

Improvement Notice

Serial number I/14072025-SS



Name	Network Rail Infrastructure Ltd.
Address	Waterloo General Office, Waterloo Station, London SE1 8SW
Trading as	Network Rail
Inspector's full name	I, Sophie Smith
Official address	one of His Majesty's Inspectors of Railways, of The Office of Rail and Road, 3rd Floor, Mallard House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX
Telephone number	[REDACTED]
Location of premises or place of activity	hereby give you notice that I am of the opinion that at The facilities at Beeston Modular Switches and Crossings Depot occupied by license by Clarke Chapman Facilities Management Ltd.

you, as an employer,
are contravening the following relevant statutory provisions

The Control of Substances Hazardous to Health Regulations 2002, Regulation 7(1)
The Health and Safety at Work etc. Act 1974, Section 2(1) and Section 3(1)

The reasons for my said opinion are

You have failed to ensure that exposure of your employees and any other person who may be affected by the work carried out by you to legionella bacteria, a substance hazardous to health, from the water systems at Beeston Modular S&C Depot is prevented or, where not reasonably practicable, adequately controlled.

and I require you to remedy those contraventions, or as the case may be, the matters occasioning them, by 19th October 2025,

and I direct that the measures specified in the schedule which forms part of this Notice shall be taken to remedy those contraventions or matte.

Signature

Date / Time

14/07/2025 at 1000

An inspector appointed by an instrument in writing made under section 19 of the Health & Safety at Work etc Act 1974.

This is a relevant notice for the purposes of the Environment and Safety Information Act 1988.

Signature

Date 14/07/2025

Notes

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974. Section 33(2) and Schedule 3A of that Act renders an offender liable, on summary conviction, to imprisonment for a term not exceeding 12 months in England and Wales and 12 months in Scotland, or to a fine unlimited in England and Wales or not exceeding £20 000 in Scotland, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. An Inspector has power to withdraw an Improvement Notice, or to extend the period specified in the Notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the Notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this Notice.
3. The issue of this Notice does not relieve you of any legal liability for failing to comply with any statutory provisions referred to in the Notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this Notice to an Employment Tribunal. Details of the method of making an appeal can be found on the [GOV.UK](https://www.gov.uk) website at <https://www.gov.uk/employment-tribunals/make-a-claim>. An appeal can be submitted either online at the above address, or by downloading Form ET1 and posting it to either the Employment Tribunal Central Office (England and Wales), PO Box 10218, Leicester, LE1 8EG; or Employment Tribunal Central Office (Scotland), PO Box 27105, Glasgow, G2 9JR. If you do not have access to the Internet, contact the person who issues the Notice and ask to be supplied with a hard copy of Form ET1 and guidance note T420: Making a Claim to an Employment Tribunal.

Time limit for appeal

5. A notice of appeal must be sent to the Employment Tribunal within 21 days from the date of service on the appellant of the Notice, or Notices appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days.
6. The entering of an appeal suspends the Improvement Notice until the appeal has been determined or withdrawn, but does not automatically alter the date given in this Notice by which the matters contained in it must be remedied.
7. The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (SI 2013 No 1237).

PUBLIC AVAILABILITY OF INFORMATION ON ALL ENFORCEMENT NOTICES

8. The Office of Rail and Road (ORR) for its own purposes, records and monitors trends in the enforcement action it takes, and in the convictions and penalties imposed by the Courts. It is ORR's policy that this information should be brought to the public's attention. ORR also has a statutory obligation under the Environment and Safety Information Act 1988 to maintain a public register of certain notices. Details from this notice will therefore be placed on the ORR website (www.orr.gov.uk).
9. Information on a notice will not be entered onto the database until after the right of appeal against the notice has expired. Where a notice is withdrawn or cancelled on appeal no entry will be made. Entries relating to notices served on individuals will be kept on the register for a period of 5 years from the date of issue. Notices served on individuals under the age of 18 will be removed sooner.
10. Information may be withheld where, in ORR's belief, its disclosure would:
 - cause harm or prejudice; or
 - be in breach of the law.
11. Personal information is dealt with in accordance with the Data Protection Act 2018. Where disclosure of personal information would be incompatible with the Act it will not be included on the database.
12. If you are not satisfied with the information contained in the entry you have a further right to appeal to ORR in the first instance.

Schedule



Serial No I/ 14072025-SS

To comply with this notice you should:

EITHER

1. Implement a system to ensure that where there is a reasonably foreseeable risk of exposure to legionella bacteria, the use of water systems, parts of water systems or systems of work that lead to exposure is to be avoided so far as is reasonably practicable.

AND

2. Where it is not possible to prevent employees and others from exposure to legionella bacteria implement a system of control measures which are effective in controlling the growth of legionella bacteria in the system and which reduce exposure to water droplets and aerosols.

This system of control should be documented in a written scheme which specifies the measures to take to ensure that it remains effective.

The written scheme should include, with reference to a suitable and sufficient risk assessment:

- a) The legionella risk management structure, including dutyholder, responsible person(s) and their deputies, communication pathways, training and allocation of responsibilities;
- b) An up-to-date plan showing the layout of the water system (a schematic diagram is sufficient);
- c) A description of the correct and safe operation of the system;
- d) The precautions to take, including the following:
 - i. Avoiding water temperatures between 20°C and 45°C and conditions that favour the growth of legionella bacteria and other microorganisms;
 - ii. Avoiding stagnation which may encourage the growth of biofilm;
 - iii. Avoiding the use of materials that harbour bacteria and other microorganisms, or provide nutrients for microbial growth;
 - iv. Controlling the release of water spray;
 - v. Maintaining the cleanliness of the system and the water in it;
 - vi. Using water treatment techniques;
 - vii. Taking action to ensure the correct and safe operation and maintenance of the water system;
- e) Checks to carry out to ensure the written scheme is effective and the frequency of such checks, including the following:
 - i. Checks of the performance and operation of the system and its component parts;
 - ii. Inspection of the accessible parts of the system for damage and signs of contamination;
 - iii. Monitoring to ensure that the treatment regime continues to control the required standard;
- f) The remedial action to take if the written scheme is shown not to be effective.

Schedule



OR

Any other equally effective measures to remedy the said contraventions

Signature

A handwritten signature in black ink is visible within a rectangular box. The signature is cursive and appears to be 'J. Smith'.

Date:

14/07/2025