

Committee(s): Enforcement, Environment and Housing	Date: 8 December 2020
Subject: Housing Asbestos Policy	Wards Affected: All
Report of: Tracey Lilley	Public
Report Author/s: Name: Julian Atkin Telephone: 01277 312 500 E-mail: julian.atkin@brentwood.gov.uk	For Decision

Summary

Brentwood Borough Council were subject to a Health and Safety Executive (HSE) review into some compliance areas in 2019.

As part of this review, we were found to be effectively managing the risk across all areas of compliance but had areas requiring improvement in relation to Asbestos Management. We were working to an asbestos Standard but did not have an asbestos policy in place.

The Housing Department began working alongside the HSE to build upon our compliance, taking advice and guidance from them on where improvements could be made to our compliance management.

One main area of focus was the request to implement an Asbestos Policy for Asbestos Management which is available to the whole housing department.

We had been managing asbestos via a prior waiver using two Basildon Council asbestos contractors. In September 2020 we procured two new asbestos contractors to work in partnership with Brentwood Council, to continue from the existing asbestos surveys and re-inspections of all our housing stock to help populate our Keystone Asbestos database which is a regulatory requirement under Control of Asbestos Regulations 2012.

It was agreed that this standard would become the baseline for our management to develop and produce a full asbestos policy that would be taken to a future appropriate committee following completion.

Recommendation(s)

Members are asked to:

R1. To approve the Asbestos Policy

Main Report

Introduction and Background

1. The Housing department began working with the HSE to review some areas of compliance and a part of that review was that Brentwood Council would develop and produce an Asbestos Policy.
2. Since this time, we have been working with Basildon Council's Asbestos contractors under a waiver to remove licensed asbestos and undertake associated asbestos surveys and testing of our communal blocks and adhoc tests for site specific works.
3. In June 2019 Axis our new Term Contractor won a repairs and maintenance contract with Brentwood as their partnering contractors to provide repair and maintenance to all our housing stock. This also included using their asbestos contractor for the agreed removal of all non-licensed asbestos.
4. We procured and awarded two new asbestos contractors In September 2020. One of the contractors undertake agreed asbestos surveys and any necessary testing of all our domestic properties while ensuring they resurvey the communal block to set anniversary dates. The other contractor was placed to remove all licensed asbestos which is notified to the HSE. We have ensured value for money and service level agreements have been set.
5. In 2020 we have been developing the Keystone Delivery modules which collate, analysis and produce reporting streams for areas of compliance including asbestos. We are working with our new asbestos testing contractor to provide agreed levels of asbestos surveys of all our housing stock. We are now at the point where we can populate our system to generate a fully comprehensive asbestos register. We are also developing an application for instant and remote access to this data for our staff and contractors alike.
6. In September 2020 we have instigated a full time Brentwood repairs team which includes the monitoring, evaluation and development of Brentwood's asbestos policy and procedures. The Council's Corporate Health and Safety Advisor and newly appointed Compliance Manager have written an Asbestos Policy Nov 2020 for approval to comply with the HSE recommendations as set out in the Control of Asbestos Regulations 2012.
7. The policy outlines how Brentwood Council where reasonably practicable can prevent the exposure to asbestos fibres of any employee, tenant, or contractor through the use of effective control measures and work methods supported by

training of employees, control and manage risks due to asbestos. We will control and reduce exposure to fibres by undertaking assessments of our housing stock and will either monitor if undisturbed, remove or encapsulate asbestos where the assessment indicates this is necessary via our licensed and unlicensed asbestos contractor's.

8. The policy would also cover the Control of Asbestos Regulations 2012 in which we would appoint Duty Holders, to take reasonable steps to determine by survey, the location and condition of materials likely to contain asbestos, develop and keep up to date records of the location and condition of asbestos containing materials (ACMs), assess the risk of anyone being exposed and monitor and review the condition of ACMs.

Issue, Options and Analysis of Options

9. In order to continue our improvement and effectively manage Asbestos Management a full policy is more encompassing than the existing Standard and meets the requirements of the Control of Asbestos Regulations 2012.
10. It can be underpinned with procedures which can be changed and is a published approved document which can be made available to the public.

Reasons for Recommendation

11. To ensure that the Housing Department has documentation to support the delivery of their Asbestos Management responsibilities, processes, and procedures and to comply with Control of Asbestos Regulations 2012.

Consultation

12. Consultations have taken place with The Tenant Liaison Group and the Council's Health and Safety Committee.

References to Corporate Plan

13. Drive continuous improvement of our housing services
14. Continue a service improvement programme to ensure our services are delivered efficiently.

Implications

Financial Implications

Name/Title: Jacqueline Van Mellaerts, Director of Corporate Resources
Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk

As part of the management of the Council's Housing Revenue Account and General Fund assets; revenue and capital budgets are identified for asbestos works. The maintenance and upkeep of an Asbestos register will support the Council's asset management plan and the allocation of financial resources in the long term to ensure Council assets are adequately maintained and insurance risks are minimised.

Legal Implications

Name & Title: Amanda Julian, Corporate Governance Solicitor & Deputy Monitoring Officer
Tel & Email: 01277 312500 / amanda.julian@brentwood.gov.uk

The Council acknowledges it has a statutory duty under the Control of Asbestos at Work 2012 (CAR 2012) to manage Asbestos Containing Material's (ACM's) within its premises. The policy attached details how the Council will discharge its duties.

The Council will prevent its employees, building users and any person to whom it owes a duty of care from respiratory exposure to asbestos fibres from ACM's within its premises so far as reasonably practicable.
By adopting the policy the Council also mitigates its risk of challenge.

Economic Implications

Name/Title: Phil Drane, Director of Planning and Economy
Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk

The safe management of asbestos is an important requirement that will have indirect economic benefits for those directly employed in that specialism and the wider construction and development sectors.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

Health & Safety Implications

Name & Title: David Wellings, Health & Safety Advisor
Tel/Email: 01277 312500 david.wellings@brentwood.gov.uk

The Asbestos Policy builds upon the existing framework and provides better risk management, as well as determine a stronger compliance position for the Council, our tenants and building users.

Background Papers

Appendices to this report

Appendix A: Asbestos Policy Nov 2020