

## Contents

- **Managing Contractors Safely**
- **Duty Holders**
- **Project Management**

### **About FPD Savills Commercial Management Dept**

The UK commercial management department within FPD Savills manages around 300 commercial buildings, on behalf of property owners. Buildings can range from small retail parks and unmanned office buildings to shopping centres and major office blocks managed by a facilities manager in the City of London. We manage all aspect of the day to day operation of these buildings which includes:

- Managing rent collection
- Managing a service charge budget to cover the costs of running the building
- Ensuring that if buildings are sold or tenants move out this is undertaken legally
- Ensuring that operational aspects of the building run smoothly such as cleaning, heating, lighting and ventilation and repair

Every building is different, every client has different requests and every tenant may have a different tenancy agreement which means that no two buildings are ever the same. The nature of managing agent work has historically, across the industry, been such that the chartered surveyors managing these responsibilities work in isolation within their own department so they appoint their own contractors and set up their own management systems that suit them.

This makes protecting a department particularly challenging and the systems that are put in place must, not only be consistent but also flexible. Below I have tried to explain how we manage these responsibilities in the context of asbestos risk management.

### **Managing Contractors Safely**

In order to comply with the new requirements duty holders have to ensure that they have written asbestos management systems in place to provide information to those that could be at risk of exposure.

In particular, organisations that appoint and rely on contractors require good contractor control systems in order to comply with the duty to supervise their activities. The whole project should be planned and managed by a knowledgeable, project team trained in safety principles that communicates effectively with each other and those that the work will influence and protect.

Good Safety management systems would include most or all of the following:

- Ensuring that only safety approved and competent contractors work on site

- Ensuring that there is a formal exchange of safety information before a contractor starts work. They should have access to relevant information from the asbestos register and be advised to assume that materials contain asbestos unless they have good evidence to the contrary.
- Ensuring that relevant information is held on site in a secure location and warning notices displayed if relevant
- Making sure that site employees, such as building managers working on site, are fully aware that there is ACM in the building and where it is located
- Providing tenants with known information on their demise and common areas
- Ensuring that a permit to work procedure is followed when high risk work is undertaken or work is carried out in the vicinity of ACM.
- Making sure all contractors and visitors sign in and sign out
- Managing remedial works to ensure that appropriate risk reduction controls are instigated
- Regularly monitoring the condition of ACM and taking remedial action as necessary
- Reviewing management systems and updating or amending them as relevant
- Recording controls implemented within the register.
- Having systems in place to ensure that the register is always up to date.

### **How can this be dealt with in practice?**

FPDSavills have a 3 tier approach

1. Initial approval of contractors
2. Site specific check
3. High risk work permit system where work is high risk

### **Approval**

As a managing agent safety is not FPDSavills core business and the nature of the work that is undertaken involves appointing contractors to work within the managed properties.

An outside agency is used to vet contractors against generic safety standards in line with HSE guidance such as insurance levels, general safety management systems and generic risk assessments. Once the contractor has been approved all their details are transferred onto a web site that can be viewed by anyone within the department. Management surveyors are then instructed to only pick contractors from this approved list.

The agreement entered into with the contractor stipulates that this accreditation is a client requirement that they must maintain.

Sites should have risk assessed what they must do in an emergency so even these contractors must have been approved.

Surveyors wishing to add contractors to the approved list must ensure that they go through the approval process and appear on the list. Similarly, if contractors fail to maintain their accreditation they are dis-instructed.

### **Site Specific Safety Checks**

Once the approved contractor has been appointed they go through a site specific check before they are allowed to work on site and at this stage they are provided with information on known site hazards.

Again their agreement specifies that they must go through this procedure within a tight deadline.

They are provided with a simple hazard sheet that identifies hazardous areas (See appendix 1) and specifies where asbestos and the register is located on site. This paperwork specifies that they must check the register before they begin and take note of any warning signs they see.

In return the contractor must provide site specific risk assessments and confirmation that the named employees they will use on site have had appropriate safety training.

### **High risk working**

Work on, or in the vicinity of asbestos is high risk and contractors work under a high risk permit. FPD Savills has a standard permit front sheet and the asbestos checklist is attached to the rear. The property manager must complete this with the contractor that has come to work on site.

Dedicated asbestos consultants issue permits for work that involves the disturbance of asbestos.

### **Keeping the register up to date**

Routine checks of the building identify any changes to the electronic asbestos register we keep against every site.

If work is carried out on site by tenants we insist that they cover the costs associated with updating the register.

### **Duty Holders – Those in control of Property**

The regulations specify that the duty holder is the person who is in control of **maintenance or repair activities** under the terms and conditions of the lease or management agreement. **Occupiers** will also be duty holders.

