



OFFICIAL REPORT
AITHISG OIFIGEIL

Local Government and Communities Committee

Wednesday 20 November 2019

Session 5



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LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

29th Meeting 2019, Session 5

CONVENER

*James Dornan (Glasgow Cathcart) (SNP)

DEPUTY CONVENER

*Sarah Boyack (Lothian) (Lab)

COMMITTEE MEMBERS

*Annabelle Ewing (Cowdenbeath) (SNP)

Kenneth Gibson (Cunninghame North) (SNP)

*Graham Simpson (Central Scotland) (Con)

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

*Andy Wightman (Lothian) (Green)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Aileen Campbell (Cabinet Secretary for Communities and Local Government)

Kate Forbes (Minister for Public Finance and Digital Economy)

Dr Jim Glockling (Fire Protection Association)

Laura Hughes (Association of British Insurers)

Craig Ross (Royal Institution of Chartered Surveyors)

Professor José Torero (University College London)

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

The Robert Burns Room (CR1)

Scottish Parliament

Local Government and Communities Committee

Wednesday 20 November 2019

[The Convener opened the meeting at 09:30]

Decision on Taking Business in Private

The Convener (James Dornan): Good morning and welcome to the 29th meeting in 2019 of the Local Government and Communities Committee. I remind everyone present to turn off their mobile phones. Apologies have been received from Kenneth Gibson.

Under agenda item 1, the committee is invited to decide whether to take items 4, 5 and 6 in private. Item 4 is consideration of the evidence that we will hear under item 2 as part of our pre-budget scrutiny, item 5 is consideration of the evidence that we will hear under item 3 on building regulations and fire safety in Scotland and item 6 is consideration of proposed witnesses for our consideration of the Period Products (Free Provision) (Scotland) Bill. Do members agree to take those items in private?

Members indicated agreement.

Pre-Budget Scrutiny

09:30

The Convener: Agenda item 2 is an evidence session as part of our pre-budget scrutiny. At the end of last month, we wrote to the Scottish Government with our views in relation to next year's budget. We touched on various issues, including the effect of single-year budget settlements on councils' decision making; providing for certainty in the house-building budget post-2021; funding for preventative spend, including housing adaptations; climate change targets in local government; and wider fiscal reform and empowerment in local government. The committee agreed that it would be helpful to discuss those and other issues with the Scottish Government ahead of receiving its formal response.

I welcome to the meeting Aileen Campbell, who is the Cabinet Secretary for Communities and Local Government, and Kate Forbes, who is the Minister for Public Finance and Digital Economy. I invite the cabinet secretary to make a brief opening statement.

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): Good morning. I thank the committee for inviting us to give evidence as part of its pre-budget scrutiny. As the convener said, I am joined by Kate Forbes. We are supported by Shirley Laing, Brad Gilbert and Graham Owenson.

We very much welcome the committee's pre-budget scrutiny and appreciate the work that it has done to date to give us a clear picture of its priorities. As we prepare for the budget, we face significant challenges, including demographic challenges, fiscal challenges that are a result of continued austerity and welfare reform, and the political uncertainty that is being caused by Brexit. In meeting those challenges, it is crucial that we work in partnership with local government and the wider public sector in precisely the way that Christie challenged us to do in his report back in 2011. That partnership approach and a desire and need to focus on outcomes led to the creation of the national performance framework and a focus on wellbeing, inclusive growth, tackling poverty and reducing inequality.

Partnership with local government has brought great rewards. We are on target to deliver 50,000 affordable homes in the current session of Parliament and we are working in partnership to end period poverty. We are collaborating to end homelessness and, together, we are expanding and improving early learning and childcare by

developing flexible high-quality provision that will support children and their families.

Although that is good and transformative, challenges remain, and we know that we need to do more. The local governance review provides us with the opportunity to reshape democracy, strengthen community decision making and reimagine where power lies. Our work on housing up to 2040 enables us to think beyond parliamentary cycles and to create a new housing system for Scotland for the longer term. I hope that, beyond its budget scrutiny, the committee will engage on those pieces of work, as those elements speak to the reform and innovation that I think the committee is looking for us to take forward.

I have set out some of the key areas of work that are being progressed under my portfolio. I look forward to the questions that I know the committee will have, given the significant work that it has done with stakeholders.

The Convener: Thank you. I believe that the minister wants to make a brief opening statement, too.

The Minister for Public Finance and Digital Economy (Kate Forbes): I thought that it would be helpful for me to sketch out where we are with the budget process in particular, and any other financial elements that the committee would like to know about. I thank the committee for having us.

As you will know, the Cabinet Secretary for Finance, Economy and Fair Work wrote to the Finance and Constitution Committee on 6 November to advise it that the Scottish budget could no longer be announced on 12 December because of the general election. That will have come as no surprise to members of the committee. Without the United Kingdom Government's tax announcements and the Office for Budget Responsibility's tax, social security and economic forecasts for the next UK budget, we do not have clarity on the funding that will be available for public services in Scotland. Given that that lack of clarity on future funding is accompanied by the threats of the UK exiting the European Union and of a disorderly Brexit, we are facing some of the most economically disruptive challenges that the country and the Scottish Government have had to face in 20 years of devolution.

