

ASBESTOS LICENCE ASSESSMENT GUIDE

Asbestos Licensing Unit
November 2008 (Revision 4)

Contents

SECTION A PURPOSE OF THE GUIDE.....	1
STRUCTURE OF THE GUIDE	1
SECTION B INTRODUCTION/OVERVIEW	3
CONTROL OF ASBESTOS REGULATIONS 2006.....	4
<i>Definition of work with asbestos.....</i>	4
<i>Exceptions to requirement to hold a licence.....</i>	5
WORK WHICH REQUIRES A LICENCE	5
<i>Supervisory work</i>	5
<i>Ancillary work.....</i>	6
<i>Labour Supply Agencies</i>	6
ROLE OF THE ASBESTOS LICENSING UNIT (ALU).....	7
<i>Appeals against ALU decisions</i>	8
<i>Standard licence conditions and ALU policy.....</i>	8
<i>Special conditions</i>	9
<i>New Licence Applicants.....</i>	10
<i>Renewal Applicants.....</i>	11
<i>Term of licence.....</i>	12
<i>No work undertaken during the last year of the licence term.....</i>	13
<i>Longer Term Licences.....</i>	14
THE LICENSING PROCESS	14
<i>Initial application.....</i>	15
<i>Renewal.....</i>	16
<i>Amendment to existing licences and revocation action.....</i>	17
<i>Licence Holder Changes.....</i>	17
<i>Non contact following receipt of application.....</i>	18
SECTION C ASSESSMENT	19
OVERVIEW	19
<i>Asbestos Licensing Principal Inspector (ALPI).....</i>	20
<i>Preparation for the visit.....</i>	20
<i>“Step Change” / “Leadership summits”</i>	21
<i>Assessment interview</i>	22
<i>Observation of workplace, equipment and transport</i>	22
<i>ASB1 Parts A, B, C — Application, licensing history and enforcement details ..</i>	22
<i>ASB1 Part D— Declaration.....</i>	23
ISSUES FOR DISCUSSION AND STANDARDS	24
<i>Supervisory Licence (SL) Applicants</i>	24
<i>Ancillary Licence Applicants</i>	25
<i>Labour Supply Agencies</i>	26
THE ASSESSMENT PROCESS	28
<i>Fig 1: Successful Health and Safety Management (HSG65).....</i>	28
<i>Health and safety performance.....</i>	29
<i>Leadership summits and Health and Safety Management (HSG65)</i>	29
<i>Licence holders and “Competence”</i>	30
<i>Documentation and paperwork</i>	30
<i>ASB4 form.....</i>	30

<i>General health and safety matters (ASB4 section 2)</i>	32
<i>Asbestos specific matters (ASB4 Section 3)</i>	36
RECOMMENDATION BY ALPI / FIELD INSPECTOR	40
RECORDING OF INFORMATION.....	40
ASSESSMENT OUTCOME	40
<i>Licence refusal</i>	41
<i>Conditional refusal</i>	41
SECTION D	43
ANNEX 1 OVERVIEW OF INITIAL RENEWAL APPLICATION PROCESS	43
ANNEX 2 FOD ASB1 (LICENCE APPLICATION FORM).....	44
ANNEX 3 FOD ASB4 (ASSESSMENT REPORT FORM BY ALPI)	45
ANNEX 4 FOD ASB6 (ENFORCING AUTHORITY REPORT FORM)	46
ANNEX 5 READING MATERIAL AND LIST OF TRAINING PROVIDERS	47
ANNEX 6 SAMPLE ALPI / ALU LETTERS TO APPLICANTS	49
<i>Annex 6.1 Suggested ALPI letter to full licence applicant</i>	49
<i>Annex 6.2 Suggested ALPI letter: ancillary (scaffolding) licence applicant</i>	49
<i>Annex 6.3 Suggested ALPI letter: ancillary (maintaining air extraction equipment) licence applicant</i>	49
<i>Annex 6.4 Suggested ALPI letter to Supervisory Licence applicant</i>	49
<i>Annex 6.5 Suggested ALPI letter to Labour Supply Licence applicant</i>	49
<i>Annex 6.6 Appendices for standard letters to applicants</i>	49
<i>Annex 6.7 Standard ALU enquiry letter</i>	49
<i>Annex 6.8 Standard ALU renewal/expiry letter</i>	49
<i>Annex 6.9 Sample ALU conditional refusal letter</i>	49
ANNEX 7 TABLE OF CHANGES TO ASBESTOS LICENCES.	50
ANNEX 8 METHOD STATEMENT.....	51

Section A Purpose of the Guide

- A1) The overall aim of this guide is to explain the asbestos licensing regime and the standards required by applicants. It is intended to help HSE inspectors and the Asbestos Licensing Unit (ALU) ensure that assessments and licence reviews are conducted fairly, consistently and transparently. It will also be a useful guide for potential applicants, or those preparing for assessments.
- A2) Under powers delegated from the Health and Safety Executive, ALU may grant a licence for work with asbestos if it considers it appropriate to do so. A licence will not be granted if the applicant has no intention of carrying out licensable work, as HSE does not grant licences for commercial purposes.
- A3) The decision to grant a licence is based on the principles of consistency, proportionality and transparency and takes account of the competence of the applicant at interview and as evidenced by their performance record.
- A4) This guide has been developed to:
- a) provide inspectors with information about the asbestos licensing regime;
 - b) clarify the standards required of applicants for a licence;
 - c) clarify the factors which influence the decision to grant a licence; or to impose additional conditions; or to amend, or to refuse or to revoke a licence.
- A5) It is not a prescriptive guide on how to conduct an assessment but a manual describing the various issues and factors that ALU and field inspectors need to take into account when forming a judgement about the suitability and competency of an applicant. The procedures and standards described are already used by inspectors, but the guide provides a useful one stop shop summary of the issues. It is aimed at improving consistency and ensuring the process is clear and transparent.
- A6) Version 1 of the guide was issued to each Asbestos Licensing Principal Inspector (ALPI) and to inspectors carrying out visits to asbestos removal operations and to members of the Asbestos Liaison Group in January 2002. Revised versions of the guide will be updated as necessary and will be available on HSE's Intranet and the HSE asbestos website at <http://www.hse.gov.uk/asbestos>. Any comments or queries should be directed to the Head of ALU.

Structure of the guide

- A7) The guide comprises 4 sections:
- a) **Section A** sets out the purpose, structure, distribution and upkeep of the guide.

- b) [Section B](#) introduces the concept of a licence to work with asbestos material and the process of assessment. It provides a description of the role and responsibility of ALU and, for information, describes the processes followed by ALU. It also provides an overview of the types of licences and conditions likely to be encountered.
- c) [Section C](#) sets out the assessment process, issues for discussion, standards, assessment outcome and the role of the ALPI and field inspector.
- d) [Section D](#) contains appendices (flow chart, forms, standard letters, reading material etc).

Section B Introduction/overview

- B1) The Control of Asbestos Regulations 2006 (CAR) prohibit work with asbestos (unless this work is exempt from licensing requirements by virtue of [Regulation 3\(2\)](#)) unless it is carried out by an employer or a self employed person who holds a licence granted by the Health and Safety Executive.
- B2) All licences for work with asbestos are granted by ALU under the terms of regulation 8 of CAR. Licences are granted for a limited period of time, usually one or three years, in order that HSE can review the licence and the performance of licence holders at intervals.
- B3) It is important to recognise the public expectation of the asbestos licensing regime and the potential for HSE to be criticised if licences are granted to those who don't deserve them. HSE's expectation of those licensed to undertake dangerous activities is that they will meet exemplary standards and that they can demonstrate they have a sound overall public health and safety record, which shows wider health and safety compliance beyond asbestos legislation alone.
- B4) Applicants are expected to be able to demonstrate sound knowledge of relevant legislation and related guidance and competence before a licence is granted, and must be intent on carrying out licensable work. This guide sets out the procedures and standards for completing the assessment (see [Section C](#)).
- B5) Regulation 8 permits the imposition of such conditions on the licensee as is considered appropriate. There are generally [three standard licence conditions](#) used although special conditions may be used where appropriate. This guide sets out the use of conditions and the type of situations in which a more restricted licence may be imposed (see [below](#)).
- B6) There are two potential outcomes for applicants (regardless of whether or not a licence was held previously) who fail to meet the required standards at assessment.
- a) The applicant may be given a **conditional refusal** and allowed time to remedy the defects, if there is a reasonable expectation of the applicant reaching the necessary standard.
 - b) The applicant may be given an **outright refusal**. This might occur in situations where evidence has been obtained that casts doubt about the applicant's suitability to hold a licence, e.g. they have failed to disclose certain important information which results in a lack of confidence by HSE, compounded perhaps by previous enforcement action also having been taken against them.

- B7) The work of licensees is monitored during field inspection work, during which inspectors may use their HSWA powers to take enforcement action where appropriate. Additionally, ALU has the power to:
- a) impose additional conditions at any point during the term of a licence;
 - b) reduce the term of a licence;
 - c) refuse to renew the licence when it expires; or
 - d) revoke the licence when it considers it appropriate to do so.
- B8) Appeals against the decision of ALU to refuse to grant a licence or to revoke a licence can ultimately be made to the Secretary of State for Work and Pensions. The appeals mechanism is explained [below](#). Consideration has been given to the implications of the Human Rights Act. The statutory appeals mechanism already in place is sufficient to meet its requirements.

Control of Asbestos Regulations 2006

Definition of work with asbestos

- B9) Under the Control of Asbestos Regulations 2006 work with asbestos means work, which consists of the removal, repair or disturbance of asbestos and includes work in a supervisory or ancillary capacity. Work with asbestos requires a licence unless it is exempt by virtue of [Regulation 3\(2\)](#).
- B10) All applicants for a licence must intend to carry out licensable work with asbestos and must satisfy HSE that they have adequate knowledge, organisation and arrangements to carry out the work safely, and without detriment to the health of their employees, or others who may be affected by their operation. They must display an adequate knowledge of all types of asbestos material and situations they are likely to encounter.
- B11) While the level / depth of knowledge required of applicants will vary according to the type of work they wish to carry out (e.g. a contractor requiring a full licence to remove, repair asbestos compared to a company requiring an ancillary licence in order to undertake maintenance and thorough examination of equipment used in the main asbestos removal work) there are basic minimum standards which they must meet. All applicants must satisfy HSE as to their knowledge of current legislation relating to asbestos and be familiar with the ACoPs and associated practical guidance. Applicants are informed in advance of assessment that they must be fully conversant with these requirements if they are to be successful in their application for a licence.

