



Corporate Policy

ASBESTOS MANAGEMENT POLICY

Owner:	HR Department	Revision:	V1.0
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1.0 Policy

1.1 Under the Health and Safety at Work etc. Act 1974 and associated Regulations, the North West Leicestershire District Council (the Council) , will endeavour to comply with the Control of Asbestos Regulations 2012, associated Approved Codes of Practice and best practice guidance. The Council recognises its 'duty to manage' asbestos within all its premises, as required under Regulation 4 of Control of Asbestos Regulations 2012. Under Regulation 4 the Council is obligated to identify and record the location and condition of all asbestos containing materials (ACM) and manage and monitor the related risks. This information will facilitate the development and provision of a comprehensive management plan which should be communicated to those affected. This Policy looks to outline the main principles of asbestos management providing for a framework of procedures to comply with the Control of Asbestos Regulations (CAR) 2012.

1.2 The aim of this Policy is to outline the fundamental requirements described within the Councils Asbestos Management Plan, in line with Control of Asbestos Regulations 2012. It will support the implementation of a structured and robust framework which will promote effective asbestos management throughout the Council.

1.3 The Council will make every reasonable effort to identify, manage and monitor all ACMs within their properties ultimately preventing or reducing exposure to asbestos, as far as is reasonably practicable, to all persons visiting, working or living within the Councils properties. These principles will apply to all properties owned or leased by the Council.

2.0 Duty Holder

2.1 As duty holder the Chief Executive recognises their responsibility to ensure that all asbestos containing material falling under their control is managed in such a way as to ensure compliance with the Council's Asbestos Management Policy and relevant statutory requirements and is committed to eliminate, so far as is reasonably practicable, the risk of exposure of persons to asbestos fibres. Where the risk cannot be eliminated, then they will endeavour to reduce any residual risk as low as reasonably practicable and in any case below any relevant statutory exposure limits that might exist.

Duty Holder will ensure that:

- Adequate resources are allocated to allow effective management of ACM within the Council properties and housing stock.
- Reasonable steps are taken to identify materials within council owned/leased premises likely to contain asbestos and check their condition.
- A written record of the location of ACM is maintained and made available to any party liable to disturb it.
- Materials are presumed to contain asbestos unless there is strong evidence to suggest they do not.
- Control measures are implemented to manage and monitor ACM to prevent asbestos fibre release.

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- Only competent persons undertake work on asbestos.
- All work on ACM is planned, monitored, and communicated to interested parties.
- Suitable and sufficient emergency arrangements are in place to deal with unplanned release of asbestos fibres.

3.0 Responsibilities

3.1 Responsible Persons:

Under the CAR 2012 the duty holder has appointed the following roles as Responsible Persons to assist in the day-to-day management of asbestos within the Councils properties:

- i. Strategic Directors
- ii. Head of Housing and Head of Economic Regeneration

3.1.1 These nominated roles have the following responsibility within their area of control:

- Ensure that a suitable and sufficient assessment is conducted as to whether asbestos is or is liable to be present in the premises/housing and that a determination of the risk from that asbestos is made.
- A written plan (Asbestos Management Plan/AMP) identifying those parts of the premises concerned is prepared; and
 - The measures which are to be taken for managing the risk are specified in the written plan.
- These must include adequate measures for
 - Monitoring the condition of any asbestos or any substance containing or suspected of containing asbestos
 - Ensuring that all locations within a building that contain asbestos are suitably marked and their condition monitored.
- Ensuring any asbestos or any such substance containing or suspected of containing asbestos is properly maintained or where necessary safely removed.
- Ensuring that information about the location and condition of any asbestos or any such Substance containing or suspected of containing asbestos is:
 - Provided to every person liable to disturb it; and
 - Made available to the emergency services.
- The plan is reviewed and revised at regular intervals and without delay if:
 - There is reason to suspect that the plan is no longer valid, or
 - There has been a significant change in the premises to which the plan relates.
- The measures specified in the plan are implemented; and
- The measures taken to implement the plan are recorded.

