

GUIDANCE AND NOTES FOR COMPLETION OF ASB1 LICENCE APPLICATION FORM AND LICENCE ASSESSMENT PROCESS

Applying for an asbestos licence should not be undertaken lightly. Asbestos is a prohibited substance and classified as a Category 1 carcinogen. Asbestos licensing is a permissioning regime, one of only a very few that operate in the United Kingdom. The Health and Safety Executive's (HSE) approach to permissioning regimes remains as set out in the policy statement first published in 2003 by the (then) Health and Safety Commission and is available on the HSE website at <http://www.hse.gov.uk/enforce/permissioning.pdf>. Licensing is an addition to the general framework of health and safety law and is very resource intensive. Within a licensing regime, exemplary standards of health and safety compliance and management are expected, together with an excellent knowledge about how to work with asbestos.

Specific guidance is available on the HSE website at <http://www.hse.gov.uk/asbestos/licensing/index.htm>

- L143 Managing and working with asbestos: Control of Asbestos Regulations 2012 Approved Code of Practice and guidance.
- HSG247 Asbestos: the Licensed Contractors' Guide.
- Asbestos Licence Assessment, Amendment and Revocation Guide (ALAARG).

Please note that HSE will only consider it appropriate to grant a licence to work with asbestos to those applicants who are able to demonstrate legal compliance with the relevant requirements provided for in legislation and guidance and who have high quality health and safety management systems.

You may be refused a licence if you have breached any legislation which brings into doubt your reputation to be a licence holder.

General Guidance

- 1) Not all work with asbestos requires a licence. Licensable work with asbestos is defined in Regulation 2:
 - a) where the exposure to asbestos of employees is not sporadic and of low intensity; or
 - b) the risk assessment cannot clearly demonstrate that the control limit will not be exceeded; or
 - c) on asbestos coating; or
 - d) on asbestos insulating board or asbestos insulation for which the risk assessment:
 - i) demonstrates that the work is not sporadic and of low intensity, or
 - ii) cannot clearly demonstrate that the control limit will not be exceeded, or
 - iii) demonstrates that the work is not short duration work.

Regulation 8 requires an employer to be granted a licence in order to undertake licensable work with asbestos.

If you do not intend to carry out licensable asbestos work, then you should not proceed with this application. HSE does not grant licences for commercial reasons.

- 2) For HSE to be able to consider granting a licence you must, as a minimum:
 - a) intend to undertake licensable asbestos work;
 - b) be able to demonstrate that you have high quality health and safety management systems;

- c) have one or more competent individuals within the organisation who will have lead responsibility for the work;
- d) have a written policy, appropriate management organisation and arrangements in place which will satisfy all legislative requirements; and
- e) be clear about the type of licence (ie full, ancillary, etc) that would be appropriate for your business and for which your organisation has the necessary competence.

3) A fee is payable by the applicant to the Executive on each application for a licence under the Control of Asbestos Regulations 2012. This payment is for the assessment of your fitness to hold a licence to work with asbestos and must be paid in full on application. HSE has no power to set fees in its own right. HSE is required by H M Treasury to recover the full costs incurred in regulating permissioning regimes such as asbestos licensing. HSE recommends fees to the Secretary of State for Work and Pensions based on the full economic costs incurred.

4) To apply for an asbestos licence, you must use the ASB1 application form. The form will be submitted to HSE's Asbestos Licensing Unit (ALU) when you press Submit. HSE/ALU aim to process your application in 8 weeks. ALU send out reminder letters to renewal applicants 4 months in advance of licence expiry. Renewal applicants should re-apply immediately on receipt of this letter. Failing that, you should re-apply and pay the licence assessment fee **no less than 8 weeks prior to licence expiry** (remembering the statutory 14-day notification period for any work you wish to undertake). New applicants should apply well in advance and no less than 8 weeks prior to the date from which the licence is to run.

