

# Corporate Asbestos Policy

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Approved by:

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## Glossary of Terms

- **ACM** – “Asbestos Containing Materials” are any mixture which contains one or more of the fibrous silicates defined as asbestos at more than trace amounts, this includes raw asbestos, asbestos insulation, asbestos coating or asbestos insulating board.
- **ACOP** – Approved code of practice
- **AIB** – “Asbestos Insulating Board” means any flat sheet, tile or building board consisting of a mixture of asbestos and other material. The term “AIB” may be used even if the board is not used for insulation. For instance it may still be AIB when used structurally, e.g.; wall partitioning.
- **Asbestos** - any of the following fibrous silicates: actinolite, amosite, anthophyllite, chrysotile, crocidolite and tremolite.
- **CDM** - Construction (Design and Management) Regulations 2015 impose legal duties on Clients, Designers, and Contractors for all construction projects with the aim to minimise the likelihood of accidents through improved planning and management of Health and Safety. The regulations cover a broad range of activities such as building, demolition and site clearance. They also extend to other activities including; renovation, redecoration and maintenance.
- **CAR2012 – Control of asbestos regulations 2012**
- **HSG 264** – “Asbestos: The Survey Guide” published by the HSE, aimed at people carrying out asbestos surveys and people with specific responsibilities for managing asbestos in non-domestic premises under the Control of Asbestos Regulations 2012. The book covers competence and quality assurance and surveys, including: survey planning, carrying out surveys, the survey report and the duty holder’s use of the survey information.
- **PPE** – Personal Protective Equipment, for example: overalls, gloves and footwear
- **Risk assessment** - The assessment of risk required by regulation 6 of the Control of Asbestos Regulations 2012.
- **RPE** - Respiratory Protective Equipment, specialised breathing equipment (disposable or otherwise) that filters asbestos fibres to prevent them being taken into your lungs. Not to be confused with standard dust masks which are not a sufficient protection.
- **UKAS** - The United Kingdom Accreditation Service who provides accreditation to asbestos consultancy companies for inspection and testing.
- **L143** - Managing and working with asbestos – ACOP for working and managing asbestos

## 1. Introduction

1.1 Harlow Council provides services to a substantial asset portfolio across a wide mix of tenures – customers, leaseholders and shared ownership.

1.2 This document should be used by all employees, customers, contractors and stakeholders of Harlow Council to understand the obligations placed upon Harlow Council to maintain a safe environment for their customers and employees within the property of each customer.

1.3 This Policy is a stand-alone document supported by a procedural document which, itself, must always be read in-conjunction with this policy document to ensure the procedural document is read and delivered in context.

1.4 This document will be stored on Harlow Council intranet for ease of access by Harlow Council staff and officials. External customers will also be available to view it via Harlow Councils' internet portal.

1.5 This Policy should be read in conjunction with other Harlow Council Policies, such as the Electrical Safety Policy, Repairs Policy, and other relevant safety policies.

## 2. Scope

2.1 This Policy applies to:

2.2 All housing Stock owned or managed by Harlow Council, which includes both individual properties and communal areas and exteriors of flat blocks.

2.3 All non-housing (commercial) stock owned or managed by Harlow Council where the responsibility for asbestos management has not been transferred to the leasee by the terms of the lease agreement and/or the responsibility for Health and Safety of all persons as stated in the Health and Safety at Work Act 1974.

2.4 The aim of this policy is to protect all Harlow Council employees, contractors, subsidiaries, and members of the public from exposure to asbestos fibres. It sets out our approach to mitigating the risks associated with domestic buildings owned or managed by Harlow Council.

## 3. Policy Statement

3.1 As owners and managers of homes, Harlow Council has a duty of care to ensure that residents and visitors can use the relevant buildings and facilities safely.

3.2 Due to the age and design of both housing and non-housing stock, asbestos containing materials (ACM) have the potential to exist in many of its properties.

3.3 Harlow Council has a duty to comply with the Control of Asbestos Regulations 2012 and the Health and Safety at Work Act 1974, supplemented by all relevant ACOPS (Approved code of practice).

3.4 This policy should be read in conjunction with other relevant policies, such as the gas safety policy, electrical safety and lightning protection policy and solid fuel policy.

#### **4. Our Commitment**

4.1 Keeping residents safe from harm is paramount. There is legislation and regulation relevant to health and safety, which Harlow Council will comply with.

4.2 This document details the standards required for the control of asbestos containing materials, where appropriate, within Harlow Council owned and managed rented properties, and specifies how we will comply with them. It will be made available to all tenants and agents of Harlow Council, including contractors and employees of Harlow Council.

4.3 Harlow Council will comply with this Policy and the associated Procedure and any other relevant guidance in so far as it will meet the requirements laid out in these policies in relation to the control of asbestos containing materials.

#### **4.4 Contractors Approvals**

Harlow Council will instruct a qualified, accredited and/or competent contractor to survey, remove, and analyse any material considered to potentially contain asbestos.