NB It is worth bearing in mind the legal hierarchy of regulations, ACoPs and practical guidance. Regulations impose a legal requirement on contractors. ACoPs provide practical guidance on how to comply with the legal

requirements and have a special status in law making them highly persuasive. Those who do not follow the ACoP may have the onus placed on them to show how they have otherwise complied with the law. Non-ACoP guidance has no special legal status. Following it is not compulsory and employers are free to take other action. But if they do follow guidance they will normally be doing enough to comply with the law.

Exceptions to requirement to hold a licence

- B12) Regulation 3(2) sets out the criteria that must be met in order for work with asbestos to be exempt from the requirement to hold a licence. In summary a licence is required unless:
- a) the exposure of employees to asbestos is sporadic and of low intensity; **and**
 - b) it is clear from the risk assessment that the exposure of any employee to asbestos will not exceed the control limit; **and**
 - c) the work involves;
 - (1) short, non-continuous maintenance activities,
 - (2) removal of materials in which the asbestos fibres are firmly linked in a matrix,
 - (3) encapsulation or sealing of asbestos-containing materials which are in good condition, or
 - (4) air monitoring and control, and the collection and analysis of samples to ascertain whether a specific material contains asbestos.

NB “Work of short duration” — the time period will include preliminary work (such as pre clean, sheeting off, covering of items to prevent spread, erection of small enclosure etc) as well as the time taken to clear up (i.e. vacuuming or wiping with a damp cloth to remove any residual asbestos, bagging up, removal and disposal).

Irrespective of the fact that a licence is not required under Reg 3(2), the Control of Asbestos at Work Regulations will still apply to work with asbestos.

Work which requires a licence

Supervisory work

- B13) Under the Regulations supervisory work means work involving any direct supervisory control over those removing, repairing or disturbing asbestos. Direct supervisory control refers to a direct and immediate influence over current site activities, including removal techniques. Direct supervisory work is expected to require occasional entry into enclosures, as well as covering the external situations. Such work requires to be licensed.
- B14) It would normally include:
- a) any aspect of the work with asbestos including the equipment and controls being used;

- b) entries into enclosures (not enforcing authority inspections) — but not for the sole purpose of air monitoring;
- c) control of how the work is done e.g. methods, techniques etc;
- d) control of how the site is prepared, cleaned up etc;
- e) the monitoring of controls e.g. inspecting decontamination units, changing filters/negative pressure units etc;
- f) movement, storage and transfer of waste

B15) Such work is normally specified in a condition on the licence, which restricts work to that activity. ALG Memo 03/08 provides further information. (www.hse.gov.uk/asbestos/information.htm)

Ancillary work

B16) Ancillary work is work associated with the main work of asbestos repair, removal or disturbance in which it is foreseeable that asbestos may be disturbed, for example:

- a) setting up and taking down enclosures for notifiable asbestos work;
- b) putting up and taking down access scaffolding where it is foreseeable that the scaffolding activity is likely to disturb asbestos. ALG Memo 04/08 refers (www.hse.gov.uk/asbestos/information.htm)
- c) maintaining air extraction equipment used during licensed asbestos work (an ALG memo to be issued);
- d) work done within an asbestos enclosure; and
- e) cleaning the structure, plant and equipment inside the enclosure.

B17) “Scaffolding” and “Maintenance” licences are the two most common ancillary licences. In such cases, a special condition would be applied to limit the licensee’s activity to prevent them undertaking work beyond their competence.

- a) Scaffolding companies may be granted a licence with the following condition:
‘This licence shall only apply to putting up and taking down scaffolding, including any scaffolded frame, which provides access for licensable work, where it is foreseeable that the scaffolding activity is likely to disturb the asbestos.’
- b) Companies maintaining air extraction equipment may be granted a licence restricting them to work in an ancillary capacity with the following condition:
‘This licence shall only apply to work carried out by you at [the location of the facilities] and shall be limited to the maintenance of air extraction equipment’.

Labour Supply Agencies

B18) Licences can also be granted to applicants who do not undertake work with asbestos themselves but who hire trained employees to other licence holders. Such organisations are not permitted to supply supervisors or managers for work being undertaken by other

licence holders. Special conditions are applied to limit the licensee's activity to hiring out operatives. ALG Memo 6/05 refers. (www.hse.gov.uk/asbestos/information.htm)

NB Un-licensed organisations are able to offer recruitment / introduction services to licensed contractors. Such organisations should be able to demonstrate that they are not employing asbestos workers and that the employment relationship between client and worker has been made clear to all parties. Reasonably practicable steps should be taken to ensure that there is no doubt where responsibilities lie.

Role of the Asbestos Licensing Unit (ALU)

- B19) ALU has delegated authority from the HSE to grant licences under CAR. ALU has both an administrative and quality review role. The assessment of applicants for a licence is carried out by FOD field inspectors who will make a recommendation to the Head of ALU.
- B20) The decision to issue or refuse a licence is the responsibility of the Head of ALU who will take account of the national picture in forming a judgement on the application and report of the field inspector. ALU's role is to set national standards for assessment and encourage ALPIs and inspectors involved in the assessment process to adopt a consistent line so that assessments are carried out satisfactorily and standards are applied fairly and consistently.
- B21) ALU is responsible for the quality, consistency and transparency of the asbestos licensing regime. It is responsible and accountable for the timely and accurate issue and administration of licences as set out in CAR and in line with HSE's "Service First" commitments. Targets are set for the numbers of licences processed within a specified period. The current Service First commitment is to issue 95% of new asbestos licences within 28 days of receiving the ASB1 and to issue 95% of licence renewals at least 5 working days before the expiry date of the licence.
- B22) ALU monitors the general performance of contractors from the ASB6 reports (Enforcing Authority Reports) it receives, reviews licensees' suitability and will issue warning letters to existing licence holders when necessary (i.e. if a notice has been served, or correspondence suggests a continuing pattern of poor performance, or a prosecution is proposed). Depending on the outcome, ALU may take action to amend the conditions of an existing licence, reduce the term of the licence or in the worst case scenario, revoke, or for a renewal application, refuse it. In the event of a conviction, the HO ALPI will arrange a post-prosecution meeting with the licence holder to determine whether further action regarding the licence, as mentioned above, is necessary. In many cases, action will already have occurred pending the outcome of the prosecution. Post prosecution action might also include being made a "priority visit contractor" (see below).

NB When a licence holder is issued an ALU warning letter, they automatically fall into a “priority visit contractor” (PVC) category and are recorded on the Asbestos Notification System database as such. This means that for the following year these licence holders are likely to receive proportionately more visits by HSE inspectors. At the end of that year, their performance will be reviewed and if it has improved, their PVC status will be removed. When ALU decides to allocate PVC status, the ALPI will be contacted by an email explaining the reasons for this action and enclosing a draft copy of the letter to be sent to the contractor. ALPIs will have four weeks to comment, after which time the letter will be sent to the contractor.

B23) ALU is also responsible for the work instructions and database that comprise the Asbestos Notification System (ANS), a FOD wide system for recording ASB5 notifications, which was first introduced in May 2001. As well as recording notifications against licence holders, the system also allows for certain categories of licence holder to be targeted for visits by HSE inspectors. Such categories include new 1 year licence holders, existing licence holders who have had their licence renewed for 1 year only, PVCs (see above) and 3 year licence holders in the 12 months prior to licence expiry.

Appeals against ALU decisions

B24) Licence applicants and existing licence holders can appeal against ALU’s decision to refuse an application or revoke their licence. This may take the form of a licence applicant making an informal (verbal) approach to the Head of ALU, who having discussed the case with the individual and explained the reasons for the decision, might result in the licence applicant accepting the decision. However, if the applicant persists, they must make written representations to the Head of Health Unit, who will review the case, and advise the appellant accordingly. Ultimately, an appeal can be made to the Secretary of State for Work and Pensions, Department for Work and Pensions (DWP), 79 Whitehall, London SW1A 2NS.

Standard licence conditions and ALU policy

B25) Regulation 8 of CAR permits HSE to impose such conditions on the licensee as it considers appropriate. ALU policy is to use three standard conditions in the main, reserving the use of additional conditions for specific situations in which there is a need to control or limit the activity of the licensee e.g. supervisory and ancillary work.

B26) Presently the three standard conditions for an asbestos licence are:
i) This licence (including any Schedule), or a copy thereof, should be made available by the licensee for inspection at the request of any person to whom the licensee submits a tender or quotation for work with asbestos insulation or asbestos coating or asbestos insulating board and shall be available for inspection at all work

- sites. A copy of the licence shall accompany each notification required by Condition (ii).
- ii) The licensee shall give notice in writing of the work to the appropriate HSE or local authority office at least 14 days before the work is commenced, or such other period as the authority will allow. The notice shall specify the type of work to be carried out, the likely duration of the work, the address of the premises at which the work is to be carried out and the date of commencement of the work activity. The enforcing authority must be informed in writing as soon as possible if this information changes. This condition will not apply for any work carried out with asbestos, which is subject to the exemptions specified in Regulation 3(2) of the Control of Asbestos Regulations 2006, or when the licensee hires out employees (at operative level) to other licensees.
 - iii) The notice of work required by Condition (ii) above shall include:
 - a. a suitable and sufficient written statement of the method of work to be used.
 - b. a suitable and sufficient written specification of the equipment for the protection and decontamination of those engaged in asbestos work and also for the protection of other persons, as appropriate to your work.

Special conditions

- B27) Special or restrictive conditions should not be used as a substitute for requiring an applicant to be competent and to meet the required standards. The purpose of any restriction is to ensure that the licensee only undertakes work within their sphere of competence. Additional licence conditions should not be used to require the applicant to undertake actions or attain standards which are basic and core, for example, refresher training or RPE face fit testing (although an exception may be made for new applicants, see B28(e), below). If improvement of standards is required in these or other areas in order to satisfy the assessor, they should be completed before the recommendation is made to issue a licence. ALU will not grant a licence where remedial work is outstanding.
- B28) However, there may be situations in which it may be appropriate to apply an additional condition. Often this is at the request of the applicant, following discussion with the assessing inspector. For example:
- a) Where we wish to restrict work to that done in the supervisory or ancillary category;
 - b) Where we may wish to restrict the licensee to work in specific industries e.g. petrochemical;
 - c) Where we may wish to ensure that a named individual supervises all the work carried out under that licence. This

will be exceptional and would apply perhaps in situations where new management were trying to improve standards in a company that might otherwise not be found acceptable;

- d) Where we wish to specify the involvement of a named consultant (appointed by the applicant when their nominated person needs to develop their expertise in the first year).
 - e) With new applicants, where we wish to specify that evidence of required training, face fit tests and medicals are forwarded to the relevant HSE office, prior to work under the terms of the licence being carried for the first time.
- B29) Other than in the type of circumstances described above, ALU policy is to reduce the use of special conditions or restrictive licences because a multiplicity of conditions creates artificial difficulties and barriers, which causes problems for the industry and for the enforcing authorities. The policy will be to use the [three standard conditions](#) set out above unless there are clear and justifiable reasons for not doing so in specific circumstances. This will improve clarity as well as being of benefit to the enforcing authorities in that a licence with additional conditions will act as a signal to the industry and to other stakeholders.
- B30) It was previous ALU policy exceptionally to impose only conditions 1 and 2 on licensees who had hitherto demonstrated good performance. This practice has been discontinued because the standard conditions relate to availability of the licence for perusal, notification and method of work, all of which are core and essential.
- B31) It is a legal requirement for an employer to have adequate Employer's Liability Compulsory Insurance (ELCI) suitably extended to cover work with asbestos. The issue of appropriate insurance cover should be explored with all applicants.

