

Title of Report:	MEMORANDUM OF UNDERSTANDING BETWEEN THE HEALTH AND SAFETY EXECUTIVE FOR NORTHERN IRELAND (HSENI) AND CAUSEWAY COAST AND GLENS BOROUGH COUNCIL
Committee Report Submitted To:	ENVIRONMENTAL SERVICES COMMITTEE
Date of Meeting:	10th March 2020
For Decision or For Information	FOR DECISION

Linkage to Council Strategy (2019-23)	
Strategic Theme	Resilient Engaged and Healthy Communities
Outcome	Statutory Compliance
Lead Officer	Head of Health and Built Environment

Budgetary Considerations	
Cost of Proposal	None
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	Yes/No	Date:
	EQIA Required and Completed:	Yes/No	Date:
Rural Needs Assessment (RNA)	Screening Completed	Yes/No	Date:
	RNA Required and Completed:	Yes/No	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	Yes/No	Date:
	DPIA Required and Completed:	Yes/No	Date:

1.0 Background

The Health and Safety Executive for Northern Ireland (HSENI) and the District Councils in Northern Ireland have enforcement responsibilities under the Health and Safety at Work (Northern Ireland) Order 1978 and the Control of Asbestos Regulations (Northern Ireland) 2012.

Enforcement responsibility for asbestos removal is divided between HSENI and District Councils and allocated according to the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999. Where the activity is part of a construction project HSENI have enforcement responsibility.

Licensable asbestos removal work may only be carried out by a licensed contractor and following notification to HSENI fourteen days prior to the work commencing. HSENI issues asbestos licences and maintains a database of licensed contractors.

This Memorandum of Understanding (MoU) made between the Health and Safety Executive for Northern Ireland and the 11 District Councils in Northern Ireland will come into force on 1st February 2020.

2.0 Purpose

The purpose of the MoU (attached) is to allocate enforcement responsibility to HSENI for **all** asbestos removal work which legally requires the use of a contractor who holds an asbestos licence (hereafter called licensable asbestos removal work), irrespective of the premises at which the removal is occurring.

District Councils will maintain enforcement responsibility for non-licensed and notifiable non licensed (NNLW) asbestos removal work on District Council enforced premises, whether a contractor who holds an asbestos licence is used or not.

3.0 Communication and Engagement

Contractors must notify HSENI fourteen days in advance of licensable asbestos removal work commencing. Although HSENI will now assume enforcement responsibility for all licensable asbestos removal work, District Council Officers will continue to be informed both when such work is to take place in Council enforced premises and when HSENI are planning to inspect licensed asbestos removal in Council enforced premises. The details of any planned works and visits will be passed via HSENI to the relevant Council.

District Council Officers may request to accompany a HSENI Inspector when visiting licensable asbestos removal work in Council enforced premises. This

request should be made through the Principal Inspector of the construction group.

4.0 Review

This MoU is to be reviewed every 2 years.

The working of the agreement and the need for changes or additions to this memorandum are kept under review by the organisations.

5.0 Recommendation

It is recommended that Council signs and adopts the MoU and endorses the consistent enforcement approach between HSENI and District Councils.

Memorandum of Understanding Between

The Health and Safety Executive for Northern Ireland

and

Causeway Coast & Glens Borough Council

1 Introduction

This Memorandum of Understanding (MoU) made between the Health and Safety Executive for Northern Ireland and the 11 district councils in Northern Ireland will come into force on 1st February 2020.

2 Background

HSENI and the district councils in Northern Ireland have enforcement responsibilities under the Health and Safety at Work (Northern Ireland) Order 1978 and the Control of Asbestos Regulations (Northern Ireland) 2012. These responsibilities are allocated according to the Enforcing Authority Regulations (Northern Ireland) 1999.

Licensable asbestos removal work may only be carried out by a licensed contractor and after notification to HSENI fourteen days prior to the work commencing. HSENI issues asbestos licences and maintains a database of licensed contractors.

Enforcement responsibility for asbestos removal is allocated according to the Enforcing Authority Regulations (Northern Ireland) 1999, with the appropriate district council responsible for the activity in certain premises and HSENI responsible in other premises. Where the activity is part of a construction project HSENI have enforcement responsibility.

3 Purpose

The purpose of this MOU is to allocate enforcement responsibility to HSENI for **all** asbestos removal work which legally requires the use of a contractor who holds an asbestos licence (hereafter called (licensable asbestos removal work), irrespective of the premises at which the removal is occurring.

District councils will maintain enforcement responsibility for non-licensed and notifiable non licensed (NNLW) asbestos removal work on district council enforced premises, whether a contractor who holds an asbestos licence is used or not.

4 Communication and Engagement

Contractors must notify HSENI fourteen days in advance of licensable asbestos removal work commencing. Although HSENI will now assume enforcement responsibility for all licensable asbestos

removal work, district council officers will continue to be informed both when such work is to take place in Council enforced premises and when HSENI are planning to inspect licensed asbestos removal in Council enforced premises. The details of any planned works and visits will be passed via HSENI, to the relevant Council.

District council officers may request to accompany a HSENI Inspector when visiting licensable asbestos removal work in Council enforced premises. This request should be made through the Principal Inspector of the construction group.

5 Review

This MOU is to be reviewed every 2 years.

The working of the agreement and the need for changes or additions to this memorandum are kept under review by the organisations. All suggested changes should be brought to the Health and Safety Liaison Group for initial discussion and recommendations. Any amendments proposed would need to be agreed by all parties.

6 Signatories

Signed on behalf of HSENI:

Causeway Coast & Glens Borough Council:

Date: