

West Lothian Council

Asbestos Risk Management Plan

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1 Purpose

The Asbestos Management Plan describes how the Council will effectively manage asbestos in council premises and the actions that will be taken to prevent council employees, contractors and other persons from being exposed to asbestos fibres.

The council has a legal duty of care to prevent or avoid the risk of exposure to asbestos to employees and all other relevant parties as defined in the Asbestos Management Policy.

The council's failure to comply with this duty could result in serious illness and death of anyone exposed to asbestos fibres. It may also result in criminal prosecution and civil claims against those held to be responsible.

2 Background

Asbestos is the common name used for a number of naturally occurring inorganic silicates. It is an internationally recognised hazard to health. Its fibres, when released to atmosphere and inhaled, can accumulate in the lung and may cause severe irritation leading to serious illness and death.

Asbestos was a useful product due to its durability, chemical, sound and heat resistance and consequently it is found in a range of construction materials. It can be found in diverse materials from floor tiles to roof boards and from storage heaters to ironing boards. Construction materials containing asbestos are referred to as Asbestos Containing Materials (ACMs). Where ACMs are damaged or their condition deteriorates they are liable to release asbestos fibres into the environment. Some ACMs will release fibres more readily than others.

3 Roles & Responsibilities

Those with responsibilities under the Asbestos Management Policy should note the dangers associated with asbestos and must not in any way underestimate the fact that exposure to ACMs can be fatal.

Every reasonable precaution must be taken to ensure that exposure to asbestos fibres is prevented or, where prevention is not possible, controlled using suitable and sufficient measures. Work with ACMs, even under controlled conditions, is still considered to be exposure to asbestos fibres to those undertaking the works.

Risks must be adequately controlled when work is carried out on or near ACMs. All employees who are liable to be exposed to ACMs, or who supervise such employees, must be given adequate information, instruction and training regarding the precautions to be taken.

3.1 Chief Executive

The Chief Executive is responsible for the implementation of the council's policy regarding asbestos and for ensuring that all Services within the council follow the policy as well as ensuring that employees and others are protected from the hazards associated with asbestos.

3.2 Depute Chief Executives

Depute Chief Executives are accountable and responsible to the Chief Executive for ensuring the implementation of the Policy within their portfolio of services.

3.3 Head of Corporate Services

The Head of Corporate Services is responsible to the appropriate Depute Chief Executive for ensuring the implementation of the Policy.

3.4 Head of Finance and Property Services

The Head of Finance and Property Services is responsible to the Chief Executive for ensuring the implementation of the Policy in relation to the responsibilities of that area.

3.5 Heads of Service

Heads of Service are responsible to the appropriate Depute Chief Executive for implementing the Policy by ensuring that all employees and others who may be affected within their service are protected from the hazards associated with asbestos, reviewing their service Health and Safety Supplementary Policy and Safety Arrangements Booklets and where appropriate developing service procedures, emergency communication process and a communications plan.

3.6 Service Managers/Head Teachers

Service Managers/Head Teachers are responsible to the appropriate Head of Service for ensuring strict controls are maintained where the presence of asbestos is established and that employees receive asbestos training as necessary in relation to the risks and the procedures to be adopted in those circumstances and for the implementation of the service communication plan. They are also responsible for developing, where necessary service procedures, emergency communication process maps and works process maps.

3.7 Construction & Design Manager

The Construction & Design Manager is responsible to the Head of Finance and Property Services for implementing this policy by ensuring that all employees and others who may be affected within their service are protected from the hazards associated with ACMs.

3.8 Asbestos Coordinator

The Asbestos Coordinator will have a unique email account: asbestos@westlothian.gov.uk to ensure that urgent contact can be responded to. The Asbestos Coordinator's telephone number during normal working hours will be found in the staff telephone directory. The out-with working hours telephone number is (01506) 280000.

