



COUNCIL HOUSING ASBESTOS SAFETY POLICY

24 JULY 2025

Policy: COUNCIL HOUSING ASBESTOS SAFETY POLICY

Date adopted: 23/07/2025

Next review date: 22 JULY 2026

Version control:

Version Number	Purpose / Change	Author	Date
1.0	First issued	Steve Colk	23/07/2025

Links to Council Corporate Plan 2025-28:

Council ambition	Linked?
Working for a prosperous future <i>We want to ensure the best possible local economy, with opportunities for our residents to succeed and achieve</i>	Yes
Healthier, safer communities <i>Residents should feel safe in our Borough and supported to be more active in order to improve their health and wellbeing</i>	Yes
A greener and cleaner environment <i>It's important to everyone that we look after our environment</i>	No
Restoring the Council to good health <i>We will place our Council on a sound financial footing and ensure resilience – delivering the service our residents deserve and expect</i>	Yes
We ♥ Castle Point <i>We will help create and maintain the best possible place to live in, work in and visit</i>	Yes

Lead Officer responsible for owning the Policy and internal approval body (meeting / board where the Policy is approved for adoption or approved for referral to PFH or Committee for adoption)

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Equality Impact Assessment undertaken?

Yes

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1. Introduction

- 1.1 As a responsible social housing landlord, Castle Point Borough Council ("the Council") is committed to keeping safe the people that live in the homes it owns and manages. The purpose of this document is to describe how the Council manages its legal and statutory obligations in relation to asbestos containing materials ("ACMs") in its homes and communal areas. The Policy demonstrates how the Council complies with current legislation and approved codes of practice.
- 1.2 If maintained in good condition and not disturbed, asbestos is safe. This Policy details the primary ways in which the Council will ensure that ACMs are managed in such a way that they do not pose a health risk to tenants, leaseholders, visitors, Council employees or contractors.
- 1.3 Legislation requires asbestos containing materials to be identified, and an assessment of the risk of these materials to be recorded and maintained, as well as records confirming that work with asbestos has been carried out safely.
- 1.4 There are also requirements to ensure that a suitable assessment of the risk of asbestos is carried out prior to work taking place and that work on asbestos is carried out by competent contractors.
- 1.5 This Policy should be read in conjunction with the Council's Housing Service Asbestos Safety Procedure which details the processes and procedures for the operational management of asbestos risk in its housing stock.
- 1.6 This Policy forms part of the wider organisational commitment to driving a Health and Safety culture amongst tenants, leaseholders, Council employees and contractors (as detailed within the Council's Health and Safety Policy).

2. Scope

- 2.1 This Policy applies to Council housing only. This Policy relates to tenants and leaseholders where the Council is responsible for ACM in communal areas and on the exterior of blocks of flats. This Policy includes any ACM in the home of the tenant but excludes ACM in a leaseholder's home. All tenants and leaseholders, employees, contractors, stakeholders, and other persons who reside, work on, visit, or use Council owned premises, must adhere to this Policy.
- 2.2 The Council is committed to protecting all relevant persons from the risk of harm from ACM in the homes it owns, manages, or maintains.
- 2.3 The Policy should be used by all Council employees to ensure they understand the obligations placed upon the Council to maintain a safe environment for tenants, leaseholders, Council employees, within the home of each tenant, and within all common areas of buildings and other properties it owns and manages.
- 2.4 All references to the Council within this document refer to the Council's function as a landlord of a home. This Policy excludes all non-residential buildings.
- 2.5 There is a distinction in responsibility under Control of Asbestos Regulations 2012 ("CAR") between domestic and non-domestic areas.
- 2.6 Under Regulation 4 of CAR, the Council has a duty to manage asbestos in non-domestic areas within its housing stock. For example, within the common parts of blocks of flats, which includes the requirement to identify ACMs (by undertaking a survey) and maintaining these in good condition.

