

## ITEM 8, APPENDIX C

### WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 3 SEPTEMBER 2013

---

**Title:**

**HEALTH & SAFETY EXECUTIVE IMPROVEMENT NOTICE FOR MANAGEMENT OF ASBESTOS**

**[Portfolio Holder: Cllr Keith Webster]**

---

**Summary and purpose:**

For the Executive to consider and endorse Waverley's response to the Improvement Notice issued by the Health and Safety Executive relating to the Council's arrangements for managing asbestos.

---

**How this report relates to the Council's Corporate Priorities:**

Ensuring sound management of housing stock.

**Financial Implications:**

The most effective solution to meet the requirements of the Improvement Notice is by implementing remote access to asbestos survey data. The cost to set up the data transfer process is approximately £5,000.

Following the Health & Safety Executive (HSE) introducing its "Fee For Intervention" scheme on 1 October 2012, Waverley will be charged at a rate of £124 per hour. Currently it is unclear what the final cost will be. The cost will be met from the supplementary estimate if agreed which will be funded from HRA balances.

Failure to comply with the requirements of the Improvement Notice could result in a fine not exceeding £20,000.

**Legal Implications:**

The Improvement Notice was issued due to a breach of Health and Safety at Work Regulations 1999 and the Control of Asbestos Regulations 2006. Failure to comply with requirements of the Improvement Notice could result in a fine not exceeding £20,000.

**Risk:**

The above identifies some legal and financial risks of not complying with the HSE Improvement Notice and Asbestos Regulations 2006. There are wider risks to the health of tenants, employees and contractors if asbestos is not managed effectively.

## **Introduction**

1. Following an incident regarding the management of asbestos in a Council owned property, the Health and Safety Executive (HSE) have carried out an investigation and have issued Waverley Borough Council Housing Service with an Improvement Notice. A working group has been set up to ensure the requirements of the notice are satisfactorily completed by the deadline of 18 October 2013.

## **Report**

2. The building maintenance and refurbishment work for the Housing Service is carried out through a small number of key strategic contracts. The incident occurred in a Housing Service property located at The Chantry, Farnham. The occurrences that contributed to the incident took place over a period of time (Nov 2012 – Feb 2013). It was a void property for part of this period.
3. The requirements of the Control of Asbestos Regulations 2006 and the associated Approved Codes of Practice and guidance places a duty on Waverley to ensure that risks to its employees are managed. An asbestos management system must ensure that;
  - information about asbestos is provided to employees or contractors who are likely to work with asbestos containing materials (whether during or outside of office hours)
  - sufficient risk assessments are carried out before work with asbestos commences
  - staff likely to work with asbestos have adequate information, instruction and training
4. The incident occurred due to a management process breakdown. There was a full internal investigation and has also been dealt with formally through the Council's complaint process.
5. The Health and Safety Executive conducted an investigation and issued an Improvement Notice. In order to comply with the Notice, an asbestos management system must document a process to meet the requirements of asbestos regulations and guidance, by the deadline of 18 October 2013.
6. A working group, which includes the Housing repairs contractor Mears, has been formed in order to ensure that the asbestos management system is developed to fully comply with the regulations and the requirements of the Improvement Notice and delivered by the deadline.
7. The key requirement of the Improvement Notice is to ensure that information about the location and condition of asbestos containing materials is provided to contractors or employees that are likely to work with or disturb these materials. The most effective way of achieving this is to enable operatives to access the asbestos register information remotely when on site. The transferring of asbestos register data will cost approx £5,000.

## **Conclusion**

8. Following the asbestos incident and issuing of an Improvement Notice by the HSE, there is work underway to improve the asbestos management system to ensure compliance with regulations and the reduction of risk to anyone who may work with asbestos containing materials.

## **Recommendation**

It is recommended that

1. a supplementary estimate of £5,000 be agreed to transfer the asbestos risk register data, to be funded from the Housing Revenue Account working balance; and
2. a further report be submitted to the Executive following a response from the HSE on the actions taken by the Council.

---

## **Background Papers**

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

---

## **CONTACT OFFICER:**

**Name:** Aaron Carter

**Telephone:** 01483 523480

**E-mail:** aaron.carter@waverley.gov.uk