



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Local Government and Communities Committee

**Wednesday 13 September 2017**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - [www.parliament.scot](http://www.parliament.scot) or by contacting Public Information on 0131 348 5000

---

**Wednesday 13 September 2017**

**CONTENTS**

	<b>Col.</b>
<b>BUILDING REGULATIONS (FIRE SAFETY) .....</b>	<b>1</b>
<b>SUBORDINATE LEGISLATION.....</b>	<b>30</b>
Energy Performance of Buildings (Scotland) Amendment Regulations 2017 (SSI 2017/225) .....	30

---

**LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE**

**21<sup>st</sup> Meeting 2017, Session 5**

**CONVENER**

\*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

**DEPUTY CONVENER**

\*Elaine Smith (Central Scotland) (Lab)

**COMMITTEE MEMBERS**

\*Kenneth Gibson (Cunninghame North) (SNP)

\*Jenny Gilruth (Mid Fife and Glenrothes) (SNP)

\*Graham Simpson (Central Scotland) (Con)

\*Alexander Stewart (Mid Scotland and Fife) (Con)

\*Andy Wightman (Lothian) (Green)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Denise Christie (Fire Brigades Union Scotland)

Kenny McKenzie (Royal Institution of Chartered Surveyors in Scotland)

David Stewart (Scottish Federation of Housing Associations)

**CLERK TO THE COMMITTEE**

Jane Williams

**LOCATION**

The James Clerk Maxwell Room (CR4)



# Scottish Parliament

## Local Government and Communities Committee

Wednesday 13 September 2017

*[The Convener opened the meeting at 09:47]*

### Building Regulations (Fire Safety)

**The Convener (Bob Doris):** Good morning, and welcome to the 21st meeting in 2017 of the Local Government and Communities Committee. I remind everyone present to turn off their mobile phones. As meeting papers are provided in digital format, tablets may be used by members during the meeting. We do not have a full turnout yet, but no apologies have been received.

Under agenda item 1, the committee will take evidence on its scrutiny of building regulations and fire safety in Scotland. I welcome David Stewart, who is a policy lead in the Scottish Federation of Housing Associations; Kenny McKenzie, who is from the Royal Institution of Chartered Surveyors in Scotland; and Denise Christie, who is the regional treasurer of the Fire Brigades Union Scotland. Thank you all for coming along and for the written evidence that we have received.

Before we move to brief opening statements, I will make a brief comment on behalf of the committee. It seems appropriate to set out the context in which we are taking this evidence on our scrutiny of building regulations and fire safety in Scotland. Members will recall that we began our inquiry into building regulations in February, but following the tragic events at Grenfell tower in London, we have extended our inquiry to include fire safety. The committee's thoughts and sympathies are with all those who have been affected by the Grenfell tower fire. We might have had the witnesses in front of us anyway, because we were doing an inquiry into building standards, but it is timely that we look at fire safety in particular, so I again thank the witnesses for coming along this morning. We would be grateful for your opening statements. Who will start?

**David Stewart (Scottish Federation of Housing Associations):** I am happy to go first. Thank you very much for the opportunity to give evidence. As you said, I represent the SFHA. I want to say a little bit about the members and the sector that we represent before going on to talk about fire safety.

Housing associations provide 11 to 12 per cent of Scotland's housing. They provide housing for

affordable rent below the market level and they tend to do that for people on low incomes or who are perhaps vulnerable in some way. They are all not-for-profit organisations, and the vast majority are registered charities. They have a long history of tenants playing a significant role. Most, if not all, have tenants on their management boards, and often in the majority.

On fire safety and building standards, I note that the ministerial working group, having asked all councils and housing associations for information on cladding on multistorey buildings, has been able to confirm that none of them has combustible material of the type that was found in Grenfell tower and is thought to have contributed to the terrible tragedy. From that point of view, that aspect of building standards is doing its job.

I will say a little bit about what our members have told us about their working relationship with the Scottish Fire and Rescue Service, and what they routinely do to help tenants and to maintain fire safety. Following the tragedy, we surveyed members, and we have had a number of members' meetings to discuss the issue. We have found that the fire service makes routine quarterly visits to housing association multistorey buildings. The fire service will identify any issues or concerns and those will then be followed up by the housing association and the fire service.

The fire service also makes itself available for and is very happy to provide home visits to housing association tenants. Many of our members make it a policy to make tenants aware of that. In fact, one member that I met yesterday has it as a condition of tenancy sign-up that the tenant has a visit and receive advice in the first couple of months of their tenancy. Beyond that, associations have told us that their staff do daily checks, during which they walk round and check for blockages and obstructions and look at the dry risers.

Another issue that I want to highlight—I will try to be brief—is the importance of communication with tenants. Although this inquiry is about building standards, our members have been telling us that they feel that communication with tenants—the human aspect—is at least as important as building standards. They have provided fire safety leaflets to tenants, they regularly provide updates and advice on fire safety through newsletters and electronically and, as I said, they promote the opportunity to have visits from the fire service.

There is one final issue that I want to raise. You will be aware that there is a Scottish Government consultation on fire safety standards in buildings. We very much welcome that and we are keen to participate. It is important that lessons are learned and that anything that can be done to improve standards is done.

One issue that has come up from our members is that, at the moment, there is no requirement for fire alarms in owner-occupied buildings. Many multistorey buildings have owner-occupiers through the right to buy. A particular concern is that people might buy a formerly social home and replace the fire door with a door that is not fire rated. Our members believe that that is quite a concern, so we would like that issue to be considered as part of the inquiry and as part of the Scottish Government consultation.

**Kenny McKenzie (Royal Institution of Chartered Surveyors in Scotland):** I am here representing RICS. I should clarify that I am not employed by RICS, but by the City of Edinburgh Council. I am a member and a past professional group chair of RICS.

First, I have a sincere apology to make because due to sickness, holidays and a bit of miscommunication the RICS did not manage to submit a formal response in time for this meeting. That apology comes from our head office. We can forward something as soon as possible, if the committee still wants it.

**The Convener:** Please do. We will consider it as part of our evidence.

**Kenny McKenzie:** I will do that. Thank you.

**Denise Christie (Fire Brigades Union Scotland):** Good morning, I am the regional official for the Fire Brigades Union Scotland, which represents firefighters and operational fire control members throughout Scotland.

The Fire Brigades Union has watched recent developments with a mixture of horror, anger and pride. The appalling tragedy at Grenfell tower is already the worst United Kingdom fire disaster in recent times and the full death toll is not yet known. It is appalling to think that a fire and loss of life on such a scale could take place in the richest borough in the capital city of one of the richest nations in the world. A key task for the FBU is to identify how that could have happened.

FBU members have shared the feelings of sorrow and horror at the loss of life on such a scale. Our condolences go to the families of those who were killed, and our thoughts are with those who survived. The union stands in solidarity with the tenants and residents of Grenfell tower. We will work with them to try to uncover how that horrible and terrible tragedy occurred and what could have been done to prevent it.