- 2.7 Whilst no 'duty to manage' applies to domestic areas, Regulation 5 of CAR requires employers to identify the presence of asbestos and its condition prior to undertaking any building or maintenance work. Management of Health and Safety at Work Regulations 1999 ("MHSWR") requires employers and self-employed people to assess the risks to the health and safety of themselves, employees and people not in their employment arising out of or in connection with the conduct of their business - and to make appropriate arrangements for protecting those people's health and safety.
- 2.8 The Council also has duties as a landlord of domestic premises under section 3 of the Health and Safety at Work Act 1974 ("HSW") to ensure, so far as is reasonably practicable, that the conduct of their undertaking does not present a risk to the health and safety of persons that are not their employees. In addition, the Defective Premises Act 1972 requires the Council to take reasonable care to ensure that tenants and visitors are safe from personal injury and illness caused by the condition of the premises. Furthermore, the Landlord and Tenant Act 1985 requires all rented property to be fit for human habitation at the beginning of the tenancy and further requires the landlord to maintain that basic standard.

3. Definitions

ACM(s)	Asbestos Containing Material(s)
CAR	Control of Asbestos Regulations 2012
The Council	Castle Point Borough Council
LARCs	Licensed Asbestos Removal Contractors
Duty Holder	The owner of the non-domestic premises or the person or organisation that has clear responsibility for the maintenance or repair of non-domestic premises, for example through an explicit agreement such as a tenancy agreement or contract.
Management Survey	A survey to enable the management of ACMs during the normal occupation and use of premises.
KPI(s)	Key Performance Indicator(s)
UKAS	United Kingdom Accreditation Service

4. Aims and Objectives of the Policy

- 4.1 The aims of this Policy are to ensure the safety of the tenants and leaseholders (and their visitors) that live in the Council's homes. The Council will do this by adequate and effective management of ACMs to prevent exposure to asbestos. This will ensure that the Council meets the statutory duties under the Control of Asbestos Regulations 2012, and specifically those under Regulation 4, the Duty to Manage, and Regulation 5, Identification of Asbestos, the Defective Premises Act 1972 and the Landlord and Tenant Act 1985.
- 4.2 This Policy demonstrates the Council's commitment to managing asbestos to provide safe living and working environments for tenants, leaseholders, Council employees and contractors.

5. Policy Statement

- 5.1 The Council will ensure, so far as is reasonably practicable, that its tenants, leaseholders, their visitors, Council employees, and contractors are properly protected from the risks relating to ACM in the homes and communal areas it owns and manages.

- 5.2 The Council takes its responsibility to manage the risk from asbestos in the homes it owns and manages very seriously, and aim to reduce the risk by:
- a) Establishing if ACMs are present, where it has an obligation to do so, presuming that materials contain asbestos unless it has strong evidence that they do not, as this is the safest approach;
 - b) Identifying the location, condition and type of any ACMs;
 - c) Assuming asbestos is present if the property was built prior to the year 2000;
 - d) Keeping an up-to-date record (an Asbestos Register) of the location and condition of ACMs or presumed ACMs;
 - e) Assessing the risk from any ACMs found;
 - f) Preparing an Asbestos Safety Procedure that sets out how it will manage the risk from ACMs, and review and monitor its implementation;
 - g) Setting up a system to provide information on the location and condition of ACMs to anyone who is liable to work on or disturb them; and
 - h) Assessing the reliability of information it receives relating to asbestos within the properties it owns and manages. Anyone who has information on the whereabouts of asbestos within these properties is required to make this available to us.

6. Legislation, Regulation and Guidance

- 6.1 The Council is committed to ensuring that tenants' homes and tenants' and leaseholders' communal areas remain safe and fit for purpose. In achieving this, the Council complies with relevant legislation and regulations. The following list sets out the key legislation, regulation and guidance:
- The Defective Premises Act 1972
 - Health and Safety at Work (etc) Act 1974
 - The Occupiers Liability Act 1984
 - Landlord and Tenant Act 1985
 - Environmental Protection Act 1990
 - Workplace (Health and Safety and Welfare) Regulations 1992
 - Management of Health and Safety at Work Regulations 1999
 - Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR)
 - Housing Act 2004
 - Control of Asbestos Regulations (CAR) 2012
 - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
 - Construction (Design and Management) regulations 2015
 - Hazardous waste (England & Wales) (Amendment) Regulations 2016
 - Homes (Fitness for Human Habitation) Act 2018
 - HSE-issued guidance documents:
 - L143 – HSE Approved Code of Practice (ACoP) to CAR
 - HSG227 - A comprehensive guide to managing asbestos
 - HSG264 - Asbestos: the survey guide
 - HSG247 - The Licensed Contractor's Guide
 - HSG248 (2nd Edition, 2021): Asbestos Analysts' guide
 - The Regulator of Social Housing's Consumer Standards 2024 Safety and Quality Standard

