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Bill Rammell MP
House of Commons
London
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HARLOW SWIMMING POOL

Dear Bill

Thank you for your letter dated 27 November 2007 regarding the above. I apologise for the delay in replying. Hopefully the report for Environment and Community Committee has provided the background and answered many of your questions. I have, however, sought below to respond to the specific questions in your letter.

1. Firstly, I would like to reassure you that no users have been put at serious risk. The two recent Pelling's surveys were undertaken to identify whether there were any foreseeable risks to the future health and safety of the users and staff at the pool, as well as to identify whether the facility would last for a further two years.

Prior to these two surveys and in addition to the normal routine health and safety checks, I understand that Pelling's undertook an external professional survey around 1999/2000 to assess the life of the building and its infrastructure, and to highlight what further works may be required to retain the pool for approximately a further five years. Arising from this works to the fire alarm, hot water system, emergency lighting and roof have been carried out, in addition to routine repairs. I also understand that a survey was undertaken by an organisation called GBG in 2004 on the pool's suspended ceiling, which confirmed that there was no reason to doubt that the support system would not perform satisfactorily for the next two to five years.

2. Pelling's was established in 1977 and is a major multi-disciplinary property and construction consultancy employing approximately 90 staff, with offices in Kent and Hertfordshire. They have been previously engaged by the Council to undertake similar surveys of the pool.

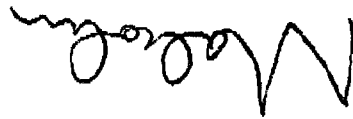
3. There have been no discussions with the Health and Safety Executive, as they would not ordinarily comment on structural surveys unless there had been a major incident. Whereupon, they would assess whether the Council had previously taken

reasonable and appropriate measures to avoid a major incident. For example, the commissioned Pellings report and subsequent closure of the pool.

The Advice of the Equality and Human Rights Commission has been sought on the Council's liabilities regarding the Disability Discrimination Act, and they confirm that the Council must make reasonable adjustments to provide access for all users in accordance with the 1995 Act. As the Committee report correctly points out, failure to now make the reasonable adjustments could place the Council at risk of discrimination claims. This is particularly increasing in view of the 2004 amendments, which require the Council to consider making changes to physical features of premises, and the 2005 amendments, which place an anticipatory duty on the Council to promote equality of opportunity for disabled people and to eliminate discrimination.

As you know a decision to close the pool will not be taken lightly and, if this is the case, the Council will continue to work with local clubs and others to seek to support their access to swimming facilities.

Yours sincerely



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