

**Nuneaton and Bedworth Borough Council**

**CORPORATE ASBESTOS POLICY  
(001)**

November 2018

Related Documents: -

- 002. Corporate Asbestos Management Plan
- 003. Corporate Asbestos Procedures Manual

## Introduction

This document sets out the approach of Nuneaton and Bedworth Borough Council to ensure the safe management of asbestos present in all the buildings owned, occupied and otherwise used by the Council and in particular those in which people work and live.

The document has been produced under the framework of the Council's Health and Safety Policy in order to:

- Provide specific detail of the Authority's commitment to ensure safe management of asbestos.
- Set out arrangements necessary to achieve safe management.
- Provide detailed procedures for the conduct of activities that involve contact or work either with or in the vicinity of asbestos containing materials (ACMs).

## Background

Asbestos is a generic term used to describe a group of naturally occurring fibrous silicate minerals. The fibres have been used in building materials and other products due to their physical and chemical properties that make them ideal for a wide variety of uses, which include:

- ceiling tiles
- cement pipes, flues, rainwater goods and sheets
- electrical components
- fireproofing products
- floor tiles
- friction linings
- insulating board
- roofing products - slates and felts
- textile products - fire blankets, heat protective suits and oven gloves
- thermal and acoustic insulation.

Asbestos related lung diseases, mainly cancers, can result from inhaling fibres, which kill more people than any other specific work related illness. The disease can take from 15 to 60 years to develop so that individuals exposed to fibres are not immediately aware of any change in their health. There are no known cures for asbestos related diseases.

Provided that asbestos products in buildings are in good condition and sealed or otherwise protected and are not in a position vulnerable to damage then they are unlikely to release fibres and as such are safe to leave in place, manage and maintain. This is an issue which is recognised by Nuneaton and Bedworth Borough Council and which represents a major consideration and influence in the formulation of this document. Furthermore, the Council recognises that the unnecessary removal of asbestos that is in good condition is a misuse of financial resources and could lead to an increased risk of exposure in the short term.

Nuneaton and Bedworth Borough Council operate/own a wide range of property which comprises mainly of:

- Public Buildings )
- Industrial premises and shops ) Collectively known as 'Corporate Properties'
- Leisure and amenity buildings )

- Housing including older person complexes, homeless hostels and B&Bs

This document replaces all previous asbestos management policy and procedure documents adopted by the Council.

## **Statement of Policy**

Nuneaton and Bedworth Borough Council are committed to comply with all current Legislation, Approved Codes of Practice and all Health and Safety Executive Guidance Notes relevant to the safe management of asbestos across the whole range of its services and premises. As a result the Council is committed to take all measures necessary to ensure that any exposure to asbestos is prevented or where this is not practicable or possible, reduced to the lowest level possible.

To facilitate a coordinated and effective approach to the safe management of asbestos across all of the Council's services, the Council has established an Asbestos Management Group (AMG) with representatives from all relevant sections and chaired by the Director of Health and Safety. The group will meet at least quarterly and will be responsible for ensuring compliance with this policy.

The AMG will provide regular updates to the Health and Safety Co-ordinators Group (HASCOG) who will monitor the Council's performance in relation to managing its asbestos portfolio. The Health and Safety Manager will oversee the management of the Council's asbestos portfolio.

### **The Council will ensure that:**

- a. It will not introduce any product or material containing asbestos in future work on property or in the delivery of services.
- b. Appropriate surveys are commissioned to identify the presence of asbestos in all domestic and non-domestic buildings under its ownership. This information is maintained within an asbestos management database.
- c. Procedures are established to ensure that information in relation to the occurrence of asbestos in its buildings is provided to all appropriate persons who have the possibility of disturbing the materials.
- d. ACMs are labelled in circumstances considered appropriate. (Refer to Asbestos Procedures Manual 003)
- e. Where ACMs are identified in a building, priority assessments will be undertaken to define the risks posed by them. Where the ACMs are found to be in good condition and without risk to any building or room occupiers / users the general presumption will be to leave the material in place and to manage it for the future in accordance with a defined management plan, which will include at least annual inspections for properties falling within the Duty to Manage. (Refer to 002 Corporate Asbestos Management Plan and Regulation 4 of The Control of Asbestos Regulations 2012)
- f. Where ACMs are found to be in a condition that requires removal or other remedial works, sufficient budgetary provision will be made to conduct these works.
- g. Whenever any building alteration, refurbishment, demolition or routine maintenance works are to be undertaken, no works will commence until the presence of any ACMs in the buildings concerned is fully understood and all associated costs are included in the project or maintenance costs.