- Tenancy Agreement
- Lease Agreement

The Tenant Satisfaction Measures under the Safety and Quality Standard relevant to this Policy include:

- TP02 – Satisfaction with repairs
- TP04 – Satisfaction that the home is well maintained
- TP05 – Satisfaction that the home is safe
- BS03 – Asbestos Safety

7. Legal Obligations

- 7.1 Under the CAR, the Council has a legal obligation under Part 2, Section 4 'Duty to manage asbestos in non-domestic properties' and is the 'Duty Holder' for the purposes of the legislation.

8. Statement of Intent

- 8.1 The Council acknowledges and accepts its responsibilities under CAR as outlined in Section 6, and it recognises that the main hazard in relation to asbestos is the non-identification of ACMs. As such, it will protect those persons potentially exposed to asbestos as far as is reasonably practical, using robust control measures and working methods.
- 8.2 To fully comply with CAR, it will have a Council approved Asbestos Policy, an Asbestos Procedure and it will maintain an Asbestos Register.
- 8.3 The Council will carry out an intrusive refurbishment/demolition survey to domestic and non-domestic properties as and when required, as per HSG264 (see paragraph 6.1 above).
- 8.4 The Council will ensure that information about ACMs (known or presumed) is provided to every person liable to disturb it, accidentally or during their work. This includes tenants, leaseholders, Council employees and contractors.
- 8.5 The Council will generally not use asbestos labelling in domestic premises, however, in non-domestic premises and common areas of domestic blocks, labelling will be used where practicable.
- 8.6 The Council will ensure that there is a robust process in place to immediately manage dangerous situations identified during asbestos related works.
- 8.7 The Council will operate effective contract management arrangements with the contractors responsible for delivering the service, including ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 8.8 The Council will use the legal remedies available within the terms of the relevant tenancy agreement and lease agreement should any tenant or leaseholder refuse access to carry out essential asbestos related inspection and remediation works. Where tenant or leaseholder vulnerability issues are known or identified, the Council will ensure it safeguards the wellbeing of the tenant or leaseholder.
- 8.9 The Council will establish and maintain a risk assessment for asbestos management and operations, setting out its key risks from asbestos and appropriate mitigations.
- 8.10 The Council will ensure there is a robust process in place to investigate and manage all RIDDOR notifications submitted to the HSE in relation to asbestos safety and will take

action to address any issues identified and lessons it has learned, to prevent a similar incident occurring again.

9. Programmes of Work

- 9.1 **Communal programme** - All non-domestic properties (communal blocks, sheltered housing schemes) that it owns or manages, built prior to the year 2000, will have an asbestos management survey that is compliant with CAR 2012 (dated after 6 April 2012, when this legislation came into effect). Thereafter, the Council will maintain a programme of asbestos re-inspections for all properties that contain ACMs (known or presumed). Re-inspections will either be annual or in accordance with the risk level as identified by the previous survey. The Council will not re-inspect any properties where the initial asbestos management survey confirms that there are no ACMs.
- 9.2 **Repairs/planned maintenance programme** – the Council will review existing asbestos survey information prior to carrying out any intrusive void work or day-to-day repairs. Where there is no asbestos information available, prior to the work taking place, the Council will commission a targeted refurbishment survey. Once completed, survey details will be provided to the relevant operatives or contractors. The Council's approach to planned maintenance or refurbishment work will be determined on a per project basis depending on the nature of the works and any survey information the organisation may already hold.
- 9.3 **Homes programme** – the Council will share relevant information, such as contact information, with asbestos contractors, to be sufficient for them to carry out their role in line with this Policy and contract, in accordance with Data Protection requirements. The Council will conduct asbestos surveys, at the time a home is vacant, and before any major works. The tenants will be advised if there is any asbestos in their home.
- 9.4 **Garages programme** – The Council owns garages, many of which may contain ACMs. The Council will carry out a risk-based programme of sample inspections to assess the location and condition of ACMs within these garages and implement a programme of remedial works as necessary.

