

**ANGUS COUNCIL**

**Housing Committee – 15 January 2004**

**HAZARDOUS MATERIALS**

**REPORT by DIRECTOR OF HOUSING**

**ABSTRACT**

This report advises the Committee of additional duties placed on the Housing Service by recent legislation as regards asbestos management and Legionnaires Disease.

**1. RECOMMENDATION**

The Committee is requested to note the additional duties imposed on the Council under changes to legislation, and its funding implications for the future. Asbestos management and Legionnaires Disease both may have serious health implications for tenants and contractors, and therefore compliance with these new duties is essential.

**2. INTRODUCTION**

The Council's housing stock varies in age from stone built properties dating from last century, to modern houses built in the 1990s. Many changes to legislation have occurred during this period, and one of the major issues regarding Health and Safety is the presence of asbestos, a material which was used extensively in building construction, in many forms, up to the 1980's. It is now considered a hazardous material and covered by legislation.

The Control of Asbestos at Work Regulations (1987) brought in control and management measures for all involved in working with asbestos, and the recent 2002 amendment to these regulations extended the duty to manage asbestos to all property owners where asbestos may be present, with the exception of houses. This duty however, does apply to certain areas of housing, such as common stairwells, closes, sheds, bin stores, garages etc which are not actually houses.

The Housing Service, on behalf of the Council, is therefore required to comply with this legislation as far as it extends within the Housing Property Portfolio. There is also the likely extension of the duty to cover actual houses, possibly during 2004, and of course this will be a major increase in the extent of the duties.

There is also a further duty imposed on the Council's Housing Service,(under Section 16(4) of the Health and Safety at Work etc. Act 1974), by the May 2003 revision to the Approved Code of Practice (ACoP) covering Legionnaires Disease. This disease is caused by the Legionella bacteria, which produces a Pneumonia-like illness which is potentially life-threatening. This bacteria can thrive in locations where water is stored, particularly where it can reach temperatures between 20 and 45 Degrees Centigrade. Particular risks are water storage tanks in roofs, which can warm up in good weather, to create a suitable habitat for the bacteria. The risk is particularly great where the water is stored for some time with no draw-offs, or tanks are uncovered. Up until May 2003 tanks with less than 300 litres (65 gallons) were excluded from the control and sterilisation requirements. This exemption has now been removed, which means virtually all houses with traditional water storage in tanks in the attics (usually 50 gallons) are now included. It will also apply to flatted properties where there are communal water storage tanks in the attics serving more than one house.

### **3. PROPOSAL**

The amendments to this legislation require the Council to comply with these statutory duties, or face possible prosecution under Health and Safety legislation. The following actions are suggested:

- a) Asbestos Management – It will be necessary to compile an Asbestos Register of all areas of the Council's housing stock not specifically occupied as a house. This will require testing to be carried out on any material suspected to contain asbestos, with notes as to its type and location recorded in a dedicated database. This information must be passed to any contractors that the Council employ to carry out work in these areas, to ensure that they are aware of the presence of asbestos and take appropriate precautions. Consideration will also have to be given to the likely extension of the duty to houses themselves. Certain information on asbestos is already held within current databases, but the duty requires more accurate information to be established on potential asbestos types and locations.
- b) Legionnaires Disease – The requirements here are for Risk Assessments to be carried out on all water storage tanks, and other areas, such as areas of pipe work which may harbour bacteria. This may apply to empty properties for instance where there is very little draw off from water tanks, and the water may warm up in periods of good weather to reach the danger zone. The Code of Practice requires appropriate treatments to be carried out on hazardous water storage areas, to ensure that bacteria cannot develop, and in certain circumstances requiring sterilisation. This will apply to all of the Council's housing stock where water storage tanks exist, although no accurate information is available at present. Surveys and risk assessments will be needed to establish just what is required to comply with this Code.

### **4. HUMAN RIGHTS IMPLICATIONS**

There are no Human Rights implications arising from this report.

## **5. FINANCIAL IMPLICATIONS**

These duties will have an impact on the Housing Service budgets, initially requiring staff resources to be dedicated to produce correct data for assessing the problems. A Revenue Bid has been submitted into the budget process for additional resources to cope with this requirement.

## **6. CONSULTATION**

The Chief Executive, Director of Finance, Director of Law & Administration and the Director of Property Services have been consulted in the preparation of this report.

## **7. CONCLUSION**

These revisions to legislation place additional duties on the Council to manage asbestos and control risks of Legionnaires Disease. Both are mandatory, and therefore the Council must take steps to ensure compliance with these duties.

Ron Ashton  
Director of Housing

Note:- No background papers as defined by Section 50d of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information), were relied upon to any material extent in preparing this report.