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27th June 1969

Sir,

82073

Fire Service Circular No. 21/1969

Factories Act 1961 - Fire at James Watt Street, Glasgow

I am directed by the Secretary of State to send for the information of the fire authority a copy of the statement made by the Secretary of State for Employment and Productivity in the House of Commons on Thursday, 15th May 1969 in reply to a Question by Mr. James Hamilton, M.P. The statement, the text of which is contained in Appendix A to this circular, sets out in full the Government's conclusions on the recommendations of the jury in the Fatal Accident Inquiry into the fire which occurred at the premises of A. J. and S. Stern Limited, James Watt Street, Glasgow on 18th November 1968. A summary of the circumstances of the fire and of the findings and recommendations of the jury in the Fatal Accident Inquiry is contained in Appendix B.

2 The purpose of this circular is to bring to the attention of the fire authority the Government's views on the various aspects of fire safety in industrial premises raised by the Inquiry and in particular to seek its co-operation in the matters mentioned in the following paragraphs.

Firms whose practice in relation to fire hazards is persistently below the statutory requirements

3 Paragraph 2 of the statement deals with the Government's acceptance of the proposal that more systematic arrangements should be made for the exchange of relevant information between factory inspectors and fire authorities to ensure early attention to firms which move to new premises and whose practice in relation to fire hazards has persistently and materially fallen below the statutory requirements. The fire authority may expect to receive from factory inspectors requests to give priority to cases of this kind and the Secretary of State hopes that it will endeavour to meet these requests as regards both means of escape certificates, where these are required, and any inspections which its officers may be undertaking on behalf of factory inspectors.

Bars on windows

4 Paragraph 3 of the statement relates to the recommendation that bars on windows of factories should be prohibited. The Government accepts that windows are not normally taken into account for means of escape purposes and that there are circumstances in which bars are needed to ensure the security of the premises. Nevertheless, the presence of bars on windows may impede entry by members of the fire brigade for fire-fighting or rescue purposes and may prevent escape from fire where, as in the Glasgow fire, the normal means of

/escape

The Clerk of the Council

The Town Clerk

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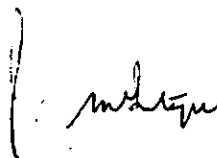
escape cannot be used. If, therefore, in the course of visits to industrial premises representatives of the fire authority find that windows are barred, the fire authority is urged to press the owners or occupiers to remove the window bars in all cases where these are not strictly necessary for security purposes. Factory inspectors are being instructed to take similar action.

5 The fire authority is asked to notify the District Factory Inspector of the outcome of all cases in which there has been discussion about the removal of window bars (whether or not the authority has pressed for any window bars to be removed). The factory inspectors, similarly, will notify the fire authority. This procedure will not only enable the factory inspectors to keep a close watch on the position but should also help to avoid any duplication of effort by the fire authority and the factory inspectors in respect of the same premises.

#### Factories of high fire risk

6 It will be seen from paragraph 6 of the statement that factory inspectors are being instructed to ensure that high fire risk factories of all kinds are inspected at least once in every 12 months to check compliance with the fire provisions of the Factories Act 1961. To enable this to be done, the Secretary of State hopes that the fire authority, so far as its resources allow, will be willing to co-operate fully with factory inspectors in arranging, in appropriate cases, for such inspections to be carried out.

I am, Sir,  
Your obedient Servant,



Issued to: The Greater London Council, County Councils, County Borough Councils and Combined Fire Authorities in England and Wales

Copies sent for information to: The County Councils Association and the Association of Municipal Corporations

Fire at James Watt Street, Glasgow

Statement made by the Secretary of State for Employment and Productivity in reply to a Question by Mr. James Hamilton, M.P., in the House of Commons on Thursday 15th May 1969.

## Warehouse Fire, Glasgow

Mr. James Hamilton asked the Secretary of State for Employment and Productivity if she is now able to indicate the conclusions of the Government on the recommendations of the jury in the fatal accident inquiry into the fire at the premises of A. J. and S. Stern Limited in James Watt Street, Glasgow, on 18th November, 1968.