10. Inspections

- 10.1 The Council will take reasonable steps to determine the location of materials likely to contain asbestos by employing competent UKAS accredited experts to undertake surveys, and assume materials contain asbestos unless there is strong evidence that they do not.
- 10.2 The Council will maintain an up-to-date record of the location and condition of known or presumed asbestos and hold this on a database (the Asbestos Register). The Council will undertake an assessment of the risk of any identified asbestos and record this assessment on the Asbestos Register.
- 10.3 The Council will ensure that the condition of any material containing or presumed to contain asbestos is periodically assessed in accordance with the risk it poses by an accredited expert (through a programme of reinspection surveys) and that the outcome of this assessment is recorded on the Asbestos Register.
- 10.4 The Council will ensure that information on the location, condition and risk of asbestos containing materials is available to contractors prior to work taking place and to anyone else who may need it.

11. Remedial Actions

- 11.1 Where asbestos is positively identified and removal, sealing or encapsulation is recommended by the competent person, this will be carried out as follows:
- Non-licensed works (as defined in regulation 2 of CAR 2012) – will be undertaken by a Licensed Asbestos Removal Contractor (LARC) licensed by the Health and Safety Executive in compliance with CAR 2012.
 - Notifiable non-licensed works (as defined in regulation 2 of CAR 2012) – will be undertaken by a LARC.
 - Licensed works (as defined in regulation 2 of CAR 2012) – will be undertaken by a LARC.
- 11.2 The Council will not remove undisturbed asbestos in homes. The Council will ensure it notifies the tenant if there is asbestos present and ask them to report any damage or deterioration to the asbestos.

12. Tenant and Leaseholder Responsibilities

- 12.1 The Council will encourage tenants and leaseholders, through the provision of publicity information, to allow access to carry out asbestos surveys and remedial works in their homes. It is the tenant's and leaseholder's responsibility to provide access to their home to enable the Council to fulfil its duties. The Council will use the legal remedies available within the terms of the tenancy and lease agreements should any tenant or leaseholder refuse access.
- 12.2 Where a tenant seeks approval to carry out improvement works to their home; they will be advised if there is asbestos in their home and given advice on how to deal with it. Where an improvement will disturb asbestos in the home, the Council may assist financially towards any asbestos removal costs.

13. The Council's Responsibilities

- 13.1 It is the Council's responsibility to keep homes it owns safe and free from health hazards. The Head of Housing Technical Services will appoint suitably qualified persons to oversee the implementation of this Policy.
- 13.2 The associated Asbestos Safety Procedure identifies the roles and responsibilities of those who will undertake the day-to-day tasks for asbestos safety.
- 13.3 The Council will check that its contractors hold the relevant qualifications and accreditations when procured, and thereafter on an annual basis; the Council will evidence these checks and each contractor's certification appropriately, along with details of contractors' employers' liability, public liability and professional indemnity insurances are up to date on an annual basis. All evidence will be stored in the contract file, for the duration of the contract.
- 13.4 The Council is responsible for taking tenancy or lease enforcement action where there are asbestos safety breaches, to protect the safety of all tenants and leaseholders.

14. Contractor Responsibilities

- 14.1 The Council has a responsibility to ensure that contractors are competent. The Council will only use only use Licensed Asbestos Removal Contractors (LARCs) to work on ACMs.

- 14.2 LARCs are required to carry out all risk assessments, work, notifications, and reporting to the Council for all areas relating to asbestos in accordance with the regulations, the Council's Asbestos Safety Procedure, and the relevant contract. In addition, all LARCs are required to show evidence of appropriate guidance and training to their staff.
- 14.3 Contractors and others working in Council owned properties are required to prove that their representatives understand how the work they undertake may impact on any ACMs present. No works can begin until the method statement for the activity, has been approved by the Council. Contractors must immediately report any risks or concerns to their manager and the Council's Housing Compliance Manager, and to stop ongoing works if the concern is significant or calls for immediate action. The contractor undertakes work following the specific requirements set out in the contract.
- 14.4 The contractors will provide evidence to the Council prior to contracting and as part of managing the contract that they have the appropriate insurance in place as specified in the terms and conditions of the contract.

15. Monitoring and Continual Improvement

- 15.1 The management actions necessary to ensure the safety of tenants regarding asbestos safety are monitored, using a set of key performance indicators (KPIs) by the Interim Head of Housing Technical Services.
- 15.2 The Council will report key performance indicator (KPI) measures for asbestos safety that follow the requirements set out in the Tenant Satisfaction Measures (TSMs) which came into force April 2023. Performance must be reported to the Regulator of Social Housing on an annual basis; however, the Council will report internally monthly to its Senior Leadership Team.
- 15.3 The Interim Head of Housing Technical Services will also report quarterly to the Cabinet and monthly to the Portfolio Holder for Health, Wellbeing and Housing, and all reporting information will be shared on the Council's website. The relevant TSM for Asbestos Safety is defined in **BS03 – Asbestos safety checks**: Proportion of homes for which all required asbestos management surveys or re-inspections have been completed.
- 15.4 The Compliance Team will monitor the implementation of and compliance with this Policy. The risk associated with asbestos safety will be recorded and assessed through the Council's Housing Service Risk Register.
- 15.5 Asbestos safety performance indicators will be reported monthly to the Senior Leadership Team, together with any significant issues that arise.
- 15.6 Performance information will be published on the Council's website and in its Tenants' Newsletter as part of the annual report to tenants against the Tenant Satisfaction Measures particularly BS03 Asbestos Safety.
- 15.7 The Council will require external contractors to provide the results of their own five percent quality assurance audit checks, as required by UKAS, monthly.
- 15.8 Audits and reviews provide data reflecting the effectiveness of this Policy and identify opportunities to achieve continual improvement in the management of asbestos safety at the Council. The Council will commission an independent audit of asbestos safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues. An action plan will be developed for any issues identified during the audit, with appropriate timescales agreed for corrective

actions to be carried out. Other checks and reviews may be undertaken periodically as required.

16. Data and Records

- 16.1 The Council will maintain a core asset register of all properties it owns or manages, with component/attribute data against each property to show asbestos safety testing and inspection requirements, setting out which properties contain asbestos, the type of asbestos, the location and the condition when inspected. All data including certificates will be updated onto its compliance system.
- 16.2 The Council will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are not omitted from the asbestos safety programme and the programme remains up to date.
- 16.3 When the Council removes any asbestos in a home or communal area the Council will update its Asbestos Register within 5 working days, to ensure it contains up to date accurate data.
- 16.4 The Council will keep all records and data in line with its Document Retention Policy and will have robust processes and controls in place to maintain appropriate levels of security for all asbestos safety related data, including how it will share sensitive information with its contractors.

17. Equality, Diversity and Inclusion

- 17.1 The safety of the Council's tenants, leaseholders and workforce is of the utmost importance. This Policy has been written to protect all concerned, considering all protected characteristics as set out in the Equality Act 2010.
- 17.2 The Council will ensure that relevant information is communicated in an accessible and understandable way with the aim of keeping people safe. This may include clear signage, instruction, and in some cases liaising with a third-party giving support to a tenant or leaseholder, in accordance with Data Protection law.
- 17.3 An Equality Impact Assessment has been carried out which determined there is no negative impact specific to those with protected characteristics. See Appendix 1.

18. Communication

- 18.1 Once the Policy is approved, a summary document ("a policy on a page") will be placed on the Council's website with a link to the full Policy. An approved version of this Policy will be published internally and accessible to Council employees.
- 18.2 The Council recognises good communication is essential in the effective delivery of asbestos safety programmes.
- 18.3 The Council will also aim to successfully engage with vulnerable and hard to reach tenants and leaseholders. The Council will share information clearly and transparently and will ensure that information is available to tenants and leaseholders via regular publications and information on its website.
- 18.4 The Council has a leaflet on asbestos which is made available to tenants and leaseholders. It aims to inform and not cause alarm about asbestos, what they can do and how the Council will deal with asbestos and any queries or concerns.
- 18.5 Tenants whose homes contain, or are likely to contain, asbestos will be advised where the asbestos is, what the Council plans to do about it, how best to minimise any risk that may

be associated with the material and who to contact if the material deteriorates or is damaged. When notified about the presence of asbestos within their homes, tenants will be asked to notify the Council of any damage to or deterioration in its condition, or any work that may disturb or affect the asbestos.

