligations. This includes disseminating appropriate information to anyone who may disturb an asbestos containing material within a Council property, either deliberately or accidentally.

The objectives set out within this Policy are further expanded upon within the Asbestos Management Plan to provide a practical interpretation as to how the Council will undertake the management of asbestos within the properties it manages.

It is a requirement that the Council, its employees, contractors and appointed person(s) for a building take all reasonable steps to comply with the management systems defined in this Policy as well as the Asbestos Management Plan and related procedures.

#### **1.4: Scope of Asbestos Policy**

This policy applies to all properties within the Council's corporate portfolio.

The portfolio includes the following property types:

- Community Centres
- Sport Pavilions
- Offices
- Depots
- Civic Centres
- Cemeteries
- Adventure Playgrounds
- Public Conveniences

DBC acknowledges and accepts its responsibilities under the Health and Safety at Work Etc. Act 1974, and the Control of Asbestos Regulations (CAR) 2012 to identify and to safely manage Asbestos Containing Materials (ACMs) on its premises. Approved Codes of Practice and guidance information published by the Health and Safety Commission and Executive shall be taken as the adopted standard. Primary guidance relevant is listed under section 1.18 of this Policy.

#### **1.5: Duty to Manage**

The duty to manage asbestos in Regulations 4 of the Control of Asbestos Regulations 2012 usually rests with the person(s) in control of alterations, maintenance and repairs to non-domestic premises, whether that is the occupier(s) or landlord, sub-lessor or managing agent. If no such obligation exists; e.g. where there is no tenancy agreement or contract, or where the premises is unoccupied, then the regulations place the duty on the person(s) in control of the premises, which is usually the owner/leaseholder. Throughout the Regulations, this person(s) is referred to as the "duty holder".

#### **1.6: Duty Holders**

It is the duty of Council staff as well as its contractors to ensure this policy is fully implemented. The Council officers listed below have regular and direct control/responsibilities over the management of asbestos matters in respect of corporate properties within Dacorum Borough Council:

##### **Chief Executive**

Sally Marshall

(Ext 2213) [Sally.Marshall@dacorum.gov.uk](mailto:Sally.Marshall@dacorum.gov.uk)

##### **Corporate Director Finance and Operations**

James Deane

(Ext 2278) [James.Deane@dacorum.gov.uk](mailto:James.Deane@dacorum.gov.uk)



## **Assistant Director Finance and Operations**

Nigel Howcutt

(Ext 2662) [Nigel.Howcutt@dacorum.gov.uk](mailto:Nigel.Howcutt@dacorum.gov.uk)

## **Group Manager Commercial Assets and Property Development**

Richard Rice

(Ext 2453) [Richard.rice@dacorum.gov.uk](mailto:Richard.rice@dacorum.gov.uk)

### **1.7: Roles & Responsibilities**

For effective management of ACMs within DBC's corporate portfolio and overall adherence to this policy & relevant legislative requirements, the following person(s)/teams will be responsible for overseeing the following roles & responsibilities.

#### Chief Executive:

Ultimately responsible for ensuring the implementation of the Policy at all levels within the organisation and the provision of adequate resources to meet the requirements of that policy.

#### Duty Holder(s):

Are responsible for:

- The implementation of the Policy within their Service
- Chair Asbestos Management Group meetings
- Monitoring the adherence of the Policy and is required to report any non-compliance

#### DBC Commercial Property Team:

Are responsible for:

- The implementation and adherence to the Policy within their team
- Ensuring that there is a system in place to make all employees & subcontractors aware of the contents of the asbestos management plan & relevant information for the buildings they work in, where it is possible or likely that they will come into contact with ACMs
- Ensuring that all premises have a management asbestos survey report, which is reviewed in accordance with the level of risk
- Ensuring that all recommended actions from asbestos survey reports are reviewed and actioned to sufficiently manage asbestos risk
- Engaging competent asbestos surveyor(s) to undertake asbestos surveys within the properties that they are responsible for and manage & monitor the asbestos survey program
- Manage and monitor the annual risk-based re-inspection of identified ACMs by managing the annual re-inspection survey program
- Project management of the asbestos removal process, including liaison with Licensed Asbestos Removal Contractors (LARC) & subcontractors inc. reviewing documentation and carrying out quality assurance work

- To manage information relating to the completion of asbestos removal works (documentation such as LARC Plan of Work (POW), waste consignment notes, notification documents & analytical certification) and update the asbestos register accordingly
- Responsible for the development, maintenance, quality and effectiveness of the asbestos management programme to ensure it meets all legislative requirements and industry standards
- To provide technical advice and support regarding asbestos identification, hazard evaluation and associated control measures related to asbestos for planned and responsive works
- Dealing with asbestos incidents in conjunction with appointed specialist asbestos contractors and consultants
- Monitoring the asbestos training programmes of both Council staff and subcontractors and provide ongoing asbestos refresher training to relevant council employees
- Implementation of asbestos emergency procedures as specified within the Asbestos Management Plan
- Review the effectiveness of the Asbestos Management Plan
- Auditing to ensure ongoing compliance to legislative requirements
- To provide oversight of Health & Safety issues to ensure that asbestos policy and management plans are robustly followed

Building & maintenance workers or contractors who work on the fabric of the building:

Are responsible for:

- Ensuring they have been provided access to the asbestos report(s) and/or supporting information for any premises being visited and making a suitable and sufficient assessment prior to commencing work
- Where no survey information is available asbestos is to be presumed to be present and the provision(s) of CAR 2012 apply
- Request DBC commission a suitable asbestos survey(s) if information is not present or if requested by DBC commission asbestos survey(s) (if survey report not available or report insufficient to allow works to proceed) by engaging competent asbestos surveyor(s) to undertake asbestos survey work and on completion provide this survey information to the DBC commercial property team
- Providing an appropriate risk assessment and method statement prior to commencing any works that could affect the fabric of the building
- Stopping work if they come across suspected ACMs and/or implement asbestos emergency procedures
- Adhering to maintenance, refurbishment and demolition procedures as per AMP section 2.7
- Reporting any concerns relating to asbestos management and control to the appointed person for the building and/or their council contact in the relevant DBC commercial property team

- Appointing LARC to conduct asbestos removal works to enable their works to proceed and/or to respond to responsive scenarios which may involve asbestos
- Retaining copies of appointed LARC documentation (such as POW, waste consignment notes & notification documents) and making this information available to DBC commercial property team
- Providing ongoing asbestos awareness & refresher training to relevant employees as per CAR 2012 Regulation 10

DBC Employees:

Are responsible for:

- Ensuring that any risks they become aware of relating to the fabric of council premises are suitably reported to the Appointed Person for a building(s) (if applicable), Building Legislation Compliance Officer and/or the DBC commercial property team
- Stopping work if they come across suspected ACMs and/or implement DBC emergency procedures
- Reporting any concerns with the management of asbestos in DBC premises to their line manager

Appointed Person for a building(s)

Are responsible for:

- Ensuring they carry out any actions attributed to the Appointed Person within the plan
- Ensuring that all DBC employees are aware of the contents of the asbestos management plan & survey report for the building they work in, where it is possible or likely that they will come into contact with ACMs
- Ensuring that all building maintenance workers or other contractors who might work on the fabric of the building are aware of the asbestos survey report and/or supporting information before they commence work
- Stopping work where the building maintenance worker or contractor has not viewed the asbestos survey report and/or supporting information, where they have continued to work where known ACMs are present and/or where they have come across suspected ACMs. The DBC emergency procedures are to be implemented and the DBC commercial property team must be contacted immediately
- Ensuring that any risks they become aware of relating to the fabric of council premises are suitably reported
- Stopping work if they come across suspected ACMs and/or implement DBC emergency procedures
- Reporting any concerns with the management of asbestos in the premises to their Head of Service

### **1.8: Asbestos Management Group (AMG)**

This will include both operational and management staff from corporate sections of the council. The AMG will meet on a quarterly basis (or more frequently if deemed necessary) to monitor and ensure adherence with the DBC Asbestos Policy, Asbestos Management Plan and associated detailed procedures/protocols.

As per the asbestos management strategy in the asbestos management plan, the AMG will assess the findings of gap analysis, plan & implement the required management programs as required and review progress of asbestos management programs. In addition to this, any dangerous occurrences, incidents or non-compliance to DBC asbestos policy, plan or legislative requirements under CAR 2012 will be raised and investigated by the AMG.

The Group will be chaired by the Corporate Director Finance and Operations, Assistant Director Finance and Operations and/or Group Manager Commercial Assets and Property Development. Minutes from the AMG are to be distributed to the Council's Corporate Management Team.

### **1.9: Asbestos Surveying**

The Council undertakes to provide a 'Management' (non-invasive) survey of every property within the corporate portfolio.

'Refurbishment & Demolition' (invasive) surveys will be carried out to those parts of any building where refurbishment (or demolition) works are proposed.

Re-inspection surveys of identified ACMs will be carried out at regular intervals as directed by the relevant duty holder/responsible person in compliance with the Council's re-inspection program, based on a risk assessment approach. All materials identified to contain asbestos will be re-inspected annually to comply with legislative requirements under CAR 2012 Regulation 4. It is the intention therefore that changes in the condition of ACMs and thereby potential changes in risk will be identified through this re-inspection process.

### **1.10: Asbestos database and Risk Assessment**

The asbestos database for DBC corporate properties will be stored in ProMaster in an electronic format accessible by DBC staff and contractors. In addition to this, information will be available on site.

The database shall hold (but is not limited to):

- Available asbestos survey information, including all management, refurbishment & demolition and re-inspection survey reports
- Documentation relevant to the asbestos remedial program, such as LARC/removal contractor POW/RAMS, ASB5/ASB1 forms (as

- appropriate) & waste consignment notes on completion of repair/removal works
- Analytical documentation such as Certificate of Reoccupation & air testing certificates
  - Any further relevant information such as bulk samples taken for asbestos identification above & beyond information held within survey reports

Staff and contractors must utilise the information available in the asbestos database before carrying out works, in order to inform their risk assessment.

Where no asbestos database information can be made available to staff or contractors (i.e. planned or responsive repairs works) the staff or contractors will carry out a further risk assessment, to include the potential risk from ACMs, before starting any works. The result of the risk assessment will determine the next course of action.

#### **1.11: Asbestos Training/Awareness**

The minimum standard of Asbestos Awareness Training for DBC staff shall be UKATA Category A (UK Asbestos Training Association) or equivalent. Refresher training will take place on an annual basis. The Council will audit whether annual asbestos related training has been provided to relevant DBC employees & any contractors employed by the Council working upon DBC property. Further training beyond Asbestos Awareness will be required for those persons liable to work with/on ACMs – in this instance all persons must meet the requirements of CAR 2012 Regulation 10 and all applicable provisions of CAR 2012.

#### **1.12: Information sharing**

The Council maintains a procedure for informing people about the presence of asbestos. This will include but is not limited to:

- Staff
- Contractors
- Site managers
- Members of the public (only where a need to know exists)

#### **1.13: Asbestos Incident**

Where it has been reported that ACMs may have been disturbed or damaged the Council's emergency procedures will be activated. A competent person will respond immediately and be on site as soon as practicable, to assess and request a specialist asbestos contractor to attend where appropriate. Liaison will take place with any staff, contractors and/or members of the public on site, and if deemed appropriate an independent UKAS accredited consultancy will be tasked

with conducting reassurance air monitoring. For further information, see section 2.8: Asbestos discovery, disturbance and emergency procedures.

#### **1.14: Asbestos removal contractors**

The Council will use licensed asbestos contractors (as required) to provide asbestos related services for the effective management of asbestos risks.

#### **1.15: Labelling of Asbestos Containing Materials (ACMs)**

ACMs will be labelled in corporate properties; suitable and sufficient review of the asbestos survey and any supporting information prior to works is essential, as ACMs may not be readily identifiable by labelling.

#### **1.16: Monitoring**

The Council will closely monitor works by contractors ensure compliance.

- The Council will monitor and review risk assessments (RAs) for proposed, pre-planned works to ensure that they meet legislative standards. As per section 2.12, such RAs will be made available for review and audit, followed by work in progress inspections
- The Council may monitor the usage of the asbestos database
- The Council will undertake checks of Risk Assessments and associated Method Statements on a sample basis
- The Council will require contractors to provide evidence that asbestos awareness training and refresher training has been undertaken in compliance with CAR 2012 Regulation 10
- The Council requires contractors to provide sufficient information to DBC to demonstrate compliance with the policy and legislative compliance

Any breach of this policy and its procedures are to be reported by staff and contractors to the relevant Manager and Head of Service.

#### **1.17: Reviewing the AMP**

Once implemented, the Asbestos Management Plan will be reviewed at a minimum of every 12 months or more frequently i.e. following a change in legislation, update in good practice, following a major incident, following a significant change to the property portfolio, or if any reason comes to light to suggest that the Plan is inadequate. The review shall consider the following:

- Whether information about identified or presumed ACMs is available and reaching those who need to access this information
- Whether the assessments of these materials are still applicable

- Whether the management strategy implemented for these materials is sufficient
- Whether the Plan is achieving its goals of effective management of ACMs and prevention of exposure to asbestos fibres

If the Plan is not achieving its objectives, then it should be reviewed at an appropriate frequency until an effective Plan is in operation.

### **1.18: Reference Legislation, Approved Codes of Practice (ACOPs) and Guidance Documentation**

The following documents have been identified as being significantly relevant to managing risks from asbestos containing materials, and further information on any document below can be obtained from directly from the HSE.

#### Legislation:

- The Health and Safety at Work Act 1974
- Control of Asbestos Regulations 2012
- Workplace (Health, Safety and Welfare) Regulations 1992
- Hazardous Waste Regulations 2005
- Construction (Design and Management) Regulations 2015

#### Approved Codes of Practice (ACOP):

- ACOP L143 - Managing and working with asbestos

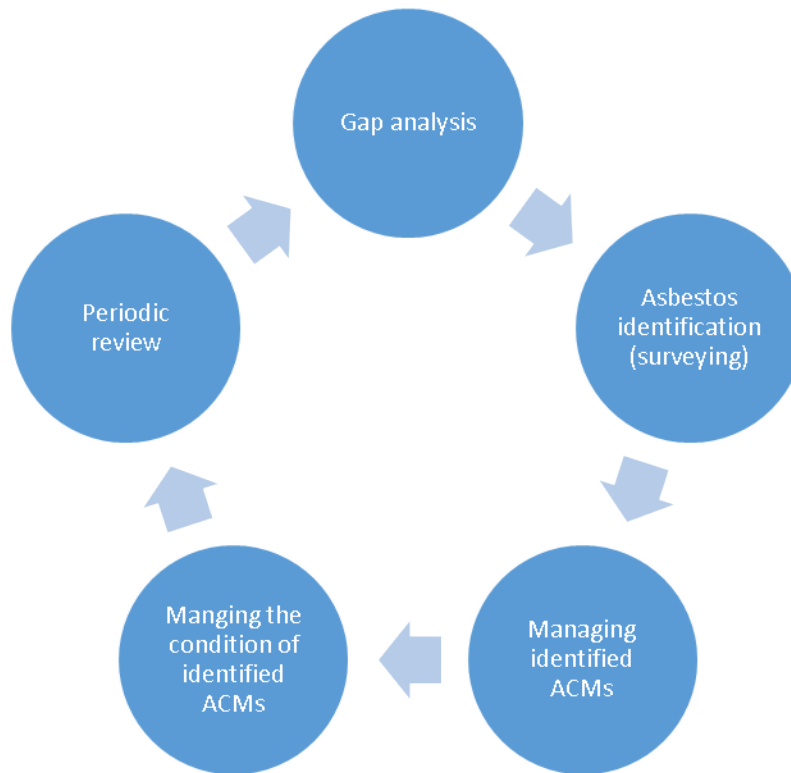
#### Guidance Documents (Health & Safety Executive)

- HSG 264 Asbestos: The survey guide
- HSG247 Asbestos: The licensed contractors' guide
- HSG248 Asbestos: The analysts' guide
- HSG53 Respiratory protective equipment at work

## Asbestos Management Plan

### **2.1: Introduction**

This section outlines how DBC will meet the requirements of the Asbestos Management Policy and manage its responsibilities to comply with CAR 2012 Regulation 4. DBC will enact the following strategy for management of asbestos within its portfolio as part of its Asbestos Management Plan:



### **2.2: Gap analysis**

To suitably manage information relating to the location and condition of asbestos within the Councils corporate portfolio, enact the management plan and comply with the overall duty to manage, investigative assessment of the status of all existing information available to DBC is to be undertaken on an ongoing basis to ensure accurate records are held across the Councils portfolio.

Details of all premises which do not currently have available management asbestos survey information shall be presented to the AMG for review to implement an appropriate program of asbestos surveying. The implementation of this program and review of progress will be continually assessed by the AMG and is further expanded upon within the Asbestos identification (surveying) section 2.3.

Details of all properties which via management, refurbishment & demolition or re-inspection asbestos survey have indicated the requirement for remedial action



shall be presented to the AMG for review to implement an appropriate program of asbestos remediation works. Any ACMs identified as an immediate risk due to the condition/location of the ACM will need immediate response by the DBC corporate team; all other recommended works will be assessed and included within a suitable remediation program. A review of remediation program will be continually assessed by the AMG and is further expanded upon within the Manging identified ACMs section 2.4.

Details of all properties which do have available management asbestos survey information but do not have a re-inspection survey within 12 months from the time of initial survey or a previous re-inspection completed within the last 12 months shall be presented to the AMG for review to implement an appropriate program of asbestos re-inspection surveying. The implementation of this program and review of progress will be continually assessed by the AMG and is further expanded upon within the manging the condition of ACMs section 2.5.

### **2.3: Asbestos identification (surveying)**

DBC undertakes to provide a management survey of every property within the corporate portfolio; if identified via gap analysis of the DBC corporate portfolio that a property does not have a management survey, this is to be actioned by commissioning a management survey via a UKAS accredited inspection body in compliance with HSG264. For the purpose of ongoing management of asbestos risk, asbestos is to be presumed present (as per CAR 2012 Regulation 5) if it is established via gap analysis that insufficient asbestos survey information is available. The AMG is to oversee this process and ensure a program of surveying is implemented so far as is reasonably practical.

If it is established via management survey that no ACMs are identified, this is to be reflected by removing the property from the ongoing re-inspection survey program; if however a refurbishment & demolition survey or any further investigative works indicate ACMs as present at any later time, any required management actions will need to be taken and this property will then need to be included within the ongoing re-inspection program.

In addition to management surveys, refurbishment & demolition surveys will be carried out to those parts of any building where refurbishment (or demolition) works are proposed in compliance with HSG264. The refurbishment and demolition survey will only be necessary in the specific area/location where the works will take place, e.g. cupboard, part of a room, kitchen/bathroom. However, further refurbishment and demolition surveys will be necessary in other locations when new improvement schemes are proposed. These localised refurbishment and demolition surveys should have the specific purpose of identifying ACMs for removal, control or avoidance during the refurbishment works. Refurbishment and demolition surveys should be incorporated into the planning phase of such work as far as possible. This will avoid delays and disruption etc. Where the work is urgent (e.g. essential or emergency maintenance, repair and installation), the

refurbishment surveys may have to be carried out just before the work itself. Surveys should be performed with due diligence. Refurbishment & demolition surveys will be actioned by commissioning a UKAS accredited inspection body in compliance with HSG264. For the purpose of ongoing management of asbestos risk, asbestos is to be presumed present (as per CAR 2012 Regulation 5) if it is established that insufficient asbestos survey information is available for the location of the proposed refurbishment and/or demolition works. The AMG is to oversee this process and ensure a program of surveying is implemented to meet legislative requirements for ongoing refurbishment and/or demolition works.

All surveying works must be performed by surveyors whom hold sufficient qualifications, experience & knowledge to fulfil the “Qualifications, Experience and Knowledge Requirements for Asbestos Surveyors” section of UKAS RG8 “Accreditation of Bodies Surveying for Asbestos in Premises”.

All commissioned asbestos surveys must be assessed by the DBC commercial property team when issued to review any management actions identified by the survey. Asbestos surveyors must report any immediate asbestos risks to the DBC commercial property team and take appropriate action on site to fulfil their duty of care.

To enact the overall asbestos management strategy, on receipt of asbestos survey information any identified ACMs will need to be suitably managed; see managing identified ACMs section 2.4 & Managing the condition of ACMs section 2.5 for further information.

All survey reports must be stored on the Asbestos database as per the Asbestos database and Risk Assessment section of the DBC Asbestos Management Policy.

#### **2.4: Managing identified ACMs**

As per the DBC Asbestos Management Policy, the DBC commercial property team will be responsible for ensuring that all recommended actions from identified ACM(s) within asbestos survey reports are reviewed and actioned to sufficiently manage asbestos risk.

If asbestos material(s) are identified in good condition, well protected either by position or physical protection, reducing the likelihood of damage, and is unlikely to be worked on regularly or otherwise disturbed, it is usually safer to leave it in place and manage the condition of the ACM(s); if ACMs or presumed ACMs that are in good condition are left in situ, the condition of the ACM(s) is to be managed & re-inspected as per the managing the condition of identified ACMs section 2.5.

If asbestos material(s) are identified in poor condition, repair or removal of asbestos may be required. Some damaged ACM(s) can be made safe by

repairing and sealing (encapsulation) and/or enclosing to prevent further damage; if this can be done safely and is deemed preferable to removal, DBC shall appoint someone trained and competent to carry out licensable work, NNLW, or non-licensable work, as appropriate to repair the ACM in accordance with CAR 2012, HSG 247 & Asbestos Essentials. On completion of any remedial work such as repairing and sealing (encapsulation) and/or enclosing to prevent further damage, the condition of the remaining ACM(s) is to be managed as per the managing the condition of identified ACMs section 2.5.

If the ACM(s) identified in poor condition is likely to be disturbed during routine maintenance work, daily use of the building and/or the survey has recommended access to be restricted due to immediate risk (asbestos debris/contamination etc.) the dutyholder should have the ACM(s) removed. DBC shall appoint someone trained and competent to carry out licensable work, NNLW, or non-licensable work, as appropriate to remove the ACM in accordance with CAR 2012, HSG 247 & Asbestos Essentials.

The AMG is to ensure a program of remedial works is implemented to meet legislative requirements for ongoing compliance; all programmed remedial works are to be prioritised based on risk as identified in the material assessment (or the priority assessment if included) and indicate their urgency, e.g. immediate, middle/longer term.

All records relating to completion of remedial works must be stored on the Asbestos database as per the Asbestos database and Risk Assessment section of the DBC Asbestos Management Policy. DBC maintenance, refurbishment and demolition contractors are to send all relevant documentation on completion of any asbestos remedial works to the DBC commercial property team to ensure records can be updated accordingly.

### **2.5: Managing the condition of identified ACMs**

As per the DBC Asbestos Management Policy, re-inspection of all identified ACMs shall be carried out at regular intervals based on a risk assessment approach.

To enact this policy, all materials identified to contain asbestos or presumed to contain asbestos will be re-inspected annually (or more frequently if deemed necessary) by a UKAS accredited inspection body and the overall re-inspection program will be overseen by the AMG to ensure a program of re-inspection surveying is implemented to monitor the condition of all identified ACMs.

All re-inspection works must be performed by surveyors whom hold sufficient qualifications, experience & knowledge to fulfil the “Qualifications, Experience and Knowledge Requirements for Asbestos Surveyors” section of UKAS RG8 “Accreditation of Bodies Surveying for Asbestos in Premises”.

All commissioned asbestos re-inspection surveys must be assessed by the DBC commercial property team when issued to review any management actions identified by the survey as per the Managing identified ACMs section 2.4.

Asbestos surveyors must report any immediate asbestos risks to the DBC commercial property team during re-inspection survey works and take appropriate action on site to fulfil their duty of care.

## **2.6: Periodic review**

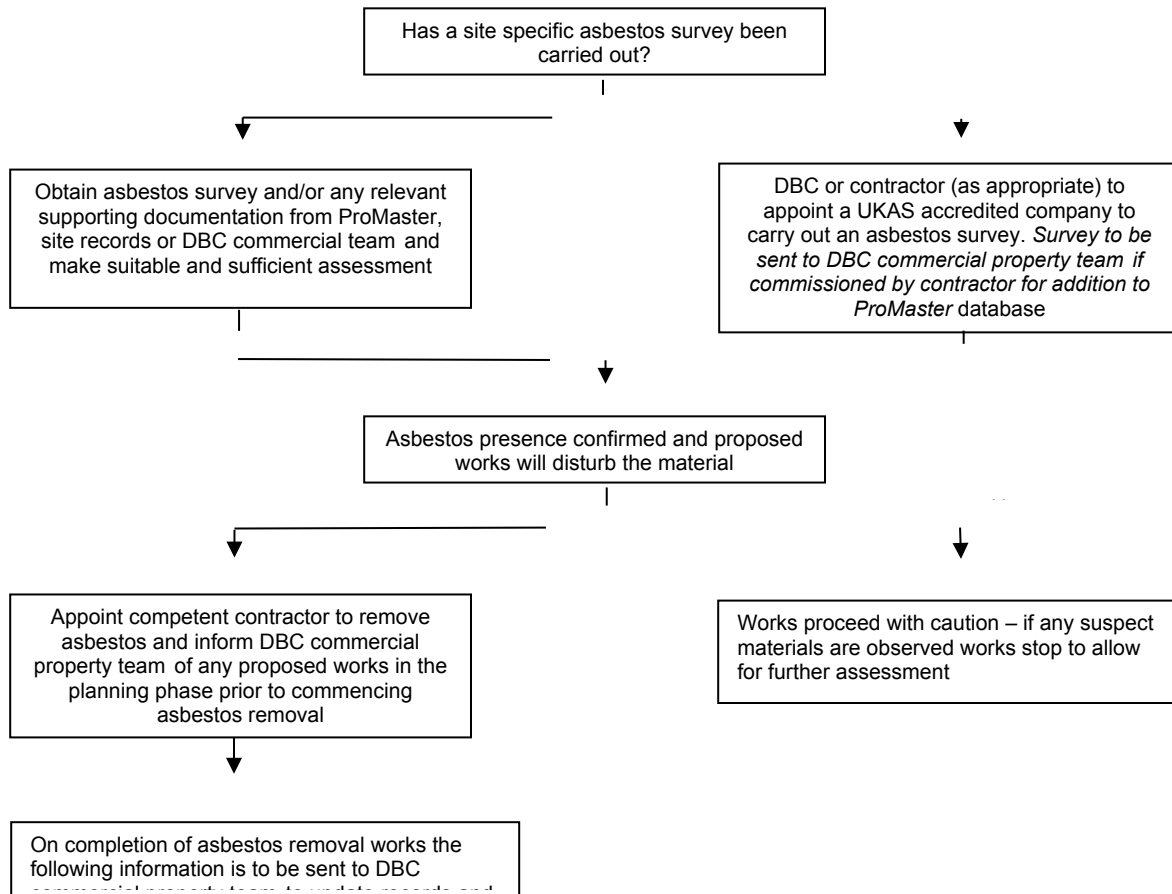
A review of all asbestos management programs such as the Survey program, Remedial works program and Re-inspection works program as well as all other measures of asbestos management performance shall be undertaken by the AMG to ensure all requirements of the Asbestos Management Policy, Asbestos Management Plan and relevant legislation are met so far as is reasonably practical.

Findings of the review are to be outlined by the AMG to ensure suitable and sufficient management of ACMs within the DBC portfolio; corrective action is to be implemented and overseen to ensure overall compliance and any non-compliance is to be reported as per the Asbestos management Policy.

## 2.7: Maintenance, refurbishment and demolition procedures

All contractors completing works on the DBC corporate portfolio are to follow the following procedure:

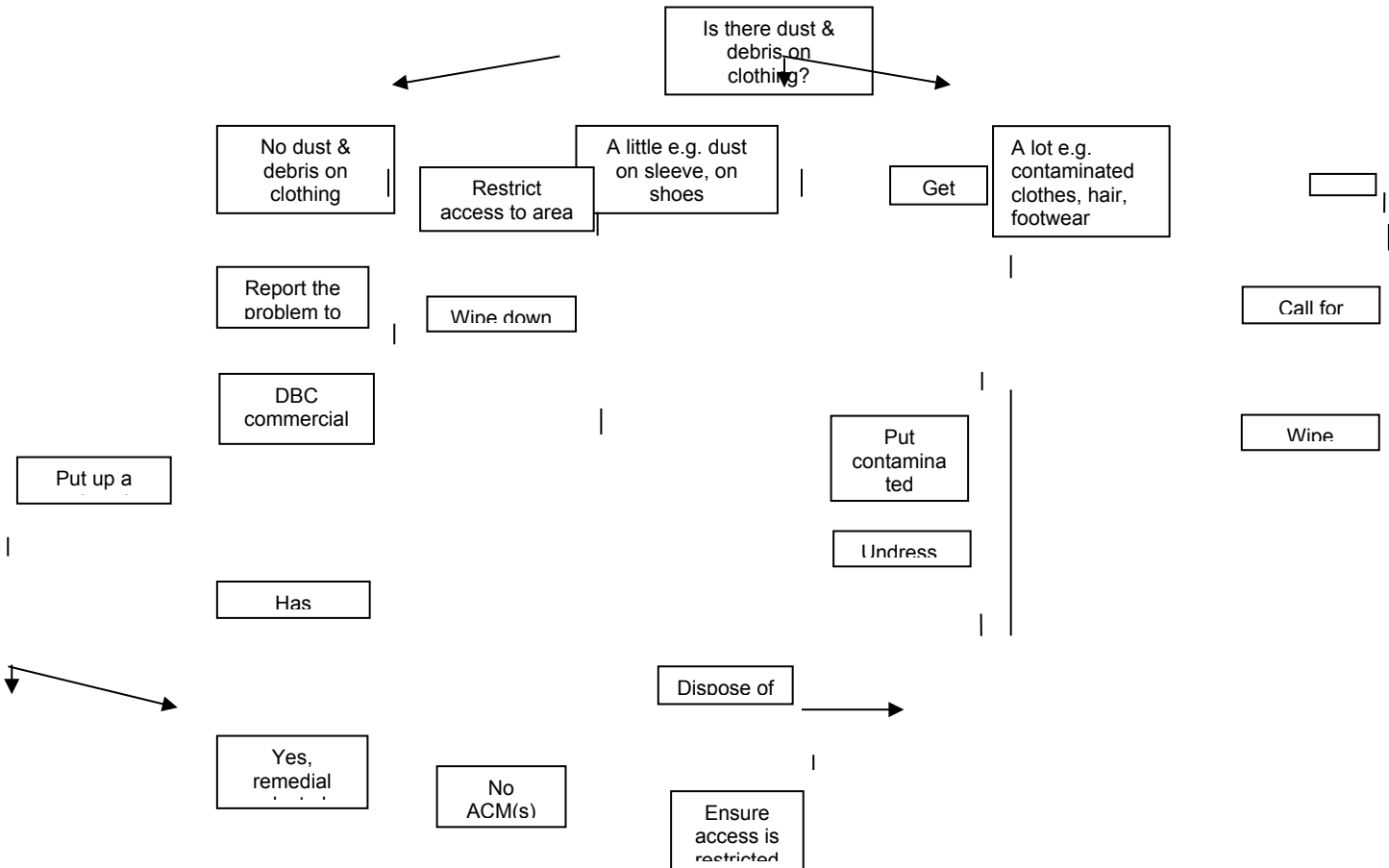
### Procedure prior to commencing work on DBC Corporate portfolio:



## 2.8: Asbestos discovery, disturbance and emergency procedures

Procedure if materials that could contain asbestos are discovered or damaged:

Stop work immediately



### 2.9: Informing relevant person(s) of the presence of ACM's

As per the DBC Asbestos Management Policy section Information sharing, DBC shall ensure access to ProMaster system is provided for access to the asbestos database or information to:

- Staff
- Contractors
- Appointed person(s) for a building
- Site managers
- Members of the public (only where a need to know exists)

### 2.10: Communicating and sharing the Asbestos Management Plan

DBC shall ensure that the management plan is made available to DBC staff, partnering organisations and subcontractors. DBC shall:

- Inform employees what the management plan arrangements are;

- Provide the emergency services with information on the location and condition of any known ACMs;
- Provide copies of the management plan for employee representatives and trade union safety representatives

### **2.11: Training**

Based upon a risk assessment approach, DBC staff identified as requiring Asbestos Awareness training shall receive Asbestos Awareness training (UKATA Category A or equivalent) which will be completed on an annual basis. Contractors & associated subcontractors responsible for maintenance, refurbishment or demolition shall hold Asbestos Awareness training (UKATA Category A or equivalent) which will be completed in compliance with CAR 2012 Regulation 10.

Any persons working with/on asbestos materials must comply with CAR 2012 Regulation 10 (and all applicable provisions of CAR 2012).

### **2.12: Monitoring/Auditing**

DBC shall audit DBC commercial property team, partnering organisations, contractors & associated subcontractors to ensure overall compliance to the Asbestos Management Policy and Asbestos Management Plan as well as legislative requirements & industry guidance. Prospective contractors' management systems, policy and competencies are to be checked during the procurement process to ensure compliance.

The DBC commercial property team will audit the asbestos management processes of its contractors once a year. The aim of this will be to assess whether the management system is working properly. Any corrective action required will be identified through H&S inspections, surveys and sampling. Team Leaders will be involved in the desk top audit of documentation, by helping to collect relevant documents from the contractor.

The Documents that should be provided as part of the audit are:

- Evidence of competency of operatives, e.g. training certificates, membership of regulatory bodies. Training must be UKATA/IATP approved.
- H&S documents, e.g. H&S Policy, Asbestos policies & procedures, Risk Assessments, Method Statements, operatives records of number of hours worked and medical records.

The Building Legislation Compliance Officer will undertake regular ad hoc site audits to include PPE, plant and equipment e.g. DCU, housekeeping, storage of waste, correct supervision, traffic routes.

Findings shall be presented to the AMG; any instances of non-compliance shall be investigated to ensure corrective action is taken.





**DACORUM BOROUGH COUNCIL**

**HOUSING**

**ASBESTOS POLICY & MANAGEMENT PLAN**

## Asbestos Policy & Management Plan

<b>Contents</b>	<b>Page</b>
<b>Review and Amendments</b>	<b>3</b>
<b>1: Asbestos Policy</b>	<b>4-13</b>
1.1: Policy Statement	4
1.2: Policy Aims and Key Objectives	4
1.3: Introduction	4
1.4: Scope of Asbestos Policy	4
1.5: Duty to Manage	5
1.6: Duty Holders	5
1.7: Roles & Responsibilities	6
1.8: Asbestos Management Group (AMG)	9
1.9: Asbestos Surveying	9
1.10: Asbestos database and Risk Assessment	9
1.11: Asbestos Training/Awareness	10
1.12: Information sharing	10
1.13: Home Improvement Applications	11
1.14: Asbestos Incident	11
1.15: Asbestos removal contractors	11
1.16: Labelling of Asbestos Containing Materials (ACMs)	11
1.17: Monitoring	12
1.18: Reviewing the AMP	12
1.19: Reference Legislation, Approved Codes of Practice (ACOPs) and Guidance Documentation	12
<b>2: Asbestos Management Plan</b>	<b>14-23</b>
2.1: Introduction	14
2.2: Gap analysis	14
2.3: Asbestos identification (surveying)	15
2.4: Managing identified ACMs	16
2.5: Managing the condition of identified ACMs	17
2.6: Periodic review	18
2.7: Maintenance, refurbishment and demolition procedures	18
2.8: Asbestos discovery, disturbance and emergency procedures	20
2.9: Informing relevant person(s) of the presence of ACM's	22
2.10: Communicating and sharing the Asbestos Management Plan	22
2.11: Training	22
2.12: Monitoring/Auditing	22
<b>Appendices</b>	<b>24-25</b>
General Guidance to Occupants of Council Properties	

## Review and Amendments

Review Date	Revision Number	Page Number	Comments / Amendments	Initials
	<b>01</b>		Initial issue by Life Environmental to DBC	<b>AR</b>

Reviewed and approved by:			
<b>Name</b>	Mark Gaynor	Elliott Brooks	Fiona Williamson
<b>Position</b>	Corporate Director (Housing & Regeneration)	Assistant Director Housing	Group Manager (Property & Place)
<b>Signature</b>			
<b>Date</b>			
<b>Name</b>			
<b>Position</b>			
<b>Signature</b>			
<b>Date</b>			

The AMP is reviewed and revised and signed off as suitable for current activities by; Corporate Director (Housing & Regeneration), Group Manager (Property & Place) & Risk, Compliance & Health & Safety Officer.

<b>The AMP including records</b> . . . . .
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## **Asbestos Policy**

### **1.1: Policy Statement**

This policy is designed to provide a clear acknowledgement of the responsibilities that Dacorum Borough Council (DBC) has in relation to the management of asbestos and its approach to the management of asbestos within the properties it has responsibility for.

### **1.2: Policy Aims and Key Objectives**

The aims and objectives of this policy are summarised as follows:

- Provides clear lines of responsibility within DBC for the management of asbestos
- Specifies responsibilities in the management of asbestos
- Provides a commitment to communication regarding asbestos
- Clarifies the DBC Asbestos Management Strategy
- Establishes the Asbestos Management Group (AMG) which will review and monitor all areas of compliance and
- Prevent or reduce to the lowest level reasonably practicable risks to the health and safety of DBC's tenants, employees, contractors and the public using its buildings

### **1.3: Introduction**

The purpose of this document is to set out The Council's policy for identifying and managing asbestos within its premises, to ensure that systems are in place when work is to be carried out, to ensure that systems are in place in the event of an emergency (uncontrolled release of asbestos fibres) and to demonstrate compliance with its legal obligations. This includes disseminating appropriate information to anyone who may disturb an asbestos containing material within a Council property, either deliberately or accidentally.

The objectives set out within this Policy are further expanded upon within the Asbestos Management Plan to provide a practical interpretation as to how the Council will undertake the management of asbestos within the properties it manages.

It is a requirement that the Council, its employees, contractors and residents take all reasonable steps to comply with the management systems defined in this Policy as well as the Asbestos Management Plan and related procedures.

### **1.4: Scope of Asbestos Policy**

This policy applies to all properties within the Council's Housing portfolio.

The portfolio includes the following property types:

- Houses
- Flats and flat blocks
- Maisonettes
- Bungalows
- Bedsits
- Elderly person (sheltered) housing units
- Community rooms
- Communal areas
- Garages

DBC acknowledges and accepts its responsibilities under the Health and Safety at Work Etc. Act 1974, and the Control of Asbestos Regulations (CAR) 2012 to identify and to safely manage Asbestos Containing Materials (ACMs) on its premises. Approved Codes of Practice and guidance information published by the Health and Safety Commission and Executive shall be taken as the adopted standard. Primary guidance relevant is listed under section 1.19 of this Policy.

### **1.5: Duty to Manage**

The duty to manage asbestos in Regulations 4 of the Control of Asbestos Regulations 2012 usually rests with the person(s) in control of alterations, maintenance and repairs to non-domestic premises, whether that is the occupier(s) or landlord, sub-lessor or managing agent. If no such obligation exists; e.g. where there is no tenancy agreement or contract, or where the premises is unoccupied, then the regulations place the duty on the person(s) in control of the premises, which is usually the owner/leaseholder. Throughout the Regulations, this person(s) is referred to as the “duty holder”.

### **1.6: Duty Holders**

It is the duty of Council staff as well as its contractors to ensure this policy is fully implemented. The Council officers listed below have regular and direct control/responsibilities over the management of asbestos matters in respect of Housing properties within Dacorum Borough Council:

#### **Chief Executive**

Sally Marshall

(Ext 2213) [Sally.Marshall@dacorum.gov.uk](mailto:Sally.Marshall@dacorum.gov.uk)

#### **Corporate Director (Housing & Regeneration)**

Mark Gaynor

(Ext 2575) [Mark.Gaynor@dacorum.gov.uk](mailto:Mark.Gaynor@dacorum.gov.uk)

**Assistant Director (Housing)**

Elliott Brooks

(Ext 2615) [Elliott.Brooks@dacorum.gov.uk](mailto:Elliott.Brooks@dacorum.gov.uk)

**Group Manager (Tenants and Leaseholders)**

Layna Warden

(Ext 2156) [Layna.Warden@dacorum.gov.uk](mailto:Layna.Warden@dacorum.gov.uk)

**Group Manager (Property & Place)**

Fiona Williamson

(Ext 2855) [Fiona.Williamson@dacorum.gov.uk](mailto:Fiona.Williamson@dacorum.gov.uk)

**1.7: Roles & Responsibilities**

For effective management of ACMs within DBC's Housing portfolio and overall adherence to this policy & relevant legislative requirements, the following person(s)/teams will be responsible for overseeing the following roles & responsibilities.

Chief Executive:

Ultimately responsible for ensuring the implementation of the Policy at all levels within the organisation and the provision of adequate resources to meet the requirements of that policy.