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3.2 Property & Housing Support Staff

Specific members of the Property Services and Housing Asset teams have responsibility for the day-to-day co-ordination of works associated with the management of asbestos. This will include:

- Ensure that any works are undertaken in accordance with an approved safe system of work.
- Ensure the planning of work includes a check of the existing asbestos survey information.
- Ensure all consultants and contractors undertaking work with ACM are competent to do so.
- Co-operating with Duty Holder and responsible persons to ensure that asbestos safety is not compromised.
- Co-ordinate project information with relevant contractors in sufficient time to enable appropriate asbestos surveys to be undertaken, if required, at the planning stage.
- Ensure that all contractors falling under their supervision have received suitable information, instruction, and training to allow the works to be done safely.
- Ensure that no work which could result in the release of asbestos fibres is allowed to proceed until appropriate asbestos information is in place.
- Ensure that all asbestos surveys, removal, and the results of air monitoring are stored on the Councils system.
- Advise Duty Holders and Responsible persons as soon as possible of any issues that may arise with regards to asbestos management.
- Ensure that all work relating to asbestos is monitored and completed as appropriate. i.e., asbestos clearance, air monitoring, four stage clearance certificate, reoccupation letter.
- Maintain and update asbestos Registers.

3.3 Contractors

All contractors must be able to demonstrate their competency with regards to working with ACM. This includes – asbestos removal, testing, surveying, and air clearance.

3.3.1 On all project's contractors shall;

- Plan, manage and monitor their own work.
- Check competency of their workers and contractors
- Train their own employees.

3.3.2 Where works are notifiable under the Construction (Design & Management) Regs (CDM) ensure that Contractors are aware of their duties, appropriate appointments have been made and where appropriate the HSE notified.

4.0 Managing the Asbestos Policy

No new asbestos materials will be used in Council owned premises, this has been a legal requirement since 2000.

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4.1 Where existing installations include Asbestos material, which is sound in good condition, not yet subject to abrasion or deterioration the materials will be left undisturbed, and its condition monitored and periodically assessed as defined.

4.2 Existing installations containing Asbestos materials damaged, deteriorating, or inadequately sealed will either be removed and replaced by suitable material not containing Asbestos, or encapsulated, whichever is the most practical and positive way to prevent the release of Asbestos fibres. Asbestos materials likely to be disturbed by maintenance or other works will be labelled clearly. Council owned properties will initially be surveyed for Asbestos by external consultants.

4.3 The completed surveys will form the basis of an effective management system, the objectives of which are as follows:

- To maintain a register of the nature, position and extend of Asbestos based materials within all premises and update it as and when necessary.
- To eliminate and where necessary effectively control the risk associated with Asbestos in establishments where building users, contractors, members of the public and employees are liable to be exposed.
- To use the register to actively advise customers, contractors, and employees of the location of Asbestos based materials in establishments, to enable them to take the necessary precautions to ensure their safety.

4.4 The surveys will be conducted on both void and occupied properties. All information collected will be disseminated in the correct proportion to the right people to maximise effectiveness. A list of examples follows; however, this list is not exhaustive.

- Building users, customers, employees etc.
- Contractors working in or adjacent to the building (through the works order system or by Asbestos awareness clauses in contract documentation).
- Maintenance Personnel required to prevent deterioration of existing Asbestos On-site.
- New staff.
- Customers, existing and new.
- The Health & Safety Executive.
- The Planning Supervisor where CDM is involved.
- Visitors.

4.5 Levels of competency will be set, and proof of such competency ascertained before people deal with Asbestos related problems or any works undertaken. This will apply to:

- Employees.
- Contractors
- Consultants.

4.6 The Asbestos Register will be regularly updated from information gathered from the surveys. Information will be stored on a computer database and all entries will be accompanied by a suitable location plan.

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4.7 Information contained in the Asbestos Register will be available to Council staff, which in turn will ensure that all necessary information is brought to the attention of all contractors prior to the commencement of any building related works. Where remedial measures are necessary for dealing with Asbestos material, the consultant or contractor employed by the Council must comply with all the relevant current legislation. Such remedial measures will be recorded, and the Asbestos register updated accordingly.

4.8 Where remedial measures are necessary for dealing with asbestos material proper reporting and notification procedures shall be adhered to throughout the operations.

4.9 Where Council employees are directly involved in Asbestos inspections a system for health surveillance will be put into place. Similarly, procedures for monitoring the health of any person who has been exposed to asbestos fibres above the action levels detailed in the CAR 2012 will be established. Health Surveillance Records should be kept for a period of 40 years after the last entry.

5.0 Emergency Procedures

5.1 Discovery of Asbestos

5.1.1 If suspected ACM is discovered the work activity should STOP immediately. The area should be evacuated and sealed off to prevent entry.

