
Report to

Scrutiny Co-ordination Committee
Cabinet

6th July 2005
12th July 2005

Report of

Director of City Services

Title

Asbestos Management Action Plan – Progress Report.

1 Purpose of the Report

- 1.1 To keep Cabinet informed of progress with regard to the City Council's arrangements for managing asbestos as required by the Asbestos Management Plan approved by Cabinet on the 27th April 2004.

2 Recommendations

- 2.1 In order to facilitate wider Member consideration, Scrutiny Co-ordination Committee were asked to consider this report on the 6th July 2005 and to convey their comments as appropriate to Cabinet.

Having appropriately considered the comments made by Scrutiny Co-ordination Committee, Cabinet is recommended to;

2.1.1 endorse

- The progress made to date on the objectives identified in the Asbestos Management Plan [Appendix 1](#) and;
- That Zurich Municipal, the City Council's insurers, are to undertake an independent review regarding the management of asbestos within the Council (see 4.4)

2.1.2 agree

- the refreshed key milestone dates within the Plan regarding;
 - Item 5 – a feasibility study to provide a Council wide database,
 - Item 8 – the next audit deadline and;
 - Item 11 – the next Cabinet report date.

2.1.3 give approval for this report to be presented to the next appropriate Joint Health & Safety Forum.

3 Information/Background

- 3.1 Since the late 1970's the City Council has always taken a proactive approach when dealing with the risks arising from asbestos. A comprehensive policy has been in place since 1980, which has proved highly successful in managing our asbestos issues and ensuring compliance with the law.
- 3.2 In the late nineties a much higher profile was given nationally to the issue of asbestos and a restructuring of legislation commenced. The latest result of these changes has seen far reaching amendments to the Control of Asbestos at Work Regulations, which became law on 21st November 2002 with full compliance required by 21st May 2004. Explicit requirements for managing asbestos products in buildings and the extent of responsibility and accountability to continually risk assess buildings where asbestos is present are now clearly included.
- 3.3 In response to these regulations the City Council produced an 'Asbestos Management Action Plan' that was implemented in May 2004 and which is intended to ensure compliance with the Regulations (see appendix 1). This document was shared with the Health & Safety Executive (HSE) and they supported the approach that the City Council was taking to address this issue.
- 3.4 In recognition of the financial implications involved in meeting the requirements of the action plan the Council has previously allocated a budget of £800k through the PPR processes. This figure includes £450k capital and £350k revenue.
- 3.5 In essence the Plan is designed to enable the presence of asbestos within Council establishments to be identified and subsequently managed correctly to minimise any future risk. This means that procedures will be adopted that will ensure:
 - All Council buildings are surveyed to a Type 2 standard (see 5.6 Property implications),
 - Appropriate records are kept and networked, and
 - Ongoing risk assessments will monitor the condition of the asbestos and ensure immediate remedial action is taken if it is shown to deteriorate.

In addition, the City Council's Asbestos Policy requires that prior to the purchase or rent of buildings by the City Council, an asbestos survey must be undertaken by a City Council appointed specialist who will be accredited by UKAS (United Kingdom Accreditation Service)

- 3.6 One of the subsequent actions arising from the Cabinet meeting held on the 27th May 2004 was a requirement for a protocol document to be drawn up, that would seek to ensure asbestos issues, including their associated funding implications, would be correctly addressed at the planning stages of all future capital schemes, for buildings that could contain asbestos. Cabinet approved this protocol, which seeks to minimise unforeseen costs associated with asbestos, on the 7th September 2004.
- 3.7 In line with a specific objective the Corporate Health & Safety Section has undertaken an audit of the Asbestos Management Plan, which was completed in May 2005. The primary aim of this audit was to objectively examine progress made by the City Council in relation to this Plan.