Duty Holder(s):

Are responsible for:

- The implementation of the Policy within their Service
- Chair Asbestos Management Group meetings
- Monitoring the adherence of the Policy and is required to report any non-compliance

DBC Housing Management Team:

Are responsible for:

- The implementation and adherence to the Policy within their team
- Ensuring that there is a system in place to make all employees & subcontractors aware of the contents of the asbestos management plan & relevant information for the buildings they work in, where it is possible or likely that they will come into contact with ACMs
- Ensuring that all housing properties have a management asbestos survey report, which is reviewed in accordance with the level of risk
- Ensuring that all recommended actions from asbestos survey reports are reviewed and actioned to sufficiently manage asbestos risk
- Engaging competent asbestos surveyor(s) to undertake asbestos surveys within the properties that they are responsible for and manage & monitor the asbestos survey program
- Manage and monitor the annual risk-based re-inspection of identified ACMs by managing the annual re-inspection survey program

- Project management of the asbestos removal process, including liaison with Tenants, Licensed Asbestos Removal Contractors (LARC) & subcontractors inc. reviewing documentation and carrying out quality assurance work
- To manage information relating to the completion of asbestos removal works (documentation such as LARC Plan of Work (POW), waste consignment notes, notification documents & analytical certification) and update the asbestos register accordingly
- Responsible for the development, maintenance, quality and effectiveness of the asbestos management programme to ensure it meets all legislative requirements and industry standards
- To provide technical advice and support regarding asbestos identification, hazard evaluation and associated control measures related to asbestos for planned and responsive works
- Dealing with asbestos incidents in conjunction with appointed specialist asbestos contractors and consultants
- Monitoring the asbestos training programmes of both Council staff and subcontractors and provide ongoing asbestos refresher training to relevant council employees
- Implementation of asbestos emergency procedures as specified within the Asbestos Management Plan
- Review the effectiveness of the Asbestos Management Plan
- Auditing to ensure ongoing compliance to legislative requirements
- To provide oversight of Health & Safety issues for Housing (recognising the scale of the Council's stock) to ensure that asbestos policy and management plans are robustly followed

Partnering contractors, building & maintenance workers or contractors who work on the fabric of the building:

Are responsible for:

- Ensuring they have been provided access to the asbestos report(s) and/or supporting information for any premises being visited and making a suitable and sufficient assessment prior to commencing work
- Where no survey information is available asbestos is to be presumed to be present and the provision(s) of CAR 2012 apply
- Request DBC commission a suitable asbestos survey(s) if information is not present or if requested by DBC commission asbestos survey(s) (if survey report not available or report insufficient to allow works to proceed) by engaging competent asbestos surveyor(s) to undertake asbestos survey work and on completion provide this survey information to the DBC Housing Management Team
- Providing an appropriate risk assessment and method statement prior to commencing any works that could affect the fabric of the building
- Stopping work if they come across suspected ACMs and/or implement asbestos emergency procedures

- Adhering to maintenance, refurbishment and demolition procedures as per AMP section 2.7
- Reporting any concerns relating to asbestos management and control to the appointed person for the building and/or their council contact in the relevant DBC housing team
- Appointing LARC to conduct asbestos removal works to enable their works to proceed and/or to respond to responsive scenarios which may involve asbestos
- Retaining copies of appointed LARC documentation (such as POW, waste consignment notes & notification documents) and making this information available to the Housing management team
- Providing ongoing asbestos awareness & refresher training to relevant employees as per CAR 2012 Regulation 10

DBC Employees:

Are responsible for:

- Ensuring that any risks they become aware of relating to the fabric of council premises are suitably reported to the Appointed Person for a building(s) (if applicable) and the Risk, Compliance & Health & Safety Officer (this includes any unexpected building work)
- Stopping work if they come across suspected ACMs and/or implement DBC emergency procedures
- Reporting any concerns with the management of asbestos in DBC premises to their line manager

Appointed Person for a building(s) (e.g. SHO's):

Are responsible for:

- Ensuring they carry out any actions attributed to the Appointed Person within the plan
- Ensuring that all DBC employees are aware of the contents of the asbestos management plan & survey report for the building they work in, where it is possible or likely that they will come into contact with ACMs
- Ensuring that all building maintenance workers or other contractors who might work on the fabric of the building are aware of the asbestos survey report and/or supporting information before they commence work
- Stopping work where the building maintenance worker or contractor has not viewed the asbestos survey report and/or supporting information, where they have continued to work where known ACMs are present and/or where they have come across suspected ACMs. The DBC emergency procedures are to be implemented and the Housing Team must be contacted immediately
- Ensuring that any risks they become aware of relating to the fabric of council premises are suitably reported
- Stopping work if they come across suspected ACMs and/or implement DBC emergency procedures



- Reporting any concerns with the management of asbestos in the premises to their Head of Service

### **1.8: Asbestos Management Group (AMG)**

This will include both operational and management staff from Corporate and Housing sections of the council. The AMG will meet on a quarterly basis (or more frequently if deemed necessary) to monitor and ensure adherence with the DBC Asbestos Policy, Asbestos Management Plan and associated detailed procedures/protocols.

As per the asbestos management strategy in the asbestos management plan, the AMG will assess the findings of gap analysis, plan & implement the required management programs as required and review progress of asbestos management programs. In addition to this, any dangerous occurrences, incidents or non-compliance to DBC asbestos policy, plan or legislative requirements under CAR 2012 will be raised and investigated by the AMG.

The Group will be chaired by the Corporate Director (Housing & Regeneration), Assistant Director (Housing) and/or the Group Manager (Property & Place). Minutes from the AMG are to be distributed to the Council's Corporate Management Team.

### **1.9: Asbestos Surveying**

The Council undertakes to provide a 'Management' (non-invasive) survey of every property, constructed before 2000 within the Housing Portfolio.

'Refurbishment & Demolition' (invasive) surveys will be carried out to those parts of any building where refurbishment (or demolition) works are proposed.

Re-inspection surveys of identified ACMs will be carried out at regular intervals as directed by the relevant duty holder/responsible person in compliance with the Council's re-inspection program, based on a risk assessment approach. All materials identified to contain asbestos will be re-inspected annually to comply with legislative requirements under CAR 2012 Regulation 4. It is the intention therefore that changes in the condition of ACMs and thereby potential changes in risk will be identified through this re-inspection process.

### **1.10: Asbestos database and Risk Assessment**

The asbestos database for DBC Housing properties will be stored in ProMaster in an electronic format accessible by DBC staff and contractors.

The database shall hold (but is not limited to):

- Available asbestos survey information, including all management, refurbishment & demolition and re-inspection survey reports
- Documentation relevant to the asbestos remedial program, such as LARC/removal contractor POW/RAMS, ASB5/ASB1 forms (as appropriate) & waste consignment notes on completion of repair/removal works
- Analytical documentation such as Certificate of Reoccupation & air testing certificates
- Any further relevant information such as bulk samples taken for asbestos identification above & beyond information held within survey reports

Staff and contractors must utilise the information in the asbestos database before carrying out works, in order to inform their risk assessment.

Where no asbestos database information can be made available to staff or contractors (i.e. planned or responsive repairs works) the staff or contractors will carry out a further risk assessment, to include the potential risk from ACMs, before starting any works. The result of the risk assessment will determine the next course of action.

#### **1.11: Asbestos Training/Awareness**

The minimum standard of Asbestos Awareness Training for DBC staff shall be UKATA Category A (UK Asbestos Training Association) or equivalent. Refresher training will take place on an annual basis. The Council will audit whether annual asbestos related training has been provided to relevant DBC employees & any contractors employed by the Council working upon DBC property. Further training beyond Asbestos Awareness will be required for those persons liable to work with/on ACMs – in this instance all persons must meet the requirements of CAR 2012 Regulation 10 and all applicable provisions of CAR 2012.

#### **1.12: Information sharing**

The Council maintains a procedure for informing people about the presence of asbestos. This will include but is not limited to:

- Staff
- Contractors
- Tenants (see a below)
- Leaseholders (see b below)
- 'Right to Buy' applicants (see c below)
- Home improvement applicants (see section 1.13 below)
- Members of the public (only where a need to know exists)

- a. Tenants will be given access to asbestos survey information (and other supporting information) stored on ProMaster along with the “General Guidance to Occupants of Council Properties Asbestos advice to tenants” leaflet.
- b. Leaseholders will be provided with the asbestos report for the communal parts of their building (where applicable) and these will also be updated when there is a change.
- c. Upon receipt of a Right to Buy application DBC will provide from our records asbestos survey report(s) or commission an asbestos survey (if existing information is not present) for the property. This report will be shared with the applicant(s).

### **1.13: Home Improvement Applications**

The Council will review all new Home Improvement Applications against the asbestos register/database. Where no asbestos survey report exists one will be commissioned. If the work involves invasive works, a targeted Refurbishment & Demolition survey will be carried out. The Council will carry out all asbestos enabling works for approved improvement requests. However, reinstatement works following asbestos removal works or damaged décor is the responsibility of the tenants.

### **1.14: Asbestos Incident**

Where it has been reported that ACMs may have been disturbed or damaged the Council’s emergency procedures will be activated. A competent person will respond immediately and be on site as soon as practicable, to assess and request a specialist asbestos contractor to attend where appropriate. Liaison will take place with any tenants, staff and contractors on site and if deemed appropriate an independent UKAS accredited consultancy will be tasked with conducting reassurance air monitoring. For further information, see section 2.8: Asbestos discovery, disturbance and emergency procedures.

### **1.15: Asbestos removal contractors**

The Council will use licensed asbestos contractors (as required) to provide asbestos related services for the effective management of asbestos risks.

### **1.16: Labelling of Asbestos Containing Materials (ACMs)**

ACMs will generally not be labelled in Housing properties; due to this, suitable and sufficient review of the asbestos survey prior to any works is essential, as ACMs may not be readily identifiable by labelling.

### **1.17: Monitoring**

The Council will closely monitor works by contractors and tenants to ensure compliance.

- The Council will monitor and review risk assessments (RAs) for proposed, pre-planned works to ensure that they meet legislative standards. As per section 2.12, such RAs will be made available for review and audit, followed by work in progress inspections
- The Council may monitor the usage of the asbestos database
- The Council will undertake checks of Risk Assessments and associated Method Statements on responsive repairs, on a sample basis
- The Council will require contractors to provide evidence that asbestos awareness training and refresher training has been undertaken in compliance with CAR 2012 Regulation 10
- The Council requires contractors to provide sufficient information to DBC to demonstrate compliance with the policy and legislative compliance

Any breach of this policy and its procedures are to be reported by staff and contractors to the relevant Manager and Head of Service.

#### **1.18: Reviewing the AMP**

Once implemented, the Asbestos Management Plan will be reviewed at a minimum of every 12 months or more frequently i.e. following a change in legislation, update in good practice, following a major incident, following a significant change to the property portfolio, or if any reason comes to light to suggest that the Plan is inadequate. The review shall consider the following:

- Whether information about identified or presumed ACMs is available and reaching those who need to access this information
- Whether the assessments of these materials are still applicable
- Whether the management strategy implemented for these materials is sufficient
- Whether the Plan is achieving its goals of effective management of ACMs and prevention of exposure to asbestos fibres

If the Plan is not achieving its objectives, then it should be reviewed at an appropriate frequency until an effective Plan is in operation.

#### **1.19: Reference Legislation, Approved Codes of Practice (ACOPs) and Guidance Documentation**

The following documents have been identified as being significantly relevant to managing risks from asbestos containing materials, and further information on any document below can be obtained directly from the HSE.

Legislation:

- The Health and Safety at Work Act 1974
- Control of Asbestos Regulations 2012
- Workplace (Health, Safety and Welfare) Regulations 1992
- Hazardous Waste Regulations 2005
- Construction (Design and Management) Regulations 2015

Approved Codes of Practice (ACOP):

- ACOP L143 - Managing and working with asbestos

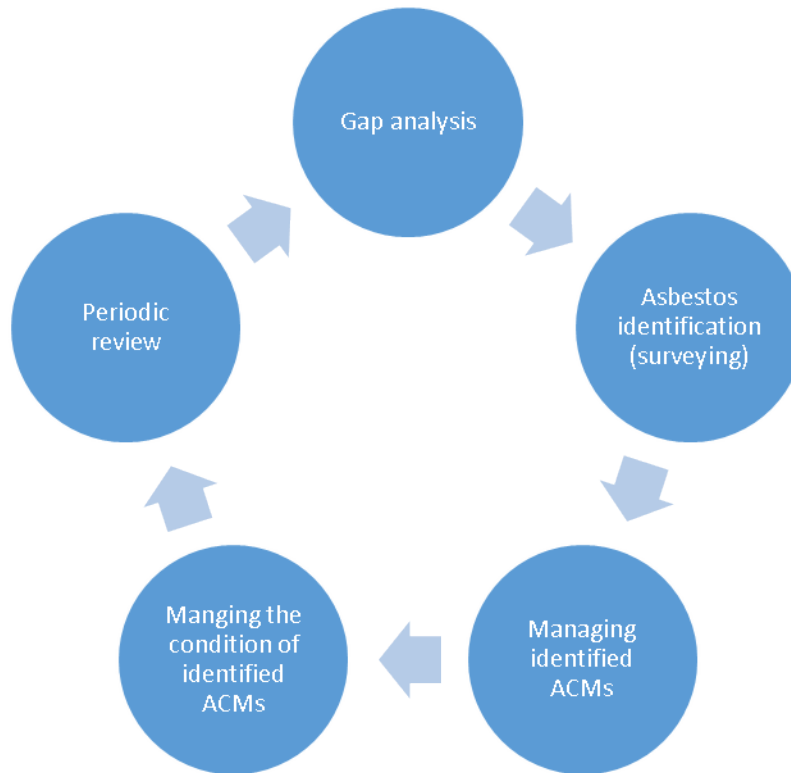
Guidance Documents (Health & Safety Executive)

- HSG 264 Asbestos: The survey guide
- HSG247 Asbestos: The licensed contractors' guide
- HSG248 Asbestos: The analysts' guide
- HSG53 Respiratory protective equipment at work

**Asbestos Management Plan**

## 2.1: Introduction

This section outlines how DBC will meet the requirements of the Asbestos Management Policy and manage its responsibilities to comply with CAR 2012 Regulation 4. DBC will enact the following strategy for management of asbestos within its portfolio as part of its Asbestos Management Plan:



## 2.2: Gap analysis

To suitably manage information relating to the location and condition of asbestos within the Councils Housing portfolio, enact the management plan and comply with the overall duty to manage, investigative assessment of the status of all existing information available to DBC is to be undertaken on an ongoing basis to ensure accurate records are held across the Councils portfolio.

Details of all properties which do not currently have available management asbestos survey information shall be presented to the AMG for review to implement an appropriate program of asbestos surveying. The implementation of this program and review of progress will be continually assessed by the AMG and is further expanded upon within the Asbestos identification (surveying) section 2.3.

Details of all properties which via management, refurbishment & demolition or re-inspection asbestos survey have indicated the requirement for remedial action shall be presented to the AMG for review to implement an appropriate program of asbestos remediation works. Any ACMs identified as an immediate risk due to

the condition/location of the ACM will need immediate response by the DBC Housing team; all other recommended works will be assessed and included within a suitable remediation program. A review of remediation program will be continually assessed by the AMG and is further expanded upon within the Manging identified ACMs section 2.4.

Details of all properties which do have available management asbestos survey information but do not have a re-inspection survey within 12 months from the time of initial survey or a previous re-inspection completed within the last 12 months shall be presented to the AMG for review to implement an appropriate program of asbestos re-inspection surveying. The implementation of this program and review of progress will be continually assessed by the AMG and is further expanded upon within the manging the condition of ACMs section 2.5.

### **2.3: Asbestos identification (surveying)**

DBC undertakes to provide a management survey of every property within the Housing portfolio; if identified via gap analysis of the DBC Housing portfolio that a property does not have a management survey, this is to be actioned by commissioning a management survey via a UKAS accredited inspection body in compliance with HSG264. For the purpose of ongoing management of asbestos risk, asbestos is to be presumed present (as per CAR 2012 Regulation 5) if it is established via gap analysis that insufficient asbestos survey information is available. The AMG is to oversee this process and ensure a program of surveying is implemented so far as is reasonably practical.

If it is established via management survey that no ACMs are identified, this is to be reflected by removing the property from the ongoing re-inspection survey program; if however a refurbishment & demolition survey or any further investigative works indicate ACMs as present at any later time, any required management actions will need to be taken and this property will then need to be included within the ongoing re-inspection program.

In addition to management surveys, refurbishment & demolition surveys will be carried out to those parts of any building where refurbishment (or demolition) works are proposed in compliance with HSG264. The refurbishment and demolition survey will only be necessary in the specific area/location where the works will take place, e.g. cupboard, part of a room, kitchen/bathroom. However, further refurbishment and demolition surveys will be necessary in other locations when new improvement schemes are proposed. These localised refurbishment and demolition surveys should have the specific purpose of identifying ACMs for removal, control or avoidance during the refurbishment works. Refurbishment and demolition surveys should be incorporated into the planning phase of such work as far as possible. This will avoid delays and disruption etc. Where the work is urgent (e.g. essential or emergency maintenance, repair and installation), the refurbishment surveys may have to be carried out just before the work itself. Surveys should be performed with due diligence. Refurbishment & demolition

surveys will be actioned by commissioning a UKAS accredited inspection body in compliance with HSG264. For the purpose of ongoing management of asbestos risk, asbestos is to be presumed present (as per CAR 2012 Regulation 5) if it is established that insufficient asbestos survey information is available for the location of the proposed refurbishment and/or demolition works. The AMG is to oversee this process and ensure a program of surveying is implemented to meet legislative requirements for ongoing refurbishment and/or demolition works.

All surveying works must be performed by surveyors whom hold sufficient qualifications, experience & knowledge to fulfil the “Qualifications, Experience and Knowledge Requirements for Asbestos Surveyors” section of UKAS RG8 “Accreditation of Bodies Surveying for Asbestos in Premises”.

All commissioned asbestos surveys must be assessed by the DBC housing management team when issued to review any management actions identified by the survey. Asbestos surveyors must report any immediate asbestos risks to the DBC Housing team and take appropriate action on site to fulfil their duty of care.

To enact the overall asbestos management strategy, on receipt of asbestos survey information any identified ACMs will need to be suitably managed; see managing identified ACMs section 2.4 & Managing the condition of ACMs section 2.5 for further information.

All survey reports must be stored on the Asbestos database as per the Asbestos database and Risk Assessment section of the DBC Asbestos Management Policy.

#### **2.4: Managing identified ACMs**

As per the DBC Asbestos Management Policy, the DBC housing team will be responsible for ensuring that all recommended actions from identified ACM(s) within asbestos survey reports are reviewed and actioned to sufficiently manage asbestos risk.

If asbestos material(s) are identified in good condition, well protected either by position or physical protection, reducing the likelihood of damage, and is unlikely to be worked on regularly or otherwise disturbed, it is usually safer to leave it in place and manage the condition of the ACM(s); if ACMs or presumed ACMs that are in good condition are left in situ, the condition of the ACM(s) is to be managed & re-inspected as per the managing the condition of identified ACMs section 2.5.

If asbestos material(s) are identified in poor condition, repair or removal of asbestos may be required. Some damaged ACM(s) can be made safe by repairing and sealing (encapsulation) and/or enclosing to prevent further damage; if this can be done safely and is deemed preferable to removal, DBC shall appoint someone trained and competent to carry out licensable work,



NNLW, or non-licensable work, as appropriate to repair the ACM in accordance with CAR 2012, HSG 247 & Asbestos Essentials. On completion of any remedial work such as repairing and sealing (encapsulation) and/or enclosing to prevent further damage, the condition of the remaining ACM(s) is to be managed as per the managing the condition of identified ACMs section 2.5.

If the ACM(s) identified in poor condition is likely to be disturbed during routine maintenance work, daily use of the building and/or the survey has recommended access to be restricted due to immediate risk (asbestos debris/contamination etc.) the dutyholder should have the ACM(s) removed. DBC shall appoint someone trained and competent to carry out licensable work, NNLW, or non-licensable work, as appropriate to remove the ACM in accordance with CAR 2012, HSG 247 & Asbestos Essentials.

The AMG is to ensure a program of remedial works is implemented to meet legislative requirements for ongoing compliance; all programmed remedial works are to be prioritised based on risk as identified in the material assessment (or the priority assessment if included) and indicate their urgency, e.g. immediate, middle/longer term.

All records relating to completion of remedial works must be stored on the Asbestos database as per the Asbestos database and Risk Assessment section of the DBC Asbestos Management Policy. DBC partnering contractors (Osborne Property Services, Sun Realm, Orion, T&P, IDIS and Express Lifts) & maintenance, refurbishment and demolition contractors are to send all relevant documentation on completion of any asbestos remedial works to the DBC Housing team to ensure records can be updated accordingly.

### **2.5: Managing the condition of identified ACMs**

As per the DBC Asbestos Management Policy, re-inspection of all identified ACMs shall be carried out at regular based on a risk assessment approach.

To enact this policy, all materials identified to contain asbestos or presumed to contain asbestos will be re-inspected annually (or more frequently if deemed necessary) by a UKAS accredited inspection body and the overall re-inspection program will be overseen by the AMG to ensure a program of re-inspection surveying is implemented to monitor the condition of all identified ACMs.

All re-inspection works must be performed by surveyors whom hold sufficient qualifications, experience & knowledge to fulfil the “Qualifications, Experience and Knowledge Requirements for Asbestos Surveyors” section of UKAS RG8 “Accreditation of Bodies Surveying for Asbestos in Premises”.

All commissioned asbestos re-inspection surveys must be assessed by the DBC Housing management team when issued to review any management actions identified by the survey as per the Managing identified ACMs section 2.4.

Asbestos surveyors must report any immediate asbestos risks to the DBC Housing team during re-inspection survey works and take appropriate action on site to fulfil their duty of care.

## **2.6: Periodic review**

A review of all asbestos management programs such as the Survey program, Remedial works program and Re-inspection works program as well as all other measures of asbestos management performance shall be undertaken by the AMG to ensure all requirements of the Asbestos Management Policy, Asbestos Management Plan and relevant legislation are met so far as is reasonably practical.

Findings of the review are to be outlined by the AMG to ensure suitable and sufficient management of ACMs within the DBC portfolio; corrective action is to be implemented and overseen to ensure overall compliance and any non-compliance is to be reported as per the Asbestos management Policy.

## **2.7: Maintenance, refurbishment and demolition procedures**

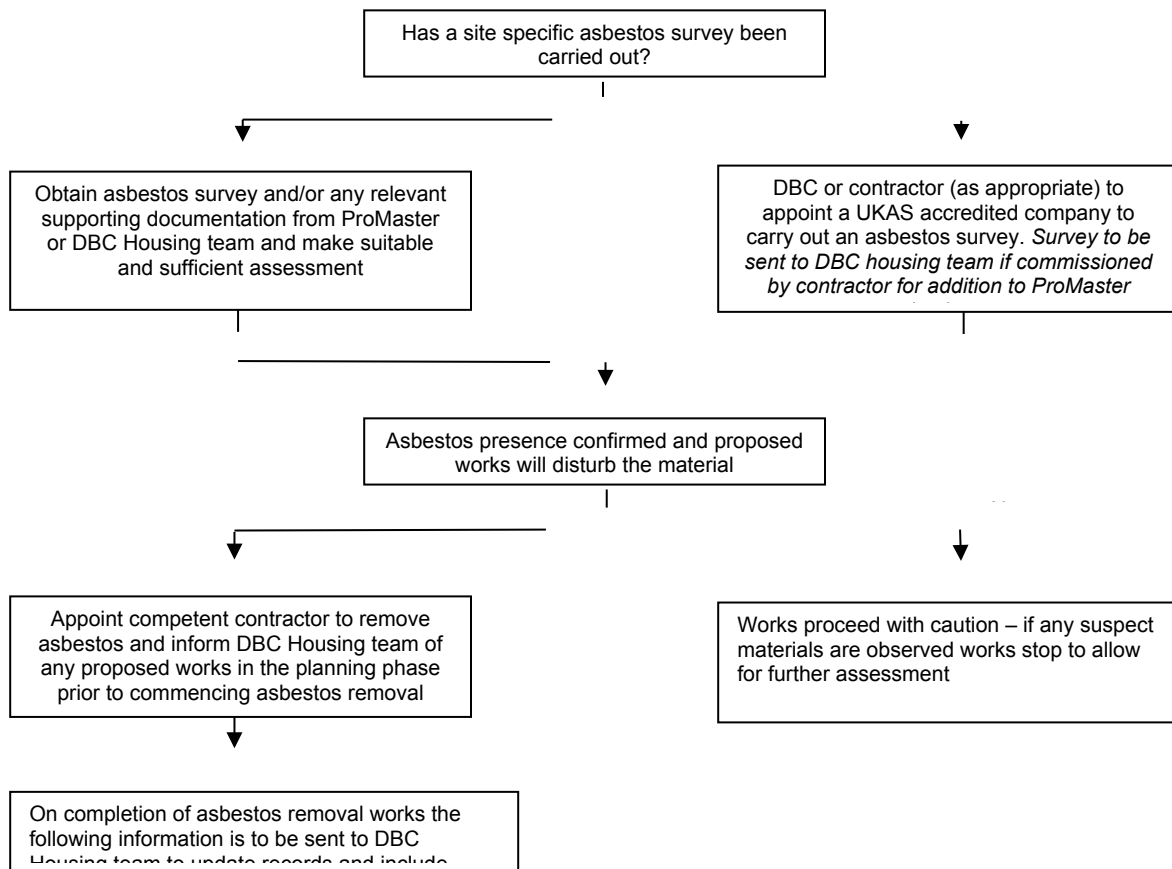
DBC Partnering Contractor Osborne Property Services are to follow Osborne “GHP-HSB-003.1 Asbestos” when planning and completing works as well as complying with the DBC Asbestos Management Policy and legislative/industry guidance.

To comply with the Policy and enable the DBC Housing management team to manage all relevant information relating to asbestos, Osborne Property Services will need to ensure that:

- On completion of any survey works commissioned by Osborne, survey information is provided to the DBC Housing Management Team
- The DBC Housing Management Team are informed of any asbestos removal works completed to allow the asbestos register to be updated accordingly and retaining copies of appointed LARC documentation (such as POW, waste consignment notes & notification documents) and making this information available to the Housing management team
- Stopping work if they come across suspected ACMs and/or implement asbestos emergency procedures
- Reporting any concerns relating to asbestos management and control to the appointed person for the building and/or their council contact in the relevant DBC Housing team

All contractors completing works on the DBC housing stock are to follow the following procedure:

## Procedure prior to commencing work on DBC housing stock:

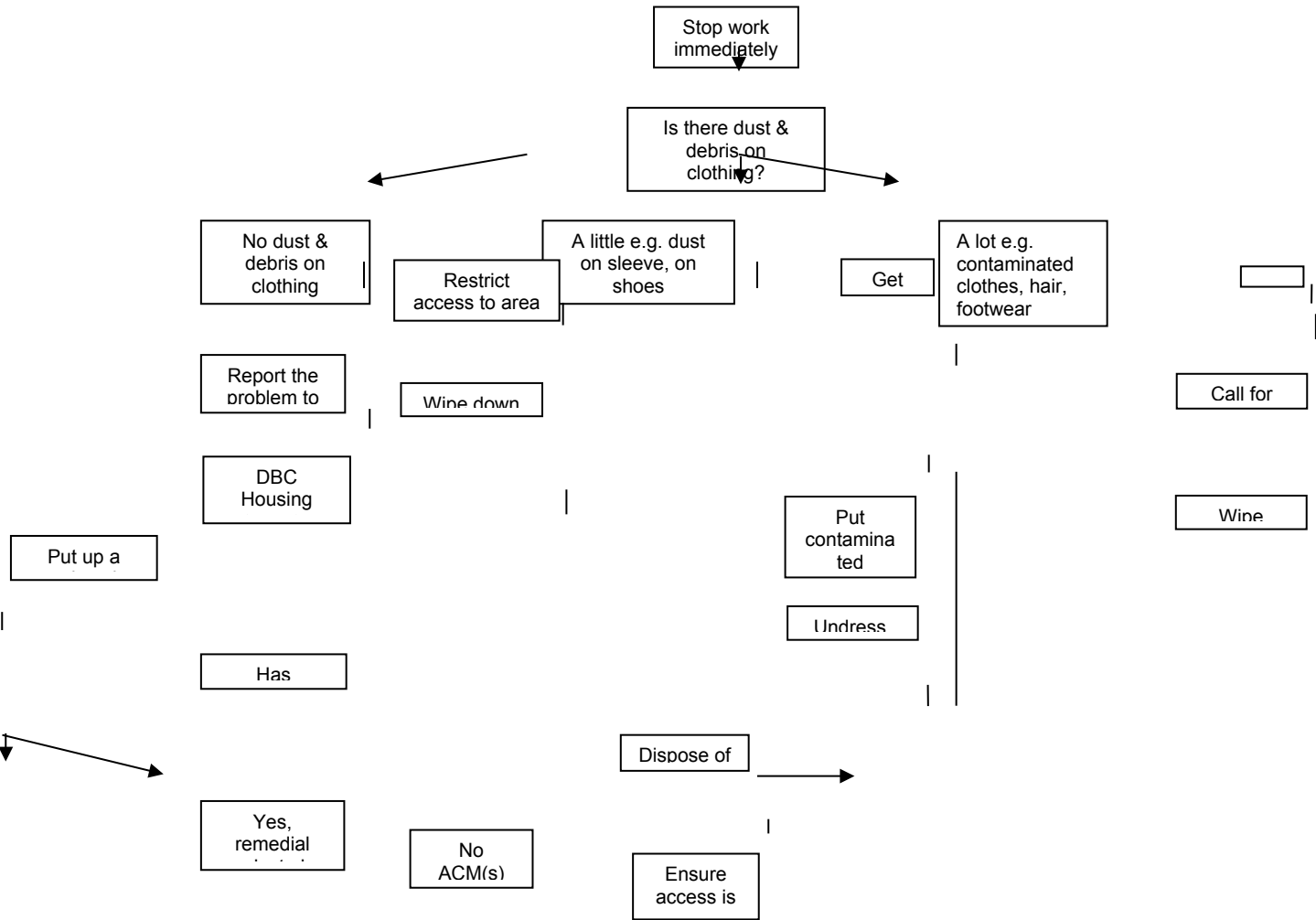


### **2.8: Asbestos discovery, disturbance and emergency procedures**

DBC Partnering Contractor Osborne Property Services are to follow Osborne GHP-HSB-003.2 Asbestos Discovery & GHP-HSB-003.3 Asbestos Discovery and disturbed processes and procedures as well as complying with the DBC Asbestos Management Policy and legislative/industry guidance.

All other contractors are to follow the following procedure:

Procedure if materials that could contain asbestos are discovered or damaged:



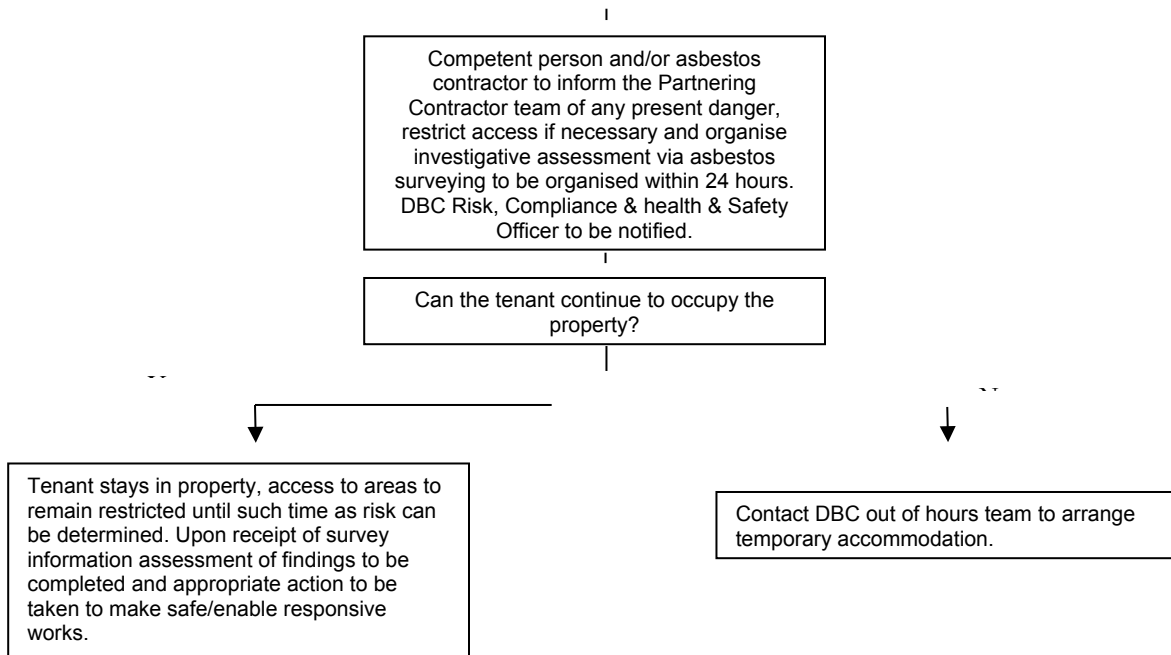
As per the “General Guidance to Occupants of Council Properties” (see Appendix) and the “Repairs Handbook” issued to tenants, emergency incidents are to be reported on 0800 018 6050 (select option 1 for Sun Realm for gas and central heating repairs and boiler servicing - select option 2 for Osborne for repairs).

Procedure for responsive works & out of hours emergencies:

Tenant contacts call centre (e.g. following collapsed ceiling due to leak or discovery of material suspected of containing asbestos). Extent & location of works to be established by Partnering Contractor.

Partnering Contractor to review available information – if the property is found to contain asbestos materials that may have been damaged or may be found in poor condition (or if insufficient information is found) a suitable competent person and/or asbestos contractor is to attend to take appropriate action on site.

If suitable and sufficient assessment of available information confirms ACM(s) are not present, responsive works can proceed with caution – if any suspect materials are observed works stop to allow for further assessment.



### 2.9: Informing relevant person(s) of the presence of ACM's

As per the DBC Asbestos Management Policy section Information sharing, DBC shall ensure access to ProMaster system is provided for access to the asbestos database or information to:

- Staff
- Contractors
- Tenants
- Leaseholders
- 'Right to Buy' applicants
- Home improvement applicants
- Members of the public (only where a need to know exists)

### 2.10: Communicating and sharing the Asbestos Management Plan

DBC shall ensure that the management plan is made available to DBC staff, partnering organisations and subcontractors. DBC shall:

- Inform employees what the management plan arrangements are;

- Provide the emergency services with information on the location and condition of any known ACMs;
- Provide copies of the management plan for employee representatives and trade union safety representatives

### **2.11: Training**

Based upon a risk assessment approach, DBC staff identified as requiring Asbestos Awareness training shall receive Asbestos Awareness training (UKATA Category A or equivalent) which will be completed on an annual basis. Partnering contractors, contractors & associated subcontractors responsible for maintenance, refurbishment or demolition shall hold Asbestos Awareness training (UKATA Category A or equivalent) which will be completed in compliance with CAR 2012 Regulation 10.

Any persons working with/on asbestos materials must comply with CAR 2012 Regulation 10 (and all applicable provisions of CAR 2012).

### **2.12: Monitoring/Auditing**

DBC shall audit DBC Housing management team, partnering contractors, contractors & associated subcontractors to ensure overall compliance to the Asbestos Management Policy and Asbestos Management Plan as well as legislative requirements & industry guidance. Prospective contractors' management systems, policy and competencies are to be checked during the procurement process to ensure compliance.

DBC Housing will audit the asbestos management processes of its partnering contractors once a year. The aim of this will be to assess whether the management system is working properly. Any corrective action required will be identified through H&S inspections, surveys and sampling. Team Leaders will be involved in the desk top audit of documentation, by helping to collect relevant documents from the contractor.

The Documents that should be provided as part of the audit are:

- Evidence of competency of operatives, e.g. training certificates, membership of regulatory bodies. Training must be UKATA/IATP approved.
- H&S documents, e.g. H&S Policy, Asbestos policies & procedures, Risk Assessments, Method Statements, operatives records of number of hours worked and medical records.

The Risk, Compliance and Health and Safety Officer will carry out regular ad hoc site audits to include PPE, plant and equipment e.g. DCU, housekeeping, storage of waste, correct supervision, traffic routes.

Findings shall be presented to the AMG; any instances of non-compliance shall be investigated to ensure corrective action is taken.

# APPENDIX

## General Guidance to Occupants of Council Properties

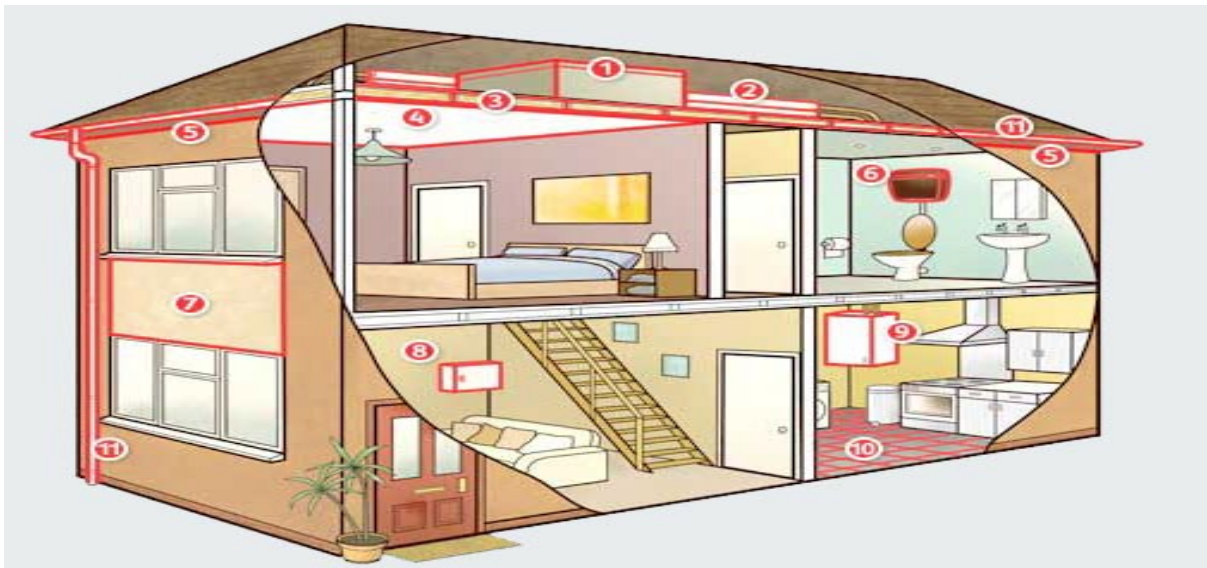
### Asbestos advice to tenants

Asbestos was widely used in building materials from the 1930's until 1999 because of its strength and fire resistance. As much of our Housing was built or refurbished during this time some properties may contain asbestos.

The Health and Safety Executive recommends that asbestos remains in place as long as it is undamaged. If left undisturbed, it poses no immediate risk to health.

If you are planning on doing any DIY, take care to avoid any areas that may contain asbestos, such as textured coatings on walls and ceilings, floor tiles and toilet cisterns. Most importantly, do not drill, saw, scrub or sand anything that you think may contain asbestos. The diagram below indicates some of the common locations although it can be found in other areas not included on this list.





- |                                    |                                    |
|------------------------------------|------------------------------------|
| 1. Cold Water Tanks                | 7. Wall Cladding Sheets            |
| 2. Lagging                         | 8. Wall boards/internal partitions |
| 3. Insulation                      | 9. Central Heating Boilers         |
| 4. Artex Wall and Ceiling finishes | 10. Floor Tiles                    |
| 5. Soffit boards                   | 11. Rainwater Pipes and Guttering  |
| 6. WC cisterns                     |                                    |

All properties undergoing planned works, including kitchen, bathroom or heating system replacements or re-wiring will undergo an asbestos survey before work starts. Please be assured that all necessary precautions will be taken if it is found.

For more information visit [www.hse.gov.uk/asbestos](http://www.hse.gov.uk/asbestos) or contact Osborne Property Services on 0800 0186050 and press Option 2.

2017

Dacorum Borough  
Council

Stuart McGregor

# [ LEGIONELLA MANAGEMENT SYSTEM ]

## Contents

Legionella Policy Statement .....	2
<b>Section 1: Legionella Policy Management .....</b>	<b>3</b>
1.0 Introduction .....	4
2.0 Scope .....	5
3.0 Definitions .....	6
4.0 Risk Profiling .....	6
5.0 Legislation, Guidance and Standards .....	6
6.0 Responsibility for Implementing Council Policy .....	7
7.0 Policy Management Arrangements .....	8
8.0 Discovery of Legionella Bacteria .....	12
9.0 Records .....	12
10.0 Review .....	13
11.0 Training and Monitoring .....	13
<b>Section 2: Control Matrix .....</b>	<b>14</b>
12:0 Control Matrix .....	15
12.1 <i>Property and Place</i> .....	16
12.2 <i>Commercial Assets</i> .....	21
<b>Section 3: Risk Assessment and Risk Assurance .....</b>	<b>26</b>
13.0 Risk Assessment and Risk Assurance .....	27
14.0 Key Performance Indicators (KPI) .....	32
15.0 Risk Assurance .....	33
<b>Section 4: Training and Competence .....</b>	<b>37</b>
16.0 Training and Competence .....	38
<b>Section 5: Contractor, Duties for Water Treatment, Code of Conduct .....</b>	<b>41</b>
17.0 Code of Conduct for Service Providers .....	42
<b>Section 6: Operational Procedures .....</b>	<b>46</b>
Operating Procedure: WATER TREATMENT, CONTROL PROGRAMMES AND DISINFECTION .....	47
Operating Procedure: MICROBIOLOGICAL MONITORING .....	50
<b>Appendix A: Legionella Guide .....</b>	<b>53</b>
<b>Appendix B: Glossary .....</b>	<b>59</b>
<b>Appendix C: BUILDING LISTS .....</b>	<b>61</b>

# Legionella Policy Statement

Dacorum Borough Council firmly believes that health, safety and wellbeing of all those who may be affected by its activities is of paramount importance. The council, through its Corporate Management Team, Assistant Directors, Group Managers and Elected Members, in consultation with Unions will ensure that its activities in relation to Water Hygiene and the Control of Legionella Policy are conducted in a manner which identifies and controls all foreseeable risks in accordance with current legislation, recognised guidance and best practice. To achieve excellence in Water Hygiene and the Control of Legionella the council has the following objectives:

- To comply with the requirements of current health and safety legislation and implement procedures to ensure a safe and healthy working environment with commitment to the prevention of injury and ill health.
- To ensure when adopting this management system, hazards are identified, and the associated risks assessed, managed in a sensible way and reviewed as necessary, providing those affected with appropriate information, training, instruction or supervision.
- To implement and maintain this Legionella Management System and monitoring associated arrangements to review the effectiveness, striving for excellence and continuous improvements.
- To provide sufficient resources necessary to establish, maintain and develop comprehensive health and safety practices, competencies, and safe places of work including safe equipment and safe methods in relation to Water Hygiene and the Control of Legionella.

The management of legionella risk will be a continual commitment by DBC, with the Legionella Management working group having a monitoring role.

This manual is formally accepted by DBC. The Council will do all that is reasonable practicable to comply with its requirements and will make all necessary resources available.

The Assistant Directors Elliott Brooks and Rob Smythe have been appointed as the responsible persons for Legionella.

**Signed:** \_\_\_\_\_

Chief Executive of DBC

## Section 1: Legionella Policy Management

DRAFT

## 1.0 Introduction

The aim of this document is to define a combined policy and operating procedure as one management system for the control and management of legionella bacteria in water systems within the dwellings and office buildings owned and managed by Dacorum Borough Council (DBC). This Legionella management system will also be referred to as the 'manual' and is in addition to the external 'legionella contract'.

When visiting, working or living in and around DBC premises it is essential that the risk of exposure to legionella bacteria is minimised and strictly managed and controlled.

This manual sets out how the Council intends to meet the requirements of the Health and Safety Executive (HSE) Approved Code of Practice (ACOP) '*L8 Legionnaires' disease - The control of legionella bacteria in water systems*' (Often referred to as the L8)

The ACOP requires Duty holders to identify and assess sources of risk of exposure to legionellosis bacteria. These risks must then be reduced and controlled to prevent harm to any person who may be exposed.

This manual is also intended to ensure that DBC meets requirements made under the Health and Safety at Work etc. Act 1974. This imposes a 'Duty of Care' on DBC in relation to its customers, employees, consultants and contractors, and others affected by our work.

The policy of DBC is to provide and maintain safe working conditions, equipment and systems of work for all staff, visitors and contractors, and to provide resources, information, training and supervision as required for this purpose. This management system, is in addition to the Corporate Health and Safety policy, and further assists the Council in the control of legionella. It also supports DBC People Strategy document 'A Clean, Safe and enjoyable environment.

