



**SOUTHWARK COUNCIL
HOUSING AND COMMUNITY SERVICES
COMPLIANCE OPERATIONS TEAM**

Report into asbestos exposure incident – Westonbirt Court

Date: 09 July 2013

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1.0 Background

- 1.1 On the 25 June 2013, our asbestos sample analysis consultant, Pennington Choices, contacted Engineering and Compliance with information of a potential asbestos release at Westonbirt Court on the Gloucester Grove estate. The property is sold leasehold and had 5 adults living in the property.
- 1.2 The departmental emergency manager and asbestos manager attended site to gain a fuller understanding of the issue and discuss further action with the contractor and the leaseholder.
- 1.3 An air test was also arranged with the air monitoring consultant, Armstrong York.
- 1.4 The site visit revealed that an asbestos panel had been damaged and removed from the bedroom wall. The resident advised that the panel had been disturbed by a plumber who was attempting to trace a leak on Wednesday 19 June. iWorld confirms that an emergency plumbing job was raised to Mears Ltd on this date.
- 1.5 Results from the samples confirmed the panelling as asbestos insulation board containing the asbestos Amosite.
- 1.6 Results from the air test confirmed that the property had high levels of asbestos fibres within the bedroom. The maximum safe level of fibres within the atmosphere should be 0.01 fibres per cubic cm. Within the bedroom the analysis measured 0.06 fibres per cubic cm.
- 1.7 Further information was provided by the leaseholder that the plumber had also attended an adjacent dwelling on the same day to trace the leak. A subsequent inspection revealed that an identical panel in an unoccupied bedroom of the adjacent dwelling had also been damaged. Debris from the panel was collected and sent for analysis.
- 1.8 The adjacent dwelling is also sold leasehold with each room sublet and 3 individuals resided within the property.
- 1.9 Because the sample analysis and air testing had confirmed asbestos in the first dwelling, and the panel to the same ductwork in the adjacent dwelling had been damaged in a similar way, the bedrooms in both dwellings were immediately sealed off by the asbestos consultant at the doorways to prevent access and further contamination of other parts.
- 1.10 Air tests were undertaken in the hallways of both dwellings, and in the communal corridor and these all passed as satisfactory.
- 1.11 Considering the contamination in both properties, all the occupants were provided with temporary accommodation, pending decontamination, remedial work and because of the exposure, the disposal of some resident belongings.
- 1.12 The regulations for the removal of asbestos insulating board require a 14 day notification to the HSE. This meant the residents may have been in temporary accommodation for up to three weeks. However a waiver was obtained from the HSE and the decontamination and remedial works were completed on Friday 05 July and the residents were able to return home on that day.
- 1.14 The day to day repairs and maintenance contractor involved in this work, Mears Ltd, submitted a RIDDOR notice (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995) to the HSE on 26 June 2013.

1.15 The compliance operations team began an investigation into the incident on 26 June, and between then and 05 July the investigation included interviewing the plumbing operative and his supervisor, interviewing the residents involved, the gathering of data and other information relating to the Mears Ltd organisational approach to works and health and safety at work, call centre records, liaison with other contractors and in-house staff.

1.16 The findings of the investigation are set out below.

2.0 Immediate cause/s

2.1 The exposure to airborne asbestos fibres is wholly attributable to the plumbing operative who damaged and subsequently removed the asbestos insulating boards that made up the construction of the service riser ductwork in the bedrooms of the dwellings involved.

2.2 Warning flags generated from the councils asbestos register that alert to the presence of asbestos, or presume it, were raised on the job ticket and the operative's PDA, however were ignored.

2.3 Despite being required by the Control of Asbestos Regulations 2012, and as part of embedded company and council processes, the operative did not identify or presume the material to be asbestos and therefore stop work.

2.4 Despite clear signs of fibres the operative and supervisor incorrectly assessed the material to be plasterboard. It is reasonable to expect that considering the experience and knowledge of both the plumbing operative and supervisor that they knew the difference between asbestos material and plasterboard.

3.0 Underlying cause/s

3.1 In considering the underlying causes of an accident/incident, the following factors have been considered:

- The place where the incident happened
- The equipment being used
- The procedures in place
- Training

Place

3.2 Westonbirt Court was constructed in 1976 and is of standard construction. While it does not exhibit the need for any unique requirement in terms of repair and maintenance, it is commonly known that asbestos was used in construction right up until the 1990's, and is particularly common in the construction of service riser ductwork.

Equipment being used

3.3 According to interviews with the plumbing operative and his supervisor, care was taken in the removal of the panel in the first dwelling, using a screwdriver to take out the fixing screws and a claw hammer to prise the panel open. If the panel had been plasterboard this would have been an appropriate method and the correct tools used.

3.4 Although the plumbing operative claimed the same tools and method was used in the adjacent dwelling the photograph (fig. 2) suggests the panel was impacted using a heavy tool, most likely a hammer. This was also confirmed by one of the residents who witnessed the panel being damaged.

Procedures in place

- 3.5 Mears Ltd have demonstrated a sound policy in relation to the management of asbestos, particularly that it must not be disturbed under any circumstances.
- 3.6 Mears Ltd have demonstrated a company process by which works should be undertaken safely, taking into account known, unknown or discovered asbestos.
- 3.7 In this instance neither the company policy or process were followed or applied by the plumbing operative or supervisor.
- 3.8 In line with the Control of Asbestos Regulations 2012 (CAR 2012), the council manages and maintains an asbestos register. This interfaces with the departmental core management system, iworld, and flags up all known and presumed asbestos data on works orders, works order tickets and hand held PDA's.
- 3.9 The Housing and Community Services department has also implemented a departmental asbestos management plan which provides detailed processes for the effective management of asbestos and further ensures compliance with CAR 2012.