Please note that your application will not be fully processed and a licence assessment will not be arranged and carried out until the ALU receive confirmation of full payment of the licence assessment fee (required by The Health and Safety and Nuclear (Fees) Regulations 2015). The 8 week timeframe will commence on confirmation of payment of the licence assessment fee (regardless of the licence expiry date). This is to allow the HSE sufficient time to process your application, licence assessment fee and properly assess your suitability to hold a licence. However, your application will not be delayed unnecessarily and licences may be granted sooner.

5) The licence assessment fee can be paid either by Bank Automated Clearing System (BACS) (HSE's preferred payment method), debit or credit card or by cheque. All payments should be paid as directed on the invoice. In addition, the fee will not be refunded if your application is unsuccessful, or if you withdraw your application following assessment.

Self-assessment

6) This section requires applicants to provide a general outline of their management arrangements. The information you provide should demonstrate your readiness to work within a permissioning regime. Your application may be rejected if the information you provide suggests insufficient knowledge or arrangements. Some or all responses may be more fully explored at the formal assessment meeting (and as part of the ongoing assessment of a licence holder's performance during a licence term).

7) **If you are relying on external consultants to complete your self-assessment, you should seriously reconsider your decision to apply for a licence.** HSE will only grant licences to organisations able to demonstrate strong internal arrangements for managing health and safety. The role of consultants within asbestos licensing is discussed in more detail in the relevant Asbestos Liaison Group (ALG) memo (02/09). ALG memos are available on HSE's website at http://www.hse.gov.uk/aboutus/meetings/committees/alg/memos_issued.htm.

NB: Please see specific guidance on self-assessment in this document.

Receipt of application and initial checks

8) When your completed ASB1 form is electronically received in ALU, Edinburgh, the Department of Work and Pensions (DWP) (HSE's sponsor department) Shared Services Financial Operations, will raise an invoice for the current licence assessment fee, which will be sent directly to you for payment.

9) If you are a limited company, a public limited company or a limited liability partnership we will undertake a Companies House check to confirm the name, registration number and directors of your company. We will also undertake a check of your company details with searches of relevant databases and on convictions and enforcements declared or otherwise using HSE's database. It is an offence under Section 33(1) (k) of the Health and Safety at Work etc. Act 1974 to make a false declaration.

10) If any of the information you provide is incorrect, or if the self-assessment indicates that you are not ready to hold a licence, we may refuse the application at this stage.

11) Once ALU has confirmation that the fee has been paid, the Asbestos Licensing Principal Inspector (ALPI) or one of their inspectors, based at the local office of the HSE, will contact you to arrange a formal meeting to assess your capability to work safely with asbestos.

Formal assessment

12) Every applicant undergoes a formal assessment comprising different elements, including your theoretical knowledge and understanding of the current asbestos legislation, associated Approved Codes of Practice and HSE Guidance, the practical aspects of the work, detailed examination of management systems and policies and record keeping arrangements, etc. The ALPI may send you a letter providing further details to confirm the date of the meeting or may ask you to make contact when you are ready to proceed. The ALPI may also request information relating to the self-assessment you have provided.

13) A good understanding of the standards expected together with adequate arrangements for meeting these standards is essential for making a successful application. We acknowledge that in some cases, an applicant (eg managing director) may not have detailed knowledge of asbestos requirements, as this may have been delegated to more competent employees within the firm. In such cases, we expect the competent person responsible for asbestos operations within the organisation to be present at the assessment together with a director or partner. If you (and the responsible personnel, if required) are not fully conversant with these requirements you may wish to postpone the assessment until such a time as you are able to study and understand them.

14) Part of the assessment will concentrate on the practical aspects with regard to training, medical certification, the types of respiratory protective equipment (RPE) to be used and the hardware, such as negative pressure units and decontamination units. Whether you are applying for a full, supervisory or ancillary licence, the assessment will cover the same topics, but to varying degrees. For example, if you are applying for an ancillary licence to do scaffolding work associated with asbestos removal, you would not be expected to have detailed knowledge of asbestos removal techniques and the hardware requirements for this work.

15) All applicants should also have appropriate management and recording systems in place for the following:

- a) Training and competence;
- b) Plans of Work (or simulated Plans of Work for new applicants);
- c) Medical health surveillance;
- d) Respiratory protective equipment (RPE)
- e) Decontamination procedures;
- f) Site checks and equipment maintenance; and
- g) Disposal of waste.