- h. Whenever any works result in the removal or change in condition of identified ACMs that these changes are recorded in the Asbestos Management database.
- i. No change of use of any room or building will be implemented until the full implications of any ACMs present are considered and until the assessments of risk are amended to take account of these changes in circumstances.
- j. Competent contactors holding an appropriate License in accordance with the provisions of the Control of Asbestos Regulations 2012 (CAR 2012) will normally undertake all removal and encapsulation works with ACMs.

The Council has, however, decided that for works on very low risk ACM's it will train appropriate operatives to Cat B level in accordance Regulation 10 of CAR 2012 and will self-insure those operatives as follows:

Self-Insured Employers Liability for working on unlicensed Asbestos works & indemnifying

Nuneaton and Bedworth Borough Council (NBBC) have agreed to self-insure against its legal liability to pay compensation for bodily injury sustained by any employee as a direct result of the carrying out of unlicensed asbestos works as defined by the Control of Asbestos Regulations 2012 (CAR2012) and guidance included in the ACOP L143.

In addition, NBBC will indemnify any employee in respect of that employee's legal liability to pay compensation in the circumstances outlined above, including defence costs and expenses, as if the claim had been made against NBBC itself.

"Employee" shall mean any person under a contract of service or apprenticeship with and working directly for and in connection with the business of NBBC.

"Bodily injury" shall mean

- death, injury, disease or illness
- mental injury, mental anguish or shock that results in a recognisable psychiatric injury

NBBC will reserve their right pursuant to the disciplinary policy to bring any person to account for not carrying out their duties and/ or responsibilities in an appropriate, agreed and reasonable manner.

And

NBBC reserve their right pursuant to the Law of Tort to defend any of the above liabilities.

- k. Whenever a risk assessment identifies a need for Personal Protective Equipment, and / or Respiratory Protective Equipment that these provisions are carried out to protect its employees.
- l. Where any works are to be undertaken in premises, available information will be provided to any persons who are in the vicinity, or likely to be affected by the works, as part of the overall strategy to ensure that they are not exposed to any risk.

- m. Appropriate emergency procedures will be followed in the event of any inadvertent disturbance of ACMs or unknown material in any of the buildings under their control. (Refer to 003 - Asbestos Procedures Manual)
- n. Appropriate Health Surveillance Procedures are put in place and activated in any situations where risk assessments or other exposure evaluations show that employees may be or have been exposed above the Control Limit as detailed in CAR 2012.
- o. Appropriate procedures are put in place to ensure that all asbestos wastes are disposed of in accordance with the Hazardous Waste (England and Wales) Regulations 2005 and are transported to appropriately licensed waste management sites by Registered Waste Carriers.
- p. A UKAS accredited Environmental Analyst (who is independent and impartial to the asbestos removal company) is appointed to supervise all removal and encapsulation works undertaken by licensed contractors.
- q. Premises Managers and other relevant persons forward appropriate documentation to the Health and Safety Manager on the completion of any works on ACMs.
- r. All employees, who have involvement with works involving ACMs or any management responsibilities for rooms or buildings containing ACMs, will receive training appropriate to their level of involvement in these functions.

This policy will be reviewed on an annual basis or whenever there are major changes in responsibilities, asbestos legislation, HSE approved codes of practice or guidance or any incidents involving asbestos and updated as and when appropriate.