## 1.1 What is Legionella?

Legionnaires disease is a potentially fatal or permanently debilitating form of pneumonia which can affect anybody, but which principally affects those who are susceptible because of age, illness and/or immunosuppressant. It is caused by the bacterium *Legionella pneumophila* and related *bacteria*. Legionella bacteria can also cause less serious illnesses which are not fatal or permanently debilitating. The collective term used to cover the group of diseases caused by legionella bacteria is legionellosis.

Legionella bacteria are common and can be found naturally in environmental water sources such as rivers, lakes and reservoirs, usually in low numbers. Legionella bacteria may also enter purpose built water systems and can be found in cooling tower systems, hot and cold water systems and other plant which use or store water.

Legionella bacteria can survive under a wide variety of environmental conditions but reproduce to high numbers in warm, stagnant water (between 20 °C and 45 °C). The organisms will not survive above 60°C and do not appear to multiply below 20 °C. They may however remain dormant in cool water and multiply only when water temperatures reach a suitable level.

Legionnaires' disease is normally contracted by inhaling small droplets of water (aerosols), suspended in the air, containing the bacteria. The risk is increased where: (a) water temperatures are between 20 and 45 °C (b) there are deposits that can support bacterial growth (c) water droplets can be produced and breathed in.

Water system design and operation, temperature control, treatment and monitoring of the water and recommended cleaning and disinfection procedures must be considered if the risk is to be minimised.

## 2.0 Scope

This system applies to all employees, contractors and members of the public who may encounter legionella bacteria originating from premises under our control.

This document will assist the following persons to ensure compliance with the regulatory requirements in order to minimise the potential for outbreaks of Legionnaires' disease:

- Building Services
- Compliance officers
- Building managers
- Architects/Developers Those responsible for any building or maintenance projects that may have any changes to water systems, or implementation of new water systems.
- Contract managers
- Corporate Health and Safety

Specifically,

- Commercial Assets
- Owned and managed property
- Contracted/Leased
- Leisure Centres
- Commercial Shops
- Community Centres

The principal goals of the legionella management system are to ensure that:

- All areas of the Council are accounted for and risk assessed, managed and owned.
- To include the management of risk in relation to the planning for new water systems/projects
- To review and manage the risks of legionella findings from water risk assessments in a timely fashion

- To implement a robust risk assurance system, that includes a system of monitoring and auditing the contract of Legionella management
- Building owners and occupiers are aware of their responsibilities from ACOP L8.
- A reasonable assurance system in place of buildings owned by DBC but managed via lease/contract.
- All local DBC staff that are nominated with responsibilities have training to equip them to fulfil the roles determined by this management system.

### 3.0 Definitions

**Non-Domestic Premises** – are premises which are used as a place of work, visitor venues or premises which provide support or service facilities for members of the public, communal areas of sheltered schemes and any other council owned and managed premises where responsibility for water hygiene has not been specifically devolved as a council responsibility through a lease contract or other agreement.

**Domestic Premises** – are places of residence and include the Councils housing stock.

### 4.0 Risk Profiling

The DBC system for managing safety and business is premised on managers knowing what the predictable risks are in their department, such as, legionella bacteria and to rank them in order of importance and take action to control them. More information on risk assessment and risk assurance can be found in Section 3.

The range of risks goes beyond health and safety to include, quality, environmental and asset damage, but issues in one area could impact on another.

### 5.0 Legislation, Guidance and Standards

It is the responsibility of the Council to ensure a suitable and sufficient Risk Assessment of the water systems is carried out and details held on file.

Additionally, the Council has a duty to ensure people involved with the control of Legionella are adequately trained, qualified and experienced to fulfil their duties in executing the risk management programme.

The following legislation is applicable to the management and control of legionella:

- Health and Safety at Work etc. Act 1974
- Management of Health and Safety at Work Regulations 1999
- Control of Substances Hazardous to Health Regulations 2002
- The Notification of Cooling Towers and Evaporative Condensers Regulations 1992



Failure to comply with applicable legislation is a criminal offence that could result in unlimited fines for the Council and possibly fines and imprisonment for individuals found to be individually culpable.

The following approved codes of practice and guidance have been issued to assist in maintaining compliance:

- The Health and Safety Executive Approved Code of Practice L8 – Legionnaires disease (4th Edition) The control of Legionella bacteria in water systems. ISBN 9780717666157
- HSE Technical Guidance HSG274 Parts 1, 2 & 3
- BS8558:2011 Guide to the design, installation, testing and maintenance of services supplying water for domestic use within buildings and their curtilages
- BS8580: 2010 Water Quality – Risk Assessment for Legionella Control – Code of Practice
- BS7592: 2008 Sampling for Legionella Bacteria in Water Systems – Code of Practice

DBC policy is to follow the guidance in the ACoP (L8) as a means of complying with the Control of Substances Hazardous to Health (COSHH) Regulations 2002. The responsible person(s) as documented shall implement the requirements of the ACoP and, where applicable adopt the procedures and practices detailed in the following sections.

The key requirements of the ACoP L8 include:

- Identify and assess sources of risk
- Prepare a scheme for preventing or controlling the risk
- Implement, manage and monitor precautions
- Retain records of precautions
- Appoint a person to be responsible for the management of Legionella and staff that are competent to fulfil their specific nominated tasks

## **6.0 Responsibility for Implementing Council Policy**

HSE's Approved Code of Practice (L8) states that the duty holder should specifically appoint competent persons to assess the risks and to take day-to-day responsibility for controlling any identified risk from legionella bacteria. These persons are referred to as 'responsible persons' in L8 and it is important that they have the appropriate level of authority, competence and knowledge to carry out their role effectively and in a timely way.

Whilst legal accountability for compliance with legislative requirements rests with the Council, responsibility for establishing a health and safety framework for the management of Legionella risks, sits at the Executive level. The Executive Board, namely the Corporate Management Team (CMT) recognises the importance that is given to the management of the Council's assets from a health and safety as well as a commercial perspective.

Under this policy and guidance, the Council has appointed appropriate people within the organisation to manage the legionella risk control measures with the supported of an appointed competent

contractor. The contractor's role includes assessing legionella risks, recommending appropriate control measures and carrying out water temperature and water quality monitoring, based on the checklist from the L8 standards.

## **7.0 Policy Management Arrangements**

Ultimate responsibility for this policy rests with the Council as the employer. The Council will require the Chief Executive to ensure that the policy is effectively applied. As with all matters relating to health and safety, the Directors, Group Managers and Team Managers have devolved responsibility for the application of the policy, plan, and policy statement.

### **7.1 Chief Executive**

The Chief Executive will have ultimate ownership of the policy and management system with the arrangements described within. The delegation of responsibility can be made to the Corporate Director in the absence of the Chief either through leave or other absence.

### **7.2 Deputy Chief Executive / Corporate Director / Assistant Directors**

Corporate Management Team will take ownership of the Policy and the arrangements described within in the absence of the Chief Executive either through leave or other absence, as detailed in the policy statement.

### **7.3 Group Manager Property and Place and Group Manager Commercial Assets will:**

- i. Lead on and manage the corporate risk assessment process for all Council managed buildings and oversee the Management Plan detailed in this policy.
- ii. Identify necessary resources to take remedial action to reduce the risks presented by Legionnaires' disease within the premises managed by them.
- iii. Ensure that all premises managers/building managers follow the steps set out in the section below.
- iv. Liaise with the Corporate Director's/Assistant Director's, Corporate Lead Health and Safety Officer Property and Place Team Leaders and Building Services Team Leader where legionella risks are identified.
- v. Accept the role of Responsible Person as detailed in L8
- vi. Delegate responsibility to an appropriately trained and competent representative(s) from Property and Place to:
  - Advise on the potential areas of risk and identify where systems do not comply with guidance.
  - Appoint a competent contractor to carry out the requirements of HSE guidance L8
  - Advise departments and building managers on the necessary remedial action to take following water hygiene risk assessments.
  - Monitor the implementation of these procedures and actions.
  - Maintain and co-ordinate adequate records.
  - Arrange for any necessary two-yearly water hygiene risk assessment reviews.

- Arrange for the monitoring of the effectiveness of necessary remedial works following water hygiene risk assessments and water testing.
- Manage the appointed contractor to undertake the risks and testing of sites.

**7.4 Team Leader Property and Place / Compliance and Mechanical and Electrical**

**Team Leader Commercial Assets and Property development**

**Team Leader Supported Housing will:**

Provide advice and assistance on implementation of this policy and to managers in commissioning or managing any works in connection with hot and cold water systems (and other related systems) as defined by this policy.

**7.5 Mechanical and Electrical Surveyor (Principle Surveyor) – (Contract Administrator)**

**Property/Place and Statutory Compliance Manager Commercial assets**

**Legislation Compliance Surveyor will:**

- i. Arrange the appointment of a competent Water Quality Risk Assessment Contractor approved by the LCA (Legionella Control Association).
- ii. Arrange the appointment of a competent Water Quality Management Contractor to manage Water Systems identified within this policy to ensure that they are fully compliant with the guidance contained in ACOP- the Control of Legionella Bacteria in Water Systems L8 2013.
- iii. Maintain a schedule of meetings with the Water Quality Management Contractor to ensure all relevant information regarding risk assessments is acted upon within a reasonable time limit.
- iv. Take responsibility for the hazards within their service area, as the lead risk owner, and ensure these are dealt with in the appropriate manner (see risk assurance section)
- v. Ensure duty holders are identified and made aware for buildings within their service
- vi. Act as first point of contact during any escalation relating to:
  - Positive reading from water sampling
  - Continued loss of control of any water system under DBC responsibility

**7.6 Supported Housing Officer/ Design and Maintenance Manager / Repairs Manager / Building Responsible Managers / Caretakers/ FM / Those in Control of Premises will:**

- i. Allow reasonable access to enable the water hygiene risk assessment and any remedial works to take place.
- ii. Liaise with their relevant Service areas on the management of Legionnaires 'disease within their premises and the commissioning of any remedial works.
- iii. Ensure no repair, maintenance or alteration work takes place on the hot and cold water system within the building(s) they are responsible for without notifying their service area of the planned changes so an assessment can be made as to the potential water hygiene impact on the system.
- iv. Nominate an individual (s) who will be responsible for completing the routine water hygiene tasks and checks for the premises, as detailed within the water hygiene site logbook. Ensure that the necessary

routine water hygiene tasks and checks as described in the premises Water Hygiene Log Book/Opuz/PPM are completed at the required frequencies and recorded in the site logbook/Opuz.

- v. Report any changes in water quality to their relevant Team Leader's/Statutory Compliance officers.
- vi. Advise their departments Senior Management Team where additional funding is required to comply with L8 or where risk assessments have identified potential areas of concern.

#### **7.7 Corporate Health and Safety Lead Officer / Mechanical and Electrical Surveyor (Principle Surveyor)**

##### **Property/Place and Statutory Compliance Manager Commercial assets**

##### **Legislation Compliance Surveyor will:**

- i. Provide appropriate advice and support to managers in respect to all aspects of this policy, its procedures and good practice.
- ii. Ensure actions resulting from monitoring / inspection / repair / contractor liaison are recorded and concluded within appropriate timescales.
- iii. Review the effectiveness of this policy with relevant staff as detailed.
- iv. Ensure relevant personnel receive training to perform their roles effectively.

#### **7.8 Those who Design (SPAR), or Commission Work on Hot and Cold Water Systems must:**

- i. Adhere to the Council's regulations on contracts and tenders.
- ii. Ensure that any changes to the system are designed and constructed to ensure that the system will be safe and without risks to health.
- iii. Ensure that L8 2013 The Control of Legionella Bacterium in Water Systems and other relevant standards are strictly followed.
- iv. Consult the water hygiene risk assessment and written schematic for the building as part of the planning process.
- v. Comply with all relevant British standards.
- vi. Aid safe operation of the system by making water circuits as simple and short/direct as possible. "Deadlegs" will be avoided.
- vii. Aid cleaning and disinfection to ensure those parts of the system that require routine/regular cleaning are easily accessible.
- viii. Reduce stored cold/hot water to a minimum needed to meet peak demands.
- ix. Minimise heat gain/loss by ensuring water pipes and storage tanks are insulated and ensure hot and cold pipes are suitably separated to prevent heat transfer.
- x. Update existing schematics and register any changes with the relevant Service.
- xi. Select materials which do not support bacterial or fungal growth e.g. polythene construction.
- xii. Lag calorifiers and hot water pipes to ensure water temperatures reach 60c and 50c respectively and make appropriate arrangements to prevent scalding of these using the system outlets.

- xiii. Minimise the ingress of organic material into water storage tanks by having close fitting lids and insect screens fitted to overflow pipes.

**7.9 *Those who work on, or repair, hot and cold water systems (Contractors or Council Employees) must:***

- i. Ensure a risk assessment has been completed and that relevant health and safety precautions are in place for the work. (If the work is to be carried out by a contractor to ensure a method statement and risk assessment is obtained from them prior to carrying out the work and that it is reviewed by a competent person prior to work starting).
- ii. Record any changes/repairs made to the system (however minor) and record them within the sites water hygiene log book/Opuz. Where necessary the schematic will also need to be updated by contacting the relevant Service.
- iii. Ensure that L8 2013 The Control of Legionella Bacterium in Water Systems and other relevant standards are strictly followed.
- iv. If unsure of any aspect of the system or whether they are competent to design/modify the system to immediately contact the relevant Service for direction

**7.10 *Water Hygiene Contractors (Risk Assessors) will:***

- i. Ensure all work is in accordance with the ACOP L8. The Control of Legionella Bacterium in Water Systems 2013.
- ii. Ensure that those engaged in the risk assessment process are suitably qualified and competent.
- iii. Provide a suitable method statement and general risk assessment for the work to ensure the safety of their workforce and Council staff/members of the public to Property and Place/Commercial Assets Services for review and acceptance before work begins.
- iv. Programme the water hygiene risk assessments, identified by DBC Services, as part of the Council's management plan.
- v. Prepare a full and detailed water hygiene risk assessment of the hot and cold water systems at various premises provided to them.
- vi. Prepare a specific written scheme of control for minimising the risk from legionella bacteria and to ensure good water hygiene at each of the premises risk assessed.
- vii. Prepare a full and detailed written schematic of the hot and cold water system at each of the premises risk assessed.
- viii. Provide both a written and computer-based record of the risk assessment, scheme of control and schematic of the water system.
- ix. Provide the building manager with a Site Water Hygiene Log Book and carry out digital thermometer test and record the water temperatures.
- x. Provide the Building Manager and other relevant staff with adequate information, instruction and training to carry out the required local water hygiene tasks and checks listed in the Water Hygiene Log Book/PPM.
- xi. In cases of doubt, contact Property/Commercial Team Leader? and/or the Lead Corporate Health and Safety Officer.

- xii. Where temperature non-conformities are identified adjust the system accordingly, retest until satisfactory temperatures are achieved and record the actions and inform the contract administrator. Where the temperature cannot be altered due to failure of the controls the contractor shall report this to the contract administrator as a non-conformity requiring client action.

**7.11 All Employees, Line managers, Managers and Supervisors will:**

- i. Immediately report to their line manager any changes in the water quality within the building they work.
- ii. Immediately report any confirmation from a Medical Practitioner that they have been diagnosed with any form of Legionellosis, reporting to Corporate Health and Safety.

**7.12 Letting Agents action on behalf of the Council will:**

- i. Implement the requirements of HSE publication L8 the Control of Legionella Bacterium in Water Systems 2013 on the Councils behalf for the premises identified in the policy scope.
- ii. Implement effective Legionnaires Disease Management Plans (including appropriate risk assessment and written scheme of control) and manage these plans on behalf of the Council for the premises identified in the policy scope.
- iii. Ensure all non-conformances, risks or concerns are raised in an appropriate and timely way with the relevant Council representative.

**8.0 Discovery of Legionella Bacteria**

In the event of the discovery of legionella bacteria within a water system, follow the guidelines as set out in the Operational Procedure section of this document.

**9.0 Records**

DBC will retain records for the period they remain current and for at least two years afterwards, except for records kept for monitoring and inspection, which will be kept for at least five years.

We will also keep training records of employees; records of the work of external service providers, such as water treatment specialists; and information on other hazards, e.g. chemical safety data sheets for at least five years.

We will regularly check that our records both written and electronic contain accurate information and contain details of the:

- person or people responsible for conducting the risk assessment, managing, and implementing the written scheme;
- significant findings of the risk assessment;
- written control scheme and details of its implementation;

- details of the state of operation of the system, i.e. in use/not in use;
- results of any monitoring, inspection, test or check carried out, the dates and any resulting corrective actions, as defined in the written scheme of precautions, such as: results of chemical and microbial analysis of the water;
- water treatment chemical usage;
- inspections and checks on the water treatment equipment to confirm correct operation;
- inspections and checks on the water system components and equipment to confirm correct and safe operation;
- records of maintenance to the water system components, equipment and water treatment system; and
- the cleaning and disinfection procedures and the associated reports and certificates.

#### **10.0 Review**

This guide should be reviewed at regular intervals or sooner if there is any reason to suppose that the advice is no longer valid, or any of the circumstances of the work have changed significantly.

#### **11.0 Training and Monitoring**

The Duty Holder must ensure that the Responsible Person(s), service provider and/or staff appointed to implement the control measures and strategies are suitably informed, instructed and trained and their suitability assessed. The levels of competence and training qualifications is detailed in the training and competence section.

Regular refresher training will be provided and the Responsible Person(s) must ensure that they have a clear understanding of their role and the overall health and safety management structure and policy of the organisation

This guide will be monitored regularly by the working group and Corporate Health and Safety Committee.

## Section 2: Control Matrix

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## 12:0 Control Matrix

The control matrix has been created as part of the main control measure and key part of this management system to achieve not only legal requirements, but a robust system in the management of Legionella. It is solely and specifically based on the Approved Code of Practice, and directly from the checklists and guidance from the HSE.

It is extremely important to note that this control matrix is in addition to the Councils External Legionella management contract with Orion Building Services. The external contract to manage is in place, this manual has been prepared to give Corporate Management Team full assurance of risk control in managing legionella. DBC have completed proactive health and safety works and risk profiling, giving Legionella Management further auditing and even more control measures.

The external contract should give the council a robust legal level of compliance and offer assurance for the wellbeing of staff and others. This management system and the whole subject of Legionella therefore shouldn't become convoluted.

To support the implementation of the Legionella Management System the following Control Matrix has been devised.

The Control Matrix is designed to be completed at a local level so that for each service area there is clarity about the frequency with which water systems should be inspected, by whom and managed by. A further layer of control is added by way of a 'process checked by' column.

Key Performance Indicators (KPI) are linked to each of the L8 tasks, detailed in the control matrix tables.

The following tables identify for the service areas Property and Place and Commercial Assets. It should be noted that this is *in addition* to the contract for 'managing Legionella'.

## 12.1 Property and Place

**Table 1:** Legionella Management risk identification checklist based on HSG 274 **Part 2**

KPI No.	Task	Frequency (or as indicated by risk assessment)	Task completed by (service provider)	Managed process by	Action point	Process checked by
1	Legionella water risk assessment	2 years	Orion/SMS	M+E Surveyor John Quinn	Produce and/or complete review	M+E Team Leader Ricky Lang
2	Cold Water (CW) Sentinel taps water temperature	Monthly	Orion	M+E Surveyor	Water temp should be below < 20c after running the water for 2 min	M+E Team Leader
3	Hot Water (HW) Sentinel taps water temperature	Monthly	Orion	M+E Surveyor	Water temp should be above > 50c after running the water for 1 min	M+E Team Leader
4	Representative sample of the HW taps temperature	On rotation	Orion	M+E Surveyor	Representative number of HW taps on rotation. Water temp should be above > 50c after running the water for 1 min	M+E Team Leader
5	Representative sample of the CW taps temperature	On rotation	Orion	M+E Surveyor	Representative number of CW taps sampled on rotation. Water temp should be below < 20c after running the water for 2 min	M+E Team Leader
6	Check thermal insulation CW system (CWS)	Annually	Orion	M+E Surveyor	Check thermal insulation to ensure intact; consider weatherproofing if exposed to outside	M+E Team Leader
7	Calorifier temp leaving and returning (HW)	Monthly	Orion to introduce	M+E Surveyor	Outgoing temp should be above >60c and return above > 50c	M+E Team Leader
8	Calorifier inspection and clean	Annually	Orion	M+E Surveyor	Remove the inspection cover and/or use a borescope camera and clean by draining the vessel. Where no inspection cover: purge debris and collect the initial flush for inspection	M+E Team Leader
9	Cold Water Tanks	Annually	Orion	M+E Surveyor	Inspect and carry out remedial work	M+E Team Leader
10	Cold Water Tanks check water temp	Annually (Summer)	Orion	M+E Surveyor	Check the tank water temperature remote from the ball valve and the incoming mains temp. Water temp should be below < 20c at all times	M+E Team Leader

KPI No.	Task	Frequency (or as indicated by risk assessment)	Task completed by (service provider)	Managed process by	Action point	Process checked by
11	Showers and spray taps	Quarterly	Showers – Orion Taps – Orion to introduce	M+E Surveyor	Dismantle clean and descale: removable parts, heads, inserts, and hoses, if applicable	M+E Team Leader
12	Combination water heaters	Annually	Orion	M+E Surveyor	Inspect the cold water header tanks	M+E Team Leader
13	Combination water heaters	Monthly	Orion	M+E Surveyor	Check water temperatures at an outlet to confirm the heater operates between 50-60c	M+E Team Leader
14	Point of Use (POU) taps	Monthly or six monthly – on rotation	Orion	M+E Surveyor	Check water temperatures at an outlet to confirm the heater operates between 50-60c	M+E Team Leader
15	POU filters	To be removed	Orion	M+E Surveyor		M+E Team Leader
16	Instructions			Record the service start date and lifespan or end date; replace filters as recommended by the manufacturer		M+E Team Leader
17	Base Exchange Softeners	Weekly	Orion	M+E Surveyor	Visual check on salt levels and top up where necessary	M+E Team Leader
18	Base Exchange Softeners	Annually	Orion/SMS	M+E Surveyor	service and disinfect	M+E Team Leader
19	Multiple use filter	As recommended by the manufacturer	Auto process/ Orion	M+E Surveyor	Backwash and regenerate as specified by manufacturer	M+E Team Leader
20	Infrequently used outlets	Weekly	Housing Support Officers	Housing Support Managers	Flush through	Team Leader Supported Housing
21	Thermostatic mixing valves (TMVs)	Annually or as recommended by the manufacturer	Orion	M+E Surveyor	Remove and/or inspect, clean, descale, and disinfect	M+E Team Leader
22	Expansion Vessels	Monthly and or six monthly	Orion	M+E Surveyor	Where practical flush through	M+E Team Leader

**Table 2: HSG274 Part 2: Cleaning and Disinfection**

KPI no.	Task	Frequency (or as indicated by risk assessment)	Task completed by (service provider)	Managed process by	Action point	Process checked by
23	Cleaning and Disinfection	Annually	Orion/SMS	M+E Surveyor	Chemical disinfection	M+E Team Leader

**Table 3: HSG274 Part 2: Microbiological Monitoring**

KPI no.	Task	Frequency (or as indicated by risk assessment)	Task completed by (service provider)	Managed process by	Action point	Process checked by
24	Microbiological Monitoring BS7592	As per the buildings RA recommendations. Following a continually non-conforming temp reading. 2-7 days after disinfection of tank.	Orion	M+E Surveyor	4 x samples Following positive sample, flush and re-test	M+E Team Leader

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**Table 4:** Legionella Management risk identification checklist based on HSG 274 **Part 3**

KPI no.	Task	Frequency (or as indicated by risk assessment)	Task completed by (service provider)	Managed process by	Action point	Process checked by
	Fountains and water features	As indicated by the risk assessment	N/A		Clean and disinfect ponds, spray heads and make-up tanks including all wetted surfaces, descaling as necessary	
	Spa Pools	As recommended by the manufacturer	N/A		Detailed HSE/PHE guidance on the management of spa pools is available in Management of spa pools: Controlling the risks of infection	
25	Whirlpool baths	As indicated by risk Assessment	Site staff maintained – TBC by DBC	DBC Housing Support Management	Clean, flush and disinfect air channels. Remove, flush and clean jets	M+E Surveyor
	Water softeners	As recommended by manufacturer	Action as base exchange softener		Clean and disinfect resin and brine tank; check with the manufacturer what chemicals can be used to disinfect resin bed	
	Emergency showers, eyebaths and face-wash fountains	As indicated by risk assessment, but at least every six months	N/A		Flush through and purge to drain ensuring three to five times the volume of water in the stagnant zone is drawn off	
		Monthly			Inspect water storage tanks (where fitted)	
		Quarterly, or more frequently, as indicated by the risk assessment			Clean and disinfect shower heads, nozzles, roses, 'Y' strainers, and water storage tanks (where fitted)	
	Sprinkler and hose reel systems	As recommended by the manufacturer	No sprinkler systems. Hose reels being removed – ongoing		Note: when undertaking test of the sprinkler blow down ensure that there is a minimal risk of exposure to aerosols	
	Vehicle wash systems	As recommended by the	N/A		Check and clean filtration systems, collection tanks and	

		manufacturer			interceptor tanks and check treatment of the system. A biocide system should be in place. Clean and disinfect systems and ensure that sludge tanks are emptied	
		Initial sample to establish control measures achieved. Quarterly			Sample for legionella	
	Ultrasonic humidifiers/foggers and water misting systems	Six monthly Or as recommended by the manufacturer	N/A		If the equipment is fitted with UV lights, check to ensure the effectiveness of the lamp and clean filters	
		As part of the machinery shut down process			Ensure automatic purge of residual water is functioning	
		Refer to the risk assessment			Clean and disinfect all wetted parts	
		Refer to the risk assessment			Sampling for legionella	
	Spray humidifiers	Six monthly	N/A		Clean and disinfect spray humidifiers and make-up tanks, all wetted surfaces, descaling as necessary	
		Weekly			Confirm the operation of non-chemical water treatment	
	Air washers, wet scrubbers, particle and trivial gas scrubbers	As indicated by risk assessment	N/A		Clean and disinfect air washers, wet scrubbers, particle and trivial gas scrubbers and water storage tanks	
		As indicated by risk assessment			Apply, monitor and record the result of water treatment	
	Dental equipment	Twice daily. Disinfect contact time as recommended by the manufacturer	N/A		Drain down, clean, flush; disinfect all systems components, pipework and bottles	
		Daily			Clean storage bottles, rinse with distilled water, drain and leave inverted overnight	
		As indicated by risk assessment			Take microbiological samples	
		Refer to: Decontamination Health Technical Memorandum: Decontamination in primary care				

		dental practices
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## 12.2 Commercial Assets

**Table 5:** Legionella Management risk identification checklist based on HSG 274 **Part 2**

KPI no.	Task	Frequency (or as indicated by risk assessment)	Task completed by (service provider)	Managed process by	Action point	Process checked by
1	Legionella water risk assessment	2 years	Orion subcontract to SMS Environmental	Building Legislation Compliance Surveyor Tracey Simmonds	Produce and/or complete review	Building Services Team Leader Tony Moore
2	Cold Water (CW) Sentinel taps water temperature	Monthly	Orion	Tracey Simmonds	Water temp should be below < 20c after running the water for 2 min	Tony Moore
3	Hot Water (HW) Sentinel taps water temperature	Monthly	Orion	Tracey Simmonds	Water temp should be above > 50c after running the water for 1 min	Tony Moore
4	Representative sample of the HW taps temperature	On rotation	Orion	Tracey Simmonds	Representative number of HW taps on rotation. Water temp should be above > 50c after running the water for 1 min	Tony Moore
5	Representative sample of the CW taps temperature	On rotation	Orion	Tracey Simmonds	Representative number of CW taps sampled on rotation. Water temp should be below < 20c after running the water for 2 min	Tony Moore
6	Check thermal insulation CW system (CWS)	Annually	Orion	Tracey Simmonds	Check thermal insulation to ensure intact; consider weatherproofing if exposed to outside	Tony Moore
7	Calorifier temp leaving and returning (HW)	Monthly	Orion	Tracey Simmonds	Outgoing temp should be above >60c and return above > 50c	Tony Moore
8	Calorifier inspection and clean	Annually	Orion	Tracey Simmonds	Remove the inspection cover and/or use a borescope camera and clean by draining the vessel. Where no inspection cover: purge debris and collect the initial flush for inspection	Tony Moore

KPI no.	Task	Frequency (or as indicated by risk assessment)	Task completed by (service provider)	Managed process by	Action point	Process checked by
9	Cold Water Tanks	Annually	Orion	Tracey Simmonds	Inspect and carry out remedial work	Tony Moore
10	Cold Water Tanks check water temp	Annually (Summer)	Orion	Tracey Simmonds	Check the tank water temperature remote from the ball valve and the incoming mains temp. Water temp should be below < 20c at all times	Tony Moore
11	Showers and spray taps	Quarterly	Orion	Tracey Simmonds	Dismantle clean and descale: removable parts, heads, inserts, and hoses, if applicable	Tony Moore
12	Combination water heaters	Annually	Orion	Tracey Simmonds	Inspect the cold water header tanks	Tony Moore
13	Combination water heaters	Monthly	Orion	Tracey Simmonds	Check water temperatures at an outlet to confirm the heater operates between 50-60c	Tony Moore
14	Point of Use (POU) taps	Monthly or six monthly	Orion	Tracey Simmonds	Check water temperatures at an outlet to confirm the heater operates between 50-60c	Tony Moore
15	POU filters	As recommended by the manufacturer	Orion	Tracey Simmonds		Tony Moore
16	Instructions		Orion	Record the service start date and lifespan or end date; replace filters as recommended by the manufacturer		Tony Moore
17	Base Exchange Softeners	Weekly	Site Manager	Tracey Simmonds	Visual check on salt levels and top up where necessary	Tony Moore
18	Base Exchange Softeners	Annually	Orion	Tracey Simmonds	service and disinfect	Tony Moore
19	Multiple use filter	As recommended by the manufacturer	Orion	Tracey Simmonds	Backwash and regenerate as specified by manufacturer	Tony Moore
20	Infrequently used outlets	Weekly	Site Manager. Orion in empty properties (sports pavilions)	Tracey Simmonds	Flush through	Tony Moore
21	Thermostatic mixing valves (TMVs)	Annually or as recommended by the manufacturer	Orion	Tracey Simmonds	Remove and/or inspect, clean, descale, and disinfect	Tony Moore



KPI no.	Task	Frequency (or as indicated by risk assessment)	Task completed by (service provider)	Managed process by	Action point	Process checked by
22	Expansion Vessels	Monthly and or six monthly	Orion	Tracey Simmonds	Where practical flush through	Tony Moore

**Table 6:** HSG274 Part 2: Cleaning and Disinfection

KPI no.	Task	Frequency (or as indicated by risk assessment)	Task completed by (service provider)	Managed process by	Action point	Process checked by
23	Cleaning and Disinfection	Annual tank disinfections. Or more frequent if RA or six monthly tank inspections recommends.	Orion subcontract to SMS	Tracey Simmonds		Tony Moore

**Table 7:** HSG274 Part 2: Microbiological Monitoring

KPI no.	Task	Frequency (or as indicated by risk assessment)	Task completed by (service provider)	Managed process by	Action point	Process checked by
24	Microbiological Monitoring BS7592	As per the buildings RA recommendations. Following a continually non-conforming temp reading. 2-7 days after disinfection of tank.	Orion	Tracey Simmonds		Tony Moore

**Table 8:** Legionella Management risk identification checklist based on HSG 274 Part 3

KPI no.	Task	Frequency (Or as indicated by risk assessment)	Task completed by (service provider)	Managed process by	Action point	Process checked by
25	Fountains and water features	As indicated by the risk assessment	Orion	Tracey Simmonds	Clean and disinfect ponds, spray heads and make-up tanks including all wetted surfaces, descaling as necessary	Tony Moore

KPI no.	Task	Frequency (Or as indicated by risk assessment)	Task completed by (service provider)	Managed process by	Action point	Process checked by
	Spa Pools	As recommended by the manufacturer	n/a	n/a	Detailed HSE/PHE guidance on the management of spa pools is available in Management of spa pools: Controlling the risks of infection	n/a
	Whirlpool baths	As indicated by risk Assessment	n/a	n/a	Clean, flush and disinfect air channels. Remove, flush and clean jets	n/a
26	Water softeners	As recommended by manufacturer	Orion	Tracey Simmonds	Clean and disinfect resin and brine tank; check with the manufacturer what chemicals can be used to disinfect resin bed	Tracey Simmonds
	Emergency showers, eyebaths and face-wash fountains	As indicated by risk assessment, but at least every six months	n/a	n/a	Flush through and purge to drain ensuring three to five times the volume of water in the stagnant zone is drawn off	n/a
		Monthly	n/a	n/a	Inspect water storage tanks (where fitted)	n/a
		Quarterly, or more frequently, as indicated by the risk assessment	n/a	n/a	Clean and disinfect shower heads, nozzles, roses, 'Y' strainers, and water storage tanks (where fitted)	
	Sprinkler and hose reel systems	As recommended by the manufacturer	n/a	n/a	Note: when undertaking test of the sprinkler blow down ensure that there is a minimal risk of exposure to aerosols	n/a
27	Vehicle wash systems NB-CURRENTLY OUT OF USE AND TANKS DRAINED	As recommended by the manufacturer	Orion	Graham Patterson	Check and clean filtration systems, collection tanks and interceptor tanks and check treatment of the system. A biocide system should be in place. Clean and disinfect systems and ensure that sludge tanks are emptied	Tracey Simmonds
28		Initial sample to establish control measures achieved. Quarterly	Orion	Graham Patterson	Sample for legionella	Tracey Simmonds
	Ultrasonic humidifiers/foggers and water	Six monthly Or as recommended	n/a	n/a	If the equipment is fitted with UV lights, check to	n/a

KPI no.	Task	Frequency (Or as indicated by risk assessment)	Task completed by (service provider)	Managed process by	Action point	Process checked by
	misting systems	by the manufacturer			ensure the effectiveness of the lamp and clean filters	
		As part of the machinery shut down process	n/a	n/a	Ensure automatic purge of residual water is functioning	n/a
		Refer to the risk assessment	n/a	n/a	Clean and disinfect all wetted parts	n/a
		Refer to the risk assessment	n/a	n/a	Sampling for legionella	n/a
	Spray humidifiers	Six monthly	n/a	n/a	Clean and disinfect spray humidifiers and make-up tanks, all wetted surfaces, descaling as necessary	n/a
		Weekly	n/a	n/a	Confirm the operation of non-chemical water treatment	n/a
	Air washers, wet scrubbers, particle and trivial gas scrubbers	As indicated by risk assessment	n/a	n/a	Clean and disinfect air washers, wet scrubbers, particle and trivial gas scrubbers and water storage tanks	n/a
		As indicated by risk assessment	n/a	n/a	Apply, monitor and record the result of water treatment	n/a
	Dental equipment	Twice daily. Disinfect contact time as recommended by the manufacturer	n/a	n/a	Drain down, clean, flush; disinfect all systems components, pipework and bottles	n/a
		Daily	n/a	n/a	Clean storage bottles, rinse with distilled water, drain and leave inverted overnight	n/a
		As indicated by risk assessment	n/a	n/a	Take microbiological samples	n/a
	Refer to: Decontamination Health Technical Memorandum: Decontamination in primary care dental practices					

## Section 3: Risk Assessment and Risk Assurance

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### **13.0 Risk Assessment and Risk Assurance**

To manage and control legionella bacteria in water systems DBC will carry out risk assessments for all potential areas of legionella risk for their properties in accordance with the Management of Health and Safety at Work Regulations 1999 and the Control of Substances Hazardous to Health Regulations 2002 and in line with the requirements of HSG274 Part 2: Appendix 2.1; 'Legionella risk assessment'.

The risk assessment will identify the hazards, decide who might be harmed and how, evaluate the risks and decide on precautions, record findings and implement them and review the risk assessments and update them as necessary. This risk assessment will be carried out by an appointed competent person and updated as and when found necessary but at a minimum of two yearly intervals or following significant changes to the hot and cold water services.

All Council managed premises covered by the scope of this management system will be subject to a water hygiene risk assessment.

Site practical risk assessments will be carried out by a competent and experienced UKAS approved analytical company assessed and approved by Property and Place and Commercial Asset and property development services. Each service has completed a service wide assessment of risk, to ensure a documented broader review of Legionella risk approach is undertaken to give assurance of information of the types of property and levels of risk with associated control measures.

The assessments will be conducted in accordance with L8 and the order and timescales for assessments will be prioritised based on the risks presented. This will be determined by the age of the building, its occupancy and use and any pre-existing data available on Legionella bacteria.

The risk assessment will focus on eliminating the risk of Legionnaires Disease. Where risks cannot be eliminated, the risk assessment will identify the remedial actions necessary in order of priority to ensure the risk of Legionnaires Disease is minimised to an acceptable level.

Following each risk assessment of premises, a re-assessment date will be set.

A copy of the risk assessment, any review and written scheme of control will be held on site by the building manager and/or electronically via the OPUZ system.

A full building stock and individual building risk assessment to identify sources of legionella risk and appropriate reporting of those potential sources shall be carried out leading to an asset inventory and maintenance management system to control and reduce the risk of legionellosis.

The greatest areas of risk of the proliferation of legionellosis within DBC is in hot and cold water systems, thermostatic mixing valves, calorifiers, storage cylinders, little used outlets (dead legs), water storage tanks, air conditioning systems, humidifiers, spa-baths/pools, shower heads, a water fountain and any system which provides aerosols that may exceed a temperature of 20°C. This list is not exhaustive.

An Action Plan arranged from the findings of the risk assessment surveys will be produced and prioritised to reduce legionellosis risk.

### 13.1 Written Scheme of Control

As part of the water hygiene risk assessment a site specific written scheme of control will be established by the Risk Assessor to minimise the risks of Legionella bacteria and ensure good water hygiene for each premise.

The scheme will include:

- A detailed schematic of the hot and cold water system.
- A description of the correct and safe operation of the system.
- Precautions to be taken.
- The required routine water hygiene tasks and checks for the building to ensure the system is functioning efficiently. These will be listed within the water hygiene site logbook and electronically on the OPUZ system.
- Remedial action to be taken in the event that the scheme is shown not to be effective.
- Whether routine water testing/monitoring is required for the system e.g. legionella bacteria, other general bacterial testing, e.g. Total Viable Count (TVC) etc.

### 13.2 Reviewing Risk Assessments

Following completion of each building's water hygiene risk assessment the person described in the control matrix 'managed process by' must make arrangements to complete any remedial works in a timely manner to comply with the requirements of the risk assessment. Evidence of remedial works must be checked, and available for auditing.

### 13.3 Risk Register/Hazard Data/Audit Process

Hazards are being recorded via the electronic online system – OPUZ, and DBC currently have a weekly uplift of current Hazards, these are then entered onto a spread sheet and shared with the 'owners' for each service. The owners are detailed in the Control Matrix under the heading 'Managed By' column.

Ultimately each hazard is owned, managed and monitored to ensure no delays, and all risks are managed.

**Hazards are either generated from the routine water risk assessment, or routine water monitoring works, or from local site management concerns, or routine audits/inspections.**

The hazards are rated simply as very low, Low, Medium, High or Very High by the Contractor, or their sub-contractor. The weekly hazard uplift from Opuz system is to manage and monitor all hazards. To ensure that all hazards are addressed and completed within the recommended timescale. It is the key

responsibility of the DBC staff named within the 'Control Matrix' as '*Managed by*' process, to ensure all hazards within their service areas are followed up and completed; these staff are the direct risk owners.

If any medium or high risk that cannot be controlled and reduced within the recommended time, must be transferred to '*Process Checked By*' staff. All High and Very High risks should be transferred and shared with the relevant Team Leader, or person listed as the '*Process checked by*' within the control matrix, to ensure this risk is reduced within the recommended time and monitored by management. All 'very high' risks should be transferred and shared with the relevant service group manager, this should be completed immediately, and all control measures are also required immediately.

This risk assurance, is that DBC staff monitor and react to all weekly hazard uplifts from Orion, this should be completed as an ongoing action.

The audit process is imbedded within the control matrix as an internal auditing system, as the *Managed By* staff is managing and checking the task identified in the L8 task schedule, and the *Process checked by* staff is auditing the *Managed by* staff duties. In addition to this the KPI's complete further checks on managing the risks and hazards identified. Further internal or external auditing either as a general health and safety audit, and/or an external specific audit will form part of DBC's health and safety work plans.

#### 13.4 Testing for Legionella Bacteria and Microbiological Monitoring

- **Commercial Assets/Property and Place** On-going monitoring of general bacterial numbers Total Viable Count (TVC) of hot and cold water systems will not normally be carried out unless there are required as part of the risk assessment, or reported as necessary, or suspected, changes in the water system e.g. taste, odour, colour etc.

#### 13.5 Testing for legionella bacteria will normally be completed (in accordance with L8) where:

- It is identified as necessary within the site practical water hygiene risk assessment, or service wide risk assessment.
- **Water storage and distribution** temperatures are reduced from those recommended in L8.
- An outbreak of Legionella is suspected.
- Controls of a system e.g. temperatures/biocide levels cannot be consistently achieved.
- Analysis of water samples will only be carried out by a UKAS accredited laboratory.
- Implementation of remedial action following the results of any test will be prioritised on the action levels contained within L8.

#### 13.6 Water Temperatures

Temperature control is an effective means to ensure the risks from legionella bacteria are minimised. Operation of the hot and cold water system should therefore be designed to restrict bacterial growth (legionella proliferates between 20c and 45c) by keeping;

- Calorifier temperatures above 60c.
- Cold water temperatures (taps and storage) below 20c.
- Hot water temperatures at taps above 50C (after one minute). The scalding dangers presented by water above 50c need to be seriously considered particularly. Water temperatures should be controlled not to exceed 43c by the installation of fail-safe thermostatic mixer taps/shower as promoted by the Council where the risk assessment dictates there is risk – Elderly or disabled users of facilities. In all cases hot water outlets will displays a warning sign.
- Water softeners and filters maintained according to manufacturer's instructions.
- Older water systems that are unable to achieve required temperatures will have an alternative means of controlling growth of bacteria defined within the written scheme of control.

### **13.7 Scalding HSG274**

There is a risk of scalding where the water temperature at the outlet is above 44 °C. In certain facilities with 'at risk' residents (vulnerable groups such as over 55s) this is especially so where there is whole body immersion in baths and showers of vulnerable residents, including the very young, elderly people, and people with disabilities or those with sensory loss who may not be able to recognise high temperatures and respond quickly. Where there are vulnerable individuals and whole body immersion, testing of outlet temperatures using a thermometer can provide additional reassurance

The potential scalding risk should be assessed and controlled in the context of the vulnerability of the user groups, within the buildings. The approach will depend on the needs and capabilities of residents.