16) It is **not** possible to obtain or renew a licence without being able to demonstrate management/supervisory competence, including recent training. Also, employees must have the appropriate training, RPE face-fit testing and medical surveillance (where appropriate) **before** any licensable work with asbestos is carried out. You should also be aware that there is a legal requirement for you to have appropriate employers' liability compulsory insurance (ELCI) to cover work with asbestos, although this is not a requirement for obtaining a licence.

New Applicants

17) A new applicant must be able to demonstrate competent management and asbestos knowledge, but it is accepted that all systems may not be fully operational. However, you will be required to explain how you will function if the application is successful. This can be done by using a business plan to show how the work will be resourced, simulated plans of work for various types of work or other explanations of how you will be conducting your business.

Renewal Applicants

18) If you have an existing licence, your past performance will be examined in detail. Where a pattern of poor performance is evident, legal action has been taken, or other relevant information comes to light, the application may be refused.

Post Assessment

19) Once you have been assessed, the ALPI will complete an assessment report and make recommendations to the ALU. If you are successful you will be granted a licence for any period up to a maximum of 3 years (new applicants are normally granted a 1 year licence, if successful).

20) If you are unsuccessful at your assessment, we will write to you explaining why you are not being granted a licence.

21) If the identified failings are relatively minor, you will be conditionally refused and you will be given 4 months to rectify the matters outstanding and be reassessed (if appropriate). There is a charge for re-assessments.

22) If the identified failings indicate you fall well short of the standards required, you will be outright refused. If you wish to pursue another application in the future, it will incur the full licence fee and the entire process will commence again.

SPECIFIC GUIDANCE FOR COMPLETION OF ASB1 LICENCE APPLICATION FORM

Please note, this form cannot be partially saved while you are completing it and accessed at a later date. Therefore, before completing the form, you should ensure that you have all the necessary information to hand to enable you to complete it and allocate sufficient time for this purpose and have read the guidance and the following notes for completion of the ASB1 application form. Sections marked with an asterisk (*) are mandatory.

Application type

If this is a renewal application or an application after a period without a licence you must provide the relevant licence number and the name which appears/appeared on the licence.

If this is a change to a recently submitted application (following a request from HSE for additional or amended information), you must provide the reference number of your previously submitted application. This will have appeared on the email acknowledgement you received on submission.

Organisation address/Name of limited company etc/company number

Please make sure that you state the correct legal name of your company, firm, partnership etc. For limited companies or public liability partnerships this will be the same as the name registered with Companies House. You must state your Company Number registered with Companies House. On receipt of your application form, we will undertake a Companies House check, so it is important that you state the correct legal name and number, otherwise we may have to return your application and this could cause delays.

For partnerships in England and Wales you must state the names in full of all the partners. This is because the licence will be issued to all of the partners and all of their names must therefore be included on it. You should also tell us if there is a trading name you wish to be known by.

Select whether this is the address to appear on the licence, (Page 2 will only need to be completed if an alternative address is to appear on the licence). We will use the address on the licence to contact you when required to do so, so it is important that we can contact you directly at the current and proper address.

Remember Me

The first time you apply for a licence to carry out work with asbestos, if you check Remember Me your details are pre-populated the next time you apply.

If you do not check Remember Me you will need to manually complete details about you and your organisation the next time you apply.

When you next apply

Checking Remember Me overwrites the details stored in the cookie.

Unchecking Remember Me removes the cookie (if it exists) from your computer.

Where are the details stored?

The details are stored in a cookie on your computer. Therefore, you should not check Remember Me if you are using a public computer (eg if you are using a computer in a public building such as a library or internet cafe).

Are cookies enabled on my computer?

You will receive an error message if you check Remember Me and cookies are not enabled for your internet browser. You will need to enable cookies to use this feature. Check your browser help on how to do this (or your IT department if this is appropriate).

Contact details

This should normally be the person who is completing and submitting the application form and must be a senior member of the organisation, who is in a position to make decisions on behalf of the company, usually the Managing Director or a Director.

