



**CHESTERFIELD**  
BOROUGH COUNCIL

**Asbestos Policy  
2024-2029**

Amendments

Version	Date	Name	Description
V 0.1 Draft 01	May 2017	J Ransom - Savills	First Pre-Draft Policy (for development).
V 0.1 Draft 02	Sept 2017	J Ransom	Incorporating AMMSG Feedback.
V 0.1 Draft 03	Dec 2017	J Ransom	Incorporating AMMSG + Management Feedback.
Issue 01	13 March 2018	H&S Committee	Final Endorsement by Council H&SC.
1 <sup>st</sup> Review 01	13 Sept 2021	J Ransom	First 3 year review notes
1 <sup>st</sup> Review 02	01 Nov 2021	H&S Forum Group	H&S FG feedback from 22 Sept 2021.
1 <sup>st</sup> Review 03	15 Nov 2021	H&S Forum Group	H&S FG feedback from 9 Nov 2021.
Review 4	June 2022	GI	Updating references, roles and other review changes.
V2	09 Aug 2022	GI	General updates and corrections to reflect current structure
V2.2	June 2023	GI	Removed H&SFG from policy, this is not a formal consultative group. References changed to H&SC. SH, S&RU -Strategic Health Safety & Risk Unit references removed. Replaced with HSR (Health, safety and risk team). CRMG (Council Risk Management Group) references removed – not applicable to H&S policy reviews.

V2.2	August 2023	GI	Note (consultation documentation) for autumn workforce/ TU consultation as per 2023 – 2026 H&S policy review programme
V3	November 2023	GI	Asbestos surveyor post remains apart of plans for the P&TS reshape, but the post remains unfilled. Therefore, references to this role have been removed from the policy at this time. Housing asbestos policy is incorporated into the overarching corporate asbestos policy. Not a stand-alone policy, to avoid duplication of effort.
V3.1	December 2023	GI/P Cottam	<ul style="list-style-type: none"> <li>• Council's domestic asbestos leaflet (advice from SME 'iON consultants' that the document be withdrawn), the current leaflet can create unnecessary anxiety for the reader. A better approach is to signpost the HSE asbestos webpages (Also utilise the asbestos information detailed in the communications protocol).</li> <li>• Note: Asbestos content in tenant handbook has been reviewed</li> </ul>
V3.2	January 2024	GI	<ul style="list-style-type: none"> <li>• Policy coverage (year added).</li> <li>• Revised statement of purpose and scope to make it easier to understand.</li> <li>• Policy approval committee dates added.</li> <li>• LCCW job title correction</li> <li>• Double checked / updated the asbestos document retention periods as per SME advice.</li> </ul>
V3.2	February 2024	H&SC	<ul style="list-style-type: none"> <li>• Policy and AMP documents endorsed (formal consultation) 14.02.24</li> <li>• Final grammar check</li> </ul>

<b>Section</b>	<b>Content</b>	<b>Page</b>
	<b>Amendments log</b>	1
<b>1</b>	<b>Management Information</b>	4
<b>2</b>	<b>Statement of Purpose and Scope</b>	5
<b>3</b>	<b>Key Definitions</b>	5
<b>4</b>	<b>Policy Statements (Practical Intent)</b>	7
<b>5</b>	<b>Monitoring (of this Policy)</b>	10
<b>6</b>	<b>Review Cycle</b>	10
<b>7</b>	<b>Primary Regulation / Legal References</b>	10
<b>8</b>	<b>Glossary of terms and abbreviations</b>	12
<b>9</b>	<b>Version control</b>	12

## 1. MANAGEMENT INFORMATION

<b>Risk Assessment</b>	To define the management of risks from Asbestos Containing Materials.
<b>Consultation</b>	<ul style="list-style-type: none"> <li>• Informal consultation with the workforce (inc. TU safety representatives).</li> <li>• Health &amp; Safety Committee (H&amp;SC).</li> </ul>
<b>Diversity Issues (how diversity impacts have been considered, what action has been taken or that no diversity issues arise).</b>	No Specific Diversity Issues.
<b>Associated Policies Plans &amp; Procedures</b>	Council corporate Health & Safety Policy. Asbestos Management Plan (AMP). Asbestos Specific - Corporate Procedures
<b>Director / Policy Sponsor</b>	Service Director Housing (for Housing). Service Director – Leisure, Culture & Community Wellbeing (for non-domestic property in this directorate) Service Director – Economic Growth (for non-domestic property in this directorate)
<b>Policy Specialist</b>	Strategic Health, safety and risk manager Health & Safety Advisers. External Subject matter experts
<b>Applicable to</b>	All Council services (where applicable), Consultants and Contractors
<b>Responsibility for Implementation</b>	Chief Executive
<b>Policy ‘Owner’</b>	Health, safety and risk service own the policy. The lead professional for H&S the service will direct periodic policy reviews.