For most people, the scalding risk is minimal where water is delivered up to 50 °C at hand washbasins and using hot water signs may be considered sufficient, where a TMV is not fitted.

Where vulnerable people are identified and have access to baths or showers and the scalding risk is considered significant, TMV Type 3 (TMV3) are required. This shall be the case for all Disabled toilets in use and communal facilities provided in housing schemes.

All of which should be addressed within each of the service wide risk assessments.

### **13.8 Water Hygiene Site Log Book (and/or electronically held records/OPUZ)**

Following a risk assessment, a Water Hygiene Log Book/or access to the electronic Opuz system, will be provided to each building manager. The log book/Opuz will contain details/frequency of the necessary water hygiene tasks that must be completed by the building manager or other appointed person at the site.

### **13.9 Housing Stock (Domestic Premises)**

The revised Approved code of Practice 2013 states the following in relation to the Domestic Properties:

#### **Capacity of hot water systems**



The scope of the ACoP previously applied only to those hot water systems which had capacities of 300 litres or over. This was a purely arbitrary limit designed to exclude domestic systems. Domestic systems can present a risk, depending on the circumstances of use, but the ACoP will only apply to systems from which risk arises in relation to any work activity. A service wide risk assessment has been completed.

### **Identified Risk in DBC Housing Stock**

- Where properties are in the Councils control i.e. voids or properties empty for refurbishment. The Contractor will prior to working on the water system, inspect the water storage tank, check the system, flush and chlorinate or replace any shower head. During the works period the contractor will be responsible for running all taps weekly. This must be recorded. Before the property is re-occupied the housing officer/manager will run all taps at letting stage.
- Where properties are having capital works which affect the water system and tenants remain in occupation. The Contractor will inspect the water storage tank, check the system, flush and chlorinate or replace any shower heads. During the period of work the contractor will be responsible for running all taps weekly. This must be recorded.
- Where tenants of sheltered schemes with combined water systems are away from their property for periods of over one week the Scheme Coordinator will where possible endeavour to ensure that all taps are run prior to re-occupation in circumstances which the Council is made aware.
- For general needs properties not in the Councils direct control advice to tenants will be issued prior to occupation in the tenant information pack.

### **13.10 Emergency Procedures**

DBC has prepared procedures detailing the action necessary in the event of an outbreak of Legionnaires Disease for which it is responsible. In addition, further Emergency Procedures highlight actions to follow in the event of a Positive Sample Analysis or continued Loss of System Control. The emergency procedure is in the form of an emergency card, from the technical guides which must be specific for DBC, to include all emergency actions, and emergency contact in a simple one form emergency card.

### **13.11 Service Wide Specific Risk Assessments**

Each service, is required to complete a service wide specific risk assessment on the management of Legionella. This will detail what the service looks after, and the consideration of risk. This service wide risk assessment is in addition to the site practical legionella risk assessments

## 14.0 Key Performance Indicators (KPI)

The Key Performance Indicators (KPI) are a set of standard checks connected to relevant staff to ensure actions have been completed and checked. DBC have completed the following very simple KPI checks to have an additional risk control measure, supporting their risk control in the management of Legionella.

### KPI – A: The Control Matrix

How do we know DBC is compliant to L8 standard? This management system's core control system to ensure compliance with L8 is the development and implementation of the 'Control Matrix', as this lists all the 'Tasks' as required by the L8.

Detailed within the 'Control Matrix', are named staff responsible for each task, refer to 'Control Matrix' to review KPI number. This KPI has two different people listed, the '*managed process by*' and the '*process checked by*'.

For example, KPI 1 task 'Legionella risk assessment to be completed every two years'. Those identified in the both the '*managed process by*' and the '*process checked by*' would need to complete checks on evidence to confirm that the required water risk assessments have been completed within the allotted timescale.

KPI 2 within the control matrix is monthly cold water temperature checks, so the same listed staff members under this KPI would need to check once a month that the temperatures checks have been completed and that they remained under 20c. Rather than add additional paperwork, and to keep the process of managing Legionella, the KPIs linked to the Control Matrix has sufficient information and guidance already within the matrix to not then further complicate the KPI checks. The staff who have the responsibility and accountability of arranging, managing, monitoring and completing KPIs from the control matrix need to ensure they fully understand their specific duties.

### KPI – B; The Control Matrix KPI - Group Manager

The Group Manager from each service should complete a check on the KPI – A to ensure that all KPI's have been completed and monitored. This could be asking the staff who are 'Managing the process' and 'Process checked by' to provide evidence of each of the tasks/KPI's (as listed in the control matrix) being completed and checked. This could be completed on a six-monthly basis.

### KPI – C: The Control Matrix KPI - Assistant Director

The Group manager will share evidence to their Assistant Director that they have checked the teams KPI's linked to the control matrix, this should be completed on an annual basis.

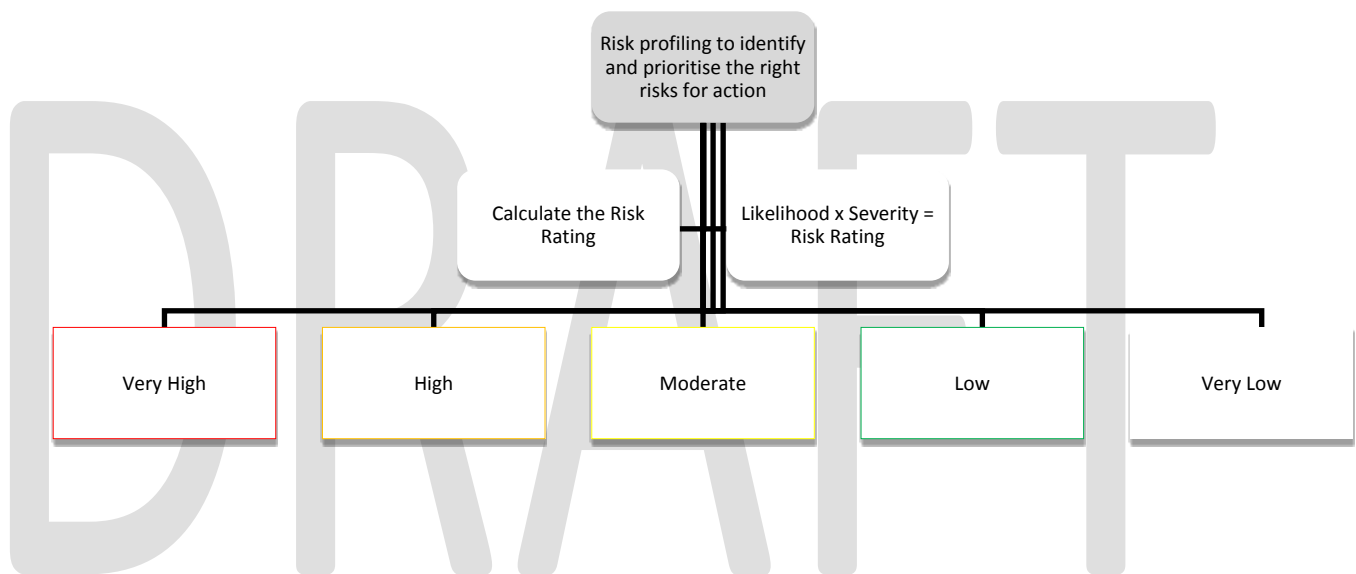
## 15.0 Risk Assurance

### Risk Escalation Process

This risk escalation process, is an important control measure, as it means that risks are being monitored and escalated according to risk.

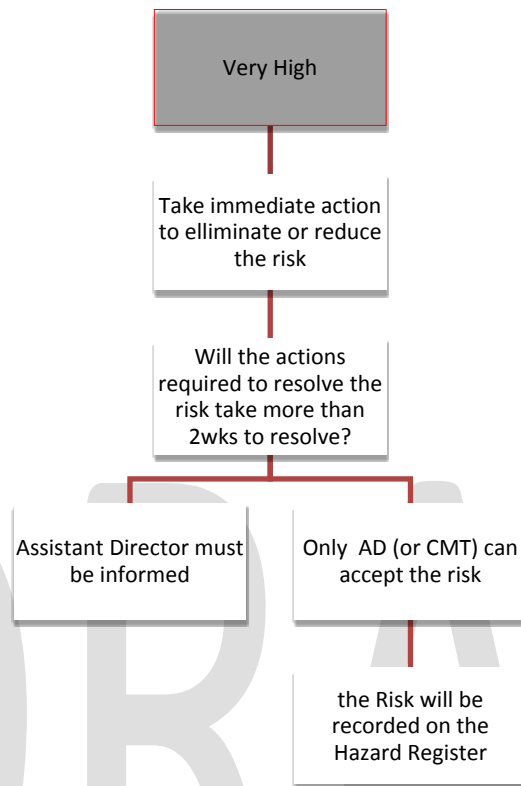
The risk profiling shown below (Diagram 1), is considering the risk already given by the contractor, normally from a water risk assessment.

**Diagram 1:** Risk Profiling

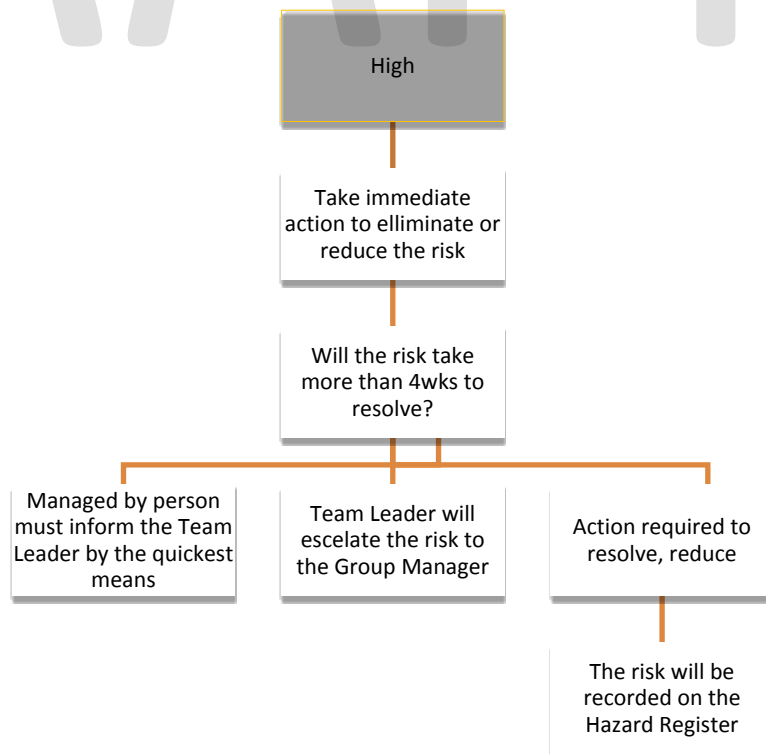


The following diagrams identify the steps to be taken for each of the risk profiles.

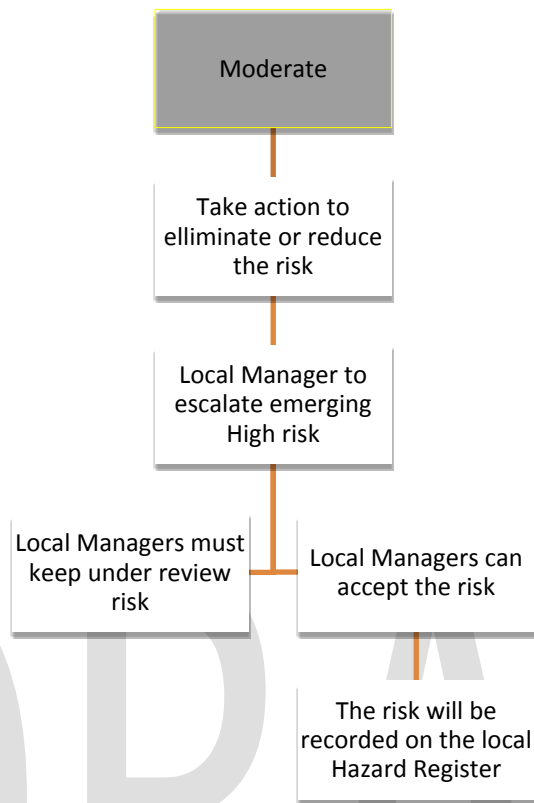
**Diagram 2: Risk Profile – Very High**



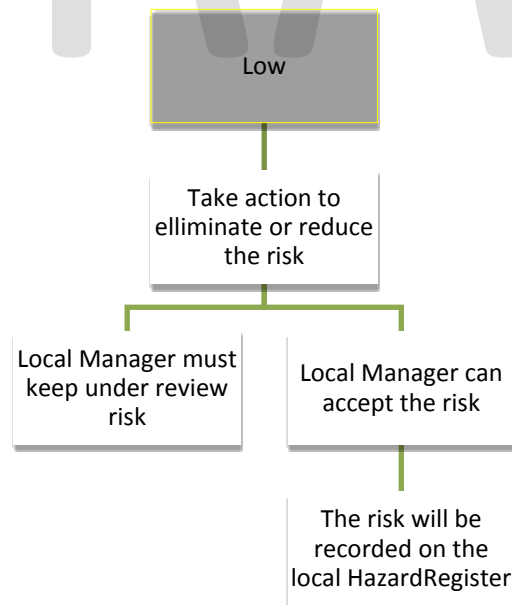
**Diagram 3: Risk Profile - High**



**Diagram 4: Risk Profile - Moderate**



**Diagram 5: Risk Profile - Low**



## Managing the Risk

For each of the five risk categories identified, the Risk Owners (who are always initially the staff listed on the Control Matrix as 'managed process by' and who receive the weekly hazard report), will need to make sure that the appropriate action is being taken to eliminate or reduce the risk to an acceptable level by either lessening the likelihood of the event occurring, or its impact if it does occur.

It is unacceptable to have risk that has passed the recommended timescale for completion, being held at a local manager level, being held or not escalated to an appropriate level with focus and assurance of the risk being managed.

### Risk Control Strategy Options;

<b>Option 1</b>	Establish or improve control procedures	Implement new or revise existing SMS policies and/or processes
<b>Option 2</b>	Avoid the risk	Do not proceed with an intolerable risk
<b>Option 3</b>	Transfer the risk	Through insurance and or contractual arrangement with third parties
<b>Option 4</b>	Share the risk	Through a joint venture
<b>Option 5</b>	Tolerate the risk	Desirable to accept the risk as it may present opportunity and not only a threat
<b>Option 6</b>	Retain and reduce the risk	Maximise existing opportunities and minimise the risk

## Section 4: Training and Competence

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## 16.0 Training and Competence

Duty Holders and appointed/nominated/deputy persons who carry out the control measures and strategies for Legionella should be suitably informed, instructed and trained, ensuring that tasks undertaken are performed in a safe and technically competent manner. Training must impart a detailed understanding of Legionella, how to manage the water system, how to keep records and how to resolve identified hazards.

Levels of training required for Legionella must be reviewed by Assistant Directors (ideally with links to the PDR process) as part of the annual management review and should ensure competency, with refresher training undertaken every 3 years, all records of all initial and refresher training must be recorded and maintained. Training is an essential element of competence; it is not the only factor and should be viewed as a product of sufficient training, experience, knowledge and other personal qualities which are needed to undertake a job safely. Competence is dependent on the needs of the situation and the nature of the risks involved.

Water hygiene training is undertaken by external company and should be assessed that after completing the course staff would be considered competent to undertake the roles relating to Legionella management.

When a competent system of controls is implemented, training at a level sufficient to enable any named individual to perform their tasks must be provided to the following people, arranged and funded by the relevant Assistant Director:

- A named, (and Deputy) with the delegated responsibility of managing the water system(s)
- The appointed person who will carry out the identified checks (if required).

## 16.1 Competence

The HSE places great emphasis on competence (Approved Code of Practice, L8, paragraphs 48 to 52). This management system requires the need for DBC Managers to ensure that their staff and contractors are competent to carry out each task assigned to them.

The following guidance provides the competence guide to ensure all staff involved in the management of Legionella is competent and what to do to develop and assess.

DBC as an employer has a duty to ensure that any person who carries out a task as part of their employment is competent. An employee in training must be supervised by a competent person until they can carry out their work effectively and safely. This duty extends to those who employ sub-contractors.



DBC must also be able to show and to reassure that any sub-contractors it has engaged are competent. This might involve assessing the sub-contractor's own competence assessment records, or in some cases, conducting your own assessment.

Competence is defined as having the ability, knowledge, understanding and skill to complete a task successfully, effectively and safely. A competent person requires not only the ability to carry out and complete tasks effectively and to work safely, but also the knowledge of their limitations, and for many tasks, the ability to communicate well, both verbally and in writing. Additional qualities that might be required for some tasks include the ability to work successfully, effectively and safely in unusual situations, and the ability to manage time efficiently and to meet deadlines without compromising safety.

## **16.2 Competence and Training**

DBC recognise that having staff in a classroom environment doesn't alone make someone competent.

DBC will champion staff competence in legionella management and awareness by:

- providing them with the theoretical knowledge and understanding by classroom training provided by the appointment of an external training provider and by training on-the-job
- providing details/copies of all relevant operating procedures and record keeping systems to be used and ensure they are understood
- show them what to do and how to do it
- let them practise the tasks under supervision
- provide constructive coaching and answer questions
- check progress throughout by observation, discussion, questioning, etc.
- To assess ability to carry out a task successfully, effectively and in a safe manner, and to assess ability to communicate well, practical 'on-the-job' assessment is essential.

## **16.3 Training and Competence Procedures**

Training matrix should be in place for each service section in order that each member of the team has comprehensive and appropriate training, which is recorded and regularly updated. Each manager is responsible for completing the training matrix, identifying Legionella training needs, and the required refresher training. In addition to this, managers to have a procedure for assessing an individual's competence. Managers are responsible for maintaining the training matrix, including the arrangements of refresher training.

## **16.4 Competence Assessment**

The first step in assessing a person's competence is to define the elements required for the task being assessed.

Managers involved with managing Legionella and have staff that have duties to manage should ask the following questions with their staff:

- i) What knowledge and understanding are required to complete the task?
- ii) What operating procedures, forms, instructions, etc., are required?
- iii) What practical skills and abilities are required?
- iv) What are the criteria indicating the successful completion of each element of the task?

Once the elements have been defined, the next step is to conduct the competence assessment. Each element will have its own success criteria and the work done by the person being assessed will need to be measured against each success criterion. Having done this, it is vital to keep records to demonstrate that the assessment has been carried out and then to maintain and update these records to demonstrate that competence is being reviewed on a regular basis.

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# **Section 5: Contractor, Duties for Water Treatment**

## **Code of Conduct**

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## **17.0 Code of Conduct for Service Providers**

The Contractor/Orion, is responsible for all aspects of the legionella monitoring and management regime as outlined in ACOP L8, excluding any areas detailed in the 'Control Matrix'.

Orion will, on receipt of an order from the client (DBC) undertake remedial works identified in the legionella risk assessment and through their detailed regular monitoring programme.

Orion should provide a monthly service sheet/report for all planned and attended works throughout the year.

Orion will provide site log books where requested as well as an electronic log book in the form of OPUZ. Responsibilities for maintaining and updating data on the OPUZ system is Orion's, and they must ensure a monitoring role of risks and actions required within the allocated timescale.

Orion must also supply a weekly hazard summary report of all risks, which is submitted to the relevant DBC contact. Any high risk findings must be followed up with DBC to ensure an action plan is in place that includes, order number issued, dates of works planned/agreed and recorded, and isn't allowed to exceed the recommended time scale.

### **17.1 OPUZ SYSTEM**

DBC will identify all persons who will be appointed as authorised users for the system. Each person will be authorised as users to the system. The key DBC staff are responsible to ensure they know how to use the system, to monitor and review data.

Orion will provide training, and training notes on how to use the system. Will set up named persons issued from DBC with log in details.

Orion will ensure that data is secure to relevant British Standards, and in the event of any unforeseen circumstance will be able to provide all data to DBC.

The HSE Approved Code of Practice and guidance on regulations (L8) stresses that whilst the tasks required to be undertaken to control the risk may be contracted to an external specialist, the owner/operator must take all reasonable care to ensure the competence of the service provider to carry out the work on his behalf.

Under the Health and Safety at Work etc Act 1974 and the Control of Substances Hazardous to Health Regulations with regards to risks from legionella, all owners and operators of such systems have a responsibility to ensure that the risk is controlled and kept to an acceptable level.

This Code of Conduct is what DBC expect from Orion and their subcontractor/s. The responsibility for the prevention and control of legionella lies with the DBC and the service provider via the contractual agreements.

DBC follow the nine critical areas based on the Legionella Control Association (LCA) that details the commitment the owner/operator should expect.

DBC requires that service providers establish an appropriate management system for the provision of services associated with the control of legionella.

This section should be shared with Orion and any contractors related to the control and management of Legionella.

## 17.2 Conditions of Compliance

	<b>Compliance area determined by LCA</b>	<b>Dacorum Borough Council response</b>
1	There should be a clearly defined written agreement between the service provider <sup>1</sup> and the client <sup>2</sup> setting out the individual responsibilities of both parties to ensure compliance with current legislation.	<i>Contract in place with Orion to manage Legionella to L8 standards, together with new control matrix, and DBC management system</i>
2	Service providers should demonstrate and document a satisfactory level of competence of their staff to achieve the objectives of the Code of Conduct.	<i>Orion have provided evidence of staff training, and subcontractor training and competence, annual reviews should be in place</i>
3	The recommendations made by the service provider should be equal to, or better than, the relevant Codes of Practice and guidance documents pertaining to the system in question.	<i>Contractual agreement is to standard of L8, and management system control matrix states L8 and BS standards</i>
4	Lines of communication and reporting between client and service provider should be defined as well as the management plan in the event of remedial or corrective action being required, including matters of evident concern outside contracted obligations.	<i>Implemented control matrix with named persons/titles, with defined accountability and responsibility. Emergency section, lists actions and contact person details. Detailed in risk assurance section, re: communications</i>
5	Adequate and up to date monitoring and treatment records should be kept. These should be readily available.	<i>Orion use Opuz which is an online data collection system, key staff (named on the control matrix) also have access for monitoring</i>
6	The performance of the control measures should be reviewed jointly by the service provider and the client at least annually and the necessary remedial action plan agreed.	<i>Completed external legionella management audit to review the control measures completed by the contractor Orion</i>
7	Orion should establish a formal internal auditing procedure for compliance.	<i>Confirmation required from Orion</i>

8	Orion sub-contracting any legionella specific activities listed in their scope of services should establish that the sub-contractor is either registered for that activity under the LCA or should maintain additional controls and audits to ensure compliance with the LCA Code of Conduct, and regardless of whether the sub-contractor is LCA registered or not, implement procedures and checks to ensure compliance.	<i>Orion use SMS who are registered with the LCA, Orion to confirm formal auditing system in place for auditing SMS</i>
9	Copies of a current certificate should be made available to all relevant clients.	<i>Maintain annual updates of all provider accreditation certificates</i>

### 17.3 Orion (Contractor) Commitments

#### 1: **ALLOCATION OF RESPONSIBILITIES**, Orion will:

- explain in detail the DBC's obligations under the legionella legislation
- identify those services covered by the contract and those which should be provided by the client to meet all current obligations
- formalise a written agreement detailing the respective responsibilities for each requirement
- state in the written agreement that they and contractor have LCA registration for the service categories being provided, or standards to at least LCA

#### 2: **TRAINING AND COMPETENCE OF PERSONNEL**, Orion will:

- arrange formal training programmes for personnel associated with the control of legionella bacteria
- have a system for assessing the competence of staff, establishing their training needs and ensuring they are kept up to date with current best practice procedures
- assist DBC to assess training needs of staff and then where requested advise as to how these can be met.

#### 3: **CONTROL MEASURES**, Orion will:

- have a management system to assess the requirements and ensure an appropriate programme of control measures is designed, implemented, monitored and maintained
- have a system for verifying that corrective and preventive actions are implemented
- ensure the programme of control measures satisfies as a minimum the LCA Standards for Service Delivery.

**4: COMMUNICATION**, Orion will:

- have management procedures to respond appropriately should the system operating conditions deviate from control criteria
- agree with DBC how to communicate with the DBC's nominated personnel in the event of any necessary actions
- bring to DBC attention any significant matters affecting the control of legionella of which he has become aware, beyond the responsibilities of the contract.
- complete hazard data uplift to relevant DBC staff
- show evidence of works, as listed in the 'task' column in the 'control matrix'

**5: RECORD KEEPING**, Orion will:

- indicate which records should be kept by both parties and where they will be kept
- establish with DBC who will be responsible for the maintenance of these records.

**6: REVIEWS**, Orion will:

- establish a programme that will allow both parties to review formally, at least annually, all aspects of the agreement covering system management and the control of legionella.

**7: INTERNAL AUDITING**, Orion will:

- have a management system to ensure compliance with each of these commitments is self-audited at least once a year and that a formal record is kept
- establish a corrective action programme so that any non-compliance identified is corrected in a timely manner.

**8: SUB-CONTRACTORS**, Orion will:

- have a management procedure to ensure that any sub-contractor holds an independent registration under the Code of Conduct
- where a sub-contractor is not LCA registered, implement additional controls and audits to ensure that all activities carried out are compliant with the Code of Conduct and any relevant legislation
- regardless of whether the sub-contractor is LCA registered or not, implement procedures and checks as necessary to ensure that the competency of the sub-contract service provider is assessed in relation to the scope of service the sub-contractor is providing.

**9: DISTRIBUTION OF THE**, Orion will:

- have a management system to ensure that all that are associated with the control of legionella bacteria for DBC, receive a copy of the Code of Conduct and/or Certificate of Registration.

## Section 6: Operational Procedures

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## **Operating Procedure: WATER TREATMENT, CONTROL PROGRAMMES AND DISINFECTION**

The DBC acknowledges that it is essential to keep the whole water system clean as biofilms or scale can reduce the effectiveness of any type of control measures significantly.

Although temperature control is the most common approach to handling the risk from legionella we recognise that sometimes there can be technical difficulties in maintaining the required temperatures, particularly in some of our older buildings.

For this reason, we will consider introducing water treatment techniques where the risk assessment had identified a problem with preventing water stagnating in the hot or cold water system or point of use (POU) filters.

Selection of a suitable system for the control of legionella is complex and depends on many factors, including system design, age, size, and water chemistry, all of which can contribute to the complexity and difficulty of achieving adequate control, as such, we will be guided by the competent advice provided by our service provider.

Routine monitoring and inspection undertaken by the service provider is recorded on OPUZ. Technical operational procedures should be produced from the Contractor and shared with DBC as 'Technical Guides' The following information explains in more detail examples of some of the techniques that they use. A complete description of these techniques is available from the HSE publication, Legionnaires disease, HSG274 Part 2, 'Water Treatment and Control Programmes for hot and cold water systems'.

### **Temperature Management**

Temperature management is the most common approach to controlling the risk from legionella; hot water should be stored:

- at a minimum temperature of 60c and distributed so that it reaches a minimum temperature of 50 °C (55 °C in healthcare premises) within one minute at outlets; and
- higher temperatures must be avoided to reduce the risk of scalding; at 50c this risk is small for most people, however the risk is greater for those with an impairment or young persons.

Where a significant scalding risk is identified consideration will be given to installing thermostatic mixing valves (TMVs) on baths and showers to reduce the temperature:

- the TMV should be placed as close to the point of use (POU) as possible; and
- POU filters should only be used as a temporary measure until a permanent engineered solution is introduced and must be renewed and replaced according to the manufacturer's recommendation.

To ensure the correct function of TMVs, there needs to be a minimum temperature differential between the hot and cold water supplies and the mixed water temperature.

## **Cleaning and Disinfection**

Disinfection of the water services is undertaken by the service provider when the building services are off line.

Note: to author 'unless chemical MSDS states that it is suitable to be used in this situated' review

### **Thermal disinfection of hot water systems**

Thermal disinfection is achieved by raising the hot water service temperature (HWS) for at least one hour at which temperature legionella will not survive. Every hot water outlet throughout the system must then be flushed. To be effective, the temperature at the calorifier should be maintained at the outlet does not fall below 60c.

Each tap and appliance should be run sequentially for at least five minutes at the full temperature (but not necessarily at full flow), and it should be measured and recorded.

However, thermal disinfection may prove to be ineffective where parts of the calorifier or water system fail to reach the required temperature for a long enough period.

### **Chemical Disinfection**

The disinfection of a water system is normally based on chlorine:

- dosed at 50 ppm for a minimum contact period of one hour, at the end of which the concentration should not be less than 30 ppm free residual chlorine;
- lower concentrations and longer contact times are considered acceptable, as set out in BS 8558; or
- other disinfectants may be used where they are shown to be effective.

Their intended application should take into account the type of system and user profile at the specified concentration levels and contact period.

### **Service Records**

As part of the thermal or chemical disinfection process, a service record will be kept by the service provider of all work undertaken:

- any items that require attention or refurbishment will be recorded on the disinfection record; and
- the service provider will provide the DBC with specific records which we will keep as specified.

To confirm effective disinfection the service the service provider will take any required microbiological samples, between two and seven days after the system is refilled.

If the disinfectant is for use in water systems supplying wholesome water, then the service user will comply with the requirements of The Water Supply (Water Quality) Regulations 2000.

### **Flushing**

The risk from legionella is increased in the outer parts of the hot and cold water system where there are remote outlets such as hand washbasins, and taps, referred to as dead-legs. Where the risk assessment has identified dead-legs the DBC will on advice from our service provider plan their removal.

The service provider or other named person is responsible for implementing the flushing procedure recorded in the risk assessment; usually these little used outlets are flushed at least once per week.

In circumstances where there has been a lapse in the flushing procedure the service provider or other named person must ensure that the water from a shower or tap or associated dead-leg is purged to the drain without any discharge of aerosol before the equipment is used.

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## **Operating Procedure: MICROBIOLOGICAL MONITORING**

Refer to the control matrix for each service for microbiological monitoring. Where the risk assessment has identified that microbiological monitoring is considered appropriate in hot or cold water systems, the service provider is required to undertake water sampling in accordance with BS 7592, 'Sampling for Legionella Organisms in Water and Related Materials' and performed in a UKAS-accredited laboratory that meets the current ISO standard.

The laboratory must also take part in a water microbiology proficiency testing scheme (such as that run by PHE or an equivalent scheme accredited to ISO 17043). Alternative quantitative testing methods may be used if they have been validated using ISO 17994 and meet the required sensitivity and specificity.

The number of samples taken will depend on the complexity of the water system, however, to ensure that the samples taken are representative of the water flowing around the system and not just of the area downstream of the fitting the service provider is required to take these samples from separate hot and cold outlets and not through the mixer taps or other outlets downstream of the TMV's or showers and the samples must be clearly labelled with their source location and identify if the sample was taken pre-or-post flushing.

In both hot and cold water systems, samples should be taken:

- Where it is considered necessary by the risk assessment;
- From areas where the water temperature or disinfection parameters are not consistently met i.e. hot water temperature is below < 50c (55c in healthcare premises) and cold water temperature exceeds > 20c;
- From areas of the water system subject to low usage, stagnation, excess storage capacity, dead-legs, excessive heat loss, crossflow from the water system or other anomaly.

### **Cold water samples**

In cold water systems, samples should also be taken as required:

- From the point of entry (or nearest outlet); if the water is supplied from a private water supply or where the temperature of the incoming mains supply is above 20 °C from the cold water storage tank or tanks; and
- From the furthest and nearest outlet on each branch of the system (far and near sentinel outlets).

### **Hot water samples**

In hot water systems, samples should also be taken as required:

- From the calorifier hot water outlet and from the base of the calorifier, if it safe to do so, as some systems are under considerable pressure;

- From the furthest and nearest outlet on each branch of a single pipe system (far and near sentinel outlets); and
- From the furthest and nearest outlet.

**Action to take if legionella or another pathogen is found in the water system**

Where legionella or other pathogen, such as E Coli is found in the hot or cold water system, the service provider must contact the duty holder recorded in the risk assessment and the appropriate DBC Client Officer as soon as possible by the quickest means and take the following action.

Legionella bacteria CfU/l	Service provider will take the following action
<p><b>&gt;100 cfu/l and up to 1000</b></p>	<p>The service provider must inform the duty holder and the DBC Client Officer as soon as possible by the quickest means.</p> <p>Either</p> <p>If the <b>minority</b> of samples are positive:</p> <ul style="list-style-type: none"> <li>▪ the system should be resampled;</li> <li>▪ If similar results are found again, a review of the control measures and risk assessment should be carried out to identify any remedial actions necessary.</li> </ul> <p>or</p> <p>If the <b>majority</b> of samples are positive the system may be colonised, albeit at a low level:</p> <ul style="list-style-type: none"> <li>▪ an immediate review of the control measures must be undertaken; and</li> <li>▪ undertake a risk assessment to identify any other remedial action required i.e. disinfection of the system should be considered.</li> </ul>
<p><b>&gt;1000 cfu/l</b></p>	<ul style="list-style-type: none"> <li>▪ The service provider must inform the duty holder and the DBC Client Officer as soon as possible by the quickest means.</li> <li>▪ Resample the water system as soon as possible.</li> <li>▪ Instigate an immediate review of the control measures and risk assessment must be carried out to identify any remedial actions, including possible disinfection of the system.</li> <li>▪ Retest within one day after disinfection and at frequent intervals afterwards until a satisfactory level of control is achieved.</li> </ul>

**Operating Procedure:**

*TECHNICAL GUIDES PROCEDURES examples of guides to be requested from contractor and held on file for reference and guides, to be shared with all relevant staff and form part of their knowledge and learning/competence/awareness.*

- CLEANING OF CWSTS
- CALORIFIER FLUSHING
- SHOWERS
- CLEANING WATER SYSTEMS
- SAFE PURGING OF STAGNANT WATER
- FLUSHING OF INFREQUENTLY USED OUTLETS
- MANAGEMENT OF SPRINKLER SYSTEMS
- EMERGENCY PROCEDURES

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## **Appendix A: Legionella Guide**

### **1.0 Introduction**

The aim of this guide is to assist the DBC, those in control of the premises and those with health and safety responsibilities for others to assess and control the risks due to legionella bacteria.

### **2.0 Scope**

This procedure applies to all employees, contractors and members of the public who may encounter legionella bacteria originating from premises under our control.

Any water system that has the right environmental conditions could potentially be a source for legionella bacteria growth. There is a reasonably foreseeable legionella risk if:

- the water is stored or re-circulated as part of your system;
- the water temperature in all or some part of the system may be between 20–45 °C;
- there are deposits that can support bacterial growth, such as rust, sludge, scale and organic matter;
- it is possible for water droplets to be produced and, if so, if they can be dispersed; or
- it is likely that any of your employees, contractors, visitors etc. could be exposed to any contaminated water droplets.

### **3.0 Risk Profiling**

The DBC system for managing safety and business is premised on managers knowing what the predictable risks are in their department, such as, legionella bacteria and to rank them in order of importance and take action to control them.

The range of risks goes beyond health and safety to include, quality, environmental and asset damage, but issues in one area could impact on another.

### **4.0 Definition**

Legionellosis is a collective term for diseases caused by legionella bacteria including the most serious, 'Legionnaires disease', as well as the similar but less serious conditions, Pontiac fever and Lochgoilhead fever. Legionnaires' disease is a potentially fatal form of pneumonia and everyone is susceptible to infection.

The risk increases with age, but some people are at higher risk including, people suffering from chronic respiratory or kidney disease, diabetes, lung or heart disease anyone with an impaired immune system, people over 45, smokers or heavy drinkers.

## 5.0 Procedure

### 5.1 *Procuring a competent service provider*

The DBC will take all reasonable care to select a competent service provider with an established management system for the provision of services associated with the control of legionella that satisfies as a minimum the Legionella Control Association LCA Standards for Service Delivery.

We will require the service provider and their sub-contractors to be registered with the LCA and hold a valid Certificate of Registration as evidence of their intention to comply with the LCA, Code of Conduct.

### 5.2 *Identifying and assess the sources of risk*

The DBC is responsible for carrying out legionella risk assessments and ensuring they remain up to date in order to manage the risk from legionella bacteria. In conducting the assessment, we will appoint a competent service provider known as the responsible person(s), to help us meet our health and safety duties, i.e. take responsibility for managing the written control scheme.

The practical risk assessment will include a site survey of all the water systems and consider other health and safety hazards arising from this activity e.g. working at height or in confined space.

If the risk assessment concludes that there is no reasonably foreseeable risk, or the risks are insignificant and well managed, then no further action would be required at this time. However, we acknowledge that the assessment of risk is an on-going process and must be regularly reviewed.

The risk assessments will be carried out at least every two years or where there is reason to suspect it is no longer valid e.g.:

- a change to the water system or its use;
- a change to the use of the building where the system is installed;
- new information available about risks or control measures;
- the results of checks indicating that control measures are no longer effective;
- changes to key personnel; or
- a case of Legionnaires' disease and legionellosis associated with the system.
- In summary these risk assessments will consider and evaluate:
  - clear allocation of management responsibilities;
  - competence and training of key personnel;
  - a description of the water system, including an up-to-date schematic diagram;
  - an evaluation of the risk;
  - safe operating procedures for the water system, including controls in place to control risks;
  - monitoring, inspection and maintenance procedures;
  - results of monitoring, inspection and any checks carried out;
  - limitations of the legionella risk assessment; and



- arrangements to review the risk assessment regularly and particularly when there is reason to suspect it is no longer valid.

### 5.3 *Day-to-day responsibilities*

The DBC will appoint a service provider to take day-to-day responsibility for controlling any identified risk from legionella bacteria. We will ensure that the appointed person, known as the responsible person(s), will have sufficient competence and knowledge of the installation.

We will make sure that they have a good understanding of the organisations safety management system, be suitably informed, instructed and trained and their suitability assessed. We will also provide information relating to the water system, any equipment associated with the system and its constituent parts where available.

However, we expect the service provider will be able to identify if the water systems are likely to create a risk from exposure to legionella bacteria and inform us of any risks identified and how the system can be operated and maintained safely, where e.g.:

- water is stored or re-circulated in the system;
- the water temperature in all or some parts of the system may be between 20–45 °C;
- there are deposits that support bacterial growth, including legionella, such as rust, sludge, scale, organic matter and biofilms;
- it is possible for water droplets to be produced and, if so, whether they can be dispersed; or
- it is likely that any of your employees, contractors, visitors, the public etc could be exposed to contaminated water droplets.

### 5.4 *Preventing or controlling the risk*

The DBC will consider when designing a new water system how the risk from legionella can be prevented and risk assess the system before it is commissioned to check that it is performing to design specifications.

**Designers** are to ensure that:

- All new works take into account the requirements of L8 such as conditions that encourage the proliferation of legionella do not exist and comply with all water authority local requirements; seeking advice where necessary.
- Materials specified comply with the water supply and fitting regulations 1999.
- At handover of new works, that the appropriate L8 test and disinfection commissioning / certificates are provided by the contractor
- We will implement a legionella written control scheme that is tailored to the systems covered by the risk assessment relating to:
  - the release of water spray is properly controlled;
  - avoid conditions that support growth of microorganisms, including legionella;

- water cannot stagnate anywhere in the system by regular movement of water in all sections of the systems and by keeping pipe lengths as short as possible, and/or removing redundant pipework and deadlegs;
- avoid using materials that harbour bacteria and other microorganisms or provide nutrients for microbial growth;
- we keep the system and the water in it clean;
- treat water to either control the growth of microorganisms, including legionella, or limit their ability to grow;
- monitor any control measures applied; and
- keep records.

#### 5.5 *Water treatment and control programmes*

The DBC will consider the introduction of control measures that include water treatment techniques where the risk assessment had identified a problem with preventing water stagnating in the hot or cold water systems and point of use (POU) filters.

However, we recognise that the selection of a suitable system for the control of legionella is complex as there is no single water treatment control regime that is effective in every case and each control method has both benefits and limitations, for this reason, we will also consider introducing additional measures, to include, microbiological monitoring and cleaning and disinfection.

#### 5.6 *Microbiological monitoring*

- The DBC will consider the introduction of control measures that include legionella monitoring where the risk assessment had identified a problem with the effectiveness of the control regime or where the recommended temperatures, disinfectant concentrations or water systems treated with biocides where water is stored, or distribution temperatures are reduced;
- water systems where the control levels of the treatment regime, e.g. temperature or disinfectant concentrations, are not being consistently achieved;
- high-risk areas or where there is a population with increased susceptibility, e.g. in healthcare premises including care homes and some schools; and
- water systems suspected or identified in a case or outbreak of legionellosis where it is probable the Incident Control Team will require samples to be taken for analysis.
- other precautions are not being consistently achieved throughout the system e.g.:

Where monitoring for legionella is considered appropriate in hot and cold water systems, sampling will be carried out in accordance with BS 7592, 'Sampling for Legionella organisms in water and related materials'.

Analysis of water samples for legionella will be performed in a UKAS accredited laboratory with current ISO standard methods for the detection and enumeration of legionella included within the scope of accreditation and participate in water microbiology proficiency testing scheme accredited to ISO 17043 or 17994.

## 5.7 *Cleaning and disinfection*

The DBC will clean, flush and disinfecting hot and cold water services on an annual basis as part of their overall management preventative control and also where the risk assessment has identified that there are technical difficulties in maintaining the required temperatures or where the build-up of biofilm or scale can reduce the efficacy of the control measures significantly.

However, the water systems will also be cleaned and disinfected e.g.:

- on completion of a new water installation or refurbishment of a hot and cold water system;
- on installation of new components, especially those which have been pressure tested using water by the manufacturer (see the manufacturer's instructions);
- where the hot and cold water is not used for a prolonged period and has not been flushed as recommended or the control measures have not been effective for a prolonged period;
- on routine inspection of the water storage tanks, where there is evidence of significant contamination or stagnation;
- if the system or part of it has been substantially altered or entered for maintenance purposes that may introduce contamination;
- following water sampling results that indicate evidence of microbial contamination of the water system;  
or
- during, or following an outbreak or suspected outbreak of legionellosis linked to the system.

Where disinfection is considered appropriate in hot and cold water systems, this will be carried out in accordance with BS 8558, 'Guide to the design, installation, testing and maintenance of services supplying water for domestic use within buildings and their curtilages'.

## 5.8 *Action to take if there is an outbreak of legionellosis*

The DBC, Environmental Health Department will notify incidents of Legionnaires' disease under the Health Protection (Notification) Regulations 2010 to the Public Health England (PHE).

Also, DBC, Corporate Health and Safety will notify confirmed cases of Legionnaires' disease under the RIDDOR 2013 to the HSE.

The HSE in HSG 274 Part 2, define an outbreak as:

*'two or more cases where the onset of illness is closely linked in time (weeks rather than months) and where there is epidemiological evidence of a common source of infection, with or without microbiological evidence'.*

## 6.0 *Records*

The DBC will retain records for the period they remain current and for at least two years afterwards, with the exception of records kept for monitoring and inspection, which will be kept for at least five years.