Email address

If the organisation/firm does not have an email address, please provide a personal e-mail. An acknowledgement of receipt (including a copy of the completed form) is sent to the applicant using the email address provided.

Work Activity

Please tell us the nature of your business eg asbestos removal and repair work, demolition work, contaminated land clearance, scaffolding etc.

Different address to appear on licence

If the address to appear on the licence is different from your official address, please explain why. We will use the address on the licence to contact you when required to do so, so it is important that we can contact you directly at the current and proper address.

Relevant Persons

Directors and senior managers are defined as those persons who are responsible for deciding corporate policy and strategy and who make decisions about how the company carries out asbestos work or makes business decisions that affect the way in which asbestos work is undertaken.

Any person operating in this capacity is a "relevant person" for the purpose of answering this question. In considering an applicant's licence application, HSE may refuse to issue a licence where Directors and senior managers have previously had a significant involvement in circumstances considered suitable for licence refusal or revocation.

You may add multiple entries and these are displayed in the list of relevant persons.

Add adds a relevant person to the list.

Edit displays the details for a highlighted entry from the list for editing.

Update updates existing details in the list with your changes.

Remove removes a relevant person entry from the list.

Clear clears the fields for an existing entry.

Licence details/Reason for application

Not all work with asbestos requires a licence. Licensable work with asbestos is defined in Regulation 2:

- where the exposure to asbestos of employees is not sporadic and of low intensity; or
- the risk assessment cannot clearly demonstrate that the control limit will not be exceeded; or
- on asbestos coating; or
- on asbestos insulating board or asbestos insulation for which the risk assessment:
- demonstrates that the work is not sporadic and of low intensity, or
- cannot clearly demonstrate that the control limit will not be exceeded, or
- demonstrates that the work is not short duration work;

Regulation 8 requires an employer to be granted a licence in order to undertake licensable work with asbestos.

If you do not intend to carry licensable asbestos work, then you should not proceed with this application

Please tell us why you require a licence.

Type of Work/Licence

Make sure you are clear about the type of licence you require and that you have the necessary competence.

1 You will need a **full** licence if you intend to undertake licensable work with asbestos as defined in Regulation 2.

2 You will require a **supervisory** licence if you carry out direct supervisory control over asbestos work being undertaken by another licensed contractor. Direct supervisory control is taken to mean where there is direct control and immediate influence over current site activities including: any aspect of the work with asbestos including the equipment and controls being used; how the work is done (methods); how the site is prepared, cleaned up etc; the monitoring of controls (eg inspecting decontamination units (DCU), changing filters, etc); and movement, storage and transfer of waste.

3 An **ancillary** licence may be needed if you carry out work associated with the main licensable work. A licence is required unless Regulation 2 does not apply. For example, if you maintain and service certain types of equipment (eg negative pressure units) used in licensable asbestos work, you will need an ancillary licence. Ancillary work will also include putting up and taking down scaffolding to provide access for a licensed contractor to carry out licensed asbestos work where it is foreseeable that the scaffolding activity is likely to disturb the asbestos.

Asbestos experience, previous licences and licence applications

We want to know about experience and competency levels within your organisation. If you have not undertaken licensable asbestos work; who does have the detailed knowledge, competence and experience within the firm to do this work?

During the **last 5 years**, you must declare:

If the organisation, you, or any of the company's directors, senior managers or any of the firm's partners, **either whilst trading under the organisation's current name or under any other name** have:

- Held a licence before;
- Had a previous application refused;
- Been refused a licence on renewal;
- Ever surrendered a licence;
- Ever had a licence revoked.

A thorough check needs to be undertaken to ensure that the necessary information is provided in order to fully answer these questions.

NB: This means that you will also have to declare licence information relating to other organisations, sister or related companies with which you or any of the current directors or any of the partners are/were linked, eg if one of the directors was/is also on the board of another company which holds or previously held a licence, then the details need to be declared on the form.

You may add multiple entries and these are displayed in the list of previous licences and licence applications.

Add adds an entry to the list.