The recent audit identified significant progress in the Council's surveying programme. The audit has resulted in twenty-seven recommendations, the most salient of these are;

- To develop and implement a Council wide data base system that allows access for those who manage and control premises to their asbestos survey. A consultant's review of existing property databases is presently being undertaken by City Development to evaluate their capabilities. This feasibility study will provide an assessment of the improvements required, the likely resource implications and the time scales involved.
- To provide a user friendly Risk assessment package and training support to empower managers of premises to undertake assessments of the Asbestos Containing Materials (ACM's) in their buildings. This package is intended to help and advise those in Directorates who manage premises/property to fulfil their legal obligations to manage ACM's that may be present within those premises. The guidance has 3 distinct parts:
 - Duty to Manage Asbestos and Survey Information
 - Risk Assessment Process – Including recording and reporting
 - Providing Information and managing Asbestos left in situ

It will be incumbent upon Directorates to establish their own procedures to meet these criteria against which they will be audited.

- To provide additional training to support the management of asbestos that is left in situ The Corporate Health & Safety Section will be offering this training

4 Proposal and Other Option(s) to be considered

4.1 In conjunction with key directorates an Asbestos Working Group will be established with a remit to ensure that :

- A structured action plan is developed to address the issues that have been identified from the audit findings.
- To ensure that the asbestos survey programme is managed effectively and the results shared appropriately.
 - To date the following number of surveys have been completed and is being managed and co-ordinated by the City Services, Asbestos Management Officer and regular update reports are provided at the Joint Health and Safety Forum. The total of surveys completed at April 2005 is summarised below:

- Number of Type 2 Surveys Completed: 241 (Whole site surveys approx. 37% of the City Council's sites)
- Number of Type 3 Surveys Completed: 21
- Part Surveys Completed Type 2: 93
- Part Surveys Completed Type 3: 104

A further 90 surveys have been requested and should be completed in this financial year and as details of the remaining building stock are obtained (floor plans and floor areas) these will be incorporated into the programme for surveying in 2006 / 2007.

The City Development Directorate identified the following number of building assets from their list:

- 332 School buildings
- 71 Site Services Officers Houses
- 308 Operational Properties (e.g. Social Services office)
- 244 None operational (industrial Unit for let)

A total of 955 buildings.

N.B. A survey could consist of a single building or number of buildings, which form an establishment; the number of surveys completed refers to whole site i.e. an establishment.

- That the Risk Assessment package is launched and supported with the requisite training to enable those managers to fulfil their statutory obligations for managing asbestos at a local level within the premises they control.

- 4.2 In addition, it is intended within this financial year to audit the implementation of the Asbestos management plan at the 'sharp end' within Directorates. The timing of this audit will be such that it enables directorates to have had sufficient time to apply the requirements of the risk assessment guidance referred to above.
- 4.3 The continued progress and implementation of the Asbestos Management Plan will be reliant on PPR financial support not only until the initiative has been completed but for continued funding to ensure that once the survey programme is complete that the support mechanisms that are in place are maintained to manage asbestos within City Council premises, etc,
- 4.4 The Risk Management and Insurance Section have engaged the City Council's Insurers, Zurich Municipal to undertake an independent review of the way in which the City Council is managing the issue of asbestos. Their primary objective is to ensure that the City Council is managing asbestos in a proactive and measured way. They will be auditing the Council's current approach against regulatory requirements, benchmarking against best practice elsewhere & identifying any weaknesses for improvement action. This should provide external validation of the Council's approach to managing asbestos.
- 4.5 The Asbestos Management Plan is one key objective within the Corporate Health & Safety Management Action Plan. The monitoring of this and the other objectives by Management Board demonstrate the City Council's ongoing commitment to a strong and effective health and safety culture. This proactive approach demonstrates a drive by the City Council to establish a robust health and safety culture. The primary objective being to protect their employees, service users and members of the public from harm and to improve the safety of our working environment and the City as a whole.
- 4.6 It is worth noting that the H&S Executive are actively auditing organisations to establish the extent of compliance with the new legal responsibilities 1 year on from their implementation.