HSE Solicitor's Office has confirmed that adequate ELCI cover cannot be made a condition of granting a licence. In short, this is because ELCI is not a relevant statutory provision and to introduce its requirements under the guise of conditions imposed in a licence would be "ultra vires" i.e. beyond one's legal powers or authority. However, the provision of ELCI cover should be considered in the context of general management arrangements for carrying out work with a category I carcinogen; its absence may help inform an ALPI's opinion regarding management competence and professionalism.

New Licence Applicants

- B32) Applicants should be able to demonstrate exemplary standards of health and safety management and suitably high levels of professionalism. Applicants who fail to achieve this may not be considered competent for a licence to work with asbestos.

- B33) Applicants must provide evidence that demonstrates they are competent to undertake licensed asbestos work. Directors / partners who sign the application are expected to have a good understanding of the regulations, ACoPs etc. They should also declare all enforcement notices / prosecutions against the company (including those which do not concern asbestos work) and recognise that these may be taken into account as evidence of health and safety management. Previous performance of the company and the track record of its directors / partners (for any company they may have been employed by — not just the current one) is relevant in assessing new applicants, as is any behaviour, which may bring into doubt an applicant's fitness to hold a licence. Relevant evidence may include curriculum vitae for directors, managers and (where applicable) external advisers or consultants.
- B34) A new applicant may not be able to provide all of the evidence to confirm competence, because they are unlikely to have undertaken work with asbestos in their current capacity. However, they should have at least one nominated person who is trained and has sufficient experience of asbestos work. The applicant also needs to have the full range of management procedures, including a safety policy and record keeping systems. A director or senior partner who is responsible for oversight of health and safety must be able to demonstrate knowledge in asbestos removal and in the control and management of asbestos work. Directors / senior partners with these responsibilities will have been trained in accordance with Chapter 4 of the Licensed Contractors' Guide (HSG247).
- B35) Applicants for a licence to work with asbestos in whatever capacity must meet the above requirements. Provided an applicant can demonstrate the required competence and intends to carry out licensable work, there are no legal grounds for refusal to issue a licence.

Renewal Applicants

- B36) As for new applicants, renewal applicants should be able to demonstrate exemplary standards of health and safety management and professionalism at assessment.
- B37) Applicants must demonstrate to HSE that they are still competent. They will have maintained / updated their core knowledge, skills etc; refreshed their training; maintained the necessary records, etc. and have not acted in a manner which may have brought into doubt their fitness to hold a licence. As for new applicants, directors / partners who sign the application form should not only have a good understanding of the regulations, ACoPs, etc and have received appropriate training, but should also declare all enforcement notices / prosecutions against the applicant (including those which do not concern asbestos work) and recognise that these may be taken into

account as evidence of the standard of health and safety management.

- B38) In addition, through the work they will have undertaken, renewal applicants must be able to demonstrate the practical application of their theoretical knowledge and competence, e.g. they will have successfully undertaken work with asbestos, or competently managed / supervised others working with asbestos. In the year prior to licence expiry, the ANS will record the licence holder as a priority category, as a result of which, visits by HSE inspectors should have been undertaken to assess the licence holder's performance. Renewal applicants who have not undertaken any work during the last year of their licence term are dealt with [below](#).

Term of licence

- B39) ALU policy is that a 1-year licence will be issued to successful new applicants (a new 1-year licence is prefixed with the number "2") and normally a 3-year licence issued at renewal, subject to a satisfactory performance history which demonstrates practical competence (a 3-year licence is prefixed with the number "4"). In some circumstances, a longer licence term may be appropriate (see [Longer term licences](#)" below). There are no exceptions to the 1-year licence for new applicants, but renewal licences can be issued for a shorter term. Such circumstances may arise where HSE has concerns about the licensee's performance or competence. For example:
- a) When there is a poor record of performance, e.g. more than one incident resulting in enforcement action during the licence term or persistent written warnings from inspectors regarding similar problems;
 - b) Where there is a new manager with lead responsibility for asbestos work (preparing risk assessments, method statements and reviews) in place and HSE would wish to give the licensee time to demonstrate maintenance of a satisfactory standard. In that situation (as well as or instead of a restrictive condition on the licence) the licence could be issued for a limited time to allow review of the improvement standard (see below);
 - c) When a licensee's performance, although satisfactory, has been limited to a narrow range of activity. In this situation, it might be appropriate to renew the licence for a limited time with a review of the position (see below);
 - d) Where a renewal falls due when a prosecution is pending. It would normally be inappropriate to refuse to renew if the proposed prosecution was on an otherwise good record as this would be prejudging the outcome of the prosecution. Where the previous performance record is poor, the circumstances leading to the proposed prosecution would need to be taken into account in deciding whether or not to renew the licence.

NB The above are examples and are not intended to be exhaustive.

- B40) In these circumstances (i.e. renewal licence issued for less than 3 years), ALU would record licence holders in one of the priority target categories on the ANS and would encourage that a programme of visits is planned to ensure that a representative sample of notified work is inspected over the period.

No work undertaken during the last year of the licence term

- B41) The other situation when a renewal licence can be issued for a shorter time is where the licence holder has not undertaken, supervised or managed any work during the last year of the licence term and is unable therefore to demonstrate recent practical application of their theoretical knowledge. This might be due to unsuccessful tendering; loss of key personnel, etc. When such licences are being considered for renewal, in addition to ensuring that the applicant has adequately maintained their competence during the licence period, the inspector will consider why licensed work has not been carried out recently in order to identify factors, which might influence renewal.
- B42) Renewal for an applicant who has not carried out asbestos work during the last year of the licence term shall be considered against their overall ability. The applicant must be able to clearly demonstrate up to date and adequate core knowledge and skills. They will have to show evidence of recent refresher management training and the capacity to quickly refresh training for employees and update medical surveillance. In these circumstances, HSE must be satisfied that the applicant is fully conversant with the requirements and can quickly and effectively bring them into operation. HSE would expect the applicant to have record keeping systems available to satisfy the standards set out in the ACoP.
- B43) If the applicant has had no practical experience of undertaking, supervising or managing work with asbestos in the previous 12 months before licence expiry, their licence would normally be renewed for a 1-year period, providing HSE is assured that they intend to carry out work with licensable asbestos material and they are competent to do so, as previously stated. A special condition, as set out below is applied in such circumstances whereby the ALPI with geographical responsibility for the address at which the business is located (Head office ALPI) will also be sent a copy of the notification of intention to work with asbestos. This would provide the Head Office ALPI with the opportunity to check whether actions agreed at the assessment had in fact been done (e.g. employee refresher training, medicals, face fits). Licences which fall into this category ("sleeper") are prefixed with the number "3".

NB It is ALU's policy not to grant licences for commercial purposes. It is unlikely that repeated applications from 'sleeper' licence holders would continue to be successful.

Additional condition:

"Before work under the terms of this licence is carried out for the first time, a copy of the notice required at condition 2 shall also be given, at the same time, to the Asbestos Licensing Principal Inspector at the ... office of the Health and Safety Executive".

- B44) In the majority of cases, the above will apply in situations where no work has been undertaken in the last 12 months of the licence term. However, there may be occasions when although the licence holder has notified work in the previous 12 months, the frequency, type, duration and complexity (e.g. a very small number of 1-day jobs being the only work carried out) of the work was such that it could not be regarded as demonstrating sufficient recent relevant practical experience to warrant a 3-year renewal licence. In this case, subject to satisfactory assessment, a 1-year renewal licence would be awarded (prefixed with number "1").

NB there may be occasions when work has been undertaken in LA enforced premises during the last year of the licence term, in which case HSE would not have been notified. Whilst this would have precluded HSE being able to visit the licence holder on site, LA inspectors may have done so (in which case ALU should have visit records). Such notifications would count as recent practical experience.

Longer Term Licences

- B45) Occasionally a longer term licence might be granted for a specific job which is likely to take several years, e.g. demolition of a power station or hospital with a considerable amount of asbestos which will be removed in stages. These are likely only in rare or exceptional circumstances.

The licensing process

- B46) All applications for a licence or for amendment to a licence require to be channelled through ALU who are responsible for the administrative aspects of the licensing regime as well as the quality and security of the process. The asbestos licensing process is part of HSE's charging regime and as such is audited and reviewed regularly in line with public sector accountability. The fee is based on the cost to HSE of providing the activity and is reviewed annually. It includes the overhead and administrative elements together with the staff time spent on the process. **The fee which is set by means of The Health and Safety Fees Regulations is not refundable if a licence is not granted after the assessment is carried out.** Since April 2003, in addition to the initial application fee, HSE can charge fees for:
- a) re-assessments following a conditional refusal of a licence;

- b) licence amendments (i.e. change of licence term / conditions); and
- c) administrative changes (i.e. change of address, replacement of lost licence etc.).

Initial application

B47) ALU provides licence applicants with an application pack (comprising a [covering letter](#), an ASB1 application form and guidance notes, a list of reading material and information on training organisations (see following note) — reproduced at [Section D](#)), which they are encouraged to study before making their application. This is to ensure that they have adequately considered whether they do in fact require a licence; that they are fully aware of the implications and responsibilities of a licensed contractor; and that they have the necessary information about what is required of them in order to be granted a licence.

NB Applicants are advised that, whilst the training providers referred to above have not been vetted by HSE and that their inclusion is not a recommendation, they have all signed up to the Training Providers' "Code of Conduct". As such, they are all subject to independent auditing and are committed to carrying out training in accordance with the Code and the Guidance contained in Chapter 4 of the Licensed Contractors' guide.