### **Full Repairing and Insuring Leases (FRIs)**

These are buildings occupied by one tenant who is responsible for maintenance and repair. Single occupiers, under FRI leases, are responsible as the people in control of their sites. Managing agents and clients have very few responsibilities in respect of these buildings because, under the terms of the lease, they are not deemed to be in control of the property because they are neither maintainer/repairers or occupiers.

However, individual leases could state otherwise and there may be unusual maintenance arrangements in respect of the building. For example, maintenance of the external façade or roof top may be the responsibility of the managing agent.

FPDSavills have identified FRIs as being low on the list of priorities to resolve in respect of the asbestos management project but are already looking at individual

leases in order to determine if there are properties for which some responsibility may still be in place.

### **Vacant Property**

The person in control of maintenance and repair of the property is the duty holder and is therefore required to comply with these regulations. The property may still be under lease where a tenant has simply moved out and the lease could not be re-allocated, in which case they remain responsible.

If the property is not under lease the landlord and therefore their managing agent, if we are appointed, will be responsible for compliance. In reality there is unlikely to be any maintenance in unoccupied sites so the risk of exposure is low. We are currently working to also have these buildings checked by the 2004 deadline.

### **Multi-Let Sites**

Managing agents, where appointed have a delegated responsibility for health & safety from the client and because they control maintenance in common parts, will be duty holders.

Depending on the individual leases within the building tenants will usually be responsible for their own maintenance so they are duty holders within their area(s) of the building.

However, asbestos coatings around ducts can go through the tenants' part of the premises/building. Maintenance cupboards within the tenants area could actually be a common part for which the landlord is responsible. It is therefore easy for areas of the building to fall into grey areas unless a duty holder takes overall control.

The regulations state that where there are a number of duty holders they must co-operate with each other and HSE guidance suggests that an individual should take the lead to ensure compliance. The managing agent or landlord is well placed to take this lead. For this approach to be effective there must be close liaison between the client, managing agent, tenant and occupiers.

FPDSavills made a policy decision to take the lead in these buildings to avoid grey areas of responsibility and to ensure that the project was managed as efficiently as possible. Any control works, required to make ACM safe within tenant areas, remain their responsibility and systems have been set up to feed back information after it has been completed to keep the register for the building up to date.

A single register for the whole building ensures that areas of the property are not missed, it is more economical and information updates are easier to manage as they will not be in a number of different formats. However, each case has to be considered individually and this approach may not be the correct one for all buildings.

### **We have to agree costs and approach with tenants in advance.**

Where tenants have their own safety systems, particularly for retail chains and for those that occupy large areas responsibilities are discussed at a meeting and they are excluded. In some cases these tenants may be glad of a building wide approach in which cases they are included.

Where multi-let sites consist of some stand alone buildings that do not share plant equipment or ductwork these buildings are treated as FRIs e.g. Retail park units.

The surveyor has to consider the individual lease obligations upon the site before considering the best course of action to take on their portfolio. Although surveyors are assisted by the asbestos consultant and the internal safety manager this is their judgement call so they have to be well informed, have good general safety awareness and have received training on our departmental procedures.

### **Non Domestic Property**

The regulations apply not only to all parts of commercial property but also to the common parts of housing developments and blocks of flats.

### **How does this affect FPD Savills?**

FPDSavills manages some domestic property under commercial buildings as well as stand alone domestic property on behalf of landlords. Again, ducts and pipework can pass through tenanted areas as well as common parts.

Where FPD Savills are acting as maintainers and repairers of domestic property there is still a duty to inform contractors of known site risks. If it is known, or there is good reason to believe that there is asbestos in residential property this information is passed on to the contractor and the tenant in the same way as it would be for commercial property.

Where domestic property such as this is above commercial units where asbestos has been identified, whilst this legislation does not require it, we undertake a survey to protect the contractors and tenants.

## **Project Management**

### **How did FPD Savills Manage this Project?**

#### **1. Appoint a Competent Asbestos Consultant**

It was felt that it was critical, given the diverse nature of the portfolio, to appoint the services of a competent asbestos consultant to advise on the technical aspects of the project, undertake surveys and ensure that safety requirements are complied with.

When tendering the work it was important to ensure that the consultant was fully aware of the nature and scope of the project and their responsibilities so that they could allocate sufficient resources to it. This was prepared and made up the tender package.

At the time that the consultants work was tendered their competence and available resources was considered. The work was awarded to the best value consultant, best placed to project manage the work. References were taken up.

If the consultant does not understand the precise nature of the role that they are expected to fulfil their work can easily fall outside their remit and costs become difficult to control. FPD Savills has managed to keep costs under control throughout this project because all parties are aware of what their responsibilities are.