Mr. Castle: Yes, I have now considered the jury's recommendations with my right hon. Friends the Secretary of State for Scotland and the Secretary of State for the Home Department. In the course of our study we have had discussions with members of a special sub-committee set up by the Glasgow Corporation to consider the Inquiry's findings. In reaching our own conclusions we have taken fully into account what the Corporation's representatives said to us, and we are grateful to them for the careful and painstaking thought which they gave to the problems.

2. The jury's first recommendation was that local and fire authorities and the appropriate Government Departments should collaborate in the preparation and use of a register of factory managements found to be in serious breach of statutory fire provisions. While we take the view that it would be impracticable to create and keep up to date a comprehensive register on the lines envisaged, we do accept the need, brought out by the Inquiry, for existing arrangements for the exchange of relevant information between Factory Inspectors and fire authorities about cases where occupiers move to new premises to be made more systematic. The need is for arrangements to ensure early attention to firms which move to new premises and whose practice in relation to fire hazards has persistently and materially fallen below the statutory requirements. Factory Inspectors are accordingly being instructed that they should ask the fire authorities to give priority to cases of this kind as regards both means of escape certificates, where these are required, and any inspections which they may be undertaking on behalf of the Factory Inspector as allowed by the Act. The Factory Inspector will, of course, accord the same priority in his own inspections.

3. The second recommendation was that bars on the windows of factories should be prohibited. The Government recognises that not all bars are necessary and fully accepts that something needs to be done to improve the present situation. The tragedy of James Watt Street has shown that because of human fallibility perfectly good and authorised means of escape can be out of action at the time they are needed. The major cause of the disaster was the fact that the fire exit was padlocked contrary to the law and the warnings given by the Factory Inspector. In such a situation windows which can be opened might help to save life. The fire authority can accept any window as part of the means of escape in the event of fire and in such cases bars or other obstructions would already be unlawful. In general however fire authorities do not take account of windows in deciding what means of escape are required from a particular premises. I am advised that this is a fundamental fire service principle. Moreover there are many cases where it is reasonable for windows to be obstructed to stop people from getting in and I do not therefore consider that a legislative ban on window bars or other means of obstruction is justified. I intend however to press for the removal of unnecessary bars and Factory Inspectors are being instructed to do this. The fire authorities are being urged to take parallel action. We will keep a close watch on the position and if the action we are taking does not yield satisfactory results we shall consider in the context of the new safety, health and welfare legislation now being prepared whether any compulsory powers are necessary.

4. In their third recommendation, the jury suggested that the storage and use of foam plastics and other inflammable materials which give off toxic fumes when ignited should be controlled. The law already includes important safety provisions relating to inflammable materials. Under section 45(d) of the Factories Act, 1961, every factory, however small, in or under which highly inflammable materials are stored or used must have a certificate as to means of escape in the event of fire and limitations may be imposed as to the quantities of such materials. Special additional requirements have been imposed in relation to the storage and use of certain materials which carry a speci-

ally high risk of fire, for example, because they give off a flammable vapour at relatively low temperatures, or because they burn at an abnormally high speed. Foam plastics, though they are liable to burn rapidly, do not have characteristics which would justify their selection in preference to many other materials found in industry for special storage and use regulations comparable to those which already exist, for example, in the case of cellulose solutions, celluloid or magnesium. What is of the utmost importance in the case of materials like foam plastic is that the means of escape should be adequate and unobstructed. In spite of repeated injunctions by the Factory Inspector, the law as to means of escape was not obeyed on the day of the fire in Stern's factory; if it had been the outcome would have been very different. It is not clear that the addition of yet further legislative requirements to those already in existence would lead to a real improvement. Nevertheless, stringent though the existing legal requirements as to means of escape are, we propose to consider whether they might be further strengthened. Another matter which we think needs examination is the level of penalties provided under present legislation for breaches of the fire provisions. We are not satisfied that these sufficiently reflect the gravity of the risks. We shall be giving this matter the closest attention in preparing the new safety, health and welfare legislation. We also feel that there is a real need for a better understanding, both by occupiers and their workpeople, of the risks involved in the handling of inflammable materials such as foam plastic. In the months since the Glasgow Fire, Factory Inspectors have paid special attention to upholstery works in an effort to ensure that the lessons of the fire have been learned.