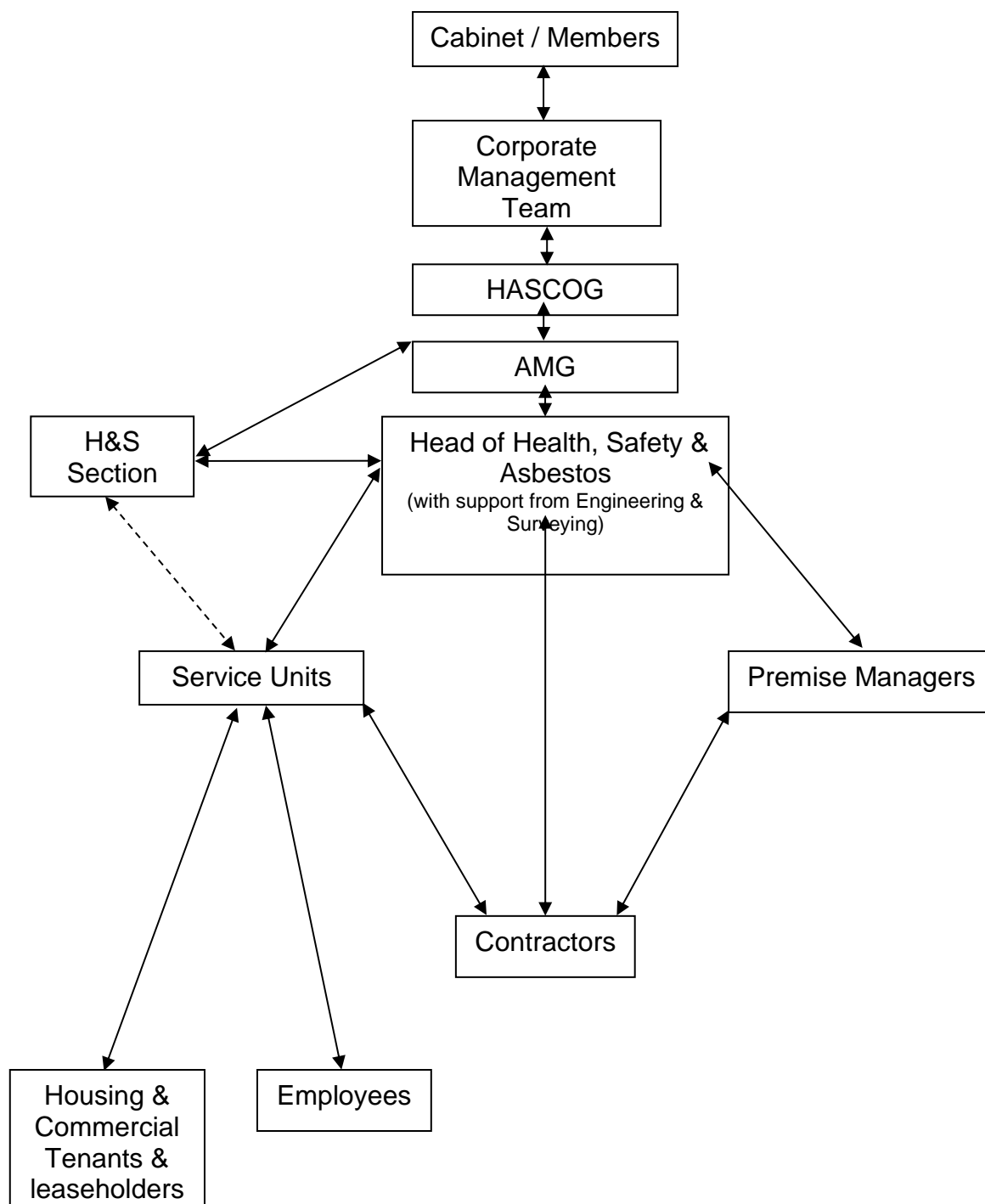
Signed:	Executive Director-Operations	Dated:
_____	Brent Davis	_____

Signed	Executive Director-Resource	Dated:
_____	Simone Hines	_____

## Organisational Arrangements and Responsibilities

### The Asbestos Management Structure of Nuneaton and Bedworth Borough Council

The Asbestos Management Structure for Nuneaton and Bedworth Borough Council set out below shows the organisational arrangements and details how the Asbestos Management Policy is operated and managed.