- B48) Applications for a full, supervisory, ancillary or labour supply licence are made on Form ASB1, which is a general application form, and accompanied by payment of the fee which is current at the time of application. On receipt of the completed ASB1, ALU will check the information provided to ensure that the application has been completed fully and that it has been signed at director/senior partner level. ALU will also conduct a Companies House check to establish the company's existence, correct name etc and will also check any enforcement details held on HSE's enforcement databases. ALU may go back to the applicant for further information or may flag up an issue with the inspector to raise at assessment.
- B49) For partnerships in England and Wales, all partners must sign the licence application form and all partners must be named on the licence.
- B50) It can happen that an applicant will not understand the standards required or the legal implications of applying for a licence. Once they have more thoroughly read the information in the application pack or, after discussion with the ALPI, they may decide to withdraw their application. If they do so, their fee will be refunded. However, no refund will be payable if an assessment is carried out even if a licence is not granted.
- B51) When the fee has been received, ALU will process the ASB1 on the same day (usually the day of receipt unless there is a delay in

receiving the fee, or the form has not been signed properly, or enforcement details have not been declared) and send a faxed copy of it to the appropriate ALPI, to arrange an assessment visit. ALU will also provide the ALPI with a print out of any previous performance record from the ALU database, where available, and the Companies House record, if appropriate. The ALPI will be asked to complete the assessment and return the papers to ALU within 21 days or advise why this deadline cannot be met. This deadline is set so that ALU can achieve the target for issue of new licences in FOD's Service First commitments referred to [above](#).

Renewal

- B52) ALU has procedures in place to remind licensees that their licence is due for renewal. Two months prior to expiry a letter is sent out together with an ASB1 and a list of current reading material and training organisations. The letter also informs them that they must apply at least 28 days from the date the renewal licence is to run. ALPIs should be able to obtain a list of licensees and their expiry dates from the ANS database, which should assist in prioritising visits to check on performance before the licence assessment visit. ANS will also identify licence holders whose licence expires within 12 months and record them in one of the priority target categories.
- B53) As with the initial applications, once the renewal application and fee are processed by ALU, a copy of the ASB1, together with a copy of the applicant's performance record (compiled by ALU from the ASB6 returns completed by enforcing authority inspectors) if available, the Companies House record if appropriate, and a copy of the licence are faxed to the appropriate ALPI for an assessment to be undertaken. ALU will also highlight any issues that they think should be brought to the attention of the inspector, e.g. appeals. ALPIs will normally be given up to 14 days before expiry to complete the assessment and return the papers to ALU so that the renewal licence (or conditional refusal) can be issued in accordance with the Service First target. If a renewal applicant applies less than 28 days before their licence expires, ALU will not ask the ALPI to complete the assessment in a shorter period since it is the responsibility of the renewal applicant to ensure they submit their application in good time. If local circumstances permit, it may be possible for the ALPI to organise the assessment within a shorter period.
- B54) Renewal applicants who reapply after their licence has expired, will retain their "renewal applicant status" so long as they reapply within 4 months from the date of licence expiry. An application received after this time will be treated as a new 1-year application. A flow chart outlining the initial and renewal licence applications processes is at Section D, Annex 1.

Amendment to existing licences and revocation action

- B55) As mentioned [above](#), ALU has the authority to amend the conditions of an existing asbestos licence or revoke it. In summary, an amendment to an existing licence may be recommended as a result of adverse comments following an inspection visit or where warning letters from ALU to the licence holder have not resulted in an improvement. Revocation might be considered following an extremely serious incident (irrespective of whether or not there has been enforcement action), or if there is evidence of continued poor performance involving enforcement action, or if there has been a breach of licence conditions or restrictions. It is a very serious step and in these cases ALU will liaise with the appropriate ALPI(s), who will undertake the necessary fact-finding, conduct a formal interview with the licensee and submit a report to ALU. A licence review board is then convened for full consideration of the circumstances and a joint decision on the action to be taken. The ALU's Revocation Policy refers. (<http://www.hse.gov.uk/asbestos/revocationpolicy.htm>)

Licence Holder Changes

- B56) Certain licence holder changes can have an impact on the validity of a licence, e.g. if a new company is set up and a new legal entity is created, then a licence becomes invalid. The licence should be returned to ALU and a new licence applied for. The company would be treated as a new applicant, and subject to a satisfactory assessment by HSE, would be granted a new 1-year licence, unless the management and competency levels remained unchanged (or have improved), in which case a new licence may be issued for a longer period. If the original company was a PVC, then this status will fall when the licence is withdrawn. Whilst the new company will not be regarded as a PVC, they will fall into one of the other target categories (e.g. new licence holder) and are therefore liable to receive proportionately more visits from HSE anyway.
- B57) In England and Wales, if a partner leaves or joins the organisation, then the licence can be amended, so long as HSE is satisfied that there have been no adverse effects on the competency levels. A new application form is not required.
- B58) If HSE becomes aware that a company has been taken over and continues to trade under the same registration (i.e. the legal entity is unchanged) but with new directors or changed personnel then it will be necessary to determine how the changes have affected the competency levels. If there has been an adverse effect, then the licence may have to be amended or withdrawn.
- B59) If the change to the licence does not affect the legal status of the company (e.g. change of address, change of company name but still the same company registration) then the licence should be returned to ALU for amendment with the expiry date unchanged.

- B60) Limited Liability Partnerships are legal entities in their own right and for licensing purposes are treated in the same way as limited or public limited companies.
- B61) Whenever ALU issues a licence (new, renewal or amended), a copy is sent to the HO ALPI and the ALU and ANS databases are updated. The current policy for asbestos licence holder changes is contained in the table at [Section D](#).

Non contact following receipt of application

- B62) There are occasions when, having been approached by the ALPI to arrange the assessment meeting, the applicant may decide to delay it. If the assessment has not taken place within three months of receipt of the application, then ALU will confirm the position with the applicant in writing and specify a deadline. If the applicant does not then arrange the assessment within the specified date (usually four months from receipt of application), then ALU will refund the fee and the applicant will have to re-apply at a later date.

Section C Assessment

Overview

- C1) This section covers the role and responsibility of field inspectors and the assessment process for licence applicants. It explains the principles of assessment, the procedures and time scales involved, the standards required and discusses the recording of information.
- C2) All assessments incorporate an interview and consideration of past as well as current health and safety performance. As new applicants are unlikely to have an asbestos performance record (although individual directors / managers may have) assessment may be limited to management competence and preparedness for the work that would be done if a licence was granted. There may be some evidence about past management of asbestos sub-contractors that will give the inspector some confidence in the ability of the applicant to organise work with asbestos to ensure it meets the relevant standards. For renewal applicants, the assessment will also take into account the performance record of work carried out.
- C3) Judgements are formed from an overview of all the available evidence, i.e. from the outcome of a series of questions, supporting documentary evidence and observation of the standards on the premises or at a location where work has previously been carried out.
- C4) “Successful Health and Safety Management”, HS(G)65, describes the key elements for effective management of health and safety in a business. The same key elements are applicable to the assessment of an applicant for a licence to work with asbestos, i.e. a mixture of management arrangements, systems of work and practical workplace precautions. These factors can be translated into interdependent elements, i.e. policy, organising, planning and implementing, measuring, reviewing and auditing performance. These are summarised below, in [Figure 1](#). Assessment of these elements can be applied to businesses of all sizes including small and medium sized enterprises, which will form the majority of applicants for licences to work with asbestos. The assessment is intended to be a means of seeking evidence of competence to do the work — typically within a meeting framework of upwards of 2 hours.
- C5) The assessment involves:
- a) preparation for the visit, including opening contact with the applicant;
 - b) collection of evidence, including intelligence search;
 - c) professional judgement against benchmarks drawn from legal standards, good practice as described in Approved Codes,

- industry best practice and the licence applicant's own standards;
- d) the recording of information and the ALPI's conclusion (either a straightforward acceptable recommendation to ALU, or will require the applicant to take remedial action to improve, or a decision to recommend to ALU that a licence is not granted).
- C6) The outcome of the process will be that ALU grants a licence, a conditional refusal or an outright refusal.

Asbestos Licensing Principal Inspector (ALPI)

- C7) The ALPI with geographical responsibility for the address at which the business is located (Head office ALPI) is responsible for managing the overall progress of the assessment and the final recommendation although the assessment itself may be undertaken by a Band 3 inspector. Staff conducting assessments will have attended the initial asbestos removal course and will have undertaken joint assessment visits with other ALPIs or experienced Band 3 inspectors. **It is also desirable that staff conducting the assessment will have a good understanding of HSG65 ("Successful Health and Safety Management") and experience of carrying out management inspections.**
- C8) On receipt of the licence application form (ASB1) from ALU, the ALPI should ensure that the following action is taken:
- a) arrange appointment for visit;
 - b) send letter of confirmation to the licence applicant, explaining broadly what the interview will cover, including the list of documents which must be available at assessment and requesting documents which need to be sent in advance which might help in the preparation for the visit (see suggested [standard letters](#) at Section D, Annex 6); search of local records / information sources, COIN, representative sample of previous method statements, waiver requests, etc;
 - c) the assessment interview is carried out;
 - d) the findings are recorded (on Assessment report form ASB4) and on the COIN system;
 - e) the recommendation to ALU is agreed locally and / or discussed with ALU if necessary;
 - f) the papers and recommendation are returned to ALU;
 - g) all of the above is completed within the Service First deadline (in circumstances where this cannot be achieved, ALU must be advised).

Preparation for the visit

- C9) In respect of renewal applications, ALU will provide a copy of the applicant's performance record, if available, with the assessment request. This record is compiled from the ASB6s completed by field and LA inspectors. Other relevant information not contained in the performance records that has been provided to ALU by inspectors,

e.g. pending prosecutions, appeals against notices, will also be forwarded, although as far as this 'intelligence' is concerned, ALU is very much dependent on inspectors keeping it informed of situations, progress, etc. The inspector should check the ALU record against the national FOCUS / COIN entry for that licensee and this should be discussed with the applicant during the assessment interview.

C10) As a general guide, if an applicant has a poor track record then the licence application would normally be refused. Examples of poor performance could be (the following list is not intended to be exhaustive):

- a) repeated circumstances where notices were served (or considered) for serious failures to comply with legal requirements (see note below);
- b) repeated failure to comply with licence conditions;
- c) situations which resulted in prosecutions;
- d) where the applicant has failed to take effective action following repeated written advice and warnings from the enforcing authorities;
- e) where the applicant has shown intemperate behaviour towards enforcing authorities, or otherwise acted in a manner which brings into doubt their reputation to be licence holder.