5. The fourth recommendation was that restrictions on smoking in factories should be extended. The Government accept that there is a strong case for further legislation to restrict smoking in certain circumstances in the interests of safety. I shall consider, in the light of the jury's recommendation, the inclusion in the new safety, health and welfare legislation of a prohibition of smoking in places where highly inflammable materials are present and the circumstances are such that smoking would give rise to a risk of fire.

6. In their fifth recommendation, the jury urged that there should be more frequent inspection of factories having a high fire risk. In the light of the jury's recommendation, Factory Inspectors are now being instructed to ensure that high fire risk factories of all kinds are inspected at least once in each twelve months to check compliance with the fire provisions of the Factories Act, 1961. Where the factory is not due for a general inspection in any year, a special visit will be made, either by the Inspector or, if the Inspector thinks fit and the fire authority agrees, by an officer of the fire brigade.

7. The sixth recommendation called for the more effective allocation of responsibility for fire prevention and for the enforcement of statutory regulations relating to fire between the authorities at present responsible; and the application of more extensive resources to fire prevention. The division of responsibility between Factory Inspectors and fire authorities under which the fire authority deals with means of escape certification and the Factory Inspector with the other provisions will be reviewed in the context of the proposed new safety, health and welfare legislation, and in the light of any relevant recommendations made by the Departmental (Holroyd) Committee on the Fire Service. It would, however, be wrong to suggest that the existing arrangements for the enforcement of the statutory fire requirements were failing because of this division of responsibility or that they are not working satisfactorily in most cases. Although the Factory Inspector is responsible for all fire matters other than the certification of the means of escape, he can, under section 148(1) of the Factories Act, authorise an officer of the brigade to enter factories for the purpose of reporting to him on any of his fire duties. About 2,300 fire brigade officers have been so authorised. Moreover, both Factory Inspectors and fire authorities give the most meticulous attention to fire matters, and co-operation between them is generally very close indeed. Within the local authority sphere I am aware that, in Glasgow, the responsibility for certifying means of escape under the Factories Act rests with the Master of Works and not with the Firemaster. I do not know whether the jury

had this situation in mind in making their recommendation, but the House will realise that this is a matter within the discretion of the fire authority. The Holroyd Committee may, however, wish to comment upon this kind of situation. Meanwhile, the Glasgow, and other fire authorities whose practice is similar, may wish to take note of what the jury said. As regards the devotion of increased resources to fire prevention, the fire authorities are well aware of the need, and have, in fact, been steadily adding to the numbers of full-time fire prevention staff in recent years. Moreover, fire authorities in England and Wales are increasingly making use of operational staff for inspection work, a practice which the Home Office encourage. In Scotland, a Working Party of the Scottish Central Fire Brigades Advisory Council has been set up to consider adopting similar arrangements.

8. The seventh recommendation proposed the extension of the power of entry which fire authorities enjoy in relation to means of escape under section 41(2) of the Factories Act to cover all aspects of fire prevention. I am advised that section 41(2) does give the fire authority many opportunities of inspecting premises, but this, again, is a matter which we shall review in connection with the proposed new safety, health and welfare legislation and any relevant recommendations which may be made by the Holroyd Committee. I have, however, already referred to the widespread use which is made of the power to authorise fire brigade officers to check compliance with the Factories Act fire provisions. In view of this and the closeness of the co-operation between the Factory Inspectors and the fire authorities it seems doubtful whether any serious difficulty arises from the present statutory position.

9. In their eighth recommendation the jury suggested the introduction of a time limit of six months within which a means of escape certificate should be granted and further proposed that these certificates should apply to the occupier and not (as at present) to the premises. There are strong legal and practical arguments against the suggestion that a means of escape certificate must be issued within