The FBU has already started to pull together the key facts and issues surrounding the incident. As in all such cases, the FBU will conduct a thorough investigation into what happened and why. The most obvious question is how an incident on such

a scale could take place in 2017 in the capital city of one of the wealthiest countries in the world.

Our investigation will address all the factors that have impacted on the incident, including issues with the building and any alterations that were made to it, fire safety issues and operational planning and response. That work may well shape the Fire and Rescue Service and the profession for years to come in Scotland. The FBU's priority has always been the safety of the public and the firefighters. We will continue that campaign in order to mitigate future disasters like the Grenfell tower fire. We appreciate being given the opportunity to come and give evidence today.

**The Convener:** I thank all our witnesses for their opening remarks.

I will start by looking at the evidence that was submitted by the FBU, which was very detailed and helpful. I would describe it as being reassuring and challenging, at the same time. I am going to ask about some of the challenges, but I also want to note the reassuring bit in order to give some balance.

The FBU says:

"The greater clarity provided by the Scottish Building Standards has meant that no such confusion exists".

In Scotland, cladding must be constructed from "non-combustible" materials. That is crystal clear, but the terminology that is used in England is "limited combustibility", which can lead to what happened at Grenfell tower. I am pleased to see that the FBU believes that

"the chances of a similar fire occurring in Scotland are indeed minimised."

It is important to put that on the record before asking some of the more challenging questions.

The FBU draws a clear distinction between a light-touch audit and an intrusive inspection of fire safety in tower blocks, and makes some suggestions about the lessons that are now being learned in London in respect of intrusive inspections exposing deficiencies that were previously unknown, thereby revealing that the light-touch audits did not cut it at all. The FBU suggests that a similar intrusive approach might be appropriate in Scotland. Can you say a little more about that?

**Denise Christie:** Yes. When the Grenfell tower tragedy happened, London Fire Brigade asked its fire safety inspection officers to carry out intrusive inspections of properties. Following those intrusive inspections, some high-rise buildings in London were evacuated, not because of a cladding issue, but because fire safety precautions—fire doors, safety alarms and so on—were an issue.

The key point is that, although the Scottish Government's ministerial review is looking at cladding, we want it to be expanded to enable intrusive inspections in properties in Scotland, which could identify other fire safety issues. We would be made aware of any issues that were highlighted and could take mitigation action. Intrusive inspections could also have positive outcomes and identify that standards are great and everything is fine. However, with the light-touch audit, fire safety inspection officers have had only the minimum time in which to try to do intrusive inspections.

10:00

**The Convener:** That is helpful. I will bring David Stewart in shortly, because I am sure that he wants to say something about the role of housing associations in work with the fire service. However, I want to tease out a bit more with Ms Christie what intrusive inspections might mean.

I apologise for going off on a slight tangent here, but care homes in Scotland are inspected in two ways—I am not talking about fire safety, but about levels of care. There is a risk-based assessment of the scrutiny that is required of each care home, and there is are occasional spot-checks without warning whereby the Care Inspectorate can turn up and say, "Show us all your paperwork," and talk to staff and residents and their families. The inspectors can arrive on the doorstep of a care home without any warning and dig down deep. That is as it should be, because care homes not knowing when an inspection will take place drives up standards across the board.

When the FBU talks about intrusive inspections, I do not know whether you mean a one-off piece of work or are referring to an on-going programme of fire safety such that every landlord who has a tower block as part of their stock should know that there is a possibility that the fire service will turn up and do an intrusive inspection, which could help to drive up standards across the sector. I am sorry to push you on this a bit more, Ms Christie, but can you flesh out what you mean by "intrusive inspection"? Would it be a one-off exercise, be part of a rolling programme or be embedded in good practice for the long term?

**Denise Christie:** An intrusive inspection would be similar to the one-off inspection that was carried on by the London Fire Brigade. We appreciate that such inspections will be time-consuming and costly because it will take a lot of working hours to do them. However, if we have one-off intrusive inspections of a variety of buildings across Scotland, that will give us a clear picture of whether there are any real issues. We can look at any issues that arise and make recommendations to sort them. There would not

be continual intrusive inspections, because we appreciate that that would be too time-consuming and costly; there would just be a one-off inspection.

**The Convener:** That is helpful. Turning to David Stewart, I know that in my constituency NG Homes is establishing a tenant and resident led fire safety panel because it has a lot of high-rises in its stock. The organisation would say that it is already very close to its tenants, but the panel is an opportunity to avoid being complacent and to go further. How can we be confident that, across all social housing stock, there is a systematic approach by housing associations to ensure that they are working closely with the fire service and have their fire safety spot on? Would the SFHA have anything to fear from a one-off intrusive inspection exercise?

**David Stewart:** No, I do not think so. Such an exercise would be welcome and helpful in providing reassurance to tenants, which is key. However, it would also provide reassurance to the wider public. Something that I should have mentioned in my introductory remarks but did not is that, generally, housing associations—and, I am sure, local authorities—commission fairly regular fire-risk assessments, which involves outside experts coming in to look at properties in order to highlight any issues that need to be rectified. It is done by consultants or companies rather than the fire service, but I think that the fire service provides a similar function. The fact that an inspection could happen without any prior announcement would be a welcome way of providing reassurance about fire-safety standards.

**The Convener:** I have one final question. My deputy convener, Elaine Smith, wants to follow up this line of questioning. The FBU evidence suggests that the assessment of fire safety in new-build properties, which are sometimes partially occupied, can fall between two stools. It is not always clear whether the builders will deal with fire safety through the verification scheme around the construction process or the fire service will come in to look at it, because there is no set point in the build process at which it is agreed that the fire service will interrogate the fire safety of such properties. Will you say a bit more about that grey area?

**Denise Christie:** Sometimes residents move in before a new build is completed, which makes it difficult for the fire service to do the initial intrusive fire safety inspection. It is difficult for the fire service to see what fire safety measures have been put in place during the building period. It would be helpful if, during that period, the building contractors either invited the fire service in during each stage of the process or took pictures behind

walls and ceilings—areas that the fire brigade finds it difficult to reach.

**The Convener:** Our inquiry is not exclusive to fire safety in tower blocks—we are looking at wider issues around the building process, building warrants and verification schemes—but I wanted to give a nod to the evidence that the FBU submitted on that issue.

**Elaine Smith (Central Scotland) (Lab):** I thank the panel for joining us this morning. With the convener's indulgence, I intend to ask Mr Stewart and Mr McKenzie some questions later, time permitting. However, I will start with some specific questions about the FBU submission.

On the fourth page of your submission, in the section on inspections and inspectors, you refer to the changes to the Scottish Fire and Rescue Service that have been made over recent years and say that a number of factors have had an impact. You say that

"Scotland has lost 24% of its 'uniformed' fire safety inspecting officers since 2013/14"

and refer to the loss of non-uniformed inspecting officer posts. Will you expand on that evidence? What kind of changes are you talking about? What has been the impact of losing those fire safety officer posts?

