



**Corporate Policy and
Resources Committee**

Thursday, 16 June 2022

Subject: Asbestos Management Policy

Report by:

Assistant Director of Finance and Property
Services and Section 151 Officer

Contact Officer:

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Purpose / Summary:

To present the Asbestos Management Policy

RECOMMENDATION(S):

- 1) That Members of the Corporate Policy and Resources Committee approve the Asbestos Management Policy**
- 2) That minor housekeeping amendments to the policy be delegated to the Director of Corporate Services in consultation with the Chairman of the Corporate Policy and Resources Committee**

IMPLICATIONS

Legal: Legislative requirements (details contained in Policy Guidance)

(N.B.) Where there are legal implications the report **MUST** be seen by the MO

Financial : FIN/28/23/SJB

There are no financial implications arising from this report.

(N.B.) All committee reports **MUST** have a Fin Ref

Staffing :

(N.B.) Where there are staffing implications the report **MUST** have a HR Ref

Equality and Diversity including Human Rights : Not applicable

Data Protection Implications : None

Climate Related Risks and Opportunities : None

Section 17 Crime and Disorder Considerations : None

Health Implications: Risk of exposure to asbestos fibre if asbestos containing materials are unmanaged

Title and Location of any Background Papers used in the preparation of this report:

Revision of existing Policy (amended and reformatted)

https://itshared.sharepoint.com/:w:/r/sites/Minerva/CorpDocs/_layouts/15/Doc.aspx?sourcedoc=%7B8620BB16-8645-4238-882A-82BAF048643C%7D&file=Asbestos%20Policy.docx&action=default&mobileRedirect=true&DefaultItemOpen=1&web=1&cid=daf7d101-83df-4653-8f27-ca1c2b7673be

Risk Assessment :

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

x

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

x

Executive Summary

This Asbestos Management Policy and subsequent supporting guidance sets out West Lindsey District Councils procedures to ensure that the Authority actively manages the property estate and commits to compliance with all relevant Health and Safety legislation regarding the management of asbestos containing materials (ACM's).

This Policy, its procedures and approaches, is produced to ensure that the risk from known or suspected ACMs within West Lindsey District Council premises or controlled buildings is adequately managed, so that as far as is reasonably practicable so that no-one will come to any harm from the exposure to Asbestos Fibres.

The Policy's supporting guidance details the responsibilities of the Council, its employees, contractors and regular building users with regards to the legal duty to manage ACMs under regulation 4 of the Control of Asbestos Regulations 2012.

The description, identification and responsibilities of the "Dutyholders" are presented along with the 4 essential steps of compliance, the legislative framework and the emergency procedure to be taken should suspected ACMs be disturbed.

The guidance concludes with advice on Asbestos training, training regimes, guidance for the procurement of contractors and links to further external resource data/information

This document is relevant to our: Council Members, Chief Executive, Directors, Assistant Directors, Managers, Employees, Contractors, Tenants and other building users.

Asbestos Management Policy

Property & Assets

Policy, Guidance, Advice and Support to all Employees who may come into contact with Asbestos Containing Materials (ACMs)

Asbestos Containing Materials

Property and Assets

March 2022

Introduction

This purpose of this policy and subsequent guidance notes is to highlight the Council's approach to the effective management of all asbestos containing materials and to reduce the asbestos related risks to as low a level as is reasonably practicable.

The hazard associated with working with Asbestos Containing Materials (ACM) is that when disturbed, asbestos fibres are released. Asbestos Fibres are known to be the cause of asbestosis (asbestos induced lung fibrosis), mesothelioma (cancer of the pleura or lining of the lung) and bronchogenic carcinoma (lung cancer). It is therefore essential that all legislation and procedures are complied with fully in order to protect everyone

The presence of an asbestos containing material in itself does not constitute a danger. However, there is a potential risk to health if such material is disturbed and damaged. An isolated accidental exposure to asbestos fibres for a short duration is extremely unlikely to result in the development of asbestos related diseases. However, regular exposure – even at relatively low levels – can present a risk.

As well as people employed in the building trades, inadvertent exposure (and consequent risk) can occur in other groups of people e.g. installers of ICT, CCTV, Alarm, and Fire Detection systems etc.