We will also keep training records of employees; records of the work of external service providers, such as water treatment specialists; and information on other hazards, e.g. chemical safety data sheets for at least five years.

We will regularly check that our records both written and electronic contain accurate information and contain details of the:

- person or people responsible for conducting the risk assessment, managing, and implementing the written scheme;
- significant findings of the risk assessment;
- written control scheme and details of its implementation;
- details of the state of operation of the system, i.e. in use/not in use;
- results of any monitoring, inspection, test or check carried out, the dates and any resulting corrective actions, as defined in the written scheme of precautions, such as: results of chemical and microbial analysis of the water;
- water treatment chemical usage;
- inspections and checks on the water treatment equipment to confirm correct operation;
- inspections and checks on the water system components and equipment to confirm correct and safe operation;
- records of maintenance to the water system components, equipment and water treatment system; and
- the cleaning and disinfection procedures and the associated reports and certificates.

## 7.0 *Review*

This guide should be reviewed at regular intervals or sooner if there is any reason to suppose that the advice is no longer valid, or any of the circumstances of the work have changed significantly.

## 8.0 *Training*

The Duty Holder must ensure that the Responsible Person(s), service provider and/or staff appointed to implement the control measures and strategies are suitably informed, instructed and trained and their suitability assessed.

Regular refresher training will be provided and the Responsible Person(s) must ensure that they have a clear understanding of their role and the overall health and safety management structure and policy of the organisation.

## 9.0 *Monitoring*

This guide will be monitored regularly by Health and Safety and Corporate Health and Safety Committee.

## Appendix B: Glossary

### Glossary of terms:

- **aerosol** a suspension in a gaseous medium of solid particles, liquid particles or solid and liquid particles having a negligible falling velocity. In the context of this document, it is a suspension of particles which may contain legionella with a typical droplet size of <math><5\ \mu\text{m}</math> that can be inhaled deep into the lungs.
- **algae** a small, usually aquatic, plant that requires light to grow.
- **bacteria** (singular bacterium) a microscopic, unicellular (or more rarely multicellular) organism.
- **biocide** a substance which kills microorganisms.
- **biofilm** a community of bacteria and other microorganisms embedded in a protective layer with entrained debris, attached to a surface.
- **Borescope** an optical tool used to view areas inside of a vessel that would otherwise not be visible e.g. inside of a calorifier.
- **calorifier** an apparatus used for the transfer of heat to water in a vessel, the source of heat being contained within a pipe or coil immersed in the water.
- **chlorine** an element used as a biocide and for disinfection.
- **chlorine dioxide** a compound used as a biocide.
- **client** the
- owner or occupier of the premises, or his appointed representative, or other person nominated to be the 'responsible person as defined in the HSE document 'Legionnaires' disease - The control of legionella bacteria in water systems, Approved Code of Practice and guidance on regulations (L8 4th Edition)'.
- **cold water service** installation of plant, pipes and fitting in which cold water is stored, distributed and subsequently discharged.
- **contact time** the time a chemical is retained in the system.
- **corrosion inhibitors** chemicals which protect metals by: passivating the metal by the promotion of a thin metal oxide film (anodic inhibitors); or physically forming a thin barrier film by controlled deposition (cathodic inhibitors).
- **dead end/blind end** a length of pipe closed at one end through which no water passes.
- **dead leg** a length of water system pipework leading to a fitting through which water only passes infrequently when there is draw off from the fitting, providing the potential for stagnation.
- **disinfection** the reduction of the number of microorganisms to safe levels by either chemical or non-chemical means (e.g. biocides, heat or radiation).
- **distribution circuit** pipework which distributes water from hot or cold water plant to one or more fittings/appliances.
- **domestic water** hot and cold water intended for drinking, washing, cooking, food preparation or other domestic purposes.
- **fouling** organic growth or other deposits on heat transfer surfaces causing loss in efficiency.
- **hot water service** installation of plant, pipes and fittings in which water is heated, distributed and subsequently discharged (not including cold water feed tank or cistern).
- **Legionella Control Association** the DBC implement the LCA process for selecting a service provider (by highlighting nine critical areas and detailing the commitment that the owner/operator should expect from prospective service providers) when making the competence assessment
- **service providers when making the competence assessment.**
- **legionnaires' disease** a form of pneumonia caused by bacteria of the genus legionella.
- **legionella (plural legionellae)** a bacterium (or bacteria) of the genus legionella.
- **legionellosis** any illness caused by exposure to legionella.
- **mg/l** (milligrams per litre) a measure of dissolved substances given as the number of parts there are in a million parts of solvent. It is numerically equivalent to ppm (parts per million) with respect to water.
- **microorganism** an organism of microscopic size, including bacteria, fungi and viruses.

- **nutrient** a food source for microorganisms.
- **pasteurisation** heat treatment to destroy microorganisms, usually at high temperature.
- **pH** the logarithm of the reciprocal of the hydrogen ion concentration in water, expressed as a number between 0 and 14 to indicate how acidic or alkaline the water is. Values below 7 are increasingly acidic, 7 is neutral, and values higher than 7 are progressively alkaline. However, acidity and alkalinity are not proportional to pH.
- **ppm** (parts per million) a measure of dissolved substances given as the number of parts there are in a million parts of solvent. It is numerically equivalent to milligrams per litre (mg/l) with respect to water.
- **risk assessment** identifying and assessing the risk from legionellosis from work activities and water sources on premises and determining any necessary precautionary measures.
- **scale inhibitors** chemicals used to control scale. They function by holding up the precipitation process and/or distorting the crystal shape, thus preventing the build-up of a hard adherent scale.
- **sentinel taps** for hot water services – the first and last taps on a recirculating system. For cold water systems (or non-recirculating HWS), the nearest and furthest taps from the storage tank. The choice of sentinel taps may also include other taps which represent parts of the recirculating system where monitoring can aid control.
- **service provider** companies or individuals or their sub-contractors who are involved with providing advice, consultancy, operating, maintenance and management services or the supply of equipment or chemicals to the client. See Client and sub-contractor.
- **shunt pump** a circulation pump fitted to hot water service/plant to overcome the temperature stratification of the stored water.
- **slime** a mucus-like exudate that covers a surface produced by some microorganisms. e a general term for soft mud-like deposits found on heat transfer surfaces or other important sections of a cooling system. Also found at the base of calorifiers and cold water storage tanks.
- **stagnation** the condition where water ceases to flow and is therefore liable to microbiological growth.
- **strainers** coarse filters usually positioned upstream of a sensitive component, such as a pump control valve or heat exchanger, to protect it from debris.
- **Sub-contractor** a sub-contractor is a company or an individual who carries out unsupervised work, specifically associated with the control of legionella, on behalf of a service provider
- **thermal disinfection** heat treatment to disinfect a system.
- **thermostatic mixing valve** a mixing valve in which the temperature at the outlet is pre-selected and controlled automatically by the valve.
- **total viable counts (TVC)** the total number of culturable bacteria (per volume or area) in a given sample (does not include legionella).
- **wholesome water** supplied for such domestic purposes as cooking, drinking, food preparation or washing; or supplied to premises in which food is produced
- **sludge** a general term for soft mud-like deposits found on heat transfer surfaces or other important sections of a cooling system. Also found at the base of calorifiers and cold water storage tanks.
- **stagnation** the condition where water ceases to flow and is therefore liable to microbiological growth.
- **strainers** coarse filters usually positioned upstream of a sensitive component, such as a pump control valve or heat exchanger, to protect it from debris.
- **thermal disinfection** heat treatment to disinfect a system.
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- **total viable counts (TVC)** the total number of culturable bacteria (per volume or area) in a given sample (does not include legionella).
- **wholesome water** supplied for such domestic purposes as cooking, drinking, food preparation or washing; or supplied to premises in which food is produced

## Appendix C: BUILDING LISTS

A Sites	A Sites	B Sites	B Sites
Betty Patterson House	Christopher Court	Adeyfield APG	Adeyfield CC
Compass Point	Cranford	Apsley CC	Bennetts End CC
Douglas Gardens	Dudley House	Berkhamsted Civic C	Brickfields Ind Estate
Elizabeth House	Emma Rothschild Court	Chaulden APG	Chaulden CC
Evelyn Sharp House	Florence Longman House	Chaulden Sports Pav	Coronation Fields Pav
Gilbert Burnett House	Lagley House	Cupid Green Depot	Cupid Green Pav
Leys Road	Oaklawn	Dacre House	Centre in the park
Phyliss Courtnage House	Pond Close	Gable House	Gadebridge CC
1-6 Rice Close	7-12 Rice Close	Grovehill/Woodfarm APG	Grovehill CC
14-19 Rice Close	26-31 Rice Close	Grovehill Pav	Health Lane Cemetery
38-43 Rice Close	44-49 Rice Close	Highfield CC	48 High Street
50-53 Rice Close	Saturn Way (Upper)	9 High Street	Highstreet Green Pav
Saturn Way (Lower)	Two Beeches	Kings Hill Cemetery	Leverstock Green CC
William Crook House	Willow Edge	Leverstock Pav	Maylands Bus Centre
St.Peters Court	The Elms	Nash Mills W/C Shower	Old Town Hall
51 Woolmer Drive		Pound Meadow Pav	3 St. Marys
		Trefoil house	Tring CC
		Tring Cemetery	Tringford road depot
		Velvet Pav	Victoria Hall
		Warners End CC	Warners End Pav
		Woodhall Farm CC	Woodwell Cemetery



# Lone Working Policy



## **1. Introduction**

- Dacorum Borough Council (DBC) constantly reviews its Health & Safety procedures and as part of this process we have looked at circumstances where our staff might encounter an “at risk” situation.
- The nature of the work that DBC does means that some staff can be required to work alone or can find themselves in such circumstances.
- Therefore it is important to support and guide staff on the procedures and systems that should be followed to ensure they are safe when lone working.

### **Definition of Lone Working**

**Lone working can be described as “*work that is carried out by unaccompanied persons, especially out of normal office hours, without direct supervision or immediate access to another person for assistance*”.**

**Please note that this definition does not apply to individuals who are working from their home.**

- Lone working may expose employees/others to additional health and safety risks which do not usually present themselves in other circumstances. Through a process of risk assessment, significant risks will be identified and controls put in place to eliminate/reduce the risk.
- To ensure safety, it requires the co-operation of everyone involved and all levels of management and individual staff members need to follow the rules and work together to develop and implement safe systems of work.

## **2. Policy Aims**

- This policy (and the accompanying training, support, technology and local procedures) are designed to ensure the following:
  - The lone worker understands the need to stay safe.
  - The lone worker understands the risks and hazards to which they are likely to be exposed.
  - The lone worker understands the controls and measures in place to keep them safe.
  - The lone worker knows what to do if something goes wrong.
  - Someone knows the whereabouts of the lone worker and what to do in an emergency.
  - We learn from any data and information on how the lone working policy is operating.

### **3. Our Approach**

#### *Policy Statement*

- Working alone is sometimes unavoidable, but it can bring additional risks to a work activity. Our approach is therefore to employ controls and measures to reduce the exposure to those risks or eliminate the risk all together.
- In the event that an incident does happen, we will take immediate steps to ensure the safety of the staff member (and other individuals involved) and address the situation.
- We will also make sure that lessons are learned from any issues that may occur.
- **NB: It is important that this corporate policy is read in conjunction with the local working protocols.**

#### *Managing the Lone Working Risk – Policy into Practice*

- In order to keep staff safe, the following policy and practice guidelines must be followed before undertaking any lone working:
  - Reliance Lone Worker Devices – Lone workers must always wear their Reliance Device while in a lone working situation. Training and support will be provided to let staff know how to use it effectively (**more information is provided in Appendix 1**).
  - Team Risk Assessments - Each Department will publish a *Lone Working Risk Assessment*. This will set out the key risks and the steps that staff need to follow to address the issues raised. Lone workers will familiarise themselves with this.
  - Door Stop Risk Assessments - Lone workers will be trained to undertake 'door step risk assessments'. This the ability to identify and understand potential risky situations and have the confidence to not put themselves in a harmful scenario. **\*\*A staff member should never enter into a situation where they believe there is a genuine risk – in this circumstance, they should return to the office and speak to their Line Manager\*\***
  - Cautionary Database - Lone workers will check the cautionary database (and any other relevant databases) to identify if their visit is with a potential 'high risk individual'. Any advice on the database must be followed\_e.g. 2 person visit, visit with Police etc. All incidents should be reported to the Group Manager (Resident Services) and CC to the CH&S via the incident form.

- Making Electronic Diary Available – Lone workers will make sure their electronic diary is available to view, with full read/view access, by their Line Manager, Team Leader and Group Manager. If an individual appointment is private, this should be marked as confidential (using the confidential button) and their Line Manager should be made aware.
  - For all appointments record :
  - Location – full address, for commercial premises name of business, for new developments or sites with no address as detailed description as possible e.g. site next to BSI on Maylands Avenue). For residential premises the full address.
  - Name of person you are meeting
  - Telephone number of the person/business you are meeting
  - Start and finish time of visit
  - Time expected back at Office
  
- Lone Worker Calling After A Delay – If a lone worker has been delayed and will not be returning to the office at the time estimated, they **MUST** call the office, ideally THEIR line manager (if they are not available then call a colleague who will cascade this information electronically). Lone workers should ensure they have an up-to-date list of contacts.
  
- Manager Calling After A Delay – It is the responsibility of the line manager to ensure that they investigate if an individual is more than 30 minutes late without an explanation. Due to the varied nature of tasks undertaken by DBC staff the time limits for initiating action will be determined by the risk assessment but no later than 30 minutes after the expected time of return of the employee.
  
- For 'Out of Hours' - In the exceptional circumstance when a line manager is not available the above details (paragraph 4 above) should be logged with the CCTV Control Room on 01442 228778 or extension 2778. Officers working out of ours, such as standby arrangements, should also use this function.
  
- **NB: Lone workers MUST NOT go into a lone working situation unless they have followed or undertaken EACH policy and proactive activity identified above.**

## *Personal Safety – Policy into Practice*

- In order to keep staff safe, the following policy and practice guidelines must be followed while staff are on foot or in cars (please note this list is not exhaustive):
  - DO NOT provide lifts to service users in your own vehicle – you should always arrange for the use of a recognised taxi service.
  - Make sure you carry your mobile phone with battery fully charged or coins/phone card for an emergency.
  - Plan your route before setting off, when you have the choice use main roads or footpaths. Try to avoid any darks or unlit routes.
  - Tell someone the route you will be taking and when you expect to arrive.
  - Let someone know if you change your journey plans.
  - Have the directions in your phone or on a map, so you do not have to stop to ask.
  - Do not have valuables visible when driving or walking.
  - When you leave the car, lock personal belongings, equipment, drugs etc in the boot, not on display.
  - At night, park in a place, which is well lit, and if possible busy. Try to avoid car parks or areas where you and your vehicle are not clearly visible
  - Have the keys ready before you get into the car, check the back seat.
  - If you see an incident or accident, ask yourself if it is genuine and if you could really help – it might be best to phone for help or drive to the nearest Police station.
  - Staff should consider appropriate footwear and clothing to avoid items that could be used to harm you and to ensure no restriction to movement.
  - Do not take short cuts, unless you know they are as safe as the longer route.
  - Carry a torch.

## **4. Monitoring, Management & Reporting**

### *Monitoring and Reporting*

- All instances of abuse or incidents **MUST** be reported and staff should complete the Incident Form<sup>2</sup> (on document centre) which is then sent to the designated person (Group Manager – Resident Services).
- The Corporate Health and Safety Team will publish an annual review of Lone Working with analysis of the nature and scale of incidents and recommendations for improvements in practice. This will be reported to CMT and the Health and Safety Committee.

### *Management*

- Training and support will be provided to lone workers to ensure that they are able to follow the policy and practice guidelines.
- As a minimum all staff will receive training on the Reliance Device and Lone Worker Training covering risk awareness, dynamic risk assessments, understanding of DBC policy and how to keep themselves safe. This will be mandatory.
- However, if a lone worker is found to be non compliant with the guidelines (including not using the Reliance Device), they may be subject to the Council's disciplinary procedures including for a breach of the Code of Conduct.

## **Appendix 1 – Reliance Lone Worker Devices**

- **Lone workers must always wear their Reliance Device while in a lone working situation. Training and support will be provided to let staff know how to use it effectively.**
- **Devices should be regularly tested and charged before use to ensure it is fully functioning.**
- **This is a device worn around the neck which also holds the identity badge. Prior to making a visit, the details of the visit including the name of the person being visited, time, property no, road name, postal town and full postcode must be spoken into the machine.**
- **If the red button on the device is pressed, a response call centre can listen in and send the emergency services / summon help to the last address recorded.**
- **It is vital the employees who have a lone worker device ensure that they charge their lone worker device every evening and that they leave details of their visits (as above) and regularly update this. In the event of visiting remote areas or blocks of flats you may wish to add further information to enable you to be located quickly.**

**Appendix 2 – A summary of risks you might encounter and the suggested controls follows:**

<b>Risk Identified</b>	<b>Health &amp; Safety Procedure</b>
<b>Verbal/Physical Abuse</b>	<ol style="list-style-type: none"> <li>1. Warn and if necessary terminate calls from abusive callers</li> <li>2. Consult Cautionary Database and departmental databases before visiting customers</li> <li>3. Complete electronic diary and complete in/out board in your area.</li> <li>4. Make sure you have an up-to-date list of contact phone numbers for your line manager, team leader, administration contact for your department</li> <li>5. Line managers are to ensure that they have an up to date contact numbers for their staff.</li> <li>6. If you have been delayed and will not be returning to the office at the time you have estimated, call the office, ideally your line manager.</li> <li>7. Report all instances of abuse to your manager and complete the Incident Form which is then sent to Julie Still.</li> <li>8. Personal attack alarms/Lone working devices are available on request from your Line Manager if not issued as a result of the Lone Working Risk Assessment for your department.</li> <li>9. All staff who undertake lone working activities should attend lone worker personal safety training.</li> </ol>
<b>Aggressive dogs</b>	<ol style="list-style-type: none"> <li>1. Do not enter gardens/premises if potentially dangerous dogs are believed to be on the loose.</li> <li>2. Request customer to control their dog.</li> <li>3. Report all instances of dog attack to your line manager, who will forward the information to the dog warden.</li> </ol>

<b>Risk Identified</b>	<b>Health &amp; Safety Procedure</b>
<b>Out of Hours Visits</b>	<ol style="list-style-type: none"> <li>1. You should undertake all the necessary checks of the cautionary database and departmental databases</li> <li>2. For visits out of normal working hours including weekends contact CCTV Control Room 01442 228778 giving the following information: <ol style="list-style-type: none"> <li>a. your name,</li> <li>b. mobile phone number on which you can be contacted,</li> <li>c. the contact details of your line manager</li> <li>d. person and place to be visited, and</li> <li>e. expected duration of visit.</li> </ol> </li> <li>3. Your visit will be logged-in. Log-in details are recorded for your personal security only; details will not be released other than if an incident occurs.</li> <li>4. Contact CCTV Control Room on completion of your visit or if there are changes in itinerary.</li> <li>5. Failure to contact CCTV and respond to a follow-up call will result in your line manager or the Police being notified.</li> </ol>



## Appendix 3 – Useful Links:

**Tips:** <https://www.suzylamplugh.org/Pages/FAQs/Category/personal-safety>

**Texting the police:** <http://www.emergencysms.org.uk/>  
[http://www.btp.police.uk/61016\\_text\\_service1.aspx](http://www.btp.police.uk/61016_text_service1.aspx)

**Aggressive dogs:**  
<https://www.rspca.org.uk/adviceandwelfare/pets/dogs/behaviour/aggression>

**Stalking:** <https://www.suzylamplugh.org/Pages/Category/national-stalking-helpline>

**Telephone app examples:** <https://support.apple.com/en-gb/HT207021>  
<http://skp.samsungcsportal.com/integrated/popup/FaqDetailPopup3.jsp?seq=1045790&cbsite=in&status=a>



## **Substances Hazardous to Health**

### **1. COUNCIL POLICY**

The Council is committed to minimising the health risks to all employees who are exposed to hazardous substances. In particular it recognises its duties under the Health and Safety at Work etc. Act 1974, The Control of Substances Hazardous to Health Regulations 2002 (COSHH) and the Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR) and will:

- Assess the risks to the health of its employees arising from hazardous substances used in or present in work activities;
- Reduce these risks by having in place effective management systems to prevent or control exposure;
- Review the assessment regularly and whenever new equipment, materials or processes are introduced;
- Maintain, examine and test control measures;
- Ensure that all employees are properly informed, trained and instructed in the safe use of hazardous substances;
- Arrange health surveillance where necessary; and
- Prepare plans and procedures to deal with significant (fires, explosions or similar energetic events) accidental releases of hazardous substances.



## 2. DEFINITIONS

COSHH	Control Of Substances Hazardous to Health
DSEAR	Dangerous Substances and Explosive Atmospheres Regulations 2002
HSE	Health and Safety Executive
OEL	Occupational Exposure Limit
WEL	Workplace Exposure Limit
MSDS	Material Safety Data Sheet
CLEAPSS	Consortium of Local Education Authorities Providing Science Services
Acute	Short term effects
Chronic	Long term effects
Biological Agents	Any micro-organism, cell culture, or human endoparasite, which may cause infection, allergy, toxicity or otherwise create a risk to human health
Dangerous Substances	Substances that explode
	Substances that react exothermically with other chemicals (i.e. oxidising)
	Substances classified as being harmful, corrosive, or irritant
	Substances for which the HSE has an approved Operational Exposure Limit
	A biological agent
Flammable	Dust of any kind, when present in substantial concentrations in air
	Substances with a flash point between 22°C and 55°C and which have to be heated before they give off an ignitable vapour (e.g. diesel, paraffin, oil).
Highly Flammable	Substances with a flash point of less than 21°C which give off an ignitable vapour at normal temperatures (e.g. petrol).
Extremely Flammable	Liquids and liquefied gases which will readily ignite at normal temperatures or may explode or react violently (e.g. propane, butane, methane).



### 3. INTRODUCTION

As part of their work, some Council staff will be liable to be exposed to substances which may be harmful to their health.

These may be materials which are: purchased (e.g. cleaning materials, motor vehicle fuels, mains or LP gas, welding gases, pesticides/herbicides etc); produced as part of a work activity (e.g. dust from sawing or cleaning); transported during work (motor vehicle fuels, pesticides/herbicides etc); or naturally present in the environment (e.g. micro-organisms in water, or dust in the air).

Hazardous substances can have a wide range of effects on health and these can be either acute or chronic. Acute effects may be severe, usually happen fast and range from fires, explosions, burns, and skin or eye irritation, shortness of breath/wheezing or loss of consciousness. Chronic effects may include dermatitis, poisoning, cancer and other diseases, which may appear long after exposure to a substance.

For substances belonging to other employers (i.e. cleaning contractors etc) and where no council staff will be exposed to the substance, there is no need to carry out a council Hazardous Substance assessment. This element will be covered in management of contractors guidelines. Contact Corporate Health and Safety for further guidance

#### **RESPONSIBILITIES OF MANAGERS**

**Group Managers have overall responsibility for:**

- Ensuring there is a suitable and sufficient assessment of the risk to the health and safety of their staff posed by materials and substances in the work place;
- Reducing these risks by having in place effective management systems to prevent or control exposure;
- Reviewing the assessment regularly and whenever new equipment, materials or processes are introduced;
- Ensuring that all equipment provided by the Council is suitable for the job, safe and regularly maintained;
- Maintaining, examining and testing control measures and keeping suitable records;
- Ensuring that all employees are properly informed, trained and instructed in the safe use of hazardous substances;
- Where necessary, arranging for monitoring and health surveillance;
- Preparing plans and procedures to deal with significant releases of hazardous substances i.e. an accidental release of chlorine gas in a swimming pool; and
- Ensuring subcontractors under their control are monitored and undertaking relevant assessments and actions for hazardous substances.



*N.B. Group Managers can delegate the tasks to Line Managers where appropriate, but the responsibility to ensure the risk is managed remains with the GM.*

### **RESPONSIBILITIES OF EMPLOYEES**

All employees have a duty to:

- Use all substances /materials and work equipment in accordance with:
  - The relevant Council procedures;
  - The manufacturer or supplier’s instructions;
  - The relevant hazard data sheet;
  - Any instruction and training received
- Not intentionally misuse anything provided in the interests of health and safety, such as protective clothing or equipment;
- Report to their immediate supervisor any defects found in work equipment.

### **WHO IS RESPONSIBLE FOR CARRYING OUT ASSESSMENTS?**

The responsibility for ensuring adequate procedures and controls are in place for hazardous substances lies with Group Managers, however, the actual carrying out of assessments will generally be delegated to those Team Leaders or Lead Officers who have responsibility for the employees or activities or to a suitably competent person, whether from within the Council or an external consultant.



## 4. ASSESSMENTS

For the vast majority of commercial chemicals, the presence (or absence) of a warning label will indicate whether it is considered a hazardous substance. Substances that are hazardous to health can take many forms. They can be gases, vapours, liquids, fumes, dusts, or solids and can be components of a mixture of materials. They can also be micro-organisms.

In general, substances hazardous to health or dangerous will display standard warning labels (**please see Appendix 1 for a complete list of the warning labels and explanations**).

**Please contact the Corporate Health and Safety team if you are in any doubt or would like more information.**

**Warning labels** provide basic information about hazardous substances such as:

- The identity of the substance;
- Possible hazards;
- Safety precautions and emergency action see Appendix 2 for list of safety phrases (i.e. S24 means “avoid contact with skin”);
- First aid advice;
- Supplier name, address and telephone number.

If more information is required about a substance, details can be found on the Material Safety Data Sheet (MSDS). The manufacturer/supplier will provide these with the product. MSDS are not hazardous substances assessments but the information contained in them will be useful in carrying out a hazardous substances assessment.

The MSDS gives details about:

- Proper use of the substance;
- Health risks and fire hazards;
- Steps to take for safe use, transportation and storage;
- Waste disposal;
- Effects on the environment;
- Physical characteristics of the substance; and
- How to handle spills and leaks.



### **HAZARDOUS SUBSTANCES - DO'S AND DON'TS!**

#### **DO:**

- Consider the hierarchy of control, elimination, substitution, engineering controls, administrative controls then lastly personal protective equipment;
- Read the container label and hazard data sheet before using the substance, material or gas;
- Keep your work area clean;
- Use protective clothing and equipment;
- Follow safety rules;
- Use approved and labelled containers for storing and transporting hazardous materials;
- Follow instructions when removing hazardous materials from containers;
- Make sure there is enough ventilation, especially in a confined space;
- Keep compressed gas, flammables and explosive materials away from heat;
- Check that containers and hoses are in good working condition;
- Take safety training seriously.

#### **DON'T:**

- Leave containers open when not in use;
- Siphon by mouth;
- Depend on a funny smell to detect hazardous substances in the air, some are odourless;
- Mix a chemical with another substance, even water, unless you are instructed to. Even then follow instructions exactly;
- Breathe gases produced from chemical reactions;
- Pour water into acid;
- Smoke, eat or drink around hazardous substances;
- Store hazardous chemicals next to each other without checking the hazard data sheet for possible hazardous reactions;
- Cut corners on hazardous substance handling procedures.



## **RISKS**

**It is a legal requirement that no work that is liable to expose anyone to substances hazardous to health shall be carried out unless an assessment has been made.**

The purpose of the assessment is to identify where the risk lies and to identify appropriate measures to reduce the risk. **A suitable form for carrying out the hazardous substances assessment is attached at Appendix 3.**

### **The assessment must:**

1. Identify the substances present in the workplace:
  - Think about substances which have been supplied, as well as substances which might be produced, during work activity or are present in the work environment (inside or outside).
  - Contact sources of information such as the manufacturer / supplier or the Corporate Health and Safety Team.
2. Consider the risks these substances present to people's health:
  - How much of the substance is used?
  - Who could be exposed to the substance, and how often?
  - How can the substance come into contact with the person? Can it be inhaled, swallowed, absorbed through skin, come into contact with the eyes, injected into the body by high pressure equipment or contaminated sharp objects?

**The assessments should be reviewed annually and revised whenever they are no longer valid, or where there has been significant change in the work activities.**

## **CONTROL MEASURES**

**The risks from hazardous substances can be significantly reduced by preventing or controlling exposure to them.**

### **Consideration should be given to preventing exposure by:**

- Avoiding sources of ignition;
- Keeping incompatible substances apart (separate storage);
- Reducing the quantity of dangerous substances in the workplace to a minimum; Changing the process or work activity so that the hazardous substance isn't needed or produced;





- Replacing the substance with a safer substance;
- Using a safer form of the substance - pellets instead of powder, dilute solution instead of concentrated, and so on.

**If any of the above are not reasonably practicable, one or more of the following exposure control measures may be used:**

- Totally enclose the process or partially enclose and use extraction equipment (local exhaust ventilation);
- Provide effective general ventilation;
- Use work, handling and storage procedures which minimise the chances of hazardous materials spilling, leaking or otherwise escaping;
- Reduce the number of employees exposed, or the length of their exposure (not exceeding the Workplace Exposure Limit for the substance if there is one);
- **As a last resort only**, use personal protective equipment/clothing such as gloves, respiratory equipment and eye protection as specified on the MSDS.

### **MONITORING**

Managers must ensure that all hazardous substance assessments are recorded on the appropriate form set out in Appendix 3 of this section.

The manager responsible for the assessment must ensure that completed assessments are accessible within the work area and must:

- Be available for inspection (by Internal and External Auditors) at all times;
- Have a written record of the preventative and protective measures in place to control the risks;
- Record what further action, if any, needs to be taken to reduce risk further;
- Be made available to all employees they relate to;
- Be kept for inspection in line with the Council's document retention policy.

### **ENSURING THAT CONTROL MEASURES ARE USED AND MAINTAINED**

Managers must take all reasonable steps to ensure that their staff make proper use of control measures, including wearing personal protective equipment. This is why they must ensure that staff, are given suitable training, information and appropriate supervision on COSHH assessments relevant to their role. Managers must also ensure that all controls are monitored to ensure compliance with COSHH assessments. Engineering controls and respiratory protective equipment must be examined



and, where appropriate, tested at suitable intervals. Records of examination and testing must be made and kept in line with the Council's retention policy.

### **HEALTH SURVEILLANCE**

In some circumstances, where employees work with particular substances such as respiratory sensitisers, health surveillance may be appropriate. This may include regular medical check-ups. Health records must also be kept where necessary. Advice on the need for health surveillance should be sought from the Corporate Health and Safety Team.

## **5. PREPARE PLANS AND PROCEDURES TO DEAL WITH ACCIDENTS, INCIDENTS AND EMERGENCIES**

This will apply where the work activity gives rise to a risk of an incident or emergency involving exposure to a hazardous substance which goes well beyond the risks associated with normal day to day work. In such circumstances, (e.g. an accidental release of chlorine gas from a splash park, fountain or an explosion), you must plan your response before it happens. That means preparing procedures and setting up warning and communications systems to enable an appropriate response immediately if an incident occurs, and to ensure that information on your emergency arrangements is available to those who need to see them, including the emergency services. It also requires these 'safety procedures' to be practiced at regular intervals.

If any incident or emergency occurs you must ensure that immediate steps are taken to minimise the harmful effects, restore the situation to normal and inform employees who may be affected. Only those staff necessary to deal with the incident may remain in the area and they must be provided with appropriate safety equipment. However, you do not have to introduce these emergency procedures if the quantities of substances hazardous to health present in your workplace are such that they present only a slight risk to your employees health and safety.

## **6. TRAINING**

COSHH and DSEAR requires employees to be provided with suitable and sufficient information, instruction and training, which should include:

- The names of the substances they work with or could expect to be exposed to, the risks created by such exposure and access to any safety data sheets that apply to those substances;
- The main findings of the risk assessment;
- The precautions they should take to protect themselves and others employees;
- How to use personal protective equipment and clothing provided;
- Results of any exposure monitoring and health surveillance (without giving individual employees' names);
- Emergency procedures which need to be followed.



You should update and adapt the information, instructions and training to take account of significant changes in the type of work carried out or work methods used. You should also ensure that you provide information that is appropriate to the level of risk identified by the assessment and in a manner and form in which it will be understood by all relevant employees. These requirements are vital. You must ensure your employees understand the risks from the hazardous substance they could be exposed to. Your control measures will not be fully effective if your employees do not know their purpose, how to use them properly or the importance of reporting faults.

## 7. GAS

- No person shall work on any gas installation, fitting or appliance unless they are a GAS SAFE registered engineer, qualified/competent to work on the relevant type of installation.
- The Council, as the landlord for its housing stock, is responsible for the gas safety of its tenants.
- The Council will ensure that annual gas safety checks (and servicing as appropriate) are carried out on all its housing stock.
- All records of gas safety checks will be kept in line with the Council's data retention policy.

### **IN A SUSPECTED MAINS GAS EMERGENCY:**

- Open all doors and windows to ventilate the property;
- Turn off the appliance and do not use it again until it has been checked by a GAS SAFE registered engineer;
- Turn off the gas supply at the mains;
- Call the national gas emergency number 0800 111 999;
- If you are feeling ill, visit your GP or hospital immediately;
- Contact a GAS SAFE engineer to check and repair the appliance / installation.

When gas is not fully burnt due to a faulty, incorrectly fitted or poorly maintained appliance, fitting or flue, Carbon Monoxide (CO) is given off. CO is a colourless, odourless, tasteless, poisonous gas, which when it enters the human body prevents the blood from bringing oxygen to cells, tissues and organs, resulting in asphyxiation.

### **The six main symptoms of CO poisoning are:**

1. Headaches
2. Dizziness
3. Nausea
4. Breathlessness
5. Collapse



6. Loss of consciousness.

**The following are signs that incomplete combustion may be taking place are:**

1. A yellow or orange flame (except in flame effect fire);
2. Soot or yellow/brown staining on or around the appliance;
3. A pilot light that frequently goes out;
4. Increased condensation on the inside of the premises windows.

## 8. GAS CYLINDERS

All gas cylinders must be stored in the open air in a designated area and be:

- Well away from any sources of ignition;
- On a level concrete base that has good drainage and is free from weeds/vegetation;
- A minimum of 2m from any opening or pit;
- A minimum of 1m away from the property boundary;
- No more than the minimum quantity needed should be stored;
- Before use, all gas pipes/hoses, joints, appliances and cylinders should be checked for damage and deterioration / wear.
- If the cylinder is being used in conjunction with a BBQ or patio heater, a fire blanket / extinguisher should be on hand. Do NOT change cylinders when the appliance is hot.
- All cylinders must have a regulator fitted using correct gas pipe/hose clamps, NOT worm drive clamps (i.e. jubilee clips) as they can damage the pipes/hoses and cause leaks in the joints.

## 9. PETROLEUM

Under normal circumstances NO council department or premises should store any more than mixes (e.g. two stroke), excluding fuel tanks attached to internal combustion engines. If more is required then they must seek the approval of the council's petroleum officer. Any petrol stored must be done so in containers manufactured for that purpose.

**(Plastic containers with a capacity of up to 10 litres and metal container with a capacity of up to 20 litres)**

These containers should also be clearly marked (in capitals) 'PETROL' and 'HIGHLY FLAMMABLE' and must be stored in a fire separated brick building or metal fire resistant container away from any source of ignition and well ventilated to the open air. Any decanting/refuelling of equipment must take place in the open air well away from any sources of ignition. No more than two containers up to a total of 30 litres are allowed to be in/on any vehicle at a time.



## 10. FURTHER INFORMATION

**If you have any queries regarding this procedure or would like further guidance please contact Corporate Health & Safety.**

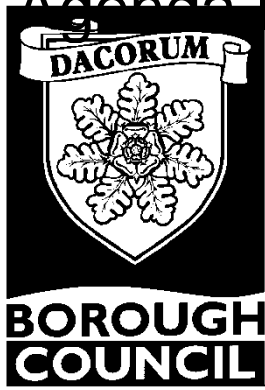
## 11. USEFUL LINKS

The following documents and links may also be useful:

1. L5 Control Of Substances Hazardous to Health Regulations 2002 (as amended)
2. L138 Dangerous Substances & Explosive Atmospheres Regulations 2002
3. INDG 136 COSHH a Brief Guide
4. HSG 97 A step by step guide to COSHH assessments
5. L56 The Gas Safety Installation and Use Regulations 2013.
6. PELG – PETEL 14. The Petroleum (Consolidation) Regulations 2014.
7. United Kingdom Low Pressure Gas (UKLPG) Code of practice Number 7.

For GAS SAFE information go to: [www.gassaferegister.co.uk/help/gas\\_emergency.aspx](http://www.gassaferegister.co.uk/help/gas_emergency.aspx)

All of the above Health and Safety Executive (HSE) publications can be downloaded from the HSE website: [www.hse.gov.uk](http://www.hse.gov.uk)



**AGENDA ITEM:**

**SUMMARY**

<b>Report for:</b>	<b>Cabinet</b>
<b>Date of meeting:</b>	<b>24<sup>th</sup> April 2018</b>
<b>Part:</b>	<b>1</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Public Spaces Protection Order – Hemel Hempstead Town Centre</b>
Contact:	Councillor Janice Marshall Portfolio Holder for Environmental, Sustainability and Regulatory Services  Author/Responsible Officer: Mark Brookes – Solicitor to the Council David Austin – Assistant Director (Neighbourhood Delivery)
Purpose of report:	To propose the introduction of a Public Spaces Protection Order to provide a means of controlling a number of activities having a detrimental effect on the quality of life for those living in, working in and visiting Hemel Hempstead town centre.
Recommendations	That Cabinet agree:  1. To commence a statutory consultation on a proposal to introduce a Public Spaces Protection Order in accordance with the draft order and plan annexed at Appendix A, to include the following prohibitions:  <i>(a) Not to Spit (including discharge of chewing gum), urinate or defecate in a public place within the area coloured blue on order plan 1</i>  <i>(b) Not to cycle or skateboard within the area coloured blue on order plan 2.</i>  2. To delegate authority to the Portfolio Holder for Environmental, Sustainability and Regulatory Services in



	eliminated entirely; however due to difficulties in identifying some of the contraventions and taking a proportionate approach to enforcement there will not always be immediate results which will be noticeable to the public.						
Community Impact Assessment	A Community Impact Assessment has been completed and a copy is annexed to this report.						
Health And Safety Implications	Some H&S implications may arise from the enforcement of orders, and will be incorporated within individual service risk assessments for authorised enforcing officers.						
Monitoring Officer/S.151 Officer Comments	<p><b>Monitoring Officer:</b></p> <p>The PSPO will assist with the prevention of anti-social behaviour in the town centre. There will need to be a proportionate approach to enforcement particularly where the order is being breached by young and vulnerable persons.</p> <p><b>S.151 Officer:</b></p> <p>The implementation and enforcement of the PSPO can be delivered from within existing budgets.</p>						
Consultees:	<p>Corporate Management Team</p> <p>Feedback from Scrutiny committees:</p> <p><b>Strategic Planning and Environment Overview and Scrutiny Committee (20<sup>th</sup> March 2018 – minutes are available on the web-site)</b></p> <table border="1"> <thead> <tr> <th>Issue raised</th> <th>Response</th> </tr> </thead> <tbody> <tr> <td>Resource for enforcement</td> <td>Enforcement will be targeted to specific operations and will be within existing resources. The PSPO should act as a general deterrent.</td> </tr> <tr> <td>Lack of public toilets contributing to some of the issues</td> <td>The issue of the town centre toilets is being considered separately but lack of public toilet provision does not excuse the unacceptable behaviour.</td> </tr> </tbody> </table>	Issue raised	Response	Resource for enforcement	Enforcement will be targeted to specific operations and will be within existing resources. The PSPO should act as a general deterrent.	Lack of public toilets contributing to some of the issues	The issue of the town centre toilets is being considered separately but lack of public toilet provision does not excuse the unacceptable behaviour.
Issue raised	Response						
Resource for enforcement	Enforcement will be targeted to specific operations and will be within existing resources. The PSPO should act as a general deterrent.						
Lack of public toilets contributing to some of the issues	The issue of the town centre toilets is being considered separately but lack of public toilet provision does not excuse the unacceptable behaviour.						



Overall there was general support for the proposal in its current form	
<p><b>Housing and Community Overview and Scrutiny Committee (21<sup>st</sup> March 2018 - minutes are available on the web-site)</b></p>	
Issue raised	Response
Children on scooters	Not covered in current proposals so PSPO would need to be amended but it was a not a particular issue highlighted at consultation
Camping in the water gardens and issues with enforcement against homelessness generally	<p>Water gardens case – there was no duty to assist the particularly individual and significant funds have been spent on this case.</p> <p>Issues with enforcement against homelessness are highlighted in the report and it is believed that there are more proportionate means to deal with issues.</p> <p>Members were generally supportive of not including prohibitions which were related to homelessness in the PSPO.</p>
Lack of resource to enforce	Enforcement will be targeted to specific operations and will be within existing resources. The PSPO should act as a general deterrent.
Children playing ball games was an issue	Agreed to monitor the situation but an informal approach may be effective rather than including it in the PSPO.

	Concern over the plan prohibiting cycling in Moor End Road	The plan has been amended to take account of this comment
Background papers:	<p>Home Office – Reform of anti-social behaviour powers: Statutory guidance for frontline professionals (section 2.6)</p> <p>Home Office - Anti-social behaviour powers Statutory guidance for frontline professionals Updated December 2017</p> <p>Cabinet report dated 25<sup>th</sup> July 2017.</p> <p>PSPO Consultation questionnaire analysis (numerical analysis of response to questions) – Appendix B</p> <p>Consultation analysis by Opinion Research Services (written comments) – Appendix C</p>	
Glossary of acronyms and any other abbreviations used in this report:	<p>PSPO – Public Spaces Protection Order</p> <p>DPPO – Designated Public Places Order</p> <p>CSAS – Community Safety Accreditation Scheme</p> <p>FPNs – Fixed Penalty Notices</p>	

## 1. Background

1.1. Under the Anti-social Behaviour, Crime and Policing Act 2014, local authorities may make orders to prohibit specified activities, and/or require specified activities to be carried on in accordance with certain requirements, within a designated area in the public domain, which may include public highways and footways, parks and open spaces, pedestrianised areas, or similar. Such orders are known as Public Spaces Protection Orders (PSPO).