Training

- 3.10 Although Mears Ltd have a training programme in place, that includes asbestos awareness training, it did not validate previous training for staff that had transferred from Morrisons as part of interim contract and as part of recent buy-out of Morrisons.

4.0 Other issues

- 4.1 Although the incident occurred on 19 June, it wasn't until six days later that the asbestos exposure was confirmed.
- 4.2 The councils heating contractor, T. Brown, who attended on 20 June 2013 to remedy the cause of the water penetration and who correctly identified the damaged panel as being asbestos and advised the resident, failed to notify the council immediately.
- 4.3 Staff at the customer service centre (CSC) took at least three calls from the concerned resident on 20 June but did not alert the asbestos team immediately, nor seem to understand the urgency and priority required. Three service requests were raised at the CSC on 20 June but only the last one translated into a request for an asbestos survey to the asbestos team.
- 4.4 On 21 June the asbestos team raised an order for the asbestos bulk sample consultant, Pennington Choices, to undertake a management survey.
- 4.5 Because the residents phone number was not passed to the consultant on the works order, a letter was sent to the resident requesting an appointment. This was subsequently agreed with the resident for 25 June 2013.
- 4.6 Pennington Choices attended on 25 June and the incident as described in paragraphs 1 and 2 was confirmed.

5.0 Conclusion

- 5.1 This was a serious incident which was wholly avoidable. The immediate cause was the plumbing operative's failure to identify the material being worked on, and subsequently damaged, as asbestos insulating board.
- 5.2 The same failure was repeated by the supervisor who attended following the damage.

5.3 There were also clear failures in applying organisational and council processes.

5.4 Asbestos warning flags transferred from the asbestos register to the operatives job ticket and PDA were ignored.

6.0 Recommendations

6.1 Immediate

- Full training needs analysis is undertaken of all Mears Ltd staff who may come into contact with asbestos.
- Asbestos awareness training is delivered by competent trainers for any Mears Ltd staff who have not had it previously, can't remember having it previously, or if there is any doubt that had previously.
- Asbestos refresher training is provided for any Mears Ltd staff that have had asbestos awareness training previously.
- Further investigation of the plumbing operative and supervisor to establish how and why they failed to identify the material as asbestos. This could lead to further training, guidance or discipline.
- Further investigation into the delays described in paragraphs 4.2 to 4.5 to identify the causes and any procedural changes or actions that may be required in order to ensure no further repeat.

6.2 Medium/long term

- Ensure monitoring/recording system is in place for all existing staff to ensure asbestos awareness training is/has been delivered, along with refresher training annually (following above).
- Ensure same system is capable of inclusion of new starters.

APPENDIX I

Extract from Mears Group SHE Policy

10.4 Investigation

- 10.4.1 Minor accidents/incidents are to be Investigated by the Branch Managers and Supervisors and where necessary the SHE Managers/Advisors will assist and review the findings.
- 10.4.2 The Company's SHEQ Department, with the assistance of branch managers, supervisors and employees, will carry out an independent investigation of all serious injuries, asbestos exposure incidents, electric shock, dangerous occurrences, any accident/incident of special interest where corrective action taken is seen to be ineffective and/or inadequate and all incident/accident reported to the HSE.

14.10 Asbestos

- 14.10.1 Asbestos is the major cause of industrial diseases in industry today causing approximately 4000 deaths per year from asbestos related diseases.
- 14.10.2 Due to the nature of the work undertaken by The Company there is a strong likelihood that employees will at some time come across asbestos. It is Mears policy that all employees who may be affected are trained and asbestos aware. Under no circumstances should we work with or near asbestos if we are likely to disturb it. To avoid exposure the asbestos register must always be checked prior to work starting. Any incidence involving asbestos must be reported to the Regional SHE Manager.
- 14.10.3 The company's policy on asbestos is clear, with the exception of an emergency, ***under no circumstances, whatever the size or quantity***, does any employee of The Company knowingly :-
 - 14.10.3.1 Remove or attempt to remove any asbestos product.
 - 14.10.3.2 Clean or sweep any asbestos product.
 - 14.10.3.3 Drill or saw any asbestos product.
 - 14.10.3.4 Rub down or scrape any asbestos product
 - 14.10.3.5 Disturb any asbestos product.
 - 14.10.3.6 "dry sweep" areas where there may be asbestos dust
- 14.10.4 **An emergency is defined as:** "an unforeseen or sudden dangerous occurrence/incident, which required immediate/urgently attention that could result in loss of life, serious injury, sever damage to property, etc if not addressed". Emergencies must be agreed with the Branch Manager or SHE Manager/Advisor to ensure the correct procedures are adopted.
- 14.10.5 Asbestos Register: As a result of recent legislation all premises containing asbestos must have an Asbestos Management Plan. In order for this information to be collated a survey must be carried out and a Register compiled. The location and information contained in the Register should be the first port of call for all engineers who work in buildings containing asbestos. All employees shall familiarise themselves with and adhere to the Company Asbestos at Work Procedure¹.

¹ Asbestos at Work - IMSP011

14.10.6 **Asbestosis and Mesothelioma** are diseases caused by the inhalation of asbestos dust, which can kill by causing irreversible lung damage and/or cancer. The dust particles which cause the damage and diseases are extremely small and cannot be seen by the naked eye and as such making this problem difficult to detect. Although dependant on the exposure and dose, inhalation of asbestos fibres/dust must be avoided by wearing as a minimum a face fitted FFP3 mask.