Maintenance, Repair and Refurbishment contracts will also take place in West Lindsey District Council owned premises and it is important, therefore, to have a management system in place that minimises the potential for employee, contractor, tenant and visitor exposure to asbestos.

Signed:

Date:

Property and Assets

Asbestos Management Policy 2022

VERSION CONTROL

WEST LINDSEY DISTRICT COUNCIL

Date March 2022
Document Asbestos Management Policy
Version V..1.0
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Author(s) Team Manager of Property & Assets
Approved To Be Approved

Document History:

Version	Status: Amendment	Responsible Officer	Date
V 1.0		Team Manager Property & Assets	March 22

Review Group:

Version	Review Group	Group Members [Responsibility]	Date of Review
V 1.0	Corporate Health & Safety	Simon Hunt	
	Land & Property Group		
	Management Team		
	CP&R Committee		

Approval

Version	Approved By:	Role	Date

Asbestos Management Policy

West Lindsey District Council

POLICY

March 2022

Policy Statement

This Asbestos Management Policy conforms with the Health and Safety at Work etc. Act 1974 and the Control of Asbestos Regulations 2012. The Policy will apply to all buildings and all individuals employed by West Lindsey District Council, to contractors/subcontractors engaged by West Lindsey District Council and to all West Lindsey District Council tenants.

Our commitment;

As an Authority, we will strive to ensure that we effectively manage asbestos containing materials. We will;

'..actively manage our property estate and commit to comply with all asbestos legislation, Approved Codes of Practice, Health and Safety Executive Guidance Notes and to commit to the safe disposal of any asbestos waste in accordance with the appropriate legislation'.

To achieve this, we will:-

prepare and maintain an Asbestos Register and Asbestos Management Plan on the Councils Computer Aided Assets Management System (CAAMS) ensuring all records are reviewed, kept up to date and accessible to employees and contractors

ensure that any asbestos containing materials that may be present in any West Lindsey District Council building will be maintained in a condition so as to prevent uncontrolled release of fibres and the possibility of any harm to health occurring

ensure that an appropriate asbestos surveying process remains in place, considering the need of asbestos management, refurbishment and demolition surveys in accordance with current legislation.

implement an effective asbestos management strategy in order that appropriate measures such as encapsulation, labelling, inspection, surveying, working with, or removal of, the material can be undertaken.

require tenants to seek advanced permission from West Lindsey District Council Property Services before starting any work which may interfere with the fabric and/or services of the property.

ensure that all contractors and sub-contractors engaged to carry out the removal of/or working on High Risk ACMs in any of the Councils buildings are fully licensed. If materials are lower risk then an unlicensed but competent contractor may be appointed.

ensure that all contractors and sub-contractors engaged to carry out works on any of the Councils buildings are provided with adequate information on asbestos which may be disturbed by their works

ensure that this policy is kept under review and revise in line with any legislative or significant changes

West Lindsey District Council
Guidance Notes
Asbestos Management Policy March 2022

Contents	Page
General Guidance	
Introduction	6
Legal Obligations	6
1. What is and who has the duty?	6
2. What premises are affected?	7
3. How do dutyholders comply?	7
4. Current Legislation	7
5. Removal and working on Asbestos Containing Materials	8
6. Emergency procedures if suspected ACMs are disturbed	8
7. Dutyholder responsibilities	9
8. Training and training regimes	10
9. Procuring Contractors including Consultants and Analysts	11
10. Further Health & Safety Executive Resources	11

General Guidance

Introduction

Asbestos is a naturally occurring silicate mineral found throughout the world. It was commonly used in building materials from the 1950's to the mid 1980's. The importation, sale and use in installations of asbestos was banned in the UK in 1999.