1.2. PSPO's can be used by authorities to control a variety of problematic behaviours which satisfy two statutory conditions:

*“The first condition is that—*

- (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or*
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.*

*The second condition is that the effect, or likely effect, of the activities—*

- (a) is, or is likely to be, of a persistent or continuing nature,*
- (b) is, or is likely to be, such as to make the activities unreasonable, and*
- (c) justifies the restrictions imposed by the notice.”*

- 1.3. Prohibitions or requirements on activities covered by a PSPO must be reasonable in order to:
  - (a) prevent the detrimental effect from continuing, occurring or recurring, or
  - (b) reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- 1.4. Where a PSPO is in force, it is a criminal offence to do anything which is prohibited under the Order, or to fail to comply with requirements of the Order. Persons guilty of such offences are liable, on summary conviction, to a fine not exceeding level 3 on the standard scale (currently up to £1,000). Offences may also be disposed of by way of a fixed penalty notice of up to £100, payable to the local authority.
- 1.5. PSPOs may be enforced by a police officer, PCSO, or a person authorised by the local authority for that purpose. The Police have agreed to support the PSPO where resources allow; however, it is expected that the local authority will lead on the enforcement of any Orders made.
- 1.6. A PSPO will be valid for a period of up to 3 years, at the end of which it may be extended. Orders may also be varied or discharged by the local authority at any time during their validity.
- 1.7. Prior to making, extending, varying or discharging a PSPO, a local authority must:
  - Consult the chief officer of police and the Policing and Crime Commissioner for the applicable area; any community representatives that it is thought appropriate to consult; and the owners/occupiers of land included within the restricted area;
  - Publish the draft Order (or details of variation/discharge proposal);
  - Notify any parish/town councils within the restricted area, and the County Council;

With regards to its proposals, the authority must also consider its proposed restrictions against the rights of freedom of expression (Article 10) and assembly (Article 11) under the European Convention on Human Rights. The proposed restrictions have been considered against the rights in Article 10 and 11 but it is not considered that there will be any infringement on these rights. If there is any infringement it is considered that it is proportionate for the prevention of disorder and crime.

- 1.8. PSPO's may apply to all persons or only to persons in/not in specified categories; at all times or only within/not in specified times; and in all circumstances or only in/not in specified circumstances.
- 1.9. The power to make PSPO's replaced and consolidated several earlier area-control orders, including designated public place orders which have previously been used by the Council in respect of street drinking (see section 2). Where a PSPO includes prohibitions on the consumption of alcohol in a public space, there are additional enforcement powers available to police and authorised officers, allowing them to require any person not to consume alcohol in breach of the Order, and to surrender any alcohol in their possession for disposal. Failing to comply with such a requirement constitutes a different offence,

subject on summary conviction to a fine not exceeding level 2 on the standard scale (currently up to £500).

- 1.10 Prohibitions on alcohol consumption will not apply to any part of a licensed premises, including beer gardens and terraces, with the expectation that the management of those premises will control the consumption of alcohol within the curtilage of their premises, under threat of a licence review if they failed to do so. Public spaces which are licensed for the sale of alcohol (e.g. parks licensed for events) are also exempted at times when alcohol is being lawfully sold there.
- 1.11 PSPO's may be challenged in the High Court by any person who lives in, regularly works in or regularly visits a restricted area, within 6 weeks of an Order being made or varied.

## **2. Designated Public Places Orders**

### **DPPOs**

- 2.1 DPPOs were introduced by Section 13 of the Criminal Justice and Police 2001 Act and allowed local authorities to designate public areas where the consumption of alcohol is restricted. They give authorised officers, including Community Protection Officers, Police Officers and Police Community Support Officers, the power to require a person not to drink alcohol in the restricted area where that officer reasonably believes that the person has or intends to do so. In addition authorised officers have the power to ask that person to surrender the alcohol and any opened or sealed containers in their possession.
- 2.2 It is not an offence to drink alcohol in a restricted area, per se, but it is an offence to fail to comply with the request of an authorised officer to cease drinking or to surrender alcohol in such an area.
- 2.3 The Council currently has 6 DPPOs in force which cover the following areas:  
  
Hemel Hempstead town centre, Gadebridge Park, Old Town, Randall Park  
  
Berkhamsted and Northchurch  
  
Bovingdon  
  
Boxmoor  
  
Evans Wharf, Aspley Lock  
  
Frogmore End, Durrants Hill Road
- 2.4 The plans with the precise areas covered by these orders are at Appendix D. The areas to be covered by the DPPOs were suggested by the Police and approved by the Licensing Committee when they were first brought into

force in 2006 and 2007 and combine to provide wide coverage, covering all publicly accessible places such as highways, squares, pedestrian areas, public conveniences, doorways, entrances and other open areas within the administrative area of the Council.

- 2.5 Transitional provisions contained within the Anti-Social Behaviour Crime and Policing Act 2014 provide for DPPOs that were in force on 20 October 2014, including the Dacorum DPPOs, to remain in force until 19 October 2017. From 20 October 2017, they will remain in force for a further three year period as if the provisions of the DPPO were provisions of a Public Spaces Protection Orders (PSPO).
- 2.6 There are no proposals to review the old DPPOs (now PSPOs) at this stage and they will therefore continue in force until 19<sup>th</sup> October 2020.

### **3. Proposal for new PSPO**

3.1. Concerns exist around a number of activities currently occurring within Hemel Hempstead town centre, and the old town, which are considered detrimental to the quality of life for persons living in and using that area. It is also intended to include the Water Gardens within the PSPO as displacement from the town centre may move activity from the town centre into that area if it is not covered.

3.2. It is therefore proposed to introduce a PSPO covering this area, which would have the following effect:

To prohibit the following activities in public spaces within the restricted area:

- (a) Spitting (including discharge of chewing gum), urinate or defecate in a public place within the area coloured blue on order plan 1.
- (b) Cycle or skateboard within the area coloured blue on order plan 2.

3.3 The public consultation also considered three further prohibitions as follows:

(i) Sleeping in any public place within the designated area which is:

- open to the air
- within a car park
- within a no-fixed structure including caravans and tents

Without the prior permission of the owner or occupier of the land

- (ii) Sitting or standing on the ground in a public place, street, highway or passage within the designated area in a manner to be perceived that you are inviting people to give you money.
- (iii) Feeding birds/wildfowl in the water gardens area

However, for the reasons set out in the report below it is believed that there are more appropriate and proportionate enforcement alternatives for attempting to deal with these issues and therefore is it not proposed to include these prohibitions in the PSPO.

- 3.4 The consultation did also ask for views on restricting the consumption of alcohol within the designated area shown on the order plan and for the reasons set out in section 5 it is proposed to continue this restriction as part of the existing PSPOs (formerly DPPOs).
- 3.5 Littering is not included because littering is already an offence under the Environmental Protection Act 1990 for which the Council is authorised to serve fixed penalty notices. This would include discharging cigarette ends on the ground which was an issue raised in the consultation.
- 3.6 The area in which it is proposed to apply such restrictions is shown on the Order Plans at Appendix A.

#### **4. Consultation**

Following Cabinet's recommendation in July 2017 a public consultation was initiated which invited comments from residents and interest groups on the proposals for the PSPO. In total there were 870 responses to the consultation and a summary of the responses provided under each proposal is set out below. Members will also find annexed to this report a consultation questionnaire analysis, which is a numerical analysis of responses to questions (see Appendix B), and a consultation analysis by Opinion Research Services which analyses responses provided in the written "additional comments" section of each question ( see Appendix C)

- 4.1. Aside from ensuring that the statutory tests, particularly in respect of proportionality and justifiability, are satisfied, there are a number of considerations around the introduction of PSPO's which would also need to be considered and are highlighted further below

#### **5. Consuming Alcohol**

Proposed restriction: Not to consume alcohol within the designated area

- 5.1 The consultation highlighted that drinking in public areas is a problem which has an impact on the enjoyment of the area. 56.1% of respondents commented

that it was a problem with 39.5% saying that it impacted on their enjoyment of the area. Furthermore, 71.7% supported the inclusion of the prohibition in the PSPO. 67% of those responding to the additional comments section mentioned that they had witnessed drinking or drunks hanging around.

Examples include: People drinking strong alcohol in large groups in the water gardens. Several individuals drinking alcohol together at market square and obviously drunk - very off-putting when walking past and going shopping

50% said they feel intimidated or have experienced abusive/aggressive behaviour from people in the area. Examples include: Daytime street drinking and begging in these areas is intimidating and antisocial less so on myself but more on children. The atmosphere always seems a little tense.

However, 10% of those who provided additional comments stated they do not have a problem with drunks/drinking in the area, and a further 10% said it should not be a blanket proposal/should only apply to those behaving anti-socially.

- 5.2 Section 63 of the Anti-Social Behaviour Crime and Policing Act 2014 specifically provides for a prohibition on the consumption of alcohol in breach of a PSPO and provides that a constable or authorised officer *may*, (emphasis added) subject to reasonable belief as to a breach, require a person to cease consuming alcohol and surrender the alcohol. As such it is considered that the power to enforce the prohibition on alcohol consumption is discretionary and those consuming alcohol responsibly would not necessarily face sanction as a consequence of PSPO which is intended to deal with problem drinkers and their associated anti-social behaviour. As such there ought to be no issues as regards the Order restricting markets, festivals, temporary events and such like.
- 5.3 Due to the nature of this prohibition enforcement actions will generally need to take place in the evening and therefore this will need to be planned appropriately taking account of available resources. Approaching persons who have consumed alcohol and the risks that follow that action will also be reflected in the planned enforcement activities in order to minimise any risk to council staff.
- 5.4 As noted in paragraph 2.3 above, the town centre, old town, water gardens and Gadebridge Park are already included in a PSPO prohibiting the consumption of alcohol by virtue of transitional provisions relating to DPPOs. This will stay in force until October 2020 and will then be reviewed.
- 5.5 The consultation clearly highlighted that the public believe that drinking alcohol is still an issue within the town centre, old town, water gardens and Gadebridge Park and therefore this will continue to be restricted by the transitional PSPO.

## **6. Cycling and Skateboarding**

Proposed Restriction: No person shall cycle or skateboard within the area coloured blue on order plan 2.

- 6.1. The consultation highlighted that cycling and skateboarding in the town centre is perceived to be a problem which has an impact on the enjoyment of the area. 61.1% of respondents commented that it was a problem with 56.7% saying that it impacted on their enjoyment of the area. Furthermore, 61.9% supported the inclusion of the prohibition in the PSPO. The specific comments made by respondents' highlighted problems with people being at risk from injury by persons cycling or skateboarding and aggressive or intimidating behaviour. However, respondents also commented a blanket ban would not be appropriate as it may push people into more dangerous areas and respondents also highlighted that it is a healthy activity which should not be discouraged.
- 6.2. It is not the intention of the PSPO to stop people cycling or skateboarding to and from the town centre and using this as a means of travel; however, in a pedestrianised area such as the town centre there is a conflict if users are riding through a heavily congested area particularly if users are acting inconsiderately. The prohibition will not stop persons from dismounting and walking with their cycle or skateboard once they have arrived within the town centre.
- 6.3. Concerns were raised in the consultation that the order plan was too wide and included areas which are used as legitimate cycle routes such as Waterhouse Street and the Old Town. The plan has therefore been amended to limit the prohibition to the main pedestrianised area of Marlowes but extended to include the Market Square. The Water Gardens will also be included to prevent displacement to that area.
- 6.4. Fixed penalty notices will only be issued for repeat offenders once a formal warning has been given. Contraventions of the proposed prohibitions may be by juveniles (aged 10-17) and separate procedures are being developed for enforcing against this age group and ensuring that sufficient warnings are given, including notice to parents where appropriate. Community Protection Notices will also be considered where appropriate.
- 6.5. In summary, the consultation responses highlight that cycling and skateboarding is an issue within the town centre and it is therefore recommend to be included in the proposed PSPO.

## **7. Spitting (including discharge of chewing gum), public defaecation or urination.**

Proposed Restriction: Not to Spit (including discharge of chewing gum), urinate or defecate in a public place within the area coloured blue on order plan 1.

- 7.1 The consultation highlighted that the proposed prohibition was a problem which has an impact on the enjoyment of the area. 68.9% of respondents commented that it was a problem with 53.5% saying that it impacted on their enjoyment of the area. Furthermore, 83.1% supported the inclusion of the prohibition in the PSPO.



- 7.2 Specific issues highlighted included that chewing gum on pavements was an issue and is evidenced by significant areas of newly laid paving now being covered with chewing gum. Respondents reported issues with standing in chewing gum and it getting stuck to pushchairs.
- 7.3 There have also been reports of urinating/defaecation in public areas of the town centre, particularly in areas around the Full House public house.
- 7.4 The prohibited activity will often be linked to the consumption of alcohol and enforcement actions will generally need to take place in the evening and therefore this will need to be planned appropriately taking account of available resources.
- 7.5 It should be noted that identifying persons who spit or discharge chewing gum or urinate/defecate will be problematic unless there is a permanent enforcement presence in the designated areas which is not going to be realistic within existing resources. Accordingly, enforcement will have to be targeted to agreed operations at particular times of the year.
- 7.6. In summary however, and noting the issues with enforcement, the consultation responses highlight that spitting, urinating and defecating are an issue within the town centre and it is therefore recommend to be included in the proposed PSPO.
- 7.7 It is also recommended that this prohibition is supported by increasing the number of waste bins specifically for chewing gum and cigarettes and this is being actioned by the Clean Safe and Green Team.

## **8. Unauthorised Encampments**

Proposed restriction: Not to sleep in any public place within the designated area which is:

- open to the air
- within a car park
- within a no-fixed structure including caravans and tents

Without the prior permission of the owner or occupier of the land

- 8.1 The consultation highlighted that rough sleeping in the town centre is perceived to be a problem which has an impact on the enjoyment of the area. 57.7% of respondents commented that it was a problem with 44.3% saying that it impacted on their enjoyment of the area. Furthermore, 60.1% supported the inclusion of the prohibition in the PSPO. The specific comments made by respondents highlighted problems with people being or feeling threatened or intimidated, problems with begging, and rubbish being left and making the area look untidy. However, there were also clear concerns that banning rough

sleeping or criminalising the issue will not help the issue, is the wrong approach and that more help should be given to those who are homeless.

- 8.2 It is acknowledged that serving a fixed penalty notice on a homeless person, or prosecution for non-payment is not likely to resolve the individual's personal issues and the primary aim of the council is always to provide assistance and advice to try and help the person to find a permanent home in accordance with the Council's homelessness policies.
- 8.3 There are however some cases where enforcement is appropriate, particularly if there is anti-social behaviour linked to persons residing within the designated area. Officers will always consider if alternative powers for enforcement are appropriate such as Community Protection Notices (CPN). CPNs can be served if the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and the conduct is unreasonable. The CPN can require the person to stop doing the act which is causing the issue. If the activity continues in breach of the CPN then the Council can prosecute for non-compliance. CPNs are therefore an alternative which will be considered on a case by case basis as they do not impose an immediate financial penalty on the person. CPNs have been successfully used by the Council in the recent past and are an effective enforcement tool.
- 8.4 The Council also has the power to apply for an anti-social behaviour injunction if the person has engaged or threatens to engage in anti-social behaviour (conduct that has caused, or is likely to cause, harassment, alarm or distress to any person). This power has been used against persons who have been rough sleeping in the town centre where they have also been involved in threatening anti-social behaviour and will also be considered on a case by case basis.
- 8.5 The Home Office in December 2017 has also issued revised guidance to Council's on the use of PSPO's against homeless and persons rough sleeping, which was issued after the end of the public consultation. This includes a section which states:
- "Public Spaces Protection Orders should not be used to target people based solely on the fact that someone is homeless or rough sleeping, as this in itself is unlikely to mean that such behaviour is having an unreasonably detrimental effect on the community's quality of life which justifies the restrictions imposed. Councils may receive complaints about homeless people, but they should consider whether the use of a Public Spaces Protection Order is the appropriate response. These Orders should be used only to address any specific behaviour that is causing a detrimental effect on the community's quality of life which is beyond the control of the person concerned".
- 8.6 The issue of rough sleeping is clearly one which concerns members of the public and affects their enjoyment of the town centre; however on balance it is believed the use of CPN's and injunctions to address any anti-social behaviour related to

the rough sleeping will be a more proportionate and effective means of attempting to deal with the issues. This approach will direct enforcement to the individuals concerned and target the inappropriate behaviour directly rather than a blanket ban across the designated areas.

- 8.7 It is therefore not proposed to include the prohibition on rough sleeping in the PSPO and this approach would also be consistent with the revised Home Office guidance.

## **9. Begging**

Proposed restriction: No sitting or standing on the ground in a public place, street, highway or passage within the designated area in a manner to be perceived that you are inviting people to give you money.

- 9.1 The consultation highlighted that begging in the town centre is perceived to be a problem which has an impact on the enjoyment of the area. 60% of respondents commented that it was a problem with 45.9% saying that it impacted on their enjoyment of the area. Furthermore, 67.4% supported the inclusion of the prohibition in the PSPO. The specific comments made by respondents highlighted problems with aggressive and persistent begging, and feeling threatened or intimidated and having a negative impact on the town centre. However, there were also clear concerns that more help should be given to persons who are begging and banning or criminalising the issue will not help the issue and is the wrong approach.
- 9.2 This has been a reported issue in the town centre for some time which is particularly linked to rough sleepers and the homeless. The considerations of this prohibition are very similar to those of rough sleeping in terms of ensuring a proportionate approach as enforcing against those who have limited or no means to pay a fixed penalty notice is unlikely to be successful.
- 9.3 The Council has obtained injunctions against those aggressively begging in the town centre in the recent past which has proved a successful remedy although it is time consuming and resource intensive to obtain court orders. The remedy will continue to be considered on a case by case basis as well as Community Protection Notices.
- 9.4 Charity collections were also raised as an issue in the consultation responses; however, it is not recommend to prohibit this activity entirely. Charity collections (Direct Debit) are currently managed by the Public Fundraising Regulatory Association (PRFA) and cash collections are licensed by the Council and therefore sufficient protection is in place to manage and regulate this activity.
- 9.5 The issue of begging, particularly aggressive begging is one which the consultation shows concerns members of the public and affects their enjoyment of the town centre; however, the consideration is whether to include it in the PSPO or seek to address the issue by alternative powers such as CPN's or injunctions,

which are directed to the individual rather than a blanket ban based on the designated area and these powers have been successfully used in the past.

- 9.6 The revised Home Office guidance is relevant because most of those begging are homeless and rough sleeping and therefore the general guidance (although not specifically directed to begging) is that a PSPO may not be appropriate. Aggressive begging is however noted in the section on injunctions as an appropriate use of that power.
- 9.7 On balance, it is recommended that a consistent approach regarding those who are homeless, rough sleeping and/or begging be taken and therefore begging is not recommended for inclusion within the PSPO, but enforcement action will continue to be taken using CPN's and/or injunctions where appropriate and the position be kept under review.

## **10. Feeding of Birds/Wildfowl**

Proposed Restriction: Not to feed birds/wildfowl in the water gardens area as shown coloured yellow on the order plan

- 10.1 The consultation highlighted that the majority of respondents did not believe that the proposed prohibition was a problem which has an impact on the enjoyment of the area. 28.2% of respondents believed that it was a problem with 20.3% saying that it impacted on their enjoyment of the area. Furthermore, 28.7% supported the inclusion of the prohibition in the PSPO.
- 10.2 Geese in the Water Gardens area are an undoubted issue as they cause damage to the grass verges and leave faeces on the adjoining pathways. Feeding of the geese is an issue which contributes to attracting the geese to the area; however, they mainly feed on the grass which is a constant source of food and it is therefore doubtful that the proposed restriction alone would prevent geese from coming to the area. .
- 10.3 It is therefore questionable that the statutory test for a PSPO would be met in respect of this prohibition because prohibiting the feeding of the birds/wildfowl is unlikely in its own right to stop them coming to the Water Gardens area.
- 10.4. It is therefore recommended that advisory signs are erected asking persons to stop feedings the birds/wildfowl and this be monitored for effectiveness rather than including the prohibition in the PSPO and this has now been actioned in the Water Gardens.

## **11. Enforcement**

- 11.1 If the Order is imposed, consideration will also need to be given to enforcement as there will be raised expectations from the public which will need to be managed. For example, a PSPO does not in its own right allow people to be moved on from a particular area. A stepped and proportionate approach to sanction will need to be developed.
- 11.2 Enforcement officers will need to be mindful of the circumstances of those to whom the Order is most likely to apply i.e. the homeless (be they genuine or

otherwise); and others likely to have substance and/ or alcohol misuse problems and mental health issues. Given the precarious financial position of many, the effectiveness of issuing FPNs is likely to be of limited effect; similarly, endeavouring to institute a prosecution against such individuals, particularly if they are of no fixed abode for the purpose of serving a summons.

- 11.3 Likely to be equally problematic will be securing the attendance of such individuals at court. Consideration will also need to be given to the perception of the courts and the public as regards enforcement action against individual who may be vulnerable and therefore a proportionate approach to enforcement will be taken in accordance with the draft Enforcement Protocol which is current being developed.
- 11.4 Furthermore, there is currently no dedicated resource for town centre enforcement and enforcement sits across a numbers of different council services. Accordingly, a coordinated and targeted approach to enforcement, working together with other enforcement agencies, will need to be developed. Many of the behaviours which the PSPO seeks to prohibit occur outside of normal working hours and therefore enforcement will need to plan for these times.

## **12. Consultation**

- 12.1 If Cabinet is satisfied that the relevant statutory requirements are met, a statutory consultation will commence at the earliest opportunity for a six week period.

## **13. Recommendations**

- 13.1 To consult on a draft Public Spaces Protection Order, applying to the restricted area as shown at Annex A, to prohibit/regulate the activities identified at para 3.2.
  - 13.1.1 To delegate authority to the Portfolio Holder for Environmental, Sustainability and Regulatory Services in consultation with the Assistant Director (Neighbourhood Delivery) to consider representations made pursuant to the statutory consultation and confirm or amend the PSPO as appropriate.



# ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT

## 2014 SECTION 59

### PUBLIC SPACES PROTECTION ORDER

This order is made by Dacorum Borough Council (the 'Council') and shall be known as the Public Spaces Protection Order (Hemel Hempstead) 2018.

#### **PRELIMINARY**

1. The Council, in making this Order is satisfied on reasonable grounds that:

The activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality,

and that:

the effect, or likely effect, of the activities:

is, or is likely to be, of a persistent or continuing nature,

is, or is likely to be, such as to make the activities unreasonable, and

justifies the restrictions imposed by the notice.

2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

## THE ACTIVITIES

4. The Activities prohibited by the Order are:
  - i) Not to spit (including discharge of chewing gum), urinate or defecate
  - ii) Not to cycle or skateboard

## THE PROHIBITION

5. A person shall not engage in any of the Activities in 4(i) above anywhere within the restricted area as shown shaded blue on the attached map labelled 'Public Space Protection Order – Plan 1.
6. A person shall not engage in any of the Activities in 4(ii) above anywhere within the restricted area as shown shaded blue on the attached map labelled 'Public Space Protection Order – Plan 2'.

## EXCEPTION

7. The prohibition of the Activity specified in 4 (ii) shall not apply to toilets open to the public.



## PERIOD FOR WHICH THIS ORDER HAS EFFECT

8. This Order will come into force at midnight on XXXX 2018 and will expire at midnight on XXXX 2021.
9. At any point before the expiry of this three year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

## WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?

10. Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse -

- to do anything that the person is prohibited from doing by a public spaces protection order, or
- to fail to comply with a requirement to which the person is subject under a public spaces protection order

A person guilty of an offence under section 67 is liable on conviction in the Magistrates Court to a fine not exceeding level 3 on the standard scale

## FIXED PENALTY

11. A constable, police community support officer or authorised council enforcement officer may issue a fixed penalty notice to anyone he or she believes has committed an offence under section 67 of the Anti-Social Behaviour, Crime and Policing Act. You will have 14 days to pay the fixed penalty of £75. If you pay the fixed penalty within the 14 days you will not be prosecuted.

## APPEALS

12. Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.
  
13. Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with.
  
14. When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

Dated:

The Common Seal of  
Dacorum Borough  
Council was affixed in  
the presence of:

*Authorised Signatory*

*Authorised Signatory*

Section 67 Anti-Social Behaviour Crime and Policing Act 2014

- (1) It is an offence for a person without reasonable excuse-
  - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
  - (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order



# Proposal to introduce a Public Space Protection Order for Hemel Hempstead Town Centre

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We're currently consulting on a proposed Public Space Protection Order (PSPO) for an area of Hemel Hempstead Town Centre (see map) incorporating the town centre, old town and the Water Gardens area.

We are working with our partners to continue to develop safe and healthy communities, communities where everyone feels secure, free from the fear of crime and anti-social behaviour. To help us do this please complete our survey.

Please read our Frequently Asked Questions as it will help explain what a PSPO is and how it can help address anti-social behaviour in our Public Spaces.

The survey, FAQs and map can also be found on our consultation web page.

All responses are anonymous.

The closing date for all responses is 5pm, Friday 13 October 2017.

**Proposal 1** (please note this would not apply to licensed premises)

*No person shall refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer*

**Q1 Do you consider alcohol consumption in public areas to be a problem within the area defined by the map?**

488 (56.1%) Yes

210 (24.1%) No

172 (19.8%) Don't know

Proposal 1 (please note this would not apply to licensed premises)

*No person shall refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer*

**Q2 Has this type of behaviour had an impact on your enjoyment of the public areas defined by the map?**

343 (39.5%) Yes

438 (50.5%) No (takes you to Q4)

87 (10.0%) Don't know (takes you to Q4)

Proposal 1 (please note this would not apply to licensed premises)

*No person shall refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer*

**Q3 Please provide details of these behaviours and the impact and effect these behaviours have had on you?**

303 (100.0%)

Proposal 1 (please note this would not apply to licensed premises)

*No person shall refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer*

**Q4 Do you consider this specific proposal should be included within the PSPO?**

622 (71.7%) Yes

168 (19.4%) No

78 (9.0%) Don't know

Proposal 1 (please note this would not apply to licensed premises)

*No person shall refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer*

**Q5 Please provide any additional comments you may wish to make on this specific proposal**  
264 (100.0%)

**Proposal 2: No person shall spit (including discharge of chewing gum), urinate or defecate in a public place**

**Q6 Do you consider this to be a problem within the public areas defined by the map?**  
599 (68.9%) Yes  
125 (14.4%) No  
145 (16.7%) Don't know

Proposal 2: *No person shall spit (including discharge of chewing gum), urinate or defecate in a public place*

**Q7 Has this type of behaviour have an impact on your enjoyment of the public areas as defined by the map?**  
464 (53.5%) Yes  
305 (35.1%) No (takes you to Q9)  
99 (11.4%) Don't know (takes you to Q9)

Proposal 2: *No person shall spit (including discharge of chewing gum), urinate or defecate in a public place*

**Q8 Please provide details of these behaviours and the impact and effect these behaviours have had on you?**  
365 (100.0%)

Proposal 2: *No person shall spit (including discharge of chewing gum), urinate or defecate in a public place*

**Q9 Do you consider that this specific proposal should be included within the PSPO?**  
723 (83.1%) Yes  
91 (10.5%) No  
56 (6.4%) Don't know

Proposal 2: *No person shall spit (including discharge of chewing gum), urinate or defecate in a public place*

**Q10 Please provide any additional comments you may wish to make on this specific proposal.**

218 (100.0%)

### **Proposal 3**

***No person shall sleep in any public place which is:***

- open to the air***
- within a vehicle***
- within a car park***
- within a no-fixed structure including caravans and tents***

***Without the prior permission of the owner or occupier of the land***

**Q11 Do you consider that rough sleeping in public areas to be a problem within the defined areas?**

504 (57.9%) Yes

205 (23.5%) No

162 (18.6%) Don't know

*Proposal 3 : No person shall sleep in any public place which is: - open to the air - within a vehicle - within a car park - within a no-fixed structure including caravans and tents.*

*Without the prior permission of the owner or occupier of the land*

**Q12 Has rough sleeping had an impact on your enjoyment of the public areas defined by the map?**

385 (44.3%) Yes

421 (48.4%) No (takes you to Q14)

63 (7.2%) Don't know (takes you to Q14)

*Proposal 3 : No person shall sleep in any public place which is: - open to the air - within a vehicle - within a car park - within a no-fixed structure including caravans and tents.*

*Without the prior permission of the owner or occupier of the land*

**Q13 Please provide details of these behaviours and the impact and effect these behaviours have had on you?**

315 (100.0%)

*Proposal 3 : No person shall sleep in any public place which is: - open to the air - within a vehicle - within a car park - within a no-fixed structure including caravans and tents.*

*Without the prior permission of the owner or occupier of the land*

**Q14 Do you consider this specific proposal should be included within the PSPO?**

523 (60.1%) Yes

246 (28.3%) No

101 (11.6%) Don't know

*Proposal 3 : No person shall sleep in any public place which is: - open to the air - within a vehicle - within a car park - within a no-fixed structure including caravans and tents.*

*Without the prior permission of the owner or occupier of the land*

**Q15 Please provide any additional comments you may wish to make on this specific proposal**

336 (100.0%)

## **Proposal 4**

***No person shall sit on the ground in a public place, street, highway or passage in a manner to be perceived that they are inviting people to give them money.***

**Q16 Do you consider begging in public areas to be a problem within the defined areas?**

522 (60.0%) Yes

235 (27.0%) No

113 (13.0%) Don't know

*Proposal 4: No person shall sit on the ground in a public place, street, highway or passage in a manner to be perceived that they are inviting people to give them money.*



**Q17 Has begging had an impact on your enjoyment of the public area defined by the map?**

398 (45.9%) Yes

400 (46.1%) No (takes you to Q19)

70 (8.1%) Don't know (takes you to Q19)

Proposal 4: *No person shall sit on the ground in a public place, street, highway or passage in a manner to be perceived that they are inviting people to give them money.*

**Q18 Please provide details of these behaviours and the impact and effect these behaviours have had on you?**

300 (100.0%)

Proposal 4: *No person shall sit on the ground in a public place, street, highway or passage in a manner to be perceived that they are inviting people to give them money.*

**Q19 Do you consider this specific proposal should be included within the PSPO?**

579 (67.4%) Yes

189 (22.0%) No

91 (10.6%) Don't know

Proposal 4: *No person shall sit on the ground in a public place, street, highway or passage in a manner to be perceived that they are inviting people to give them money.*

**Q20 Please provide any additional comments you may wish to make on this specific proposal**

232 (100.0%)

**Proposal 5**

***No person shall cycle or skateboard***

**Q21 Do you consider cycling or skateboarding in public areas to be a problem within the defined areas?**

530 (61.1%) Yes

267 (30.8%) No

70 (8.1%) Don't know

Proposal 5: *No person shall cycle or skateboard*

**Q22 Has cycling or skateboarding had an impact on your enjoyment of the public area defined by the map?**

494 (56.7%) Yes

332 (38.1%) No (takes you to Q24)

45 (5.2%) Don't know (takes you to Q24)

Proposal 5: *No person shall cycle or skateboard*

**Q23 Please provide details of these behaviours and the impact and effect these behaviours have had on you?**

429 (100.0%)

Proposal 5: *No person shall cycle or skateboard*

**Q24 Do you consider this specific proposal should be included within the PSPO?**

537 (61.9%) Yes

262 (30.2%) No

68 (7.8%) Don't know

Proposal 5: *No person shall cycle or skateboard*

**Q25 Please provide any additional comments you may wish to make on this specific proposal**

304 (100.0%)

## Proposal 6

### ***No person shall feed birds/wildfowl within the Water Gardens area***

**Q26 Do you consider feeding birds or wildfowl within the Water Gardens area to be a problem within the defined areas?**

245 (28.2%) Yes

447 (51.4%) No

177 (20.4%) Don't know

Proposal 6: *No person shall feed birds/wildfowl within the Water Gardens area*

**Q27 Has the feeding of birds or wildfowl had an impact on your enjoyment of the public areas defined by the map?**

176 (20.3%) Yes

605 (69.6%) No (takes you to Q29)

88 (10.1%) Don't know (takes you to Q29)

Proposal 6: *No person shall feed birds/wildfowl within the Water Gardens area*

**Q28 Please provide details of these behaviours and the impact and effect these behaviours have had on you?**

141 (100.0%)

Proposal 6: *No person shall feed birds/wildfowl within the Water Garden area*

**Q29 Do you consider this specific proposal should be included within the PSPO?**

248 (28.7%) Yes

442 (51.2%) No

174 (20.1%) Don't know

Proposal 6: *No person shall feed birds/wildfowl within the Water Gardens area*

**Q30 Please provide any additional comments you may wish to make on this specific proposal**  
307 (100.0%)

### **Are we missing anything?**

**Q31 Are there any other behaviours you would like to see included in a PSPO that you feel are detrimental to the quality of life in Hemel Hempstead Town Centre?**

253 (29.6%) Yes

470 (54.9%) No (takes you to Q33)

133 (15.5%) Don't know (takes you to Q33)

**Q32 You ticked 'yes' to Q31, please tell us what else you would like to see included in a PSPO that you feel is detrimental to the quality of life in Hemel Hempstead Town Centre**

249 (100.0%)

### **Your relationship to Hemel Hempstead Town Centre**

**Q33 Are you completing this survey as...? (Please select one option only. If more than one option applies please select the one that you feel is most appropriate)**

- 114 (13.1%) Local resident who lives in the shaded area shown on the map
- 541 (62.3%) Local resident who lives outside the shaded area shown on the map
- 51 (5.9%) Person who works in the shaded area shown on the map
- 8 (0.9%) Local business owner/manager
- 2 (0.2%) Land owner within the proposed restricted area
- 0 (0.0%) Street entertainer in the shaded area shown on the map
- 103 (11.9%) Visitor to the shaded area shown on the map (e.g. tourist, business, shopper)
- 2 (0.2%) Local Councillor (Town, County, Parish)
- 5 (0.6%) Representative of a local community or voluntary group
- 22 (2.5%) Employed by the Council, Police or any other agency with an interest
- 21 (2.4%) Other (please state below)
- 29 (100.0%)

Thank you for taking the time to complete this survey.

Your feedback will be considered as part of the Council's review of its controls on anti-social behaviour and will be presented to Cabinet later this year. Whereby a decision will be made as to whether or not to implement the PSPO will be made.

Paper copies of this survey are available from the reception desk at The Forum, Hemel Hempstead.

If you have any queries regarding this consultation please email [asb@dacorum.gov.uk](mailto:asb@dacorum.gov.uk).

Don't forget to press the Submit button!



## **Dacorum Borough Council**

# **Proposal to introduce a Public Space Protection Order for Hemel Hempstead Town Centre**

**Opinion Research Services  
November 2017**

## Proposal 1: No person shall refuse to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer

Please provide details of these behaviours and the impact and effect these behaviours have had on you	% of respondents who made comment
People drinking/drunks hanging around	67%
Feel intimidated/abusive/aggressive behaviour from people in area	50%
People shouting/swearing	24%
I avoid going to certain areas/town	23%
It is not nice for children to see this in our area	17%
Groups/gangs of people hanging around/loitering	14%
I don't feel safe/scared to go out in my area	11%
Problems with litter/rubbish everywhere	9%
People around area begging	7%
Problems with homeless people/rough sleepers	6%
People around the area fighting	5%
Deters visitors from the area/gives the place a bad image	5%
I don't go out at night/when dark	4%
Problems with youth	4%
Problems relating to drugs e.g. smoking cannabis in public etc.	4%
Public urination/defecation is a problem/disgusting smell/unhygienic	4%
<i>Other</i>	14%

**(Base: 303)**

67% of those responding to this question mentioned that they had witnessed drinking or drunks hanging around. Examples include:

*People drinking strong alcohol in large groups in the water gardens. Alcohol cans and bottles left in Gadebridge park.*

*Several individuals drinking alcohol together at market square and obviously drunk - very off-putting when walking past and going shopping*

50% said they feel intimidated or have experienced abusive/aggressive behaviour from people in area. Examples include:

*Daytime street drinking and begging in these areas is intimidating and antisocial*

*Less so on myself but more on children. The atmosphere always seems a little tense.*

Additional comments	% of respondents who made comment
Drinking in public is an issue/people causing public disturbance e.g. littering, being aggressive/rude	15%
Agree with proposal 1	12%
Do not have a problem with drunks/drinking in the area	10%
Should not be a blanket proposal/should only apply to those behaving anti-socially	10%
Will be hard to reinforce/don't believe it will be enforced	7%
Should ban alcohol consumption in public areas/town centre	6%
Police need to be dealing with ASB/laws are already in place to deal with these issues	6%
Disagree with proposal 1	5%
No reason to drink in public places/there are plenty of drinking establishments around	5%
Public drinking should be allowed/not against the law/still a free country	5%
Alcoholics/people drinking on the street need to be helped/shown compassion instead of being punished	5%
Should apply to more areas/across the whole borough	5%
Should not apply to sealed containers	4%
Should not target the homeless/will unfairly target homeless people	3%
Should not apply to those who have purchased alcohol to take home	2%
Will result in additional aggression towards the police/authorised offices/will put officers in a dangerous situation	2%
Better regulate shops selling alcohol/make these shops more responsible	1%
<i>Other</i>	29%

**(Base: 253)**

15% stated they felt that drinking in public is an issue/or that there were people causing public disturbance e.g. littering, being aggressive/rude. Examples include:

*I think that the market in the main shopping centre area attracts these people who sit and drink all day in the town centre*

*Drunks in the water gardens and homeless people with cans alongside them anywhere within the area designated the town centre should be moved on*

12% additionally expressed general agreement with the Proposal 1. Examples include:

*This proposal is a good idea but will need to be purely based on any person(s) that is perhaps causing a nuisance due to the consumption of alcohol within the area and will therefore have to be assessed by the authorities on a case-by-case basis.*

*It is a reasonable proposal and hopefully will address the drink related issues in the mapped area*



However, 10% stated they do not have a problem with drunks/drinking in the area, and a further 10% said it should not be a blanket proposal/should only apply to those behaving anti-socially. Examples include:

*If someone is behaving completely fine but has sealed or unsealed alcohol on them, no one should be able to take this off of them purely because of the area that they are in.*

*The proposal mentions sealed containers, which leaves it open for abuse by authority members to be overly harsh on members of the public. Also large areas of the town already have a fine system in place and police are more than qualified to move people along if needed.*

## Proposal 2: No person shall spit (including discharge of chewing gum), urinate or defecate in a public place

Please provide details of these behaviours and the impact and effect these behaviours have had on you	% of respondents who made comment
Spitting is disgusting/unhygienic/spreads diseases/people should be fined for spitting	43%
Chewing gum is a problem/chewing gum on pavement/standing in chewing gum	37%
Public urination/defecation is a problem/disgusting smell/unhygienic	28%
Disgusting/unhygienic/unpleasant/unacceptable/matter of common decency etc.	25%
Avoid certain areas/town centre	6%
Need to provide more/better public toilets	4%
Expensive to clean streets/remove chewing gum	3%
These behaviours are already illegal	3%
Agree with proposal 2	1%
Children copy these behaviours/think that they are acceptable	1%
<i>Other</i>	7%

(Base: 355)

43% said that spitting is disgusting/unhygienic/spreads diseases/or stated that people should be fined for spitting. Examples include:

*It's just generally unpleasant, obviously! There's far too much of it going on, and those doing it aren't always careful about where it lands.*

*I've trod in chewing gum my daughter has or on my pushchair on many occasions. People are also always spitting in public in the town and it is disgusting too see and spreads diseases especially when you have a small child who falls over and could fall in it. People always urinate in the town mainly men, because there are no public toilets anymore that also smells especially the alley next to the full house*

*Chavs and drunks spitting is filthy, and should be enforced with on the spot fines.*

37% agreed chewing gum is a problem/commented on chewing gum on pavement or having stood in chewing gum. Examples include:

*I've trod in chewing gum my daughter has or on my pushchair on many occasions.*

*Chewing gum is now under seats, under tables and on the pavements. I have sat in discarded chewing gum and it is very frustrating and can be difficult to remove from garments.*

Additional comments	% of respondents who made comment
Disgusting/unhygienic/unpleasant/unacceptable/matter of common decency etc.	21%
Need to provide more/better public toilets	16%
Agree with proposal 2	12%
Police need to be dealing with these issues/laws are already in place to deal with these issues	11%
Spitting is disgusting/unhygienic/spreads diseases/people should be fined for spitting	8%
Will be hard to reinforce/don't believe it will be enforced	8%
Have not encountered these issues	8%
Public urination/defecation is a problem/disgusting smell/unhygienic	6%
Chewing gum is a problem/chewing gum on pavement/standing in chewing gum	6%
Should not be a blanket proposal/may be due to a medical issue so should not be punished/embarrassed for this	4%
Need to provide more bins/places to dispose of chewing gum	4%
Should apply to more areas/across the whole borough	3%
Disagree with proposal 2	2%
<i>Other</i>	27%

(Base: 206)

21% made comments that the behaviours mentioned in the proposal are disgusting/unhygienic/unpleasant/unacceptable/a matter of common decency etc. Examples include:

*It's basic common decency not to do these things.*

16% expressed a need to provide more/better public toilets. Examples include:

*Providing good quality public toilets, specific chewing gum and fag butt bins will combat this issue more effectively.*

*More lamp posts for people to stick their unwanted gum and to possibly re-open the old bus station public toilets to allow people to have facilities - the 2 new ones in Marlowes are pretty disgusting and locked at certain times.*

### Proposal 3: No person shall sleep in any public place which is:

- open to the air
- within a car park
- within a vehicle
- within a no-fixed structure including caravans and tents

Without the prior permission of the owner or occupier of the land

Please provide details of these behaviours and the impact and effect these behaviours have had on you	% of respondents who made comment
Problems with people sleeping rough in doorways e.g. KFC, WHSmith etc.	32%
Problems with people being threatening/intimidating/aggressive	24%
Problems with people begging	23%
Sadness that this exists/need to help/rehouse these people	22%
Dislike seeing rough sleepers on street/should be removed	22%
Problems with litter/rubbish left by people/making the area dirty/unhygienic	16%
Problems with people sleeping in car parks/making car park unsafe/also putting themselves at risk from cars	16%
Deters visitors from the area/gives the place a bad image	10%
Makes area look like an eyesore/unkept	10%
I avoid going to certain areas/town	8%
Rough sleepers should be made aware of the DENS organisation	7%
Don't know how genuine some homeless people are/some are frauds	7%
It is not nice for children to see this in our area	6%
Homeless people drinking/consuming alcohol	5%
Homeless people/rough sleepers using drugs	3%
Agree with proposal 3	2%
<i>Other</i>	14%

**(Base: 311)**

32% said they had experienced people sleeping rough in doorways e.g. KFC, WHSmith etc. Examples include:

*Find it very uninviting when these individuals - or couples - are "camped" outside shops/premises - not only at night!!*

*It's distressing to see. People need help and advice to get a home. Just banning it won't work*

24% said they had problems with people being threatening/intimidating/aggressive. Examples include:

*It makes the town look dirty and threatening.*

*People sleeping rough in the town centre especially in shop fronts is bad for the person sleeping, unsightly and sometimes threatening to passers-by, bad for shop business and a bad impression of our town.*

23% had experienced problems with people begging. Examples include:

*Being asked for money outside of a shop that I have just purchased from makes me feel very uncomfortable. Especially when that person is drinking or smoking*

Additional comments	% of respondents who made comment
DBC should be doing more/need to help/rehouse these people	43%
Homeless people are people too/should be offered support/not criminalised	29%
Proposals are just moving the problem to another area which isn't the solution	16%
Disagree with proposal 3	13%
Dislike seeing rough sleepers on street/should be removed	10%
Homelessness is a reflection of a broken system/how we deal with them is a reflection of our society	10%
The proposal is based on perception/therefore open to interpretation/what if people are just taking a nap/proposals need to be clearer/people should be allowed to nap in their car	10%
Where are these people supposed to go/they are homeless/have nowhere to go	10%
Agree with proposal 3	9%
This is not a big problem/haven't been affected by this issue	6%
Rough sleepers should be made aware of the DENS organisation	5%
Problems relating to travellers/they need to be moved/how does this proposal cover travellers?	3%
Problems with people sleeping in car parks/making car park unsafe/also putting themselves at risk from cars	2%
Problems with people sleeping rough in doorways e.g. KFC, WHSmith etc.	2%
<i>Other</i>	20%

(Base: 326)

43% of additional comments suggested Dacorum Borough Council should be doing more/need to help/rehouse homeless people. Examples include:

*I think rough sleeping is often caused by poor services for people that are mentally unwell and also not enough low cost/social housing for people.*

*If Dacorum Borough Council feels that the number of rough sleepers in the town centre has become too high, why not help by upping their funding to local homeless charities instead? After all, their funding has halved in the last 7 years.*

29% made comments to the effect of 'homeless people are people too', or stated they should be offered support/not criminalised. Examples include:

*If you enforce this where do they go? Will housing and accommodation be provided for all of these people? It is disgusting that people in Dacorum are forced to sleep rough and they should not be punished but helped.*

16% stated that the proposal would just move the problem to another area which isn't the solution. Examples include:

*Plans put in place to find alternative space for these people to sleep otherwise you just move the problem to somewhere else*

**Proposal 4: No person shall sit on the ground in a public place, street, highway or passage in a manner to be perceived that they are inviting people to give them money.**

Please provide details of these behaviours and the impact and effect these behaviours have had on you	% of respondents who made comment
Beggars can be threatening/intimidating/aggressive	48%
Beggars are too persistent/pestering	37%
Dislike seeing beggars on street/should be removed	36%
It is a major issue/these people need help/DBC should help rehouse them	12%
Beggars have a negative impact on town centre/tourism/visitors to town	12%
I avoid going to certain areas/town	9%
Don't know how genuine some homeless people are/some are frauds	9%
I don't feel safe/scared to go out in my area due to beggars	6%
People using charity/children/dogs for sympathy is not acceptable	5%
Agree with proposal 4	4%
Beggars are causing ASB in town	3%
Chuggers are problem/chuggers should be included under the order	3%
Beggars are causing mess/rubbish	2%
Busking should not be included in the order/busking adds atmosphere to town centre	2%
Problems with buskers/street performers	1%
The Big Issue/other proactive measures should be encouraged	<1%
<i>Other</i>	5%

**(Base: 294)**

Almost half of comments (48%) mentioned that beggars can be threatening/intimidating/aggressive. Examples include:

*People sometimes asking for money, sitting on pavement or sometimes approaching you when out shopping which is alarming and intimidating*

*Can be intimidating if you are away from other members of the public.*

37% felt that beggars are too persistent or pestering. Examples include:

*Yes regular occurrence when trying to walk along the Marlowes.*

*It is impossible to use certain areas without being pestered*

A similar proportion (36%) stated that they dislike seeing beggars on the street or believe they should be removed:

*Always being asked if I have any change, sometimes even rude comments back when said no - should be removed, makes the town look uninviting.*

*I feel that in this age we must remove these people that beg and try to make you feel guilty for not helping.*



Additional comments	% of respondents who made comment
Dislike seeing beggars on street/should be removed	24%
Beggars/homeless are a reflection of a broken system/how we deal with them is a reflection of our society/DBC should be doing more	24%
Beggars are people too/should be offered support/not criminalised	23%
Disagree with proposal 4	13%
Agree with proposal 4	11%
The order should only cover beggars that are pestering people	9%
Beggars sitting aren't the problem/beggars accosting and following you are	8%
The proposal is based on perception/therefore open to interpretation	8%
Proposals are just moving the problem to another area which isn't the solution	7%
Busking should not be included in the order/busking adds atmosphere to town centre	6%
Chuggers are problem/chuggers should be included under the order	6%
The Big Issue/other proactive measures should be encouraged	2%
<i>Other</i>	12%

(Base: 213)

24% made additional comments about disliking seeing beggars on the street/saying they should be removed.

