

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

30 May 2018

**REPORT OF SENIOR
MANAGEMENT TEAM**

CABINET DECISION

Leader of the Council – Councillor Bob Cook

REVISED ASBESTOS MANAGEMENT POLICY

1. Summary

The Council as a Local Authority has responsibility for the management of asbestos. An Asbestos Management Policy was approved by Cabinet in January 2011 which set out the responsibility, accountability and measures to reduce the risks associated with asbestos in Council buildings to ensure all legislative requirements are fully met. This report revises the previously approved Asbestos Management Policy to reflect current legislation and the changes to management structures and revisions to responsibilities for assets following various reviews.

Asbestos is a mineral that is resistant to heat, fire and corrosive chemicals. There are three main types:

- Crocidolite (blue)
- Amosite (brown)
- Chrysolite (white)

Asbestos is composed of small fibres, which can only be detected by using a microscope under laboratory conditions. Asbestos fibres are hazardous, and principally cause harm to the lining of the lungs when inhaled. As Asbestos ages, weathers or is worked upon, it becomes more “friable” and fibres may be released more easily.

The main aim of the Asbestos policy is to ensure that any asbestos located within Council buildings is managed in accordance with relevant legislation. There will also be a requirement on contactors to demonstrate that all staff have sufficient knowledge to recognise asbestos if they encounter it.

2. Recommendations

- 1 Cabinet approve the revised policy for Asbestos Management as shown in **Appendix 1**.
- 2 Cabinet note the responsible officers within the policies and delegate corporate responsibility for the implementation of the revised policy for Asbestos Management to the Director of Economic Growth & Development.

3. Reasons for the Recommendation(s)/Decision(s)

The Revised Asbestos Management Policy will ensure that the Council has approved formal procedures in place to reduce the risk associated with Asbestos, inclusive of:

- Documented levels of responsibility.
- Risk Assessment, management procedures, monitoring and training requirements all fully defined.
- A Written Scheme/Asbestos Management Plan, for all Council premises.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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RECOMMENDATIONS

- 1 Cabinet approve the revised policy for Asbestos Management as shown in **Appendix 1**.
- 2 Cabinet note the responsible officers within the policies and delegate corporate responsibility for the implementation of the revised policy for Asbestos Management to the Director of Economic Growth & Development.

DETAIL

- 1 The Asbestos Management Policy document details the requirements at Executive Level, for the Day-to-Day management of Asbestos containing materials located in the Councils assets and also Premise Level Responsibility. Defined levels of responsibility are critical to the application of the Asbestos Management Policy
- 2 Asbestos is a mineral that is resistant to heat, fire and corrosive chemicals. There are three main types:
 - Crocidolite (blue)
 - Amosite (brown)
 - Chrysolite (white)
- 3 Asbestos is composed of small fibres, which can only be detected by using a microscope under laboratory conditions. Asbestos fibres are hazardous, and principally cause harm to the lining of the lungs when inhaled. As Asbestos ages, weathers or is worked upon, it becomes more "friable" and fibres may be released more easily.
- 4 The main aim of this policy is to ensure that any asbestos located within Council buildings is managed in accordance with relevant legislation. There will also be a requirement on contactors to demonstrate that all staff have sufficient knowledge to recognise asbestos if they encounter it.

- 5 Specific objectives of the Asbestos Policy are in accordance with the Control of Asbestos Regulations (CAR) 2012:
- To take steps to locate asbestos containing materials and assess their condition;
 - To maintain records of the location and condition of asbestos containing materials found and assess the risk from them;
 - To provide in the form of an 'Asbestos Management Plan', information and advice on the location, type and condition of the material to anyone who could be in a position to disturb it;
 - To undertake comprehensive asbestos surveys prior to undertaking any building refurbishment/demolition works;
 - To ensure that all building managers and contactors appointed by the Council understand the risks involved in disturbed asbestos containing materials;
 - To take all reasonably practicable steps to prevent our employees and others from breathing in asbestos fibres.
- 6 In accordance with current guidelines a comprehensive policy document (**Appendix 1**) has been produced to ensure all legislative requirements are fully met.

COMMUNITY IMPACT IMPLICATIONS

- 7 Not applicable

FINANCIAL IMPLICATIONS

- 8 None, all works funded through existing revenue budgets.

LEGAL IMPLICATIONS

- 9 Detailed as follows:
- Health & Safety at Work etc. 1974.
 - Management of Health & Safety at Work Regulations 1999.
 - Control of Substances Hazardous to Health Regulations 2002.
 - Control of Asbestos Regulations 2012
 - Any fatality arising from a breach of the above Regulations may result in Corporate Manslaughter charges.

RISK ASSESSMENT

- 10 The exposure to Asbestos containing materials is categorised as medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

- 11 This report impacts on the developing strong and healthy communities Policy Principles in the Council Plan by preventing employees and others from breathing in asbestos fibres.

CORPORATE PARENTING IMPLICATIONS

- 12 Report does not contain corporate parenting implications

CONSULTATION INCLUDING WARD/COUNCILLORS

13 Consultation has been completed with all interested parties including the Health & Safety Manager and Service Department representatives.

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Education related No

Background Papers

None

Ward(s) and Ward Councillors:

The risks from Asbestos cover all Council facilities which are located in every ward within the Borough.

Property

The Asbestos Policy will ensure that any asbestos located within Council buildings is managed in accordance with relevant legislation and all employees and contractors working in Council Buildings (owned or leased) clearly understand the risks involved in disturbing asbestos containing materials.