

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.0	Meeting:-	Cabinet Member for Safe and Attractive Neighbourhoods
2.0	Date:-	31st October, 2011
3.0	Title:-	Asbestos Refurbishment/Demolition Surveys
4.0	Directorate:-	Neighbourhoods and Adult Services

### 5.0 Summary

This report details the implications arising from recently revised national Health and Safety guidance in respect of asbestos testing, and proposes options to ensure compliance with the guidance.

### 6.0 Recommendations

**That Cabinet Member agrees to a virement of £550,165 to facilitate the provision of an asbestos testing programme as identified in paragraph 8.1**

## 7.0 Background

In January 2010 the Health & Safety Executive (HSE) replaced the MDHS100 asbestos guidance with the Health and Safety guidance 264. The most substantial change to the guidance was a requirement for actual physically intrusive asbestos testing on a wide scale, and a move away from visual only surveys and a reduction in sampling exercises. The key reason for change was that the HSE realised the need for better quality information to ensure safe working. Where refurbishment works are required, it is no longer acceptable to make presumptions (on the basis of other similar stock) and therefore all areas have to be investigated unless there is a risk to human life. This issue is even more significant for this council as 2010 Rotherham Ltd was prosecuted because of a lack of adequate asbestos information.

Rotherham MBC is required to meet its statutory and regulatory obligations under the following legislations and codes of practice:

- Health and Safety at Work Act 1974
- Health and Safety at Work Regulations 1999 (as amended)
- Control of Asbestos Regulations 2006 (CAR 2006)
- CAR 2006 associated Approved Code of Practice
- Construction (Design and Management) Regulations 2007 (CDM 2007)
- The Management of Asbestos in Non-domestic Premises Approved Code of Practice (L127)

## 8.0 Proposals and Details

To meet the new requirement an increase in the number of surveys prior to refurbishment and demolition has been estimated and contract partners are currently reviewing their requirements where existing sampling survey information is no longer sufficient prior to work commencing. A cost exercise detailing a number of proposals has been completed to demonstrate the funding required for 2011-2012 to ensure compliance with the revised Health and Safety guidance 264 and from that, a preferred option has been identified.

### 8.1 Preferred option - Option 5: £550,165 in 2011/12; £330,750 in 2012/13

This option is based upon building up a picture for the entire borough, comprising a Refurbishment & Demolition Survey for 10% of each type of property, for each street in a Decent Homes Area. It also allows for 2,451 Management Surveys which represents 50% of properties that have no specific asbestos survey information at present. These Management surveys will ensure that all properties included in Planned and Capital Programmes have sufficient survey information. The remaining 2,450 surveys will need to be surveyed in 2012-2013 with a cost implication of £330,750. As we will still have properties with no information, there will still be a need for individual samples charged at £135-£180 each time. Based on the sample requests received since the externalisation, this could equate to an additional £8,100-£10,800.

This option favours reducing the risk of asbestos disturbance by obtaining Management Survey information for 50% of properties with no survey information and 10% of all Refurbishment & Demolition properties on a geographical basis. This option is the most cost effective option with the cost spread over a 2 year period.

## **8.2 Alternative Options**

During the planning exercise, a number of other options were also considered which are summarised in the table attached, along with the preferred option 5:

## **9.0 Finance**

The budget requirement of £550,165 for the proposed option for 2011/12 has been included within the budget setting process for Housing Management Services.

## **10.0 Risks and Uncertainties**

### **10.1 Health & Safety Risks**

Asbestos is a hidden killer. Rotherham MBC has a responsibility to effectively manage and limit exposure to asbestos fibres, in order to do this effectively, a robust register is required.

### **10.2 Financial Risks**

The £880,000 required for the preferred option is for the cost of the surveys only. If the surveys cause disruption and remedial work is required then this could potentially have a negative impact on the voids revenue budget. However if the work is completed as part of a capital scheme then the work can be factored into the capital budget.

## **11.0 Policy and Performance Agenda Implications**

Compliance with the revised Health and Safety guidance 264 is required as part of the Council's Health and Safety Policy. The Council's Health and Safety Policy is a key element underpinning the priority theme of Rotherham Safe and takes into consideration the requirements of the Council's cross cutting themes of fairness and equality in all our activities and the services we provide.

## **12.0 Background Papers and Consultation**

- Report to Executive Management Team, 2010 Rotherham Ltd 21/04/11 – Asbestos Refurbishment/Demolition Surveys

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