

This report may be of interest to: Health and Safety Forum

ASBESTOS IN COUNCIL BUILDINGS

Accountable Officer: Bev Bithell (Head of Human Resources)

Authors: Les Piascik (Senior Health and Safety Officer) - MK 253839

Colin Luscombe (Senior Estates Surveyor) - MK 252394

John Tweed (Principal Surveyor) - MK 252544

1.0 Purpose

- 1.1 To advise the Council of the urgent need to undertake measures necessary to comply with its statutory health and safety obligations with respect to asbestos.
- 1.2 To detail the resources necessary the undertake these measures and set out a financial appraisal (**Annex E**).
- 1.3 To present the proposed Action Plan (**Annex A**) and Corporate Policy on asbestos (**Annex B**).
- 1.4 To seek the Committee's approval to adopt the above documents as policies and arrangements for Milton Keynes Council.
- 1.5 To set out other proposals for minimising the risks of exposure to asbestos fibres, including:
 - (a) The provision of adequate information and guidance to employees and others
 - (b) The provision of adequate training for employees regarding asbestos.
 - (c) An accurate asbestos survey of Council properties.
 - (d) A computerised asbestos register of all Council premises (**Annex C**).
- 1.6 To propose the appointment of an Asbestos Officer to manage the implementation of the action plan and corporate policy on asbestos (**Annex D**).

2.0 Summary

- 2.1 The likely presence of asbestos in many Council buildings poses a significant health risk to employees, contractors and other persons who work in or use these premises.
- 2.2 In February 1999, the Health and Safety Executive (HSE) determined that the Council did not have adequate systems for preventing the exposure to asbestos fibres of people in buildings under its control and so was contravening its statutory duties under the Health and Safety at Work etc. Act 1974. It, consequently, issued an Improvement Notice requiring action to be taken to remedy this contravention.
- 2.3 The Notice required the Council to prepare urgently, an action plan detailing how it will amend its systems to prevent exposure to asbestos fibres, including an up to date asbestos policy.
- 2.4 A proposed action plan and corporate asbestos policy were developed and sent to the HSE in April. These were reviewed and subsequently the notice was formally lifted.
- 2.5 The HSE made it clear that it will monitor the implementation of the plan to ensure that action is being taken and the agreed timescales are met. They have indicated that a visit is likely in September
- 2.6 Failure to implement the plan within the target dates or to comply with statutory duties may result in further enforcement action being taken against the Council. This might be in the form of a further improvement notice, a prohibition notice or a prosecution.
- 2.7 The action plan sets out a timetable for amending the Council's systems including:
- (e) The preparation and adoption of an up to date corporate asbestos policy
 - (f) The provision of adequate information and guidance.
 - (g) The provision of adequate training for employees.
 - (h) An asbestos survey of the Councils buildings
 - (i) The establishment of an asbestos register.
 - (j) Arrangements for managing asbestos in Council buildings.
- 2.7 This report sets out proposals for implementing the action plan within the prescribed timescales and so enable the Council to comply with its statutory duties and minimise the health risks arising from the presence of asbestos in its buildings.
- 2.8 The asbestos policy will form part of the Council's corporate health and safety policy, ensuring that health and safety standards are applied consistently throughout the organisation and risks to employees and the public are minimised. This is particularly important in a structure of devolved responsibility for health and safety.

2.8 In order to facilitate the implementation of the action plan and corporate asbestos policy effectively and consistently throughout the Council, it is proposed that a Corporate Asbestos Officer is appointed.

3.0 Recommendations

3.1 To approve the action plan and associated timescales.

3.2 To approve the proposed corporate asbestos policy.

3.3 To approve the proposals for training employees.

3.4 To approve the proposals for carrying out an asbestos survey.

3.5 To approve the proposals for an asbestos register.

3.6 To approve the appointment of a corporate asbestos officer.

3.7 To approve the financial resources detailed in the financial appraisal. (**Annex E**).

4.0 Background

4.1 In February the Health and Safety Executive (HSE) served an Improvement Notice on the Council. The Notice required the Council to have adequate systems to prevent the exposure to asbestos fibres of people in buildings under its control. As a result of the Notice, the following action was taken:

(k) An action plan was prepared detailing how the Council proposes to amend its systems to ensure, so far as is reasonably practicable, that persons are not exposed to asbestos fibres.

(l) An up to date corporate policy on asbestos was drafted.

(m) Existing information and guidance on asbestos was revised.

(n) The action plan, revised corporate policy and guidance on asbestos were sent to the Health and Safety Executive in April.

4.2 The HSE has reviewed the action plan, asbestos policy and guidance. Based on these documents, it was able to confirm that the Improvement Notice, had been complied with. Nevertheless, it has stated its intention to monitor the Council implementation of the plan to ensure that it is being followed.

4.2 Failure to implement the plan or to comply with statutory duties may result in further enforcement action being taken against the Council, this might be in the form of a further improvement notice, a prohibition notice or a prosecution.

5.0 Issues and Choices

5.1 The Council has a duty to minimise the health and safety risks to its employees and persons, not its employees, but who might be affected by the way it conducts its undertaking, as well as ensuring the safety of premises within its control.

5.2 It also has a duty to comply with the Health and Safety at Work etc. Act 1974 and the relevant statutory provisions.

5.3 Action Plan

Following compliance with the Improvement Notice, the Council must devote sufficient resources to ensure that the actions set out in the action plan are implemented effectively, consistently and within the timescales agreed with the Health and Safety Executive.