UNCONTROLLED COPY



GROUP PLC

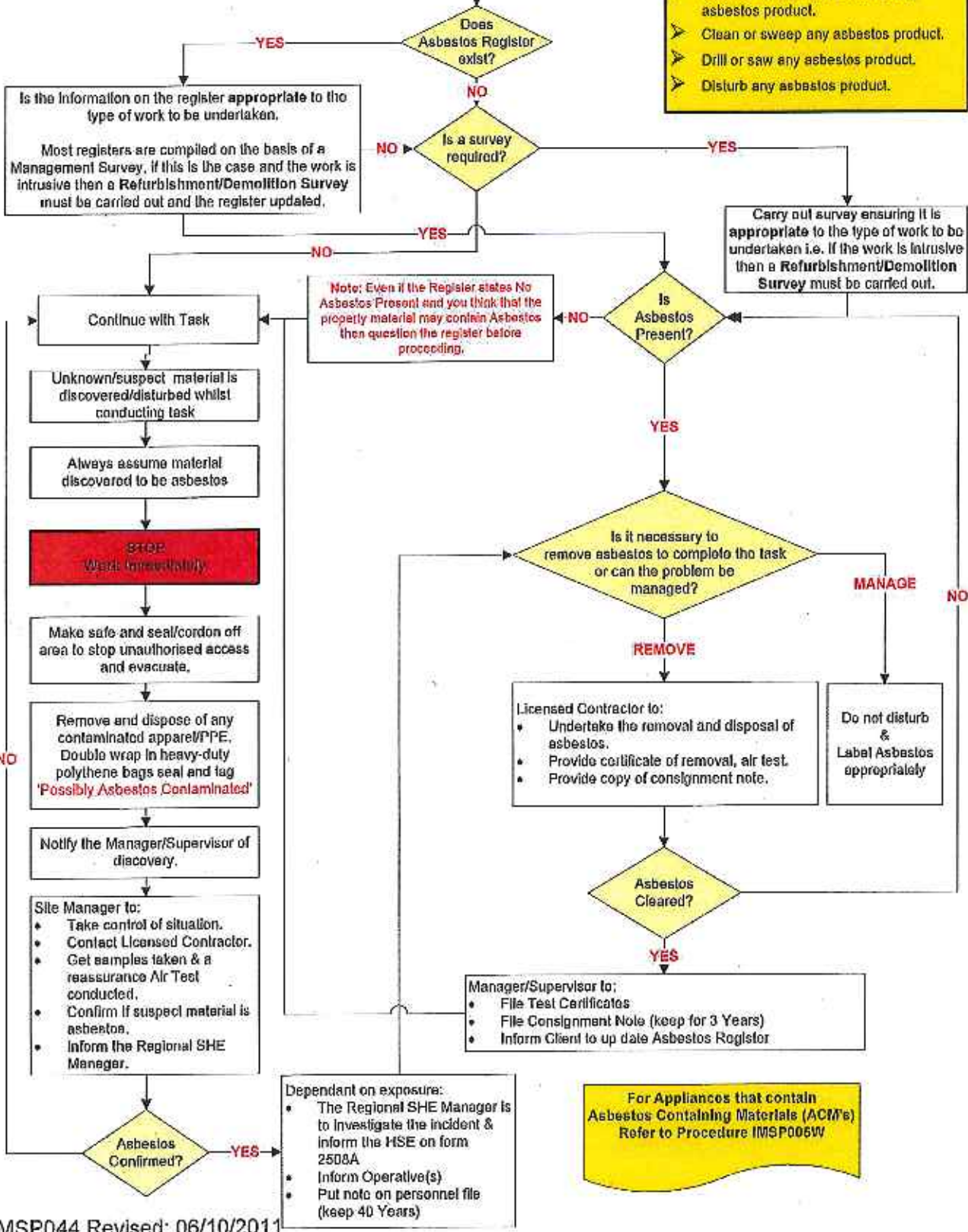
Control of Asbestos

Prior to carrying out any task:
Check asbestos register to confirm the presence/or not, of asbestos in the area where you are working

Company Policy on Asbestos

Under no circumstances, whatever the size or quantity does any employee of the Company;

- Remove or attempt to remove any asbestos product.
- Clean or sweep any asbestos product.
- Drill or saw any asbestos product.
- Disturb any asbestos product.



For Appliances that contain Asbestos Containing Materials (ACM's) Refer to Procedure IMSP005W

Asbestos – responsible for an estimated 4000 deaths a year.

Each week, approximately eight joiners, six electricians and four plumbers die from asbestos-related diseases.



Asbestos must be properly managed to prevent people from dying from asbestos diseases in the future.

You have a legal duty to manage the risk of asbestos

7 February 2012

A building company in Bradford-on-Avon has been fined after it removed an asbestos insulation board (AIB) ceiling in an unsafe manner, leaving workers and residents at risk of exposure to asbestos fibres.

The company was fined £7,000 with £3,617.50 in costs.

31 January 2012

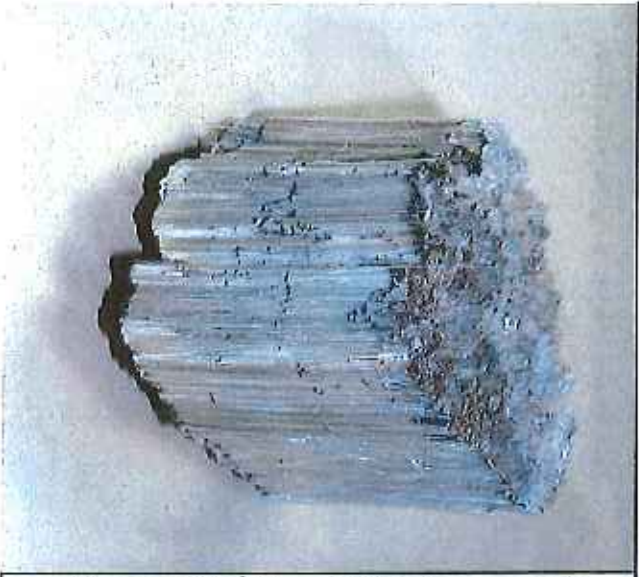
A Kent-based partner of a development company has been prosecuted after dangerous conditions were found at a demolition site in Dover.