5 Other specific implications

5.1

	Implications (See below)	No Implications
Area Co-ordination		❖
Best Value		❖

	Implications (See below)	No Implications
Children and Young People		❖
Comparable Benchmark Data		❖
Corporate Parenting		❖
Coventry Community Plan		❖
Crime and Disorder		❖
Equal Opportunities		❖
Finance	❖	
Health and Safety	❖	
Human Resources	❖	
Human Rights Act		❖
Impact on Partner Organisations		❖
Information and Communications Technology		❖
Legal Implications	❖	
Property Implications	❖	
Race Equality Scheme		❖
Risk Management	❖	
Sustainable Development		❖
Trade Union Consultation		❖
Voluntary Sector – The Coventry Compact		❖

5.2 Finance

The funding for Asbestos works is now in its third year. Due to the uncertainty surrounding the costs of remedial works until surveys have been completed or works commissioned, variations between years can be expected. It may be that in any given year all the properties surveyed require remedial works or even none at all, which obviously impacts on the year on year outturn position. Where underspends do occur, a request to carry forward the balance is made to support the remainder of the cycle of initial inspections and works.

The revenue fund has been dedicated primarily to survey work (including the funding of the Asbestos Management Officer), whilst the capital fund has been used for remedial work, i.e. work that needs to be carried out in-line with the findings of the Asbestos survey report/recommendations.

Asbestos Management Plan Capital Spend			
Year	Capital Programme £000	Outturn £000	
2003/2004	450	724	The additional works being funded from a transfer from the Asbestos Revenue budget (£150k) and a virement from the main Central Repairs Fund Programme (£173k). In addition to this spend, £49k was also transferred as a contribution to Asbestos works within Social Services properties.
2004/2005	450	309	In addition to this spend, £10k was also transferred as a contribution to Asbestos works within Education properties.

Asbestos Management Plan Revenue Spend			
Year	Base Budget £000	Outturn £000	
2003/2004	350	159	In addition to this spend £150k was used to fund additional remedial works (see above).
2004/2005	350	164	

Capital PPR funding has been provisionally agreed at £450k until the end of 2007/08 and revenue funding has been provided until end of 2006/07, following PPR 2004.

The issue of the necessary resources and continued funding to deal with the ongoing management of asbestos, beyond the period of initial inspection and remedial work, still needs to be addressed.

5.3 Health & Safety

Asbestos needs to be properly managed to;

- Minimise the risk to the health of our employees, the general public and visitors to our establishments
- Limit employer and public liability claims
- Reduce the likelihood of prosecution for non-compliance with statutory legislation
- Limit disruption or loss of services and consequential adverse publicity

5.4 Human Resources

Additional administrative support has currently been taken on a temporary basis to assist in the recording of the backlog of data received to date.

Further resource will be required from IT system supplier in transferring information from one electronic medium on to an agreed database in line with corporate strategy.

5.5 Legal Implications

The City Council has a clear statutory duty under the generality of the Health & Safety at Work Act to protect those they employ and those who may be affected by the City Council's

undertakings. In addition there is now an explicit requirement under the new Control of Asbestos at Work Regulations to satisfactorily manage asbestos within the areas and establishments we control, including ongoing risk assessment. The Health and Safety Executive have indicated that they will be actively assessing compliance nationally with this legislation.

5.6 Property Implications

The progressive asbestos surveying that is necessary to enable the City Council to identify asbestos within their properties will ensure that full 'Type 2' information is ascertained. This type of survey is designed to ensure that all readily accessible asbestos within our properties is identified. It is worthy of note that should any of the City Council's properties be subject to major refurbishment or demolition in the future it will be necessary to undertake a 'Type 3' survey which involves systematic exposure of the inner structure of the building.

5.7 Risk Management

There is the potential for increased Employer's and Public Liability claims if asbestos exposure is not correctly managed and controlled. This could compromise the viability of the Council's funding arrangements, have a substantial effect on the cost of future insurance cover and the City Council's overall credibility both as a responsible property owner and landlord and as a caring employer.

6 Monitoring

- 6.1 The asbestos management issue and the progress of the asbestos management plan needs to be monitored from two perspectives, the continued allocation and utilisation of the PPR funding and the ability of the plan to satisfy the City Council's legal requirement to meet the relevant asbestos regulations. The former will be the responsibility of City Services Premises and Engineering Maintenance Sections in conjunction with City Development. The Corporate Health & Safety Section as part of their advisory and auditing remit will monitor the City Council's compliance with the relevant health and safety legislation.

7 Timescale and expected outcomes

- 7.1 The achievements against the original timescales of the asbestos management plan are identified within [Appendix 1](#) and it is proposed that an annual report be presented to Cabinet concerning performance of the plan.

