

REPORT TO: COMMUNITIES COMMITTEE ON 23 APRIL 2013

SUBJECT: ASBESTOS WATER TANK REMOVALS

BY: CORPORATE DIRECTOR (ENVIRONMENTAL SERVICES)

1. REASON FOR REPORT

- 1.1 This report is presented to Committee to update members on the position with regards to asbestos tank removals in the Lossiemouth area, and seek approval for further actions to be undertaken.
- 1.2 The report also informs Committee of further tanks of similar construction which have been discovered in the Keith area.
- 1.2 This report is submitted to Committee in terms of Section III (H) (3) of the Council's Administrative Scheme relating to the maintenance of the Council's housing stock.

2. RECOMMENDATION

- 2.1 It is recommended that the Communities Committee:-**
- i) considers the options presented to deal with this issue;**
 - ii) agrees Option 1 as the preferred option; and**
 - iii) notes that continuing financial provision will be considered in future budget processes.**

3. BACKGROUND

- 3.1 During 2010, the Housing and Property Service began carrying out surveys to provide Energy Performance Certificates to new tenants to comply with legislation relating to its role as a landlord. During these surveys, officers identified a number of tanks in loft spaces in the Lossiemouth area which were suspected to have sprayed asbestos insulation. These tanks were sampled by the Council's asbestos consultant and positive tests for asbestos content were returned. It appears that the tanks were made redundant in around the mid 1970's, when plumbing systems in the properties were upgraded. It is assumed that the tanks were left in the roof space as they were too large to take out through the existing loft access hatches and it was an easier option at the time to leave them in-situ.
- 3.2 It was initially considered that this was a small scale problem. Identified tanks were removed during normal void works. However as more properties in the area became void and were inspected, it became clear that larger numbers of these redundant tanks existed than had been at first envisaged.

- 3.3 Following the initial surveys on the void properties carried out by the Council's asbestos consultant, a larger scale survey of all properties where these tanks were likely to be found was planned.
- 3.4 Similar properties were identified from the Council's housing database and tenants in 129 homes in the Lossiemouth area were written to in July 2011 advising that these types of tanks may be present in their homes. Tenants were advised that there was a low risk to their health as long as the tank and any asbestos material was not disturbed. They were also advised that in the interim they should avoid entering the loft space to reduce the possibility of any loose asbestos fibres from tanks that may have been damaged in the past from entering their homes. Tenants were also provided with an information booklet outlining some basic facts about asbestos in the home, where it is likely to be found, and precautions that can be taken to prevent any risks to health.
- 3.5 The Council's asbestos consultant was instructed to survey all the properties involved and gained access to 69 of the properties. The surveys were carried out during August 2011. The majority of properties were discovered to have either tanks still in-situ, or minor asbestos debris found where any tanks had previously been removed.
- 3.6 The Housing and Property Service is currently arranging for further contact to be made with tenants who did not respond to these initial surveys in order to gain access for the asbestos consultant and have all the possibly affected homes in Lossiemouth surveyed.
- 3.7 Following a number of further EPC surveys carried out in Keith, 88 other houses have been identified in the Cameron Drive area where similar redundant tanks have been left in-situ. At the present time, the tenants have been provided with the same advice as those in the Lossiemouth area and the Council's asbestos consultant is in the process of carrying out surveys to ascertain the extent and locations of tanks in these properties.
- 3.8 The Housing and Property Service is currently using information from its main housing database to prepare a list of other houses of a similar age and type to those in Lossiemouth and Keith. This list will be used to carry out further random sample surveys of loft spaces to ascertain whether there are other houses within the stock which have similar tanks.
- 3.9 As noted in 3.2 above, tanks have already been removed in a number of void properties. These works have been carried out by a specialist contractor. At the current time, 13 houses have had the tanks removed at a cost of around £39k. In order to remove the tanks and any contaminated materials a larger loft access hatch requires to be formed, associated repairs completed afterwards and a clearance certificate provided by the contractor carrying out the works.

4. **PROPOSED ACTION**

- 4.1 It had originally been proposed to remove the tanks in all the affected houses, as well as any contaminated items or other materials in the lofts of properties where tanks had already been previously removed. This would include the existing loft insulation, any remaining debris and any tenant's belongings. The loft insulation would then be upgraded to current standards and a clearance certificate provided by the contractor to confirm that all asbestos material had been removed. Budgetary provision was included in the Housing Investment Programme for 2012/13 and 2013/14 for the Lossiemouth properties.
- 4.2 A contract was prepared and tenders returned on 14 January 2013. Costs for carrying out the tank removals and completing associated remedial works only were £291k.
- 4.3 After tenders and detailed method statements had been considered for the project however, details of the wider implications were re-considered by officers. The method statements provided by the contractors indicated that it would be necessary to decant the tenants for a minimum period of around 3 days to allow access through the properties. It is estimated that decant and other associated costs such as security on empty dwellings could be in the region of £30k, leading to full project costs of around £320k. No allowance has been made in these costs for possible compensation to tenants for items which have to be disposed of, for cleaning of any items removed from the lofts or for staff time in arranging decants.
- 4.4 Consideration was also given to the technicalities of the decant process itself, including possible implications arising from the health, age or vulnerability of some of the tenants and the amount of staff time required to arrange decants.
- 4.5 Taking all these issues into account, it was considered that any alternative approach should be examined.
- 4.6 Officers have therefore carried out further consultation with the Council's own Health and Safety section, as well as the Council's asbestos consultant.
- Option 1**
- 4.7 Seal off lofts to prevent tenant access, then remove the tanks and carry out other works only when a house becomes void, or other repair works requiring access to the loft are needed. Outgoing tenants on voids may require to be compensated for any items which are deemed 'contaminated' and would have to be disposed of, or in some circumstances it may be possible to clean specific items for re-use. This option does not provide a firm timescale for removal of all tanks as the number of voids and repairs in the area in any one year will vary. The Asbestos Consultant has commented that this is an acceptable way to deal with the issue in the interim but there remains the issue of any tenant possessions stored in the loft as noted above. In some cases where access is required to carry out a repair, it is likely that tenants may still require to be decanted for a short period to allow works to be completed.