There may be special circumstances that override some of these failures (e.g. the licensee has recruited a new management team or other employee(s) with a good record and knowledge and can show evidence of commitment to address the previous shortcomings). In such circumstances the assessment should be discussed with the Head of ALU before a decision is made.

NB Notices / breaches referred to above, are not restricted to non-compliance with CAR — “breaches” and “legal compliance” encompass relevant enforcement action by other enforcing authorities e.g. Environment Agency / SEPA, Police Forces, HM Revenue and Customs etc.

“Step Change” / “Leadership summits”

C11) Since 2005 ALU has been delivering a series of events (“Step Change” or “Leadership Summits”) specifically targeting senior managers and directors of licensed organisations. It is intended that all licensed contractors will have attended one of these events by early 2008. At these summits a clear message has been given to industry leaders: (1) senior management is responsible for improving standards in the industry, (2) effective health and safety management is a legal requirement and can be achieved, and (3) that as a licensed industry, exemplary standards are to be expected: ineffective management and poor standards would not be tolerated. Through these events, HSE has challenged industry leaders to set high health and safety performance standards. All participants were required to draw up and develop an action plan aimed at improving their own performance. **These action plans, along with**

attendance (or non-attendance) at these events should be considered when assessing an organisation's management arrangements and suitability for holding an asbestos licence. See "assessment" section, [below](#).

- C12) In addition to the asbestos-specific standards discussed above, high levels of professionalism and integrity are expected of licence holders. Inappropriate behaviour may bring into doubt an applicant's fitness to hold a licence. Where there is evidence of intemperate behaviour towards enforcing authorities (e.g. HSE, Local Authorities, Police Forces, HM Revenue and Customs etc.) or other behaviour, which similarly calls into doubt an applicants suitability to hold a licence, a licence application may be refused (or an existing licence revoked).

Assessment interview

- C13) Other than in extenuating circumstances, the contact visit with the company should be arranged with the person who signed the ASB1 and with the person or persons who have the appropriate in-depth expertise on asbestos and will be responsible for the standards of work that will be carried out. In small, specialised companies these may be one and the same. An external consultant may be present but the company should have sufficient in-house expertise, otherwise a licence may not be issued. The role of the consultant within the company may be to assist with method statements, on site arrangements, etc where the supervisor is developing their experience during the initial year of the licence.

Observation of workplace, equipment and transport

- C14) There is a lot to be gained from carrying out the interview at the applicant's place of business as it enables the inspector to see the environment in which the business operates, their administrative system, condition of plant and equipment, the quality of record keeping and provides a primary source of intelligence about the likely standards to be achieved on the job. Follow up exchanges can, if necessary, be held at other locations, for example, an HSE office or by correspondence. Telephone interviews should not be carried out, as they are unlikely to be adequate for the purpose of the initial or renewal assessment, even when we may have good knowledge of the applicant.

ASB1 Parts A, B, C — Application, licensing history and enforcement details

- C15) On the current ASB1, Part A consists of general questions, Part B is concerned with asbestos licensing history and levels of experience, Part C relates to enforcement questions and Part D is the declaration. The inspector conducting the assessment should check the information on the ASB1 to verify accuracy. It is essential that

this information is correctly and accurately recorded. The inspector should confirm:

- a) the correct name, including spelling and legal position of applicant's business including whether applying as sole trader, partnership, limited company or limited liability partnership;
- b) the type of asbestos work the applicant intends to do;
- c) the nature of business and type of licence applied for (full, supervisory, ancillary or labour supply);
- d) the address and post code of business;
- e) the work address if different (if different check reasons why);
- f) telephone numbers;
- g) email address (essential for future contact / information updates with ALU);
- h) numbers employed in total;
- i) numbers employed on asbestos work (including emphasis on the "employer/ employee relationship", i.e. that the company is made to acknowledge themselves as the employer (irrespective of tax, etc arrangements of the workforce that they might mistakenly deem them to be "self employed").

C16) In Part C the applicant must declare if (within the last 5 years) they, or any of the company's directors/ firm's partners, or the organisation itself have ever had any general health and safety or specific asbestos related enforcement action taken against them, irrespective of where these occurred (e.g. UK, Channel Islands, Isle of Man or other EU Member States etc.). This means the applicant must declare enforcement information relating to other organisations, sister or related companies with which any of the current directors or partners are or were linked. This is clearly explained to applicants in the guidance notes, which accompany the ASB1 form.

ASB1 Part D— Declaration

C17) As the signatory will be making a declaration on behalf of their organisation, the ASB1 should be signed by the Managing Director, or the director responsible for asbestos operations. Applications signed by the contracts manager or health and safety manager are not acceptable. For local authorities, it will be acceptable for the Head of Department to sign the application. For partnerships in England and Wales, the application must be signed by all partners. In summary, the applicant is required to sign the ASB1 Part D to the effect that they:

- a) have read and understood the information provided by ALU which accompanied the ASB1;
- b) are the appropriate authority within the organisation to represent and bind the company;
- c) intend to carry out licensable work;
- d) have informed employees about the application.

- C18) The inspector will wish to assess the level of understanding and knowledge of the legislation and relevant documents. Directors/partners who sign the application form should have read the accompanying guidance notes and should therefore realise that they will be expected to have a good understanding of the regulations, ACoPs etc and should also have declared all enforcement notices/prosecutions against the company, which may be taken into account as evidence of health and safety management. Previous performance of the company and the current and previous track record of its directors/partners is relevant in assessing new applicants. The applicant may be allowed to refer to the documents during the interview for confirmation of the answers — they are expected to be able to demonstrate that they know where to find the information; how to interpret and apply it; and that they display reasonable knowledge of all relevant issues.

Note to inspectors — at every stage you will need to validate the replies against any paper documents e.g. policies, certificates, audit reports. However, for new licence applicants and renewal applicants who have not undertaken work during their licence tenure, it is unlikely that certain records will be available, e.g. medical records, although the applicant must still demonstrate their knowledge and competence in all areas and would be expected to have a working record keeping system.

Issues for discussion and standards

- C19) Whilst the issues for discussion in the “Assessment” section (below) apply to full licence applicants, many items will also be relevant (to some degree) to supervisory and ancillary licence applicants. The following paragraphs give further information on issues specific to supervisory and ancillary licence applicants. Some full licence applicants may wish to carry out their own ancillary work in relation to the maintenance of NPUs and vacuums – policies, control measures and procedures for notifying this work (as well as licence conditions) will need to be tailored accordingly.

The [standard letters](#) at Section D are tailored to different licence types and should help steer assessment meetings.

Supervisory Licence (SL) Applicants

- C20) Applicants for a SL need to be able to demonstrate that they fully understand the role of a supervisory licence holder and how this should “add value” to the contract. As for full licence applicants, they need to be able to show sufficient in-house knowledge of the relevant legislation, ACoPs and guidance and that they can demonstrate a good practical understanding of controlled removal techniques as they will be directly supervising the work of others. Similarly, SL applicants should have policies, which set out the roles and responsibilities of managers, supervisors and operatives.

- C21) As much of this work may be quite new to an applicant, who has perhaps concentrated solely on carrying out sampling work when previously on site, SL applicants will need to be able to show experience of working in the industry to establish their standards for directing the work of existing asbestos removal contractors. They will have to prove management competence in their own right and will be expected to have attended appropriate training courses not only in the basic asbestos removal techniques but for supervisory work too, so that when supervising work they are aware of appropriate remedial action when they encounter difficulties.
- C22) SL applicants should have arrangements for training, producing risk assessments and plans of work in relation to their own work (not that of the removal contractor – see relevant appendix of the revised [ALG Memo on method statements](#) at Section D), for exposure monitoring, record keeping etc. They must also have the necessary policies and written procedures in place to directly supervise licensed removal contractors and any associated ancillary work with asbestos; to examine the work being performed by them to check conformity with the plan of work; to stop the work of the removal contractor (if problems occur) and modify their work methods. This work is expected, by definition, to require occasional entry into enclosures (although viewing panels and cctv should reduce the frequency of such entries) and as such, SL holders' employees will need practical training in decontamination procedures, appropriate RPE (with face fit tests) and be subject to medical surveillance. They should also have arrangements for dealing with liaison / interface issues with others (e.g. client / contractor / analyst) and for ensuring their role is understood by all parties involved. See the relevant ALG memo at <http://www.hse.gov.uk/asbestos/information.htm> for more detail.

Ancillary Licence Applicants

- C23) There are two types of licence applications commonly received for 'ancillary work': the first from scaffolding companies, the second from those organisations carrying out maintenance and thorough examination of NPUs and other air extraction equipment used by licensed removal contractors. Such applicants must prove management competence in their own right and will be expected to show sufficient in-house knowledge of the relevant legislation, ACoPs, etc to the extent that it affects their work. They will also have undertaken appropriate asbestos training aimed at scaffolding operatives, supervisors and managers / engineers carrying out work with contaminated equipment. Employees will need practical training in decontamination procedures, appropriate RPE (with face fit tests) and be subject to medical surveillance. See relevant ALG memos at <http://www.hse.gov.uk/asbestos/information.htm>
- C24) As for other applicants, prospective ancillary licence holders are required to have adequate policies, which cover the extent of their

work with asbestos, and which set out the roles and responsibilities of managers, supervisors and operatives. They should also have arrangements for training, producing risk assessments and plans of work in relation to their own work (as above - see relevant appendix of the revised [ALG Memo on method statements](#) at Section D), for exposure monitoring, record keeping etc. Whilst scaffolding companies are not required to have an in depth knowledge of controlled removal techniques, they should have an understanding of the removal methods involved. All applicants must have policies and arrangements to cover liaison and interface issues with the licensed removal contractor, the precautions needed to protect their employees from exposure to asbestos, and the action to take in the event of an emergency.