All asbestos has the potential to be hazardous to health if the asbestos fibres are released into the atmosphere and inhaled. The term asbestos is given to a group of minerals of which there are three main types:

- Crocidolite (blue)
- Amosite (brown)
- Chrysotile (white)

There are four main diseases caused by asbestos:

- mesothelioma (which is always fatal)
- lung cancer (almost always fatal)
- asbestosis (not always fatal, but it can be very debilitating)
- diffuse pleural thickening (not fatal)

*'It is estimated that an average of 13 people a day in the UK die from conditions caused by previous exposure to asbestos – more than double the number of people who die on the roads'.
(Source National Asbestos Helpline – why is asbestos still causing thousands of deaths a year)*

Legal Obligations

1. What is and who has the 'Duty'

The duty to manage asbestos is contained in regulation 4 of the **Control of Asbestos Regulations 2012**. It requires the person who has the duty (ie the '**duty holder**') to:

- take reasonable steps to find out if there are materials containing asbestos in non-domestic premises, and if so, its amount, where it is and what condition it is in
- presume materials contain asbestos unless there is strong evidence that they do not
- make, and keep up-to-date, a record of the location and condition of the asbestos- containing materials - or materials which are presumed to contain asbestos
- assess the risk of anyone being exposed to fibres from the materials identified
- prepare a plan that sets out in detail how the risks from these materials will be managed
- take the necessary steps to put the plan into action
- periodically review and monitor the plan and the arrangements to act on it so that the plan remains relevant and up-to-date
- provide information on the location and condition of the materials to anyone who is liable to work on or disturb them

The **dutyholder** is the owner of the non-domestic premises or the person or organisation that has clear responsibility for the maintenance or repair of non-domestic premises, for example through an explicit agreement such as a tenancy agreement or contract.

The extent of the duty will depend on the nature of that agreement. In a building occupied by one leaseholder, the agreement might be for either the owner or leaseholder to take on the full duty for the whole building; or it might be to share the duty. In a multi-occupied building, the agreement might be that the owner takes on the full duty for the whole building. Or it might be that the duty is shared - for example, the owner takes responsibility for the common parts while the leaseholders take responsibility for the parts they occupy. Sometimes, there might be an agreement to pass the responsibilities to a managing agent.

In some cases, there may be no tenancy agreement or contract. Or, if there is, it may not specify who has responsibility for the maintenance or repair of non-domestic premises. In these cases, or where the premises are unoccupied, the duty is placed on whoever has control of the premises, or part of the premises. Often this will be the owner.

2. What premises are affected?

The duty to manage covers all non-domestic premises. Such premises include all industrial, commercial or public buildings such as factories, warehouses, offices, shops, hospitals and schools.

Non-domestic premises also include those 'common' areas of certain domestic premises, such as purpose-built flats or houses converted into flats. The common areas of these premises include foyers, corridors, lifts and lift-shafts, staircases, roof spaces, gardens, yards, outhouses and garages - but would not include the individual flats themselves.

Common areas do not include rooms within a private residence that are shared by more than one household, such as bathrooms, kitchens etc. in shared houses and communal dining rooms and lounges in sheltered accommodation

3. How do dutyholders comply?

There are four essential steps:

1. find out whether the premises contain asbestos, and, if so, where it is and what condition it is in. If in doubt, materials must be presumed to contain asbestos
2. assess the risk from asbestos present in the premises
3. make a plan to manage that risk and act on it
4. provide this information to other employers (eg building contractors) who are likely to disturb any asbestos present, so that they can put in place appropriate control while the work is being done.

There is also a requirement on others to co-operate as far as is necessary to allow the dutyholder to comply with the above requirements.

4. Current Legislation

Under the **Health and Safety at Work etc., Act 1974, (HASAWA)** employers have duties to ensure, as far as is reasonably practicable, the health, safety and welfare of employees and the health and safety of others that maybe affected by the employers undertaking.

The Management of Health and Safety at Work Regulations 1999 (MHSW 1999) requires employers and self-employed people to make an assessment of the risk to the health and safety of themselves, employees and people not in their employment arising out of or in connection with

the conduct of their business and to make appropriate arrangements for protecting these people's health and safety.

The Control of Asbestos Regulations 2012 (CAR 2012) requires that the main aim on the employer is to prevent exposure of asbestos to employees and others who may be affected by the work.

