

## **ANNEX 6 Sample ALPI / ALU letters to applicants**

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## ***Annex 6.1 Suggested ALPI letter to full licence applicant***

Dear Sir

### **The Control of Asbestos Regulations 2006 (CAR) The Management of Health and Safety at Work Regulations 1999**

I am writing to [\*delete as appropriate] \*arrange a meeting about your application for a licence/\*confirm that I will visit your office at am/pm on to discuss your application for a licence under The Control of Asbestos Regulations 2006. The purpose of the meeting is to assess the competence of your company to undertake licensable work and to check that you have management arrangements in place that will enable you to comply with the relevant legal requirements and that are appropriate for work in a licensed industry. \*Please contact me when you are ready for the meeting [\*delete as appropriate].

**I may terminate the assessment meeting if it becomes clear that your arrangements for licensable work are well below the standards set out in this letter. Your licence fee will not be refunded and a further charge will be made if I have to undertake a re-assessment meeting. It is important therefore that you carefully prepare for our meeting.**

During the assessment meeting I will need to check that you have:

- a sufficient in-house working knowledge of the above mentioned Regulations and the relevant Approved Codes of Practice (ACoPs) and Guidance to show an understanding of good practice techniques;
- set out in writing clear roles and responsibilities for managers, supervisors and operatives;
- adequate systems for meeting the standards set out in these Regulations and supporting the ACoPs and guidance; and
- suitable arrangements for monitoring and reviewing your work to ensure that it continues to meet these standards.

In practice, I will need to see evidence from your asbestos policy, your formal records and job files (or proposals for records and files if you are a new applicant) to support the above. \*I will also be asking you to describe the action you have taken following your attendance at the “Leadership Summit” event at [enter location] on [date], where you were challenged to set exemplary health and safety performance standards. You will be expected to be able to demonstrate proactive leadership with regard to your organisation’s health and safety performance and I will look at progress made against the action plan you have developed following this event.

An outline of the issues I will be covering with you are set out below, but I suggest you also refer to HSE guidance contained in the HSE publication “Successful health and safety management” (HSG65 – see appendix 1 for details):

#### **Basic information**

Publications listed in Appendix 1 to this letter will provide the necessary knowledge required by licensed asbestos contractors. Whilst you 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” are of particular importance to licence holders. It is expected that you will have copies of these documents available for reference.

### **Policy and organisation**

You should have:

- An adequate policy for work with asbestos aimed at preventing or minimising the exposure of employees and others to asbestos dust arising from your work;
- a clear organisation for the work;
- suitable written arrangements covering who (manager / supervisor / operative etc) is responsible for what (e.g. preparation of risk assessments and Plans of Work, daily site checks, maintenance and testing of equipment, checking and maintaining training and other records and monitoring/audit).

NB Your written arrangements need only be fit for purpose. A straightforward description of what you do and who is responsible for ensuring it is done is often sufficient.

Usually, licence holders have a nominated employee who has day-to-day responsibility, relevant experience and a sufficient understanding and knowledge of the legislation and related ACoP and guidance. The nominated person usually manages the asbestos work and may be responsible for preparing Plans of Work.

You should also hold (or if a new applicant, have made arrangements to hold) appropriate Employer’s Liability Compulsory Insurance (ELCI) for work with asbestos. You should be aware that there is a legal requirement for you to have ELCI, although this is not a requirement for obtaining a licence.

### **Training and competence**

You should have arrangements in place for ensuring that relevant training is undertaken at appropriate intervals. This will include training for directors / senior managers as well as for supervisors and operatives. In addition, appropriate management systems should be in place to assess the level of performance of operators, supervisors, managers etc. in the working environment. See paragraphs 132-154 of the ACoP mentioned in Appendix 1 and Chapter 4 of the Contractors’ Guide.

### **Risk assessments / Plans of Work**

There should be adequate arrangements for producing suitable and sufficient risk assessments and Plans of Work (method statements) covering site specific details of the work to be done at each site (the ALG memo on method statements is available on HSE’s website at <http://www.hse.gov.uk/asbestos/information.htm>). Also there should be suitable arrangements for making agreed modifications to the Plan in the light of circumstances. See paragraphs 76 – 83 of the ACoP mentioned in Appendix 1 and the ALG memo on method statements.

### **Site records, health records and test, examination and maintenance records for equipment**

You should have suitable arrangements to complete the records required. Existing licence holders should be able to show evidence that job files, personnel files and equipment records routinely contain all the information required – see Appendix 2.

### **Monitoring your work**

HSE expects you to have adequate arrangements for monitoring a sample of the work (site “audits”) to check that standards are being met in practice. Also you should

have an appropriate procedure for reviewing your performance and making any necessary improvements in the light of your “audits” or information from Trade Associations, HSE, etc. (See also Regulation 5 of the Management of Health and Safety at Work Regulations 1999 and paragraphs 36-40 of the supporting ACoP L21 (ISBN 0-7176-2488-9)).

