

# CABINET

DATE 7 MAY 2020.

## ASBESTOS POLICY FOR CORPORATE PROPERTY AND COMMERCIAL ASSETS INCLUDING HOUSING STOCK.

**Cabinet Member(s):** Cllr Simon Clist, Cabinet Member for Housing and Property Services, Cllr Nikki Woollatt, Cabinet Member for working environment and support services.

**Responsible Officer:** Andrew Busby, Group Manager Corporate Property and Commercial Assets.

**Reason for Report:** To provide Members with an updated policy on Asbestos Management.

**RECOMMENDATION:** For Cabinet to adopt the updated Asbestos policy and procedures on our Corporate Property and Housing Stock (Only common areas of domestic properties would be covered under this legislation).

**Financial Implications:** The management for asbestos for Corporate and Housing stock is met by existing operational budgets for planned maintenance.

**Budget and Policy Framework:** The budget for this Asbestos Policy has been accounted in the 20-21 budget and the policy supports the overarching Health and Safety Policy.

**Legal Implications:** The legislation relating to the management of asbestos in the work place can primarily be found in:

- Health and Safety at Work etc. Act 1974 (general duties on employers and management of premises);

The general provisions of the 1974 Act are applicable to the management of asbestos in the workplace, particularly s 2 (duty towards employees), s 3 (duty to non-employees) and s 4 (duty of person having control of premises).

Further relevant legislation can be found within the policy.

**Risk Assessment:** The 2012 regulations prohibit anyone from carrying out work with high risk asbestos e.g. insulation, asbestos coating or asbestos insulating board unless they hold a licence granted by the HSE (Health & Safety Executive). Therefore the Council's own services can only carry out work on non-licensed asbestos. Further detail can be found within the policy.

**Equality Impact Assessment:** There is no negative impact as a result of this policy.

**Relationship to Corporate Plan:** Property assets are linked to the delivery, vision and priorities of the Council. The way that the Council manages its land and property assets has a direct impact on the quality of services delivered, as well as maximising the value derived from our property holdings for the on-going contribution in balancing the Council's budget. To maximise the value derived from all Council property for its stakeholders, by delivering an efficient and fit for purpose corporate property solutions service.

**Impact on Climate Change:** The supply chain will be challenged to confirm that they operate an energy efficient fleet to control our Scope 3 emissions. Routine inspections are being undertaken by our in house Public Health team and is combined with water sampling.

## 1.0 Introduction

1.1 This policy document refers to the Council's arrangements for managing the risks of exposure to asbestos by employees and non-employees within its activities on our corporate portfolio and Housing stock. Under the new structure, responsibility for Housing Stock is now with the Group Manager for Corporate Properties and Commercial Assets. The two previous Asbestos Policies have been amalgamated under this one policy.

1.2 Asbestos was widely used as a building material for many years, particularly between the periods 1950–1980 and can be found in a wide variety of forms, being used in all aspects of the construction process. The use of asbestos products for construction materials is severely restricted today, due to the long-term legacy of illness associated with exposure to the product.

There are six types of asbestos, the main types being:

- white asbestos (chrysotile);
- brown asbestos (amosite);
- blue asbestos (crocidolite).

All types of asbestos are considered dangerous and stringent control limits are set for personal exposure (0.1 fibres per cubic centimetre averaged over a continuous period of 4 hours).

There are a number of problems associated with exposure to asbestos namely:

- asbestos fibres are not detectable to the naked eye;
- the health effects of exposure can be fatal;
- the onset of symptoms is often delayed for decades after exposure;
- there is widespread public concern over exposure;
- asbestos was widely used in the construction industry and will be found in many pre-2000 buildings;
- it is not possible to determine that a material contains asbestos by visual examination;
- by law – exposure has to be rigorously controlled and monitored

It is not possible to identify asbestos by its colour as the age of the product and its combination with other products can alter the appearance.