a period of six months. A longer period is frequently necessary for alteration to premises and it would be wrong to put an occupier in a position in which he could not legally use his premises because an arbitrary time limit had been passed. As regards the second part of the recommendation, the suggested attachment of the certificate to the occupier would also not be acceptable; an occupier can radically change the conditions in a factory whereas there may be a change of occupier without any significant change in the fire conditions. It may be that we should provide that a relevant change of conditions, whether by the existing or a new occupier, should call for a new or revised fire certificate and I shall consider this in connection with the proposed new safety, health and welfare legislation. Moreover, while we do not feel able to accept the jury's recommendation, the House will wish to know that I intend, without commitment at this stage, to consider in relation to the new legislation two suggestions made by the Glasgow Corporation. The first of these was that a new occupier of a factory should be under an obligation to apply immediately for a certificate of means of escape in case of fire but should continue meanwhile to be bound to keep available the means of escape prescribed in the certificate granted to any previous occupier. The point here is that, while it is right that the certificate should attach to the premises and not to the occupier, a change of occupier increases the likelihood of alterations to the premises and it may therefore be desirable for the fire authority to be alerted. The second suggestion was that occupiers who had been required by the fire authority to make alterations to their premises before being granted a means of escape certificate should be required to exhibit notices stating that alterations had been required, that they were being carried out, and that in the meantime extreme care should be exercised.

10. Finally, I would stress that the Government fully share the concern expressed by the jury about this tragic case. While they have not felt able to accept all the jury's recommendations, they believe that the action they propose will represent a real and effective addition to our protection against fire hazards.

\*(This line was omitted from the Official Report.)

Description of the Glasgow furniture factory fire on  
18th November 1968 and the summary of the findings and  
the recommendations of the jury in the Fatal Accident Inquiry

1 On 18th November 1968, a fire occurred at the upholstery works of A. J. and S. Stern Ltd., 17-25 James Watt Street, Glasgow. As a result of the fire 22 persons died. Of these, 19 were employees of the factory, one was a director of the firm and two were employees of another firm occupying the top floor of the building. In accordance with the Fatal Accidents Inquiry (Scotland) Act, 1895 a Fatal Accident Inquiry was held in Glasgow before the High Sheriff for Lanarkshire, and a jury.

2 The building involved in the fire was about 90 feet square and contained a basement. It was about a hundred years old. The north, south and rear walls were brick without windows. The front was of stone with windows on each floor all protected by steel bars. Floors, joists and beams were of wood supported by cast iron columns.

3 Access at the south end from ground to second floor was by open wooden flights of stairs. At the north end, the stairs were of stone in a brick enclosure and were within the adjoining building. Access to this stairway on both first and second floors was by double outward opening steel doors, each with panic bolts and provision for padlocking.

4 The basement and the second floor of the building were let off for warehousing china and glass. The owners used the ground, mezzanine and first floor in the manufacture of upholstery. The ground floor was used for storage and some wrapping of finished products. The mezzanine floor was used for storing upholstery materials, including polyurethane foam in thickness of  $\frac{1}{2}$ " and  $\frac{3}{4}$ " and in volume about 6,000 cubic feet. The manufacturing took place on the first floor.

5 The stock of foam suddenly took fire at about 10.25 a.m. without anyone having noticed any previous indication of fire. In less than half a minute, the situation changed from one where no fire danger was detectable to a blazing inferno. With the wooden staircase unusable, there was left to the main bulk of the employees the fully protected northern staircase. However, escape there was impossible as the doors at first floor level were padlocked on the inside and the key was not available. The exit door to the street at the foot of the staircase was also padlocked, as were the doors at second floor level in the china and glass warehouse. Passers-by saw a number of employees at the barred windows trying to escape, but within a short time all above ground floor had lost their lives.

6 There was in force for the building a certificate of the fire authority as to means of escape in case of fire. The certificate had been issued to the former occupiers when the building was used for bottling and as a whisky warehouse. The previous occupiers had also installed a fire alarm with automatic fire detection, automatic notification to the fire brigade, location board and bell, hooters and manual pushes. The new owners were not prepared to accept the cost of maintaining this system and the link to the fire brigade had been discontinued, but the location bell remained in operation and was heard at the time of the fire by witnesses: the hooters were apparently disconnected in the course of alterations to electrical wiring. When the premises became an upholstery factory, the employees were shown round before coming to work in them and were specifically shown the north stairway as a means of escape. Apart from that, no other measures were taken to satisfy the requirements of section 49 of the Factories Act, which lays down requirements for familiarising persons employed with means of escape and the procedure to be followed in the event of fire.