You will also need to show that you have adequate arrangements for carrying out representative personal monitoring at a typical range of jobs, both to assess exposure levels for typical types of asbestos removal work and to help check that control measures are being applied (see paragraphs 328-338 of ACoP L143, listed in Appendix 1).

### **Supervision of subcontractors and hiring operatives**

If you intend to supervise the work of other licensed removal contractors you will be expected to have an up to date written protocol for supervision of any asbestos work they do. If you intend to hire labour on loan from other licensed contractors you should have suitable arrangements to satisfy the conditions in Appendix 3.

### **Performance record**

If you hold (or have previously held) an asbestos licence, we may also discuss the health and safety performance of the company in recent years. The discussion may include any reports by enforcing authorities about your health and safety performance, whether or not the work involved asbestos.

### **Who should attend the assessment meeting**

You should ensure that the meeting is attended by a director (or other individual who has authority to speak for the company) together with the nominated employee who has prime responsibility for health and safety of asbestos removal work (if different). A consultant may attend the meeting if you wish. However, you must show that you have sufficient in house competence to do the work with asbestos.

The onus is on you to show that you have made adequate arrangements for meeting legal requirements, monitoring your work and making changes to ensure standards are maintained or improved. If you cannot provide sufficient evidence that you have an appropriate policy, organisation and systems I will not be able to recommend that you are granted an asbestos licence.

I hope this is helpful.

Yours faithfully  
Asbestos Licensing Principal Inspector

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

Dear Sir

### **The Control of Asbestos Regulations 2006 (CAR) The Management of Health and Safety at Work Regulations 1999**

I refer to your application for an asbestos licence under the Control of Asbestos Regulations 2006. I suggest you consider the information below and let me know if you wish to continue with your application; we can then fix a suitable date for my visit if necessary. The purpose of the meeting will be to assess the competence of your company to undertake licensable work and to check that you have management arrangements in place that will enable you to comply with the relevant legal requirements and that are appropriate for work in a licensed industry. \*Please contact me when you are ready for the meeting [\*delete as appropriate].

**I may terminate the assessment meeting if it becomes clear that your arrangements for licensable work are well below the standards set out in this letter. Your licence fee will not be refunded and a further charge will be made if I have to undertake a re-assessment meeting. It is important therefore that you carefully prepare for our meeting.**

The Control of Asbestos Regulations 2006 require that a licence is required if you intend to provide access for licensable work, but **only where it is foreseeable that the scaffolding activity is likely to disturb asbestos – i.e. where you expect to be working in contaminated environments**. ALG memo 4/07 (see Appendix 1) provides further guidance on situations where a licence is likely to be necessary. Before arranging an assessment meeting you should be sure that you intend to carry out licensable work and that appropriate arrangements are in place for undertaking such work – HSE's policy is that licences will not be granted for commercial purposes.

Please note that a licence from the Health and Safety Executive will always be required by those setting up and taking down enclosures for notifiable and licensed asbestos work (paragraph 90 (a) of the ACOP refers).

During the assessment meeting I will need to check that you have:

- a sufficient in-house working knowledge of the above mentioned Regulations and the relevant Approved Codes of Practice (ACoPs) and Guidance to show an understanding of good practice techniques;
- set out in writing clear roles and responsibilities for managers, supervisors and operatives;
- adequate systems for meeting the standards set out in these Regulations and supporting the ACoPs and guidance; and
- suitable arrangements for monitoring and reviewing your work to ensure that it continues to meet these standards.

In practice, I will need to see evidence from your asbestos policy, your formal records and job files (or proposals for records and files if you are a new applicant) to support the above. \*I will also be asking you to describe the action you have taken following your attendance at the “Leadership Summit” event at [enter location] on [date], where you were challenged to set exemplary health and safety performance standards. You will be expected to be able to demonstrate proactive leadership with regard to your organisation’s health and safety performance and I will look at progress made against the action plan you have developed following this event.

An outline of the issues I will be covering with you are set out below, but I suggest you also refer to HSE guidance contained in the HSE book “Successful health and safety management” (HSG65 – see appendix 1 for details):

### **Basic information**

You should have copies of the relevant publications listed in Appendix 1 to this letter and show that you are aware of the standards required.

### **Policy and organisation**

You should have:

- An adequate policy for work with asbestos aimed at preventing or minimising the exposure of employees and others to asbestos dust arising from your work;
- a clear organisation for the work;
- suitable written arrangements covering who (manager / supervisor / operative etc) is responsible for what (e.g. preparation of risk assessments and Plans of Work, daily site checks, maintenance and testing of equipment, checking and maintaining training and other records and monitoring/audit);
- your policy and arrangements should cover those situations where your employees are liable to be exposed to asbestos or to create risks of exposure for others. In particular, you need to think about:
  - how you will work with the licensed asbestos removal contractor, particularly if you envisage using their decontamination unit;
  - what precautions you will need to take to protect those employees who are liable to be exposed to asbestos dust (including protective clothing, respiratory protective equipment, towels and decontamination unit);

NB Your written arrangements need only be fit for purpose. A straightforward description of what you do and who is responsible for ensuring it is done is often sufficient.