The Asbestos Coordinator reports to the Head of Finance and Property Services, and has the following key responsibilities for managing asbestos:

- Ensuring services comply with the Policy, management plan and service procedures.
- Providing guidance and advice on asbestos management and risk assessment.
- Ensuring adequate up-to-date asbestos databases for non-domestic council properties and domestic council properties are in place and maintained.
- Determining the frequency for monitoring the condition of all identified ACMs and presumed ACMs and ensuring this is undertaken.
- Monitoring the performance of contractors and consultants engaged in asbestos work.
- Ensuring suitable asbestos surveys are undertaken by competent contractors.
- Monitoring the provision of appropriate information, instruction, training and record keeping. Developing and publishing the council's asbestos management policy and management plan.
- Liaising with the HR Manager (Health and Safety) on all aspects of asbestos management.
- Developing systems to ensure work orders and instructions warn contractors in writing if asbestos is liable to be present in the premises where work is to take

place and ensure that relevant asbestos information held is passed to the contractor prior to carrying out any works.

3.9 Persons in Control of Construction or Maintenance Work

Persons in control or key in the management of construction or maintenance work are responsible for ensuring that work will be carried out safely and that prior to commencing work with asbestos the Asbestos Register is checked, a risk assessment is completed, surveys are requested where required and relevant information passed to the persons carrying out the work.

3.10 Property Management and Development Staff

Property Management and Development staff are responsible for ensuring that lessees receive information regarding asbestos that may be present in the property they lease on the date of entry. This may include updated information which the property manager can pass to the tenant in electronic or hard copy format.

3.11 Corporate Procurement Manager

The Corporate Procurement Manager is responsible for ensuring that no goods/materials are purchased that contain ACMs.

3.12 Persons in Control of Property (Asbestos Register Holders, Head Teachers and Building Managers)

Persons in Control of Property are responsible for ensuring that contractors engaged to undertake work in their premises check the asbestos register and sign the contractor register prior to commencing work.

3.13 HR Manager (Health & Safety)

The HR Manager (Health and Safety) is responsible to the Head of Corporate Services for reporting asbestos incidents to HSE, leading and co-ordinating investigations. The development, publishing and maintenance of the asbestos procedures will be undertaken by the Asbestos Coordinator in consultation with the HR Manager (Health and Safety).

4 Training

4.1 Provision of Training

The council will provide training in Asbestos Awareness and/or Management to all necessary employees. Refresher training will be provided and the frequency will follow HSE guidelines. Services should identify those people who are potentially at risk from exposure to ACMs or as being key in the management of asbestos and provide them with information, instruction and training in line with the requirements of the Control of Asbestos at Work Regulations. In addition the following areas of awareness and management will be covered:

- The council's Asbestos Management Policy and Management Procedures including service specific procedures.
- The council's Asbestos Register; its accessibility, use and limitations.
- The types of asbestos surveys and the scope of each.
- Location of asbestos related information.
- Requesting asbestos related works.
- Current asbestos works provision within West Lothian Council.

Training for those who are liable to directly encounter ACM's in the workplace will additionally cover:

- Refresh training in all of the above areas as per HSE guideline frequencies.
- Regular reinforcement training through toolbox talks, group site and depot seminars including the sharing of good and bad practices.
- Changes in asbestos regulations and other health and safety regulations.

All existing Managers will be trained in their responsibilities to ensure that no staff member is put at risk through ignorance or duress. It will stress:

- Manager responsibility for taking appropriate action to prevent risks.
- Manager responsibility for producing and implementing the Health and Safety - Safety Arrangements Booklet and to ensure that the delegated responsibilities for ACMs in their area are written into it and communicated to those with responsibilities.
- Managers should ensure that those employees with delegated responsibilities have access and are made aware of the content of the Safety Arrangements Booklet.

All existing staff out-with identified risk groups will be directed by their line manager, in relation to asbestos awareness training.

4.2 Contractor Training

Managers must ensure that competency checks are carried out, and evidence of suitable asbestos training is obtained from all prospective contractors who are liable to disturb ACMs as part of their works. Guidance on this can be found in Approved Code of Practice (ACOP) L143 Work with Materials Containing Asbestos.

5 Communication Plan

The council will ensure that all council employees receive the asbestos information they require to carry out their tasks safely to prevent exposure to asbestos fibres.

5.1 Communication

Each service will develop a communication plan and procedures for those at risk and those who could create a risk covering the following areas:

- Awareness of the council's policy, management plan and service procedures.
- Awareness of issues regarding contact with ACMs.
- Information for housing tenants (where required).
- Information for lessees (where required).
- Work process maps for staff.
- Emergency communication process map (please refer to the HR toolkit for current service communication process).