## **Responsibilities in relation to asbestos:**

### **Executive Directors**

The ultimate responsibility for ensuring compliance with the Council's Asbestos Management Policy rests with the Executive Directors.

- The Executive Directors will ensure that an Asbestos Management Group (AMG) is maintained and adopts a co-ordinated asbestos management role. The Executive Directors will also ensure that Directors are provided with all necessary resources to ensure that they are able, within their own portfolios, to meet the objectives set out in the Corporate Asbestos Management Policy and their specific responsibilities under these Organisational Arrangements.
- Having ensured that all necessary resources have been provided to the Directors, the Executive Directors will ensure that the Directors comply with their duty to ensure the safe management of asbestos within their portfolios and will hold them accountable to do so.
- The Executive Directors will ensure that Elected Members of the Council are appraised on an ongoing basis as necessary in relation to progress with the management of asbestos including updating Members upon legislative requirements and associated HSE Guidance that relates to asbestos and with which the Council has to comply.

### **Directors**

The responsibilities of Directors is to ensure compliance with Health and Safety Legislation and to ensure the implementation of safe working practices and procedures within their respective Service Areas as detailed in the Nuneaton and Bedworth Borough Council Corporate Health and Safety Policy. This document addresses their specific duties in relation to the safe management of asbestos in full compliance with the Statement of Policy as formally adopted by the Council.

- The Directors will be responsible for the safe management of asbestos, in full compliance with all relevant Legislation, Approved Codes of Practice, Health and Safety Executive Guidance Notes, relevant Governmental advice and the Nuneaton and Bedworth Borough Council's Asbestos Management Policy, for all buildings and undertakings under their control.
- The Directors will hold the responsibilities of the "Duty Holder" for the purposes of compliance with Regulation 4 of CAR 2012.
- The Directors will identify appropriate persons within their areas of responsibility to whom the daily functions of the "Duty Holder" as prescribed by Regulation 4 of CAR 2012 can be delegated to ensure that the required duties can be complied with on a day-to-day basis.
- With regard to the Council's buildings, the person to whom the "Duty Holder" functions are delegated will generally be the person in day-to-day control of the building in question ie the Premises Manager.
- The Directors will ensure delegated "Duty Holders" are, provided with training to acquire the necessary skills to undertake these duties, (and with the requisite resources and authority to ensure that they can effectively discharge them).



- The Directors will adopt the detailed procedures as set out in the Asbestos Procedures Manual 003 to ensure that the requirements of Regulation 4 of CAR 2012 and the Council's Asbestos Management Plan are complied with in all respects for their respective Service Areas.

### **Premises Managers' Responsibilities**

All Premises Managers across the full range of the Council's Services to whom Duty Holder responsibilities have been delegated will ensure so far as is reasonably practicable that:

- Access to the asbestos database is obtained via a password issued via the Council's Health and Safety administrator and this can be referred to at all times by any person who may need access to the information or alternatively that an up to date 'hard copy' of the latest survey information is held on site or by the individual visiting site.
- The conditions of the identified ACMs are checked regularly as part of the routine management of the premises in addition to the normal annual re-inspection.
- Information relating to the presence of ACMs in the building is conveyed to all persons who may have a need to know. In addition to other relevant persons this may include Porters, Sheltered Scheme Managers and Cleaning Staff.
- Whenever a change of condition of an ACM in the building has been identified, the Premises Manager will ensure that the request for any necessary maintenance work is conveyed to Housing Repairs or Engineering and Surveying sections and that the required works are undertaken within a reasonable period of time, such that no one is put at risk.
- Where a Premises Manager considers that an ACM has been damaged to the extent that persons utilising the area may be exposed to elevated levels of airborne asbestos fibre then the Premises Manager shall implement the NBBC Emergency Asbestos Procedure (Refer to 003 Corporate Asbestos Procedures Manual).
- Whenever a change of use is proposed for any particular building or part of a building, the Premises Manager will ensure that a reassessment of the risk arising from the presence of an ACM is undertaken promptly and that the Asbestos Manager is consulted to ensure that there is no additional risk involved.
- No intrusive work is undertaken where asbestos may be present (eg drilling into walls, cutting, lifting of duct covers, work in suspended ceilings, etc) without reference to appropriate survey information
- Where ACMs have been identified in walls and ceilings, that no invasive fixings (eg drawing pins, nails, screws, etc) are used in these areas. Breaches of this policy however caused, should be reported to Health and Safety in the first instance.