The Construction (Design and Management) Regulations 2015 (CDM 2015) requires the client to pass on information about the state or condition of any premises (including the presence of hazardous materials such as asbestos) before any work begins and to ensure that the health and safety file and asbestos register for the premises is available for inspection by any person who needs the information. It is not acceptable to make general reference to hazards that may exist

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR 2013) covers the accidental release or escape of any substance in a quantity sufficient to cause death, major injury or any other damage to health of any person and also includes the reporting of diseases associated with the release of asbestos.

The Carriage of Dangerous Goods and Use of Transportable Equipment Regulations 2009 (CDG 2009) implements the requirements of the European agreement concerning the carriage of dangerous goods (ADR). The regulations deal with dangerous goods carriage. Asbestos is classified as hazardous waste.

5. Removal and Working on Asbestos Containing Materials (ACMs)

Any ACMs that need to be sealed, encapsulated or removed must be done so by a licensed contractor if the materials are high risk (eg pipe insulation and asbestos insulating panels). If the materials are lower risk (eg asbestos cement sheets and roofing) then an unlicensed but competent contractors may carry out this work.

6. Emergency Procedures if suspected ACMs are disturbed

In the event of ACMs being suspected or known ACMs being disturbed:

- Stop work immediately.
- Prevent spread of asbestos (close windows/doors)
- Vacate and secure the area in order to minimise the risk of spread of materials
- Restrict access into area
- Immediately notify the building manager/responsible person
- Immediately notify West Lindsey DC's Health & Safety Co-ordinator
- Immediately notify West Lindsey DC Property & Assets team
- Notify your line manager/supervisor
- Decide if work is required to make area safe
- Appoint appropriate approved contractor to carry out investigation/remediation work
- Do not attempt to clear up suspect material or collect samples.
- Do not re-enter the area to collect tools or documents etc

The Health and Safety Co-ordinator and Property & Asset team will investigate incidents where there has been an accidental release of asbestos fibers. They will also determine if the release is reportable as a dangerous occurrence in accordance with Reporting of Injuries, Diseases and Dangerous Occurrences Regulations.

7. Dutyholder Responsibilities

6.1 Chief Executive

Will ensure that there is provision for adequate resources and support to enable:

- the services to comply with their duties and specific responsibilities
- the implementation of the policy
- the policy to be fully understood by all

6.2 Directors, Assistant Directors and Managers

Will ensure they:

- fully understand the policy
- identify employees who may come into contact ACMs and that they have a suitable level of information, training and supervision including emergency procedures and risk assessments and that this training, information and supervision is updated as often as is reasonably practicable
- make employees and others aware of the policy
- monitor, enforce and promote the policy
- report to property services any materials suspected of containing ACMs where the material has become disturbed and/or damaged or where staff, contractors and/or subcontractors are likely to undertake work, which may affect that material (with the exception of fly-tipping instances)
- carry out suitable and sufficient risk assessments
- keep all records of asbestos collections and disposal methods. (consignment notes for the hazardous waste must be kept for three years)

6.3 Health and Safety Co-ordinator

Will:

- review the policy annually or if there are significant changes in legislation
- consult with the safety champion group
- horizon scan for future changes to legislation, assess and advise on the impact to the organisation.

6.4 Site/Premise Managers and Responsible Persons

Will:

- be consulted on and assist in developing the policy and risk assessments
- support managers and colleagues in the implementation and adherence of the policy
- assist managers in investigation of work-related incidents

6.5 Employees

Will ensure they:

- recognise their responsibilities under the HASAWA
- avoid any work that may disturb or damage ACMs
- report any materials suspected of containing ACMs where the material has become disturbed and/or damaged or where staff, contractors and/or subcontractors are likely to undertake work, which may affect that material to their line manager.
- comply with the policy

6.6 Property Services

A corporate asbestos register will be maintained by WLDC and held by property services. It will be updated by a competent person on a regular basis or if there are any changes. Copies of asbestos locations will also be kept in relevant buildings.

The asbestos register will record:

- the address and use of the building or premises to which the record relates
- details of the location and type of asbestos
- the condition of the asbestos at the time
- the dates and results of any sampling or monitoring
- any remedial treatment or removal action as may be taken or proposed

If asbestos is found to be in good condition, a decision to leave it in situ will be taken and the asbestos register will be updated with the current information. This will be monitored regularly.