19. Review of Policy

- 19.1 This Policy will be reviewed initially after a period of 12 months and then every two years, unless new legislation or good practice, or in the event of a relevant major incident means it needs to be reviewed sooner.

20. Consultation

- 20.1 The Council is committed to meaningful tenant and leaseholder engagement. This Policy has not yet involved tenant or leaseholder consultation.
- 20.2 The Council intends to consult with tenants and leaseholders on this Policy, once the Council's structure for tenant and leaseholder engagement is in place following the work it is doing with the Tenant Participation Advisory Service (Tpas).

21. Training

- 21.1 The Council will maintain a skills/training matrix to ensure that all Council employees undertaking key roles within the scope of this Policy have appropriate training.
- 21.3 The Council will operate a detailed competency framework including regular appraisals as part of the Asbestos Safety Procedure.
- 21.3 The Council will deliver training on this Policy and the procedures that support it, including team briefings; basic asbestos awareness training; and more detailed training for those delivering the asbestos safety programme, planned maintenance and repair work as part of their daily job, to ensure all Council employees understand their responsibilities for asbestos safety.
- 21.4 Training records will be maintained for all courses attended.

22. Significant non-compliance and escalation

- 22.1 The Council's definition of significant non-compliance is any incident which has the potential to result in a breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred or of a Council employee being made aware.
- 22.2 Any non-compliance issue identified at an operational level will be formally reported to the Housing Compliance Manager in the first instance, who will agree an appropriate course of corrective action with the relevant Assistant Director and Interim Head of Housing Technical Services. The Assistant Director will report details of the same to a member of the Senior Leadership Team which includes the Chief Executive, Director, Corporate and Customer, Director, Commercial and Assets and Director, Place and Communities and Assistant Director, Legal & Democratic Services and Monitoring Officer and Assistant Director, Finance & Procurement and Section 151 Officer.
- 22.3 In cases of a serious non-compliance the Chief Executive will notify the Leader, Deputy Leader and the Cabinet Member for Health, Wellbeing and Housing.

- 22.4 In cases of serious non-compliance, the Chief Executive will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive.

23. Governance

- 23.1 The Council has overall responsibility for ensuring that this Policy is implemented to ensure compliance with the law.
- 23.2 The Chief Executive reports to Cabinet to demonstrate accountability for corporate health and safety across the Council and is accountable for ensuring that health and safety compliance management duties in its landlord function are properly controlled and managed to keep its tenants and leaseholders safe. Under Section 26 of the Constitution (the Officer Scheme of Delegation) the Chief Executive is authorised to delegate duties to the Directors who are then responsible to take the decisions for the effective sub delegation of duties within their service areas of responsibility; this is to ensure the Council's statutory duties and functions are effectively discharged.
- 23.3 The day-to-day responsibility for managing asbestos safety for the Council's housing stock is implemented in line with this Policy has been delegated, via the Chief Executive, to the Director, Place and Communities. In addition, the Assistant Director, Housing, Health and Partnerships is responsible for providing health and safety leadership across the Housing Service. The Asbestos Safety Procedure also identifies the roles and responsibilities of those who will undertake the day-to-day tasks on behalf of the Director, Place and Communities.
- 23.4 The Director Place and Communities has delegated their duty holder responsibility to the Interim Head of Housing Technical Services who has professional and technical responsibility for the homes and communal areas the Council owns.

24. Associated Policies and Procedures

Castle Point Borough Council Health and Safety Policy
Council Housing Maintenance and Repairs Policy
Council Housing Estate Management Policy
Council Housing Asbestos Safety Management Procedure
Council Housing Lettable Standard
Repairs Handbook
Council Housing Disrepair Policy
Council Housing Mutual Exchange Policy
Council Housing Temporary Relocation (Decant) Policy
Council Housing Asset Management Strategy

25. Appendix

Equality Impact Assessment for Asbestos Safety
Process Map for Asbestos Safety