

**For publication**

**Asbestos Management Compliance Update (HC000)**

---

Meeting:	Cabinet
Date:	13 March 2018
Cabinet portfolio:	Cabinet Member for Homes and Customers Cabinet Member for Health and Wellbeing
Report by:	Assistant Director – Housing Assistant Director – Health and Wellbeing

---

**For publication**

---

**1.0 Purpose of Report**

- 1.1 To provide Cabinet with an update in respect of the Asbestos Management Compliance Review and to seek approval to adopt a new Asbestos Policy for the Council.

**2.0 Recommendations**

- 2.1 That Cabinet notes the improved position in respect of Asbestos Management compliance and the outstanding work still to be delivered in the associated Action Plan.
- 2.2 That the Asbestos Management Compliance Sub Group continues to oversee the implementation of the outstanding actions set out in the Asbestos Compliance Action Plan and reports progress to the Corporate Health and Safety Committee on a quarterly basis.
- 2.3 That Cabinet approves the adoption of the new Asbestos Policy 2018 – 2021.

- 2.4 That further reports are brought to Cabinet as and when plans, policies, procedures and strategies are prepared, reviewed and updated.

### **3.0 Background**

- 3.1 On 3 November 2015 Cabinet received a report in respect of an Asbestos Management Compliance Review that had taken place in respect of both the Council's non-domestic (Corporate) and domestic (Housing) property portfolios. The purpose of the review, undertaken by Savills on behalf of the Council, was to establish the current status of asbestos compliance in relation to domestic and non-domestic premises, to identify any shortcomings and make recommendations in relation to prioritised actions to ensure best practice. A detailed RAG rated Action Plan formed part of the report. A copy of this report is attached at **Appendix 1**.
- 3.2 In order to deliver the actions contained within this report cabinet approved the establishment of an Asbestos Management Compliance Sub Group, reporting to the Corporate Health and Safety Committee to oversee the implementation of the Action Plan.
- 3.3 Since this time, the Sub Group, assisted by Savills (who have continued to provide consultancy support) have undertaken a significant amount of work in order to deliver actions identified in the Corporate and Housing Action Plans.
- 3.4 The purpose of this report is to provide Cabinet with an up to date position in respect of this work and to seek approval for the first of a series of Asbestos Management related policies and procedures.

### **4.0 Progress**

- 4.1 Overall, good progress has been made in relation to the individual Corporate and Housing Action Plans, with many areas being cross

cutting. In addition there has been improved co-ordination between Housing and the Corporate Health and Safety Unit in respect of asbestos management. Some of the key aspects of these improvements are identified below, together with examples of work that is still required to complete all of the actions.

#### 4.2 Corporate Action Plan (attached at **Appendix 2**)

4.2.1 A comprehensive re-survey programme of the corporate property portfolio is almost complete and the associated survey data will soon be available to view. Specialist consultancy services were procured in order to review and verify the survey information as it was received.

4.2.2 The completed survey data is currently being uploaded onto the Keystone Asbestos Register (which has been extended from Housing Services to include information in respect of the corporate property portfolio) for use by officers in the Health and Safety Unit, Commercial Services, Kier and other contractors when carrying out work to these properties.

4.2.3 There are a number of actions which continue to be developed but are not wholly completed yet, these include the development of a 'Communications Strategy' which will ensure that tenants, lessees and building occupants are provided with more detailed asbestos related information that is suitable for the different individual tenancy types. The provision of this information will demonstrate good practice by informing those who may otherwise accidentally disturb ACM's simply by occupying a commercial tenancy.

4.2.4 Other actions yet to be completed are highlighted in amber at **Appendix 2.**

#### 4.3 Housing Action Plan (attached at **Appendix 3**)

4.3.1 A review of the management surveys of the non-domestic areas (common parts e.g. entrance halls / stairwells / storage areas)

within blocks of flats has been fully completed and an ongoing re-inspection cycle has been agreed on a risk basis. This is the combined risk score based on location of asbestos /likelihood of disturbance e.g. hidden away in inaccessible boiler and the type of asbestos e.g. chrysotile (low risk). The completed survey data (undertaken in 2017) has identified that there are no high asbestos risks in the Housing property portfolio e.g. crocidolite in poor condition and in an easily accessible, high traffic area.

4.3.2 Approximately 40% of all properties / communal areas have had Refurbishment & Demolition surveys carried out in order to ensure that suitable data is available to pass onto Commercial Services and other contractors who carry out works to Housing properties. This information is made available on a web-based system which allows access remotely.

4.3.3 A Communications strategy has been partly developed – with the Council's web-site updated and a leaflet has been published for tenants' information. There are still some other communications elements that require final completion generally in order to disseminate the survey results to tenants in respect of their individual homes.