Usually, licence holders have a nominated employee who has day-to-day responsibility, relevant experience and a sufficient understanding and knowledge of the legislation and related ACoP and guidance. The nominated person usually manages the asbestos work and may be responsible for preparing Plans of Work.

You should also hold (or if a new applicant, have made arrangements to hold) appropriate Employer's Liability Compulsory Insurance (ELCI) for work with asbestos. You should be aware that there is a legal requirement for you to have ELCI, although this is not a requirement for obtaining a licence.

### **Training and competence**

You should have arrangements in place for ensuring that relevant training is undertaken at appropriate intervals. This will include training for directors / senior managers as well as for supervisors and operatives. In addition, appropriate management systems should be in place to assess the level of performance of operators, supervisors, managers etc. in the working environment. See paragraphs 132-154 of the ACoP mentioned in Appendix 1 and Chapter 4 of the Contractors' Guide.

### **Risk assessments / Plans of Work**

There should be adequate arrangements for producing suitable and sufficient risk assessments and Plans of Work (method statements) covering site specific details of the work to be done at each site. You will not be able to use the plans produced by the licensed removal contractor since these will only deal with their work. The ALG memo on method statements is available on HSE's website at <http://www.hse.gov.uk/asbestos/information.htm>. Also there should be suitable arrangements for making agreed modifications to the Plan in the light of circumstances. See paragraphs 76 – 83 of the ACoP mentioned in Appendix 1 and the ALG memo on method statements.

### **Site records, health records and test, examination and maintenance records for equipment**

You should have suitable arrangements to complete the records required. Existing licence holders should be able to show evidence that job files, personnel files and equipment records routinely contain all the information required – see Appendix 2.

### **Monitoring your work**

HSE expects you to have adequate arrangements for monitoring a sample of the work (site "audits") to check that standards are being met in practice. Also you should have an appropriate procedure for reviewing your performance and making any necessary improvements in the light of your "audits" or information from Trade Associations, HSE, etc. (See also Regulation 5 of the Management of Health and Safety at Work Regulations 1999 and paragraphs 36-40 of the supporting ACoP L21 (ISBN 0-7176-2488-9).

You will also need to show that you have adequate arrangements for carrying out representative personal monitoring at a typical range of jobs, both to assess exposure levels for typical types of asbestos removal work and to help check that control measures are being applied (see paragraphs 328-338 of the ACoP mentioned in Appendix 1).

### **Supervision of subcontractors and hiring operatives**

If you intend to supervise the work of other licensed removal contractors you will be expected to have an up to date written protocol for supervision of any

asbestos work they do. If you intend to hire labour on loan from other licensed contractors you should have suitable arrangements to satisfy the conditions in Appendix 3.

**Performance record**

If you hold (or have previously held) an asbestos licence, we may also discuss the health and safety performance of the company in recent years. The discussion may include any reports by enforcing authorities about your health and safety performance, whether or not the work involved asbestos.

**Who should attend the assessment meeting**

You should ensure that the meeting is attended by a director (or other individual who has authority to speak for the company) together with the nominated employee who has prime responsibility for health and safety of asbestos removal work (if different). A consultant may attend the meeting if you wish. However, you must show that you have sufficient in house competence to do the work with asbestos.

The onus is on you to show that you have made adequate arrangements for meeting legal requirements, monitoring your work and making changes to ensure standards are maintained or improved. If you cannot provide sufficient evidence that you have an appropriate policy, organisation and systems I will not be able to recommend that you are granted an asbestos licence.

I hope this is helpful.

Yours faithfully

Asbestos Licensing Principal Inspector

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

## ***Annex 6.4 Suggested ALPI letter to Supervisory Licence applicant***

Dear Sir

### **The Control of Asbestos Regulations 2006 (CAR) The Management of Health and Safety at Work Regulations 1999**

I am writing to [\*delete as appropriate] \*arrange a meeting about your application for a licence/\*confirm that I will visit your office at am/pm on to discuss your application for a licence under The Control of Asbestos Regulations 2006. The purpose of the meeting is to assess the competence of your company to undertake licensable work and to check that you have management arrangements in place that will enable you to comply with the relevant legal requirements and that are appropriate for work in a licensed industry. \*Please contact me when you are ready for the meeting [\*delete as appropriate].

**I may terminate the assessment meeting if it becomes clear that your arrangements for licensable work are well below the standards set out in this letter. Your licence fee will not be refunded and a further charge will be made if I have to undertake a reassessment meeting. It is important therefore that you carefully prepare for our meeting.**

Regulation 2 of the Control of Asbestos Regulations 2006 makes clear that “work with asbestos” also includes supervision of such work. The Approved Code of Practice (L143, see Appendix 1) states that ‘supervisory work’ means “work involving direct supervisory control over those removing, repairing or disturbing asbestos”.

