

FOR PUBLICATION

ASBESTOS MANAGEMENT COMPLIANCE REVIEW (H000)

AGENDA ITEM

MEETING: 1. CABINET
2. HEALTH & SAFETY COMMITTEE
3. CABINET MEMBER FOR HOUSING IN
CONSULTATION WITH CABINET MEMBER FOR
GOVERNANCE

DATE: 1. 3 NOVEMBER 2015
2. 29 OCTOBER 2015
3. 26 OCTOBER 2015

REPORT BY: HOUSING SERVICES MANAGER – BUSINESS
PLANNING AND STRATEGY AND BUSINESS
TRANSFORMATION MANAGER

WARD: ALL

COMMUNITY FORUM: ALL

KEY DECISION REFERENCE
(IF APPLICABLE): 540

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS:

TITLE: Chesterfield Borough Council – Asbestos
Compliance Review
– October 2015 LOCATION: Business Planning and Strategy –
Housing Services

1.0 **PURPOSE OF REPORT**

1.1 To advise Members of the findings of a recent Asbestos Management
Compliance Review.

2.0 **RECOMMENDATIONS**

- 2.1 That the Asbestos Management Compliance Review and Action Plan be received and implemented.
- 2.2 That an Asbestos Management Compliance Sub Group be established to oversee the implementation of the actions set out within the Asbestos Management Compliance Report and that the Sub Group reports progress to the Corporate Health and Safety Committee on a quarterly basis.

3.0 **BACKGROUND**

- 3.1 Chesterfield Borough Council own and manage a portfolio of domestic and non-domestic premises for which they have to satisfy statutory and legislative compliance obligations to ensure that we are providing a safe environment for building occupiers and tenants. Whilst this report focuses on asbestos management, compliance legislation also relates to fire risk, gas safety, electrical safety, lifts and water.
- 3.2 The relevant primary asbestos management legislation is;
 - The Control of Asbestos Regulation 2012
 - The Health and safety at Work Act 1974
 - The Construction (Design and Management) Regulations 2015

Regulation 4 of the Control of Asbestos Regulations 2012 places a specific obligation upon 'duty holders' (owners and / or those responsible for maintenance) to manage asbestos within non-domestic premises (including common parts of domestic dwellings).

In addition, the Health and Safety Executive (HSE) publish Approved Codes of Practice specifically in relation to asbestos compliance. ACOPL143 'Managing and Working with Asbestos' has special legal status and sets out advice as to how to comply with the law. Whilst not compulsory, HSG227 'A comprehensive Guide to Managing Asbestos' in premises and HSG264 'Asbestos - The Survey Guide' state that if you follow this guidance you will be doing enough to comply with the law.

- 3.3 Both of the Councils non-domestic (Corporate) and domestic (Housing) property portfolios have Asbestos Management Plans in place and carry out asbestos management, re-inspection and refurbishment and demolition surveys to check on the condition of and manage that asbestos.

3.4 In November 2014, as part of a regular review of policies and procedures in relation to all compliance requirements, Housing Services commissioned Savills, through the 'Professional Services Hub' (a procurement framework of which Housing Services are members) to conduct a preliminary audit / review of its asbestos compliance. Given the commonality with the management of asbestos in the corporate 'non-domestic' stock, the review was extended to cover this property portfolio, to ensure consistency in management policies and practices.

3.5 The purpose of the review was to establish the current status of asbestos compliance in relation to domestic and non-domestic premises, identify any shortcomings and make recommendations in relation to prioritised actions to ensure best practice.

4.0 **FINDINGS OF THE REVIEW**

4.1 The Savills Compliance Review Report (attached at **Appendix 1**) acknowledges that good progress has been made over a number of years to address asbestos related risk management in both the Housing and Corporate property portfolios. This is evidenced by the use of specialist surveyors, contractors, accumulated data, operational processes and documentation. However, there also remain a number of areas for improvement which are set below and provided in detail in **Appendix 1 of Savills Report**.

4.2 **Housing:**

4.2.1 Ensure a desk top risk review approach is undertaken when identifying properties for inclusion in the asbestos management survey programme and review the re-inspection cycle.

4.2.2 Further develop Keystone to provide direct access by contractors to survey data and alignment with the compliance regime, ensuring that it is comprehensively updated with removal information.