#### 4.4 Outstanding Actions

4.4.1 There are a number of actions which continue to be developed but are not wholly completed yet these include;

- The procurement of retained asbestos surveying, analytical and removal contractors, for both the Corporate and Housing property portfolios, rather than procuring these services on a project by project basis as is current practice.
- Giving consideration to increasing the current compliance management and auditing structure.
- Finalising a review of the existing compliance documentation and procedures, the first of which is set out below. Additional documents will be brought to Cabinet for adoption as they are

completed, including an Asbestos Management Plan, Communications Strategy.

4.4.2 The Asbestos Management Compliance Sub Group will continue to meet, indefinitely, on a quarterly basis to review and update both the Corporate and Housing Action Plans, discuss and implement any legislative or policy changes, discuss and agree any lessons learned from incidents or near misses and general management about asbestos related risk to the Council.

4.4.3 Asbestos in both the Corporate Property Portfolio and Housing Stock will continue to be re-inspected on at least an annual basis in accordance with the Control of Asbestos Regulations 2012 and the HSE ACOP for Asbestos Management L127.

#### 4.5 Asbestos Policy

4.5.1 Savills, in consultation with the Asbestos Management Compliance Sub Group have developed an Asbestos Policy (attached at **Appendix 4**). This document outlines the Council's controls and responsibilities to manage asbestos effectively and safely in line with the Control of Asbestos Regulations 2012 and Health & Safety at Work Act 1974.

4.5.2 It pulls together all of the information, policies and procedures relating to managing asbestos in the Council's non domestic and domestic properties.

4.5.3 It also sets out the responsibilities for asbestos management and how these are allocated to specific employees and all other employees.

### 5.0 **Financial Implications**

5.1 As part of the procurement process for the Compliance Review, Savills fees allowed for the provision of support with the implementation of the Action Plan and the provision of a full suite

of related compliance documentation for both the domestic and non-domestic property portfolio's, including policies, procedures and an asbestos management plan.

- 5.2 As part of this procurement and contained with the report to Cabinet on 3 November 2015, it was agreed that the associated fees of £39,500 would be met by the Housing Revenue Account, for which a budget of £50,000 is available for consultants / professional services annually.
- 5.3 Any additional assistance in relation to the Corporate Property portfolio resurveys and the implementation of the Keystone Asbestos Register have been procured separately and met by the General Fund.
- 5.4 As outstanding recommended actions arising from the action plan are implemented, further reports and financial implications will be reported to Cabinet as and when necessary.

## **6.0 Human Resource Implications**

- 6.1 There are no human resource implications arising from this report.

## **7.0 Risk Management**

<b>Description of the Risk</b>	<b>Impact</b>	<b>Likelihood</b>	<b>Mitigating Action</b>	<b>Impact</b>	<b>Likelihood</b>
Failure to fully comply with recent changes to related Asbestos Management Legislation, resulting in	High	Medium	Continue to implement actions recommended within the compliance review  Review and	Low	Low

an investigation / prosecution from the HSE			audit as part of an ongoing compliance regime		
Insufficient data relating to the presence of asbestos results in exposure to a building occupant, employee, contractor or tenant	High	Medium	Ensure properties are routinely surveyed, asbestos removed or encapsulated where required and information shared as appropriate	Low	Low

## 8.0 Equalities Impact Assessment (EIA)

8.1 A preliminary Equalities Impact Assessment is attached at **Appendix 5**.

## 9.0 Recommendations

9.1 That Cabinet notes the improved position in respect of Asbestos Management compliance and the outstanding work still to be delivered in the associated Action Plan.

9.2 That the Asbestos Management Compliance Sub Group continues to oversee the implementation of the outstanding actions set out in the Asbestos Compliance Action Plan and reports progress to the Corporate Health and Safety Committee on a quarterly basis.

9.3 That Cabinet approves the adoption of the new Asbestos Policy 2018 – 2021.

- 9.4 That further reports are brought to Cabinet as and when plans, policies, procedures and strategies are prepared, reviewed and updated.

## **10.0 Reasons for Recommendations**

- 10.1 To ensure legislative and statutory obligations in relation to the management of asbestos risk are met.

### **Decision information**

<b>Key decision number</b>	<b>738</b>
<b>Wards affected</b>	ALL
<b>Links to Council Plan priorities</b>	To contribute to the council's priorities to improve the quality of life for local people and to provide value for money services

### **Document information**

<b>Report author</b>		<b>Contact number/email</b>
Peter Bartle		Extn. 5709 peter.bartle@chesterfield.gov.uk
<b>Appendices to the report</b>		
Appendix 1	Asbestos Compliance Review 2015 (Savills)	
Appendix 2	Corporate Action Plan (2018 position)	
Appendix 3	Housing Action Plan (2018 position)	
Appendix 4	Asbestos Policy	
Appendix 5	Preliminary Equalities Impact Assessment	