- 4.8 The cost of carrying out works on this basis in a void property is currently around £3k however this to date has not included any compensation or cleaning costs. Based on 200 properties requiring removals, this first option is likely to cost in the region of £660k, excluding compensation, staff time and short term decants.

Option 2

- 4.9 Continue with the removal of the tanks as originally tendered. The description of this approach and likely costs for the properties in Lossiemouth only, are provided in paragraph 4.2 above. Officers consider that while technically removals can be completed within a set timescale depending on the number of decant properties available, all tenants involved are likely to find it intrusive. Significant staff time will also be expended on the arrangements for decanting etc and these have not been factored in to the likely costs.
- 4.10 After consideration of the advantages and disadvantages of each option, it is recommended that Option 1 is implemented. This option would ensure that the Council meets all its current Health and Safety obligations in managing access to the area where asbestos is likely to be present and ensures that, wherever possible, the tanks are removed with the least inconvenience to tenants – albeit on a longer term timescale than wholesale removal. This would allow the significant overall costs to be spread over a number of financial years.
- 4.11 Appropriate access and working methods would be required to be agreed with the Council's asbestos consultant and implemented by Building Services or any other contractor accessing the loft spaces to carry out work under option 1 where the house is occupied. As noted in 4.5 above however, some tenants may still have to be decanted for a short period to allow full removal of the tanks and associated materials.
- 4.12 The Council's Asbestos Consultant is currently considering if it is feasible to apply a PVA spray to the tanks to act as a control sealant/adhesive. The tanks could then be wrapped in polythene to provide a more robust protection barrier in the interim. An initial round of air monitoring would need to be carried out during these activities as evidence that the work methods do not cause a release of fibre above acceptable levels and trials carried out to determine if this method is acceptable. This would allow a long term action plan to be implemented for the removal of the tanks while possibly allowing on-going access to lofts for the tenants.

5. SUMMARY OF IMPLICATIONS

(a) Council / Community Planning Priorities

This proposal relates to:

- (i) Local Priority 4 – Housing/Homelessness
- (ii) the Service Improvement Plan priorities 2.3 - Improving housing quality, and 2.4 – Improving housing service quality

(b) Policy and Legal

Maintenance and Improvement works are carried out in order to meet statutory legal requirements and in accordance with current relevant policies. The Council has a duty of care to its tenants under the Health & Safety at Work Act; however domestic premises are not currently covered under the current Asbestos Regulations apart from where they relate to 'common' areas, which does not apply to any of the properties in this case.

(c) Financial implications

The total budget provision allowed for in the 2012/13 and 2013/14 financial years to have this work carried out amounts to £277k. Depending on the option finally taken, future financial provision would have to be considered as part of the budget preparation for the ongoing Housing Investment Programme.

(d) Risk Implications

If lofts are sealed off, remain inaccessible and the asbestos not removed there is very little risk to tenants, however should tenants gain access to the loft, or access is required for any reason to carry out works there is a risk that asbestos debris could be spread through the property raising the risk of possible health problems.

(e) Staffing Implications

There are no staffing implications associated with this report.

(f) Property

The improvement and maintenance of the housing stock will ensure that it remains sustainable in the longer term both physically and environmentally.

(g) Equalities

The Equalities Officer has been consulted and has made the following comments. It should be ensured that all tenants understand the information given to them. Tenants with special needs or whose first language is not English will therefore be provided with information in appropriate formats. Article 8 of the human rights act might be engaged when a part of a tenant's house is to be sealed off and they lose access to some of their possessions. The offer of compensation and the overriding concern for public health are considered to be sufficient to offer mitigation and justification.

(h) Consultations

Consultations have taken place with the Head of Housing and Property, Property Resources Manager, Building Services Manager, the Senior Housing Manager, the Health and Safety Adviser, the Principal Accountant (Deborah O'Shea), the Equal Opportunities Officer, and the Council's Asbestos Consultant, who agree with the sections of the report relating to their areas of responsibility. The report

has been circulated to the Elected Members for Lossiemouth (Cllrs Wright, McGillivray, Tuke and Cowe) and for Keith (Cllrs Cree, Coull and Shepherd) who may make their views known at the Committee.

6. CONCLUSION

- 6.1 This report presents consideration of options developed to address issues of redundant asbestos tanks which have been found in roof spaces of approximately 210 Council houses. The report recommends the pursuance of a specific option to address this issue.**

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Background Papers: Held by author
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