Services are required to provide the Asbestos Coordinator and HR Manager (Health and Safety) with up to date copies of their service procedures, emergency communication process map and work process maps. These service procedures should be reviewed annually as minimum or when there is a change in legislation or any asbestos incidents.

The communication plan will deliver key clear messages about asbestos without causing unwarranted alarm while still ensuring that care is always taken and everybody has the information they need to do their job safely, manage the safety of others and stay safe.

These key messages are:

- Safety is the main priority of the council.
- The council will act in an open and honest way.
- Asbestos was widely used in the construction industry and is present in many homes, factories and other buildings.
- Asbestos is not harmful if left alone in good condition or it is sealed, but is dangerous if disturbed.
- All staff who might come into contact with asbestos as part of their normal work will receive appropriate training on how to recognise it and the steps they should take.
- The council takes the issue of asbestos extremely seriously and will act immediately if concern is expressed about building materials.
- Identification, removal and disposal of asbestos requires specialist contractors.
- The council will update, review and carry out a programme of asbestos condition surveys in line with the purpose for which the properties are held and in accordance with their survey strategy/programme.
- Asbestos Registers and survey information will be accessible to all relevant persons.
- The council will provide accurate and useful information on asbestos to tenants and lessees.
- The council is a responsible landlord and will check sample council houses by types to build up a database to support safe working.
- The council works within the guidelines set out by the Health and Safety at Work Etc Act and the Control of Asbestos at Work Regulations (CAR) and all other health and safety Regulations, Codes of Practice, etc.

5.2 Supplementary Policies, Safety Arrangements Booklets and Service procedures

Each service, where appropriate, will revise their Supplementary Policy, Safety Arrangements Booklet(s) and service specific asbestos procedures to take cognisance of the updated Asbestos Management Policy and Management Plan and will provide a copy to the Asbestos Coordinator and HR Manager (Health and Safety).

6 Surveys

Asbestos surveys will be carried out in line with the latest guidance from HSE, HSG264 Asbestos – The Survey Guide. The types of surveys undertaken will include anything from management, specified refurbishment, full refurbishment or demolition surveys in non-domestic and domestic properties. The type and scale of survey required will be determined by the person in control or key in the management of the proposed work. The Asbestos Coordinator will ensure competent contractors undertake these surveys and the correct survey is undertaken.

All asbestos surveys will be undertaken in line with the latest version of West Lothian Council's asbestos survey criteria and strategy. Please refer to West Lothian Council Asbestos Surveying Criteria 2015 V1.2 on the intranet Health and Safety HR toolkit.

For all major building work the commissioning of a Refurbishment is likely to be essential. This includes the site investigation of proposed new builds. The Asbestos Coordinator will arrange a local investigation to be carried out and report findings to the person in control of the works. The person in control or key in the management of the works is also responsible for forwarding the relevant asbestos information on to those conducting the works prior to works being undertaken.

Demolition work will require inspection for asbestos throughout the whole building. Construction, refurbishment and maintenance work may require investigation of the whole building or be restricted to the area of the building work and, where necessary,

adjacent areas. For work involving improvement, alteration, adaption and major maintenance where the Construction Design and Management Regulations (CDM 2015) apply the pre-construction information will identify whether ACMs are present or not and will provide details of ACM location.

The Construction, Designer and Management (CDM) Procedural Guidance for Housing, Construction and Building Services can be made available on request to Construction services.

Those responsible for the up-keep of asbestos survey reports will make arrangements for access to be given to those who require it through Meridio / Atrium / Open Housing.

7 Duty to Manage

The duty to manage applies to all non-domestic properties and communal parts of domestic properties.

Under the Control of Asbestos Regulations 2012, anyone who is a 'duty-holder' is required to ensure that steps are taken to identify asbestos that may be present within premises and to ensure that it is adequately managed.

A duty holder is anyone who, by virtue of contract or tenancy, has a responsibility for the maintenance of non-domestic premises or, where no contract exists, anyone who is in control of premises and/or controls access to premises, or has control of the common parts of domestic premises.

The council will comply with the duty to manage asbestos by:

- Identifying asbestos within our non-domestic and the common parts of domestic premises and adequately managing it.
- Creating a property Asbestos Register and site specific asbestos management plan for all premises to which the duty to manage applies, record and assess the condition of the ACMs and record the management actions to be taken for each ACM found or presumed along with the priority, frequency and target date for completion of action.
- Ongoing monitoring to check for damage or deterioration in condition of ACMs.