Edit displays the details for a highlighted entry from the list for editing.

Update updates existing details in the list with your changes.

Remove removes an entry from the list.

Clear clears the fields for an existing entry.

Self-Assessment — Health and Safety Management

HSE will assess the applicant's suitability to be a licence holder, as the legal duty to manage risk will rest with the applicant. External consultants will be peripheral to this decision making process. If you require a consultant's advice in order to complete the application form, this may be an indication that you do not have sufficient in-house competencies to work within the licensing system and you should seriously consider whether to continue with the application process. Please see the relevant Asbestos Liaison Group (ALG) memo (02/09) on the role of consultants within the licensed asbestos industry. ALG memos are available on the HSE website at http://www.hse.gov.uk/aboutus/meetings/committees/alg/memos_issued.htm.

The implications of working within a permissioning regime have been outlined above. The self-assessment should demonstrate your readiness to work within a permissioning regime. HSE's fundamental interest is in your ability to ensure that the highest standards can be met. This section of your application should provide an overview of how these standards will be achieved.

There is a word limit of 300 words per section. As a general guide, 300 words may be considered a lengthy response for any section. Responses can and should be relatively brief. You are expected to provide a brief explanation for each topic area, with references to supporting material, where applicable. Responses will usually be much shorter than this for most sections. Concise and relevant information will be appreciated. Large organisations are not expected to provide lengthier responses than smaller organisations, but it is likely that they will have more supporting evidence and documentation to refer to.

Extensive guidance on health and safety management can be found on HSE's website. The principles of HSG65 are applicable to all organisations (<http://www.hse.gov.uk/pubns/priced/hsg65.pdf>) and HSE's Management Assessment Tool (MAST) is specifically tailored towards small and micro businesses (<http://www.hse.gov.uk/foi/internalops/fod/inspect/mast/index.htm>). Guidance on HSE's internal approach to assessing management competence is available at: <http://www.hse.gov.uk/managing/regulators/regulators.pdf>.

Management arrangements will vary greatly between organisations. Small organisations may have relatively informal ways of working. In all cases, the assessing inspector must be confident that the applicant is able to work in accordance with legal requirements, licence conditions and best practice.

HSE and ALU do not measure management arrangements by looking at the volume of paperwork produced. For any written "health and safety" document, process or procedure you have, there should be an obvious value in what it delivers to the business. Does this add to the running of this business? Where no value is added, the procedures/documentation are very unlikely to demonstrate effective management arrangements (and may be taken as evidence that you do not have the appropriate competencies). HSE and ALU must be confident that your management is effective. Meaningless paperwork may suggest that you do not understand what effective management means.

It is acknowledged that small organisations can be effective in the way work is managed, without extensive formal management systems and with little paperwork. If you do have relevant supporting documentation, simply refer to the document and highlight the relevant page number and paragraph.

Do not submit copies of supporting documentation (written policies, procedures etc) to ALU. Any (or all) of the documentation you refer to may be requested prior to/during the assessment.

It is taken for granted that organisations may not be perfect. A mature approach to managing your business would recognise aspects of your business that works well and would have identified why they work well. Likewise, a sensible self-assessment would identify areas of weakness and would include consideration of the necessary action to remedy problems.

Leadership

Directors and senior managers need to have relevant experience and training to understand their roles as leaders. There should be genuine leadership from the top of the organisation showing constant and active engagement.

Management

All applicants will have a current and relevant health and safety policy. In addition, it should be clear where responsibilities lie and these should be reflected both in job descriptions and any methods you have for monitoring performance. The assessment may consider matters beyond health and safety. If you do not have a credible business plan, this may affect HSE's confidence in your ability to plan and resource licensed works.

Training and competence

Relevant asbestos training, in accordance with Chapter 4 of the Contractors' Guide, is a minimum requirement and must cover all levels of the organisation, including senior managers and directors. Specific training should be tailored to the needs of individual staff (on the basis of a training needs analysis).

Training, in accordance with Chapter 4 of the Contractors' Guide, does not necessarily demonstrate competence and you will need to consider how this is measured for new employees and for all staff on an ongoing basis.