List of background papers

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Papers open to Public Inspection

Description of paper

Location

COVENTRY CITY COUNCIL'S ASBESTOS MANAGEMENT PLAN – 2004

Item	Action Required	Responsible for Delivery (nb – those in bold carry lead responsibility – supported by those in normal text)	Targets/Milestone Dates
1	Create contract specifications for; <ul style="list-style-type: none"> • asbestos surveys • asbestos removal and; • analytical support 	City Services (Premises & E.M Sections) Corporate H&S Section	January 2004 Completed
2	Compile a full property asset list of establishments owned or occupied by the City Council to be surveyed to support this management plan, including commercial properties	City Development Property Portfolio	April 2004 Completed
3	Agree a priority status protocol for survey work which takes into account such issues as; <ul style="list-style-type: none"> • age of the property • previous building and material history • pending or imminent building projects scheduled 	City Services (Premises & E.M Sections) City Development Property Portfolio Corporate H&S Section	January 2004 Completed
4	Obtain layout drawings and plans for all properties to be surveyed where available, establish most economical way of creating drawings for those properties for which no plans are available – this could entail commissioning architect work or including it within the surveying contract specification	City Development Property Portfolio City Services (Premises & E.M Sections)	From December 2004 Progressing –estimate 5 year plan to complete
5	Create and maintain a comprehensive database, based on the local land and property gazetteer, to record all relevant information on the management of asbestos within the City Council's property stock. Database to be capable of; Correlating survey results using accurate plans and layouts Plotting action i.e. initiate urgent work, removal, maintenance etc. Sharing information on the network ensuring that all occupiers/those in control of premises can risk assess and monitor the condition of the asbestos	City Development & City Services (Premises & E.M Sections)	July 2004 Still requires development The recommendations of a Consultants' feasibility study into the Council's property databases are expected in July 2005. It is anticipated that there will be a substantial impact on asset management resources and involve a sizeable time scale to complete. The detail and potential impact on the sharing of asbestos data will not be known until the study is completed in July.

Item	Action Required	Responsible for Delivery (nb – those in bold carry lead responsibility – supported by those in normal text)	Targets/Milestone Dates
6	Commence surveying based on the contract specification and the priority status.	City Services (Premises & E.M Sections) Selected Contractors	From January 2004 Progressing approx. 40% of establishments completed
7	Raise asbestos awareness through training; <ul style="list-style-type: none"> • Include asbestos awareness training within the core training elements • Ensure asbestos awareness training forms part of departmental induction on health and safety issues • Distribute as appropriate campaign/publicity information on the hazards associated with asbestos 	Corporate H&S Section	From October 2003 Continuing - awareness training is part of the Corporate Training Programme and will be delivered to relevant employees on a new & refresher basis
8	Establish auditing and review techniques to ensure the asbestos management is suitable and sufficient to meet the appropriate legislation	Corporate H&S Section	July 2004 Audit Completed - next audit to concentrate on asbestos risk assessment by December 2005
9	Report outcomes on a regular basis to the Management Board and Cabinet <ul style="list-style-type: none"> • Progress reports on PPR spend & • Audit on the management of asbestos 	City Services (Premises & E.M.Section) & Corporate H&S Section	From January 2004 & From July 2004 Ongoing – annual PPR progress reports
10	Risk Assessments; <ul style="list-style-type: none"> • Develop a generic risk assessment procedure that can be used by those responsible for managing asbestos within premises. • Provide training and/or instruction on how to undertake an asbestos risk assessment and how to interpret survey information • Implement an ongoing risk assessment process that ensures the condition of all asbestos within City Council premises is monitored and ensures that any remedial repair work is reported and action taken. 	Corporate H&S Section Corporate H&S Section Directorates through their managers, supervisors, Head Teachers etc.	May 2004 Document Completed From May 2004 Commenced – training dates identified for the remainder of 2005 From June 2004 Commenced – progress to be audited by Dec 2005
11	Prepare an annual report for Cabinet on progress against the action plan and proposals for the following year.	City Development City Services (Premises & E.M Section)	July 2005 Complete Next Report July 2006 or

		<i>Corporate H&S Section</i>	earlier if required
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