4.5 All agents of Harlow Council - employees, contractors or sub-contractors – shall report any issues they find in a property which may pose a risk to the tenant(s) and/or visitors to the property to the compliance team at [asbestos@harlow.gov.uk](mailto:asbestos@harlow.gov.uk). This will include areas of risk outside of the scope of works they are at the property to carry out.

#### **4.6 Sub-Contractors Approvals**

Any contractors and subcontractors working on our behalf will be appropriately qualified, accredited and/or competent to do the work they are carrying out.

Contractors are obliged to let the Compliance Team know of any sub-contractors they intend to use. Confirmation may be sought by Harlow Council at any time.

4.7 All agents of Harlow Council - employees, contractors or sub-contractors – shall report any issues they find in a property which may pose a risk to the tenant(s) and/or visitors to the property to the compliance team at [asbestos@harlow.gov.uk](mailto:asbestos@harlow.gov.uk). This will include areas of risk outside of the scope of works they are at the property to carry out.

#### **4.8 Risk Assessments**

Risk assessments are to be undertaken by the appointed contractor for elements of works as required.

#### **4.9 Safety Guidance**

All contractors engaged for works associated with the control of asbestos containing materials by Harlow Council will have available the following documentation;

- Harlow Council Asbestos Policy
- Harlow Councils Health and Safety Policy

#### **4.10 Services Area Asbestos**

##### **Domestic Properties**

4.10.1 Domestic properties will be considered per archetype and a management survey considered periodically where insufficient survey data is held on file (including archetypal).

4.10.2 Any works that will potentially disturb the fabric of the building will be subject to an appropriate asbestos refurbishment/demolition survey prior to any works commencing.

4.10.3 Periodic asbestos condition checks will be carried out with a particular focus on areas known to contain higher risk ACM's such as AIB.

4.10.4 Harlow Council will arrange for an asbestos survey prior to works commencing on a domestic property where currently no survey exists, or the existing survey is insufficient. The suitability of an existing survey must be assessed by the contractor carrying out the works required.

##### **Domestic Communal Areas**

4.10.5 Domestic communal areas will at a minimum have an asbestos management survey in place. All recommended actions from this survey will be considered and appropriate action taken.

4.10.6 Any works that will potentially disturb the fabric of a building will be subject to an appropriate asbestos refurbishment/demolition survey prior to any works commencing.

4.10.7 An annual re-inspection will take place on buildings containing confirmed or presumed ACM.

##### **Non-Domestic**

4.10.8 Non-domestic premises under the control of Harlow Council will at a minimum have an asbestos management survey in place. All recommended actions from this survey will be considered and appropriate action taken.

4.10.9 Any works that will potentially disturb the fabric of a building will be subject to an appropriate asbestos refurbishment/demolition survey prior to any works commencing.

4.10.10 An annual re-inspection will take place on buildings containing confirmed or presumed ACM.

##### **Removal of ACMS**

4.10.11 Removal of ACMs will take place when they are damaged, worn, or in the way of required repair, maintenance or refurbishment works.

4.10.12 ACMs that are discovered to have potential to become an exposure risk due to everyday use will be removed if the risk cannot be mitigated.

4.10.13 Harlow Council will only use appropriately trained contractors for work on asbestos.

### **Air Monitoring**

4.10.14 Air monitoring/sampling will be carried out as required by UKAS accredited analytical contractors

### **Accidental Exposure**

4.10.15 In case of accidental disturbed ACM on any of Harlow Councils assets the guidance from HSE document EM1 (appendix A) will be used.

4.10.16 The incident should be reported to Harlow Council housing asbestos surveyor as soon as is reasonably practicable.

## **5. Tenant Responsibilities**

5.1 The tenant **must** allow Harlow Council, or an appointed Contractor, access to all areas of the property for the purpose of carrying out Asbestos Surveys, removals, and repairs. Failure by the tenant to allow such access will be in breach of the terms of their tenancy agreement and can potentially result in serious injury, loss of life or revocation of the tenancy agreement.

## **6. Audit, Compliance and Review**

6.1 The Compliance and Contract manager has responsibility to ensure that the Control of Asbestos Regulations 2012 are adhered to by all Harlow Council staff and Contractors.

6.2 The Contracts and Compliance Manager has responsibility to ensure that contractors are compliant with all relevant Health and Safety legislation in their region.

6.3 Annual reviews of Contractor health and safety procedures are carried out, as well as regular reviews of contractor compliance and performance.

## **7. Policy Details**

### **Domestic Properties**

7.1 Domestic properties will be considered per archetype and a management survey considered periodically where insufficient survey data is held on file (including archetypal).

7.2 Any works that will potentially disturb the fabric of the building will be subject to an appropriate asbestos refurbishment/demolition survey prior to any works commencing.

7.3 Periodic asbestos condition checks will be carried out with a particular focus on areas known to contain higher risk ACM's such as AIB.