Partner was fined £7,000 and ordered to pay costs of £7,000.

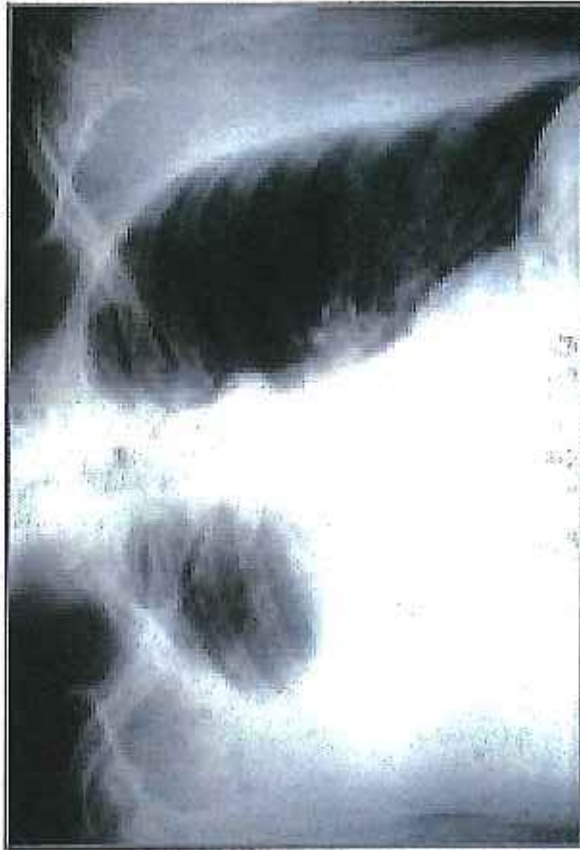
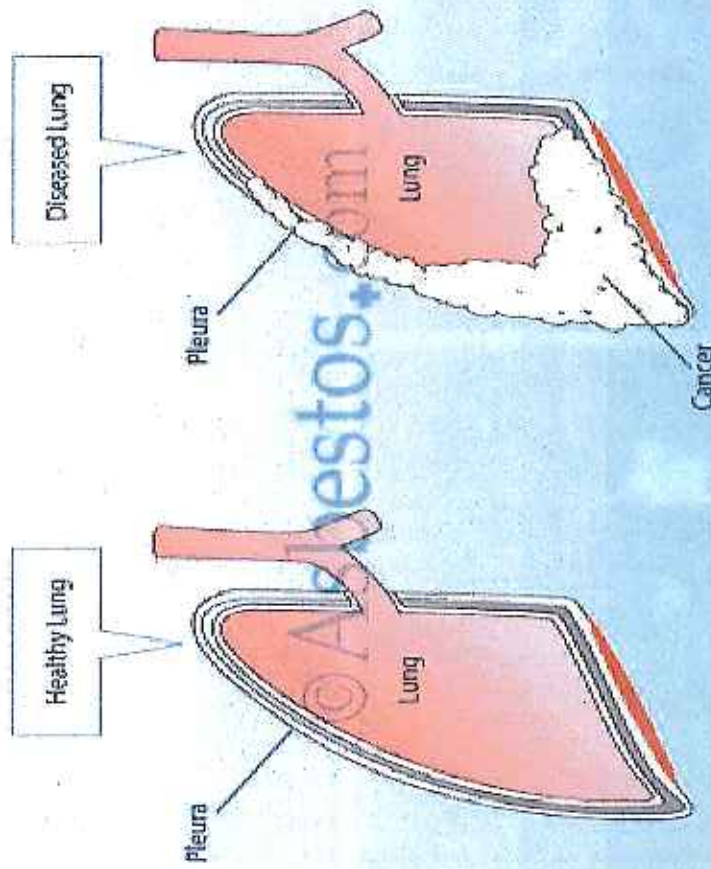
7 November 2011

A Birmingham handyman has been prosecuted after releasing asbestos fibres while refurbishing a kitchen at a flat in Solihull. He was fined £600 and ordered to pay £1,799 costs.