*The people asking for money can be intimidating and have upset my children when we are trying to get on with our shopping*

The same proportion (24%) felt that beggars/homeless people are a reflection of a broken system/ how we deal with them is a reflection of our society/DBC should be doing more.

*...begging is just a symptom of a hard-up society. Again, criminalising it will not help. And how would Buddhist monks and other alms-seekers be affected by this? Giving is good for you.*

*People beg for a reason. Although some may not need to do this, the majority do. The Conservative run Dacorum Borough Council needs to ask themselves why and address that, not hide the problem (as with rough sleeping) Please put pressure on your Tory colleagues in Central Government and Herts County Council to implement policies that will alleviate the problem not hide it.*

23% of comments were that beggars are people too/should be offered support/not be criminalised

*This would make begging OK as long as the beggar is standing up - just like those collecting for charity. Another example of criminalising something which is not a crime.*

*Stop criminalising homeless people*

## Proposal 5: No person shall cycle or skateboard

Please provide details of these behaviours and the impact and effect these behaviours have had on you	% of respondents who made comment
Danger/risk of injury if hit by cyclists or skateboarder especially elderly/young	55%
Cyclist/skaters should not be allowed into the pedestrianised areas	44%
Aggressive/intimidating/abusive/inconsiderate behaviour	35%
Myself/someone I know has almost been knocked over by a cyclist or skateboarder	25%
They perform stunts, jumps, tricks with no regard for pedestrians/road users/themselves	18%
Cyclists/skateboarders travelling too fast/speeding down street	18%
Cyclists/skateboarders expect you to give way to them	13%
Agree with proposal 5	11%
Too worried/dangerous to go into town	6%
Police presence would discourage this behaviour	5%
There are already bikes/skate parks e.g. XC, Gadebridge Park.	5%
Myself/someone I know has been injured by a cyclist or skateboarder	4%
More provision should be put in place for cyclists/skateboarders	4%
<i>Other</i>	9%

(Base: 428)

55% said there was danger/risk of injury if hit by cyclists or skateboarder especially elderly/young

*I have four children, and trying to keep them all together and safe in town is tricky at the best of times, without inconsiderate cyclists and boarders crashing into them or near misses as has happened on occasion.*

*Particularly young cyclists are a danger to pedestrians, again particularly elderly people and the area should be protected from cycling or skateboarding where there is a designated area in Gadebridge Park for this activity.*

44% made similar comments that cyclists should not be allowed in pedestrianised areas.

*People cycle through Marlows at dangerous speeds with no regard for pedestrians and young children.*

Additional comments	% of respondents who made comment
Disagree with proposal 5	19%
More provision should be put in place for cyclists/skateboarders	18%
Aggressive/intimidating/abusive/inconsiderate behaviour	13%
Cyclist/skaters should not be allowed into the pedestrianised areas	13%
Policies already in place to deal with cyclists/skateboarders/protection orders need to be enforced	12%
Cycling/skateboarding should be encouraged as it is good exercise	11%
Safe cyclists/skateboarders shouldn't be punished/blanket ban is inappropriate/only target those who are reckless/break the law	10%
Agree with proposal 5	7%
Don't have a problem with bikes/skateboards/not experienced any issues	7%
Proposals will make it more dangerous for cyclists/force cyclists down dangerous alternative routes i.e. Leighton Buzzard Road	7%
Police should be dealing with this/police presence would discourage this behaviour	6%
Cycling/skateboarding is a good hobby/fun activity for children	6%
Danger/risk of injury if hit by cyclists or skateboarder especially elderly/young	5%
There are already bikes/skate parks e.g. XC, Gadebridge Park.	5%
Skateboards/bikes are good for the environment/less pollution than cars	5%
Cyclists/skateboarders travelling to fast/speeding down street	4%
Skateboards/bikes should be seized/fined if inappropriately used	3%
They perform stunts, jumps, tricks with no regard for pedestrians/road users	2%
Skateboarders aren't the problem/don't mind people skateboarding/cyclists are the problem	2%
Cyclist/skaters should be allowed into the pedestrianised areas	2%
Myself/someone I know has almost been knocked over by a cyclist or skateboarder	1%
Myself/someone I know has been injured by a cyclist or skateboarder	1%
Cyclists/skateboarders expect you to give way to them	1%
Too worried/dangerous to go into town	1%
Redevelopment of the town has encouraged this behaviour	1%
Map is unclear/proposed area in map covers both pedestrian/non pedestrianised zones	1%
<i>Other</i>	20%

**(Base: 288)**

Most commonly, respondents expressed general disagreement with proposal 5 (19%).

*Cycling and skateboarding are exercise and should be encouraged.*

*I think it is ok to cycle in these areas providing the speed is slow and people around are aware of cyclist and skaters approach and in any case laws already exist for these activities.*

*People cycling to a place of work or home etc. should not be banned*

A similar proportion (18%) suggested that there should be more provision for cyclists and skateboarders.

*Please provide a skate park closer to the town centre but away from residents.*

*I'd rather cyclists/skateboarders shared the paths with pedestrians than risk their lives on the roads. More pedestrian/cycle/skateboard only paths please. All of these should have priority over cars in the area proposed.*

*STATS19 data on <https://bikedata.cyclestreets.net/collisions/#17/51.75016/-0.47158/opencyclemap> shows pedestrian injuries where the police attended. There were 9 incidents involving buses and 16 incidents involving cars and taxis. Together, these modes injured 31 pedestrians. There was one injury caused by a cyclist. Whatever anti-social behaviour is caused by cyclists, far more is caused by buses and cars. The PSPO should ban buses and cars from the town centre, and allow cycles.*

## Proposal 6: No person shall feed birds/wildfowl within the Water Gardens area

Please provide details of these behaviours and the impact and effect these behaviours have had on you	% of respondents who made comment
Bird mess is everywhere/unhygienic/unpleasant/slippy	50%
Bread is not good for birds/make people more aware of this/more education/signage on this available	29%
Canada Geese are a menace/destroying river banks	23%
Litter/rubbish/pollution from bread/bread packets	17%
Problems with vermin/pests caused by mess/rubbish	17%
Problems relating to pigeons/too many pigeons/pigeons should be culled	10%
Everyone loves feeding bird/wildfowl/children have grown up feeding birds/families favourite past time	6%
Make sure appropriate bird feed is available/vending machines in park/shops nearby selling appropriate feed	3%
Agree with proposal 6	1%
<i>Other</i>	16%

(Base: 140)

Half of respondents who gave comments (50%) stated that bird mess is everywhere/unhygienic/unpleasant/slippy

*The proliferation of birds in such a confined location, tends to lead to areas that are unpleasant and slippery underfoot*

29% said that bread is not good for the birds, or suggested people needed to be made aware of this/more education/asked to increased signage on this.

*Most people feeding the waterbirds use bread. This is damaging to the birds and the environment. People should be educated to only feed the birds with appropriate seed mixes. Educational signs re the effects of "Angel Wing" and on the water quality from using bread should be clearly visible along the whole stretch of water.*

23% of responses were concerned that Canada Geese are a menace/destroying river banks

*...only that it encourages the Canada Geese which destroy the grass.*

*Some birds, especially geese, have degraded the riverbank in recent years. This has made the area unattractive, dangerous (slip hazard) and unhygienic. Birds are able to feed themselves and do not benefit from being fed.*

*The Canada geese are a menace encouraged by the duck feeders. The ducks are being displaced by the geese which are not an indigenous species and should be culled.*

Additional comments	% of respondents who made comment
Bread is not good for birds/make people more aware of this/more education/signage on this available	38%
Everyone loves feeding bird/wildfowl/children have grown up feeding birds/families favourite pastime	32%
Make sure appropriate bird feed is available/vending machines in park/shops nearby selling appropriate feed/use money made by this to reinvest in park	28%
Disagree with proposal 6	23%
Canada Geese are a menace/destroying river banks	6%
Agree with proposal 6	5%
This order will be hard to enforce/would you be fining young children or parents/would need enforcements officers	5%
Litter/rubbish/pollution from bread/bread packets	4%
Water Gardens has been rejuvenated/don't want to see it being destroyed/plenty of money has been spent to make Water Gardens look nice	4%
Problems relating to pigeons/too many pigeons/pigeons should be culled	3%
Bird mess is everywhere/unhygienic/unpleasant/slippy	2%
Problems with vermin/pests caused by mess/rubbish	2%
There should be a specific area designated for feeding birds/wildfowl	2%
<i>Other</i>	17%

(Base: 292)

The most common comments (38%) were about bread not being good for birds/saying that people should be more aware of this/that there should be more education, or that signage on this should be available.

*Persons should be allowed to feed any wild animals where safe in a public space. Council activity should be focused more effectively on educating people not to feed birds bread, but instead feed peas, nuts. Also encourage people to feed species effectively, e.g. feed ducks and swans not pigeons. Council activity could also encourage better habitats and food sources for hedgehogs, wood mice, bees, butterflies and other endangered species. Council could set up feeding stations for these species that public could contribute to in an effective and educational way.*

Similarly, many comments (32%) suggested that feeding birds/wildfowl was a widely loved activity, or that children and families have grown up feeding birds as a pastime.

*Feeding the birds has always been the thing to do with young children. If the feeding of bread is causing problems, why not have specific feeding times and let the public buy the feed (not expensive) from the person monitoring feeding time? That way you are making money to help support the birds, it's not too expensive for the public to buy and feeding is controlled. Children*

*also learn the lesson of looking after wildlife and the preservation of the surrounding grass land through not feeding stale bread, cake etc.*

One comment suggested an alternative to control the bird population:

*As a student when home from university in the holidays I worked for the New Towns Commission from the depot in the water gardens and as well as keeping the river clean, at least once a year we created a cage by the bridge by the police station and starting at the lake herded them upstream into the cage where they were caught and safely put in cages taken to Tring reservoirs and humanely released there, this certainly controlled numbers. Is this still done annually? It was mainly mallard ducks from memory and controlled the numbers; of course they weren't all removed.*

## Are we missing anything?

What else you would like to see included in a PSPO?	% of respondents who made comment
Problems with people being aggressive/intimidating/antisocial	18%
Problems with littering Inc. people dropping cigarette butts	17%
Problems with people shouting/swearing	13%
Problems relating to charity workers e.g. too many chuggers in the area/too persistent etc.	13%
Problems with traffic issues e.g. speeding/inconsiderate drivers etc.	12%
Problems with loud noises/music being played too loudly	11%
Problems with groups of people hanging around/loitering Inc. teenagers	8%
Problems with people smoking/vaping in public areas	8%
Lack of police patrols in area/need more PCSO/police on the beat	6%
Problems with people drinking/being drunk in public	5%
Problems relating to drugs e.g. smoking cannabis in public etc.	4%
Problems with parking e.g. parking on pavements/inconsiderately etc.	4%
Problems with uncontrolled dogs/dogs need to be on a lead	4%
Problems with people not wearing appropriate clothing e.g. men walking around without a t-shirt on.	2%
<i>Other</i>	30%

**(Base: 248)**

18% of respondents suggested that there were general problems with people being aggressive, intimidating or antisocial:

*Large groups of young people/adults shouting flooding into various shops. Shouting amongst groups of people in an aggressive or anti-social way.*

Others expressed concern with littering, often specifically dropped cigarette butts (17%):

*General littering and particularly throwing used cigarette butts, often still alight, which smokers don't appear to regard as litter.*

*Dropping cigarette butts. Can this be included with the spitting chewing gum?*

13% said they'd experienced problems with shouting/swearing:

*Large groups of youths shouting*

*Abusive and offending language. I do not like the "F" word shouted by groups of mainly youngsters particularly around young children of impressionable age*

The same proportion (13%) said there were problems relating to charity workers e.g. too many chuggers in the area/too persistent etc.:



*Charity collectors specifically target women with children who they know will agree to anything to get rid of them as the children become fractious at waiting around.*

*Charity collectors who earn money from it and lead people to believe all the money goes to the charities. Usually there are groups trying to get you to sign a dd. I just want to be able to walk along the street without being asked to stop and hand over money.*

*People with clipboards approaching passers-by's to sign up for charities. They are sometimes very persistent and annoying.*

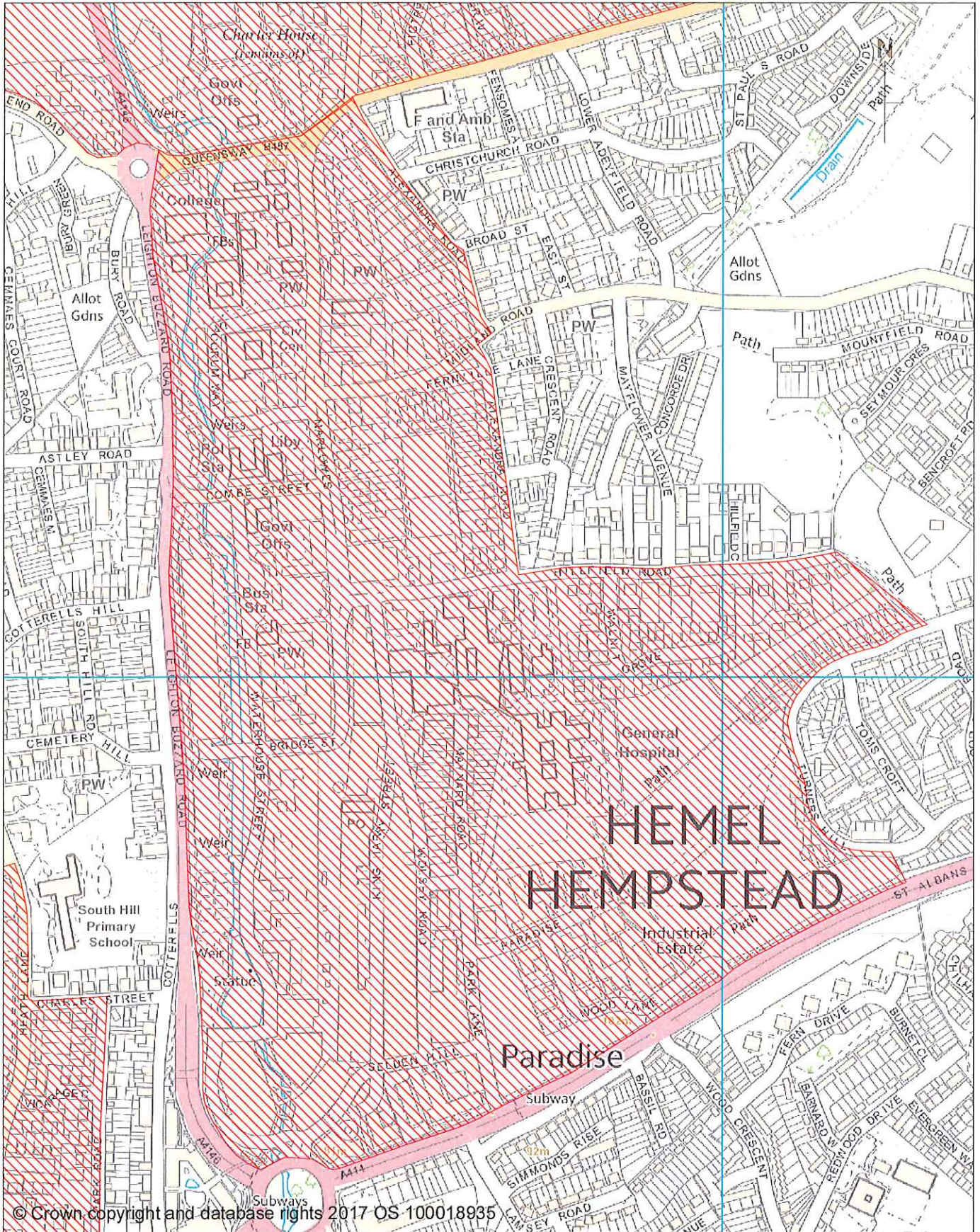
## Are you completing this survey as...?

Are you completing this survey as...?	% of respondents who made comment
Local resident who lives outside the shaded area shown on the map	62%
Local resident who lives in the shaded area shown on the map	13%
Visitor to the shaded area shown on the map (e.g. tourist, business, shopper)	12%
Person who works in the shaded area shown on the map	6%
Employed by the Council, Police or any other agency with an interest	3%
Local business owner/manager	1%
Representative of a local community or voluntary group	1%
Land owner within the proposed restricted area	<1%
Local Councillor (Town, County, Parish)	<1%
<i>Other</i>	2%

**(Base: 869)**



# DPPO - Hemel Hempstead town centre (south)



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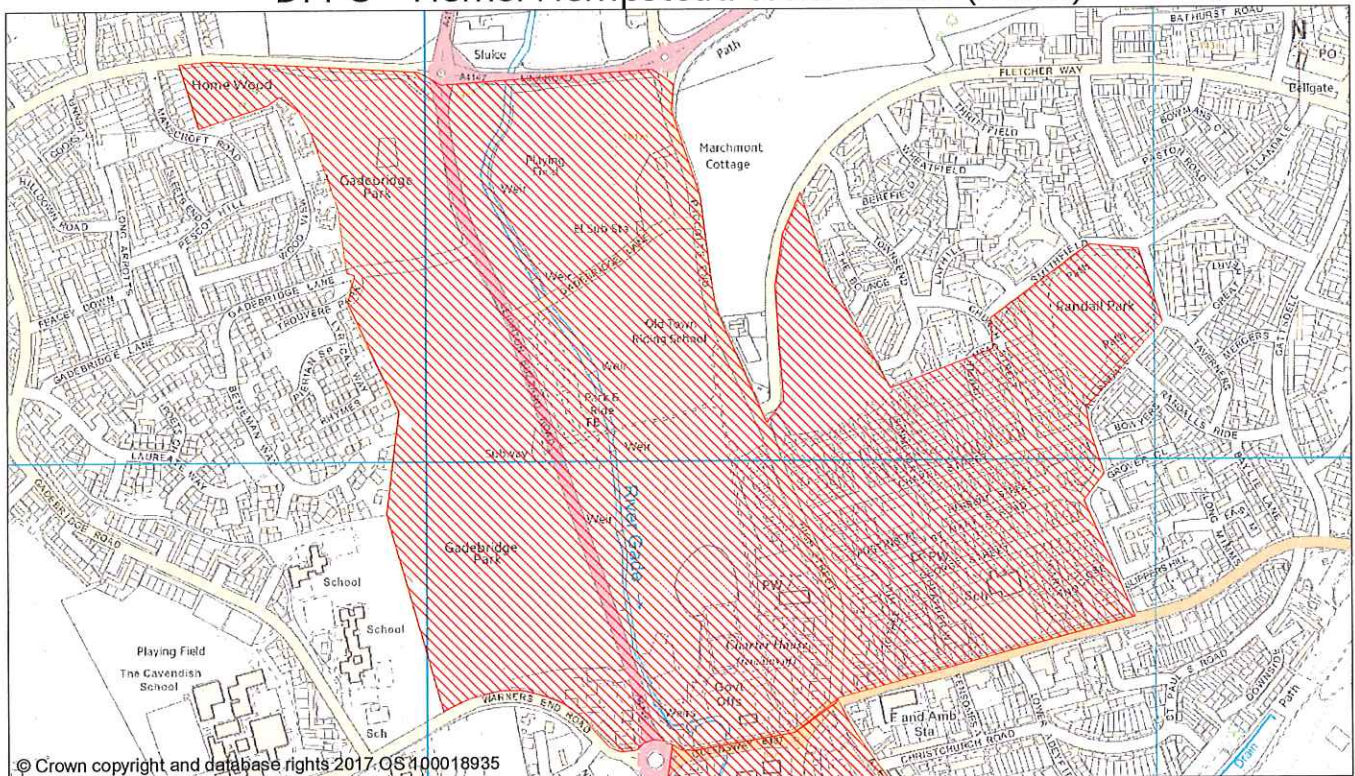


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## DPPO - Hemel Hempstead town centre (north)



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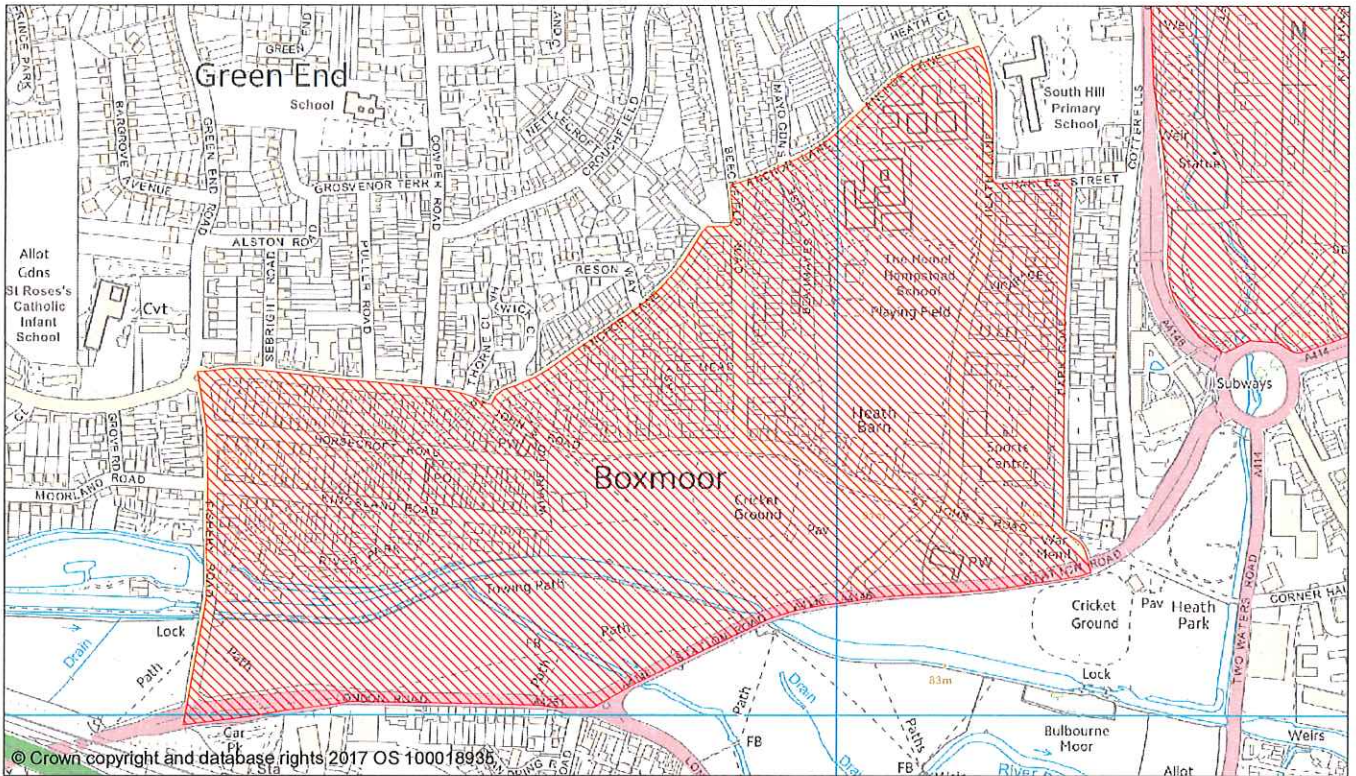


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# DPPO - Boxmoor

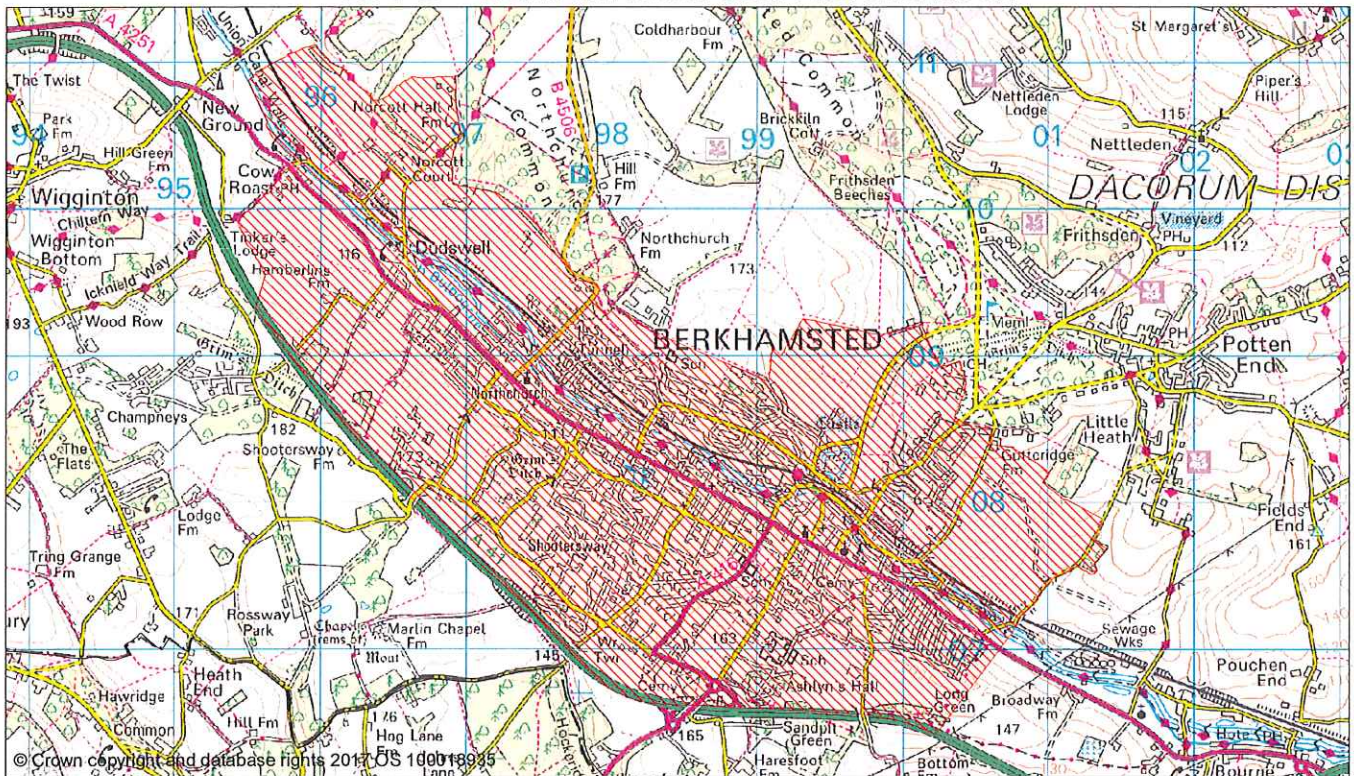


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# DPPO - Berkhamsted and Northchurch



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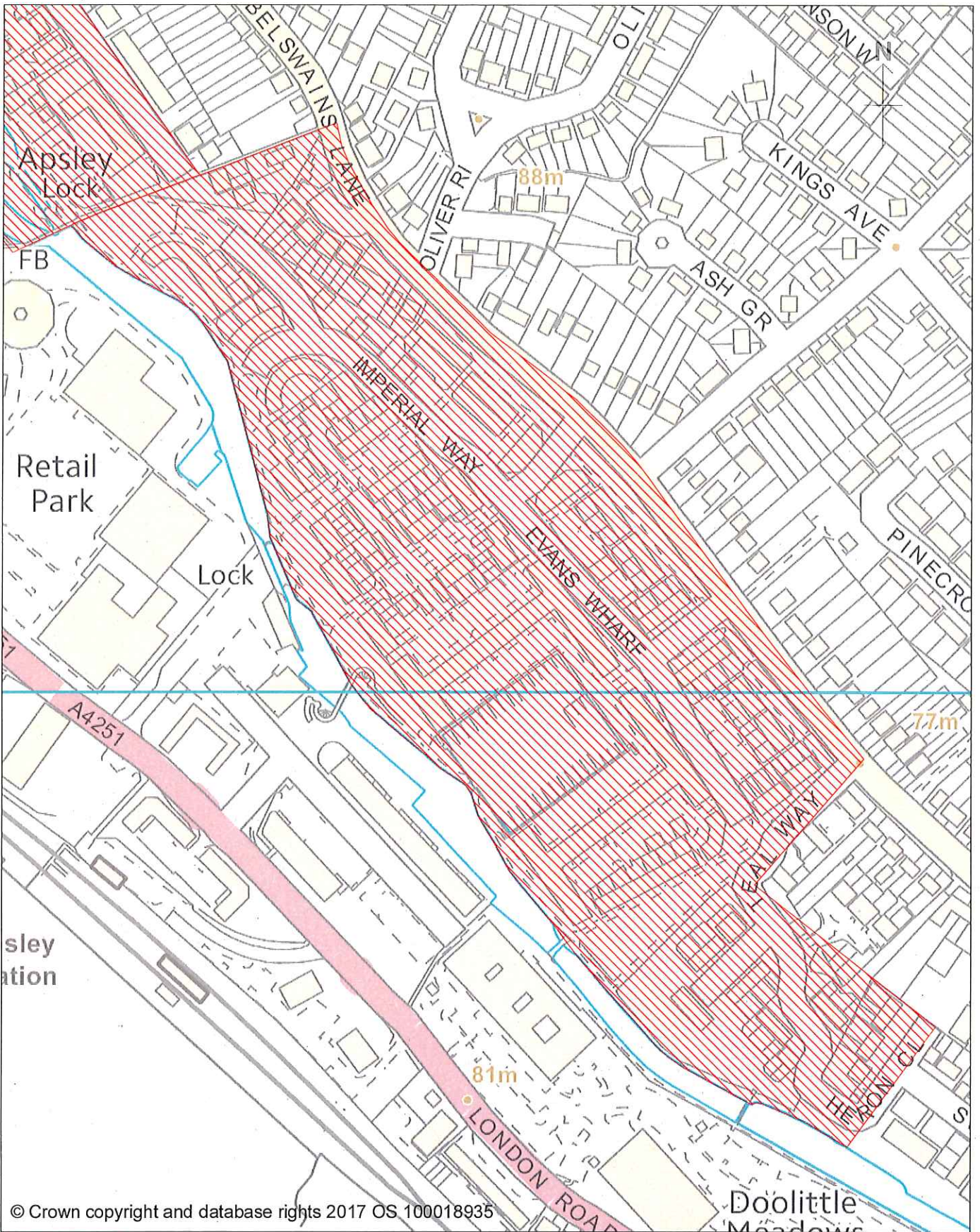
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# DPPO - Evans Wharf



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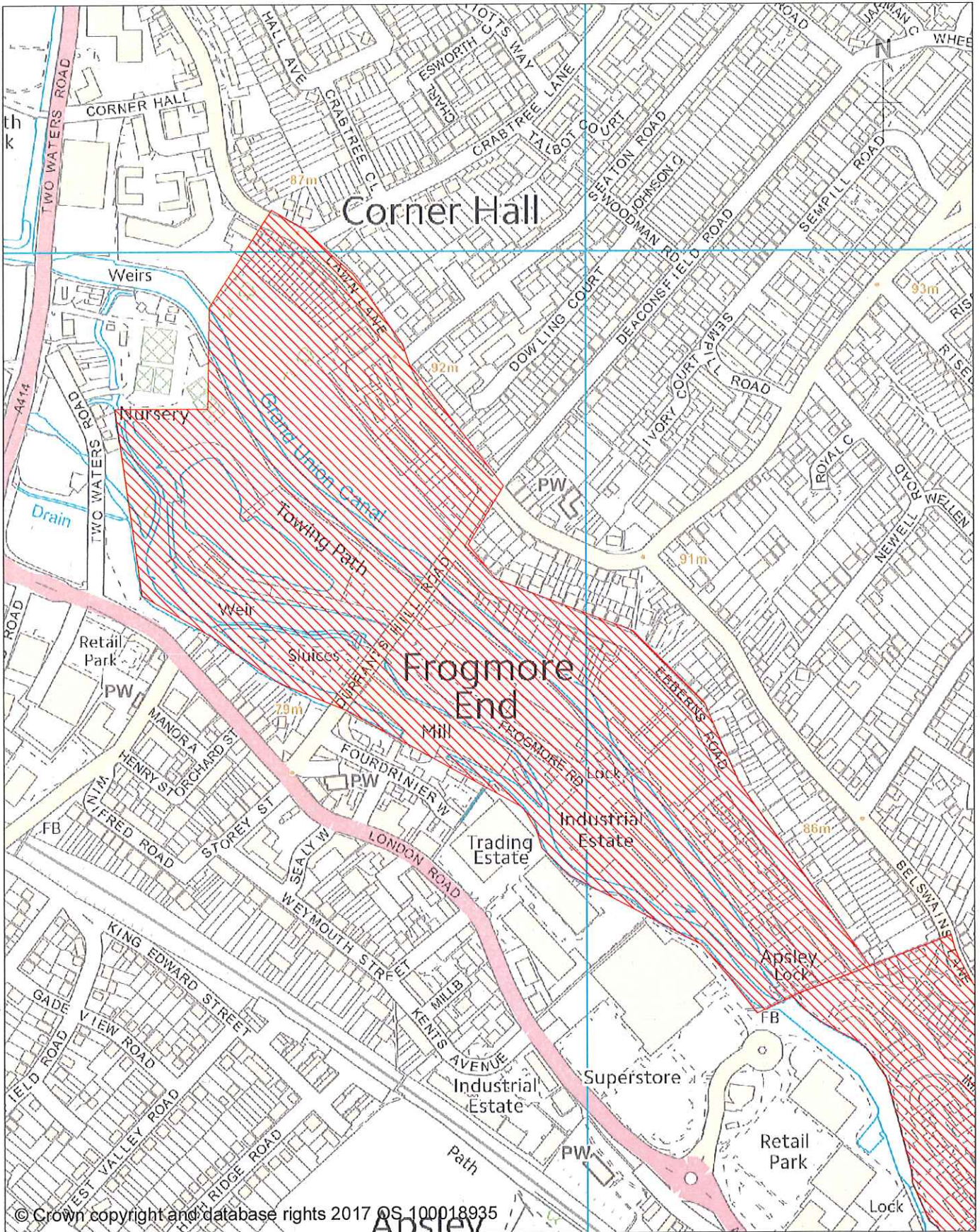


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# DPPO - Durrants Hill



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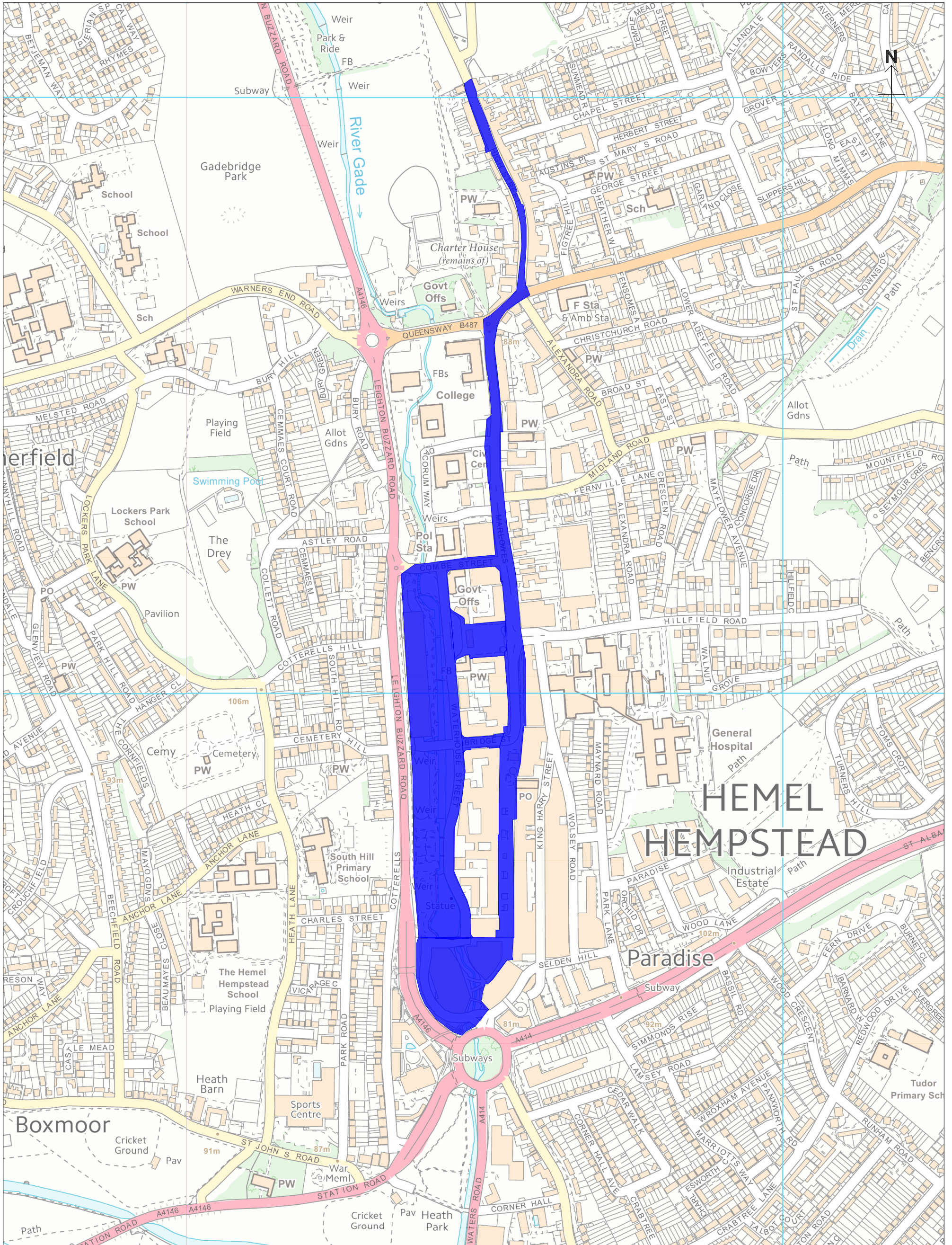


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# PUBLIC SPACE PROTECTION ORDER - PLAN 1



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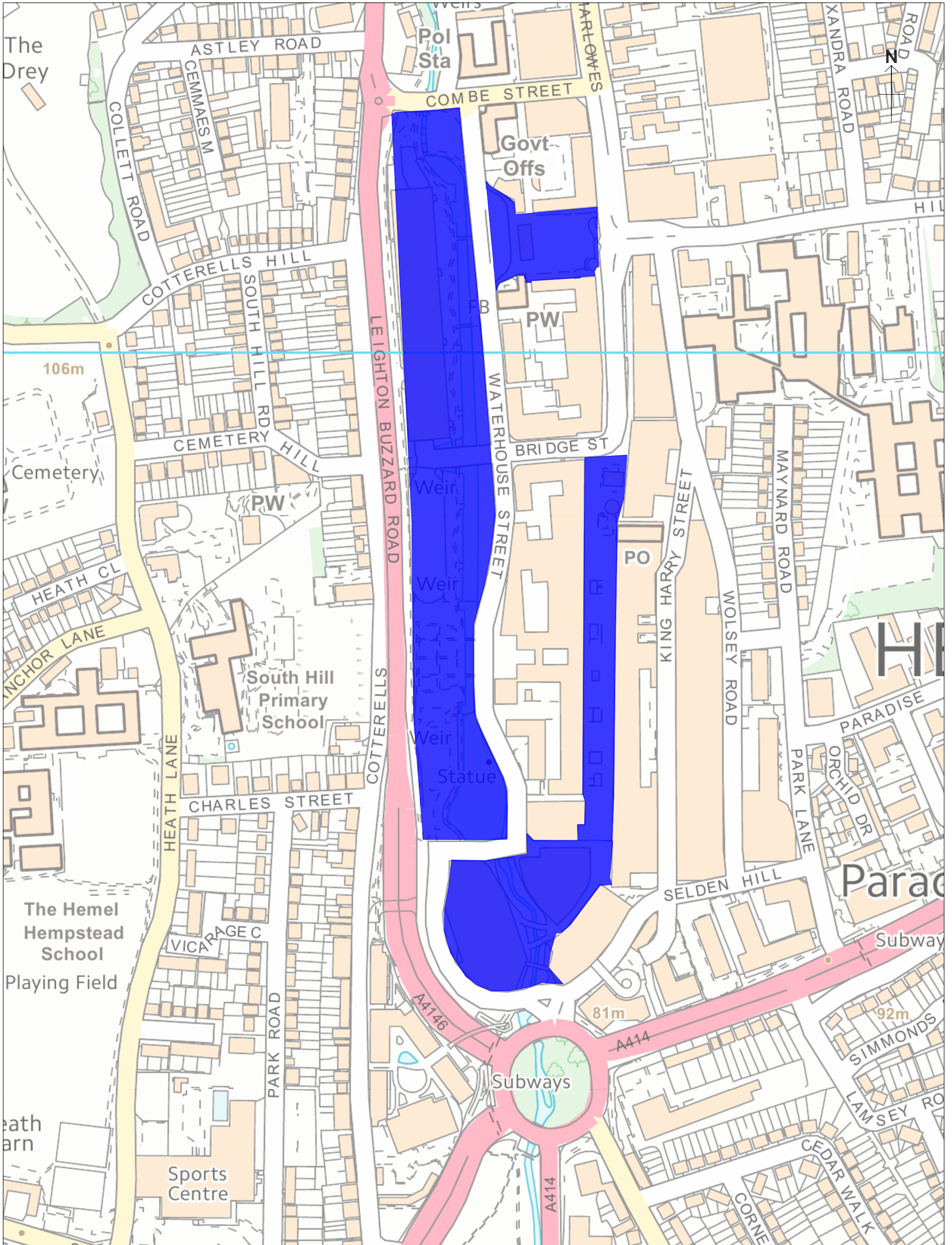


Valuation & Estates  
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Date: 28/02/2018



# PUBLIC SPACE PROTECTION ORDER - PLAN 2



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Marlowes  
Hemel Hempstead  
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Scale: 1:3000  
Date: 05/04/2018



<b>Report for:</b>	<b>Cabinet</b>
<b>Date of meeting:</b>	<b>24<sup>th</sup> April 2018</b>
<b>PART:</b>	<b>Part 1</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Market Management Post February 2019</b>
Contact:	<p>Graham Sutton, Portfolio Holder, Planning and Regeneration</p> <p>James Doe, Assistant Director, Planning, Development and Regeneration</p> <p>Author/Responsible Officer</p> <p>Chris Taylor – Group Manager Strategic Planning and Regeneration x 3405</p> <p>Pennie Rayner – Economic Development Officer Strategic Planning and Regeneration x 2570</p>
Purpose of report:	To update Cabinet on issues relating to the Hemel Hempstead Town Centre market Contract which ends February 2019, and to set out proposals for future Contract arrangements.
Recommendations	<p>That Cabinet agree:</p> <ol style="list-style-type: none"> <li>1. To commence a procurement process for a maximum 5 year contract (3 years initial term with option to extend for a further 2 years at one year intervals subject to performance) .</li> <li>2. To delegate authority to agree the terms of the Contract to the Assistant Director (Planning, Development and Regeneration) in consultation with the Portfolio Holder, Planning and Regeneration.</li> </ol>
Corporate objectives:	Ensuring economic growth and prosperity – A successful and vibrant Market will bring footfall and wealth into Hemel Hempstead Town Centre supporting the local retail economy.
Implications:	<p><u>Financial</u></p> <p>The current market Contract generates £60,000 income</p>



require a procurement process to start this financial year to ensure continued operation. The views of Cabinet are sought regarding what the basis of the tendering process and contract specification should be, in particular the degree to which it will be required to make a net financial return to the Council (£60,000 per year in the current contract). The current contract also includes a 50% share of market profit over a specified amount in the year though this level has never been reached.

