

Report on	Memorandum of Understanding between HSENI and District Councils on the Notification of Licensed Asbestos Removal
Date of Meeting	10 th March 2020
Reporting Officer	Fiona McClements, Head of Environmental Health

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To advise Members of the Memorandum of Understanding between the Health & Safety Executive for Northern Ireland (HSENI) and District Councils in Northern Ireland regarding the allocation of enforcement responsibility for all licensable asbestos removal work.
2.0	Background
2.1	The Control of Asbestos Regulations (NI) 2012 (CAR) places a duty on employers who undertake licensable work with asbestos to notify the appropriate enforcing authority of their intentions to carry out such work at least 14 days prior to undertaking any licensable work with asbestos.
2.2	Mid Ulster District Council is an appropriate enforcing authority for the CAR for premises where the main activity is wholesale/retail sale of goods, office type premises, catering services, provision of residential accommodation, consumer services in a shop type premises, beauticians and cosmetic services, recreational and entertainment type premises, childcare premises, churches, etc. and would receive the necessary notification of work with asbestos for that premises.
2.3	Under the provisions of Regulation 8 of the CAR, the Health and Safety Executive for Northern Ireland (HSENI) can grant an employer a licence to undertake licensable work with asbestos. HSENI may attach conditions to the licence, can modify the terms of a licence or may revoke a licence if it considers it appropriate to do so. HSENI maintain a database of all licensed employers.
3.0	Main Report
3.1	The purpose of this Memorandum of Understanding (Appendix 1) is to allocate enforcement responsibility to HSENI for all. Mid Ulster District Council will still maintain enforcement responsibility for non-licensed asbestos work in premises for which it is the enforcement authority.
3.2	HSENI will inform Mid Ulster District Council of any asbestos licensable notifications received for premises to which the Council is the enforcing authority and whether HSENI is planning to inspect such works in these premises. Officers

	from the Environmental Health Department may request to accompany a HSENI inspector when visiting licensable asbestos removal work in such premises.
3.3	The Memorandum of Understanding will be reviewed every 2 years. All suggested changes will be brought to the Health & Safety Liaison Group (District Councils and HSENI shared group) for initial discussion and recommendations.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/a
	Human: N/a
	Risk Management: N/a
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/a
	Rural Needs Implications: N/a
5.0	Recommendation(s)
5.1	That Members endorse the Memorandum of Understanding and the consistent enforcement approach adopted by the Memorandum of Understanding with District Councils.
6.0	Documents Attached & References
6.1	Appendix 1 – Memorandum of Understanding between the HSENI and the 11 District Councils 2019/20.