There is no legal requirement to have a supervisory licence holder (SLH) on site but if someone is performing SLH duties on site then they must hold a licence. Direct supervisory control is taken to mean where there is direct and immediate influence over current site activities including:

- any aspect of the work with asbestos including the equipment and controls being used;
- how the work is done e.g. methods, techniques etc;
- how the site is prepared, cleaned up etc;
- the monitoring of controls e.g. inspecting decontamination units, changing filters/negative pressure units, appropriate use of wet stripping equipment, dust suppression etc;
- movement, storage and transfer of waste.

ALG memo 3/08 provides further information.

During the assessment meeting I will need to check that you have:

- a sufficient in-house working knowledge of the above mentioned Regulations and the relevant Approved Codes of Practice (ACoPs) and Guidance to show an understanding of good practice techniques;
- set out in writing clear roles and responsibilities for managers, supervisors and operatives;
- adequate systems for meeting the standards set out in these Regulations and supporting the ACoPs and guidance; and
- suitable arrangements for monitoring and reviewing your work to ensure that it continues to meet these standards.

In practice, I will need to see evidence from your asbestos policy, your formal records and job files (or proposals for records and files if you are a new applicant) to support the above. \*I will also be asking you to describe the action you have taken following your attendance at the “Leadership Summit” event at [enter location] on [date], where you were challenged to set exemplary health and safety performance standards. You will be expected to be able to demonstrate proactive leadership with regard to your organisation’s health and safety performance and I will look at progress made against the action plan you have developed following this event.

An outline of the issues I will be covering with you are set out below, but I suggest you also refer to HSE guidance contained in the HSE book “Successful health and safety management” (HSG65 – see appendix 1 for details):

### **Basic information**

You should have copies of the relevant publications listed in Appendix 1 to this letter and show that you are aware of the standards required.

### **Policy and organisation**

You should have:

- an adequate policy for supervising work with asbestos;
- a clear organisation for the work;
- suitable written arrangements covering who (manager/supervisor/operative etc) is responsible for what (e.g. preparation of risk assessments and plans of work, daily site checks, maintenance and testing of equipment, checking and maintaining training and other records and monitoring / audit).

NB Your written arrangements need only be fit for purpose. A straightforward description of what you do and who is responsible for ensuring it is done is often sufficient.

Usually, licence holders have a nominated employee who has day to day responsibility, relevant experience and a sufficient understanding and knowledge of the legislation and related ACoP and guidance. The nominated person usually manages the asbestos work and may be responsible for preparing Plans of Work.

You should also hold (or if a new applicant have made arrangements to hold) appropriate Employer’s Liability Compulsory insurance (ELCI) for work with

asbestos. You should be aware that there is a legal requirement for you to have ELCI, although this is not a requirement for obtaining a licence.

### **Training and competence**

You should have arrangements in place for ensuring that relevant training is undertaken at appropriate intervals. This will include training for directors / senior managers as well as for supervisors and operatives. In addition, appropriate management systems should be in place to assess the level of performance of operators, supervisors, managers etc. in the working environment. See paragraphs 132-154 of the ACoP mentioned in Appendix 1 and Chapter 4 of the Contractors' Guide.

### **Risk assessments/Plans of Work**

You should have adequate arrangements for producing suitable and sufficient risk assessments and Plans of Work (method statements) covering site specific details of your work at each site (the ALG memo on method statements is available on HSE's website at <http://www.hse.gov.uk/asbestos/information.htm>). Also there should be suitable arrangements for making agreed modifications to the Plan in the light of circumstances. See paragraphs 76 – 83 of ACoP L143 and the ALG memo on method statements.

### **Site records, health records and test, examination and maintenance records for equipment**

You should have suitable arrangements to complete the records required. Existing licence holders should be able to show evidence that job files, personnel files and equipment records routinely contain all the information required – see Appendix 2.

### **Monitoring your work**

HSE expects you to have adequate arrangements for monitoring a sample of the work (site “audits”) to check that standards are being met in practice. Also you should have an appropriate procedure for reviewing your performance and making any necessary improvements in the light of your “audits” or information from Trade Associations, HSE, etc. (See also Regulation 5 of the Management of Health and Safety at Work Regulations 1999 and paragraphs 36-40 of the supporting ACoP L21 (ISBN 0-7176-2488-9).

As supervisory work will involve the occasional need to enter enclosures, you will also need to show that you have adequate arrangements for carrying out representative personal monitoring (see paragraphs 328-338 of ACoP L143).

### **Supervision of subcontractors**

You will be expected to have an up to date written protocol for supervising the work of licensed asbestos removal contractors. This may include, for example:

- liaison with the client about the location of asbestos containing materials and specific requirements (e.g. about protection of persons in adjacent properties);

- checks on the conduct of the work to ensure that specialist removal contractors conform to agreed method statements (including any checklists you expect staff to complete);
- adequate arrangements for reviewing the contractor's method statement covering details of the work to be done at each site and foreseeable hazards;
- procedures for modifying the way the work is being done if you are not satisfied that appropriate standards are being met by the removal contractor.

### **Performance record**

If you hold (or have previously held) an asbestos licence, we may also discuss the health and safety performance of the company in recent years. The discussion may include any reports by enforcing authorities about your health and safety performance, whether or not the work involved asbestos.