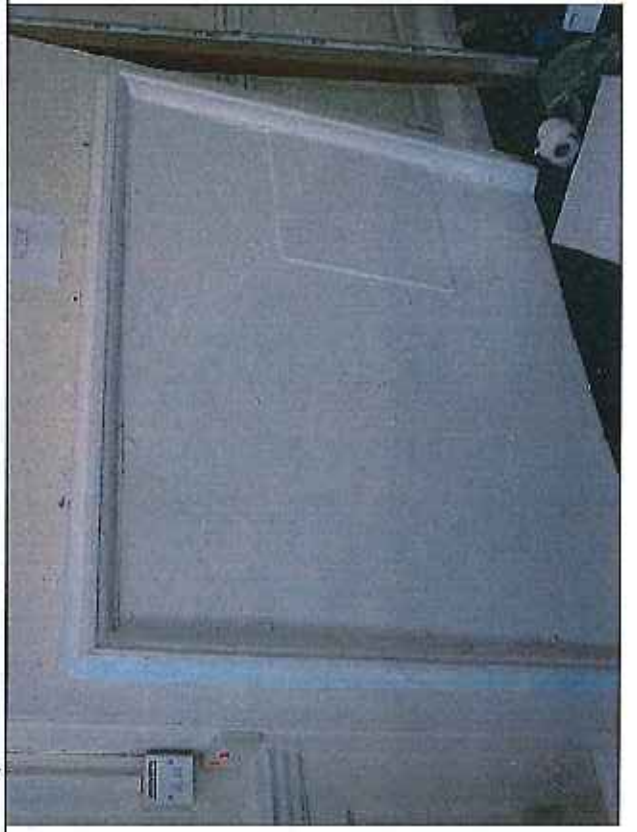
Pleural Mesothelioma



ASBESTOS EXPOSURE



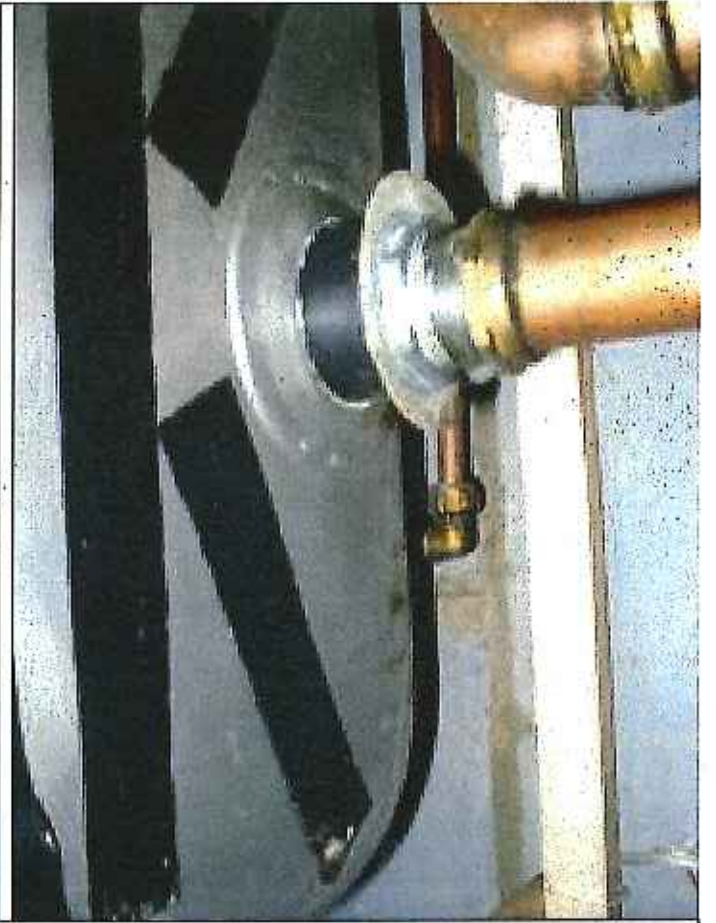
Christopher
Morgan











- Asbestos is dangerous, especially to young people.
- If in doubt, stop working and check.
- Don't put yourself at risk – asbestos is a hidden killer.