The role of the internal safety manager was to manage the consultant, co-ordinate internal practices and ensure that they were working to all written procedures and policies.

#### **2. Undertake a desk top survey of the portfolio**

The buildings that should be included within the project were identified using property information held within the department.

FRI buildings and retail parks where buildings were clearly separated into tenanted areas were given a low priority.

Multi-let buildings where refurbishments were planned, asbestos was known to be present or buildings constructed in the 60s and 70s were given the highest priority.

All other multi-let buildings where FPD Savills were duty holders were considered medium priority.

The consultant was instructed to seek the following information against each building before any other work was undertaken:

- Address, type of building, client name etc
- Communication channels - who should be notified if there is an emergency on site? Who should be contacted in respect of site queries?
- Access arrangements - as this may involve working in tenants areas how will this be undertaken and how will plant areas be inspected e.g. access to lift areas.
- Times that the survey should be conducted - some tenants may require that any work be undertaken out of hours or other special arrangements may exist

- Age - 60s & 70s buildings will be higher priority sites, , and those built after 1999 will be lowest priority because they are unlikely to contain asbestos.
- Any areas of the building that should not be included e.g. where a tenant with repair responsibilities has decided to manage asbestos using their own systems
- Size - all areas that will be surveyed
- Details of any existing asbestos information e.g. previous surveys, CDM files, details of known control works
- Accurate floor plans that can be used to mark the locations of asbestos containing materials
- Other hazards known to be on site of which the consultant should be aware

The consultant was then requested to provide a budget cost of undertaking the works based on the available information and the size of each property.

### **3. Training & Communication**

Communication was critical and the project team once identified had to understand fully what their roles would be in respect of the project.

Training was required for all project team members so that they fully understood all aspects of asbestos risk management and the responsibilities that each team member had. Training included:

- Types of asbestos and risks
- Where asbestos is most commonly found and how to recognise it
- How to deal with an emergency situation
- What is involved in undertaking a survey and survey types
- Contractor management and how to ensure that visiting contractors receive safety information before they start work
- Keeping the asbestos register up to date
- Using the asbestos database
- Dealing with tenants who refuse to deal with asbestos risks within their demise
- Monitoring the condition of asbestos containing materials on a regular basis.
- Legal background

All members of the project team should feel confident about discussing asbestos risk control measures with tenants and clients as required.

### **4. Determining the level of survey work required**

Once the asbestos consultant had all the background information that they were likely to be able to ascertain they worked with the site contact to determine if a site visit was required and if so what level of survey should be undertaken.

All surveys were undertaken in accordance with HSE guidance MDHS 100 'Surveying, sampling and assessment of asbestos-containing materials'.

### **5. Planning the Survey**

Before the consultant undertakes a survey they are required to visit the site and speak to the site contact to ascertain that they have all the information from the desk top survey.

Complex buildings with lots of rooms will take longer than open plan buildings and the consultant can only establish this if they visit the property. A lot of time was spent reducing the amount of “no access areas”. It was important to us that there was information on all areas where routine maintenance was undertaken. This involved working with the trades we were working to protect such as lift engineers and electricians. They also came to site on the day of the survey to ensure that safe access to these areas was provided. The alternative is that these areas be treated as if they contain asbestos even if they do not.

At this point the consultant is in a position to confirm:

- Survey Type
- Start date and working hours
- How long the survey will take
- Access to plant rooms and other difficult to reach areas
- Air sampling regime required
- Involvement required from other trades

The asbestos consultant undertaking the work should have adequate protection when undertaking this work, which potentially could be high risk. Therefore this site visit will be an opportunity for them to risk assess the survey work.

This is an important planning visit and resources must be made available to the consultant to enable them to properly plan the work and provide an accurate survey cost.

## 6. Undertaking the Survey

The asbestos consultant should carry with them equipment (e.g. polythene, tape and signage) to temporarily make safe areas of damaged asbestos until control works can be implemented. If the consultant identifies an imminent risk to health the site contact should be notified and the area isolated or separated.

Air tests are to be undertaken wherever damage is suspected. If an area of damage is within a tenants demise they should be contacted by phone and then by writing and advised that they are responsible for the safety of their staff and should seek advice in respect of action required.

Any areas of damage instigates an emergency procedure and is dealt with immediately.

Where there has been an accident involving a contractor or other individual and asbestos is damaged due to work the incident is a dangerous occurrence and also RIDDOR reportable.

## 7. Implementing the action plan

The majority of asbestos identified within the building will be in good condition and this is **marked and managed**. Other asbestos containing materials that are either already suffering from signs of damage or are likely to due to their position may have to be either removed or encapsulated under controlled conditions.