5.1.2 The person managing the works shall be notified immediately. Upon notification of the discovery of suspected ACM, the retained Specialist Asbestos Contractor shall be advised so that samples can be taken.

5.1.3 If the material is confirmed as containing Asbestos, an assessment by the Specialist Asbestos Contractor shall be undertaken to determine whether any of the works will result in people being exposed to Asbestos.

5.1.4 If the assessment indicates no exposure is likely, the works may continue. The Asbestos register should be updated. If the assessment indicates that exposure is likely, the Specialist Asbestos Contractor shall make recommendations as to the appropriate action required.

5.2 Inadvertent disturbance of material

5.2.1 In the event of any member of staff or contractor inadvertently damaging a product thought to be an ACM, the process shown in **Appendix A** shall be followed.

5.2.2 The person managing the works will contact the retained specialist Asbestos Contractor, to request attendance to undertake testing and provide advice as to appropriate action.

5.2.3 If emergency work is required to make the area safe, the Premises Manager shall contact the retained Licensed Asbestos Removal Contractor.

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5.2.4 If there has been an uncontrolled release at a concentration that exceeded the appropriate control limits, a record should be made on the employee's personnel record. A copy of this should be given to the employee with instructions that it should be retained indefinitely.

Appendix A: The process for dealing with Emergencies.

6.0 Identifying Asbestos Containing Materials, Assessing and Managing Risk.

6.1 Identification of the presence of asbestos in all the councils' commercial buildings and housing stock shall be established through Asbestos Surveys. These shall be undertaken by a competent person in accordance with the requirements of HSG 264: Asbestos: The survey Guide.

6.2 The purpose of the survey is to allow the council to manage asbestos in its properties. It will provide accurate information on the location, amount, and condition of the ACM. It will allow the preparation of an **asbestos register** for each property, and asbestos plan.

6.3 There are two types of survey :

6.3.1 **Management Surveys:** This is the standard survey. It is used to locate, as far as is reasonably practicable, the presence and extent of any suspect ACM within the building that could be damaged during normal occupancy actions. The survey will involve minor intrusive works and testing of materials.

6.3.2 **Refurbishment and Demolition Survey:** This survey must be undertaken before any refurbishment or demolition work is undertaken. This is a fully intrusive survey used to locate all ACMs within the refurbishment or demolition area.

6.4 The asbestos surveys will include a 'material' and 'Priority' assessment for all ACM. This will provide a risk rating in accordance with HSE guidance. This risk rating will allow the council to determine an appropriate management action plan for the ACM. Asbestos survey details are available on the Councils system.

6.5 The condition of asbestos in building shall be inspected and monitored at least annually by the council. This is to monitor the ongoing condition of the ACM so that timely action can be taken if the material starts to deteriorate and become a risk. These shall be recorded, preferably with the Asbestos Register details.

7.0 Asbestos Management Plan

7.1 For each of the buildings owned/occupied by the Council an asbestos management plan (AMP) shall be developed. The plan will detail the measures that are in place to identify, manage or mitigate risks associated with asbestos. The

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Councils 'Corporate Asbestos Management Plan' document provides further detailed guidance on developing AMP's.

7.2 The plan will include, as a minimum, the details of the site/building; identification of the locations that may contain asbestos; the asbestos register; the asbestos action plan; persons responsible for the plan; communication routes of the plan.

7.3 The asbestos management plan is a 'live document' that is to be regularly reviewed and updated as changes occur or as work is undertaken to the buildings.

8.0 Management of Building Stock – Commercial and Housing.

8.1 General.

8.1.2 No property will be acquired or occupied for or on behalf the Council until the presence or absence of Asbestos materials can be confirmed. If there are no validated records available for examination, an Asbestos survey and report must be completed.

8.1.3 If the presence of Asbestos is confirmed, an action plan shall be developed. The effects of the existence of such materials on proposed building works and potential problems with future occupancy and management of the property should be carefully considered before entering into any agreement to purchase or occupy the building.

8.1.4 Prospective purchasers or lessees of any Council owned property should be advised of any Asbestos materials known to be present.

8.2 Derelict and Abandoned Property

8.2.1 If the building is sound and can be refurbished, it must be effectively secured, and any Asbestos material labelled.

8.2.3 Where damaged or decayed Asbestos is identified, removal by a licensed contractor must be conducted before the building is sealed.