KNOW YOUR BUILDING

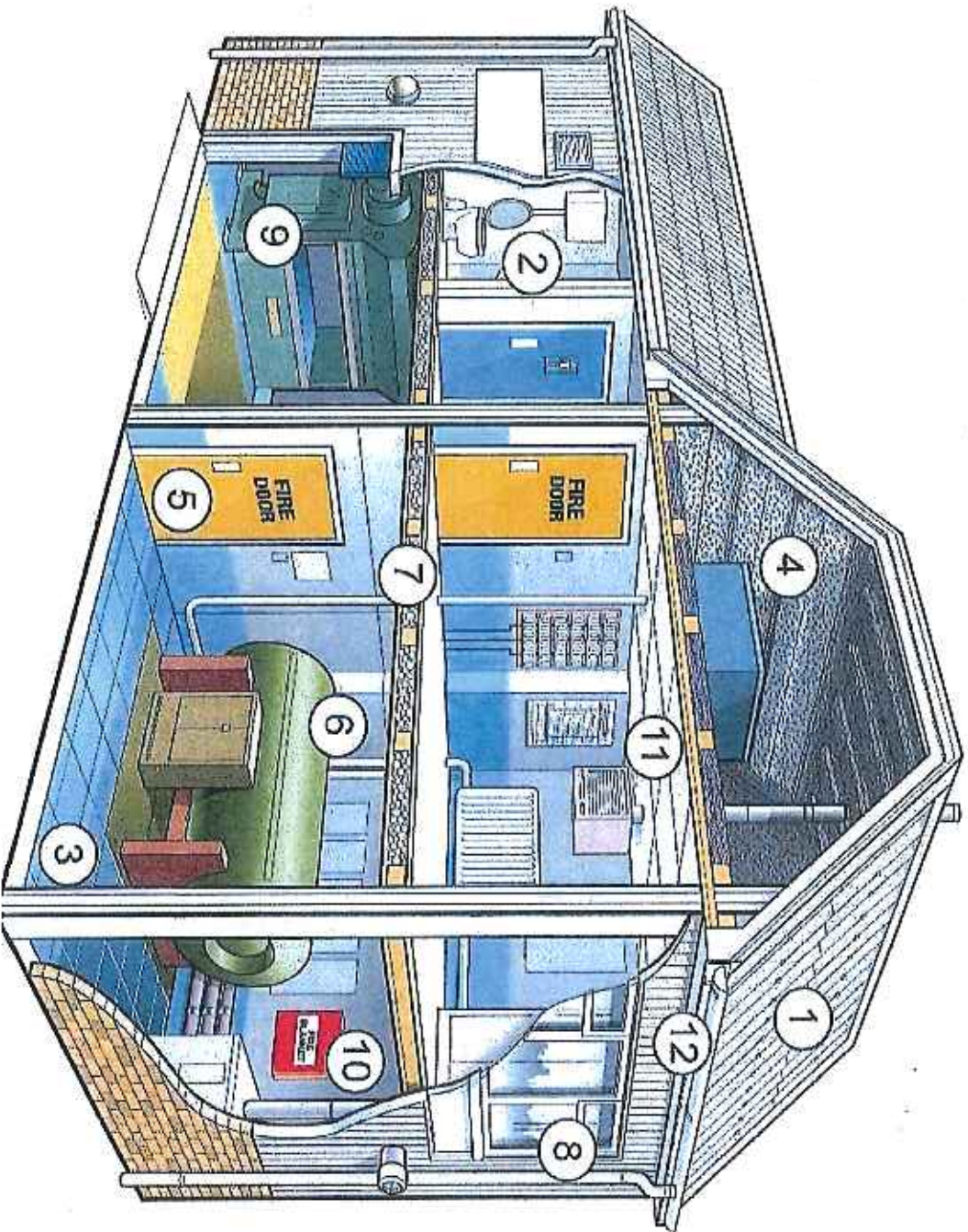
KNOW YOUR RESPONSIBILITIES

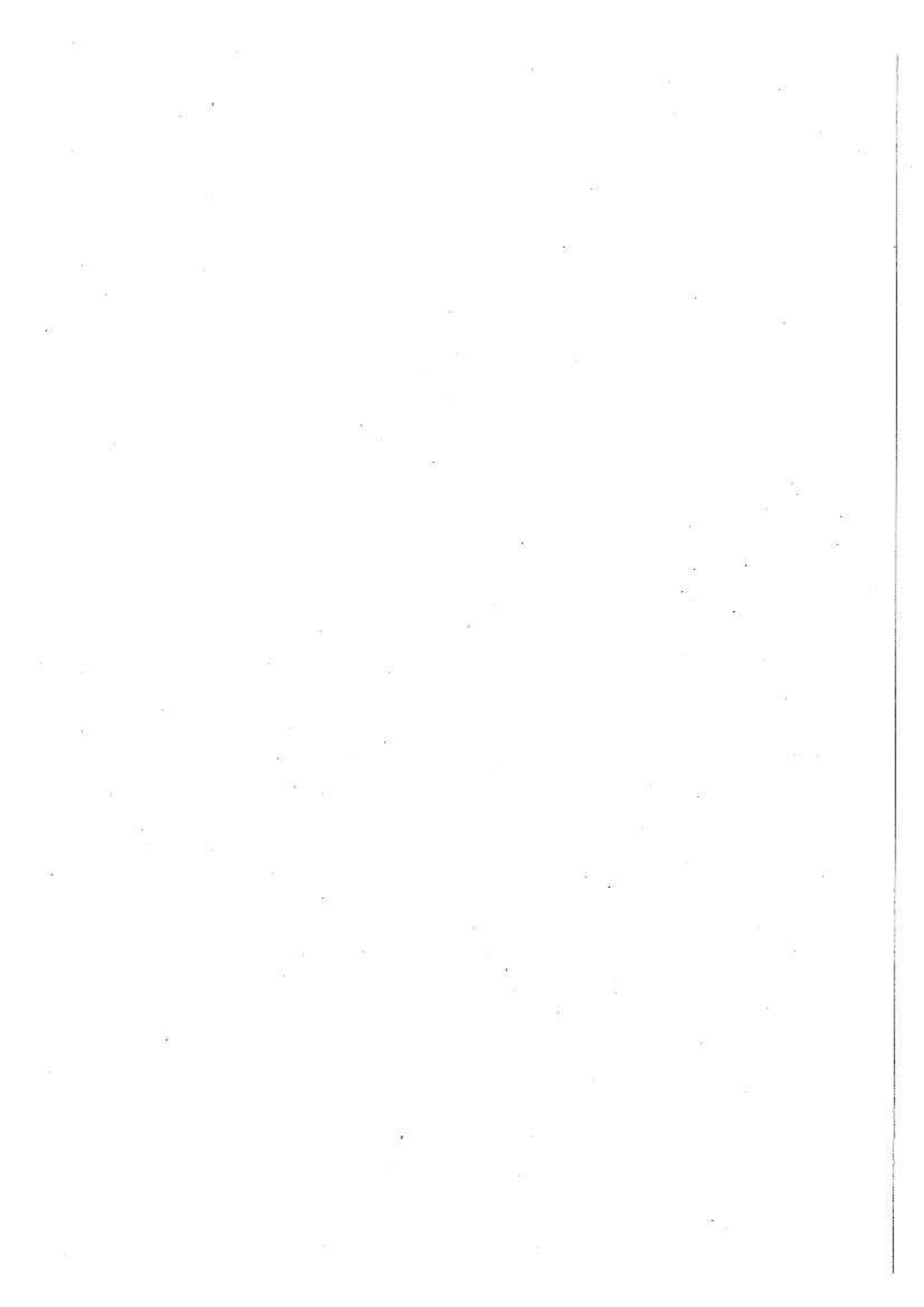
Activity

The Hunt for Asbestos

Task sheet – The hunt for asbestos

Answer sheet





APPENDIX 4

Asbestos incident chronology

██████████ Westonbirt Court, Ebley Close, Gloucester Grove Estate, London, SE15 6BH

Wednesday 19 June 2013:

██████████ Westonbirt:

