Request details - FOI 6563

1. Copies of all/any records regarding the construction/demolition of the following depots, particularly in relation to the presence of asbestos at these sites:-

    a) Tyseley
    b) Sutton Coldfield
    c) Perry Barr
    d) Rotten Park
    e) Lifford

2. Copies of all records, plans, surveys and memorandum regarding the removal of asbestos from the buildings listed at a) – e) above from 1960 to date.

3. Details of the contractors used for asbestos removal.

4. Copies of notes from the Health and Safety Committee relating to the presence of and the removal of asbestos from 1960 to date.

5. Copies of notes from the Health and Safety Committee relating to the presence of and the removal of asbestos from 1960 to date.

Response details - FOI 6563

Under the Freedom of Information Act, environmental information is deemed to be exempt under s.39. Environmental Information is defined as being any information in written, visual, aural, electronic or any other material form on:-

(a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;

(b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);

(c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect those elements;

(d) reports on the implementation of environmental legislation;

(e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and

(f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c);

Birmingham City Council considers that the information you have requested falls under the definition of environmental information, and therefore falls, not under the Freedom of Information Act, for the reasons set out above, but under the Environmental Information Regulations 2004 (the “EIR”), which operates in a similar manner to the Freedom of Information Act, but has a number of slightly different exemptions.

All references to regulations refer to regulations contained in the EIR.

Birmingham City Council has carried out a search to ascertain the existence of any relevant information as requested above, including undertaking searches of the following Birmingham City Council departments.

Urban Design; and
Building Consultancy

The asbestos Management Surveyor in Birmingham City Council's Urban Design department has no relevant knowledge, records or awareness of any asbestos removal schemes procured by Birmingham City Council in respect of the aforementioned sites.

Birmingham City Council's Building Consultancy department also have no record or recollection of any demolition works within recent years at the sites mentioned.

If any work has been undertaken it is likely to have been undertaken some years ago, and this would suggest that any information in relation to any such works have been destroyed.

There is no reliable audit trail to determine the existence of whereabouts of any relevant records that might exist. However we are continuing to make relevant enquires and are dependent on the recollections or awareness of staff who may still work within the relevant area's/depots to determine the existence of any documents. That working in ongoing and should any further information be revealed we will of course advise you of the same.

Enquiries have also been made of the Senior Analyst at Birmingham City Laboratories who have confirmed they have no record of carrying out any air monitoring or clearance procedures in respect of any of the premises mentioned.

The Rotten Park depot itself has been closed for 15-20 years. Sutton Coldfield is also no longer operational.

We have however located two asbestos survey reports but neither relate to your specific enquiry for reports relating to the removal of asbestos.

1) 2007 Lifford
2) 2008 Perry Barr

The Corporate Safety Committee has only been in existence since late last year and have no relevant involvement. Historically Health & Safety has been managed with Directorate Consultation Committees and/or Directorate Safety Committees. The various depots would have fallen within Fleet Waste Management and enquires are ongoing with a view to determining the existence of any relevant information within such fora.