Worker involvement

Organisations must consult employees and involve them with health and safety matters.

Measuring performance and reviewing arrangements

The formal assessment meeting will consider your general health and safety performance (asbestos and non-asbestos issues). HSE may not be able to grant licences to organisations with a poor record. You should consider how you will be able to demonstrate effective performance.

Formal enforcement notices and prosecutions are a very crude indicator of performance. Running your business without receiving formal enforcement does not necessarily indicate strong management. Conversely, formal enforcement action does not automatically mean that a licence application will fail.

Planning of work

Specifically, with regard to asbestos work, you must have a robust means of planning work (prior to notification). Your plan of work should provide the information outlined in the relevant ALG memo (06/08) and guidance in the Approved Code of Practice. They must be "suitable and sufficient". This means that they are useful and practical guides for those carrying out the work on site.

Sample plans may be inspected during the assessment interview (new applicants should be able to provide samples).

General structure of your organisation

If available, please attach an organisational chart showing the structure of your asbestos operations. It should include the names of the relevant directors, senior managers and supervisors with responsibilities for asbestos work. If no organisational chart is available, please provide a brief description of your asbestos operations structure. There is a word limit of 300 words.

How to Add Attachments

You can add your organisational chart by selecting the Add Attachments button. A new window will open where you can browse your file(s). Select the relevant file and press Upload file. Once the relevant file has been selected, choose Close Window to take you back to the form.

Do not submit large documentation (written policies, procedures etc) to ALU.

Breaches of Legislation

You must declare all relevant breaches of legislation that brings into doubt your reputation to be a licence holder or committed any health and safety offences (asbestos related or otherwise), even if that legislation is not enforced by HSE and Local Authorities.

During the **last 5 years**, you must declare:

If the organisation, you, any of the company's directors, senior managers or any of the firm's partners, **either whilst trading under the organisation's current name or under any other name** have:

- breached legislation that brings into doubt your reputation to be a licence holder, eg fraud, tax evasion. This is not an exhaustive list so you should include any information which may be relevant.
- convicted of a criminal offence involving work with asbestos.
- found guilty of any other health and safety offences, although these may have nothing to do with asbestos.
- found guilty of any environmental asbestos related offences eg disposal of asbestos waste at an unregistered site.
- been served any prohibition or improvement notices from either HSE or a Local Authority inspector, although these may have nothing to do with asbestos.

NB This means that you will also have to declare all breaches, convictions, offences, enforcement notices relating to other organisations, sister or related companies with which any of the current directors or partners are/were linked, eg if one of the directors was/is also on the board of another company which was convicted within the last 5 years, then the details need to be declared on the form.

If you are a large organisation, a local authority etc you may have to check with several departments to ensure you have completed this section correctly. On receipt of your application we will check this information and if it is incomplete we will return the application to you, which could cause delays.

You may add multiple entries and these are displayed in the list of breaches / convictions / offences / notices.

Add adds a breach or offence to the list.

Edit displays the details for a highlighted entry from the list for editing.

Update updates existing details in the list with your changes.

Remove removes a breach or offence entry from the list.

Clear clears the fields for an existing entry.

Declaration

The application must be completed and submitted by a senior member of the organisation, usually the Managing Director or a Director.

ALU require that a legally registered Managing Director/Director(s) must be involved in completing and then submitting (declaration) the ASB1 as they are responsible for deciding corporate policy and strategy on how the company carries out asbestos work.

Applications submitted by the Contracts Manager, Health and Safety Manager, etc are not acceptable and will be returned.

For local authorities, it will be acceptable for the Head of Department to submit the application.

For partnerships in England and Wales, all partners must be listed on the form and it will be acceptable for only one of partners to submit the application.

There may be occasions when the form has been submitted by a director who is not responsible for asbestos operations. In these circumstances, the relevant director(s) or equivalent must have read and understood the guidance notes.

Once you are satisfied that you are ready to proceed, please complete the form and click on the submit button. You will receive an email acknowledgement with a copy of your application attached.

Remember it is a criminal offence to make a false declaration and your licence application may be refused.