**Denise Christie:** The FBU recently made a freedom of information request to the Scottish Fire and Rescue Service on the number of fire safety inspecting officers. The response stated that there has been a reduction of 24 per cent since the introduction of the Scottish Fire and Rescue Service in 2013. That is the trend right across the board in the service. We have seen a reduction of more than 700 front-line firefighter posts. Those firefighters would have moved from being firefighters in the service to being crew managers or watch managers or taking up other specific posts in the organisation, one of which is fire safety enforcement officers. That is the direct impact of the job losses in the service.

To be blatantly honest, that is due to the £58 million reduction in the service. We have had year-on-year cuts to our organisation, which we are finding it very difficult to cope with. We were promised that the reorganisation from the eight former brigades into the Scottish Fire and Rescue Service would not impact on the front line, but it is absolutely doing so. Now we are seeing cuts to our fire safety inspection officer numbers across the country. We hear from our members that they are finding it very difficult to complete fire safety inspections in the amount of time that they have. They are finding it difficult to carry out the thorough investigations that those inspections deserve, which is really disappointing and concerning.

**Elaine Smith:** Your submission goes on to say that

"one way to improve the standard of fire risk assessment is to create more fire safety inspecting officer posts".

You obviously feel that that is a matter of urgency.

**Denise Christie:** Absolutely, especially on the back of the Grenfell tower fire. The fire service is not just about responding to incidents; it is about protection and the prevention of incidents as well. Whenever there is a fire, fire safety inspection officers and fire investigation officers go to find out the cause of that fire. We now see further recommendations from the fire service to reduce the number of not only our fire safety inspection officers but our fire investigation officers. That is not detailed in the report, but there is a trend of a reduction in the number of front-line firefighters, fire investigation officers and fire safety inspection officers, which is very worrying for the FBU.

**Alexander Stewart (Mid Scotland and Fife) (Con):** You raise concerns about the poor quality of fire risk assessments. David Stewart touched in his initial comments on the involvement of the tenants and residents. How do they engage with and buy into the process so that they have confidence in the properties that they live in, which have had risk assessments done on them?

In your submission you indicate that the risk assessments can be of poor quality. What needs to be done to ensure that people feel safer? If an assessment is being done and it is not of a high enough standard, that automatically creates some anxiety.

**David Stewart:** I think that it might have been Denise Christie who had concerns about the quality and depth of the fire risk assessments. As I said, associations commission outside agencies to carry out the assessments, which I would hope are of sufficient quality. Associations then act on the assessments.

You asked about tenant engagement. Associations provide information to tenants. There have been a lot of examples of newsletters and letters being sent to all tenants, partly to provide reassurance but also to provide advice. They contain a mixture of information on what the housing association and the fire service are doing to ensure safety, and they provide tenants with advice on what they can do to ensure that the building is safe. I would be happy to share some examples with the committee, if that would be helpful.

Another key thing on tenant engagement, which may be related to what the convener said about NG Homes, is making tenants aware that the fire service is available to do home visits and make assessments.



Having a panel for two-way communication is a good idea. A shocking thing about Grenfell that is not so much related to the physical issues that might have caused the fire is the fact that tenants had raised issues on a number of occasions over time. You would really not want to believe that a similar situation would happen in Scotland, but we must not be complacent, so it is something to look at.

**Alexander Stewart:** You highlight the importance of the fire safety visit that the fire service can provide, which gives assurance about exits, smoke detectors and having a plan—whatever that may be. Its purpose is to give people assurance that if something should happen, they will be protected.

We cannot take it for granted that there has not been a communication breakdown in some organisations in Scotland, although we hope that there has not been. It would be useful to know whether there has been such a breakdown and whether individuals have expressed concerns that have not been addressed. We learned from the disaster that such communication breakdowns are one of the main criteria. If concerns had been addressed earlier in the day, some things could have been changed.

10:15

**Andy Wightman (Lothian) (Green):** I have a couple of questions about the ministerial working group and the role of the RICS, but first of all, I want to pick up on the convener's line of questioning. In its submission, the Fire Brigades Union states correctly that the current building standards in relation to fire are that

“thermal insulation material situated or exposed within an external wall cavity, or in a cavity formed by external wall cladding, should be constructed of non-combustible materials”.

However, it goes on to ask whether

“the aluminium faced cladding panels used on Grenfell Tower”

and any combustible material within the two sheets of metal that make up the cladding would actually be prohibited by that definition. That seems to me to be more than a semantic point; after all, the gap between the two metal sheets is not an external wall cavity as such. I want to ask the panel, including Kenny McKenzie, whether that is actually a problem.

**Kenny McKenzie:** This cladding material sneaked on to the market—I had not been aware of it. In fact, the specification for a recently completed block of student flats in the west of Edinburgh included material by the company that manufactured this particular product, although that material was specified as being single sheet.

Somehow, without anybody knowing or being informed, it was replaced with this insulating material, on, I think, the pretext that it was better for insulation and might have been more robust.

I had never heard of anyone being aware of this material, so when I saw the fire, I could not believe what had happened. That sort of thing does not happen; cladding is solid and does not burn. The external material that we are talking about is just rainscreen cladding; it is there to keep the rain out and the water off, and is just part of the whole construction for insulating the structure.

The material was new to me. I had never come across it; indeed, I do not think that many of us had. We were all asking each other about it. When we looked at the student flats in the west of Edinburgh where it had been used as small infill—in that respect, it was similar to the situation with the new hospital in Glasgow—we found that no one had seen it as a risk, and it was used only in isolation.

As I have said, I was not aware of the material before the fire in London. We checked our records and, as far as we know, what had been approved on the plans was a solid, 3mm thick metal panel similar to all the other panels that had been used on the building. These different panels, which were coloured, were used instead. The company that runs the student flats has now replaced the panels, which is great, but I was not aware of the material. Having looked into the matter, I see that it has been on the market for a few years, and I hope that it has now been withdrawn. It is not at all a common material.

In the work that we as the building control authority in Edinburgh have been doing with the Government's building standards division—and in the work that other authorities have been doing—to look at all the high-rises in Scotland, we have been digging out all the old plans, and this material has not really been specified anywhere. It has sneaked in a couple of times. After consulting the Scottish Fire and Rescue Service, we felt that, where the material was used for small panels, it was not going to be a risk, but the company involved with the student flats removed and replaced the material—and quite rightly so.

I hope that you do not mind me continuing, but further to Denise Christie's comments, I would point out that one of the other materials used behind rainscreen cladding is polyurethane, phenolic material, plastic foam or whatever you want to call it. That material is described as non-combustible or of low combustibility. However, many products that are deemed to be non-combustible that have been used in Scotland have recently been retested, and the manufacturers are now finding that these materials have been moved from class 0—the non-combustibility class—to

class 1. I do not want to get too technical, but in the latter classification, the surface spread of flame is slightly different; in short, the material still has limited combustibility, but it does not quite meet the non-combustibility standard. If it is deemed that there is a risk, that will open up a huge can of worms. That said, in any wall construction, you will have to get through other virtually fire-resistant material to get to that material and that throws up a few questions. Government-accredited and approved fire-testing centres have been testing materials and giving them a classification, and the materials are now being retested, perhaps by a different test centre, and we are finding that they are being given a lower classification. That is throwing up some issues at the moment.