7 Upholstery manufacturing started in the premises in June 1967, but without notice of occupation being sent to the Factory Inspectorate. The new occupants were found by an Inspector in the course of a routine visit and given a general inspection on 1st April 1968. Among other irregularities, confirmed in writing to the occupier, were that the doors at the foot of the enclosed staircase were locked, and the results of testing of the fire alarm were not entered in the general register. A check visit was paid on 26th August 1968, when it was found that all matters had received attention except the fire alarm, which it was then found had been disconnected. A further communication was sent concerning the fire alarm, and a further check visit was planned for January 1969.

8 The firm had previously carried on the business in another Glasgow district. The record there on fire matters was poor, but by repeated visits by Inspectors and Fire Brigade Officers between 1961 and 1965 substantial improvements had been obtained, although no certificate was ever issued in respect of the factory. The Inspector who visited the James Watt factory was unaware of the previous history.

9 The Fatal Accident Inquiry lasted 9 days. The following were the findings of the jury as to the causes of and responsibility for the deaths:-

"(1) The jury unanimously find that the deceased died on 18th November 1968, at about 10.30 o'clock forenoon at the premises at 17/25 James Watt Street, Glasgow, during a fire which occurred in the said premises.

(2) The jury find unanimously that the fire was probably caused by smoking material carelessly discarded by some unspecified person which ignited a large quantity of inflammable material stored on the mezzanine floor of the premises.

The deaths of Mrs. Mary Leghorn Taylor, Lewis Judah Radnor, Alexander Goldberg and George Benedetti were due to suffocation by smoke and burning injuries, and the deaths of the others due to suffocation by smoke; and were caused by the fact that the deceased were unable to escape by the wooden stair at the south end of the premises, which was destroyed by fire, or by the fire escape doors on the first and second floors at the north end of the building, and the door at No.27 James Watt Street, which were all padlocked; and that a contributory cause of some of the deaths was the lack of a functioning internal fire warning device.

(3) The Jury find unanimously that the accident is attributable to the fault and negligence of A. J. and S. Stern Ltd., and to Samuel Stern and the late Julius Stern insofar as they were in breach of section 48(1) and (7) of the Factories Act 1961; and by majority the jury find no fault or negligence on the part of A. J. and S. Stern Ltd. with regard to the deaths of Mr. George Jesner and Mr. Lawrence Ward Fleming.

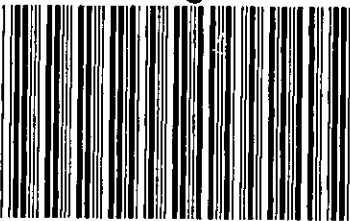
(4) The jury unanimously find that by compliance with their statutory duties under sections 40 to 49 of the Factories Act 1961, and by the restriction of smoking to specific safe areas of the factory the accident might have been avoided".

10 Apart from their findings as to the causes of the deaths and the responsibility for them, the jury made the following recommendations for Governmental legislative action:

- (1) That steps be taken by local authorities and fire authorities in collaboration with appropriate Government Departments for the compilation and use of a register of factory managements found to be in serious breach of statutory regulations regarding fire
- (2) That the legislature should consider making provision for the following:-
  - (a) The prohibition of bars on the windows of factories
  - (b) The control of storage and use of foam plastics and other inflammable materials which give off toxic fumes when ignited
  - (c) The extension of restrictions on smoking in factories
  - (d) The more frequent inspection of factories having a high fire risk
  - (e) The more effective allocation of responsibility for fire prevention and for the enforcement of statutory regulations relating to fire, between the authorities at present responsible; and the application of more extensive resources to fire prevention
  - (f) The extension of the power of entry under section 41(2) of the Factories Act 1961 to cover all aspects of fire prevention
  - (g) The introduction of a time limit of six months within which a certificate of means of escape shall be granted after application, such certificate to apply to the occupier and not the premises."

11 Following the Fatal Accident Inquiry, Messrs. A. J. and S. Stern Ltd. were prosecuted under section 48(1) of the Factories Act 1961 for having a padlocked fire door for which they were convicted and fined £300. Mr. Samuel Stern was also prosecuted and convicted for his complicity in the same offence and was fined £200. He was further charged, as part owner, for having failed to ensure that the fire alarm provided for the building was periodically tested. He was found guilty on this count and fined £100.

The Fire Service  
College



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