

## RECREATION, LEISURE & OPEN SPACES COMMITTEE - 4 FEBRUARY 2009

### CARVER'S RECREATION GROUND

#### LEGIONNAIRES DISEASE – MEETING YOUR LEGAL REQUIREMENTS

##### 1.0 Introduction

- 1.1 The purpose of this report is to bring to Member's attention the recent changes in legislation concerning the new Health & Safety Offences Act and the new Corporate Manslaughter Act and their effect on public bodies and senior managers.
- 1.2 In the Spring of 2008 the Health & Safety Executive (HSE) published a report into the UK's largest Legionnaires' Disease outbreak in Barrow in Furness, Cumbria during the Summer of 2002.
- 1.3 UK Health & Safety law states that, with regard to your premises, you must take and document necessary precautions to ensure neither staff nor members of the public are at risk from infection by Legionella.
- 1.4 The Government have made changes in the law which will make it easier to make successful prosecutions of organisations failing to adhere to current guidance. They have passed the new Corporate Manslaughter and Corporate Homicide Bill which will apply to corporations including public bodies, and will introduce unlimited fines if it is found that a death followed a serious failing by senior managers.

##### 2.0 Background

- 2.1 In the summer of 2002 an outbreak of Legionnaires' Disease occurred in Barrow in Furness, Cumbria resulting in 175 persons being infected and 7 deaths. The outbreak was traced to infected airborne water droplets spraying from a faulty air conditioning unit in the town's main arts centre.
- 2.2 In 2006 the Council was fined £125,000 for breaching Health & Safety laws and ordered to pay £90,000 costs. The Council's Head of Design Services was cleared of causing the deaths of seven people, but convicted of a breach of Health & Safety law and fined £15,000 for failing to ensure the air conditioning unit at the centre was properly maintained.
- 2.3 The Judge said he would have fined the Council more than £1 million if it had been a company.
- 2.4 In the summer of 2008, cider maker H P Bulmer and its water treatment Contractor were each fined £300,000 and £50,000 costs for breach of Health & Safety laws following a fatal outbreak of Legionnaire's Disease in Hereford resulting in two deaths and 20 members of the public being infected with the Legionella bacterium.
- 2.5 The Legionella bacterium can be found naturally in the water supply but can be spread by airborne water droplets discharged from equipment such as faulty air conditioning units, poorly designed showers etc. If such equipment is not regularly maintained the bacterium will breed and increase the chances of spreading the disease.

### 3.0 Carvers Sports Pavilion – Refurbishment Works

3.1 Following on from the previous report to this Committee on 14 May 2008.

The Council's Technical Officer and appointed Consultants have raised concerns about the existing shower facilities and plumbing generally within the pavilion which was built in 1958. As part of the overall refurbishment scheme, it is proposed to replace the whole of the existing plumbing system and showers with a new system installed to meet current Health and Safety legislation and water company byelaws to prevent Legionnaires Disease.

3.2 A new 32mm water main supply has been ordered and will be installed by the Water Company from the existing 50mm main in Mount Pleasant. This will serve the cricket pavilion, workshops and cricket square and will provide increased water pressure for the new showers and irrigation for the cricket square. The existing main currently also serves the Bowls Club and its irrigation system and the old tennis court pavilion now being used as a Drop In Centre. These will continue to be served by the old main.

3.3 Before the new water main supply can be installed the Water Company require the existing supply to be located and terminated at the point where the supply to the cricket pavilion branches off of the supply to the Bowls Club and tennis pavilion. This is to prevent "dead legs" of pipe work being left in the ground and being a potential source of contamination of the water supply to the remaining buildings being served by the old water main.

3.4 Due to the absence of any plans showing the position of existing service pipes in the ground or under the building this has been extremely difficult and has been likened to "looking for a needle in a haystack". The use of pipe work scanning equipment has been hindered by the presence of several electrical supply cables in the ground adjacent to the pavilion and past repairs of the main carried out using polyurethane pipe. However following much perseverance by the Ground Staff and the Technical Officer a supply pipe has now been located in the Bowls Club area and traced through the ground to a point where it enters the pavilion.

3.5 Now that the route of the original water main has been located the Water Company will be asked to approve the method of disconnecting the old main and work can proceed on installing the new main and refurbishing the shower area and internal plumbing.

3.6 On completion of the works a programme of periodic testing, recording and maintenance will be required to be carried out. The Consultants have been requested to provide a "Schedule of Activities" to cover this work so that this Council and its Officers can demonstrate that they are complying with the Health & Safety legislation relating to the prevention of Legionnaire's Disease.

### 4.0 RECOMMENDATION

4.1 Members are asked to approve the action taken and proposals for safeguarding the future users of the pavilion.

Richard Eldred  
Technical Officer  
26 January 2009