A lot of what is built has used materials that have passed tests. Manufacturers go to specialist testing centres and have the materials tested, and they describe them in their literature as combustible, of low combustibility or non-combustible. That classification is determined by a BSI standard 476 fire test that should be carried out in a lab on a rig to rigorous standards. There may be edge issues and different issues and the material has now been retested and given a lower classification. I think that we will find more of that happening.

I am sorry that I have gone on a little bit.

**The Convener:** That was very helpful. Given the written evidence from Denise Christie, it would be helpful to hear more about that. The FBU called for an explicit change to the definition of a non-combustible material. We welcome the situation in Scotland, but the FBU wants greater clarity and a more explicit statement of what non-combustible means.

**Denise Christie:** I refer you to a really important point on fire research in our submission. It says:

“Fundamental research into the fire performance of modern building materials has been slashed”

and what we are seeing now is

“that many materials coming on to the market ... have not been studied. The demand for better and better thermal insulation of buildings is driving innovation in the construction industry, but unfortunately, most of the best insulation materials are also easily ignited”.

One of the recommendations in our submission is on making sure that there is research into combustible materials and new modern building materials that are coming on to the market. Funding should be made available to research that before we have another catastrophe like Grenfell.

**The Convener:** That was very helpful. Does Mr Stewart want to add anything before I bring Mr Wightman back in?

**David Stewart:** Obviously, I do not have the same level of technical knowledge as my two colleagues. From what the ministerial working group has done, we are aware that no social housing has material that is regarded as combustible. However, you will all be aware that energy efficiency is a really big issue. Housing associations have invested a lot in energy efficiency, partly for carbon targets but mainly for the comfort of their tenants. It is important that any review or consideration of fire safety does not work against or conflict with energy efficiency standards, and that both are seen as important for tenant comfort and safety.

**The Convener:** The SFHA submission states, thankfully, that none of the members who got back to you reported that any of the type of cladding in question had been used in their stock. However, that suggests that not every member got back to you. Can you say a bit more about that?

**David Stewart:** Yes. Maybe that was not well phrased. We ran an initial and very quick survey to ask about the insulation used in buildings, but the survey also asked members about work that they did with the fire service and what they did to communicate with tenants. As with most surveys, not every member responded. However, I understand that through the ministerial working group and the work of the building standards authority, every housing association has responded to the Government and confirmed that they do not have any cladding of that type on high-rise buildings.

**The Convener:** That is exactly what I wanted to check, because that was our understanding.

Mr Wightman, did you want to follow up on some of that?

**Andy Wightman:** Yes. To follow up my original question, do you agree that the current building standard, as written, would allow the kind of cladding that was used in Grenfell to be used in Scotland, given that the combustible material in question is not within a wall cavity? Do we need to tighten that up, as the Fire Brigades Union suggests?

**Denise Christie:** Yes. The issue is the definitions of “limited combustibility” in England and of “non-combustible” in Scotland. Research needs to be done on those materials. That could be done through further intrusive fire safety inspections, in which the intrusive element would be testing whether the materials or cladding is combustible. As Kenny McKenzie has said, some materials that were previously considered to be non-combustible have been shown, on further examination, to be partly combustible.

I am arguing for investment in fire safety inspection officers to allow them to carry out those

intrusive inspections alongside experts in building construction and those who are able to test the materials. We would then have a true record of the real state of affairs out there.

**Kenny McKenzie:** The regulations are robust, but there might be scope for improvement. It comes back to the manufacturer's testing and inspection regime and making it clear how the panels and insulation materials are used. That is happening already. We have also found that designers who are putting in new applications and proposals are moving away from insulated panels made of different types of foam towards more genuine, solid non-combustible materials such as stone wools. However, that will have an effect on insulation values and wall thicknesses, which takes us into other issues—and we do not want to go into wall ties, school walls falling down and so on.

Building regulations all have to come together. Unfortunately, though, a change to one standard will often have a negative effect on another standard, and that needs to be considered in detail. The situation with non-combustible materials is clear, but the issue is what is classified as non-combustible and how that has been tested.

I have brought with me a number of documents; these are global assessments and independent statements saying that something has been British Board of Agrément approved and so on. The bodies concerned are all proper certified and classified bodies for testing, and all materials should have been checked to those standards. Somewhere along the line, though, errors have been made. People do not seem to have been aware of the edge problem; indeed, one of the issues with the fire in London seems to have been that the fire was exposed at the edges. We would test fire on a plane and perhaps tape up edges; now we are leaving the edges exposed, and because of that, the material does not meet the full non-combustibility test. However, it meets the lower standard, which is still very good. Such materials are in a fire-insulated box anyway.

**The Convener:** Scotland should be protected, because the regulations have a higher standard. However, I want to clarify Ms Christie's comments. The FBU is saying that although the regulations appear to have a higher standard and that, in practice, those constructing properties and the landlords are by and large meeting it, some of the new products on the market have led to a sort of vagueness and as a result can get round the standard. Is that why you are looking for more explicit clarity on what is meant by "non-combustible" materials?

**Denise Christie:** Yes, that is absolutely correct. I echo what Kenny McKenzie has said. During the

process, there is the risk of errors being made, the consequence of which might be a catastrophic fire if the inspection has not been carried out appropriately.

**The Convener:** Thank you. Mr Simpson will—

**Andy Wightman:** I have not yet asked my substantive question, convener.

**The Convener:** My apologies, Mr Wightman. I thought that you had completed your questions.

**Andy Wightman:** It would be useful if Mr McKenzie were to write to the committee with the evidence on the use of materials that were previously classified as 0 and have been reclassified as 1.

**Kenny McKenzie:** That is new evidence. It has come in only very recently.

**Andy Wightman:** I appreciate that, but it would be useful if you could tell us what you know.

**Kenny McKenzie:** Because, as I have said, I do not work directly for the RICS, I submitted some comments that were to be collated and sent to you. It was all done at the last minute and, unfortunately, somebody was off work and it did not happen. I apologise for that. We can follow up with all the information that we have.

10:30

**Andy Wightman:** Are all of you content with the remit, membership and work programme of the Government's ministerial working group? What engagement have you had with it, and has it been satisfactory to date?

**Denise Christie:** Through the general secretary of the Scottish Trades Union Congress, Grahame Smith, the Fire Brigades Union requested a seat on the ministerial working group, but our request was refused because it is an internal ministerial working group. The Scottish Fire and Rescue Service sits on the group, which is absolutely appropriate, but we would prefer to have a seat at the table, too.

As we explain in our submission, we would like the group's remit to be widened beyond the cladding issue. For example, we mention the five tower blocks in Camden where, after an intrusive inspection, people were evacuated not because of the cladding but because of a further fire safety issue. We would therefore like the ministerial working group to widen its terms of reference beyond the issue of cladding.

**David Stewart:** The SFHA has been involved in the ministerial working group not by attending meetings—as Denise Christie says, it is an internal working group—but by having a lot of engagement with the Scottish Government's

sustainable housing division. I have had meetings with the division along with the Convention of Scottish Local Authorities and the Association of Local Authority Chief Housing Officers. We have had discussions and input in that way.

An issue that we would like to be considered and which I mentioned in my opening remarks is that, although the ministerial working group is looking at cladding and there has been consultation on fire alarms with a view to establishing common and possibly enhanced standards, housing associations have highlighted to us a concern that fire doors can be removed by owner-occupiers or private landlords—it is mainly owner-occupiers—and that that can compromise fire safety. Perhaps I can give some context. A few of our members have told us that they had fairly serious fires in multistorey buildings but that the buildings' design and the fire doors did their job of containing the fire within the one building until it burned itself out or was extinguished by the fire service. That is the one issue that we would like to highlight. Housing associations and councils can do all the right things in following what the fire service or an independent auditor recommends, but, at the moment, they cannot do anything to make a private owner take action on their property.

**Kenny McKenzie:** I have not had any direct involvement with the working group, and I am not sure whether RICS has. However, I can say that we would make comments through the local authority building standards departments and RICS. A lot of the things that we are discussing today under the heading of building standards are not directly related to the building regulations. When we talk about tower blocks, we tend to talk about the older buildings from the 1960s, 1970s and 1980s. Even if they had a brand-new fire door 40 or 50 years ago, it would not be working now—in fact, it would be hanging off its hinges—so we rely on organisations such as the SFHA and its members to upgrade and continually improve those buildings.

If a local authority building standards department received an application to upgrade a tower block, lots of that work would be exempt as it would be deemed to be repair and maintenance and therefore would not be covered by building standards. The standards apply only to new and converted buildings, and a housing association is not converting a tower block when it carries out maintenance on it. Obviously, the building should not fail to a greater degree—that is, nothing that is done to it should make it worse—and the local authority would make suggestions for improvements.

However, a lot of what we are speaking about here is covered by the Fire (Scotland) Act 2005,

because it is all about risk assessment. Building control takes a new building to completion, and the 2005 act comes in after that. Local authority building standards departments are verifiers. In other words, what gets done in a new build is the owner's responsibility; they say that the work is done and that they are satisfied with it, then local authorities try to verify that. There is continual assessment during construction, and our hope is that things do not get covered over before they are inspected. Since Grenfell, every builder out there wants to talk to and liaise with you to ensure that they are doing the right thing or are even going beyond what they have to do. There has been an increase in awareness and a huge improvement in that respect.

That said, I would also highlight the legislation covering houses in multiple occupation and registration for landlords, which is very strict on the private-let side. A lot of what happens in that respect could happen on the public-let side. We work with private-let people when warrants for upgrading things come in and I know that they are retrospectively putting in sprinklers and fire-alarm detection systems, upgrading fire doors and getting portable appliance testing done every so often. Many more onerous obligations are put on properties that have to be registered as an HMO or on a person who is a landlord of a smaller property; they have to comply with lots of on-going standards and do works that I do not have to do in my house and which the SFHA as a public landlord probably does not have to do. The SFHA might well do such works, but it is not required to under the legislation.

**David Stewart:** Can I briefly follow up on that?

**The Convener:** I am sorry, Mr Stewart, but our deputy convener has a specific point of clarification arising from Mr McKenzie's comments.

**Elaine Smith:** Mr McKenzie, I asked previously about changes such as recladding. Would that sort of thing be covered by legislation?

**Kenny McKenzie:** Yes, recladding would require a building warrant. However, lots of the internal stuff would not.

**Elaine Smith:** Just to be clear, though, recladding would need a building warrant.

**Kenny McKenzie:** Yes.

**Elaine Smith:** Okay. What you had said had concerned me.

**Kenny McKenzie:** As Denise Christie has rightly pointed out, when she and her colleagues go in and look at things, they find many issues such as fire doors that are not really fire doors or which are not fit for purpose, holes in the floor where a service has been put through, ventilation

systems for smoke extraction that do not work or have not been maintained and pressurisation systems used to keep smoke out of certain areas in buildings that are not balanced or do not work. Lots of active and passive alarm systems are found not to work.

**The Convener:** We were just relieved to hear about the cladding issue.

**Kenny McKenzie:** As I have said, cladding requires a building warrant.

**The Convener:** We thought that we had had absolute assurances about that, but we were concerned about what you had said.

**Kenny McKenzie:** I am sorry. Cladding requires a building warrant, but lots of other things that are very important do not.

**The Convener:** Mr Stewart, you wanted to add a comment.

**David Stewart:** On the point about different standards, it would be fair to say that the private rented sector at the moment has to meet slightly higher fire safety standards than social landlords. I think that that came about because the private rented sector was seen as more of a risk, with buildings that were not well maintained or landlords who might not always be responsible—although obviously they would be in a minority. The Scottish Government consultation, which came out at the end of last week, is exploring all of that and is looking at having more common safety and fire safety standards for all tenures, and that is something that we would broadly welcome.

This comes back to my point about multis or other flatted buildings often having mixed tenure. I think that if we are to improve fire safety, we need standards that apply to all tenures. Kenny McKenzie is right about owner-occupied properties; there is no standard for them other than that for new builds, and we therefore welcome the review and the possible harmonisation.

**The Convener:** That has been very helpful. Members who have not had the opportunity to get in so far are itching to do so, but I do not know whether Mr Wightman has finished his line of questioning.

**Andy Wightman:** I will leave it there, convener.

**Graham Simpson (Central Scotland) (Con):** Before I come on to my substantive point, I seek quick clarification on three areas that we have already covered. First, I want to be clear in my head what Denise Christie meant by intrusive inspections. Do they involve taking materials from buildings and testing them, or do they involve going into individual flats and checking what is going on there?

**Denise Christie:** I do not think that it is the job of the fire service to go in and take materials and then test them. That is the job of experts in building construction and fire prevention.

The audits involve firefighters going into buildings and looking at fire safety procedures and precautions. The intrusive element of that takes a little more time and involves a detailed look at the safety of the building—the fire doors, the smoke detectors, the heat detectors and areas that have been impacted by modern reconstruction. The intrusive part of that involves firefighters going into buildings and having a detailed look at fire safety procedures and precautions and at fire detection. The testing of materials is not something that the fire service does; as I have said, that is left to the experts.

**Graham Simpson:** On the testing of materials, you talked about cuts in research. Who funds the research and where is it done?

**Kenny McKenzie:** Is that a question for me?

**Graham Simpson:** It is for Denise Christie.

**Denise Christie:** I think that the research is Government funded. In these times of austerity, we are seeing cuts to public services across the board, in organisations and in Government departments. That affects research on and the testing of potentially flammable materials that are new to the market.

**Kenny McKenzie:** I think that, as with most of the people who do such research, Building Research Establishment would at one time have been a Government-funded company, or would have been partly funded by doing research for Government departments—it might even have been not for profit. However, a lot of those companies have now privatised themselves or have set up a private wing, although they will be fully accredited and respected throughout the world for testing to British standards. A lot of the fire test standards are very old—there was not thought to be anything wrong with them. Such companies are reputable—

**Graham Simpson:** I am sorry, Mr McKenzie, but may I stop you there? The FBU says in its submission:

“research into the fire performance of modern building materials has been slashed south of the border”.

**Denise Christie:** That is correct.

**Graham Simpson:** Why is that? It must be a money thing. Where is the money coming from, and where is it going? You say that the research is Government funded, but are we talking about the UK Government? Is research carried out in Scotland?

**Denise Christie:** I am not aware of any research in Scotland. My colleagues in the house building and construction industry might be able to elaborate.

**The Convener:** It sounds like we need more clarity on that, but that is okay. The point of an evidence session is to identify areas where we need more information and clarity.

**Kenny McKenzie:** Most of the testing of materials is driven by the manufacturer. If a manufacturer wants to sell a cladding material and get it on the market, that material must pass tests such as the water test for rainscreen cladding—I know that that is not what we are talking about today, but it is one of the main criteria. There is also a structural aspect: for example, cladding material must be able to be fixed in such a way that it does not get sucked away or blown off by the wind.

There is also a fire aspect. Until the recent fire, the fire aspect in relation to cladding that came on the market was negligible, because cladding was either stone, solid metal—which does not burn—or a terracotta-type thing. It was not plastic. A lot of rainscreen cladding is stone, so there has not been an issue in that respect.

An independent testing company must do the testing. The manufacturer chooses which company to go to—they can go to whichever they want—and they will get a test certificate, which will last for a period of time. That kind of testing is funded by one company paying the other company—that is how it works. A company might do independent testing, if the Government asks for certain materials to be tested or retested, and it will put in a bill for that. Testing companies are independent and are not funded by anybody; instead, they make their money out of testing materials. It is a business.

10:45

**Graham Simpson:** That is obviously an area that we will have to look at further.

The FBU's submission says that the number of fire safety inspecting officers in Scotland has been cut by 24 per cent. Do you think that risks are being missed as a result of those cuts?

**Denise Christie:** Our members who are fire safety inspecting officers are doing the best job that they can with the resources that they have, but we have certainly had feedback that they are finding it increasingly difficult to complete the tests and inspections that need to be completed in the allocated time. I do not have to hand the recent fire safety inspection audit figures, but there are figures available on the number of audits that have been done and the number of hours it took to do

them. Given that we are talking about an increase in the number of audits and a decrease in the number of hours available, less time is being taken to do more audits, and I attribute that to fewer fire safety inspecting officers having the time to complete them. Those audits still need to be completed.

I do not have the figures to hand, but they are out there, and a comparison needs to be made between how long it is taking to do fire safety inspection audits in the current climate and how long it took three, four or five years ago. If there is a difference, we need to ask why that is the case. If it is a direct result of the cut in the number of fire safety inspection auditors, questions need to be asked.

**Graham Simpson:** I want to ask about sprinklers, which we have not touched on to any great degree. I understand that although all modern tower blocks must have sprinkler systems fitted, that requirement does not apply retrospectively to older tower blocks. Therefore, there could be older tower blocks that do not have sprinkler systems or modern fire suppression systems. Should we insist on a full audit of all tower blocks and make sure that all of them—not just the modern ones—have such systems?

**Kenny McKenzie:** That would certainly be a good step forward. I do not know whether it could be introduced through building legislation—perhaps it could. That would be difficult, because the way in which the regulations are worded means that it would be necessary to bring in legislation that would enable certain standards to be applied retrospectively. There are powers in the Fire (Scotland) Act 2005 through which that could be enforced, but those powers are used extremely rarely. They have been used in a couple of cases following football stadium disasters, when we have taken enforcement action to get certain things done in football stadiums.

That would be the way forward, because the fact that, under the current building regulations, any building that is more than 18m high requires sprinklers means that developers sometimes keep structures just under 18m so that they do not have to go to the expense of putting in sprinklers. A requirement that means that sprinklers would have to be installed in all flatted developments and in all existing buildings above 18m high that get altered would be a positive measure to take.

Sprinklers and other things in the regulations are used for life safety. They are used for property safety in schools and other buildings, but we are very much in favour of their use for life safety. I am talking about suppression systems, not just sprinklers.

**The Convener:** That function is not exclusive to sprinklers.

**Denise Christie:** In 2009, the FBU moved a resolution at the STUC congress that called on the Scottish Government to install sprinkler systems in all the housing stock and, recently, the general secretary of the STUC wrote to the Minister for Community Safety and Legal Affairs to highlight the STUC's position in relation to sprinklers. The resolution was written at a period when there was a large increase in fire deaths in Scotland.

The FBU priority has always been community and firefighter safety. Recent statistics have shown a decline in fire deaths in Scotland, but the most recent show a slight increase—I cannot comment on whether that is a blip—and we need to be aware of that. The statistics show that it is more likely that someone will die in a dwelling-house fire in Scotland than anywhere else in the UK.

Wales has legislation that requires sprinklers to be fitted. We have had no reports of any fire deaths in which the house or building has been fitted with a sprinkler system. It could cost between £1,000 and £2,000 to fit a sprinkler system in a property.

**The Convener:** For clarity, the Welsh legislation refers to all new dwellings. It does not require retrofitting, does it?

**Kenny McKenzie:** The requirement is for new buildings.

**David Stewart:** A discussion on whether sprinklers should be retrofitted in multistoreys is not a main issue that has come up among our members. The focus has been on cladding, internal fire doors, work with the fire service and how best to communicate with tenants. The idea ought perhaps to be considered when looking at building standards and through the current consultation.

Going back to what I said about fire doors and alarms, any measures that are required as a result of lessons learned from Grenfell tower must be applied to all dwellings and tenures, or at least to all multistoreys. Otherwise, they are not going to be as effective as they might be.

**Jenny Gilruth (Mid Fife and Glenrothes) (SNP):** The convener highlighted that not all SFHA members responded to the federation's survey. I will take David Stewart back in time and ask how that evidence was gathered. Did SFHA staff go out to carry out the survey or was it dependent on members feeding information back? What was the process?

**David Stewart:** The survey was sent out quickly, perhaps a day or two after the Grenfell

tragedy. It was sent as an email from our chief executive, asking members to respond.

**Jenny Gilruth:** Did it include physical inspections carried out by the SFHA?

**David Stewart:** No. The email asked members to provide the information. Many of them carried out inspections.

**Jenny Gilruth:** You will have seen that all your members have responded to the Government's investigation. Has that process been similar? Do you know whether your members were asked to respond to an email?

**David Stewart:** I believe that they were asked to respond to a letter. It was a communication, rather than the Government going out to members.

**Jenny Gilruth:** Again, is it the case that no physical inspections took place?

**David Stewart:** I believe that that was the case, but it is something that you would have to clarify with the ministerial working group.

**Jenny Gilruth:** In your submission, you say:

"Housing associations also made tenants aware that the Fire Service offered free advisory home visits."