Tenants will be given a copy of the register for the building with regard to asbestos and be reminded of their duties under the Control of Asbestos Regulations.

6.7 Operational Services

Employees within the operational services team will:

- only collect fly tipped non-licensed asbestos waste
- be trained in accordance with regulation 10 of Control of Asbestos Regulations (CAR)
- Work in accordance with the Health and Safety Executive (HSE) Asbestos Essentials Guidance Notes

7.0 Training and Training Regimes

Workers, supervisors and employees must be able to recognise asbestos-containing materials (ACMs) and know what to do if they come across them in order to protect themselves and others.

The **Control of Asbestos Regulations 2012** covers the main laws concerned with controlling and preventing exposure to asbestos.

The regulations apply to anyone who is responsible for the maintenance and repairs of non-domestic premises. This means that the regulations apply to all building owners. Additionally, employers also have a legal duty under the regulations to oversee any work which is liable to expose their employees to asbestos.

Employers must carry out a risk assessment that identifies the presence of asbestos and they must implement adequate control measures. They must also have a written plan of work for any work that could see someone disturb asbestos

There are three main levels of information, instruction and training to consider which relate to:

- **Asbestos awareness** - is for any level of employee who might be exposed to asbestos as part of their job. It is the lowest level of safety training surrounding asbestos and it is intended to train people in the risks surrounding asbestos, how to avoid disturbing asbestos, and the nature of asbestos fibres.
- **Non-licensable work with asbestos including>NNLW** - is a training requirement for employees who work on or disturb asbestos, referred to as non-licensable asbestos work or minor works. Persons requiring this type of training would include those whose work will knowingly disturb Asbestos Containing Materials
- **Licensable work with asbestos** - Any persons carrying out licensable work with asbestos containing materials, as laid down in CAR 2012. This would normally include, but is not limited to, licensed asbestos removal contractors and ancillary trades such as scaffolders who undertake licensed asbestos ancillary work, companies maintaining negative pressure units and class "H" vacuums and those required to enter into enclosures to carry out other ancillary work.

Attending a training course on its own will not make a worker competent. Competence is developed over time by implementing and consolidating skills learnt during training, on-the-job learning, instruction and assessment.

It is important that the level of information, instruction and training is appropriate for the work and the roles undertaken by each worker (and supervisor). Using a training needs analysis

(TNA) will help to identify what topics should be covered to ensure workers have the right level of competence to avoid putting themselves or others at risk.

8.0 Procuring Contractors including Consultants and Analysts

Property services will ensure that:

- Only Health and Safety Executive (HSE) licensed asbestos contractors and United Kingdom Accreditation Services (UKAS) accredited HSE licensed consultants are used by WLDC.
- All relevant staff, contractors and sub-contractors are informed of the presence of any known asbestos, which may affect the works.
- Contractors are to be instructed to consult the Asbestos Register in order to familiarise themselves with the location of any known asbestos in the premises
- The Asbestos Registers are updated as soon as new or revised information is available.

The information held in the register will be used to inform council employees, contractors and others of the presence of ACMs. If a product has been identified as being an ACM and it is in poor condition, a property services officer or where appropriate, an asbestos specialist should carry out a visit to the premises and determine the control measures to be implemented. If a product is in good condition, a decision to leave it in situ is taken. In all situations the asbestos register is updated with the current information.

Where information is made specifically available for contractors, this information sharing exercise will be recorded and records kept on file.

Further Health & Safety Executive Resources

Managing asbestos in buildings - <https://www.hse.gov.uk/pubns/indg223.pdf>

Asbestos: The survey guide - <https://www.hse.gov.uk/pubns/priced/hsg264.pdf>

Managing and working with asbestos - <https://www.hse.gov.uk/pubns/priced/l143.pdf>

Checklist for 'Managing my asbestos' - <https://www.hse.gov.uk/asbestos/assets/docs/checklist.pdf>

Managing my asbestos 'A step by step guide' - <https://www.hse.gov.uk/asbestos/managing/index.htm>

Asbestos Essentials Guidance Notes - <https://www.hse.gov.uk/search/search-results.htm?gsc.q=asbestos%20essentials#gsc.tab=0&gsc.q=hse%20asbestos%20essentials>