Where ACM exists in council property under our control, and the ACM is in sound condition, sealed and unlikely to be damaged or disturbed the council will leave the asbestos in place and maintain it in a safe condition.

8 Asbestos Register

A record in the Asbestos Register will be created for all premises to which the duty to manage applies. An example of a register is available on the intranet -Health and Safety HR toolkit.

This will record, by each ACM found or presumed, the location, nature and type of ACM along with its condition and assessed risk of asbestos fibre release. The condition of each ACM will be assessed as part of the material and priority risk assessment score. This score is taken from HSE guidance and applied by the surveying contractor. The contractor will also give a recommended action:

1	Monitor
2	Remedial Works - Encapsulate
3	Remedial Works - Enclose
4	Remove
5	Restrict Access
6	Not Applicable
7	ACM Removed

The date of next condition check will be recorded in the Asbestos Register and, where the condition of an ACM has changed the Asbestos Register will be updated as appropriate.

At the time of the asbestos survey preventative or risk reducing actions will be identified, prioritised and recorded in the Asbestos Register and site specific Management Plan. These actions will be implemented in order of priority

The Asbestos Register and its Management Plan will be reviewed a minimum of every 12 months.

9 Asbestos Risk Assessments

No construction or maintenance work will proceed without a suitable and sufficient risk assessment to determine if the work is liable to disturb ACMs that may be present. This includes asbestos surveys and inspections.

The risk assessment will address the following points:

- Is asbestos liable to be present?
- Is the proposed work liable to disturb any asbestos that may be present?
- Are suitable control measures in place to allow work to proceed safely?

and include:

- A determination of the age of the premises where work is to take place;
- An appraisal of the proposed work and identification of parts of premises likely to be disturbed;
- An appraisal of any existing asbestos information held e.g. Asbestos Register and/or survey; and
- Where it is determined that asbestos is liable to be present in areas that are likely to be disturbed by the work AND whether the existing information available is insufficient to confirm or refute this determination, if so, then a Refurbishment OR Demolition Survey must be carried out.

A check of the current Asbestos Register and available survey reports MUST be made prior to undertaking / instructing construction or maintenance works. If insufficient information is available a request for a survey should be made by completing the form AWR01 available on the intranet – Health and Safety HR toolkit and also the Construction Services (Asbestos Compliance team) page.

An example of Building Services Health and Safety Risk Assessment can be made available on request from Building Services.

As part of a suitable and sufficient assessment the existing asbestos register will be checked by one of the following:

- The person issuing the work instruction / order.
- Person(s) in control or key in the management/ instruction of construction or maintenance work, including emergency and standby operations,
- Persons in control of premises

Arrangements will be made to allow access to the Asbestos Registers and survey information for domestic and non-domestic properties to those who require it.

10 Contractors

The council will put in place robust selection, monitoring and management of all contractors employed to carry out work with asbestos materials. This includes surveys, sampling& analysis and asbestos removal contractors.

10.1 Contractor Requirements

Services will ensure that all contractors engaged to work with asbestos are competent and, where necessary, appropriately licensed to do so. Where applicable, each Service area will ensure documented procedures are in place to select, monitor and manage contractors who work with asbestos. In general this will include:

- The Asbestos Coordinator being responsible for the selection of competent contractors
- Only competent contractors, and who hold an HSE asbestos license and have adequate insurance will be employed to undertake licensed asbestos work.
- Sample monitoring of contractors will be undertaken by the Asbestos team who will develop an auditable monitoring system covering tendering, operation, health and safety and quality control.
- Contract monitoring will be done in conjunction with the Corporate Procurement Unit.
- Contractor's training records must be available on request.
- Risk assessments and safe systems of work must be assessed as adequate by the Asbestos Coordinator and in place prior to any works taking place.
- Contractors who undertake air testing as part of the Certificate for Re-occupation must conform to the requirements in ISO17025. The council will ensure all contractors engaged for this purpose are fully accredited by UKAS and compliant with all legislation.
- Contractors who undertake air measurements and employee exposure monitoring must conform to the requirements of ISO17025. The council will ensure all contractors engaged for this purpose are fully accredited by UKAS and compliant with all legislation.
- Contractors will conform to the CDM Regulations 2015 and any versions thereafter.
- The Asbestos Coordinator will ensure that whenever two or more contractors work with ACMs or could come into contact with ACMs at the same time or are working

in the same premises that they co-operate with each other and those they could affect.