Why are those visits not compulsory? Is that because of legislation? That may be a question for Denise Christie.

**David Stewart:** I can say something brief on the issue. They are not compulsory; the idea is that they should focus on people who might be seen as more vulnerable. In discussion with one of our housing association members, it told us that it requires a visit as a condition of tenancy and thus tries to make such visits compulsory. That is something that could be followed up, resources permitting, or be seen as good practice for landlords.

**Denise Christie:** It is important to recognise the great deal of work that the Scottish Fire and Rescue Service has done following the fire at Grenfell tower. It has gone into communities—especially those that have people living in high flats—to give them fire safety advice, it has updated the website with information on fires in tower blocks and fire safety advice, and it has given out leaflets.

I know that its priority is to try to reach individuals by working with health and social work organisations to access difficult-to-reach residents who potentially need that life-saving fire safety advice. I would like to put on record my recognition of the work of the service on the back of Grenfell. My members are giving that fire safety advice.

**Jenny Gilruth:** My point is not to take away from that fantastic work. As Denise Christie said,

because advisory visits are not compulsory, people do not have to have them. The concern is that the most vulnerable and hard-to-reach people will miss out, because they are not the people who will volunteer to have advisory visits.

What specific action does the SFHA take centrally with regard to fire inspections? Do you go out on the ground to support those advisory visits, or do you use a letter or email?

**David Stewart:** We would not do those actions; we do not have that role at all. Our role is a membership representative body. We do not own houses; we represent the interests of members and tenants.

**The Convener:** Do your members identify those tenants who are most at risk and work closely with them to get them to engage with the Scottish Fire and Rescue Service? Does each housing association do that as a matter of course, or do they have different approaches?

**David Stewart:** It is difficult for me to give a direct answer without having spoken to or surveyed them all. Of the associations that we have spoken to—for example, I had a meeting yesterday with a number of associations who have quite a few multistorey buildings—it comes across as common practice that they are aware of people whom they see as vulnerable, and they encourage them to engage with the fire service.

Like Denise Christie, I have been impressed when members have come back to us about the positive working relationships that they have with the fire service and how much the fire service works to engage with them as organisations or with their tenants as individuals.

**Denise Christie:** The fire service works with partnership organisations, which inform the fire service of particular clients or residents who could be high risk. The fire service then goes out and makes every effort to target those individuals and gain access to their properties to give fire safety advice. There is collaborative partnership work.

**The Convener:** Elaine Smith has some additional questions.

**Elaine Smith:** Denise Christie said in her written evidence:

“The FBU is concerned that we should not have to wait for another multi fatality fire before we address other known risks with the same vigour.”

Are those known risks such things as the lack of fire doors? Will you expand a wee bit on the known risks?

**Denise Christie:** I argue that the risks will not be known until the intrusive fire safety inspections are concluded. We never realised the impact of the cladding at Grenfell tower until after the

tragedy, when there intrusive investigations, ministerial working groups and evidence session like this one rightly took place.

To find out what the unknown or known issues are, we need to make sure that we go out and do thorough intrusive fire safety audits and inspections, and that we have the resources to carry them out.

**Elaine Smith:** My worry is that maybe there are risks that we know about now that we are not dealing with or acting on.

I have a specific question for David Stewart. When your members build new housing developments, do they regularly use their own clerks of works—the committee has taken evidence on that issue—or do they rely on the private contractor for the quality assurance of those houses?

**David Stewart:** I cannot give a 100 per cent answer without surveying members, but I have had quite a lot of discussions with members following issues that have come up, such as issues to do with school buildings. Members to which I have spoken feel that they would be unlikely to encounter such issues because they employ clerks of works and have lots of site inspections and site meetings. When I worked for a housing association that developed houses, for example, it employed a clerk of works on site. It is not something to be complacent about, but I believe that it is still common practice.

11:00

**Kenny McKenzie:** I was at the meeting when the committee last discussed the issue. My experience is that nowadays, because the private sector has to build a certain amount of affordable housing when building a certain number of its own units, house builders invariably have a clerk of works on site who represents the housing association that is taking on the affordable housing that is being supplied. Generally, the housing associations have clerks of works, but the private house builders do not.

**Elaine Smith:** In our inquiry into building standards regulations we have been looking into the verification of building standards. We have taken evidence from bodies that believe that verification is better off in the control of councils and from those that believe that is better provided by a private body such as the National Home Building Council. Do panel members want to comment on that? Where should verification lie?

**The Convener:** No one wants to answer that question.

**Kenny McKenzie:** I will answer that. I am in the totally biased position of being a verifier who



works for a local authority but, to be honest, I am not 100 per cent sure that it could not be opened up. A lot of my colleagues will be looking at me and wondering why I am saying that.

As a member of the RICS, I know a lot of fellow members working in England and Wales—close friends and people with whom I have worked over the years—who work in the private sector but used to work in the public sector. They have not changed as people and they have taken the same values across the sectors. Members of the chartered institute have strong, strict conditions of membership to follow and, for professionally qualified people, it does not matter whether they are in the private or public sector. Verification works well in the private sector in Scotland.

**Elaine Smith:** Did you say that it works well in the private sector in Scotland?

**Kenny McKenzie:** I am sorry—I meant that it works well in the public sector. However, it used to work well in the private sector. The Scottish Parliament building was a private-sector-approved building.

**The Convener:** Enough said. Let us move on from that.

**Denise Christie:** I would add a note of caution in relation to fire safety inspections being done in the private sector. Our members in the fire service are professional, knowledgeable and experienced firefighters who work in jobs in the fire industry, from firefighting to specific roles in relation to fire safety and fire regulations enforcement. There is talk about the potential privatisation of some of those areas in England, but the Fire Brigades Union would like them to be kept in-house in the public bodies.

**David Stewart:** I cannot really give a firm position one way or the other but, from our members' point of view, the big issue is not so much about who does the inspections, but about whether there are enough resources and people to carry out a sufficient number of inspections of the right quality.

**The Convener:** I will mop up with one or two brief questions. We have spoken about fire doors in social rented properties and those that have been bought and adapted. Where there are communal stairwells, in particular, the fire safety of other properties, not just of the individual household, can be compromised. Should it be an offence for someone to remove a fire door from their private dwelling? If so, should there be inspections, enforcement and penalties for that?

I am trying to tease out how we can make that happen, because saying these things is easy but, in practice, it can be much more challenging. What are your thoughts on fire doors? The fire service

might have been delighted with the level of fire safety in a building during the building warrant process but, 15 years later, the fire doors might have been pulled out of 10 properties. That happens quite a lot in tenements in which there are internal fire doors for kitchens, for example. No one is ever going to look at that property again unless we do something meaningful instead of bemoaning the fact that there is not a lot that we can do about it. Denise—what should we do?

**Denise Christie:** We need to invest in more preventative work rather than address the problem after something has happened. If we had more fire safety inspection officers with the authority to go in, do those inspections and give that advice, we might see where fire doors are being changed into modern doors that are not 30-minute or 60-minute door equivalents, for example. For the FBU, it is about the preventative work that we do before a problem occurs.