### **Who should attend the assessment meeting**

You should ensure that the meeting is attended by a director (or other individual who has authority to speak for the company) together with the nominated employee who has prime responsibility for health and safety of asbestos work (if different). A consultant may attend the meeting if you wish. However, you must show that you have sufficient in house competence to do the work with asbestos.

The onus is on you to show that you have made adequate arrangements for meeting legal requirements, monitoring your work and making changes to ensure standards are maintained or improved. If you cannot provide sufficient evidence that you have an appropriate policy, organisation and systems for supervising asbestos removal work I will not be able to recommend that you are granted an asbestos licence.

I hope this is helpful.

Yours faithfully

Asbestos Licensing Principal Inspector

## ***Annex 6.5 Suggested ALPI letter to Labour Supply Licence applicant***

Dear Sir

### **The Control of Asbestos Regulations 2006 (CAR) The Management of Health and Safety at Work Regulations 1999**

I am writing to [\*delete as appropriate] \*arrange a meeting about your application for a licence/\*confirm that I will visit your office at am/pm on to discuss your application for a licence under The Control of Asbestos Regulations 2006. The purpose of the meeting is to assess the competence of your company to undertake licensable work and to check that you have management arrangements in place that will enable you to comply with the relevant legal requirements and that are appropriate for work in a licensed industry. \*Please contact me when you are ready for the meeting [\*delete as appropriate].

**I may terminate the assessment meeting if it becomes clear that your arrangements for licensable work are well below the standards set out in this letter. Your licence fee will not be refunded and a further charge will be made if I have to undertake a re-assessment meeting. It is important therefore that you carefully prepare for our meeting.**

During the assessment meeting I will need to check that you have:

- a sufficient in-house working knowledge of the above mentioned Regulations and the relevant Approved Codes of Practice (ACoPs) and Guidance to show an understanding of good practice techniques;
- set out in writing clear roles and responsibilities for managers, supervisors and operatives;
- adequate systems for meeting the standards set out in these Regulations and supporting the ACoPs and guidance; and
- suitable arrangements for monitoring and reviewing your work to ensure that it continues to meet these standards.

In practice, I will need to see evidence from your asbestos policy, your formal records and job files (or proposals for records and files if you are a new applicant) to support the above. \*I will also be asking you to describe the action you have taken following your attendance at the “Leadership Summit” event at [enter location] on [date], where you were challenged to set exemplary health and safety performance standards. You will be expected to be able to demonstrate proactive leadership with regard to your organisation’s health and safety performance and I will look at progress made against the action plan you have developed following this event.

An outline of the issues I will be covering with you are set out below, but I suggest you also refer to HSE guidance contained in the HSE book “Successful health and safety management” (HSG65 – see appendix 1 for details):

#### **Basic information**

You should have copies of the relevant publications listed in Appendix 1 to this letter and show that you are aware of the standards required.

## **Policy and organisation**

You should have:

- An adequate policy for work with asbestos aimed at preventing or minimising the exposure of employees and others to asbestos dust arising from your work;
- a clear organisation for the work;
- suitable written arrangements covering who (manager / supervisor / operative etc) is responsible for what (e.g. preparation of risk assessments and Plans of Work, daily site checks, maintenance and testing of equipment, checking and maintaining training and other records and monitoring/audit).

NB Your written arrangements need only be fit for purpose. A straightforward description of what you do and who is responsible for ensuring it is done is often sufficient.

Usually, licence holders have a nominated employee who has day to day responsibility, relevant experience and a sufficient understanding and knowledge of the legislation and related ACoP and guidance. The nominated person usually manages the asbestos work and may be responsible for preparing Plans of Work.

You should also hold (or if a new applicant, have made arrangements to hold) appropriate Employer's Liability Compulsory Insurance (ELCI) for work with asbestos. You should be aware that there is a legal requirement for you to have ELCI, although this is not a requirement for obtaining a licence.

## **Training and competence**

You should have arrangements in place for ensuring that relevant training is undertaken at appropriate intervals. This will include training for directors / senior managers as well as for supervisors and operatives. In addition, appropriate management systems should be in place to assess the level of performance of operators, supervisors, managers etc. in the working environment. See paragraphs 132-154 of the ACoP mentioned in Appendix 1 and Chapter 4 of the Contractors' Guide.

## **Risk assessments / Plans of Work**

There should be adequate arrangements for producing suitable and sufficient risk assessments and Plans of Work (method statements) covering site specific details of the work to be done at each site (the ALG memo on method statements is available on HSE's website at <http://www.hse.gov.uk/asbestos/information.htm>). Also there should be suitable arrangements for making agreed modifications to the Plan in the light of circumstances. See paragraphs 76 – 83 of ACoP L143 and the ALG memo on method statements.

## **Site records, health records and test, examination and maintenance records for equipment**

You should have suitable arrangements to complete the records required. Existing licence holders should be able to show evidence that job files, personnel files and equipment records routinely contain all the information required – see Appendix 2.