4.2.3 Develop a 'communication strategy' to provide post survey data to property occupants

4.3 **Corporate:**

4.3.1 A comprehensive re-survey of the corporate property portfolio is recommended

4.3.2 A detailed option appraisal of the current electronic asbestos database be undertaken in order to either enhance or replace the current system

4.4 **Cross Cutting:**

- 4.4.1 Give consideration to increasing the current compliance management and auditing structure, including a review of the existing compliance documentation and procedures
 - 4.4.2 Improve co-ordination between Housing and the Corporate Health and Safety Unit
 - 4.4.3 Procure a single specialist for retained survey / analytical services and a framework of approved sub-contractor arrangements for licensed removal works to ensure improved compliance, service delivery, value for money and data management.
- 4.5 Post completion of the Asbestos Compliance Review, prior to its production and at the time of writing, Savills acknowledge that much progress has already been made in starting to address some of these actions, pending approval of this report.

5.0 **IMPLEMENTATION OF RECOMMENDATIONS**

- 5.1 Savills have produced an Action Plan which provides responses to all of the points raised in relation to their report. For Chesterfield Borough Council to reach a point of robust assurance, the recommended actions need to be approved, implemented as a priority and then reviewed and audited as part of an on-going compliance management regime.
- 5.2 It is recommended that in order to oversee the implementation of the action plan (**Appendix 1 of Savills Report**), an Asbestos Sub Group be established reporting to the Corporate Health and Safety Committee on a quarterly basis.
- 5.3 The Group will comprise of representatives from;
- Housing Services – 2 Representatives
 - Corporate Health and Safety – 2 Representatives
 - Kier Asset Management
 - Representative from Corporate Health and Safety Committee
- 5.4 The sub group may wish to co-opt other representatives or establish time limited working groups as appropriate to work on specific actions. Specific Terms of Reference for the Group will be established as part of the initial meeting.
- 5.5 If implemented in this way, then the asbestos compliance position of the Council will move from limited to full assurance.

6.0 CONSIDERATIONS

6.1 In writing this report we have considered the following standard corporate issues;

- Risk Management
- Financial Implications

7.0 RISK MANAGEMENT

<u>Description of Risk</u>	<u>Impact</u>	<u>Likelihood</u>	<u>Mitigating Action</u>	<u>Residual Impact</u>	<u>Residual Likelihood</u>
Failure to fully comply with recent changes to related Asbestos Management Legislation, resulting in an investigation / prosecution from the HSE	High	Medium	Continue to implement actions recommended within the compliance review Review and audit as part of an ongoing compliance regime	Low	Low
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 FINANCIAL IMPLICATIONS

8.1 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.

- 8.2 As part of this procurement 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.
- 8.3 Any additional assistance in relation to the Corporate Property Portfolio's resurveys and review of the Asbestos Management Register would need to be procured separately and met by the General Fund.
- 8.4 Specific Corporate elements of the action plan not covered by the existing arrangements include;
- Procuring management surveys for the Council's non domestic property portfolio - £93,000 in total. A trial of 33 surveys has already been procured with 4 pilot properties near completion.
 - Conduct a review of the asbestos management database and upgrade as required - £3,000 - £5,000
- 8.5 These additional costs will be met from the Council's Property Repair Fund and allocated back to each individual premise. Premises will be selected for survey on a priority risk based approach will all high and medium risk premises being surveyed during 2015/16 and with low risk premises being surveyed during 2016/17.
- 8.6 As recommended actions arising from the action plan are implemented, further reports and financial implications will be reported to Cabinet as and when necessary.

9.0 RECOMMENDATIONS

- 9.1 That the Asbestos Management Compliance Review be received and implemented.
- 9.2 That an Asbestos Management Compliance Sub Group be established to oversee the implementation of the actions set out within the Asbestos Management Compliance Report and that the Sub Group reports progress to the Corporate Health and Safety Committee on a quarterly basis.

10.0 REASONS FOR RECOMMENDATIONS

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

Further information on this matter can be obtained from Alison Craig on extension 5156, Roger Farrand on extension 5401 or Karen Brown on extension 5293

ALISON CRAIG
HOUSING SERVICES MANAGER – BUSINESS PLANNING AND STRATEGY

KAREN BROWN
BUSINESS TRANSFORMATION MANAGER

Officer recommendation supported.



Signed:

Cabinet Member

Date: 26 October, 2015

Consultee Cabinet Member/Support Member comments (if applicable)