

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

ASBESTOS IN COUNCIL BUILDINGS

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1.0 Purpose

- 1.1 To advise the Council of the need to undertake measures necessary to comply with its statutory health and safety obligations with respect to asbestos.
- 1.2 To present the proposed Action Plan (**Annex A**) and Corporate Policy on asbestos (**Annex B**) for Committee approval .
- 1.3 To propose delegating the operational decisions on asbestos work to the Property Sub-Committee, within the estimated budget figures included in the paper and in the Budget Report elsewhere on this agenda.

2.0 Summary

- 2.1 The likely presence of asbestos in many Council buildings poses a 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 the notice was formally lifted in June.

- 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:
- (a) the preparation and adoption of an up to date corporate asbestos policy;
 - (b) the provision of adequate information and guidance;
 - (c) the provision of adequate training for employees;
 - (d) an asbestos survey of the Councils buildings;
 - (e) the establishment of an asbestos register; and
 - (f) arrangements for managing asbestos in Council buildings.
- 2.7 This report sets out proposals for implementing the action plan within the prescribed timescales. This will 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.
- 2.9 Policy and Resources Committee needs to formally approve the proposed action but it is recommended that the details of implementation are overseen by the Property Sub-Committee that is proposed to be established at Item 7(a)(ii), within the budget guideline figures set out in this paper and in the report at Section B1 of the agenda.

3.0 Recommendations

- 3.1 The Committee is asked to:
- (a) approve the action plan and associated timescales;
 - (b) approve the proposed corporate asbestos policy; and
 - (c) agree that the detailed implementation of the action plan is overseen by the Property Sub-Committee within the budget guideline figure of £134,000.

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:
- (a) 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;
 - (b) an up to date corporate policy on asbestos was drafted;
 - (c) existing information and guidance on asbestos was revised; and
 - (d) the action plan, revised corporate policy and guidance on asbestos were sent to the Health and Safety Executive in April.
- 4.2 The Health and Safety Executive 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.
- 4.3 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

In order to comply with the Improvement Notice, the Council must approve the Action Plan and 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 Other Aspects of the Action Plan

The details of these need to be overseen by the Property Sub-Committee. A summary of the items is included here for this Committee's information. They include the following:

- (a) Provision of Guidance and Information to employees, school governors and heads, and contractors working for the Council. This has been revised and is being issued as an interim stage but further revisions may be necessary as the programme develops.

- (b) Provision of Training

Plans for training employees are well in hand and training should begin in August. The training will cover 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. Given the devolved and varied nature of Council establishments and management support, the proposed approach, at a cost of £8,000 is deemed to be the most effective of the options considered. Specific technical training for small number of specialist staff such as surveyors will also required.

- (c) 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. As this is specialised survey work, external contractors will need to be engaged.

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, eg in the Housing Survey and the Education Asset Management Survey Plans.

- (d) Asbestos Register

The Council will need to keep proper records to show the results of the survey work and monitor any necessary work arising. The proposed financial appraisal assumes that a separate database will be necessary for this but alternative methods need to be further investigated. Details will be reported to the Property Sub-Committee.

(e) Asbestos Officer

The financial appraisal assumes that a new post will need to be created to oversee this programme of work which will impose a continuing requirement on the authority into the foreseeable future. It may be possible to re-deploy resources to deal with this work and this option should also be explored by the Sub-Committee before a final decision is taken.

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 estimated costs of implementing the proposals are set out at **Annex C**. The financial resources required for this are part of the Treasurers report to Committee which appears elsewhere on the 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 it fulfils its duties.

Background Papers: Correspondence with the HSE