

17th December 2012

Agenda Item: 7

REPORT OF CORPORATE DIRECTOR, ENVIRONMENT & RESOURCES**ASBESTOS CODE OF PRACTICE****Purpose of the Report**

1. To seek endorsement of the Finance & Property Committee for the management of Asbestos new Code of Practice.

Information and Advice**Asbestos Risk**

2. Asbestos is the single largest cause of work-related deaths in the UK, responsible for around 4500 deaths a year. Breathing in high levels of asbestos fibres can result from working on or near badly damaged and disturbed asbestos-containing materials. Exposure to asbestos can increase the chances of developing an asbestos-related disease which in many instances can lead to death.
3. The Committee should be aware that materials containing Asbestos were widely used in the construction of post-war public sector buildings. In addition to possessing excellent fire-retardant properties, asbestos was cheap, plentiful and light to transport. Construction companies were inclined to see asbestos as the building material of choice. Asbestos was therefore widely used in a range of ways in the form of cement, sprayed coatings, lagging and asbestos insulation board.
4. Asbestos cement materials were commonly used as sheeting on walls and roofs, slates, tiles, cold-water tanks, gutters, pipes and for a wide range of other uses. Asbestos materials of this type are commonly found in system-buildings often referred to generically as CLASP buildings. A significant proportion of the buildings in the County Council's property portfolio are of CLASP construction as a consequence of which there is a greater risk of asbestos. It is therefore extremely important that this risk is effectively managed.

Regulations

5. The Control of Asbestos at Work Regulations 2012 apply to anyone at work who has responsibility for maintenance and repair of non-domestic premises, either through a contract or tenancy agreement or because they own the premises. The regulations require action to proactively manage asbestos containing materials in buildings.

6. If any work involving asbestos is carried out in a building, duties imposed on employers to protect their employees are also extended to anyone else who may be affected by the works, including members of the public.

Reasons for Recommendations

7. The recent closure of Cwmcarn School in Caerphilly as a result of asbestos disturbance provides a timely reminder of what can happen when asbestos is not effectively managed. This situation arose from maintenance works when asbestos contamination levels found during a survey were such that the school was closed and the 900 pupils in this school had to be transferred to another school.
8. Given the prevalence of system buildings as well as the age and condition of the County Council's property estate, it is essential to ensure that effective procedures are maintained to avoid exposure to asbestos. The County Council has therefore reviewed current practice and identified a number of improvements to strengthen processes and procedures, and ensure that the authority provides support to staff commissioning building work. The Code of Practice and the 5 form can be accessed from the log-in page of P2 (<http://nottshorison.nottscc.gov.uk>).
9. The key changes being that the Property group in the Environment & Resources department in the County Council will be involved, right from the planning stage, in any work with the potential to disturb asbestos containing materials. Property Group will directly manage **all** work on the Authority's property portfolio that involves removal or disturbance of asbestos. The Property Group will police and enforce the implementation of the new Code of Practice which will require new notification processes. The new approach introduces additional support mechanisms, provided by Property Group, which enables managers to contact Property Careline at the planning stage for advice.
10. The Code of Practice is not enforceable in locally maintained schools, as they have the delegated budgets and freedom to carry out works themselves. However, the new Code of Practice very clearly emphasises their accountability, should schools decide to proceed without the involvement of County Council's Property Group. However, it should be noted that the need for schools to adhere to the Code of Practice has been clearly stressed in order to ensure that asbestos risks are effectively managed by schools in accordance with the prevailing regulations and recommended good practice.
11. The new approach is considered to be more onerous than current arrangements. However, it is essential that new procedures to lead and guide those responsible for the management of asbestos to take appropriate action at each stage of any works that they plan to undertake. This includes completion of notification forms and risk assessments at each stage.
12. The proposals involve implementation of the new Code of Practice, following a launch which is planned to take place in December and which will be supported by a range of training to be provided jointly by Property and Health & Safety Groups. The implementation plan is also available as a background paper.

13. As the proposals involve potentially significant changes for some areas and activities of the Authority, it is felt to be appropriate to require a further review to take place six months after implementation. This will provide an opportunity to further develop and ensure that the new procedures are effective and as practicable as possible for all concerned.

RECOMMENDATION/S

- 1) The Finance and Property Committee is asked to endorse the new Code of Practice.
- 2) A further report is brought to Finance & Property Committee once the review of the new procedures has been undertaken as set out in paragraph 13 of the report.

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Constitutional Comments (HD 7/12/12)

The decision falls within the remit of this Committee.

Financial Comments ()

To follow

Background Papers

- 1) Asbestos Code of Practice
- 2) Asbestos Code of Practice - Implementation Plan

Electoral Divisions and Members Affected

All