## 2. STATEMENT OF PURPOSE AND SCOPE:

The purpose of this policy is to outline Chesterfield Borough Council (Council) controls and responsibilities to manage asbestos effectively and safely in line with the Control of Asbestos Regulations 2012 (CAR) and Health and Safety at Work Act 1974.

This policy applies to:

- All Council employees and contractors (including the Housing Property Services 'in-house' team [HPS]) undertaking asbestos related works, or work adjacent to asbestos containing materials (ACMs);
- All Council properties both domestic and non-domestic (unless otherwise formally agreed with the freeholder/ business tenant/ lessee/ occupier). Notably, the policy covers all domestic rented properties and communal areas (including those to leasehold properties)
- Anyone likely to be put at risk from work in these properties.

## 3. KEY DEFINITIONS:

Term:	Description:
Asbestos	A term for a group of six naturally occurring fibrous minerals; chrysotile, crocidolite, amosite, anthophyllite, tremolite, and actinolite. Asbestos can most typically be found in buildings built or refurbished prior to the year 2000. When asbestos containing materials are disturbed or damaged, causing fibres to be released into the air, if inhaled these represent a potential health hazard. If safely managed, contained and controlled these materials do not present a health hazard.
Asbestos Containing Material (ACM)	Any material containing asbestos. Some examples include pipe and boiler insulation, sprayed on fireproofing, floor tiles and mastic, floor linoleum, roofing materials, wall and ceiling boards, textured coatings (Artex), flues, and ceiling tiles.

Term:	Description:
Dutyholder	<p>The Council, as a corporate body, is responsible for ensuring compliance with Health and Safety legislation, CAR 2012 and that the safe management and mitigation of risk is achieved overall.</p> <p>External contractors and the Housing Property Services (HPS) 'in-house' property maintenance team, also act as individual responsible 'Dutyholder' in respect of asbestos when conducting work directly.</p>
Management Survey	<p>Used to locate asbestos containing materials (as far as reasonably practical) that could be disturbed or damaged, and to help manage ACMs strategically. Often involves only minor intrusive work and localised disturbance in order to obtain samples to test. Results used to conduct risk assessment.</p>
Risk Assessment	<p>Identifying and assessing the hazards and the risk associated with those hazards from exposure to asbestos and determining any necessary precautions (either immediate or longer term). 'The assessment of risk is required by regulation'.</p>
Refurbishment and Demolition Survey	<p>Used to locate all ACM (as far as reasonably practical) by being conducted before any demolition, or intrusive work likely to disturb the fabric of the building is carried out and is specific to the scope of intended works. Surveys are fully intrusive and may involve destructive inspection to gain access to all appropriate areas, including those that are difficult to reach (example: service ducts). Results are used to conduct risk assessments and derive appropriate method statements (referred to as RAMS).</p>
Re-Inspection (ACM monitoring) Survey	<p>Used to monitor the condition of ACMs (identified or presumed at initial/previous survey) to assess the potential for increased risk beyond that initially assessed due to deterioration or physical damage over time. ACMs are assessed at re-inspection by visual inspection against their appearance when initially inspected. The period of re-inspection will vary and is determined by assessing the factors relevant (as set out by the Health and Safety Executive - HSE), including how easily they can be damaged, their location and the occupancy group of the building concerned. Communal areas (like stairwells, landings, lifts etc) are likely be inspected more frequently than a domestic property used by a single family.</p> <p>The re-inspection frequency is set out in more detail within the Council's Asbestos Management Plan (AMP).</p>

## 4. POLICY STATEMENTS (PRACTICAL INTENT):

The Council and its officers will manage ACMs via reasonably practical means to prevent exposure to asbestos fibres.

The Council has a duty of care to ensure that we mitigate (reduce) any risks associated with asbestos to customers/service users, employees, contractors, and members of the public as far as reasonably practical.

The Council will, as the dutyholder, take reasonable steps to locate asbestos containing materials (ACMs) in premises that are likely to contain them, including where it is situated and what condition it is in. If in doubt, dutyholders will presume materials contain asbestos unless there is strong evidence that they do not.

Approved Codes of Practice & Guidance information published by the HSE shall be taken as the adopted compliance standard.

The Council and its officers will have an Asbestos Management Plan (AMP) that sets out how we manage and control the risks from ACMs to employees, customers, contractors, etc. We will annually review and monitor the plan so it remains up to date and relevant, or sooner if suspected it is no longer valid, there has been a significant change to the business or its activities, or there has been a major incident. The AMP is classified as policy guidance for the purposes of review cycles.

The Council will ensure that asbestos surveys are conducted, either Management Survey or Refurbishment and Demolition Survey, as outlined in the HSG264 'the Survey Guide' with the aim to determine and record the location, condition and extent of any presumed ACMs. In addition, that the surveys are only carried out by approved and competent individuals and competent contractors.