8.2.4 If the building has no future life, Asbestos must be removed by a licensed contractor prior to demolition.

9.0 Working with Asbestos Materials

9.1 Assessment of Exposure

9.1.1 Prior to any work being undertaken on ACM an adequate assessment of the risk of exposure to asbestos shall be undertaken. This shall consider the type of asbestos, the type of ACM, the nature and degree of exposure that may occur and the type of work being done. This will identify controls to prevent or minimise exposure.

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9.2 Maintenance Works

9.2.1 Where works are ordered on an individual property, either as response maintenance, voids or planned works, Contractors will be advised (if known) of the existence of ACMs in the building, its location and type. In practice the contractor will have access to the database and will be able to check the information first hand. In the unlikely event that there is no information, the 'Project manager' will have a survey undertaken. In emergency situations, if the Work must proceed without the survey results, it will be assumed that ACMs are present in the building and the works undertaken accordingly.

9.2.2 Where information is provided it is the responsibility of the contractor to use this information in the planning of the works.

9.2.3 Before any work is undertaken, the contractor must ensure their operative(s) are trained, competent to undertake the work and briefed on the Method Statement for the work.

9.2.4 If no ACM is identified then the works can progress in the normal way under the standard risk assessments and method statements.

9.2.5 Suitably trained and competent contractors may remove certain asbestos Products as non-license works in accordance with the task essentials guide HSG210.

9.2.6 The appointed contractor will assess the works and submit an ASB5 notification to the HSE 14 days before commencing the works; In addition, they must submit a Plan of works in accordance with HSG 247 for agreement with the 'Project manager'.

9.2.7 The Housing Service will only undertake the removal of licensed ACMs in un-occupied premises or in controlled conditions.

9.2.8 On completion of the works the contractor will submit all relevant documents to The Project manager, Including the four-stage air clearance certificate, the waste Consignment notice and re-occupation certificate. This information must be stored on the database.

Note: All air monitoring is to be undertaken by a UKAS accredited surveyor. Separate companies will be employed to undertake asbestos removal and air testing.

9.3 Removal of Asbestos

9.3.1 If the works are "licensable" the contractor will submit a 14-day notification to HSE detailing their plan of work and the dates that the work will be undertaken. The contractor will provide risk assessments and method statements for approval by the 'Project manager.'

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9.3.2 As noted, suitably trained and competent contractors may remove certain asbestos products as non-license works in accordance with the task essentials guide HSG210.

9.3.3 All licensed asbestos removal works must be notified to the HSE and only undertaken by Licensed asbestos removal contractors. The contractor will assess the works and submit an ASB5 notification to the HSE 14 days before commencing the works; in addition, they must submit a risk assessment, method statement and a plan of works for approval by the 'Project manager' in accordance with HSG247.

9.3.4 On completion of the works the contractor will forward all the relevant documents to the Project manager including the four-stage air clearance certificate, the waste consignment notice and re-occupation certificate.

9.3.5 All Survey information must be uploaded on to the system.

Note: All air monitoring is to be undertaken by UKAS accredited surveyors. Separate companies will be employed to undertake asbestos removal and air testing.

9.4 Disposal of Asbestos

9.4.1 All forms of Asbestos waste containing more than 0.1% Asbestos is classified as special waste and can only be disposed of at sites licensed to receive it.

9.4.2 The transfer of Asbestos waste materials is to be only undertaken by appropriately licenced carriers with disposal at a licensed waste site. Appropriate waste transfer notes shall be completed, and copies maintained by the council.

10.0 Compliance

Regulations:

- Control of Asbestos Regulations 2012
- The Hazardous Waste (England and Wales) (Amendment) Regulations 2016
- Control of Substances Hazardous to Health Regulations (COSHH) 2002
- Hazardous Waste (England & Wales) Regulations 2005 (Amendment 2009)
- Housing Act 2004
- Landlord and Tenant Act 1985
- Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Workplace (Health Safety & Welfare) Regulations 1992
- Personal Protective Equipment at Work Regulations 1992
- Gas Safety (Installation and Use) (Amendment) Regulations 2018
- Electrical Equipment (Safety) Regulations 2016
- Construction, Design and Management (CDM) Regulations 2015
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013

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Approved Codes of Practice:

- Approved Code of Practice (ACoP) Managing and Working with Asbestos L143 (Second Edition) 2013

