

ICL INQUIRY STATEMENT

PAUL McCLINTOCK

1. I am currently Group Commander, Operations & Development, North and South Ayrshire Area of Strathclyde Fire & Rescue . I have worked for the Fire Service for 31 years. I have progressed through the Fire Service from Fire Fighter, to Leading Firefighter, to Sub Officer Fire Prevention Officer, Station Officer Fire Safety Officer, to operational Station Officer, to Assistant Divisional Officer, to Group Commander.

2. I recall attending the ICL premises in either 1993 or 1994. I was a sub officer attached to A Division working as a fire prevention officer, based at Yorkhill Fire Station, Glasgow. I was a member of t a Project Team which was responsible for reviewing and updating/amending existing fire certificates for the various premises within the A Division area. This was conducted under the terms and requirements of the Fire Precautions Act 1971 and involved visits/inspections of premises, notifications to owners/occupiers of necessary requirements to fire safety procedures/systems and ultimately amendments to fire certificate documentation and building plans (CAD plans).

3. I went to amend the fire certificate for the premises. A fire certificate was amended if it was out of date due to material alterations or if there was a change to the use of the building or in the owner/occupier. At that time a certificate would have remained valid unless any of the above criteria or the numbers of persons populating the building had changed. I visited the premises by myself.

4. The process changed with the Fire (Scotland) Act 2005. The onus is now on owners/occupiers of premises to prepare a written fire risk assessment focusing on the use of the building, the construction and the potential for a fire occurring. On attending the premises, the fire and rescue service can now ask to see the fire risk assessment. It is not, however, sent to the fire and rescue service.

5. I am shown a copy of the Fire Precautions Act 1971 – Amended Fire Certificate pertaining to ICL Plastics Limited, Grovepark Mills, Hopehill Road, Glasgow – certificate no A/84 [ICL/011835-11836] and ICL Plastics Ltd – Fire Certificate premises file (premises case notes) [ICL/012298-012315]. I see from these documents that I conducted an inspection visit to the premises of ICL Plastics Ltd on 21 September 1993. I have a vague recollection of this visit. The premises were one of hundreds that were due to be amended in the divisional area at that time. There was a Project team set up to amend fire certificates. I knew the area that the ICL premises were located as I was brought up in that area.

Fire Certificate Amendment Procedure

6. I note that the original fire certificate was numbered A/84. I have no knowledge as to when this was originally issued.

7. I cannot recall the inspection itself or the company employees that I dealt with.

8. I would have entered the premises with a set of drawings. Pre 1993 these drawings were 'skin drawings' (hand drawn). Post 1993 these drawings were transferred onto CAD. I would walk through the building taking notes of any changes to the building not noted on the fire certificate. Under the previous legislation unless there were alterations to the building there was a restriction on what we as fire

personnel could have asked owners to do. Sometimes we brass necked it and asked for certain things that owners may not strictly have been required to do under the legislation but that we felt were required in the interests of safety. I do not recall this being necessary in the ICL premises. I have no recollection of ICL being difficult to deal with.

9. During the inspection we would ensure that the owner/occupier tested the fire alarm, emergency lighting and ensure that the escape routes were maintained. We would also check that the existing fire fighting equipment was being serviced and maintained. We would also ensure staff instruction and training was being carried out and that this was being recorded.
10. I am asked if I would ever consider LPG pipework as part of an inspection. LPG pipework is a process and would not fall within our remit when inspecting a building. We would consider the building and how the building is used. We would make sure that escape routes are safe, check the fire alarm equipment, escape lighting and the log book on staff instruction and training on fire safety.
11. I see from the log/case notes contained within the premises file that as a result of the above inspection visit, on 4 October 1993, I issued the company with an FPA4(i) form **[ICL/12213-12215]** which is a notice specifying alterations to be made to the premises following my inspection, in pursuance of Section 8 of the Fire Precautions Act 1971. A copy of the required alterations schedule is contained on the premises file and relates to:
 - (a) the alarm system;
 - (b) signs and notices; and
 - (c) fire fighting equipment.

12. These requirements were low key. On a scale of 1-10 with 10 being major concerns with a building, I would have rated these requirements as a 2.
13. The company had until 4 January 1994 to comply with these requirements. I see from the premises file log/case notes dated 9 December 1993 that the fire brigade received a letter [ICL/12299] from the company confirming that the outstanding requirements were complete. On 20th December 1993 I recorded that an Amended Fire Certificate was being prepared and this was issued on 5th January 1994 [ICL/12299]. Although it is not explicitly recorded in the case notes I would have personally visited the company on 5th January 1994 to deliver the amended certificate and only after a walk through the premises to check that all the alterations had been done.
14. It was a normal occurrence that owners would carry out the alterations, however, it was not necessarily usual that they would write to the Fire Service to advise of these alterations being completed. Invariably, we would receive a request for an extension of the time period given to make the alterations. This did not occur in this case. In other buildings where this has occurred, I would sometimes have to visit the site to check how the owners were progressing in meeting the alterations within the set deadline originally given.
15. As these were minimal changes there is very little in the fire certificate that would require to be changed.
16. As part of the amendment process, I would have had the fire brigade CAD plan (computerised building plans) pertaining to the ICL Plastics premises updated. A copy of the plan with the required alterations marked in red would have been sent to the company along with the FPA4(i) form and amendment schedule. Later, when

the alterations were confirmed, the CAD plan would be permanently updated to include these alterations.