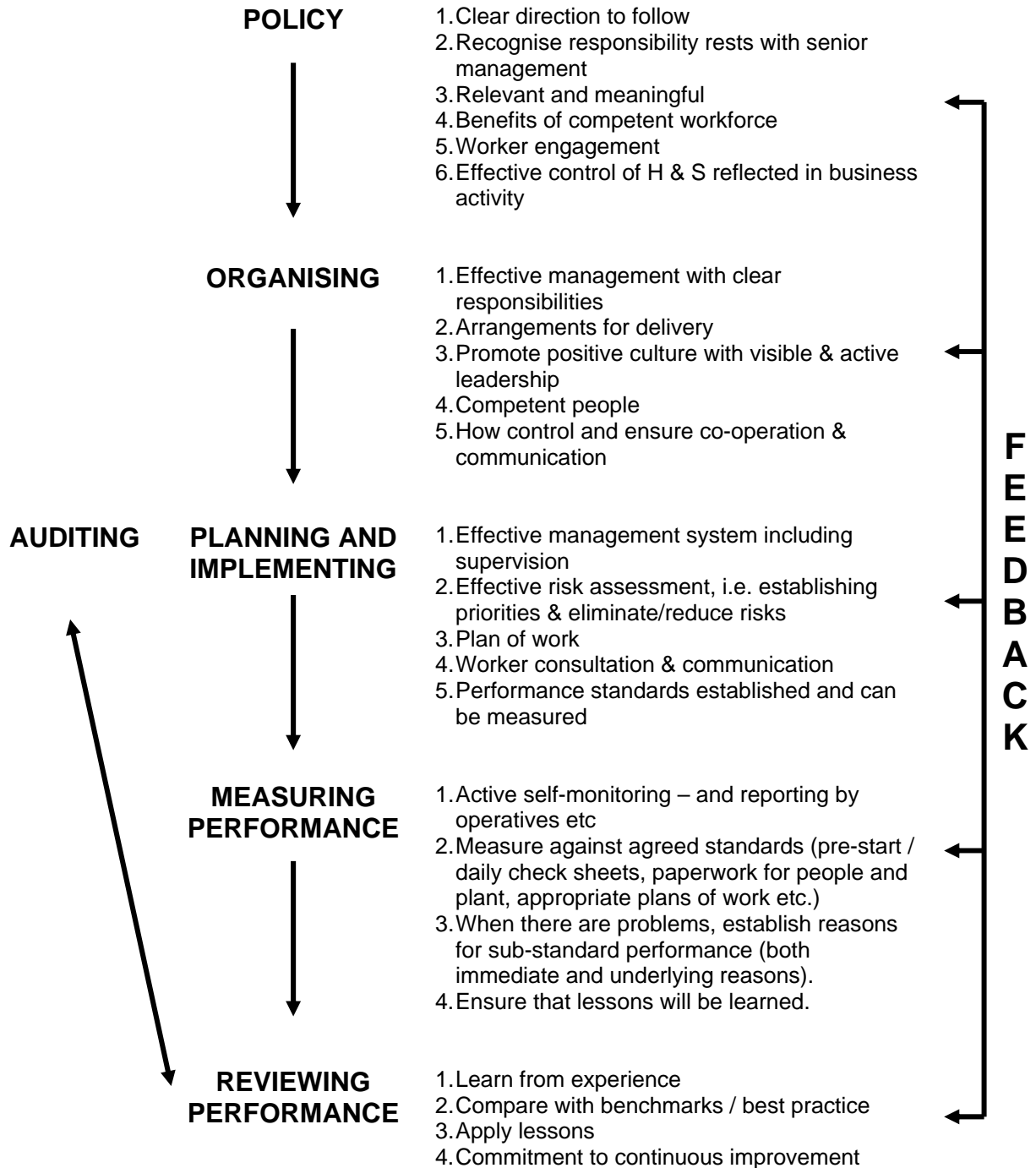
Labour Supply Agencies

- C25) The conditions contained in “labour supply” licences differ from those included in usual licences. They are required to notify details of their employees, their hire contacts etc, as specified in their licence condition, to the Head Office ALPI every three months in arrears.
- C26) As for other applicants listed above, Labour Supply Agencies are expected to be able to demonstrate effective management arrangements and have a suitable knowledge of the legislation, ACoP and guidance relevant to their employees’ work. In particular:
- a) Suitable systems need to be in place to ensure appropriate training (and refresher training), medical surveillance, face fit testing, RPE provision and maintenance (and they must ensure that companies hiring the labour are supplied with all relevant records for the purposes of on-site documentation);
 - b) They must also obtain the exposure records for their employees and have arrangements to retain these records for 40 years;
 - c) At initial assessment they need to be able to demonstrate their theoretical competence and supplement this at reassessment by providing practical examples of monitoring their employees’ health and safety (so far as is reasonably practicable), maintaining employees records etc.;
 - d) It is to be expected that the agency will vet contractors for whom their employees will work to ensure the latter’s health and safety (not a licence condition — but an area that can be covered at assessment);
 - e) It is also to be expected that the agency will require contracts which specify a range of health and safety issues (e.g. ensuring the safety of their employees, rights for their employees to stop work should they have concerns about the standards/work practices they encounter on site; right to inspect working conditions of their employees including the right to enter enclosures; arrangements for examination and test of RPE etc.).

See the relevant ALG memo at <http://www.hse.gov.uk/asbestos/information.htm> and the [suggested letter](#) at Annex 6 for further information.

The assessment process

Fig 1: Successful Health and Safety Management (HSG65)



- C27) As mentioned in Section B above, it is important to recognise public expectation with regard to asbestos licensing and the potential for HSE's reputation to be damaged if licences are granted inappropriately. Applicants must be able to demonstrate that they are suitable to hold a licence to work with a carcinogen. In short, the assessment process will examine an applicant's
- a) general arrangements for managing asbestos work;
 - b) knowledge, competencies and experience with regard to the practicalities of licensed asbestos work;
 - c) where applicable, these issues are considered against the applicant's asbestos / general health and safety performance record.
- C28) An ALPI's recommendation will be based on the assessment of an applicant's management systems and performance record. It is difficult to be prescriptive regarding the "weighting" for each individual element of the management system. Many aspects can only be assessed in a qualitative manner and the ALPI should aim to form a general view of management competence.

Some issues are more quantifiable and the ALPI should not recommend a licence where key elements are missing. For example, where "current" training certificates are not dated within the last 12 months, or where senior managers / directors have not received any formal training, this would normally mean that the licence would not be granted until the training had been undertaken and confirmation received (a commitment from the applicant to deal with the matter would not be sufficient).

Health and safety performance

- C29) The health and safety performance of the applicant (where available) should form an important element of the interview. Deficiencies noted during inspections by enforcing authority officers should be thoroughly explored. Applicants are expected to have investigated the underlying causes of any problems found on site and taken appropriate steps to ensure that such problems do not re-occur. See sections on "Measuring" and "Audit and review" [below](#)..

Leadership summits and Health and Safety Management (HSG65)

- C30) At these events, senior managers in the industry were charged with raising standards. Attention was drawn to the legal requirement for effective health and safety management and the principles outlined in the HSE publication "Successful Health and Safety Management" (HSG65). **The issues raised at these events should form a major part of discussions during assessment interviews.** In short, all attendees have made commitments to develop action plans, with the goal of improving their own organisation's performance. It is to be expected that discussion of these action plans and of the

management principles outlined in HSG65 act as an indicator of the competence and attitude of the applicant - in a licensed industry it is self-evident that senior managers should be able to demonstrate health and safety leadership within their own organisations. An action plan (where an applicant has attended a Leadership Summit), an understanding of what effective management of health and safety entails and the aptitude to convert this into effective arrangements, are all essential issues and must be addressed by the applicant. Where applicants have not taken up the invitation to an event, the reasons for this should be robustly explored.

Licence holders and “Competence”

- C31) Paragraph 323 of ACoP L143 states that only employees who are competent may enter enclosures and there are frequent references to the need for “competence” in the following section. Competence is a product of sufficient training, experience, knowledge and other personal qualities; attending training courses does not, in itself, demonstrate competence.
- C32) Applicants should be able to demonstrate an understanding of the distinction between training and the ongoing evaluation of performance. This should be reflected in the organisation’s general procedures for assessing competence and may be achieved, for example, through the use of National Occupational Standards or similar schemes. Where competence is referred to, it is expected that appropriate management systems will be in place to assess the level of performance of operators, supervisors, managers etc. in the working environment. Training Needs Analysis will be required to ensure that relevant training is provided. Detailed job descriptions (and well-defined roles and responsibilities) are clearly vital for meaningful assessment of competence levels.

Documentation and paperwork

- C33) With regards to health and safety policies, risk assessments and any other paperwork required by the licensing regime, applicants are encouraged to ensure that documentation is functional and concise – the emphasis is on the effectiveness of systems etc. rather than volume of paperwork.
- C34) For a new applicant (or renewal applicants who have done no licensable work), certain records may not be available at the time of the interview (e.g. medical records) — but a working record keeping system and sample method statements etc, where applicable, should be available.

ASB4 form

- C35) The [ASB4 form](#) (see section D) should be used to record findings of the assessment meeting. It is also designed to reflect the principles outlined in HSE publication HSG65. Applicants are strongly advised to refer to HSG65, which offers a useful model for health and safety

management. Please refer to the form (and HSG65), in conjunction with the following notes.

General health and safety matters (ASB4 section 2)

Health and safety policy

- C36) There must be an effective policy for ensuring that work with asbestos is undertaken in a way that ensures the health and safety of employees and others who may be affected by the work and that the work is undertaken in accordance with current legislation and associated practical guidance.
- C37) HSWA 1974 does not require organisations with less than five employees to have a written health and safety policy. However, for the purposes of the asbestos licensing regime, a **written** fit-for-purpose policy, appropriate to the size and scale of the applicant, is a pre-requisite for all applicants. Guidance for small businesses can be found on the HSE website. (www.hse.gov.uk)
- C38) The minimum standards expected in respect of this issue are outlined in Section 2 of the ASB4 form. Namely, there must be:
- a) a current written health and safety policy, relevant to the nature of the business (including its licensed activities), with set review dates;
 - b) a nominated individual who has prime responsibility for effective management of health and safety (usually it will be the named applicant);
 - c) a nominated individual(s) responsible for risk assessments / method statements **and**
 - d) the roles of asbestos operators, supervisors, and managers must be defined and reviewed.

Health and safety organisation

- C39) There must be an adequate management system to implement the health and safety policy. There must be a system for ensuring that there will be adequate (competent) supervision of all work to make sure necessary standards are met and that appropriate records are maintained. Section 2.3 of the ASB4 refers:
- a) health and safety objectives must be included in job descriptions;
 - b) there must be appraisals carried out for all staff, with health and safety issues included;
 - c) health and safety should be a regular agenda item for discussion at management / employee meetings.

Communication and Co-operation

- C40) There must be an effective mechanism to ensure that information gets to the right people at the right time and that there is a system in place which enables employees to be consulted and involved in planning and developing the work. Whilst this information might not be documented, it can be used as a basis for asking questions.