### **Asbestos Management Group (AMG)**

This group will ensure a coordinated approach to asbestos management across NBBC. It will be responsible for:

- Conducting an an review of the asbestos policy and management plan.
- Ensuring compliance with the asbestos policy.

- To ensure and facilitate the Council's compliance with legislative requirements as they relate to the Management of Asbestos.
- Ensuring that appropriate inspections are carried out as outlined within the management plan.
- To receive and consider training reports for internal workforce and external contractors, to ensure that all relevant personnel have received up to date, appropriate training.
- To consider and ensure appropriate resources are identified to effectively deliver the requirements of the Asbestos Policy, Management Plan, and Procedures Manual.
- To consider priority survey reports, and agree appropriate actions in relation to these.
- Ensuring that periodic audits are carried out to ensure compliance with the policy and legislative requirements.
- To receive and consider compliance monitoring information in respect of internal and external workforce / contractors, to ensure procedural and plan requirements are being adhered to.
- Providing HASCOG with periodic reports.
- Ensuring that the Head of Health, Safety & Asbestos carries out their asbestos management functions effectively.
- To receive reports relating to incidents / near misses to identify mitigating actions to incorporate into procedures.
- To identify potential improvements to processes and procedures on an ongoing basis.

### **Head of Health, Safety and Asbestos**

Will carry out the following functions: -

- Ensuring compliance with current legislative requirements in relation to the management of asbestos within the Councils property portfolio.
- The implementation and management of a prioritised asbestos survey programme within the guidelines set out in the NBBC Asbestos Management Plan.
- Will be responsible for ensuring that appropriate asbestos training for relevant employees is sourced and undertaken.
- Providing advice and guidance in relation to asbestos for NBBC personnel and contractors acting on our behalf.
- Collating and archiving all relevant historical asbestos documentation.
- Managing and updating the Asbestos database.

- Providing support for managers dealing with emergency situations in relation to asbestos in NBBC properties in accordance with the procedures laid down.
- Appointing and managing specialist asbestos contractors.
- Networking with other Authorities to share 'best practice'.

### **Managers and Supervisors Allocating / Organising Works**

- Ensure that no works are undertaken by employees or contractors until asbestos containing materials have been identified.
- Ensure all relevant employees and contractors have received appropriate asbestos training.
- Ensure that suitable and sufficient emergency procedures are developed and implemented and tested periodically.

Ensure that all contractors are appropriately selected and adequately managed in order that the Council's Asbestos Policy and Management Plan are not compromised

- Undertaking Investigations where there has been a significant breach of NBBC's policies and procedures.
- Maintenance and review of the Asbestos Policy and Management Plan
- Providing support and advice to AMG.

### **Health and Safety Co-ordinators Group (HASCOG)**

HASCOG will be responsible for ensuring that:

The Asbestos Management Group carries out its functions effectively.

Adequate consultation and engagement is undertaken with reference to the Asbestos Policy and Management Plan.

Overall compliance with the Asbestos Policy and Management Plan is achieved.

