



Environmental Health

Our Ref:

Being dealt with by: Mark McGovern

Your Ref:

Ext: 3297

Date: 15th Oct 2019

Dear Mr Fairfield

Re: Freedom of Information request – Asbestos at Primark, Belfast

Thank you for your request for information.

I should explain that because the information you have requested is environmental information, as defined in Regulation 2(1) of the Environmental Information Regulations, it is exempt from disclosure under Section 39 of the Freedom of Information Act 2000. However, the Council is obliged by regulations under Section 74 of the Freedom of Information Act to consider your request under the Environmental Information Regulations 2004, which gives the public qualified rights to access to environmental information held by a public authority. The Council has therefore, considered your request under the Environmental Information Regulations.

For ease of reference, I have reproduced your queries and provided the Council's response below each query.

In your email dated 24 September 2019, you requested the following information:

Dear Belfast City Council,

Can you please provide information in respect of the fire at Primark, Belfast and the resulting removed asbestos.

It is reported in the news that there is ongoing asbestos removal from the site of Primark, Belfast.

Please provide all data in respect of the following where the data is held.

1. What and how many inspections were taken by the council bodies in respect of the environmental impact the fire would have on the environment?

The Council does not hold the information requested

Siobhan Toland M.Sc. , F.C.I.E.H
Assistant Director

Belfast City Council, City and Neighbourhood Services Department
The Cecil Ward Building, 4-10 Linenhall Street, Belfast BT2 8BP: Tel: 028 9027 0428
Text Telephone Facility for People who are Deaf or Hearing Impaired: 028 9027 0405
Fax: 028 9027 0422
Email: envhealth@belfastcity.gov.uk

2. Please provide the report or findings of the report of the inspections as per question 1.

Please see response to question 1.

3. What and how many inspections were taken by the council bodies in respect of the environmental impact the fire has had on the community, including the impact of welfare, health and potential detriment to the public, specifically in relation to asbestos contained within the building and the spread and impact. I would ask that this information include the anticipated area or areas/distance from the fire that could be expected to be affected.

The Council does not hold the information requested

4. Before the fire, what inspections were undertaken of the Primark facility by council officials in respect of safety?

Inspections relating to health and safety at work and consumer safety were carried out by the Council before the fire. The council has also carried out joint inspections with the Northern Ireland Fire & Rescue Service.

5. During any inspections as per question 4, was asbestos detected within the buildings of Primark, Belfast? When was this information known, asbestos detected?

Whilst the Council does not hold the information requested, it may assist you to know that the detection and identification of asbestos containing materials can only be made by suitably competent asbestos surveyors and where necessary laboratory analysis by a United Kingdom Accreditation Service (UKAS) accredited laboratory.

Furthermore, the Control of Asbestos Regulations (NI) 2012, place legal duties on employers responsible for licensable and non-licensable work with asbestos. They also place a specific duty to manage asbestos on the owners and/or those responsible for maintenance in non-domestic premises. I have attached a link to the Approved Code of Practice (ACOP) and associated guidance:

<https://www.hse.gov.uk/pubns/books/l143.htm>. Also located on the Health & Safety Executive (HSE) website is a list of frequently asked questions about asbestos which you may find useful:
<https://www.hse.gov.uk/asbestos/faq.htm>

Primark, as the dutyholder are obligated to hold a register (following survey) of the condition, type and location of asbestos containing materials (ACM's) on their property. We do not hold the register therefore I would direct you to Primark regarding the extent of ACM's on the property.

6. What recommendations were made to Primark at the time of the inspections to meet the current health and safety criterium?

The Council does not hold the information requested. Officers of the council may issue verbal advice during inspection visits.

7. What action was taken by Primark and the it was taken as per question 6 to rectify any concerns raised by the council in respect of the asbestos contained within their Belfast City Centenaries facility?

Regarding the information you requested at question 7 of your request, the Council is not obliged to deal

with this part of your request until the additional clarification sought, by way of email dated 22 October 2019, has been received by the Council.

I trust this answers your queries, however if you are dissatisfied with how the Council has handled your request for information, you have the right to request that the Council formally review this decision. If you wish to do so, please write to the Records Manager, Information Governance Unit, Legal and Civic Services, Belfast City Council, City Hall, Belfast, BT1 5GS.

Should you remain dissatisfied following the Council's internal review, you can seek an independent review from the Information Commissioner. Requests for an independent review should be made in writing to: The Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. However, I would advise you that the Information Commissioner has indicated that a review will not be undertaken unless the Council has first had an opportunity to re-consider its decision.

If you have any queries about this email, please contact me.

Yours sincerely,

Mark McGovern
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Belfast City Council
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