5.4 Asbestos Policy

The Council is required to have an up to date policy on asbestos. The policy attached at **Annex B** has been accepted by the Health and Safety Executive and it is proposed that this policy is formally approved by Committee.

5.4 Provision of Guidance and Information

In order for the policy on asbestos to be effectively implemented, it is essential for all relevant employees and others, such as contractors and school governors to be provided with guidance regarding the Council's arrangements and adequate information on the risk of exposure to asbestos.

Existing information and guidance has been revised and is being sent out to establishments during July.

5.4 Provision of Training

The Improvement Notice required the Council to provide adequate training to employees regarding asbestos. In order to meet this requirement promptly and efficiently, it is proposed to provide asbestos awareness training for the majority of relevant employees before the end of 1999, starting in August. This would be for approximately 600 employees in total and would take the form of a lecture style presentation for about 70 persons per session. Attendance at the training will be mandatory. Other training options have been considered, but given the devolved and varied nature of Council establishments and management support, the proposed approach is deemed to be the most effective.

Specific technical training for small number of specialist staff such as surveyors will also be required.

The cost of the proposed training is estimated at £8000.

5.4 Asbestos Survey of Council buildings

In order to enable the Council to assess and manage the risk from asbestos and prioritise remedial measures, it needs information on which buildings contain asbestos, where it is and its condition.

It is proposed, therefore, that a comprehensive, planned and prioritised survey of relevant non-residential Council buildings is begun in October 1999 and completed for high risk premises by the end of 2000. A separate programme of asbestos surveys for residential property is part of the Neighbourhood Services asbestos policy.

The programme of asbestos surveys for non-residential property will prioritise buildings constructed or refurbished between 1950 - 1980, particularly if they also have a steel frame and/or boilers with thermal insulation and buildings (schools, leisure facilities, blocks of flats) where large numbers of people, particularly children, may potentially be exposed. It will aim to identify those buildings which contain asbestos materials, where the asbestos is located, its form, type and condition. The information so obtained will be entered into the corporate asbestos register.

The option of carrying out the survey work 'in-house' was considered. However, work requires a level of experience and technical resources and expertise which is not available in-house and so this option was felt to be inappropriate. It is recommended, therefore, that a competent contractor be appointed to carry out the survey work.

Where it is possible to link an asbestos survey with stock condition and programmed maintenance surveys this will also be considered and implemented where appropriate.

The Education Department is working towards Asset Management Plans (AMP's) for all schools (106 in total) by December 1999. It is envisaged that the first tranche of asbestos surveys would form a part of that these plans. The cost of the school surveys has been estimated at £120,000.

All other surveys will be over a four year period. The cost of these surveys has been estimated at a total of £60,000 over a four year period and an annual budget of £15,000 is recommended from 1st April 2000 to cover these survey fees and monitoring surveys post April 2004.

All surveys should be completed by 31 March 2004. To minimise the risk of exposure to asbestos fibres, over the survey period, properties will be inspected in priority order.

As a result of the surveys it is likely that additional funds will be required for asbestos management and removal.

5.5 Asbestos Register

It is essential that all information on the presence of asbestos in Council buildings is readily available to persons who need it. This will require a computerised database/register of all Council buildings (residential and non-residential), located centrally and designed to provide a readily accessible record of the location, condition, type, etc. of asbestos materials.

The information for the register will come from existing records and from information gathered from the survey. The cost of software required is estimated at £15000.

Details of the proposal for the register are set out in **Annex C**.

5.6 Managing asbestos - appointment of asbestos officer

In order that the timescales in the Councils action plan are met and the policy on asbestos is effectively implemented, it is proposed that an Asbestos Officer is appointed.

A detailed job description for the post is set out in **Annex D** and it is envisaged that the post would be a permanent appointment, rather than a contractor, and be located in the architects department, for the following reasons:

- (o) The officer will be responsible for managing the corporate arrangements with respect to asbestos throughout the Council and will need to develop close working relationships with all Directorates and establishments.
- (p) The officer will need to have effective control over all maintenance work involving a risk of exposure to asbestos and the contractors carrying out this work. This will involve establishing and reviewing a list of approved contractors.
- (q) There will be an on-going need to manage the asbestos present in Council buildings for the foreseeable future and to monitor and review the Councils arrangements.
- (r) The experience of Hertfordshire County Council which, along with other local authorities, has been required by the Health and Safety Executive to amend its systems, is that such a post is essential for the effective management of the risks from asbestos.

6.0 Implications

6.1 Environmental

Effective systems for controlling asbestos in Council buildings will minimise the risks of it being released into the environment. This will help to fulfil Strategic Aim 4 - To promote a healthy and sustainable environment.

6.2 Equalities

The proposed policies apply to all Council employees and its clients.

6.3 Financial

The cost of implementing the proposals are set at **Annex E** The financial resources required for this are part of the Treasures report to Committee which appears on this Agenda.

Following from the asbestos surveys it is likely that additional funds will be required for asbestos management and removal.

6.4 Legal

The proposed policies will enable the Council to undertake the measures it needs to take to comply with the Health and Safety at Work etc. Act (the Act) 1974 and the Control of Asbestos at Work Regulations 1987.

6.5 Staff and Accommodation

The proposed policies will have a positive effect on the health of staff and public. There are no accommodation issues.

7.0 Conclusions

7.1 Positive action on this matter is essential . The Council is required by law to have adequate systems in place to minimise the risk from asbestos in its buildings and will be subject to regular monitoring from the Health and Safety Executive to ensure that that it fulfils its duties.

7.2 The costs of implementing the asbestos action plan, policy and other proposals set out above are significant and are likely to increase over a number of years as further work is identified.