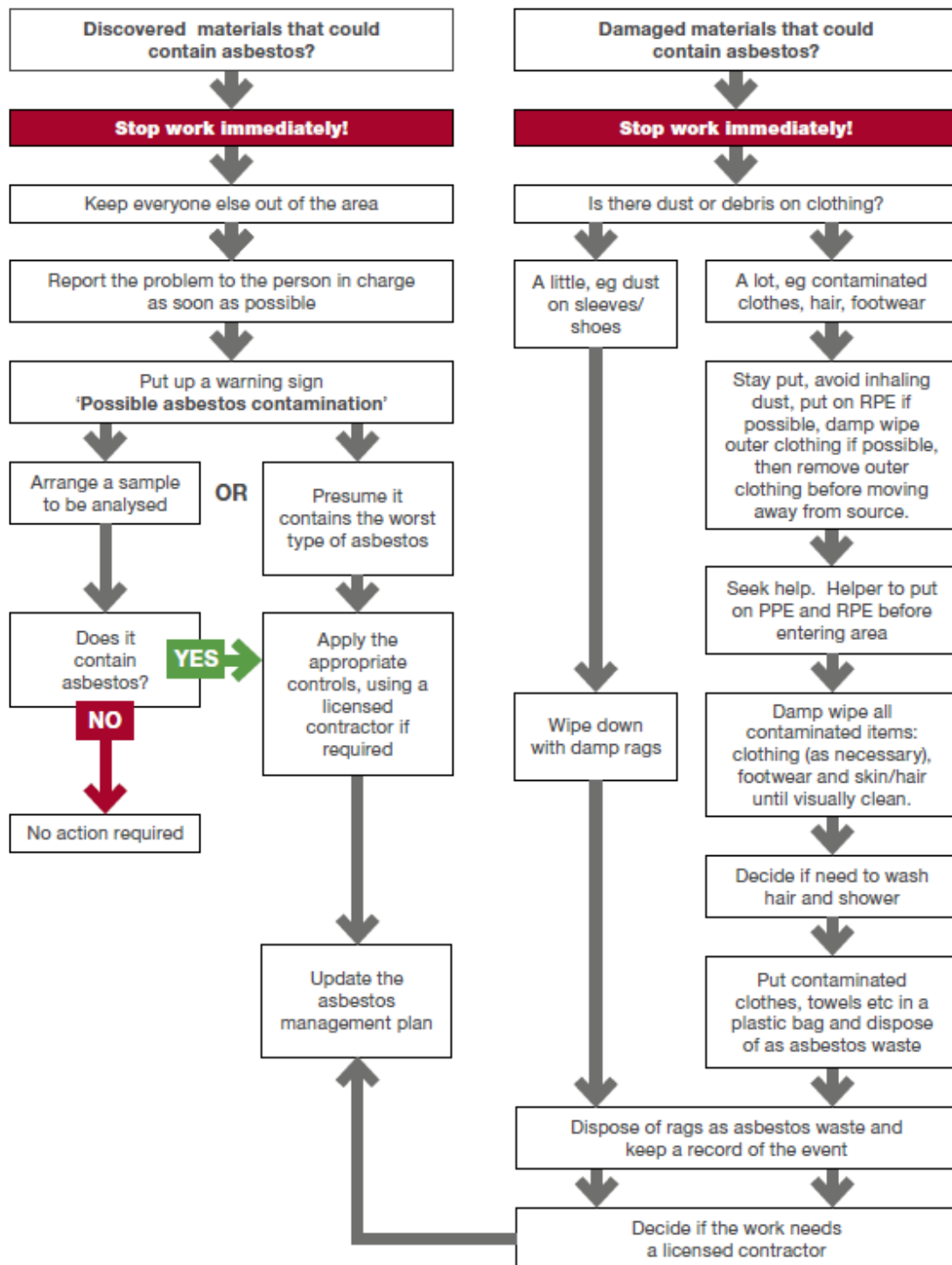
Guidance Notes:

- HSG264 - 'Asbestos: The survey guide' (Second edition 2012, this holds ACoP status)
- HSG248 – 'Asbestos: The analysts guide for sampling, analysis, and clearance procedures' (2nd Edition 2021)
- HSG247 - 'Asbestos: The licensed contractors' guide' (First edition 2006)

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Appendix: A Emergency Procedure

Flow chart



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