The survey strategy for all property constructed prior to 2000 and as set out in the AMP will be to:

- Ensure 100% management survey to the non-domestic (communal) areas associated with our housing, including communal garage blocks externally.
- Implement a pro-active prioritised survey programme of all our domestic properties (typically flats and houses) managed and programmed by the housing directorate under the direction of the housing service director (dutyholder). They will be based upon higher risk asbestos identified in our existing data, or other relevant criteria (age, construction type, etc). Notwithstanding any persistent 'refused access' cases. This protocol will be set out within the AMP and subject to annual review to ensure this remains fit for purpose.
- Ensure 100% management survey to the non-domestic corporate property and areas that we own and retain management responsibility for. These premises will be managed and programmed by the property and technical services team directorate under the direction of the service director for economic growth (dutyholder). Or as otherwise stated on documentation as

under the responsibility of the service director for Leisure, culture and community wellbeing (dutyholder).

- Ensure an initial 100% management survey to the non-domestic corporate property and areas that we own and sub-let\*/devolve on-going management responsibility to the lessee/business tenant for. These surveys to then be passed onto the responsible lessee/ business tenant with which to undertake their own statutory obligations thereafter. This may include corporate/ commercial property sub-let and managed on behalf of the Council, and
- Carry out pro-active surveys where required prior to any work intrusive to the fabric of a building, including planned maintenance, empty homes works and day to day repairs.

*\*This includes any 'community lets' where domestic flats are let on a peppercorn rent to a community group.*

Following risk assessment (typically survey), and where we retain management responsibility, we will re-inspect, re-assess and record the condition of known ACMs at suitable intervals as defined in the AMP. These periodic re-Inspection surveys are to monitor the condition of the ACMs previously identified (or presumed). This is to help ensure that the compliance regime is working appropriately and to identify trends or individual cases where ACMs require additional measures to keep the associated risk within intended tolerance.

The Council will not, unless it becomes a risk to remain in-situ, remove ACMs as this could be more dangerous than leaving them in place. Where removal is the most appropriate option, we will ensure only appropriately trained, equipped, experienced and licensed competent contractors undertake works in the properties for which we have responsibility. We will aim to remove all "high risk" rated ACMs in our properties, or return them to a safe state of repair.

The Council will ensure that where ACMs providing fire, sound or thermal insulation protection are removed, that these are replaced with an alternative material providing similar protection.

The Council will repair or seal ACMs if they are damaged or deteriorating, but only if otherwise in sound condition and unlikely to be subject to further damage, or in a position where they will not otherwise cause a risk to health if left untreated.

**The Council will not label ACMs in either domestic or communal areas of buildings.** This removes anxiety that where relied upon an asbestos 'A' label has not inadvertently been removed or painted over. In **all** circumstances the Asbestos Register should be referred to and consulted.

The Council will follow recommendations contained in the survey report and with reference to the timescales/ cycles defined in the AMP. Any deviation to this will be reviewed with the 'responsible person' and expressly recorded upon the premises' asbestos register.



The Council will record the location and condition of ACMs, or materials we presume contain asbestos and keep those records up to date.

The Council will hold the results from the surveys within premise asbestos registers, which will be made accessible to employees, HPS, contractors and emergency services. This will contain information on the location and condition of all asbestos, or materials presumed to contain asbestos, along with the associated risk assessment and materials confirmed that do not contain asbestos.

The Council will undertake a risk assessment (recorded in the register), in order to appropriately and consistently assess the risk from asbestos being present. This will be based upon the 'material risk score' as well as the 'priority risk score' to comprehensively assess the overall likelihood of anyone being exposed.

The Council will, where a new full survey has been carried out, inform our customers within that property to the presence of ACMs as per the Council's 'Communication protocol'. The Council will also provide generic guidance in the form of the tenant handbook and by other means necessary.

The Council will provide employees with the appropriate level and frequency of training based on their roles and responsibilities based on a training assessment outlined within the AMP. Some asbestos specific roles will also be required to demonstrate appropriate competence.

The Council will investigate all 'near misses' and compliance breaches and where appropriate report asbestos exposure through RIDDOR.

The Council will through the Health, Safety and Risk service and where needed through external consultants will proactively monitor and scrutinise the practical application of the asbestos compliance regime.

Every dutyholder is responsible for ensuring that as a minimum, the ACM records and drawings are reviewed every 12 months. It should also be reviewed if there is reason to believe that circumstances have changed (e.g. there is a change of use of building, work being undertaken, ACMs removed or repaired etc). The plan, including records and drawings, should then be updated accordingly. The dutyholders are best placed to understand their premises with confirmed or presumed presence of ACM within their area of responsibility. They must also ensure that any premises within their area of responsibility is complying with this policy and that an annual check is completed as a minimum.