## Employees

### Every employee of the Council is responsible to:

- Take reasonable care for the health, safety and welfare of themselves and that of others who may be affected by their activities in relation to any contact or involvement with ACMs in buildings.
  - Immediately report to their Supervisor any damage or disturbance of ACMs or suspected ACMs that they may become aware of.
  - Cooperate in the implementation of the Council's Asbestos Management Policy, Organisational Arrangements and Procedures.
  - Comply with any working procedure so as to ensure that their own exposure to airborne asbestos fibre, and that of others, who may be affected by their activities, is kept to a level, which is as low as reasonably practicable and below the Control Limit stipulated within CAR 2012.
  - Use all appropriate control measure equipment, Personal Protective Equipment (PPE) and Respiratory Protective Equipment (RPE) that is provided for the safe conduct of any works. Operatives will be face fit tested to ensure a suitable close fitting mask is provided. Qualitative face fit testing will be provided by suitably trained in house personnel, quantitative face fit testing will be provided as required by a specialist contractor. Operatives undergoing and using close fitting masks will be expected to be clean shaven. (see Letter to operatives at Appendix
- (For operatives who are unable to wear close fitting masks for religious, health or other bona fide reason, the Council will purchase 4 power assisted respirators (PARP) and will keep them maintained so that they may be issued when required.)
- Cooperate in any investigations in relation to any uncontrolled release of asbestos fibre into the working environment.
  - Anyone who refuses to accept or follow advice given by a competent person may be subject to the Council's Dismissal, Disciplinary and Grievance Procedures

## Contractors

All contractors should:

Adhere to all current Health & Safety legislation and regulations and

- Take reasonable care for the health, safety and welfare of themselves and that of others who may be affected by their activities in relation to any contract or involvement with ACM's in buildings.

- Ensure they are fully informed regarding the location of asbestos materials prior to any work commencing that might disturb it.
- Where appropriate ensure that operatives have received relevant asbestos awareness training and provide copies of certificates to the Council's Supervising officer for the works.

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## **Appendix A**

### **Duty Holders**

The following have been designated as Duty Holders under Regulation 4 of CAR 2012 for the buildings in their control.

<b>Duty Holder</b>	<b>Current</b>
Brent Davis	Executive Director-Operations
Dawn Dawson	Director- Housing, Communities & Economic Development
Philip Richardson	Director-Arts, Leisure & Democracy

For tenanted and leased properties there will be a joint duty holder role between the occupier and Nuneaton and Bedworth Borough Council, depending on the repairing obligation included in their agreement.

## Appendix B

Enquiries to:  
**Mat Byrne**

Direct Dial: **02476 376015**

Direct Email: [mathew.byrne@nuneatonandbedworth.gov.uk](mailto:mathew.byrne@nuneatonandbedworth.gov.uk)

Date: 20th April 2016

Our Ref: **ABS/FF1**

### **Health & Safety at Work etc. Act 1974 - Face Fit Testing**

The Health and Safety at Work etc Act 1974 requires that employers must protect the health, safety and welfare at work of all their employees, as far as is reasonably practicable, it also states that employees have a duty to take care of their own health and safety and that of others who may be affected by their actions at work. Employees must co-operate with employers and co-workers and comply with reasonable requests made by them, to help everyone meet their legal requirements.

Where respiratory protective equipment (RPE) has been identified as a control measure, for any task, it is important that the RPE is adequate and suitable. To ensure that the selected RPE has the potential to provide adequate protection for individual wearers, the Approved Codes of Practice supporting the Control of Substances Hazardous to Health Regulations and the Control of Asbestos Regulations stipulate that tight-fitting RPE must be fit tested as part of the selection process. This will help to ensure that inadequately fitting face pieces are not selected for use. Ill-fitting face pieces can create inward leakages of airborne contaminants.

To ensure compliance and unless you have recently undertaken a supervised test, an appointment will now be made for you to undertake a Face Fit Test to ensure the appropriate RPE is available for you. The fit test will be carried out either by the qualitative or quantitative method. It is essential that when having the test that you are clean shaven as this will affect the seal of the mask to your face, and mean that the mask will not fit or perform correctly.

