

**CORPORATE ASBESTOS MANAGEMENT PLAN**

**FINANCE, MODERNISATION & PERFORMANCE (COUNCILLOR  
CHRIS WEAVER) AGENDA ITEM: 4**

---

**Reason for this Report**

1. The following report is provided to seek Cabinet Approval for the Council's Corporate Asbestos Management Plan, which determines how the Council will manage asbestos going forward.

**Background**

2. Asbestos has been banned in the UK since 1999, prior to this it was extensively used in construction due its versatility, including its strength and fire resisting properties. It is estimated that over 500,000 public buildings nationally built before 2000 still contain asbestos which must be managed in line with the Control of Asbestos Regulations 2012.
3. In Cardiff all asbestos records for Council premises have been reviewed over the past 12 months and a revised management plan drafted to ensure the Council has robust standards for the management of this high risk material.
4. Schools are regarded as the highest risk premises, as children are at greater risk from exposure to asbestos fibres than adults. The HSE are currently reviewing asbestos management across schools nationally, two schools in Cardiff were reviewed by the HSE in the Summer Term. The HSE identified improvement required in the standard of asbestos surveys and training. Both issues which are addressed in the Corporate Asbestos Management Plan.
5. The Council has recognised the need to improve Asbestos Management and have invested in an internal Corporate Asbestos Team to support Building Managers, Headteachers, technical teams and contractors in managing asbestos safely. The issue has been detailed on the Corporate Risk Register, with regular updates on progress made.

**Issues**

6. The Corporate Asbestos Management Plan details responsibilities throughout the organisation in relation to asbestos. The main risk of

exposure arises from building maintenance or refurbishment work and in this regard those service areas/individual officers who undertake or commission work which affects the fabric of a Council Building have particular responsibilities within the Corporate Asbestos Management Plan to ensure that the required asbestos checks are undertaken **before** work commences. In order to discharge these responsibilities all asbestos training is now provided in-house, with a dedicated training facility being opened early in the New Year, which will provide UKATA (UK Asbestos Training Association) accredited training to employees and framework contractors.

7. Asbestos Surveys have been the main area of improvement required and the Corporate Asbestos Management Plan details the new in-house asbestos surveying arrangements. All paper based asbestos records have been digitalised and all future asbestos surveys will be available digitally and will be a live survey which will be regularly updated. The red arrow in the screen shot below indicates where all asbestos information is now held on RAMIS, this information is now available to contractors prior to them attending site.



8. The Corporate Asbestos Management Plan details arrangements for monitoring the condition of asbestos left in situ. The HSE advise that asbestos in good condition should remain in place, however if asbestos is in a location which is prone to damage i.e. in school stairwells, measures should be taken to remove or encapsulate the asbestos to protect from damage. The presence of asbestos within a premises leads to increased maintenance and building improvement costs and in this regard, in particular in schools, it is sensible to consider an asbestos removal programme, which ultimately reduces the risk in the longer term.
9. Work on Asbestos materials is strictly controlled and is closely monitored. Where work on low risk asbestos can be undertaken safely in-house with appropriately trained staff, using the correct equipment following safe methods of work, this will be supported by the Health and Safety Team. This ensures that buildings can be managed efficiently in line with HSE guidelines.
10. All incidents involving potential asbestos exposure are investigated fully and will be reported to the Health and Safety Advisory Forum. Ongoing monitoring and review is required by the Corporate Asbestos Management Plan to ensure the effectiveness of the preventative and protective measures in place to avoid exposure to asbestos.

#### **Local Member consultation**

11. The Corporate Asbestos Management Plan has been consulted and approved by Members via. the Health and Safety Advisory Forum, who

have received regular updates on the asbestos management development over the past 12 months.

### **Reason for Recommendations**

12. The Corporate Asbestos Management Plan is recommended to be approved by Cabinet in order to meet statutory requirements as well as protect against asbestos exposure in Council premises.

### **Financial Implications**

13. The report does not refer to any additional financial implications and it is assumed that any costs relating from implementation of the Corporate Asbestos Management Plan will be met within available resources.

### **Legal Implications**

14. The Control of Asbestos Regulations 2000 (the Regulations), made under the Health and Safety at Work Act 1974, impose duties upon the Council in relation to the management of asbestos within non-domestic properties, including duties to determine whether asbestos is present or is likely to be present in buildings for which it is responsible, assess the risk, and have an action plan and system in place for managing the risk (Regulation 4).
15. Detailed guidance on the application and extent of these duties is contained in the Health and Safety Executive's Approved Code of Practice "Managing and working with asbestos". This Code has special legal status under Section 17 Health and Safety at Work Act 1974. If an organisation is prosecuted for breach of health and safety law, and it is proved that it did not follow the relevant provision of the Code, it will be found at fault, *unless* it can show it has complied with the law in some other way.
16. The Regulations (Regulations 5 to 24 inclusive) also impose various duties upon the Council, as an employer, and its employees, intended to protect employees from the risks of exposure to asbestos arising from work being carried out by an employer that may disturb asbestos present in any buildings for which the employer is responsible. The duties on the Council, as employer, include (amongst various other duties) a duty to prevent or reduce employees' exposure to asbestos, as far as reasonably practicable (Regulation 11); and a duty to inform, instruct and train employees to enable all those who are exposed (or are liable to be exposed) to asbestos, to be able to effectively safeguard themselves and others (Regulation 10).
17. As noted in the body of the report, the Corporate Asbestos Management Plan (CAMP) is intended to improve the Council's arrangements for fulfilling its statutory obligations under the Regulations.
18. In considering this matter, the Council must also have regard to:

- a) The Council's public sector equality duties under the Equality Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties, Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The Protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief.
  - b) The Wellbeing of Future Generations (Wales) Act 2015, which requires the Council to consider how the proposed decision will contribute towards meeting its wellbeing objectives (set out in the Corporate Plan). Members must also be satisfied that the proposed decision complies with the sustainable development principle, which requires that the needs of the present are met without compromising the ability of future generations to meet their own needs.
19. The approval of the Authority's plans, policies and strategies which do not form part of the Policy Framework is reserved to the Cabinet (under the Scheme of Delegations, Section 2, paragraph 4). The CAMP may be approved by Cabinet, subject to compliance with the above.

### **HR Implications**

20. The Trade Unions have been consulted on the Corporate Asbestos Management Plan. There is a clear communication plan in place for the Asbestos Management Plan to be cascaded to the managers and employees affected by the plan. Any contraventions of the plan will be dealt with using corporately agreed processes and procedures.

### **Property Implications**

21. There are specific requirements within the Corporate Asbestos Management Plan for those employees who manage Council Property as well as those who undertake or commission work on Council property.

## **RECOMMENDATIONS**

Cabinet is recommend to:

1. Note the contents of the report.
2. Approve the Corporate Asbestos Management Plan for implementation across the Council's building portfolio, and delegate authority to the Corporate Director, Resources, in consultation with the Cabinet Member for Finance, Modernisation & Performance and the Health & Safety Advisory Forum. to make any minor changes required in the future.

<b>SENIOR RESPONSIBLE OFFICER</b>	<b>Christopher Lee</b> <b>Corporate Director Resources</b>
	14 February 2020

*The following appendix is attached:*

Appendix 1 - Draft Corporate Asbestos Management Plan

*The following background papers have been taken into account*

Control of Asbestos Regulations 2012

Asbestos Management in Schools, Welsh Government Guidance, August 2019