10.2 Asbestos Notification to Contractors

The council's, Building Services and all third-party contractors will be alerted to the presence of ACMs and the controls being used to prevent exposure to asbestos, by the person(s) in control of construction or maintenance work, including emergency and standby operations.

Contractors must be advised of the standards expected and procedures to be followed prior to carrying out any works. This will be done by the 'person(s) in control of or key in the management / instruction of construction or maintenance work'.

The Asbestos Coordinator will implement systems to ensure work orders and instructions warn contractors in writing if ACMs are liable to be present in the premises where work is to take place and ensure that relevant asbestos information held is passed to the contractor prior to carrying out any works. Please refer to the work order example on the intranet – Health and Safety HR toolkit.

The site specific asbestos handbook will contain the register/ asbestos management plan and asbestos reports (surveying and analytical).

Services should ensure that contractors who are engaged in work with ACMs have conducted their own risk assessments prior to work starting.

11 Works – Preventing Exposure to Asbestos

The council operates a number of in-house services. Each service that requires to prevent exposure to asbestos will develop detailed procedures making clear the roles, responsibilities, processes and precautions, communication plan to be followed covering those who could be at risk and those who could create the risk as well as the action to be taken on discovering asbestos. The following types of work should be covered:

- Work during planned work/maintenance work.
- Construction projects.
- Standby.
- Work following incidents or emergencies.

12 Emergency Services – Preventing Exposure to Asbestos

The emergency services may need access during an emergency situation and in these instances the person in control should be contacted immediately. The council's emergency service will give advice as to procedure. Refer to the emergency out of hour's procedure on the intranet Health and Safety HR toolkit. The advice will include how to protect the person(s), whether background monitoring is required and if decontamination procedures are necessary.

Lothian and Borders Fire and Rescue Service are aware that the council have an Asbestos Register for all their non-domestic properties and common parts of domestic properties. The emergency services should not be delayed from entering the building/room if there is risk to life.

An updated emergency asbestos register is also issued at the same stage as the updated asbestos management plan and the responsible person is instructed to insert this as part of the property emergency response pack.

13 Work With Asbestos

All decisions, activities and work involving asbestos surveys, asbestos removal/repair and asbestos analytical work must be taken by the Asbestos Coordinator. Work will be managed and monitored in accordance with current regulations, codes of practice and HSE guidance.

13.1 Supervision of Asbestos Work

The Asbestos Coordinator will arrange for a site visit to be undertaken during the works in order to be satisfied that the works are being conducted properly and in accordance with the accepted method statement. In addition the Asbestos Coordinator will also arrange for a representative number of random site visits and will be available to advise Managers on matters of compliance.

Further works or re-occupation must not be authorised until such time as the Asbestos Coordinator has given such authorisation to the appropriate person(s).

14 Managing Asbestos Incidents

The HR Manager (Health and Safety) will report asbestos incidents to the HSE and in conjunction with the Asbestos Coordinator will manage asbestos incidents in accordance with this Management Plan. Construction Services procedure note 4.06 RIDDOR – Criteria for reporting an asbestos incident can be made available on request to Construction Services.

14.1 Suspected Asbestos Discovered During Work

Where a material suspected to contain asbestos is discovered during any work the service specific emergency procedure MUST be followed:

- The service specific Asbestos Emergency Communication Process will be activated.
- All tradespersons and contractors must cease any activity that may disturb the material found.
- The Asbestos Coordinator must be contacted and will provide any relevant advice and arrange for the relevant checks and surveys to be carried out.
- If it is a domestic property then the local Housing Investment Officer (HIO) should also be advised. It will be the duty of the HIO to inform the relevant Housing Manager, who in turn will liaise with the affected tenant and arrange alternative accommodation, if applicable. The tenant will be informed of suspected asbestos and be given a copy of the council's asbestos guidance leaflet.
- Works may not proceed until the material has been deemed as non asbestos or it has been removed / remediated.

14.2 Suspected Asbestos Disturbed During Work

Where a material suspected to contain asbestos is disturbed during any work the service specific emergency procedure MUST be followed:

- The service specific Asbestos Emergency Communication Process will be activated.
- All tradespersons and contractors must cease all activity that may cause further damage to the material.
- The Asbestos Coordinator will be contacted and will provide relevant advice and arrange for the appropriate checks and surveys to be carried out to confirm if

asbestos is present. This will be carried out by a competent surveyor employing all necessary precautions.