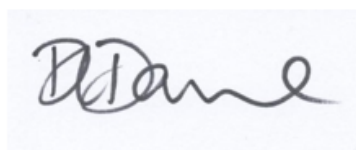
If you require any further information on the process for Face Fit Testing please feel free to contact Dave Hinton – Asbestos Manager on 024 7637 6298

If you feel there is a reason that you are unable to undertake a Face Fit Test please contact your supervisor giving those reasons for consideration so that NBBC can assess the reasons and assist you in your needs, please note however it is not an option just to refuse a Face Fit Test without giving a reason. This course of action may result in you making yourself unable to work and as a consequence further action may be taken.

Once you have had your face fit test you should ensure that whenever the task that you are doing requires the use of a close fitting mask you are clean shaven so that the mask performs correctly. If you are found wearing a mask and are not clean shaven you will be stopped from working until you have shaved. This may result in loss of pay and further action being taken.

It is in all our interests to ensure that we comply with all relevant Health & Safety Legislation and regulations and I hope I can rely on your cooperation.

Yours sincerely



Dawn Dawson  
Director – Housing and Communities



## **Appendix C**

### **Scheme contact numbers**

#### **Nuneaton**

Blackatree Court (Office 76383723, Mobile 0778 5298947)

Cheverel Place (Office 76388464, Mobile 07748 768436)

The Chines (Office 76372062, Mobile 0778 5300298)

Kingswood Court (Office 76329262, Mobile 07748 776129)

Springdale Court (Office 76370851, Mobile 07748 780290)

Stan Williams Court (Office 76373713, Mobile 07748 783650)

Bridge Street Flats (Office 76373328, Mobile 07748 813902)

Byford Court (Office 76382593, Mobile 07748 841995)

Craddock Court (Office 76392068, Mobile 07748 882870)

Frederick Warr House (Office 76344670, Mobile 0776 5896710)

Hall End (Office 76326537, Mobile 07748 887368)

James Diskin Court (Office 76342629, Mobile 07748 920452)

The Poplars (Office 76383151, Mobile 07748 928032)

Priory Court (Office 76370496, Mobile 07748 931086)

Reg Hadden Court (Office 76372923, Mobile 0776 9881759)

Shepperton Court (Office 76374610, Mobile 07748 931508)

Sunnyside Court (Office 76370669, Mobile 07748 932276)

Templar Court (Office 76346242, Mobile 07769 881757)

Windsor Court (Office 76351374, Mobile 07748 932690)

### **Bedworth**

Conifer Court (Office 76313319, Mobile 07748 805733)

The Grove (Office 76490619, Mobile 0778 5298961)

Alderman Gee Hall (Office 76312674, Mobile 07748 182471)

Alwynne Freeman Court (Office 76335030, Mobile 0788 4475915)

Arthur Alford House (Office 76360136, Mobile 07748 947926)

Catherine Ward Hall (Office 76315820, Mobile 0777 1958124)

Scheme Manager

Christine Knight

Eddie Miller Court (Office 76315486, Mobile 07748 982740)

John Haynes Court (Office 76362222, Mobile 07748 985108)

Leonard Perkins House (Office 76318835, Mobile 07748 993975)

Oakham Crescent (Office 76313614, Mobile 07760 142902)

Pine Tree Road (Office 76314141, Mobile 07760 164561)

Poets Corner (Office 76319869, Mobile 07760 164699)

Poplar House (Office 76314470, Mobile 0778 5300423)

York Avenue (Office 76319568, Mobile 0782 5935211)

## Corporate Asbestos Policy

### Quality Record

Issue No.	Date	Stage	Agreed
4	March 2014	HASCOG	13 March 2014
		Management Team (MT)	N/A
		Single Member	15 April 2014
5	June 2015	HASCOG	18 June 2015
		Single Member	16 July 2015
6	November 2016	HASCOG	3 October 2016
		Single Member	
7	December 2018	HASCOG	31 <sup>st</sup> January 2019
7		Single member decision	1 <sup>st</sup> February 2019