### Labelling

Controls for managing risk rely on good management, which are always going to be subject to human error. Labelling ACM is not a legal requirement but is often a final control if other controls fall down. The site contact is responsible for discussing options in respect of signage with the asbestos consultant and ensuring that it is completed in line with any specific requests.

Where signage could spoil the aesthetics of a room small signs were placed under light switches referring to the location of the asbestos register. In plant rooms signs were placed directly onto ACMs.

### **Managing the asbestos risk**

An electronic system is used to store the register. This is used as the principle method for printing out further copies and obtaining information as this is where up to date details are held.

A copy of the asbestos register is also retained on site where visiting contractors have access to it.

Where sites are manned information is given to the people working in common areas so that they are aware of the location of asbestos and other on-site hazards.

Tenants are provided with details for their areas and remain responsible for managing risks within their areas including providing information to the contractors that they appoint.

Contractors working on or in the vicinity of asbestos work under a high risk work permit.

Once asbestos has been identified and these management systems set up they are monitored. Buildings are regularly checked using a checklist to ensure that labels remain in place and that there has been no accidental damage to asbestos containing materials that has not been reported.

## **8. Carrying out Control Works**

The asbestos action plan produced by the consultant will identify works required to remove or encapsulate asbestos containing materials.

It is not possible to determine, before a survey, how much control work is likely to cost. The person responsible for the budget considers how the costs of the work are to be recovered. Depending on the terms and conditions of the lease and management agreement the property owner may also have to contribute to costs.

There are considerable risks associated with work on asbestos and there is the danger that if the work is undertaken unsafely building occupiers could be exposed and the property may potentially be closed.

For this reason FPD Savills also appoints the competent asbestos consultant to ensure that the work is undertaken safely. We require that the following items be in place **before** work starts:

- **Verification that the removal contractor is competent**
- **Formal Exchange of Safety Information** –Check that contractors risk assessments and method statements are in order for the control works. In

return the contractor should be provided with information on how they are expected to work whilst on site (e.g. site rules) and any other information on known site hazards.

- **HSE Notification of the removal works** – Ensure that a copy of the notification is in place before work starts and provide a copy to the site contact. (If relevant)
- **Programme of Works** – Detail exactly where and how the work will be undertaken,
- **Plan or drawing** – Showing where work is to be undertaken, welfare facilities, access/egress points.
- **Programme of Sampling** – During the works as required
- **H&S Monitoring**- This may or may not require attendance on site to ensure that the work is undertaken safely
- **Emergency procedures** – Should anything go wrong
- **Arrangements for updating the register and providing clean air certification after the works are completed.**

The site contact is to ensure that they are fully aware of the works that will be undertaken. In many cases additional trades may be required, such as engineers to isolate equipment, and the site contact should ensure that this has also been planned. In addition, it may be necessary to re-instate fire proofing where asbestos has been removed as part of the works.

Where the CDM regulations apply or where site contacts require assistance the project team may have to be reviewed to ensure that all relevant disciplines are represented.

Once the control works have been completed clean air certificates will be required to demonstrate that work has been completed safely. Clean air certification should only be considered as being satisfactory where results are below 0.01 fibres/l.

Any quotes for work should include a cost for re-surveying and updating the asbestos register after works have been completed.

## **9. Carrying Out Works within tenants demise**

Normally tenants will be responsible for undertaking maintenance works within their demise. They are therefore responsible for completing control works within their area.

At the time of the visit the asbestos consultant will isolate and sign areas that contain asbestos, or suspected asbestos, in a hazardous condition. If the area can be isolated e.g. a plant room locked and signed, the risk to the building occupiers will be low. The risk will only increase where it is not possible to isolate the occupiers from the risk. If this is the case the risk is high and there is an imminent risk to health.

If a tenant fails to complete control works where there is an imminent risk to health an interim schedule of dilapidations can be served by the management surveyor to force the tenant to reduce the risk to a manageable level. If the tenant fails to complete the work within the time frame specified the agent should carry out the work and re-charge the tenant, subject to the terms and conditions of their lease.

## **10. Keeping the database up to date**

The regulations require that the management plan is kept up to date. FPD Savills does this by ensuring that information in the electronic database is updated after any works or alterations are undertaken to the building that could affect the information retained in the register.

The tenant should be requested to provide information on control works that have been undertaken within their demise as a result of the asbestos survey. Once received this information should be updated within the database.

If the tenant applies for permission to alter it should be a condition that any costs associated with re-surveying the area after the work has been completed be re-charged to the tenant to ensure that the register is kept up to date.

## **11. Dilapidations**

The duty to manage asbestos risks is not in place until 21<sup>st</sup> May 2004. After this date a survey and historical asbestos risk information should be in place. If it is not when a building changes hands it should form part of the schedule of dilapidations

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