**The Convener:** We are talking about raising awareness and having people make positive choices for their properties rather than any form of legislation.

**Denise Christie:** Yes.

**The Convener:** Is that the view of the other panel members?

**Kenny McKenzie:** Definitely. Grenfell was a very sad event but, if it serves one purpose, it has heightened everybody's awareness. People might now be aware of the dangers of wedging fire doors open or whatever. When you have young children, fire doors are a nightmare. I have grandchildren, and I keep saying to my own children, "Don't wedge your doors open." It is an awareness thing.

It is difficult to police that. In terms of building legislation, one of the best things that any Government could do would be to give building control and the building standards verification process some enforcement teeth. We have no enforcement teeth at the moment across the board. That is the most positive thing that could be done with building regulations, because we have no enforcement teeth at all and too many people know that and flout the regulations. That is why we get people occupying buildings without permission and against the law. Building standards people write to them, telling them that we can withhold certification. However, unless they want to sell their property and get money for it, that does not work. The enforcement of building standards is very poor.

**The Convener:** Rather than expand on that and continue to talk about enforcement—

**Kenny McKenzie:** It was just a statement.

**The Convener:** Perhaps you could write to us, as we are looking at other issues as part of the

inquiry and not just at fire safety in high-rise buildings.

Time is upon us, but I give each of the witnesses an opportunity to make some closing remarks before we move on. I know that Mr Stewart has a final comment to make, so we will start with him. The others can come in after.

**David Stewart:** I can cover what I was going to say in answer to your question, convener, as part of my final remarks.

Our view is that a way to address the issues of fire safety, internal doors and fire alarms would be to have a common housing quality standard. The Scottish Government did some preparatory or investigative work on that, and it would have a number of benefits beyond fire safety. A lot of our members and others in the private sector have real issues with tenements falling into disrepair and not being able to effect repairs or improvements to common parts. Having a common housing quality standard for all tenures would help with that. It would also help where the Government sets energy efficiency standards and social landlords or even private owners who want to improve their properties cannot do so because they cannot get other owners to agree. That is our proposal.

**Kenny McKenzie:** We have covered much and I thank the committee for the opportunity to have been here.

Given the current building standards, if Grenfell tower had been a new building, the fire would not have happened. I do not think that it would have happened even if the same cladding had been on the building. Unfortunately—this has also come from the Scottish Government—there has been a stay-put policy for buildings. That normally works, and there are pictures on the building standards division website of little units that are burnt out while the door of the flat across is hardly blistered and the rest of the building is fine. We hope that the cladding that was used on Grenfell will be banned and we will not have this issue ever again because we will use something different.

I think that the current standards are robust enough where there are sprinklers, alarm systems, internal fire doors, secondary fire doors, smoke ventilation and smoke control in lobbies and stairs. Grenfell should not have happened. People should have been able to get out and walk away from that building. I do not know the whole story but, once we get the inquiry report, we will learn more. Certainly, the cladding problem is an eye-opener—that should not have happened, and I do not think that it will happen here. We have done checks and it should not happen anywhere in Scotland because the cladding will have been discovered and the problem rectified.

The building regulations are fairly robust. There needs to be more investment across the board, whichever way we go, because it is okay to set up policies and so on but, unless people enforce them, we will not be able to take them forward. There is a huge lack of investment in local authority building standards. The fees have gone up but money can still get siphoned off by the chief executives.

Also, local government is not an attractive business to come into. My colleague here is representing a union. I will represent a local government union and be political for a minute. People like me, who have been working at the top of their pay grade for about 10 years, have noticed virtually no rise in their salary over those 10 years. People are not being encouraged to enter the profession; they are being encouraged to leave and go into the private sector. Even if we had the policies in place, it would be difficult to recruit staff—that is what we are finding in the City of Edinburgh Council and, I think, across the board. More people are going out the door than are coming in.

**The Convener:** I will not compare your salary with that of local authority chief executives—that is for another day, Mr McKenzie—but you make your point well. I suspect that the point about resources might lead on quite nicely to some of the comments that Denise Christie may have.

**Denise Christie:** I have a couple of points to make. The focus of the ministerial working group is on the cladding, and the FBU would like that focus to be extended as a result of the intrusive inspections that took place in Camden. We would also like the Government to consider opening up the ministerial working group and to reconsider allowing the FBU a seat on that working group.

The second point that I would like to highlight—I have highlighted it enough today, but I will go on about it again—is about the fire safety inspection officers. The 24 per cent reduction in the number of officers can be reversed only through funding. Year-on-year budget cuts to the Scottish Fire and Rescue Service are impacting on the front line. We have a budget coming up, and I would like to see support from the committee on that point. I am happy to speak at further evidence sessions in relation to specific cuts in the fire service.

I thank the committee for the opportunity to speak here today.

**Kenny McKenzie:** Can I say one more thing? The building standards authorities have a fantastic relationship with the Scottish Fire and Rescue Service. We work closely with it, particularly in the case of complex buildings and difficult structures. It is involved at an early stage in the design of such buildings. In relation to fire precautions, the

service provides its professional expertise, as we do, and works with the developers on the design. We also work closely with the service on enforcement in relation to people using basements and shops that they should not be using. We appreciate its expertise and it appreciates ours.

**The Convener:** I thank all three witnesses for their time and their considered evidence. I am sure that the Scottish Government will wish to be led by the evidence that it receives through the ministerial working group and the evidence that this committee receives. We will watch how the issue develops. The committee is not having a one-off look at the matter; we intend to keep a watching brief as it unfolds, because it might run over a number of years, not just a number of months. We will be in it for the long haul to make sure that an additional level of scrutiny is provided by the Parliament.

I thank all the witnesses for coming along. I suspend the meeting briefly before we move to the next agenda item.

11:14

*Meeting suspended.*

11:17

*On resuming—*

## **Subordinate Legislation**

### **Energy Performance of Buildings (Scotland) Amendment Regulations 2017 (SSI 2017/225)**

**The Convener:** Under agenda item 2, the committee will consider Scottish statutory instrument 2017/225. The instrument is subject to negative procedure, which means that its provisions will come into force unless the Parliament votes on a motion to annul the instrument.

The Delegated Powers and Law Reform Committee considered the instrument at its meeting on 5 September 2017 and determined that it did not need to draw it to the attention of Parliament on any grounds within its remit. No motion to annul the instrument has been lodged. As members have no comments on the instrument, I invite them to agree that the committee does not wish to make any recommendation in relation to the instrument. Are we agreed?

**Members indicated agreement.**

**The Convener:** We move to agenda item 3, the consideration of evidence, which we will take in private.

11:18

*Meeting continued in private until 11:52.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

---

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

---

All documents are available on  
the Scottish Parliament website at:

[www.parliament.scot](http://www.parliament.scot)

Information on non-endorsed print suppliers  
is available here:

[www.parliament.scot/documents](http://www.parliament.scot/documents)

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

---



The Scottish Parliament  
Pàrlamaid na h-Alba