Hazardous waste consignment notes will be kept for at least 3 years, asbestos air monitoring & 'statements of cleanliness', to be kept for 5 years. All copies of certificates of re-occupation will be retained for 40 years. The timeframe for the retention of survey and reinspection records is an industry recommendation of 6 years. All other asbestos related records including other precautionary measures undertaken and asbestos advice be retained as per standard Council standard document retention periods (e.g. 7 years). All asbestos related medical and health records will be retained for 40 years or until the employee reaches 80 years old.

## 5. MONITORING (OF THIS POLICY AREA):

The Council will monitor this policy to ensure it continues to deliver the expected outcomes. The proactive monitoring programme will include asbestos policy compliance and check adherence to the standards outlined in the policy and AMP documentation.

## 6. REVIEW CYCLE:

The Council will review this policy as a minimum on a **five yearly cycle**, or otherwise when a significant change in work practices need arises. The review programme may also be driven by service improvement initiatives, changes to legislation, regulation, practice, our management structure or systems, or as a result of feedback from key stakeholders/ customers.

The Health, Safety and Risk Team will review the AMP **annually**.

## 7. PRIMARY REGULATION / LEGAL REFERENCES:

### Reference Legislation, Approved Codes of Practice (ACoPs) and Guidance Documentation

The following documents have been identified as being significantly relevant to managing risks from asbestos containing materials, and further information on any document below can be obtained from directly from the HSE.

#### 5.21.1 Legislation & guidance

- The Health and Safety at Work etc. Act 1974.
- Control of Asbestos Regulations 2012 (CAR).
- The Management of Health & Safety at Work Regulations 1999.
- Control of Substances Hazardous to Health Regulations 2002;
- Workplace (Health, Safety and Welfare) Regulations 1992.
- Hazardous Waste Regulations 2005.
- Construction (Design and Management) Regulations 2015.
- Hazardous Waste Regulations 2005;
- Landlords and Tenants Act 1985; and
- HCA Regulatory Framework - Home Standard (to meet all statutory requirements that provide for the health & safety of occupants in their home).

#### Approved Codes of Practice (ACoP) (Health & Safety Commission)

#### 5.21.3 Guidance Documents (Health & Safety Executive)

- HSG 264 – ‘Asbestos: The survey guide’, holds ACoP status.
- The Approved Code of Practice; ‘Managing and Working with Asbestos’ (L143);

- Guidance Document; 'A Comprehensive Guide to Managing Asbestos in Premises' (HSG227);
- HSG247 – 'Asbestos: The licensed contractors' guide.
- HSG248 – 'Asbestos: The analysts' guide' second edition (June 2021).
- HSG189/2 – 'Working with asbestos cement'.
- HSG213 – 'Introduction to asbestos essentials (First Edition)'.
- HSG210 – 'Asbestos essentials task manual (Second Edition)'.
- HSG33 – 'Health and safety in roof work (First Edition)'.  
(Covers asbestos cement roof demolition).

## **6. Related Policies / Procedures / Documentation**

- Asbestos Policy
- Asbestos Survey Procedure
- Asbestos Remediation / Removal Works Commissioning Procedure
- Asbestos Compliance + Quality Audit Procedure
- Asbestos Emergency Procedure
- Communications Protocol: Informing Residents/ Customers about Asbestos
- Asbestos 'No' or Refused Access Procedure
- Health & Safety Policy (and practical procedures)
- Managing contractors Policy; and Respiratory Protective Equipment Policy

**Housing Property Services (HPS) separate Related Procedures**

## 8. GLOSSARY OF TERMS AND ABBREVIATIONS:

ACM -	Asbestos Containing Material
ACOP -	Approved Code of Practice
AMP -	Asbestos Management Plan
CAR -	Control of Asbestos Regulations (2012)
Council -	Chesterfield Borough Council
Customer -	Meaning tenant (including domestic and business/ commercial/ corporate tenants), service user, resident, occupant, shared owner, leaseholder
H&SC -	Health & Safety Committee
HPS -	Housing Property Services. The in-house maintenance team
HSE -	Health and Safety Executive
RIDDOR -	Reporting Of Injuries, Diseases & Dangerous Occurrences Regulations
HSR	Health, Safety & Risk service
TNA -	Training Needs Assessment

## 9. VERSION CONTROL:

<b>This Version number:</b>	V3.2
<b>Health and safety committee - consultation</b>	14 February 2024
<b>Approved by (Employment and General Committee):</b>	25 March 2024
<b>Equality Impact Assessment completed:</b>	14.02.24 revised.
<b>Policy author:</b>	Grant Ilett SME: Peter Cottam (iON Consultants)
<b>Policy owner:</b>	Health, Safety & Risk Service.
<b>Circulation list</b>	Available to all council staff electronically on 'Aspire' (the Council's intranet)

END