- 1.2 The current market operates reasonably well financially though is generally felt to be fairly basic in the range of quality of products and services on sale. One option is to maintain the status quo and keep the income requirement as now this would significantly limit the degree to which the market could be improved. The alternative is to financially incentivise the provider to develop and deliver a series of additional activities and to lower the threshold for profit share. If this option is accepted then the income is likely to reduce to ensure that the market programme is developed and expanded and this would constitute a growth item for 2019/20. The Task Finish Group will agree the likely value of a basic rental income alongside the value of the additional incentives to ensure that a realistic rent level is still achieved for the Council
- 1.3 Council run markets at one time could expect to generate a good financial return but the change in shopping patterns over the last few decades has changed this quite radically – a large number of councils run markets with no net income and a number provide a subsidy and see them as adding to the experience and offer of the town centre and increasing footfall and turnover to the town centre retailers.

**The current market Contract includes the following markets:-**

Wednesday	Bric-A-Brac	Marlowes Pedestrian Area
Thursday	Regular Market	Marlowes Pedestrian Area
Friday	Regular Market	Marlowes Pedestrian Area
Saturday	Regular Market	Marlowes Pedestrian Area
Sunday (now continuing as now subsidised by DBC)	Old Town Sunday Market – Monthly	St Mary's Close Car Park

- 1.4 A successful market has much to offer the community – economically, socially and environmentally. Hemel Hempstead has had a market since the market charter was granted in 1549 and it is a known and attractive retail offering, encouraging shoppers into the town centre. It is generally agreed however that there is now a desire to increase the quality of the offer from the market and a new Contract may offer opportunities to address this.

- 1.5 Since the previous five year market Contract was let and then subsequently extended, trading conditions have changed significantly. The market has had to adapt to many difficulties during the Contract period as a result of the Marlowes regeneration works. This disruption had a negative impact on market trading levels. The market is now rebuilding after a period of stability
- 1.6 DBC have worked proactively with Saunders Markets to work through issues encountered and to assist in the market viability and its ability to grow with the new public realm including: -
- Relocating the market to allow stalls outside Tesco Express and for the majority of the stalls to be located towards the northern end of the Marlowes.
  - Invested over £25k in new market infrastructure, enhancing the look and feel of the market with new green and cream gazebos which not only improve the look but are much more efficient to erect which in turns minimises costs for the market operator
  - Approving a £10,000 compensation payment in 2014/15 to compensate against disruption during the regeneration works.
- 1.7 Relocation of the Wednesday bric-a-brac market away from Market Square, and newly imposed restrictions on vehicle movement and use in the Marlowes pedestrian area due to new surface materials have also impacted on the viability of this market however some of the general market stalls now trade additionally on a Wednesday.
- 1.8 The Old Town Sunday Market has continued to operate on the first Sunday of the month however, this is now subsidised by the Council (£250 per market) as it is not commercially successful to the Contractor without this support. This market will commence again in May 2018 and DBC will continue the subsidy. DBC staff will work with Saunders Markets to promote these markets and the Old Town as a destination, to encourage a range of traders and to encourage a vibrant Old Town. Additionally, as the splash park opens this summer this will help to boost the visitor attraction to the Old Town area.
- 1.9 Inclusion of the provision of The Old Town Sunday Market will now be included in the new contract.

## **2. A NEW FIVE YEAR CONTRACT**

- 2.1 The Council now needs to move forward with a tender process for a new Contract. It is suggested that this is on a Three year plus one year and then a further one year, with the extensions based upon successful delivery of the Contract and additional aspirations .The Contract needs to be with procurement by May this year to enable the bidding and selection process to be complete for the new Contract to commence in February



2019. It is important that the Contract is now updated to ensure that the next Contract is robust, viable and fit for purpose.

- 2.2 The key issue to determine is the balance within the contract between the objective to deliver net income to the Council set against the aim to improve overall town centre viability within what are difficult and changing retail conditions, and to protect the Council's investment in the public realm on the Marlowes. Given the realities of market operation and the potential to improve the offer it is recommended that there be a balance within the new contract which recognises that to have the improvements needed, will result in a requirement to provide financial incentives, ensuring that a broader and higher quality of offer is incorporated alongside what is already working fairly well.
- 2.3 The Hemel Hempstead Town Centre Business Improvement District (BID) has now been successfully achieved. It will be important for the market operator to work closely with the BID team in terms of operational matters, linking in with events and marketing. This will need to be reflected in the new contract.
- 2.4 Options to help enhance the quality of the market will be agreed and detailed by a Task and Finish group of officers across services within the Council. These aspirations will be incorporated into the Contract and will include specific performance indicators with financial incentives for delivery and can include the areas below:
- Introduction of specialist markets (agree number/type per year)
  - Joint working alongside the Business Improvement District and alignment of special events and additional market offers in conjunction with the BID.
  - A requirement to operate the Old Town Market (currently costing £250 per time)
  - Operation on different days to allow flexibility
  - A new focus given to the Food Court area of the market
  - Introduction of a late night operation once the Capital and Regional works to bring forward the Cinema, restaurants and evening economy – this could be specialist, street food and ordinary retail
  - Use of Bank Court for additional stalls, specialist stalls and alternative attractions alongside Market operation particularly at busy times and events. (This may require additional gazebos at £1000 each at council's cost.)
  - Provision of specialist and Farmers markets, with good advertising and marketing at appropriate intervals (perhaps monthly)
  - Incorporation of all street trading in the Contract
  - Agreement to a robust set of Key Performance Indicators and operating arrangements that will be monitored



## **Conclusions**

- 1.1 Subject to Cabinet's agreement the final specification for the contract will now be developed and the procurement process commenced. The new contract give much greater weight to the quality aspects of operation and that specific obligations (such as specialist markets) will be included as indicated above (although flexibility will be built in the adjust to any changing conditions). The requirement to meet these conditions will lead to financial incentives which will have to be reflected in future years budgets.

# Agenda Item 10



## AGENDA ITEM:

### SUMMARY

<b>Report for:</b>	<b>Cabinet</b>
<b>Date of meeting:</b>	<b>24 April 2018</b>
<b>PART:</b>	<b>1</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Grovehill Future Neighbourhood Plan</b>
Contact:	<p>Cllr Graham Sutton, Portfolio Holder for Planning &amp; Regeneration.</p> <p>Author/Responsible Officer: James Doe, Assistant Director, Planning, Development and Regeneration.</p> <p>Chris Taylor, Group Manager – Strategic Planning and Regeneration</p>
Purpose of report:	To acknowledge the 'YES' vote at Referendum on 15 <sup>th</sup> March 2018 and propose that Council formally 'make' the Grovehill Future Neighbourhood Plan as a statutory planning document
Recommendations	That Cabinet recommend Council formally 'makes' the Grovehill Future Neighbourhood Plan as part of the Local Plan following a YES vote at Referendum 15 <sup>th</sup> February.
Corporate objectives:	The Grovehill Future Neighbourhood Plan supports the Council's vision and in particular the corporate objectives of building community capacity, regeneration and affordable housing.

'Value For Money Implications'	<u>Value for Money</u> None arising from this report.
Risk Implications	Risk Assessment included within the PID for this area of work.
Equalities Implications	An equalities impact assessment has been undertaken as part of the project documentation.
Health And Safety Implications	None arising from this report.
Implications:	<p><u>Financial</u></p> <p>To date the development of the Neighbourhood Plan has been funded from grant payments through the Department for Communities and Local Government, although there is an element of Officer time not directly funded.</p> <p>£20,000 has been received by the Council due to the successful completion of the neighbourhood planning inspection. This money is designed to help the Local Authority to cover the costs of carrying out an independent Inspection and local referendum. The grant has met the cost of completing the Neighbourhood Plan.</p> <p>The plan includes a range of policy objectives which would potentially involve the Council in the future. If any of these projects are lead on by the Council (for example, because it involves the regeneration of a Council owned asset or requires delivery on our land), for these to go forward, there will need to a business case presented and considered by Cabinet, including a full analysis of any financial implications.</p>

Monitoring Officer/S.151 Officer Comments	<p><b>Monitoring Officer:</b></p> <p>The Localism Act states the “<i>Council must make a neighbourhood development plan to which the proposal relates, if in each applicable referendum under that Schedule (as so applied) more than half of those voting have voted in favour of the plan</i>”. The referendum result is clear and so therefore the only option available to the Council is to make the Grovehill Future Neighbourhood Plan.</p> <p><b>Deputy S.151 Officer</b></p> <p>There are no direct immediate financial implications for the council. Any future plans will need to be developed within the normal council financial planning processes and be submitted for consideration as part of the Medium Term Financial planning cycle.</p>
Consultees:	Portfolio Holder for Strategic Planning and Regeneration Strategic Planning Development Management Ward Councillors for Grovehill
Background papers:	Cabinet reports - December 2012, February 2014 and April 2017
Glossary of acronyms and any other abbreviations used in this report:	NP - Neighbourhood Plan NDP - Neighbourhood Development Plan LPA - Local Planning Authority SEA – Strategic Environmental Assessment

## Background

- 1 The Localism Act 2011 provides the foundation for neighbourhood planning. This aims to give local communities more control over housing and planning decisions. A neighbourhood plan sets a vision for the future and can be detailed or general depending on what local people want. A neighbourhood plan is prepared by the local community but is adopted ('made') by the local authority and becomes part of the Local Plan.  
  
Neighbourhood planning can be taken forward by either town or parish councils or in un-parished areas via 'Neighbourhood Forums'. These Forums are local community groups that are specifically designated to take a plan forward.
  
- 2 In February 2011 the Council made a bid to the Department of Communities and Local Government neighbourhood planning front runners scheme to support the development of a plan for Grovehill in Hemel Hempstead. In May 2011, the Council was awarded a £20,000 grant as part of the third wave of the scheme. The Council invited the local community of Grovehill to create a Neighbourhood Plan and since its inception meeting in December 2011, the group now known as Grovehill Future have been progressing their plan, supported by the Council. In January 2013, the Council were awarded £5,000 for the successful Plan Area Designation of the Grovehill Future Group.

## Summary of Neighbourhood Plan Area Designation - Cabinet December 2012

- 3 On September 2012, the Council received an application from Grovehill Future to designate the Grovehill Neighbourhood Area. This application was approved for designation by Cabinet in December 2012, and part of the relevant criteria for the group making the application is that they are, or are capable of becoming, a qualifying body or Forum.
- 4 Grovehill Future's terms of reference provide evidence of its purpose of establishment, written constitution and eligibility for joining the group. Grovehill Future currently has greater than the required 21 voting members (comprising residents, ward Members, business or organisation representatives who have attended a minimum of three meetings).

## Summary of Neighbourhood Forum Application - Cabinet February 2014

- 5 On 31 October, as a result of reaching compliance with the Forum criteria, the application to 'Designate the Neighbourhood Forum' was deemed to be valid and a consultation took place from 20 November 2013 to 3 January 2014. The application was advertised in the Gazette, on the Council's website, and locally in Grovehill through posters, notice boards and networking.
- 6 Following completion of the consultation, the Council was required to ensure that the Neighbourhood Forum met the criteria set out in section 61F (5) & (7) of the Town and Country Planning Act 1990 (as amended by the Localism Act). In this regard, an application to designate a Neighbourhood Forum area could only have been refused if there were valid planning reasons.

Under section 61F(5) a local planning authority may designate an organisation, in this case Grovehill Future Project as a Neighbourhood Forum, if it is satisfied that it met the following conditions:

- a) *It is established for the express purpose -*
  - (i) *of promoting or improving the social, economic and environmental well-being of an area that consists of, or*
  - (ii) *includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area).*
- b) *Its membership is open to individuals who -*
  - (i) *live in the neighbourhood area concerned, or*
  - (ii) *work there (whether for businesses carried on there or otherwise), or*
  - (iii) *are elected members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,*
- c) *Its membership includes a minimum of 21 individuals each of whom either -*
  - (i) *live in the neighbourhood area concerned, or*
  - (ii) *work there (whether for a business carried on there or otherwise), or*
  - (iii) *is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned.*
- d) *It has a written constitution.*

- 7 Under section 61F(7) in deciding whether to designate an organisation or body as a

Neighbourhood Forum, the Council was mindful that they:

- (a) *Must have regard to the desirability of designating an organisation or body-*
- (i) *that has taken reasonable steps to secure membership that includes at least one person from each of the three membership groups identified,*
  - (ii) *that has membership drawn from different places in the area and different sections of the community in the area, and*
  - (ii) *whose purpose reflects the character of the area.*
- (b) *May only designate one organisation or body as a neighbourhood forum for a neighbourhood area, and only if the body has applied to do so, and only where the area does not include part or all of a parish.*
- (c) *If the Council refuse an application it must give reasons for the decision to the applicant.*

- 8 The Council received 43 responses to the Forum application. The consultation responses received did not raise any valid issues which could lead to refusal by the Council. It was therefore recommended in February 2014 that Members approve the application to designate the Grovehill Future Neighbourhood Forum.
- 9 The Forum, with the ongoing help and support of Council Officers progressed and wrote their draft Grovehill Future Neighbourhood Plan.
- 10 As per The Neighbourhood Planning (General) Regulations 2012, Regulation 14, the Forum formally consulted on this draft plan for 6 weeks between 28<sup>th</sup> September and 4<sup>th</sup> November 2016.
- 11 Following receipt of the responses to the consultation on the Neighbourhood Plan Forum, amendments were made, where appropriate.

### **Submission of the Neighbourhood Plan**

- 13 On Monday 13<sup>th</sup> March, the Chairman of Grovehill Future Forum formally submitted the Grovehill Future Neighbourhood Plan and supporting appendices (**Appendix A & B**) and further supporting documents to the Council (see 13 below), in accordance with the relevant legislation,

#### Supporting documents to the Submitted Neighbourhood Plan

- 14 The **Consultation Statement (Appendix C)** and **Basic Conditions Statement (Appendix D)** were also prepared in accordance with requirements within the *Neighbourhood Planning (General) Regulations 2012*

### **Conformity and acceptance of the Neighbourhood Plan by the Council**

- 16 Following receipt of the Grovehill Future Neighbourhood Plan and supporting documents the Neighbourhood Plan was checked to ensure conformity to ensure that and that it meets the general requirements.
- 17 A **Neighbourhood Plan** must:
- *Meet the requirements of certain EU directives relating to human rights and habitat protection;*
  - *Be in keeping with policies that determine how UK planning decisions should be made which are set out in the National Planning Policy Framework and National Planning Practice Guidance;*

- *Be in compliance with the most important strategic policies prepared by the local planning authority; and*
- *Explain how the community and organisations have helped to prepare the Neighbourhood Plan.*

Although it is the Forum's responsibility to undertake any necessary environmental assessments and the LPA's duty to check the need for them and their fitness does not arise until after the inspection. Council Officers have worked with the Forum, during the creation of the NP to help avoid the need to make representations during consultation on the draft plan. Council Officers are satisfied that this element of the process has been carried out appropriately. .

18 The LPA must consider:

1. whether the parish council or neighbourhood forum is authorised to act (see 'determining the application criteria for a neighbourhood forum'),
2. whether the proposal and accompanying documents
  - a. comply with the rules for submission to the LPA (see 'receipt of an NDP by the LPA'), and
  - b. meet the 'definition of an NDP' and
  - c. meet the 'scope of NDP provisions', and
3. whether the parish council or neighbourhood forum has undertaken the correct procedures in relation to consultation and publicity (see 'pre submission consultation by the parish council or neighbourhood forum')

19 As the Grovehill Future Neighbourhood Plan did meet all of the requirements as set out by legislation and that the Council, as the LPA could now formally submit the Grovehill Future Neighbourhood Plan for Independent Examination.

20 On 26<sup>th</sup> April 2017 the Council formally acknowledged the Neighbourhood Plan as compliant, the Council was then required to carry out a formal 6 week publicity consultation on the website (Regulation 16) this took place from 14<sup>th</sup> June 2017.

21 Upon receipt of representations, the Council considered that there were no critical objections to the Neighbourhood Plan and moved to formally submit to Independent inspection in August 2017.

### **Independent Inspection of the Neighbourhood Plan**

22 In order to progress to inspection, the Council was required to choose a suitable 'Independent Examiner' and obtain the agreement of the Forum prior to their appointment and subsequent Inspection.

23 The Council considered two potential examiners, through the NPEIRS (the Neighbourhood Planning Examination Independent Referral Service). Both of these were put to the Forum, with a recommendation of the Council's preferred examiner, whom the Forum also indicated they would support.

24 Following Cabinet approval to progress to inspection, the Council formally requested the Forum's approval at their meeting on 8<sup>th</sup> May to appoint Nigel McGurk as the Independent Examiner

25 The Council formally submitted the Grovehill Future Neighbourhood Plan to the Independent Examiner for inspection along with any representations and any other documents submitted with the plan.

This included:

- 1) Map or statement identifying the area to which the plan relates
- 2) Consultation statement
- 3) The proposed plan
- 4) The qualifying bodies statement as to how the plan meets the basic conditions of Schedule 4B to the 1990 Act (including compliance with national policy, how it contributes to sustainable development, general conformity with the strategic policy of the development plan for the area, compatibility with EU obligations)
- 5) The SEA of the plan if required for that plan
- 6) A Habitat Regulations Assessment (where appropriate)
- 7) Any other relevant evidence
- 8) Any other document submitted to the LPA by the qualifying body in relation to the draft plan
- 9) A copy of any representations received in response to the draft plan

26 The formal Inspection took place in August 2017.

27 The Inspection could take two forms of either:

- a) a public hearing or
- b) written only representation

with the Inspection expected to take anything from 4 days to 2 weeks. In this case the inspection was undertaken as written only representation (as no significant objections were received which required a formal public hearing).

28 The Council was aware that the Inspection would provide either:

- a) approval to proceed to referendum;
- b) approval to proceed to referendum, subject to minor amendments to the Neighbourhood Plan; or
- c) Rejection of the Neighbourhood Plan.

### **Recommendations from the Examiner**

29 If the examiner had rejected the Neighbourhood Plan, the Council would have no further legal obligations regarding the Neighbourhood Plan. Where the recommendation from the examiner is 'approved to proceed to referendum without amendment', the Council could seek to undertake a referendum as soon as practicable.

30 Should the Examiner's report seek to make amendments, Cabinet approval in April 2017, allowed for amendments to be made without seeking further Cabinet approval to proceed to referendum.

31 Having received the examiner's recommendations and determined its response the Council can:

1. **make modifications** to correct errors, or to make the plan:
  - a. *meet the basic conditions (note 2 and 2b)*
  - b. *compatible with the Convention rights*
  - c. *comply with the definition of an NDP and the provisions that can be made by a NDP*
  - d. *comply with suitable periods for making applications and starting development.*
2. **extend the area** to which the referendum(s) are to take place. *If the authority decides to extend the area for referendum it must publish a map for that area.*
3. **decide that they are not satisfied** with the plan proposal with respect to meeting basic conditions, compatibility with Convention rights, definition and provisions of the NDP even if modified.

32 It is important to note that the legislation and guidance is clear that while neighbourhood plans are prepared by the community, with recommended modifications from the examiner, the final decision on whether the neighbourhood plan meets the basic conditions and can then proceed to a referendum lies with the local authority.



- 33 Following receipt of the Examiners report on 3 October 2017, it was recommended that the Neighbourhood Plan proceed to Referendum with minor amendments.
- 34 These changes were accepted and the necessary amendments to the Grovehill Future Neighbourhood Plan made.

**Referendum**

- 35 A ‘Decision Notice’ of the Examiner’s approval and schedule of changes were published on the Council’s website 2 November 2017. This notice acknowledged the Councils intention to hold a Referendum on 15<sup>th</sup> February 2018. A date in February was identified as being the most suitable (by the Council’s Electoral Services team), taking into account best practice of avoiding school holidays and for the necessary notices of poll etc.
- 36 Permission to hold the Referendum on a date longer than 56 days after approval from independent inspection was obtained from the Forum in October 2017
- 37 For a neighbourhood plan to pass the Referendum, it required the majority of the votes received to be in favour of making the Neighbourhood Plan a formal part of the Local Plan.
- 38 Where the majority of the referendum votes are in favour, the Council is required to ‘make’ the neighbourhood plan as soon as possible.
- 39 On Thursday 15<sup>th</sup> February 2018 a Referendum was held (overseen by the Council Electoral Services team).

**The results were as follows:**

Grovehill referendum results	Number of votes
The total number of ballot papers counted was	852
The number of votes cast in favour of YES was	657
The number of votes cast in favour of NO was	194

**Turnout:** 15.36%

- 40 The Forum were officially advised of the YES vote.

**Legal Challenge**

- 41 Following a successful YES vote at Referendum, a legal challenge can be made in relation to:
  1. *a LPA declining to make an NDP if an applicable referendum resulted in over half of those voting (50% plus 1) in favour, as soon as reasonably practical. The LPA is not to be subject to the duty if they consider that the making of the plan would breach, or otherwise be incompatible with any EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998.*  
  
*only if proceedings are brought by a claim for Judicial Review within 6 weeks of the day on which the decision is published.*
  2. *The consideration of Inspectors recommendations and decisions made upon them only if proceedings are brought by a claim for Judicial Review within 6 weeks of the day on which the decision is published.*

3. *The conduct of the referendum only if the proceedings are brought by a claim for judicial review and this is filed within 6 weeks beginning the day on which the results are published.*

- 42 As, the results were officially published on the Council's website on 16<sup>th</sup> February 2018 – the end of the 6 weeks judicial review period was 30<sup>th</sup> March 2018. No challenges were made during this time.
- 44 It is considered by the Council that relevant Neighbourhood Planning legislation was complied with at all times throughout the Neighbourhood Plan process. Cabinet are therefore asked to recommend that Council formally 'makes' the Grovehill Future Neighbourhood Plan as part of the Local Plan. This means that the policies contained within the Neighbourhood Plan will be used in the determination of planning applications within the defined area.



## SUMMARY

<b>Report for:</b>	<b>Cabinet</b>
<b>Date of meeting:</b>	<b>24<sup>th</sup> April 2018</b>
<b>Part:</b>	<b>I</b>
If Part II, reason:	

<b>Title of report:</b>	Changes to the terms governing the transfer of Tring Sports Centre to Tring School (known as RLP)
Contact:	<p>CLlr Neil Harden, Portfolio Holder for Resident and Corporate Services</p> <p>Author/Responsible Officers;</p> <ul style="list-style-type: none"> <li>• Robert Smyth, Assistant Director (Performance, People &amp; Innovation)</li> </ul>
Purpose of report:	For Cabinet to review and approve proposed changes to the conditions and requirements for the transfer of responsibility for Tring Sports Centre to Tring School.
	<p>That Cabinet approve that:</p> <ol style="list-style-type: none"> <li>1. Approval be given for DBC to mutually agree to terminate the existing Dual Use Agreement and enter into a new Agreement, reflecting the updated conditions and requirements as set out in this report.</li> <li>2. Final sign off of the Agreement is delegated to the Chief Executive and the Portfolio Holder for Residents and Corporate Services in consultation with the Section 151 Officer and the Monitoring Officer.</li> </ol>
Corporate Objectives:	Clean, Safe and Enjoyable Environment and Modern and Efficient Council – Leisure provision is central to delivering a borough that people can enjoy. This proposal will ensure that we invest and support high quality facilities for use in the community will ensuring we deliver value for money.
Implications:	<p><u>Financial</u></p> <p>The financial implications of the decision to transfer the facility are outlined in the February paper. The changes to the terms</p>

Value For Money Implications'	<p>upon which the funding is provided are highlighted in the report.</p> <p><u>Operational</u></p> <p>The facility is currently being managed by SLM. There are no other operational implications, unless the facilities are returned to the Council.</p> <p><u>Value for Money</u></p> <p>The changes to the proposals still provide a mechanism to ensure community access and also provide funding to improve the existing facilities.</p>
Risk Implications	<p>There is a risk that despite the Council's investment, the facilities become financially unviable to run. If this does happen, there will be an opportunity for the Council to manage the facility directly in the event that RLP seek to terminate in the future.</p>
Community Impact	<p>Community Impact Assessment carried out and it identifies that there is no adverse impact from these changes.</p>
Health And Safety Implications	<p>None</p>
Monitoring Officer/S.151 Officer Comments	<p><b>Monitoring Officer:</b></p> <p>The amended terms provide for investment in the facility which will facilitate continued community use. There is a risk as highlighted in the report that the facilities will become financial unviable at some point in the future and this will enable RLP to propose closing the facilities; however, this risk is mitigated by the Council's ability to step-in and manage the facilities if it wishes to do so, subject to agreeing the precise terms of that step-in at the appropriate time.</p> <p><b>S.151 Officer</b></p> <p>The termination of the Dual Use Agreement is not projected to impact on the approved capital budget, for the development of the Tring swimming pool.</p>
Consultees:	<p>The following stakeholders have been consulted:</p> <ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Council Leader</li> <li>• Portfolio Holder – Residents and Corporate Services</li> <li>• Corporate Director – Finance and Resources</li> <li>• Monitoring Officer to the Council</li> </ul>
Background papers:	<p>Cabinet Paper – February 2018</p>

Glossary of acronyms and any other abbreviations used in this report:	<ul style="list-style-type: none"><li>• DBC – Dacorum Borough Council</li><li>• RLP – Ridgeway Learning Partnership is the name of the multi-academy trust that runs Tring School</li><li>• DfES – Department for Education and Skills</li></ul>
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## 1. Introduction

- 1.1 In February 2018, Cabinet approved the “proposal to transfer responsibility for Tring Sports Centre to Ridgeway Learning Partnership (RLP) *in line with the conditions and requirements outlined in this report* to enable significant investment in Tring leisure facilities”.
- 1.2 Based upon the principles outlined in the Cabinet paper, the Council and RLP have been undertaking technical discussions to finalise the terms of a new Dual Use Agreement (DUA).
- 1.3 Whilst significant progress has been made, the Council and RLP have outstanding matters relating to the legal parameters of the protection of the Council’s capital investment. This was a condition outlined and approved in the previous report.
- 1.4 To progress these outstanding matters a meeting took place on 20<sup>th</sup> March. The Leader of the Council and RLP discussed the outstanding issues and a series of changes to the original conditions and requirements were considered to enable the proposed investment to progress.
- 1.5 These changes are set out in this report for Cabinet consideration and approval.

## **2. The Original Position**

### *Existing Terms*

- 2.1 Under the existing proposals (contained in the February report), the agreement would include a clause that enabled the Council to reclaim some, or all, of its capital investment, if RLP voluntarily closes the swimming pool during the first 15 years of operation.
- 2.2 The amount that the Council could reclaim would depend upon the period at which RLP choose to close the swimming pool.
- 2.3 The purpose of this clause was to act as a disincentive for RLP to close the swimming pool and to provide a direct link between the investment and maintenance of community access.

### *RLP's and Council Concerns*

- 2.4 RLP accepted the Council's need to ensure that community access to the swimming pool is maintained. However, they expressed concern that a universal commitment to allow the Council to reclaim its investment if RLP closed the pool prematurely was considered too great a concession and could be prejudicial to the educational facilities at the school.
- 2.5 In light of this position the Council has sought to protect its investment by the opportunity to manage the facility directly (or by its retained leisure provider) in the event that RLP seek to terminate in the future. It is proposed that this protection will be included in the new Agreement.

### **3. The New Proposals**

#### The Council's Investment

- 3.1 The funding of the swimming pool refurbishment will be provided and RLP will commit to continue to provide and allow for community access to facilities.

#### Protecting Community Access

- 3.2 RLP would commit to maintaining community access across all the facilities on the site. This covers the swimming pool, the existing and refurbished sports hall and the Astroturf pitch
- 3.3 RLP would only be permitted to close the facilities to community use if they can provide evidence (using an open book methodology) that the cost of operating all the facilities exceeds the income and value generated. It is proposed that the loss would need to be demonstrated over the period of a financial year.
- 3.4 In these circumstances, RLP would engage with the Council to consider options to reduce costs and increase income.
- 3.5 If agreement cannot be reached, the Council has the option to take over the management and operation of all the facilities with 6 months-notice. The terms on which the Council can take over management would be agreed between the two parties.
- 3.6 At the end of 10 years, the Council and RLP would meet to discuss future options for the site.

#### Interim Arrangements

- 3.7 While negotiations regarding the proposed transfer are ongoing, SLM are responsible for managing Tring Sports Centre. This is broadly in line with the terms of the Council's leisure procurement process (taking into account the costs of demobilisation).



#### **4. The Implications of the Proposed Changes**

- 4.1 The proposed changes would address the concerns raised by RLP and ensure continued community access. The Council will have the opportunity to take over the facilities, which also limits the risks.
- 4.2 The changes would vary the protection for the Council's investment as outlined in the February Cabinet report. If the Council exercised its option to run the facility directly to maintain community access, the Council would need to consider the business case for doing so in more detail at the time.

#### **5. Next Steps**

- 5.1 Following consideration by Cabinet, Officers from the Council and Tring School will finalise an updated Agreement.
- 5.2 Due diligence would also need to be undertaken by both parties, including agreement on the refurbishment work and sign-off of the Agreement in consultation with Section 151 Officer and the Council's Monitoring Officer.

#### **6. Recommendations**

- 6.1 Cabinet are recommended to:
  - Recommendation 1: That approval be given for DBC to mutually agree to terminate the existing Dual Use Agreement and enter into a new Agreement, reflecting the updated conditions and requirements as set out in this report. This will be undertaken in consultation with the Section 151 Officer and the Monitoring Officer.
  - Recommendation 2: That final sign off of the Agreement be delegated to the Chief Executive and the Portfolio Holder for Residents and Corporate Services in consultation with the Section 151 Officer and the Monitoring Officer.

# Agenda Item 12



<b>Report for:</b>	<b>Cabinet</b>
<b>Date of meeting:</b>	<b>24<sup>th</sup> April 2018</b>
<b>Part:</b>	<b>I</b>
If Part II, reason:	

<b>Title of report:</b>	Proposal to build a new athletics track and pavilion at Cupid Green Playing Fields, Grovehill
Contact:	Cllr Neil Harden, Portfolio Holder for Resident and Corporate Services  Author/Responsible Officers; <ul style="list-style-type: none"><li>• Robert Smyth, Assistant Director (Performance, People &amp; Innovation)</li></ul>
Purpose of report:	For Cabinet to consider the potential to build the new athletics track and pavilion at Cupid Green Playing Fields, Grovehill
Recommendations	That Cabinet: <ol style="list-style-type: none"><li>1. Approve the undertaking of consultation with local residents and key stakeholders on the potential for a new athletics track and pavilion at Cupid Green Playing Fields, Grovehill</li><li>2. Approve the undertaking of necessary due diligence to confirm that Cupid Green Playing Fields, Grovehill is a suitable site for a new athletics track and pavilion</li><li>3. Note that officers will bring a further report back to Cabinet with a final recommendation for the location of the new athletics track following all required due diligence and consultation with residents and stakeholders.</li></ol>

Corporate Objectives:	<p>Clean, Safe and Enjoyable Environment – Having good quality, athletics provision is vital to improving participation and ensuring that residents can enjoy the borough and boost their health and wellbeing.</p> <p>This review will therefore, ensure our approach to athletics continues to meet the needs of current and future residents.</p>
<p>Implications:</p> <p>Value For Money Implications'</p>	<p><u>Financial</u> The recommendations ensure that the Council's previous decision is implemented in the most cost effective way.</p> <p><u>Operational</u> The recommendation ensures that the track (and its ongoing management) is delivered.</p> <p><u>Value for Money</u> The recommendations would ensure that the project is undertaken in a way that delivers value for money.</p>
Risk Implications	A detailed project management proposal (including risk assessments) has been put together.
Community Impact	<p>A Community Impact Assessment has been carried out and is available.</p> <p>It found that the project will improve access and availability for athletics and will therefore have a positive impact on the community.</p>
Health And Safety Implications	The construction of the new track and pavilion would be undertaken in line with the Council's health and safety policies and responsibilities. A member of the Health and Safety team would be part of the Project Team.
Monitoring Officer/S.151 Officer Comments	<p><b>Monitoring Officer:</b></p> <p>A preliminary review of the legal title to the site has indicated that there are no apparent legal restrictions for the development of the site; however, there are some title documents which are not currently available at the land registry and therefore further work will be required to locate these documents before a full title report can be produced.</p> <p>As indicated in the report, further planning, ground condition, design work and consultation will be required before a final report is brought back to Cabinet.</p> <p><b>S.151 Officer:</b></p> <p>The viability of relocating the track from its current location in</p>

	<p>Jarman Park to a new site in Grovehill will depend on the net development value of the Jarman site compared with the construction costs at the Grovehill site.</p> <p>The full range of financial implications will need to be considered through the due diligence exercise, and reported back to Members in advance of a decision being made.</p>
Consultees:	<p>Council Leader  Portfolio Holder for Residents and Corporate Services  Chief Executive  Assistant Director – Planning, Development and Regeneration</p>
Background papers:	<p>Cabinet Report ‘Proposal to build a new athletics track and pavilion at Longdean School’ – June 2017</p> <p>Cabinet Report ‘Options for the provision of an athletics track’ – September 2016</p>
Glossary of acronyms and any other abbreviations used in this report:	

## **1. Introduction**

- 1.1 In September 2016, Cabinet “approved that further, more detailed work be undertaken for the possible relocation of the athletics track from Jarman Park to Longdean School, to be funded from the sale of the location of the current track.
- 1.2 In June 2017, Cabinet approved the “design, plan and costing for a new athletics track and pavilion”, which was proposed to be built on the site of Longdean School.
- 1.3 The Council and Longdean School had therefore been discussing the terms under which the new facility would be built, including the impact on the existing dual use agreement (which covers the sports hall and pitch).
- 1.4 However, it has not been possible to come to an agreement that is acceptable to both the Council and Longdean School.
- 1.5 On that basis and following a review of potential alternative sites, this report sets out a proposal to build the new athletics track and pavilion at Cupid Green Playing Fields, Grovehill

## **2. The Case for Change of Location**

### *Reduced Complexity*

- 2.1 The requirement to achieve agreement with the School on a number of complex legal, technical and financial issues has meant that the process of building the new facility has been significantly delayed.
- 2.2 This delay and the associated challenges can happen when having to negotiate with a third party who owns the land (as is the case with a Dual Use Agreement (DUA)).
- 2.3 Building the site on Council owned-land ensures that the Council has full landowner control regarding any future development decisions.

### *Financial Implications*

- 2.4 In order to approve the build of the facility, the School have indicated that they would be looking for an improved financial and management arrangement (compared to the current DUA).
- 2.5 This would have negative financial implications for the Council's management fee of at least £25,000 per year and the figure could be higher depending upon negotiation. The Council could also be required to make further capital investment into the site as a whole.
- 2.6 By relocating the facility, the Council is able to continue to operate the Longdean Sports Centre under the terms of the existing Dual Use Agreement.

### *Community Benefit*

- 2.7 The athletics track would be located next to the cycle hub, APG, tennis courts, and football pitches. This means there is a real opportunity to create a high profile 'sports hub' within the area.
- 2.8 The Council would be able to utilise the café facilities within the hub, which in turn will generate more income and support other clubs.
- 2.9 The proposed site is also situated near four local schools, all of whom could benefit from use of the facility.

### *Disposal of Current Jarman Park Site (Cabinet Report – September 2016)*

- 2.10 The Cabinet Report - 'Options for the provision of an athletics track' (September 2016) set out the case and financial benefits for the decision to relocate the athletics track to a new site.
- 2.11 This proposal would enable the new track and pavilion to be delivered and thus release the site for disposal in line with the Cabinet report.

### **3. The New Site – Cupid Green Playing Fields, Grovehill**

#### *Location*

- 3.1 While the orientation and final design will need to be agreed, it is likely to be located within the pitch area adjacent to the tennis courts at Cupid Green Playing Fields (off Redbourn Road) HP2. This is Council owned-land.
- 3.2 A high level desktop review by specialist consultants has concluded that the site should be suitable; however, additional topographical and geotechnical surveys will be required. This would be in addition to necessary impact assessments regarding issues such as lighting, traffic, ecology and flooding.
- 3.3 The additional survey work is estimated to be £12,500. This is expected to be accommodated as part of the contingency built into overall project costs. The contingency level was set in line with good practice and in discussion with the Assistant Director – Finance & Resources.

#### *Development and Opportunity Costs*

- 3.4 The Cupid Green Playing Fields site is designated as ‘open land’ in the adopted Dacorum Borough Local Plan and therefore it would not be considered as appropriate for the development of new housing.
- 3.5 The primary aim of ‘open land’ areas “is to maintain the generally open character” and initial discussions with the planning service indicate that this proposal would be considered to constitute “open use” in terms of planning policy.

#### *Design*

- 3.6 The design is intended to be the same as previously approved (and it will be orientated to fit the site). Attention will be given to ensuring a satisfactory relationship with nearby residential properties and adequate parking and access arrangements.
- 3.7 Depending on the outcome of the initial consultation with residents and further technical work, a detailed design will be worked up for submission through the planning process and for the purposes of subsequent tender specification.

#### **4. Next Steps – Consultation and Due Diligence**

- 4.1 It is proposed that a two-month consultation process will be held. This will include an online survey, consultation meetings at the site and detailed interviews with key stakeholders, which will include the Highways Authority and Sport England.
- 4.2 The Council will also undertake detailed assessments and survey work necessary to confirm that the location would be suitable for a new track and pavilion.

#### **5. Recommendations**

- 5.1 That Cabinet:
  1. Approve the undertaking of consultation with local residents and key stakeholders on the potential for a new athletics track and pavilion at Cupid Green Playing Fields, Grovehill
  2. Approve the undertaking of necessary due diligence to confirm that Cupid Green Playing Fields, Grovehill is a suitable site for a new athletics track and pavilion
  3. Note that officers will bring a further report back to Cabinet with a final recommendation for the location of the new athletics track following all required due diligence and consultation with residents and stakeholders.