## **Monitoring your work**

HSE expects you to have adequate arrangements for monitoring a sample of the work (site "audits") to check that standards are being met in practice. Also you should have an appropriate procedure for reviewing your performance and making any necessary improvements in the light of your "audits" or information from Trade Associations, HSE, etc. (See also Regulation 5 of the Management of Health and

Safety at Work Regulations 1999 and paragraphs 36-40 of the supporting ACoP L21 (ISBN 0-7176-2488-9).

You will also need to show that you have adequate arrangements for carrying out representative personal monitoring at a typical range of jobs, both to assess exposure levels for typical types of asbestos removal work and to help check that control measures are being applied (see paragraphs 328-338 of ACoP L143).

**Supervision of subcontractors and hiring operatives**

If you intend to supervise the work of other licensed removal contractors you will be expected to have an up to date written protocol for supervision of any asbestos work they do. If you intend to hire labour on loan from other licensed contractors you should have suitable arrangements to satisfy the conditions in Appendix 3.

**Performance record**

If you hold (or have previously held) an asbestos licence, we may also discuss the health and safety performance of the company in recent years. The discussion may include any reports by enforcing authorities about your health and safety performance, whether or not the work involved asbestos.

**Who should attend the assessment meeting**

You should ensure that the meeting is attended by a director (or other individual who has authority to speak for the company) together with the nominated employee who has prime responsibility for health and safety of asbestos removal work (if different). A consultant may attend the meeting if you wish. However, you must show that you have sufficient in house competence to do the work with asbestos.

The onus is on you to show that you have made adequate arrangements for meeting legal requirements, monitoring your work and making changes to ensure standards are maintained or improved. If you cannot provide sufficient evidence that you have an appropriate policy, organisation and systems I will not be able to recommend that you are granted an asbestos licence.

I hope this is helpful.

Yours faithfully

Asbestos Licensing Principal Inspector

## ***Annex 6.6 Appendices for standard letters to applicants***

### **Appendix 1 List of asbestos publications**

<p style="text-align: center;"><b>READING LIST FOR APPLICANTS (NEW &amp; RENEWAL) FOR A LICENCE UNDER THE CONTROL OF ASBESTOS REGULATIONS 2006</b></p>
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**Publications that will 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.

#### **Legislative matters**

- |      |  |
|------|--|
| SI   | Health and Safety at Work etc Act 1974<br>SI 1974/1439 ISBN 0 10 543774 3  |
| SI   | The Control of Asbestos Regulations 2006<br>SI 2006/2739 ISBN 0 11 075191 4  |
| L143 | Work with materials containing asbestos: Control of Asbestos Regulations 2006 (2006)<br>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)<br>Approved Code of Practice ISBN 0 7176 6209 8 |
| L21  | Management of Health and Safety at Work Regulations 1999<br>Approved Code of Practice and guidance ISBN 0 7176 2488 9  |

#### **Detailed guidance concerning health and safety management**

- |       |   |
|-------|---|
| HSG65 | Successful health and safety management<br>ISBN 0 7176 1276 7 |
|-------|---|

#### **Detailed guidance for work with asbestos**

- |        |   |
|--------|---|
| HSG247 | Asbestos: The licensed contractors' guide<br>ISBN 0 7176 2874 4                                     |
| HSG248 | Asbestos: The analysts' guide for sampling, analysis and clearance procedures<br>ISBN 0 7176 2875 2 |
| HSG53  | Respiratory protective equipment at work: A practical guide (2005)<br>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 asbestos**

MDHS100	Surveying, sampling and assessment of asbestos containing materials (2001) ISBN 0 7176 2076 X
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**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 7176 1696 7

## Appendix 2 Records

Records need to include (where appropriate):

- daily site records covering such matters as smoke test/visual inspections of the enclosure see paragraphs 206-207 and 257-265 of ACoP L143;
- maintenance / inspection records for equipment such as the decontamination unit, type H vacuum cleaners, air extraction equipment and injection equipment – see paragraphs 208-214, 284-316 (relevant in part) and 353-355 of ACoP L143;
- face fit tests and monthly tests/thorough examinations for respiratory protective equipment (RPE) – see paragraphs 190-201 and 218-225 96-103 of ACoP L143;
- training records – see paragraph 132-154 of the ACoP and Chapter 4 of the “Contractors’ Guide”;
- medical records – see paragraphs 336 and 346-352 of ACoP L143;
- personal monitoring / clearance monitoring – see paragraphs 328-342, and 284-315 of ACoP L143;
- copies of notifications to relevant enforcing authorities – see licence conditions;
- You need to be clear about which RPE would be used, how you ensure it is appropriate for each employee and how daily checks and monthly tests/thorough examinations are to be carried out.

If you are a new applicant or you have no recent experience of undertaking work with asbestos I will want to see clear arrangements and “model” records and examples of record keeping systems that would be used if you received a licence.