- 1.3 Approximately 5,000 people die each year from asbestos-related diseases and this number is increasing year on year. Many of these deaths are from working in high risk industries many years ago with the emphasis now being on the maintenance trade. There are now much more stringent controls over the management of asbestos in the workplace to ensure that its presence is identified and an appropriate management plan put into place to prevent exposure.
- 1.4 The legislation relating to the control of asbestos in the workplace is extensive and is supported by Approved Codes of Practice and HSE Guidance Notes. This chapter provides a general overview of how to manage asbestos in the workplace but does not provide guidance as to the safe treatment or removal of asbestos due to the specialist nature of the work and its applicability to a minority of employers, who by the very nature of their business have to be fully aware of the legislative requirements. These employers must be licensed by the Health and Safety Executive to work with asbestos. The Council is not licensed and must therefore employ external properly licensed contractors where required by law.
- 1.5 Asbestos only cause's problems when fibres are released into the atmosphere, such as when it is being worked on, disturbed by nearby maintenance work, or where the material is friable and may suffer abrasion or there are strong air currents. If the asbestos is in a good condition and protected against damage, the danger will be negligible unless the material is being worked on. It should be noted that potentially more problems can be caused by removing sound and protected asbestos than by leaving it in place so, if depending on risk assessment the risk is considered to be low, it is best left undisturbed.
- 1.6 The supply and use of asbestos and asbestos-containing products is prohibited (except for a limited number of specified uses). Asbestos-containing products in use before 1 January 1986 (blue and brown asbestos), 1 January 1993 (other forms of asbestos except white asbestos) and 24 November 1999 (white asbestos) were permitted to be used, but their replacement must be of an asbestos-free material. Once an asbestos material has been removed arrangements must be made for its safe disposal.
- 1.7 The Council is the employer with legal responsibility for health and safety and is the duty holder. Through delegation the Chief Executive has overall responsibility for health and safety including the duty to manage Asbestos. Both must support this policy to manage Asbestos by ensuring the allocation of resources including an adequate budget, suitable and sufficient equipment, personnel, time and training. Ultimately it is the Council with legal responsibility.
- 1.8 The Responsible Person for Asbestos management within our assets is the Group Manager for Corporate Property and Commercial Assets and shall :-

- Maintain an Asbestos Register identifying the locations and types of asbestos that are within the Council's control.
- Make a point of checking the relevant Asbestos Register at the point where works are planned.
- Ensure that adequate resources are made available to enable the arrangements to be implemented. Arrangements include management surveys by competent persons, analysis and removal by a specialist licensed contractors.
- Carry out a risk assessment for all non-license work to confirm if the work is notifiable to the HSE using form ASBNNLW1 form Prepare and revise as necessary the arrangements for managing work involving non licenced asbestos and appoint competent contractors to carry out said work.
- Ensure licensed works involving asbestos are carried out by competent contractors who are licensed with the HSE Asbestos Licencing Unit and that the work is notified to the HSE using the FODASB5 notification form.
- Ensure that where specialist technical expertise in relation to asbestos is not available within the Service, suitable arrangements are made to obtain this information as required.
- Ensure that employees or relevant contractors are provided with all the appropriate information, instruction and training on work being undertaken in areas containing anything suspected of containing asbestos.

## 2.0 Health Effects of Asbestos:

2.1 There are three main types of serious health risks associated with exposure to asbestos fibres:

- **Asbestosis** – chronic obstructive lung disease
- **Lung cancer** – a fatal lung disease
- **Mesothelioma** – a fatal cancer of the outer lining of the lung and the peritoneum specific to asbestos exposure.

2.2 It is recognised that the largest group of workers at risk from asbestos exposure are workers involved in the repair and maintenance, refurbishment and demolition of buildings, including electricians, plumbers, joiners, and computer and telecommunication engineers – people who may encounter asbestos during their normal day to day work activities.

### **3.0 The Policy- Annex A**

- 3.1 The updated policy for Asbestos management can be found attached to this report as Annex A.
- 3.2 For ease of use we have extracted a flow chart from the policy as Annex B that is necessary to ensure our staff are aware and can follow our Asbestos procedures.

### **4.0 Conclusion**

- 4.1 This policy and the related guidance will be reviewed ahead of the stated date if there is a change in the related legislation or if an emerging risk is identified, this is to ensure the Council meets its requirements to protect the wellbeing of the public, and to have the appropriate procedures in place.
- 4.2 Future reporting of this Asbestos policy in the event of no legal change will be reviewed and reported directly via the Health and Safety Committee.

**Contact for more Information:** Andrew Busby Group Manager Corporate Property and Commercial Assets – (01884 234948)

**Circulation of the Report:** Cllr Simon Clist, Cllr Nikki Woollatt, Leadership Team.

#### **List of Background Papers:**

**Annex A:** Asbestos Policy for Corporate Property and Commercial Assets including Housing Stock.

**Annex B:** Flow Chart 1.