

# HANDLE WITH CARE!

By Graham Kinnear

**T**he continued attention of the government upon the private rented sector should be an appropriate prompt for landlords to ensure that their buildings are compliant. There seems an almost insatiable appetite to demonise landlords currently and so it is more important than ever that you meet your obligations as a property professional.

This month I thought we could consider asbestos in buildings. I think all landlords are familiar with what asbestos is and the prejudicial effects it can have on health. Less common, I find, is knowledge of what to look out for and what to do if asbestos is discovered.

Asbestos was historically used in considerable quantities in building construction, and you may be surprised to learn that it was only completely banned in the UK in 1999. Consequently only buildings constructed since 2000 can be safely considered to be free of asbestos.

The 2012 Control of Asbestos Regulations provide an explicit duty on the owners of non-domestic premises who have maintenance and repair obligations to assess and manage the risks from the presence of asbestos. In a housing context, the communal areas within blocks of flats would constitute non-domestic premises.

There are six types of asbestos, although most commentators refer to the common three strands of asbestos - crocidolite, amosite and chrysotile. They are often referred to as blue, brown and white asbestos, respectively.

The most common misconception is that where asbestos is identified a building, it should be removed. This is not necessarily the case. Asbestos materials in good condition and unlikely to be disturbed during the normal use or routine maintenance of the building do not present a significant risk. It is those in poor condition, disturbed or damaged that can release fibres into the air and which can cause serious lung diseases, including cancer.

The first step is therefore to have an asbestos survey carried out. The assessment should consider the risk of exposure through the normal use of the building with people living in it, and routine or foreseeable maintenance and repair. If the risk is considered low then leaving the asbestos in situ may present a safer solution than if the asbestos was removed.



Where asbestos is identified or suspected, the surveyor is likely to take samples of asbestos containing materials (known as ACMs) for laboratory analysis. The survey most landlords would commission is called a management survey. The alternative option is a demolition survey, where a more thorough investigation takes place in advance of the comprehensive redevelopment or demolition of premises.

Many of you will be familiar with the asbestos sheeting that is often present on a garage roof or the asbestos cement that is often found as part of pipework. You should also be aware that asbestos can be found:

- in the backing of floor tiles
- within textured coatings on walls and ceilings
- as flashbands in electrical cupboards
- within ceiling tiles

- as a material in cisterns and tanks
- as pipe insulation
- as a dpc material
- thermal labelling on the rear of airing cupboard doors

If asbestos has been used in a building, you should be mindful that it may have also been used in other areas, simply because it was available on site at the time of construction. Consequently, I have seen asbestos as a packing material at door frames and loose as loft insulation between ceiling joists.

Another important consideration is to understand who can undertake an asbestos inspection. Many of the compliance inspections in property, such as legionella assessments and fit for habitation inspections, can be undertaken by the landlord themselves if they are considered a competent person.

This is not so with asbestos. The HSE guidance notes mention both qualifications and a minimum of six months' experience before an individual can be considered competent. Therefore you will have to outsource this inspection.

Once the inspection is completed and asbestos has been identified, you are obliged to implement a management plan. This would need to include records of the removal of any ACMs. Further, it would include the need to repair, seal or remove any items where there is a risk of exposure and regular inspections to monitor the condition of asbestos materials.

You will need to continually assess whether the use of the building or any planned repair or maintenance may present a risk of exposure. Not only can the use of the building change over time but also the asbestos material can deteriorate, particularly if exposed to moisture, sunlight or a lack of ventilation. Generally over time the material becomes more brittle.

**As always, I am happy to assist readers of YPN and can be contacted on 01843 583000 or [graham@grahamkinnear.com](mailto:graham@grahamkinnear.com)**



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