- C41) The standards expected in respect of this issue are as follows:
- a) There must be a system to provide scope for employees' involvement in the planning of the work, e.g. at toolbox talks (where possible);
 - b) There must be arrangements to provide senior management with regular progress reports on a job (where relevant);
 - c) There must be a system in place to pass down information to the site work force (changes to procedures, standards, etc);
 - d) There must be a system in place to disseminate relevant information from the Trade Association, Trades Unions, HSE, etc to those parties within the organisation, who should be aware of it (where relevant);
 - e) There must be arrangements in place for effective liaison between the main contractor and / or client (and their employees) and for any information from this dialogue to be fed back to the correct persons;
 - f) There must be a nominated individual who ensures co-ordination of tasks so that failure to complete part of the job will not introduce hazards to those remaining on the site (where relevant);
 - g) Information must be provided in a suitably user-friendly manner, which is appropriate for its target audience.

Training and competence

- C42) There must be adequate systems and arrangements in place to ensure the competency of those carrying out the work. This applies to directors and senior managers, as well as operatives and supervisors. Section 2.4 of the ASB4 form provides a basis for questioning applicants about how they will ensure competence. Much, but perhaps not all, of the information needs to be documented.
- a) There should be a written training policy, adequate arrangements for induction training;
 - b) There must be arrangements for assessing the competence of asbestos operators, supervisors and managers / directors, particularly on joining the organisation;
 - c) Training records must be current and renewed at appropriate intervals;
 - d) Systematic arrangements must be in place to identify training needs (this will incorporate asbestos related training **and** any other relevant training e.g. confined spaces, mobile towers, scissor hoists etc.) and organise refresher training;
 - e) A system must be in place to identify the competence of any sub contractors or casual labour that may be used, prior to their arrival on site.

Health and safety planning

- C43) There should be a clear plan, against which health and safety performance can be evaluated. Performance targets should be set at an organisational level as well as at a personal level (for

managers, supervisors etc.).

- C44) Individual risk assessments must clearly identify ALL risks, where relevant, for example, working at height, noise, confined spaces etc.

Measuring performance

- C45) There must be an adequate and sufficient system to review health and safety performance. This will incorporate a set of written instructions detailing procedures (possibly contained in the company's standard procedures manual and cross referenced in the Plan of Work) for routine monitoring to check compliance with company rules / legal standards. We would not expect a separate document in each case, and the routine monitoring may be supported by "check lists", but the instructions need to address the general level of compliance with the submitted plan of work. In addition, applicants should have systems for collecting relevant data on accidents, near misses, ill health etc.
- C46) Checks must evaluate the appropriateness of the Plans of Work to the actual jobs (i.e. the numbers of amendments to the initial plan), including where not all hazards had been identified.
- C47) Applicants should also have a system in place to review any information that has been collected and to implement appropriate remedial action.

Audit and review

- C48) There must be an adequate and sufficient review of completed work to ensure that lessons learned are effectively put into practice to improve performance.
- C49) There must be auditing of a representative sample of jobs by managers and a periodic review of the achievements of the company's overall performance. The outcomes should be recorded in writing. The assessment interview should address how the applicant intends to / does audit and review its performance. HSE will need to be satisfied that this will happen to an appropriate extent depending on the scale and nature of the work. The reviews should take the following into account:
- a) comments from clients and main contractors;
 - b) work procedures as a whole, in light of performance and any external changes (e.g. HSE requirements, Trade Association information);
 - c) outcome of site audits;
 - d) the review mechanism to ensure that the lessons learned on the job have been effectively put into practice to improve performance throughout the organisation on future jobs.
- C50) It is to be expected that existing licence holders who have received advice (or enforcement) from the enforcing authorities would have

systems in place to ensure that such failings are not repeated. Repeated advice on similar topics would be a strong indicator that management systems are not effective.

Action plans: Leadership Summit / Step Change events

C51) As mentioned above, applicants who are existing licence holders, and who have attended one of the ALU events, are expected to be able to demonstrate progress made against their own action plan. At the event, licence holders were asked to draw up an outline plan, which would then be developed following the event. The quality of these plans is expected to be a good indicator of the attitude and competence of the applicant.

Asbestos specific matters (ASB4 Section 3)

- C52) All applicants should be able to demonstrate exemplary standards concerning work with asbestos. Applicants who cannot display satisfactory knowledge in the following areas may be refused a licence.

Literature

- C53) The relevant documents (ACoPs, GNs, ALG memos etc) must be available. The applicant must be able to demonstrate that he has read and understood all relevant parts of this guidance.
- C54) The level of knowledge and understanding will vary depending on the type of licence being applied for. Whereas all applicants are expected to understand the general duties imposed by the 1974 Act, there may be varying levels of understanding with regard to more specific guidance. For example, full licence applicants will have a very detailed knowledge of the complete Contractors' Guide and Approved Code of Practice L143. Labour Supply Licence applicants may not have the same depth of practical knowledge with regard to removal techniques, "4 stage clearance" etc., but they will have an excellent grasp of issues such as RPE provision and maintenance, health surveillance, and exposure record keeping.

Controlled techniques for removal and repair

- C55) Chapter 7 of the Contractors' Guide discusses various controlled techniques for asbestos removal. Appropriate equipment should be available to ensure that exposure is minimised and applicants should be able to demonstrate sufficient expertise in its use.
- C56) Where wet strip equipment is used it should be compliant with PAS60:1 standards – this will ensure that the rate of flow from needles is controllable, allowing similar amounts of wetting solution to be delivered regardless of needle position.

Plans of work

- C57) There must be adequate management processes in place to generate Plans of Work. Plans of work need to be useful, practical documents that help to ensure work can be done in accordance with licence conditions and relevant legislation.
- C58) There must be at least one competent individual (preferably two or more) who is responsible for producing the written Plan of Work (sometimes called the Method Statement) that conforms to the ACoP standard. The minimum standards in respect of this issue are documented in the "[Aide memoir](#)" (enclosed at Section D). The plan should be produced in a suitable format for its intended users. In summary, the Plan of Work must:

- a) give a clear definition of the work to be done, specifying the plant, location, methods to be used and standards to be achieved for that specific job;
- b) give a clear indication of the necessary steps to be taken when the Plan of Work has to be changed;
- c) define the arrangements that are in place for responding to an emergency incident or problem identified on site.

C59) It would be helpful to use the aide memoir at assessment when reviewing the applicant's performance in this area together with any evidence of Method Statement shortcomings obtained as part of the pre-interview preparatory work. ALU sends out ALG memo 06/08 on method statements with each new and renewal licence. It is also sent out, under cover of a standard letter, on receipt of an inadequate Method Statement accompanying the ASB5 notification.

Site checks

- C60) See also the section above on "Measuring Performance". The assessor should be shown sample / actual records relating to site checks.
- C61) The systems must cover all key stages of the work being carried out, and involve the input of appropriate levels of management. Checks will cover:
- a) enclosure / air lock construction and maintenance;
 - b) smoke testing;
 - c) siting and connection of decontamination facilities;
 - d) ensuring that all staff on site (including operatives supplied by other licence holders) have the relevant training, RPE (subject to a suitable inspection / thorough examination regime, with matching face fit certification) and medical surveillance;
 - e) maintenance and inspection of plant and equipment;
 - f) appropriate use of removal / fibre suppression techniques and equipment;
 - g) procedures for reporting incidents that have arisen during work;
 - h) systems to ensure the investigation of failures, accidents and incidents so that lessons are learned and remedial measures implemented.
- C62) At all assessments inspectors will be looking for evidence that there is a system in place for the above. For renewal applicants there should also be documentary records that demonstrate this happens in practice.

Decontamination

C63) The applicant must be able to demonstrate a good understanding of the decontamination process, which is reflected in systems for

monitoring site performance and equipment maintenance. Issues for discussion are listed on the ASB4 form.

Site cleaning and disposal of asbestos waste

- C64) Work equipment and methods should be chosen to prevent or minimise the build up of asbestos waste. At assessment, the applicant should be able to demonstrate excellent knowledge of cleaning methods and the process for ensuring subsequent visual inspections are carried out.
- C65) The applicant must have sufficient knowledge and systems to ensure that waste is dealt with in appropriate manner.

Site assessment for reoccupation

- C66) The applicant will have a suitable understanding of the 4-stage clearance procedure and this will be reflected in standard operating procedures and systems for measuring / audit etc.
- C67) There must be arrangements in place for effective liaison with the laboratory staff at the outset of the job, then during personal air sampling and at the end of the job when the 4-stage clearance procedure is undertaken (should always apply).

NB Where the client employs the laboratory it will be important that there is dialogue between the removal contractor and the laboratory staff and that the contractor receives a copy of the certificate of reoccupation for their records.

- C68) The applicant must also be able to demonstrate that laboratories (used for clearance air tests and personal sampling etc.) are accredited by an appropriate body as complying with ISO 17025.

RPE / PPE

- C69) The assessment meeting should address what RPE is provided and the basis upon which such decisions have been made. Under Section 9 of The Health and Safety at Work Act 1974 (the Act), licence holders cannot charge employees (or allow employees to be charged) for RPE / PPE. Where employees bring their own RPE to work, the employer would still have the duty to ensure that the equipment was suitable. The employer would need to establish that the equipment was fit for purpose before any work was undertaken. Robust systems need to be in place to ensure it is used correctly and maintained appropriately. This must incorporate adequate documentation, including records of current face-fit testing.
- C70) There must be evidence of an appropriate face fit test for each employee and robust systems for ensuring equipment is maintained in a suitable condition: there should be a record of daily RPE checks carried out by users, and examinations undertaken by a competent person (at no more than monthly intervals).

Air monitoring and exposure records

- C71) Air monitoring must be undertaken in accordance with a clearly defined strategy. This will be representative of the range of work methods used. This information will be used in calculating employee exposure records, in drawing up assessments and in monitoring the effectiveness of controls.

Medical health surveillance

- C72) ALL licence holders (full, supervisory and ancillary) need to ensure that employees are under adequate medical health surveillance. This will have to be repeated at bi-annual intervals. Assessment should examine what systems the applicant has in place for ensuring that medicals are repeated and records are stored securely for 40 years. Secure storage may include suitably backed-up electronic records.
- C73) Licence holders should have an occupational health programme in place for workers, in addition to the minimum legal asbestos health surveillance requirements. Where this is lacking, the assessment meeting should be used as an opportunity the development of such a scheme. Particular emphasis should be given to a 'fitness for work' medical, given the physical nature of the work.

Insurance

- C74) There must be a current insurance policy for working with asbestos (although a new applicant might arrange to pay the premium once they are assured their licence is granted). Please note that although ELCI is a legal requirement, it cannot be made a condition for obtaining a licence – [section B](#) refers.

Recommendation by ALPI / field inspector

- C75) At the end of the assessment, the inspector should have formed a judgement about the suitability of the applicant to be granted a licence. The judgement is formed from an overview of all the available evidence, i.e. from the outcome of the series of questions, supporting documents, evidence and observation of the standards on the premises (or at location(s) where work has previously been carried out).

Recording of information

- C76) Effective recording of the assessment of the applicant (on the Assessment report form ASB4) is essential to:
- a) indicate what issues have been assessed;
 - b) summarise the conclusions reached;
 - c) indicate remedial measures to be taken and time scale for implementation (we would expect for most cases that remedial action takes place before a recommendation to grant a licence is made to ALU).
- C77) On completion, the ASB4 form is returned to ALU. The assessment should also be recorded on COIN. Where the assessment has not been undertaken by the ALPI, then the ASB4 must be countersigned by them.

Assessment outcome

- C78) On completion of the assessment there are several likely outcomes that the inspector could recommend. These are detailed below. Inspectors are reminded that improvement notices should not normally be used to deal with deficiencies identified at an assessment. Instead, the preferred (and usually more effective) course of action is to recommend a refusal or conditional refusal.
- C79) **New applications – possible recommendations:**
- a) A one year licence is granted;
 - b) A conditional refusal, on the basis that remedial action is required and is achievable;
 - c) A licence is refused.
- C80) **Renewal applications – possible recommendations:**
- a) A three year licence is issued;
 - b) A one year licence is granted (in view of a poor record of performance, concerns relating to new management, prosecution pending, no work being undertaken, supervised or managed during the last year of the licence term, etc);
 - c) A conditional refusal, on the basis that remedial action is required and is achievable;
 - d) A licence is refused.

- C81) In cases of doubt the ALPI should discuss with the Head of ALU to ensure consistency and to help ALU reach the final conclusion. In other cases ALU may wish to contact the ALPI to clarify information provided or discuss conditions or proposed term of licence. In cases where the Head of ALU and the ALPI cannot reach agreement, then the case will be referred to the Head of Health Unit for a decision.

Licence refusal

- C82) An applicant may be refused a licence to work with asbestos either at renewal or on first application because of failure to demonstrate competence, poor performance record or other behaviour, which brings into doubt the applicant's reputation to be a licence holder. In practice, applicants are usually given the opportunity to improve (by use of a conditional refusal) although there will be occasions when an outright refusal might be appropriate in light of the range and nature of failures identified.
- C83) Applicants who are refused a licence have the right of appeal as previously mentioned in [Section B](#).

Conditional refusal

- C84) Where it is anticipated that the required improvements can be achieved within a very short time frame (usually within a matter of days, but at the discretion of the inspector carrying out the assessment) then the inspector should advise ALU of the delay, retain the ASB4 and direct the applicant to advise them in writing when the work has been completed. Once action has been completed by the prospective licensee, and the ALPI is satisfied that the applicant is up to standard, the ASB4 should be sent back to ALU with the recommendation that a licence may now be granted. The additional work involved by the inspector at this stage is unlikely to be regarded as a reassessment. As such, a re-assessment fee would not apply, unless a further visit or meeting with the applicant was required.
- C85) Where the required improvements cannot be achieved within a short time frame, the inspector is entitled to return the ASB4 to ALU and recommend "conditional refusal". Assessment meetings are arranged by appointment and applicants should have received a detailed letter from the ALPI outlining matters to be evidenced during the meeting. Failure to produce the relevant information at this meeting should be taken as indicative of the attitude / competence of the applicant. Conditional refusal is appropriate where, in the judgement of the field inspector, an applicant has the potential to reach the standards required within an acceptable time frame. This kind of refusal is aimed at providing an opportunity for the applicant to remedy the defect and should only be recommended where there is a reasonable expectation that the issue(s) can be resolved and these standards can be reached within four months from assessment. The re-assessment itself should look

at why the licence holder was unprepared for the earlier meeting and the action taken to ensure that similar shortfalls are avoided in the future.

- C86) The defects should be drawn to the attention of the applicant in writing by the inspector and an appropriate time frame agreed for completion. In the case of a new applicant this may be as long as four months, whereas for renewals the time is generally more urgent as the licence will normally expire within weeks. Although it is not normal procedure to provide the applicant with a copy of the completed assessment form, some inspectors find it helpful to do so and indeed some applicants request it. ALU have no objections to this, as long as the inspector sends an accompanying letter to support it.
- C87) The inspector should then return the ASB4, together with a copy of their letter detailing the necessary improvements to ALU who will issue a conditional refusal letter. The ALU letter sets out the time frame in which the action must be taken and asks the applicant to respond to the Head Office ALPI when they have completed the required action and details the appeals mechanism which they are able to use if they object to the conditional refusal (sample letter at Section D, Annex 6). It also explains that there is likely to be a fee for conducting the re-assessment.
- C88) The applicant must remedy the defect(s) and contact the ALPI to arrange a re-assessment within 4 months of the date of the conditional refusal letter from ALU. The actual reassessment interview/recommendation by the ALPI to ALU might, however, take place out with the 4 month period. If, as a result of the re-assessment, the applicant is unsuccessful, any further application they make will have to be accompanied by a new (full) fee and the entire process will be restarted.
- C89) There may be occasions when the applicant is unable to make the necessary improvements within the 4 month period, due to extenuating circumstances, (e.g. prolonged illness of applicant; new manager employed since original assessment). Such cases should be rare and if the applicant can demonstrate that the situation was exceptional, then the 4 month period specified in the ALU conditional refusal letter may be extended by an additional 2 months (resulting in an overall total of 6 months from date of ALU letter to remedy the deficiencies).

Section D

ANNEX 1 Overview of initial renewal application process

An overview of the initial renewal application process is available at Annex 1 on the following page: <http://www.hse.gov.uk/asbestos/information.htm>

ANNEX 2 FOD ASB1 (Licence application form)

For information on how to apply for a licence please contact HSE Infoline (telephone: 0845 345 0055) or visit the website <http://www.hse.gov.uk/contact/index.htm>

ANNEX 3 FOD ASB4 (Assessment report form by ALPI)

The ASB4 form (Assessment report form by ALPI) is available at
<http://www.hse.gov.uk/asbestos/information.htm>

ANNEX 4 FOD ASB6 (Enforcing authority report form)

The ASB6 form (Enforcing authority report form) is available at

<http://www.hse.gov.uk/asbestos/information.htm>

ANNEX 5 Reading Material and List of Training Providers

Publications listed below provide the necessary knowledge required by licensed asbestos contractors. Whilst contractors will need an appropriate level of awareness and understanding of **all** relevant legislation and guidance, the **Approved Code of Practice L143** and all publications listed in the section "**Detailed guidance for work with asbestos**" will be of particular importance to licence holders. It is expected that applicants will have copies of these documents available for reference.

Reading material

Legislative matters

SI Health and Safety at Work etc Act 1974 (SI 1974/1439 ISBN 0 10 543774 3)

SI The Control of Asbestos Regulations 2006 (SI 2006/2739 ISBN 0 11 075191 4)

L143 Work with materials containing asbestos: Control of Asbestos Regulations 2006 (2006)
Approved Code of Practice ISBN 0 7176 6206 3

L127 The management of asbestos in non-domestic premises: Regulation
4 of The Control of Asbestos Regulations 2006 (2006)
Approved Code of Practice ISBN 0 7176 6209 8

L21 Management of Health and Safety at Work Regulations 1999
Approved Code of Practice and guidance ISBN 0 7176 2488 9

Detailed guidance concerning health and safety management

HSG65 Successful health and safety management ISBN 0 7176 1276 7

Detailed guidance for work with asbestos

HSG247 Asbestos: The licensed contractors' guide ISBN 0 7176 2874 4

HSG248 Asbestos: The analysts' guide for sampling, analysis and clearance
procedures ISBN 0 7176 2875 2

HSG53 Respiratory protective equipment at work: A practical guide (2005)
ISBN 0 7176 2904 X

HSG227 A comprehensive guide to managing asbestos in premises (2002)
ISBN 0 7176 2381 5

HSG189/2 Working with asbestos cement (1999) ISBN 0 7176 1667 3

HSG210 Asbestos essentials task manual (2001) ISBN 0 7176 1887 0

HSG213 Introduction to asbestos essentials (2001) ISBN 0 7176 1901 X

ALG Memos –

All current memos can be found at
<http://www.hse.gov.uk/asbestos/information.htm>

The following may be of particular interest:

4/08 Asbestos Licensed Scaffolders

3/08 Supervisory Licence Holders

1/07 The Provision of RPE

6/05 Hiring Employees

Relevant Guidance Note for work with asbestos

MDHS100 Surveying, sampling and assessment of asbestos containing
materials (2001) ISBN 0 7176 2076 X

Relevant Health and Safety Executive (HSE) leaflets for work with asbestos

INDG188 Asbestos alert for building maintenance, repair and refurbishment workers (2000) ISBN 0 7176 1209 0

INDG223 (rev3) A short guide to managing asbestos in premises (2002)
ISBN 0 7176 2564 8

INDG255 (rev) Asbestos dust kills — keep your mask on (1999) ISBN 0 71761696 7

Training Providers

The UK Asbestos Training Association carries out audits of members to demonstrate compliance with these standards. More detail is available at their website <http://www.ukata.org.uk/> Any other training providers should also be able to demonstrate compliance.

ANNEX 6 Sample ALPI / ALU letters to applicants

Annex 6.1 Suggested ALPI letter to full licence applicant

Annex 6.2 Suggested ALPI letter: ancillary (scaffolding) licence applicant

Annex 6.3 Suggested ALPI letter: ancillary (maintaining air extraction equipment) licence applicant

Annex 6.4 Suggested ALPI letter to Supervisory Licence applicant

Annex 6.5 Suggested ALPI letter to Labour Supply Licence applicant

Annex 6.6 Appendices for standard letters to applicants

Annex 6.7 Standard ALU enquiry letter

Annex 6.8 Standard ALU renewal/expiry letter

Annex 6.9 Sample ALU conditional refusal letter

All the above sample letters are available at:
<http://www.hse.gov.uk/asbestos/information.htm>

ANNEX 7 Table of changes to asbestos licences.

The table of changes to asbestos licences is available at
<http://www.hse.gov.uk/asbestos/information.htm>

ANNEX 8 Method Statement ALG Memo

The method statement ALG Memo 06/08 is available at
http://www.hse.gov.uk/aboutus/meetings/committees/alg/memos_issued.htm