- Leak coming from above flat was reported by the leaseholder at ██████████ Westonbirt, ██████████. Leak to sidewall of bedroom 1. iWorld job number 5849821 raised at 07:06:00
- Works issued to MEARS at 07:12:15 Job Number 584982/1 07:12:15
Mr. ██████████ called to say no one has attended (time?)
Point 4. On notepad for this job states "Work commenced; Resource confirmed all Health and Safety aspects of the job have passed before Work Commenced".
Point 6. Works completed 12:01:00
Point 7. Work Completed: Complete - Correct Description: attend with ██████████ found leak in flat ██████████ on radiator in bedroom called ██████████ to explain to no ██████████, who is leaseholder told tnt in flat no ██████████ to call council when leak is repaired to get plasterboard repaired.
- Mears operative attended site and whilst in ██████████ and ██████████ Westonbirt looking for source of a leak damaged Asbestos Insulation Board (AIB) riser panels and boxing in both properties. Mears supervisor attends to diffuse situation between residents and operative and clears up asbestos panel debris with residents present.
- Job raised to fix leak 5851590 11:25:00

██████████ Westonbirt:

- 5850439 12:09 Radiator or heating pipe is leaking (containable) - Leak from flat ██████████ radiator affecting flat ██████████. Please remedy leak. - Bedroom 1
- 5850439/1 12:13:19 Radiator or heating pipe is leaking (containable) - Leak from flat ██████████ radiator affecting flat ██████████. Please remedy leak. - Bedroom 1
- 5850509 13:08:00 Gutter is blocked - 2nd floor balcony is blocked pls call resident to book appt in no availability in diary ██████████
- Mears operative also entered ██████████ Westonbirt to investigate leak into ██████████ Westonbirt

Thursday 20 June

██████████ Westonbirt:

- 5851590 11:25:00 5851575/1 raised on flat ██████████ EC1 stop leak into ██████████.
- 5851929 14:20:00 Leak coming from above - Recall on 584982/1 leak coming from above mears attended but the problem still persists tel ██████████ - dwelling
- 5851929/1 14:23:51 Leak coming from above - Recall on 584982/1 leak coming from above mears attended but the problem still persists tel ██████████ - dwelling
- 5851943 14:25:00 Tenant reports asbestos in flat can we inspect and advise
Notes:
1. can we inspect tenant says asbestos in the bedroom
2. contacted tnt gave him the call centre number to report the asbestos

- **5852001 15:49:00** *Urgent* Lsh reports that there was leak from above into bedroom. Contractor attended advised that panneling on bedroom wall should be inspected as possibbly contains asbestos and was disturbed by leak (1.5 meter square). [REDACTED]
This is also raised on Task Manager for the attention of the Asbestos Compliance Team

■ **Westonbirt:**

- **585175 11:19:00** Radiator or heating pipe is leaking (uncontainable) - Lsh at [REDACTED] reports leak into [REDACTED] from bedroom rad damaging property. Please attend and remedy rad. **Access is from [REDACTED] who has been given the key. [REDACTED]** - Bedroom 1
- **585176 11:22:46** Radiator or heating pipe is leaking (uncontainable) - Lsh at [REDACTED] reports leak into [REDACTED] from bedroom rad damaging property. Please attend and remedy rad. **Access is from [REDACTED] who has been given the key. [REDACTED]** - Bedroom 1

Notes

EQ4 TO BE RAISED FOR REQUIRED PARTS PASSED TO BREAKDOWN TEAM TO RAISED

- A T Brown operative came to [REDACTED] Westonbirt and removed the radiator in the bedroom. He told [REDACTED] he had other jobs to do and could not come back to replace the radiator with a new one. Whilst in [REDACTED] Westonbirt he told resident damaged panels in bedroom maybe asbestos. Resident then phoned the call centre about Asbestos.

Friday 21 June

■ **Westonbirt:**

- Task manager accessed by Asbestos Compliance Team Admin. [REDACTED] Westonbirt request below actioned with order to Pennington Choices Service Request **5852907/1 11:24:48**. Pennington Management Survey to be carried out. Atten to panel in bedroom. There is a leak from above property.
- As there was no contact telephone number Pennington sent a letter requesting access to [REDACTED] Westonbirt to undertake the asbestos survey.
- **5853649 15:49:00** (JG) Engineer to attend to investigate possible leak on heating pipe
Notes - 1.Cancelled, raised in error as wrong priority
- **5853677 15:51:26** (JG) engineer to attend to investigate possible leak on pipework
Notes - 1.contractor did not carry out job as asbestos in property
2.A.I.L WORKS COMPLETE ASBESTOS TO ATTEND

■ **Westonbirt:**

- **5852800 10:44:00** Leak coming from above - Trace and remedy leak from above flat affecting main bedroom. (Rad has been isolated so this cannot be the cause) – Bathroom
- **5852800/1 10:47:28** Leak coming from above - Trace and remedy leak from above flat affecting main bedroom. (Rad has been isolated so this cannot be the cause) – Bathroom

Notes

- 1.AppointmentDate: Changed From NULL to 21 Jun 2013 12:00:00
- 2.General: Job moved to status 1 because it has an appointment
- 3.Work Commenced: Resource confirmed all Health And Safety aspects of the job have passed before Work Commenced
- 4.Other Trade Required: Heating Engineer, t.browns have removed rad and cap of pipe waiting for new rad to be fit no leaks found

- 5853607 15:30:00 (JG) as per previous engineer, new radiator 450x800k1 and valves required
- 5853607/1 15:30:53 (JG) as per previous engineer, new radiator 450x800k1 and valves required

Notes

1. replaced rad 450x800 l/s and wh bled rads no strainer to clean left working order
2. Job completed

- Two T Brown operatives came and installed a new radiator in the bedroom at ■ Westonbirt. Whilst working they ignored the damaged boxing panels

Monday 24 June

■ Westonbirt

- Leaseholder phones Pennington Choices and it is arranged to do the asbestos survey the next day 25 June.
- Leaseholder phones call centre 585122 12:17:00
- Leaseholder chasing replacement bath panel after a previous leak from the above flat. Email was sent to ■ is await a response from Mears
- I think either leaseholder or call centre member of staff is mistaken here. I am sure they mean bedroom panel after leak from above. Not bath panel.

