

General Information	
Ministerial Decision Type	Miscellaneous
Report Title	To approve the granting of a licence to Brocken and Fitzpatrick Limited to carry out scaffolding work which is ancillary to licensed asbestos removal
Minister	Social Security
Signatory	Minister
Lead Department	Justice and Home Affairs (JHA)
Lead Directorate	Health and Safety Directorate (JHA)
Ministerial Decision Summary: Public or <a href="#">Absolutely/Qualified</a> Exempt	Select Public or Absolutely/Qualified Exempt.  Public
Date decision made if different to date 'Ministerial Decision Summary' signed.	05/09/2022
Report and Supplemental Report Details	
Report Author	Director of Health and Safety
Date of Report	01/09/2022
Supplementary Report Title <i>(If applicable)</i>	Insert Supplemental Report Title.
Supplementary Report Author <i>(If applicable)</i>	Insert Official Title Only.
Date of Supplementary Report <i>(If applicable)</i>	Select Date of Supplemental Report.
Ministerial Decision Report: Public or <a href="#">Absolutely/Qualified</a> Exempt	Public  Select if more than one Absolutely/Qualified Exemption.
Relevant Case/Application/URN <i>(Only complete if making a decision related to an appeal/case/application)</i>	Insert Relevant Case/Application.
Relevant Proposition Number <i>(Only complete if presenting Comments or if lodging an Amendment)</i>	Insert P. number.
Relevant Scrutiny Report <i>(Only complete if presenting a ministerial response)</i>	Insert S.R. number.
Associated Law(s) and/or Subordinate Legislation	Asbestos-Licensing (Jersey) Regulations 2008
Action required if recommendation agreed	Department to take necessary action.

Resource Implications	There are no new financial and/or manpower implications.
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### **Introduction**

The licence granted to Brocken and Fitzpatrick Limited (B&F Ltd) under Regulation 3 of the Asbestos–Licensing (Jersey) Regulations, 2008 (Asbestos Regulations) expired on 1 August 2022. An application has been received from B&F Ltd to renew the licence which permits work which is ancillary to licensed asbestos removal work, and restricted to the carrying out of scaffolding activities where it is foreseeable that the scaffolding activity is likely to disturb asbestos, to be undertaken.

B&F Ltd has held a licence since August 2019. The company has undertaken 3 licensed scaffolding projects which, whilst a relatively small number, reflects the specialist nature of the work. Visits to all 3 projects were undertaken by Health and Safety Inspectors and satisfactory standards observed. The company has engaged, and intends to continue to engage, competent supervisory support when undertaking licensed scaffolding work, whilst continuing to further develop in-house competence.

The Minister is therefore requested to consider issuing a two-year licence under the Asbestos Regulations to B&F Ltd for scaffolding work which is ancillary to licensable work with asbestos, and where it is foreseeable that the scaffolding activity is likely to disturb the asbestos.

### **Recommendation**

It is recommended that Brocken and Fitzpatrick Limited be granted a licence, subject to the conditions above, to carry out scaffolding work which is ancillary to licensable work with asbestos, where it is foreseeable that the scaffolding activity is likely to disturb the asbestos. The licence would be valid for a 2 year period, commencing on 5 September 2022.

### **Detail (Decision and Reason for decision)**

Asbestos is a class 1 carcinogen, and exposure to airborne asbestos fibres can lead to a range of diseases including fatal lung cancers.

As a result of concerns over potential exposure to asbestos in the workplace, the States first introduced Regulations in 1997 which restricted work with certain asbestos-containing materials to those who were licensed. The original 1997 Regulations were replaced by the Asbestos Regulations, which came into force on 5 February 2008.

Regulation 3 of the Asbestos Regulations provides for the Minister to issue licences for work with asbestos insulation, asbestos insulation board and asbestos coatings, and permits the Minister to determine the period of the licence and attach such terms and conditions to the licence that the Minister considers appropriate.

B& F Ltd, a local scaffolding company that has been trading since 1976, is currently the only licensed scaffolding contractor in the Island. As a new applicant, the company was granted a one year on 1 August 2019. This was renewed for a 2 year period on 1 August 2020. The Company has applied to renew this licence under Regulation 3 of the Asbestos Regulations.

Due to the relatively low level of work undertaken over the past 3 years, which is not unexpected as licensed scaffolding work is a specialist and relatively infrequent requirement, the company continues to employ a Contracts Manager with extensive experience of managing licensed scaffolding work in the UK under the UK Control of Asbestos Regulations, and engage a specialist health and safety advisor to provide independent monitoring and supervision of licensed works.

The process for the licence application has been carried out in accordance with the policy set out in the Health and Safety Inspectorate document '*Asbestos Licence Assessment Guide*' which assesses the applicant against benchmarks drawn from legal standards, guidance set out in the relevant Jersey and UK Approved Codes and industry best practice.

The licence would be subject to the five standard conditions typically placed on licences that are issued, ie a requirement for:

- the licence to be made available for inspection
- the Inspectorate to be notified of the work at least 14 days before work commences
- the preparation of a suitable and sufficient Plan of Work for the work
- all work to be supervised by a competent employee
- all asbestos waste to be disposed of in an approved manner.

The licence issued to B&F Ltd would contain the additional condition attached:

- limiting the application of the licence to scaffolding activities which are ancillary to licensed asbestos removal work and where it is foreseeable that the scaffolding activity is likely to disturb the asbestos