### **SUPERVISORY LICENCE HOLDERS**

Your records will need to include evidence that you have checked the contractor’s records (as listed above). Records need not be as comprehensive as those kept by the removal contractor but you should keep sufficient information to show that you are actively and directly supervising each project. They may take the form of structured reports, signed and dated check sheets and extracts of the contractor’s records with copies of any formal action taken to remedy defects.

You need to be clear about which RPE would be used by your own employees, how you ensure it is appropriate for each employee and how daily checks and monthly tests/thorough examinations are to be carried out. See ACoP L143.

### Appendix 3 Hiring of employees

In summary the requirements will be:

- 1) Company A (i.e. the “agency” company who hire out personnel) would:
  - a) need a licence (a copy of which should be available for inspection at all work sites);
  - b) be responsible for their employees’ training (inc refresher), medical surveillance, face fit testing; RPE provision and maintenance of ongoing health records;
  - c) only supply their employees to work under the supervision of another licensed contractor (i.e. Company A’s employees will not act in a supervisory or management capacity);
  - d) be required to demonstrate their theoretical competence at initial assessment and supplement this at reassessment by providing practical examples of monitoring their employees’ health and safety sfairp, maintenance of employees records etc;
  - e) be required to vet the contractors for whom their employees will work to ensure the latter’s health and safety (not a licence condition — but an area to be covered at assessment);
  - f) 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;
  - g) supply Company B with face fit, medical, training etc records for their employees for purposes of on site documentation.
  - h) notify the Head Office ALPI on a 3 monthly frequency of their contracts, so that the level of work can be gauged and linked to visit reports for assessment purposes or on earlier occasions should problems arise.
- 2) Company B (i.e. the asbestos licensed contractor actually doing the work with asbestos) would:
  - a) be responsible for the method statement, equipment specification;
  - b) be responsible for all plant and equipment;
  - c) supervise, manage and be responsible for work practices/work on site;
  - d) supply PPE for Company A employees (Company A employees will provide their own RPE);
  - e) notify the work (ASB5) to the Enforcing Authority;
  - f) check Company A employees have been trained, face fitted, medicalled etc and include records with other site documentation;
  - g) record exposure levels of Company A employees and ensure this information is provided to Company A for maintenance of health surveillance records.

## ***Annex 6.7 Standard ALU enquiry letter***

Asbestos Licensing Unit

Dear Sirs

Health and Safety at Work etc Act 1974  
Control of Asbestos Regulations 2006

Thank you for your enquiry about the issue of a licence to undertake work with asbestos, in Great Britain, in accordance with the Control of Asbestos Regulations 2006.

Applying for a licence to work with asbestos should not be undertaken lightly. As a licence holder you have to demonstrate that you possess exemplar standards of health and safety management, as well as expert knowledge concerning work with asbestos.

Please take time to read the guidance notes. They will help you decide whether you actually need a licence and if you decide that you do, they will assist you in determining whether you currently have the necessary knowledge, competence, skills and systems within your organisation to make a successful application.

If you wish to apply for a licence, you must use the enclosed ASB1 application form, which is a general form for all licence applications, whether you wish to apply for a full, supervisory, ancillary or labour supply licence. I also enclose a list of training organisations and reading material for your information. Applicants will be expected to provide evidence that demonstrates they are competent to undertake licensed asbestos work. To this end it will be useful if curriculum vitae for relevant directors, managers (and, where applicable, external advisers or consultants) are enclosed with the completed ASB1 form.

The notes also explain the licence application process and how to complete the form. Please note that the Health and Safety Executive (HSE) does not grant licences if the work with asbestos that you intend to undertake is exempt from the licensing requirements by virtue of Regulation 3(2) of the above regulations or for commercial purposes. Please refer to the guidance notes in the ASB1 application form.

The Asbestos Licence Assessment Guide (ALAG) is available on the HSE website under [www.hse.gov.uk/asbestos/alag.pdf](http://www.hse.gov.uk/asbestos/alag.pdf). The assessment guide helps our inspectors to conduct assessment and licence reviews. The ALAG also provides information on the asbestos licensing regime and sets out the standards required by applicants.

Your application must be made at least 28 days prior to the date from which the licence is to run. **The current licence fee is £1,160.00.** Please note that the fee will not be refunded if your application is unsuccessful, or if you withdraw your application following assessment. You should send the completed form, (please detach this

from the guidance notes section) and a cheque made payable to the Health and Safety Executive, to the Asbestos Licensing Unit (ALU) at the address below.

When we receive your completed original ASB1 application form and cheque, we will send an acknowledgement letter (please treat that letter as a formal receipt of your application and fee) and following assessment, we will consider your suitability to hold a licence.

Before you apply, I should like to draw your attention to the legal requirement for most employers operating a business in Great Britain to have Employer's Liability Compulsory Insurance (ELCI) to cover all their work activities. Failure to insure can result in prosecution. I would suggest therefore that you make enquiries about the likelihood of you being able to obtain appropriate ELCI to cover work with asbestos before proceeding with an application. Although having ELCI is not a requirement for being granted an asbestos licence, possession of appropriate cover may be checked at site visits by inspectors.

Yours faithfully

GREG HAYWOOD  
Head of Asbestos Licensing Unit

## ***Annex 6.8 Standard ALU renewal / expiry letter***

### **Asbestos Licensing Unit**

Dear Sirs

#### **Health and Safety at Work etc Act 1974 Control of Asbestos Regulations 2006**

The licence issued to you under the above Regulations expires on . Application for renewal of the licence to work with asbestos should be made using the enclosed ASB1 application form. This is a general form for all licence applications, whether you wish to apply for a full, supervisory, ancillary or labour supply licence.

Before completing the form, please take time to read the guidance notes. I also enclose a list of training organisations and reading material for your information. Also, the Asbestos Licence Assessment Guide (ALAG) is available on the Health and Safety Executive (HSE) website under [www.hse.gov.uk/asbestos/information.htm](http://www.hse.gov.uk/asbestos/information.htm). The assessment guide helps our inspectors to conduct assessment and licence reviews. The ALAG also provides information on the asbestos licensing regime and sets out the standards required.

Your application must be made at least 28 days prior to the date from which the renewal licence is to run. **The current licence fee is £1,160.00.** Please note that the fee will not be refunded if your application is unsuccessful, or if you withdraw your application following assessment. You should send the completed application form (please detach this from the guidance notes section) and a cheque made payable to the Health and Safety Executive to the Asbestos Licensing Unit (ALU) at the address below.

When we receive your completed application form (you must send the original ASB1 form) and fee, we will send an acknowledgment letter, (please treat that letter as a formal receipt of your application and cheque) and following assessment, we will consider your suitability to continue to hold a licence.

Please note that it will not be possible to renew your licence unless you are able to demonstrate continuing management/supervisory competence, which will include having undertaken recent management refresher training. You must also ensure that the necessary certification for refresher training, medical examinations and face-fit testing of your employees is current at the time of your assessment.

The Asbestos Licensing Principal Inspector (ALPI) or one of their inspectors (based at the local office of the HSE) contacts all applicants to assess their capability to work safely with asbestos.

I would therefore ask you to take this opportunity to review all aspects of your work with asbestos, including knowledge of current standards, planning, supervision and implementation of such work.

Please note ALU's policy regarding licence holders who have not carried out any licensable work during the preceding 12 months. Licence holders who fall into this category will, subject to successful assessment, only have their licence renewed for 1 year, providing they intend to carry out licensable work in the future.

There may be reasons why you are unable to reapply before your licence expires. As long as you do so within 4 months of the date of your licence expiry, we will continue to treat you as a renewal applicant. However, if you reapply after this period, you will lose your 'renewal applicant' status and you will be treated instead as a new applicant.

ALU have invited all licence holders to register on the asbestos pages of the HSE website for free email alerts on future changes and news about asbestos licensing matters. If you haven't done so already, I strongly encourage you to register for this service as the website is ALU's preferred way of communicating with the asbestos industry. You can register at the "sign up" prompt on our website - [www.hse.gov.uk/asbestos](http://www.hse.gov.uk/asbestos).

Yours faithfully

GREG HAYWOOD  
Head of Asbestos Licensing Unit

## ***Annex 6.9 Standard ALU Conditional Refusal***

### **Asbestos Licensing Unit**

Dear Sir

#### **Health and Safety at Work etc Act 1974 Control of Asbestos Regulations 2006**

Thank you for your recent application for a licence to carry out work with asbestos

Acting on behalf of the Health and Safety Executive (HSE), I have carefully considered the application but am unwilling to issue a licence at this stage. Further knowledge is required about ways in which work with asbestos can be carried out without risk to health. You recall that the application form at Part D requires a declaration to be signed that you have read and understood the information provided by the Asbestos Licensing Unit (ALU) about the minimum requirements needed for HSE to be able to consider the granting of a licence.

Although this decision constitutes a refusal to issue a licence, I will be pleased to reconsider your application if you address the matters discussed at your assessment with

When you believe you have rectified these matters, you should contact Asbestos Licensing Principal Inspector based at the \_\_\_\_\_ office of the HSE (Tel: ) requesting that your application be reconsidered and explaining what action you have taken.

If you contact \_\_\_\_\_ within **4 months of the date of this letter**, your application will be reconsidered. There will be a charge for this. The ALU will require a payment of **£300.00** before a further assessment can take place (cheques made payable to Health and Safety Executive).

If your application is still unsuccessful after further assessment, you will have to reapply to the ALU, which will incur a **further full fee**.

If you think the matters in this letter are unjustified, you have a right to make representation to me, in writing, within 2 weeks.

If you wish to appeal against this decision, under Section 44 of the Health and Safety at Work etc Act 1974, the appeal should be addressed to the Secretary of State for Work and Pensions, Department for Work and Pensions (DWP), 79 Whitehall, London, SW1A 2NS.

The appeal should contain the full details of:

- a appellants name and address;
- b the specific decision against which the appeal is made;
- c the grounds for the appeal.

Yours faithfully

GREG HAYWOOD  
Head of Asbestos Licensing Unit