7.4 All void properties will have an asbestos management survey carried out as a minimum, where an existing report is not held, or an existing report is deemed insufficient.

7.5 Removal of asbestos containing materials will be carried out in accordance with the Control of Asbestos Regulations 2012 by a licenced asbestos removal contractor.

### **Non-Domestic Properties**

7.6 The duty to manage is directed at those who manage non-domestic premises (for example; shops and common areas): the people with responsibility for protecting others who work in such premises, or use them in other ways, from the risks to ill health that exposure to asbestos causes.

The duty holder has the following responsibilities:

- Take reasonable steps to find out if there are materials containing asbestos in non-domestic premises and if so, its amount, where it is and what its condition is.
- Presume materials contain asbestos unless there is strong evidence that they do not.
- Make, and keep up-to-date, a record of the location and condition of the asbestos containing materials – or materials which are presumed to contain asbestos.
- Assess the risk of anyone being exposed to fibres from the materials identified.
- Prepare a plan that sets out in detail how the risks from these materials will be managed.
- Take the necessary steps to put the policy into action.
- Periodically review and monitor the policy and the arrangements to act on it so that the policy remains relevant and up-to-date.
- Provide information on the location and condition of the materials to anyone who is liable to work on or disturb them.

### **Housing – Communal Areas**

7.7 The duty to manage covers all non-domestic premises, including the communal areas of flat blocks.

7.8 Non-domestic premises also include those “common” areas of certain domestic premises: purpose-built flats or houses converted into flats. The common areas of such domestic premises might include foyers, corridors, lifts and lift-shafts, staircases, roof spaces, gardens, yards, outhouses and garages – but would not include the flat itself. Such common areas would not include rooms within a private residence that are shared by more than one household such as bathrooms, kitchens etc. in shared houses and communal dining rooms.

## **8. Legislation**

8.1 This policy operates within the context of regulatory legal frameworks as follows:

- Health and Safety at Work Act 1974;
- Landlord and Tenant Act 1985;

- The Control of Asbestos Regulations 2012.
- Management of Health and Safety at Work Regulations 1999;
- Equality Act 2010

8.3 Operatives and engineers will also comply with any other relevant Building Regulations and appropriate industry Standards.

8.4 Under the terms of all Harlow Council tenancy agreements, tenants must “allow the Council, or its Agents, access to the property (including accompanying land) at reasonable written notice (usually 24 hours) for the following purposes:

- to carry out repairs, alterations, improvements and maintenance work to the property or a neighbouring property;

Recourse to legal action to ensure access is provided by customers will be considered where appropriate. This may include:

- Injunctions (all types);
- Warrant of entry;
- Other legal remedies including Possession Orders and Environmental Protection Orders (EPO's)

## 9. Reporting Responsibilities

9.1 The guide to the levels of responsibilities within Harlow Council is:

**The Chief Executive is the Duty Holder** with ultimate responsibility for ensuring that Harlow Council complies with its obligations under current legislation. He is supported by the **Property Services Manager** to ensure there is an adequate system in place for managing the risks.

**The Head of Finance** will be responsible for ensuring that all appropriate funding is available for essential maintenance and testing.

Health and Safety advice will be provided by the **Health and Safety Advisor for Harlow Council**.

**The Contracts and Compliance Manager** from within the Property Services Section of Harlow Council will manage the contract provider through the relevant staff appointed within Harlow Council.

**The Housing Property Asbestos Surveyor** is responsible for ensuring that policies and procedures are up to date and liaising with the relevant contractors on changes in legislation and advising the Contracts and Compliance Manager accordingly.



## 10. Equalities Statement

10.1 Harlow Council recognises that it operates in a community within which there is wide social diversity, and are committed to providing equal opportunities and valuing diversity.

10.2 Through the management of our stock we aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status.

10.3 Harlow Council will enable all tenants to have clear information and equal access to our available services and we will publish information in a range of appropriate languages and formats when requested.

10.4 This policy has been designed to be fully inclusive regardless of the ethnicity, gender, sexuality, religious belief, or disability of service users or residents.

## 11. Related Policies

11.1 Persons may find the following policies useful

- Asset Management (in development)
- Void Management Policy (in development)
- Repairs Policy
- Electrical Safety and Lightning Protection Policy
- Lift Policy
- Gas Safety Policy

11.2 More information about Asbestos Safety can be found on The HSE Website <https://www.hse.gov.uk/asbestos/>

## Key Contact

**For comments in relation to this policy and its development please contact the**

**Housing Property Services Team:**

Telephone: 01279 446378

Email: [asbestos@harlow.gov.uk](mailto:asbestos@harlow.gov.uk)

Post: Housing Property Services Team, Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG

**For information on Asbestos Safety within our housing stock:**

Telephone: 01279 446378

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Post: Housing Property Services Team, Civic Centre, The Water Gardens, Harlow, Essex, CM20 1WG