Tuesday 25 June

■ Westonbirt:

- Pennington Choices asbestos surveyor ■ phoned at approximately 13:30 from site at ■ Westonbirt to say he had discovered badly damaged AIB in the bedroom at the property. I asked for photos to be emailed to me.
- I arrange for urgent Asbestos works to make safe the area concerned. The Asbestos removal contractor Franklyn Shaw phoned to say damage is very bad and cannot clean up area. Door to bedroom is sealed with polythene sheeting. 5857006 14:49:00
- Armstrong York the asbestos air testing contractor are instructed to undertake air tests in ■ Westonbirt to establish asbestos fibre levels 5856952 14:41:00
- Armstrong York analyst ■ phones me to say Mears operative has also caused damage to Asbestos boards in ■ Westonbirt
- ■ and I attend site around 16:00 to manage situation. Armstrong York analyst shows us photos of damage and confirms air test in bedroom of ■ Westonbirt has failed with very high levels of asbestos fibres present.
- It is feared asbestos contamination maybe present in other rooms so air tests are done in Hallway at ■ Westonbirt, in the communal corridor between ■ and ■ Westonbirt and in the Hallway/Stairwell of ■ Westonbirt
- The air tests results from the Hallway at ■ Westonbirt, the Hallway at ■ Westonbirt and the communal corridor all passed but it was suspected that seeing as the damaged had occurred six days before it was possible that there was AIB debris throughout the properties. I therefore took samples in each room in both properties using duct tape to pick up any debris present.

- [REDACTED] was dealing with the leaseholders with a view to arranging a hotel for them all for the night.
- At around 18:00 a manager from Mears called [REDACTED] turned up with a Mears supervisor
- Residents at both [REDACTED] and [REDACTED] Westonbirt confirm damage to panels was done by a Mears operative.
- I left [REDACTED] at site with [REDACTED] around 19:30
- Leaseholders from [REDACTED] Westonbirt and the private tenants of [REDACTED] Westonbirt are placed in hotel accommodation for the night

Wednesday 26 June

- Early in the morning I delivered the samples I had taken to Pennington Choices offices in Bromley and asked for them to be analysed as soon as possible.
- Later in the morning Pennington emailed the results confirming the broken board in the bedroom at [REDACTED] Westonbirt was AIB and results of my samples showing the Hallway and Stairs in [REDACTED] Westonbirt contained AIB debris. Board Debris in the bedroom at [REDACTED] Westonbirt was also confirmed as AIB.
- Order raised to the asbestos removal contractor Franklyn Shaw to remove the damaged asbestos insulation board in both properties. 585605
- Confirmed that occupants of both will need to stay in temporary accommodation until asbestos works are completed

Thursday 27 June

- [REDACTED] a Supervisor from asbestos removal contractor Franklyn Shaw attends site to make sure polythene sheeting on doors of bedrooms in both properties are intact. I am present as is [REDACTED] a Customer Liaison Officer.
- Supervisor removed some personal items from uncontaminated rooms in [REDACTED] Westonbirt that occupants urgently need. This is done in a safe manner with only the Supervisor entering the property wearing correct RPE and PPE
- Private tenants are allowed in [REDACTED] Westonbirt to retrieve personal items. I make sure no one disturbs polythene sheeting over door to contaminated bedroom.
- Franklyn Shaw is asked to prepare their Plan of Works and submit notification to the Health and Safety Executive (HSE) as soon as possible.
- It is decided to ask the HSE for a waiver on the normal 14 days notification required before the works can start so we can get the occupants back in their homes as soon as possible.
- Letters from the client (Southwark Council) to be submitted with the notification from asbestos removal contractor to the HSE requesting the waiver.

Saturday 29 June

■ Westonbirt

- Franklyn Shaw do an environmental clean in the Hallway and Stairs to remove the asbestos debris present there so they can have the hallway clear and clean to construct their enclosures and airlocks ready for the asbestos removal works in the bedroom. Air tests undertaken by Armstrong York to give all clear to area.

Monday 01 July

- Asbestos removal contractor Franklyn Shaw submit notification of works to the Health and Safety Executive (HSE) together with letters from Asbestos Coordinator requesting a waiver on the normal 14 days notification period before works can start at ■ and ■ Westonbirt.

Tuesday 02 July

- HSE granted the waiver in the afternoon. Franklyn Shaw informed us asbestos removal works would start next day in the morning
- Franklyn Shaw informed of urgency of completing the works and agree to complete by Friday
-

Wednesday 03 July

- Asbestos removal works start firstly in ■ Westonbirt and are completed the same day. Items removed from room include Divan bed, wardrobe and carpet underlay. Works slightly delayed as asbestos contractor could not open balcony door in bedroom required for venting of enclosure. Landlady kindly brings key to the door from Kennington to give to contractors on site.

Thursday 04 July

- Asbestos removal works start in ■ Westonbirt together with the disposal of contaminated items in the bedroom. Multiple contaminated items removed.

Friday 05 July

- Reinstatement works of riser panels and boxing in both ■ and ■ Westonbirt completed.
- Interview of ■ a private tenant at ■ Westonbirt by Asbestos Coordinator ■ regarding events of 19 June.
- Leaseholders at ■ Westonbirt move back into their property.

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FIG 1





Fig 2



FIG 3

FIG 4