- In non-domestic premises the person in control of the building must be advised of the incident.
- If it is a Housing property then the local Housing Investment Officer (HIO) should also be advised. It will be the duty of the HIO to inform the relevant Housing Manager, who in turn will liaise with the affected tenant and arrange alternative accommodation, where applicable. The tenant will be informed of suspected asbestos and handed a copy of the council's asbestos guidance leaflet.
- All operatives will leave the work area and proceed to another location to be decontaminated. Preferably this will be an external area, with a view to minimising the spread of asbestos fibres. Potential exposure of persons in adjoining areas should be considered and avoided.
- Operatives should begin decontamination procedures described in the HSE Guidance Task Manual - HSG210 Asbestos Essentials – (EM8 personal decontamination) without waiting for confirmation of asbestos being present. The work area should be considered contaminated and, where possible, access restricted to reduce the chance of asbestos fibres spreading and to ensure that no one else can enter.
- All routes and areas used by operatives who are potentially contaminated with asbestos should also be considered contaminated and access restricted accordingly.
- Warning signs should be deployed indicating there is an asbestos hazard and the area is not to be entered by unauthorised personnel.

14.3 Fly-Tipping, Cleansing & Community Recycling Centres, Owner Occupier property

Where ACMs are discovered (or suspected) this should be reported immediately to the Waste Manager who will contact the Asbestos Coordinator for advice on segregation procedures. Where there is an immediate public risk then the Asbestos team may instruct the material to be sampled and removed as soon as reasonably practicable. This may also include air testing where necessary and appropriate. The Waste Manager will also initiate an investigation to try and ascertain the identity of the originator and developed procedures detailing the action to be taken on discovering, disturbing or suspecting ACMs and for the action managers must take. The service Asbestos Emergency Communication Process will be activated.

Where suspect ACM's are discovered on land of unknown ownership, West Lothian Council should determine ownership through the land registry service. This will be led by Waste Services and Environmental Health / Planning and Economic Development as appropriate. If the land does not belong to West Lothian Council, the land owner is responsible for managing any asbestos materials present. Notification and enforcement of land remediation may be required and done in conjunction with West Lothian Council.

Where a private home/land owner wishes to have an asbestos material collected and disposed of they should contact the contact centre who will record their enquiry and contact details in CONFIRM. This will then be passed to Recycling & Waste Services. The member of the public should be advised to undertake removal via a suitable qualified asbestos removal contractor. This will be in writing and direct the householder to the HSE website and approved contractors. This letter can be found on the intranet – Health and Safety HR toolkit. The cost of any removal / collection / disposal works undertaken will be borne by the home/land owner.

It is possible that the origins for generation of the waste cannot be established by West Lothian Council or confirmed by the home / land owner. Where the home/ land owner has made reasonable attempts to have this removed by an asbestos contractor but had no response, waste services should contact the Asbestos team. The asbestos team will

assist with progress of the removal by a framework contractor. Quotations for removal will be sought from framework removal contractors and this can take a number of weeks. The works will be allocated to a contractor and they will liaise directly with the originator to progress the works. The cost for collection will be chargeable back to the owner (waste services can take payments directly from the public) and the Asbestos team will raise works via a dedicated cost centre for this works.

In any of the above scenarios, where there is an immediate public risk then the Asbestos team may instruct the material to be sampled and removed as soon as reasonably practicable. Such action will be chargeable to the home / land owner.

15 Asbestos Confirmed

Where ACMs are confirmed to be present in the material discovered or disturbed the Asbestos Coordinator will decide on any further actions required such as:

- Extension of the cordoned area.
- Evacuation of personnel working nearby and occupants.
- Arranging for the area/materials to be made safe by the term removal contractor.
- Arranging for any grossly contaminated personnel to be decontaminated.
- Background air monitoring and remediation work.
- Updating the Asbestos Register as necessary.