17. My only involvement in this site was in 1993/94 (as above) until 11 May 2004 when I was involved in the rescue operation.

Fire Service Documentation

18. I am asked to explain the differences between a FPA21 form and a FPA22 form. An FPA22 form was issued following a routine inspection and it confirmed that the fire precautions were satisfactory, at the time that the form was issued. An FPA21 form was issued if the fire precautions were unsatisfactory.
19. I am referred to the FPA22 issued to ICL Plastics Ltd on 8 August 2001. This does not refer to my visit but is an example of an FPA22 form. [\[ICL/012301-012302\]](#)
20. I am shown a Fire Risk Categorisation Form dated 3/8/01 in relation to ICL Plastics Ltd. [\[ICL/012303-012304\]](#). This does not relate to my inspection and was not completed by me. I am asked to explain the purpose of this form. This form was utilised to determine how frequently the Fire Service required to carry out routine inspection on the identified premises. This was assessed on a points rating basis. The Fire Service's workload was massive and this provided a means of prioritising the reinspection of certain premises. The higher the number of points the more regularly the premises required to be inspected. This was completed at the same time as a routine inspection
21. I am shown Section 1(i)(d) inspection report [\[ICL/012296-012297\]](#).. This also does not relate to my inspection. This was completed to allow the local fire station to familiarise themselves with the hazards on the identified premises so that in emergencies the station were

aware of the hazards on site. This has now been superseded by VMDS (Vehicle Mounted Data System)

Basement

22. I am asked about the basement of the Grovepark Mills premises. I cannot recall there being a basement and have no knowledge of it whatsoever.

23. I have referred to the CAD plan contained in the Fire Certificate for the premises [ICL/011845-011847], which I had a CAD operator update with the Section 8 alterations in December 1993. The plans refer to the ground, first ,second and third floors only; there is no reference to a basement. As these plans existed for a number of years before my involvement with the company, I cannot, with any authority, explain why a basement should be excluded. In my view, a basement would only have been omitted from the plans if the area was unused and some form of permanent barrier, eg a bricked wallor boarded-up access was present. In these situations the basement may have been considered to be "outwith the scope of the fire certificate".

24. I do not think I would have missed a basement. I do not recall seeing anything that looked like a bricked up stairwell leading to a basement. I do not recall seeing anywhere that would have led to a basement during my inspection.

25. I am asked if the basement was used for storage if this would be included in the fire certificate. If it was used for permanent storage and then sealed off then I do not think it would constitute part of the fire certificate. If it was used for storage which was accessible then I would expect it to be included in the fire certificate. If people were accessing the area it should form part of the fire certificate.

26. I am asked if I was aware of a prohibition notice being placed on the basement by the Health and Safety Executive in 1976. I did not know about this prohibition notice.
27. I am asked how the Fire Service would be notified of a prohibition notice on a building. Unless the Health and Safety Executive notify the Fire Service and a copy of the prohibition notice is put on the Fire Brigade's file then we would not be aware of such a notice. We had a requirement to consult with building control regarding the structural control of a building but there was no such arrangement in place with the Health and Safety Executive. If Fire Safety had concerns about a building they might contact the Health and Safety Executive but this is on an ad hoc basis there is no formal policy in place. An example of where this occurred was in Farnell Street in relation to Scottish Adhesives. I was working with John Ironside on this case and the Health and Safety Executive were alerted.
28. Had the Fire Service had been notified about a prohibition notice then this may have alerted us to the existence and more importantly the use of a basement in the building.

I confirm that the contents of this statement are true

Witness signature _____

Dated _____

Paul McClintock
Additional question

On **ICL/011835** section 1(d) has been scored out and a question mark inserted beside this section. This section prior to being scored out appears to read “and quantities of explosives or highly flammable material stored or used in or under the premises are as specified in the ‘explosive and highly flammable materials certificate’ attached to this certificate”. I would be grateful if you could explain why this section was scored out and why a question mark (?) was inserted?

This section was scored out as it did not relate to the premises at Grovepark Mills. This related to vast quantities of explosive and highly flammable materials which would fall within the remit of the Health and Safety Executive and would not be applicable in the circumstances of the inspection. In an inspection of this nature this section would nearly always be scored out and was never really used. It would relate to special premises that held a high volume of explosives or highly flammable materials which would fall under the Health and Safety Executive.

The question mark is just a doodle. I have no knowledge of why it is there.

I confirm that the contents of this statement are true

Witness signature _____

Dated _____