16 Employees Exposed to Asbestos

Where ACMs are confirmed a list of those persons exposed (as defined by the Construction Service procedure note 4.06 RIDDOR – Criteria for reporting an asbestos incident) will be recorded by the service Health & Safety adviser who will complete an “Employee Record Form for Contact with Asbestos” for each employee and file accordingly. The employee is to be given Part 1 of the Form as a record of exposure with instructions that the note should be kept indefinitely. This form can be found on the intranet – Health and Safety HR toolkit. The Asbestos Coordinator and the HR Manager (Health and Safety) will lead and co-ordinate investigations with a report being produced for each incident. The report will be distributed to appropriate managers.

17 Contaminated Areas

A ‘Contaminated Area’ must be assumed to contain respirable asbestos fibres and no one shall be permitted to enter/re-enter until remediation / removal undertaken by a suitably qualified asbestos removal contractor and an Asbestos Analyst has issued a Certificate of Re-occupation or air test report relevant to the works .

18 Tenanted Non-Residential Property (TNRP)

These properties are generally occupied by local businesses, usually on standard terms and conditions of lease. Leases mainly fall into two categories:

- Internal Repairing (IR) – where the council is responsible for the maintenance and repair of the external fabric of the property, including maintaining it wind and watertight, and the tenant is responsible for all internal repair, upkeep and maintenance.
- Full repairing and insuring (FRI) – where all responsibility for repair and maintenance lies with the tenant. (N.B. in some properties with common parts, repairs may be carried out by the council and the cost recovered from tenants).

Under the terms of each lease a tenant is responsible for compliance with statutory obligations. Standard form leases have been produced (2010) that will apply to the majority of the TNRP portfolio. These make specific reference to tenant’s obligations in relation to asbestos. Each of these provisions means that a tenant of the TNRP will

become a duty holder and asbestos register holder under the Control of Asbestos Regulations 2012.

The standard form leases make reference to the Tenant Handbook, which gives 'plain English' guidance to the lease provisions and references organisations providing detailed technical advice on compliance matters. Asbestos is covered in the Tenant Handbook. The Tenant Handbook can be made available on request.

Responsibility for the management of the TNRP rests with Finance and Property Services, Property Management and Development (PM&D).

18.1 Roles and Responsibilities

Individual employees within PM&D who have responsibility for the management of TNRP properties will ensure that tenants receive information regarding asbestos that may be present in their property, and are advised of their obligations in relation to asbestos on the date of entry. This may include updated information which the property manager can pass to the tenant in electronic or hard copy format.

18.2 Training

PM&D's managers will ensure that all PM&D employees will undergo the level of training awareness appropriate to their tasks.

18.3 Communication

PM&D's processes will ensure that the correct asbestos information relating to the Asbestos Register and Tenant's Handbook is passed to TNRP tenants.

18.4 Duty to Manage

During the course of a TNRP lease term council staff will not have regular access to the property and will not be able to undertake ongoing monitoring of ACM condition. The current system for inspecting property at the end of a tenancy will be developed to address any ACM changes that may have arisen and will include revising the Asbestos Register as necessary.

18.5 Maintenance and Construction Projects

Responsibility for repair and maintenance will depend on the specific wording of the lease clauses. For properties where the council has a responsibility to carry out repairs, or where the council is undertaking works while a property is un-let work will be carried out in accordance with this Plan.

18.6 Ongoing programmes of surveying / inspections

If, during routine and periodic inspections of the property, WLC or their representatives discover suspected asbestos which has been disturbed by historic or ongoing repair / maintenance work undertaken by the tenant and is in poor condition, then WLC have a duty of care to advise the tenant of the findings. This will be communicated formally in writing specifically advising them of their responsibilities. It is the responsibility of the tenant as the duty holder, to take appropriate steps and to make the property safe.

If WLC's Property and Asbestos teams are required to take immediate steps to make a property / public safe through a duty holder not complying with their legal obligations as set out in the Health and Safety at Work Act 1974 and the Control of Asbestos Regulations 2012, then WLC may recover the cost of such steps from the dutyholder such as the lease clauses provide.

19 Compliance Auditing

The Asbestos Coordinator reserves the right and authority to interrogate systems, processes, actions and locally produced documentation in any part of the council or outside contractor to ensure compliance with CAR and with this Asbestos Management Policy, Risk Management Plan and Procedures.

Copies of the asbestos audit documentation can be found on the intranet – Health and Safety HR toolkit.

19.1 Health & Safety Publications

Information is available on <http://www.hse.gov.uk/asbestos/index.htm>