When the new UK Government delivers the 2020-21 budget, decisions on how to allocate the resources that are available to Scotland will be taken collectively by the Cabinet as part of the spending review process, but we are already engaging with the Convention of Scottish Local Authorities and other parties to ensure that we give as much notice as possible. The spending

review framework that was published in the medium-term financial strategy sets out our approach on resource and capital. In line with the national performance framework, it focuses on outcomes and wellbeing. We are determined to ensure that we make best use of our fiscal levers for the benefit of public services in Scotland.

The Convener: Thank you. Can you provide concrete information on how the Scottish Government will manage to provide multiyear financial settlements for local government and respond to the concerns that have been raised about the decoupling of revenue and capital budgets?

Kate Forbes: I am happy to pick that up. We have previously given a commitment to provide a three-year funding settlement for local government from 2020-21. In the committee's letter to Aileen Campbell, it outlined succinctly why that is to the advantage of local authorities. However, you will appreciate that, given the position on the budget following the UK Government's announcement of the general election, although we are considering our approach to next year's budget, the level of uncertainty to which our entire budget is subject makes it extremely difficult to plan for next year, let alone for the next three years. It is not a situation of our making or one that we want. We are liaising on the timing and the planning of the budget and we continue to have discussions with COSLA, but the situation makes it very difficult to plan beyond the next year.

You asked about the decoupling of the revenue and capital settlements. We will not decouple the revenue budgets from the capital budgets next year, but we will set out clearly our spending plans for resource and capital. I have already mentioned the spending review framework that was included in the medium-term financial strategy. It sets out the approach on resource and capital, which will involve multiyear reviews of spending. Following a recommendation that the budget process review group made, and as agreed with the Finance and Constitution Committee, there is a presumption that the Scottish Government will carry out a spending review that is linked to the equivalent UK spending review, in an effort to give as much notice as possible of our budget beyond next year.

I have a brief comment to make about capital, which you might want to cover in another question. The capital budgets beyond 2020-21 will take account of the Infrastructure Commission for Scotland's findings at the end of December 2019. As members will know, it provides long-term strategic advice on national infrastructure priorities, and those recommendations will be critical to our next infrastructure investment plan.

The Convener: I accept that problems arise this year, but are you still committed to providing

multiyear financial settlements when the situation settles down?

Kate Forbes: As part of our discussions and negotiations with COSLA, there is certainly still a commitment that we will try to provide as much as possible by way of multiyear funding in the future, but in the light of the uncertainty that surrounds the 2020-21 budget, it is difficult to make that commitment for next year, let alone three-year budgets.

Graham Simpson (Central Scotland) (Con): You mentioned that you have been in discussions with COSLA. A frustration is frequently expressed to this committee about the level of Government spending commitments that local authorities are mandated to carry through, which leaves them with little wriggle room in relation to the rest of their budgets. Have you had any discussions with COSLA about that and about fully funding Government commitments in the future?

Kate Forbes: I will deal with that on two levels. Essentially, you are referring to ring fencing. When the Scottish National Party came into government in 2007, one of the first steps that we took was to significantly reduce ring fencing. I will provide some context. In 2007, the ring-fenced grant accounted for £2.7 billion; now, it accounts for just under £900 million, which is less than 8 per cent of the total funding. Giving local authorities as much freedom as possible to use their funding as they see fit is a core element of the local government financing process.

On the issue of fully funding Government commitments in the future, I note that, first, education and healthcare are part of local authorities' core purpose, and secondly, a lot of negotiation and discussion go on around those commitments. Members will have seen that clearly with early learning and childcare, for example. Local authorities were very clear about what they needed and the Scottish Government said that it would ensure that those funding commitments were met.

Graham Simpson: Have you had those discussions with COSLA recently?

Kate Forbes: We speak to COSLA regularly, and discussions about funding come up in almost every conversation. That includes discussions about Scottish Government commitments that local authorities are delivering. We are partnering with local authorities to deliver those commitments.

Andy Wightman (Lothian) (Green): In the 2019-20 budget deal, the Scottish Green Party and the Scottish Government reached an agreement that included the following:

"We will work jointly with COSLA to agree a three year funding settlement for local government, along with a supporting rules-based framework."

I take your point about one-year budgets and so on but, putting that to one side, there was no anticipation then that capital and revenue would be decoupled. If they have been decoupled or there is an intention that they will be decoupled beyond year 1, that is a breach of the agreement.

Kate Forbes: I think that I said quite clearly in my answer that we have no intention of decoupling.

Andy Wightman: My understanding is that there is no intention to decouple in year 1 but that there is an intention to decouple in year 2 and beyond.

Kate Forbes: I am not trying to hide anything with my words. I was simply stating that, certainly this year, we will not decouple. There are no plans that are live right now—

Andy Wightman: No, but the evidence that we have is that, beyond year 1, there will be a decoupling, which is something to do with some recommendations from the Infrastructure Commission for Scotland.

Kate Forbes: At the moment, our plan is not to decouple. What I was trying to say in my answer was that, going forward, we fully intend to take account of the Infrastructure Commission, but we will be clear in stating what capital budgets are and what revenue budgets are over the longer term, which is what COSLA would like us to do. It wants us to provide as much advance notice as possible of what capital and revenue budgets might look like.

I am not suggesting that we will decouple beyond next year; I am simply saying that we have no intention of decoupling this year. Going forward, in the light of the request around multiyear funding, one of the ways that will enable us to give as much long-term, multiyear information as possible will be the Infrastructure Commission's findings, which will inform our decisions around capital.

The Convener: An issue that came up quite a lot when the committee looked at sick leave and absence rates was the disparities between councils. What work is the Scottish Government undertaking with councils to promote best practice in managing those things?

Aileen Campbell: I noted the evidence that the committee took. Local authorities are autonomous bodies that are responsible for the day-to-day management of their staff, including matters such as staff absenteeism. Work is under way through COSLA and support is on offer from the Improvement Service but, in any area where it

would be helpful for the Government to be involved, we stand ready to be involved. That might involve looking at developing new policies to cope with different employment practices or trying to support staff in a much more empathetic and holistic way. We stand ready to provide any support that we can provide, including national guidance to support that work.

The Convener: I take the autonomy of local authorities as read. The committee heard particularly good examples of the way in which Glasgow has changed things round. However, given the impact that levels of sickness and absence have on the country as a whole, what role can the Scottish Government have in ensuring that the good practice that has been followed in cities such as Glasgow is adopted by or at least put in front of other local authorities?

09:45

Aileen Campbell: If there is a need for the Scottish Government, working with COSLA, to take that national leadership role, we could help to support and share good practice and support the development of policies. More generally, I understand that the Improvement Service and the Society of Local Authority Chief Executives and Senior Managers are involved in engagement in that regard.

We would be happy to be involved in whatever way local authorities and COSLA would like us to be involved, because it is an important issue. If there are ways in which we can share best practice and provide support, we can do that. There are probably a number of things that we could do. However, in anything that we do, we will respect the fact that local authorities are responsible for the day-to-day management of their staff. If there is a desire for us to be involved, we will of course help, and we will use any levers that we have to provide that support. That could involve sharing and showcasing good practice and all the things that can enable local authorities to change the culture and ensure that their staff feel supported. It is important that we look critically at ways to reduce absenteeism.

The Convener: Thank you. As their nameplates have arrived, I officially welcome the cabinet secretary's officials: Graham Owenson, Shirley Laing and Brad Gilbert.

Graham Simpson: I would like to clarify that I heard you correctly, cabinet secretary. Did you just offer to help councils to reduce the level of absenteeism? For some time, the committee has felt some frustration about the fact that we have wide disparities between councils with regard to absenteeism. In the worst cases, it represents quite a cost. As getting the levels down would

benefit everyone, I would like to know whether you have made an actual offer to do something.

Aileen Campbell: Absolutely. As I said to the convener, we are always happy to work with COSLA and local authorities to share good practice. If there is a desire for us to be involved in spreading the word about a good example of a local authority that is performing well, supporting its staff, reducing absenteeism and enabling people to feel supported when they come back to work, we are happy to be involved in that. Ultimately, this is about delivering good services to the communities that we represent. Part of that requires staff to be supported to deliver those services, so it is in all our interests to ensure that that work can continue.

The offer is there. If the local authorities and COSLA want to take it up, we are happy to engage with them and work out what our role might be and what the best way would be for us to be involved. We must bear it in mind that local authorities are autonomous and are in charge of their day-to-day management of their human resources processes and their personnel but, if they want us to be involved, we are happy to be involved.

We want to focus on outcomes and support people who need services to get back into work, because that involves a number of outcomes that are applicable to issues such as child poverty, in-work poverty and various related issues. It is in all our interests to ensure that we support people back into their employment.

The Convener: I assure you that the Local Government and Communities Committee is not trying to take away the autonomy of local government.

Aileen Campbell: Of course not, convener, but there are related issues around child poverty rates, in-work poverty, absence from work, statutory sick pay and various other issues that can disrupt family life and have wider knock-on impacts that affect the sense of wellbeing of the individual and their family. As I said, action in that regard is in the interests of all of us.

I do not know how much clearer I can be. If local authorities want us to be involved in that work, we stand ready to be involved in it because of the related policy issues that are impacted on by employment issues.

The Convener: Housing organisations are looking to maintain the rolling development plans beyond 2021. Is there scope for a cross-party statement of intent to ensure that that happens? Is the Government willing to play its part in that regard?

Aileen Campbell: In my opening remarks, I mentioned that we are looking to have a broader conversation around what the housing system should be like up to 2040. Consultation events on that issue are happening across the country at present and we have engaged thoroughly on it with various stakeholders. Further, we have our ambition to deliver 50,000 affordable homes up to 2021. The natural question is, “What next?”

Kate Forbes outlined the budgetary challenges that we face, given that we need clarity from the UK Government before we can set our budget. Some of those challenges will be wrapped up in the discussions. Given that housing is a really important part of Scotland’s infrastructure, we need to ensure that all those elements are in place before we make any commitments.

We understand that housing, and particularly social housing, is of critical importance. It impacts on the country’s wellbeing and on educational attainment—if children and young people have good houses in which they feel safe and warm, they perform better at school. The provision of good housing enables us to deliver on a number of outcomes in our national performance framework, so it is in the interest of every part of Government that we recognise the huge importance of housing beyond just bricks and mortar.

The fact is that the current budget situation does not give us the clarity that we need to be able to make a firm commitment. Nevertheless, I am sure that the committee will ensure that its points and concerns are articulated strongly with regard to what it would like the Government to do in our budget.

Graham Simpson: I am not quite sure that the cabinet secretary picked up on the question of whether, looking ahead to the next Scottish elections, there is scope for a cross-party statement of intent. That is something that the housing sector seeks.

Aileen Campbell: Absolutely—we are asked about such things regularly. I am talking the committee through the challenges that we face in relation to the budget, and giving my thoughts on the wider importance of housing beyond simply the delivery of new housing. We have to think about housing in the round. It is about not only delivering new houses, but ensuring that we do not miss the need to improve existing stock.

If people want to work on housing on a cross-party basis, the housing target up to 2040 is a perfect vehicle to allow us to think collectively about what a new system might look like and how we can embed the changes that need to happen.

Graham Simpson: Speaking as my party’s housing spokesman, I certainly think that there is an opportunity for parties to get around the table

ahead of the 2021 elections, to see what we can agree on.

Aileen Campbell: Absolutely. The Labour Party has produced and published documents setting out its thoughts on housing, and we will happily engage with other political parties.

Part of my ambition in developing a new system is to ensure that we get out of the parliamentary cycle, which sees us competing against each other when in fact we probably all agree about the fundamental importance of housing. How do we make good use of that collective ambition in order to provide the stability that the housing sector wants, rather than limiting ourselves to the five-year electoral cycle? We need to think about how we plan for and change the system up to 2040. If Graham Simpson wants to tell me his thoughts and views, I will happily listen to and engage with him as part of our consultation and conversations that we are currently having.

Graham Simpson: That is another useful offer—thank you.

Aileen Campbell: Good.

The Convener: There you go, Mr Simpson—do not say that you never get anything out of this committee.

Andy Wightman has a question.

Andy Wightman: Before I move to my question, I want to follow up on Graham Simpson’s question. The original question was fairly straightforward. There is a commitment to an affordable house-building programme, but it runs only up to May 2021. Given the timescales that are involved in planning, procurement, developing land and so on, is the minister willing to agree in principle, with all the parties in Parliament, to a continued commitment on affordable house building beyond 2021 in order to provide some certainty and predictability for the housing sector?

Aileen Campbell: The housing target up to 2040 is designed to—

Andy Wightman: No, I am not talking about 2040.

Aileen Campbell: I am talking about the situation after 2021. I am setting out the context in which we want to plan and work across political parties to develop a vision and an ambition up to 2040. I am happy to work with political parties beyond the 2021 target. I am also articulating the significant challenges that we face in setting our budget and in giving a commitment at this time, but what we do immediately after 2021 will be part of the budget process—

Andy Wightman: So an in-principle commitment to deliver, for the sake of argument, 50,000 affordable homes in the next session

would not cause a problem for you. I am talking about a statement in principle—obviously things can change and budgets can collapse.

Aileen Campbell: That would be premature. The fact is that we currently have—I know that you want to dismiss it—an on-going consultation with the housing sector, in the widest possible sense, in order to understand what the housing requirements are, what people's views and thoughts are and what communities feel and want.

I would not want to prejudge the outcome of those discussions by simply saying that there be a target of 50,000 houses. I think that we all understand and agree that there is a continued need, beyond the current target, to build and deliver social housing. I will not prejudge the outcomes of the consultation on housing up to 2040. I am happy to agree to meet the Green Party, to understand your thoughts and views on the matter.

Andy Wightman: I am asking for your view now on a very straightforward question about an affordable house-building programme.

The Convener: I do not really understand how we can ask for a cross-party statement of intent and have the Government say, "We want to do this." What is the point of discussions with the Green Party, the Conservative Party and the Labour Party if the Government has already said what it will do after 2021? The whole point is to have those discussions beforehand.

Andy Wightman can ask his next question now.

Andy Wightman: I will move on, convener. My next questions are on preventative spend. I do not want to touch on integration joint boards just now, because my colleague Graham Simpson will come to that issue shortly.

We have heard quite a lot of evidence about the difficulties involved in making the necessary investments to deliver genuine preventative spend programmes whereby we reduce the more acute demands on certain public services by stepping in at an early stage to prevent those demands from arising. It poses a challenge for local government, because investment is required up front, with a potential payback period of perhaps as long as five or 10 years.

What is the Government's thinking on how to embed a programme of preventative spending, on which, I think, all parties have broadly agreed since the Christie commission, in order to ensure that local government can properly plan services for the medium and long term in a way that reduces demand on the more acute services by avoiding the need for people to enter the justice system or the health service, or by preventing people from becoming homeless?

Aileen Campbell: Prevention is already prioritised as part of the national performance framework. As Andy Wightman said, prevention is rooted in the Christie commission's recommendations. We can point to a number of policy areas in which prevention fundamentally underpins the decisions that we take. A good example is child poverty. Significant investment is going towards addressing that issue, because of the preventative role that it will play in respect of the future outcomes for individual children and society more generally.

We can also point to initiatives such as family nurse partnerships, the £1.4 billion of support for low-income households and the provision of £100 million to mitigate some of the worst impacts of the UK Government's welfare cuts. All those things prevent a further impact on the wellbeing of such families. That is happening not only through our investment as a Government, but through the good work that local authorities are doing to support families. Local authorities have produced their own reports about what they are doing on child poverty in order to illustrate the policy developments that are taking place at that level.

Andy Wightman: I want to ask specifically about the accounting in that regard. Let us say that a local authority spends £100—that is a fictional amount—on a housing or health initiative, which saves the national health service or the police a certain sum of money that might amount to more or less than the original spend. How can we build an accounting framework to incentivise local government to undertake preventative spending? At present, the savings and benefits accrue to budgets that are held by other public sector organisations. We have not yet managed to create a funding and accountability framework that makes the process straightforward.

Aileen Campbell: Kate Forbes will want to come in on that. In my discussions with a number of local authorities and public services, even as far back as my time as Minister for Children and Young People, the outcomes have often been the galvanising element. The Christie commission challenged us to remove some of the silos in which public financing sits, and to use the collective resource to maximise service delivery and the impact of that funding, regardless of where those pots of money sit across public life.

10:00

From my experience with local government and community planning partners, I know that there has been, and there will be, frustration about the situation that Andy Wightman describes. In essence, however, good planning has enabled us to focus on outcomes and to deliver on the needs

and aspirations of communities, regardless of where the spend is accounted for.

Kate Forbes: I take Andy Wightman's point. It is challenging and difficult when we come to the core accounting beyond sharing budgets and active collaboration. Local authorities, like every other public body, have as much freedom and flexibility as possible to use their budgets as they see fit. I know that Andy Wightman said that he did not want to touch on IJBs, but that is an interesting example of an area in which, short of sharing budgets, it is very difficult to recycle savings between different organisations.

Every Government agency and department, along with local authorities and other public bodies, has the freedom and flexibility to work collaboratively in trying to resolve challenges. Last year, when the violence reduction unit was hitting the news in Scotland, reference was made time and again to the unlikely alliances between education, justice and other areas in order to deal with the core problem.

I will come at prevention from a slightly different perspective—a digital perspective. In order to invest in significant capital projects that we know will drive freedom and efficiency, we work collaboratively with local authorities, to support them to invest in improved digital services that will drive better outcomes. That is an active decision to collaborate and work together; it does not come about naturally by itself without the determination to collaborate. Short of forcing people to share budgets, it is about collaboration.

The Convener: To some extent, it is an academic exercise. If the actions of one sector are benefiting another sector, is there not some way in which you can marry that up? In the next budget, for example, the sector that did the work might get a reward from the sector that benefited from that work. That is a theoretical example, but it is something that the committee has been looking at. We have had organisations in front of us talking—"complaining" might be too strong a word—about the fact that they do something that comes out of their budget, but the benefit is felt elsewhere. Is there any way that the Government could look at doing something about that? That is not an easy job—I do not expect you to come back in two weeks with a letter telling us that you have done it.

Kate Forbes: We look at those things at Cabinet level, so Aileen Campbell might be able to speak more knowledgeably about that. The budget is brought together as a whole, and the Cabinet makes a collective decision about it. That means that, when spend is being discussed in one portfolio area, there is another discussion happening about how it will benefit—or perhaps disrupt—another area. There is a collective decision-making process. If that is happening at

the top, the hope is that organisations and agencies will work together to ensure that the savings are recycled.

Aileen Campbell: I would point not to the Cabinet-level discussions, but to practical examples such as the early years collaborative, which brings together a range of professionals across the third sector, the NHS and education. A gamut of people are involved in the early stages of a child's life. They agree on a set of outcomes and stretch aims—that is the improvement methodology that is used—to understand what they should focus on, who is best placed to do that and how to collaborate with and complement each other's work.

That is driven by a focus on children's lives, as opposed to thinking about where a child fits in terms of service delivery. The end result is that outcomes are improved, regardless of whose budget helped to create that result. We can measure a tangible improvement in how a child's life has benefited from the collaboration that happens at the front end of delivery.

That also empowers front-line practitioners to challenge back up the line. As well as national leadership on how we embed prevention in a much more routine, disciplined way, we need front-line practitioners to be empowered on the ground. That happened through the early years collaborative, which is now the children and young people's improvement collaborative. From what I saw, that empowerment of front-line practitioners enables much better decision making, because they focus on the needs of and the outcomes for an individual child, rather than getting het up about whose budget line did what. That might mean that, in 25 years' time, that child will go to university rather than ending up in Polmont. That is a longer-term point of view.

It is important that we protect that early investment and do not let it slip during adolescence. Support needs to be provided at all stages and ages of a child's life. Through the tackling child poverty delivery plan progress report, we endeavour to show a child's life course and the range of support that Government and public life more generally can offer to support them so that they can contribute to society when they emerge from childhood into adulthood.

The Convener: That example, and the violence reduction unit example that Kate Forbes gave, are examples of the type of situation that I am suggesting that we should try to get to eventually.

You have programmes that have worked extremely well in your policy area, but, in the general run of things, it is much more difficult, where some organisations—

Aileen Campbell: It is difficult. Part of the issue comes back to the questions that were asked earlier about clarity. I think that we all have the aspiration of making better use of public resources. Christie challenged us to do that and the national performance framework demands that we do that. The public have no idea about whether what they pay in will go into the police pot, the NHS pot or the council pot; they just want good services. We need to make sure that we use that as our guiding principle when we marshal the money that is entrusted to us to spend.

Andy Wightman: We have had a session with local government and other interested parties on the financial state of local government in the medium and the long term. The call has been made fairly consistently for more certainty and for more autonomy. I am aware that the Government has convened, with COSLA, a local governance review. I am also aware that there are no plans to introduce legislation in that area in this session. Nevertheless, those conversations have been taking place. Can you give the committee any insight into your deliberations, particularly in relation to providing greater fiscal autonomy for local government?

Aileen Campbell: I can give an overview of the local governance review; Kate Forbes leads on the fiscal element of that. You are right that there has been on-going discussion between the Scottish Government and local government. We jointly oversee the progression of the local governance review work. As part of that, consultation events have been held around the country, to gather communities' thoughts and views on reimagining democracy in Scotland and what they would want from that.

There is the fiscal element, the functional element and the community element, which are about how we can engage with our communities and build on the community empowerment legislation. That work continues, and we are about to go out to communities again in an attempt to paint more of a picture of what might be possible. Communities expressed a desire for us to illustrate some of the models that might be more appropriate, so that they could get a better understanding of what is possible through engagement with that process.

We did not want to legislate at this time because we were called on to make sure that we did not lose the opportunity to get it right and to take a bit more time over the process. However, that does not stop us progressing some of the other pieces of work that we need to do and testing ideas in the short term. We are working with local authorities on consulting communities, to get a better understanding of the models that they would like to be tested, probed and worked through.

Kate Forbes leads on the work on the fiscal empowerment of local authorities.

Kate Forbes: The fiscal element is progressing as well. From my perspective, although there are three strands, including the fiscal strand, it is important to keep sight of them all, in the round.

The fiscal element focuses on two different areas. First, a number of pieces of work have been progressing since last year's budget, which was the most significant empowerment of local authorities since devolution. There is the transient visitor levy, the workplace parking levy and the empty property relief. That aspect forms an element of the discussion.

The second element is what comes beyond that and how additional tax or revenue-raising powers sit in COSLA or local authorities' wider financial settlement. Those conversations with COSLA are progressing. Some of the focus has been on this year's activity, but we are still focusing on the future and how revenue raising sits in the wider funding settlement.

Andy Wightman: What is the Government's view on how much fiscal autonomy local government should have?

Kate Forbes: We have taken steps this year in those three areas that I mentioned. We want to ensure that local authorities have as much freedom and flexibility on spend as they do on source of money.

On how local authorities come to their settlements now, I think that 42.9 per cent of overall revenue comes through either revenue raising, such as council tax, or from fees that they receive. That is not a bad starting point.

We are supportive of additional conversations. If COSLA has recommendations on revenue-raising powers, we would be open to discussing those.

Andy Wightman: Of that 42 per cent, fees and charges take up about 6 or 7 per cent. The rest comes from council tax—the Government instructs councils on the limits within which they can set rates—and non-domestic rates, which you set the rate for and Parliament approves. Local authorities do not have control over any of that tax element of that 42 per cent.

Kate Forbes: There may be a cap on council tax, but local authorities still have some freedom within that cap. The point is that all the revenue raised from NDR and council tax goes directly to local authorities.

Andy Wightman: Fiscal autonomy is not just about who owns the revenue; it is about the power to set rates and design the tax system.

Aileen Campbell: That is why joint work is ongoing between Government and local government.

The agreement of local government has been essential for the work that Kate Forbes has progressed, alongside the other pillars of work that we are progressing. The openness is there to thoroughly consider any options, because it is a joint oversight between us and local government. It is not something that we are trying to impose on to local government; it is a joint endeavour overseen by us and COSLA.

Andy Wightman: Yes. I just wonder what the Government's view is.

Kate Forbes: The Government's view is quite simple. We are taking forward that work this year, and as part of that, if COSLA and local authorities have proposals to make, we will discuss and work through them.

Aileen Campbell: Likewise, that offer is open to the committee, if you have particular views on what you would like to be in the local governance review. There is also the need to represent the things that communities would like to see, following the scrutiny that you have done on the budget. You should be considering and feeding into that.

The Convener: I think that we will be.

Graham Simpson: I want to pick up on something that Andy Wightman said. There was mention of the workplace parking levy, which will, of course, be optional for councils. Given that we are doing pre-budget scrutiny, when you draw up your budget for local authorities, will there be an expectation that councils will use that levy? Will they be penalised if they do not use it?

Kate Forbes: The answer to that is an unequivocal no. That is an additional revenue-raising power for local authorities. It is optional for every local authority.

Graham Simpson: So the settlement will not take any account of that.

Kate Forbes: No.

Graham Simpson: Therefore, if local authorities choose to use the workplace parking levy, it will be extra money.

Kate Forbes: Absolutely.

Graham Simpson: Okay—that is clear enough.

Cabinet secretary, I want to ask about the budget for adaptations for registered social landlords, which we have asked you about previously. For seven years, it has been frozen at £10 million. In our letter to you, the committee made a specific ask for that budget to be increased. Are you prepared to consider that?

10:15

Aileen Campbell: If part of the committee's response to us on the budget process is to ask us to increase the budget for adaptations, we will, of course, look at that, along with all the committee's recommendations. At the moment, that is part of the wider considerations that are taking place on the overall budget. We have talked about the challenges that we face as a result of the budget coming imminently upon us. An increase for adaptations will be part of what we consider in the context of those wider discussions.

We understand the committee's concerns, which it has raised previously. We face on-going demographic challenges, so there will be a continuing need for adaptations to housing. Last year, we also talked about how we can make better use of the funding pots, which sit in a number of different places. We might want to make that clearer and more transparent. That will be part of those wider discussions in a policy sense; we will not simply look at the issue from a budgetary perspective.

Graham Simpson: We have been talking about preventative spending. Funding adaptations is a really good use of money for preventative spending.

Aileen Campbell: Absolutely. It is also about how we future proof houses and ensure that they are adaptable and suitable for people's needs as they get older. It is not just a case of retrofitting adaptations; it is also about making sure that what we build is fit for purpose for the future.

Graham Simpson: I am not asking you to tell us what the budget will be—obviously, you cannot do that—but can I take it that you are sympathetic to that request?

Aileen Campbell: The points that you make are robust. There is a need to make sure that adaptations are made so that people can live in their homes for longer, but that will have to be part of the wider consideration and discussion of the budget. We are not in a position to provide any figures. A call has been made for us to look at the policy more holistically, and we must do that.

Graham Simpson: I will move on to IJBs, as we have taken quite a lot of evidence on those. I want to address a couple of areas. There is a perceived imbalance of power between councils and health boards. We took some evidence on that from Unison, which told us:

"Most councils have a policy of making no compulsory redundancies, but the NHS's policy is to make no redundancies at all."

We heard that the fact that cuts within an IJB must be achieved through council redundancies has

“a disproportionate effect on social workers and others who work in that area.”—[*Official Report, Local Government and Communities Committee*, 2 October 2019; c 23, 22.]

We were told that their jobs are “more vulnerable”. From the evidence that we have heard, there seems to be a view that the power in that relationship appears to lie with health boards rather than with councils.

We have also been looking at the financing of IJBs, which is murky. Nobody seems to be able to drill down into who is spending what. We had a number of evidence sessions on that, and I know that the Health and Sport Committee is also looking at the need for greater transparency. What do you have to say about that issue and the disproportionate balance of power?

Aileen Campbell: The IJBs have been designed to bring about collaboration and partnership work that will improve outcomes for communities. I know that the Health and Sport Committee is looking at the issue, and work is being done by the Government to make sure that integration takes place in a way that is acceptable to all parties. We want to increase the effectiveness of integration and to ensure that the outcomes that motivated the integration process are delivered.

I promise to get back to you on some of the issues around employment practices. It might just be that there are differences in set-ups and in the way that things are understood, and that some practices have caused frustration. We will get back to the committee on those points to ensure that it has the clarity that it needs and that the work that the Health and Sport Committee does in this area complements the Local Government and Communities Committee’s work.

Kate Forbes: I will speak about the finances. The Scottish Government works with the integration authorities to publish quarterly consolidated financial reports, which give details of financial performance, including information on the funding that is held in reserves. Those can all be found on the Scottish Government’s website.

The integration authorities are responsible for managing and delivering the financial balance for the health and social care responsibilities, and they have a requirement to produce audited accounts as well as annual performance reports to detail funding allocations from partner bodies and how those are spent. Although it is for local partners to negotiate and agree their budgets in a timely manner, we want to work with them to better integrate those financial arrangements. That is part of the ministerial steering group review’s work, which is looking at the integration process.

When partners develop integration schemes, there is clear guidance that says that they should

set out their arrangements, particularly for risk sharing between bodies, including managing overspends or underspends. Each integration authority has such arrangements in place. However, they need to be revised every five years, and integration authorities in some areas are looking to further establish the arrangements that they have in place.

Aileen Campbell: The “Ministerial Strategic Group for Health and Community Care, Review of Progress with Integration of Health and Social Care—Final Report” was published in February this year. IJBs have been working through that report’s recommendations. I am not sure that the workforce issues that you describe were as prominent then as they have been in the committee’s evidence sessions. However, a workforce planning work stream is looking to make improvements on that front.

Graham Simpson: When is the ministerial steering group review due to be completed?

Kate Forbes: I do not know. I am not involved with it, but I can get back to you with a date.

Graham Simpson: Thank you.

The Convener: The evidence that we have received—to be fair, we are the Local Government and Communities Committee—is that the health boards appear to be the stumbling block in almost every department, as they seem to be less welcoming of the whole partnership idea. That is a real concern for us. We cannot have extra pressure put on local government if the health boards are not fulfilling their part of the deal.

Mention has been made of the finance reports, but what method is there for the Government to make sure that there is a good and fair partnership between local government and the health boards that will benefit the people they are meant to be serving?

Aileen Campbell: That will be done in a number of ways. I talked about the national performance framework, which is not just for local government and national Government; it is designed to make sure that many other players in public life focus on outcomes. The Cabinet Secretary for Health and Sport, Jeane Freeman, sits on the local governance review, because of the importance of the health service’s role—it is a local governance review, not a local government review. Government leadership is essential to ensure that health boards play their full role in the IJB setting, and if issues emerge from the committee’s budgetary scrutiny, we will endeavour to follow those up.

We can point to many examples in which the health service is playing a full and proactive part. It is represented in the local governance review, and

the public health priorities are a shared endeavour between the health service and local government. Questions have been asked about preventative spending. That involves looking at how we can support public health priorities, because that will take away the need to spend money at the acute end of the health service.

There are many ways in which health boards are playing their part. Of course, the health service has people out in the communities—a host of different people play a role in a community setting, whether they be midwives, health visitors or podiatrists—delivering services and crossing people's thresholds. We should not lose sight of that in the narrative of what we are trying to create through the integration scheme.

The Convener: I completely accept and agree with that. The health service obviously does a lot of great work. I am a great supporter of the IJBs—they are the way forward—but they only work if all the partners are willing to work together, and some of the evidence that we have received suggests that that is not always the case.

Annabelle Ewing (Cowdenbeath) (SNP): I want to pick up on that issue. Many comments have been made in evidence about the functioning of IJBs. A point that has frequently been made is that while some are functioning extremely well, some are not.

Pending implementation of the outcomes of reviews, surely there must be a way for whoever would lead on the issue to take control of the situation and to identify which IJBs are working well and which ones are not. They could then consider what can be done in the interim, as a matter of practicality, to bring about improvement, pending perhaps wider structural changes that may or may not happen following the on-going review. Would that be a practical way forward?

Aileen Campbell: Absolutely. It was probably remiss of me not to say that, because it was part of my answer to the question on absenteeism. There are always opportunities to share good practice and learning points, and to work with other IJBs to flush out where good outcomes are being delivered, where challenges have been met and ways in which that learning can be shared. That is a proactive and positive way in which potential disparities in performance could be addressed. The same goes for much of public life—whether in the 32 local authorities or in different departments within those local authorities.

Sarah Boyack (Lothian) (Lab): I want to move on to climate change, on which the committee took a lot of evidence from witnesses. Local government has two major areas to consider—transport and buildings—and it has a significant

amount of influence on both. We received lots of evidence on the extent to which councils are working to promote carbon neutrality. How will the Scottish Government assess the extent to which councils are working on carbon neutrality and what are they delivering? How will it identify what further measures need to be put in place?

Aileen Campbell: Consultation on the public sector's role in responding to the global climate emergency is already under way. Our proposals include all public bodies, which means that councils must make their targets and the progress that they are making towards meeting them publicly available so that residents can see how well they are performing. That consultation is open until the start of next month.

As you said, it is very important that local authorities do as much work as everyone else to progress their work on carbon neutrality. I am conscious that that area of policy sits with another part of Government. We will endeavour to flush out further information if the committee wants it, but at the moment there is an on-going consultation about the role of the public sector in responding to the climate challenge. That closes at the end of next month, and the Government will examine the information that comes back.

Sarah Boyack: We would be interested in that, because it is very relevant to my next question. What funding will be made available to enable councils to implement the climate change targets that are set out in the 2019 programme for government? I am interested in transport and buildings in particular, and also the issue of skills and knowledge.

We know that a heat networks bill is to be introduced, but planning is not a core issue. In your initial comments, you mentioned core services getting the funding that they need. We know that planning is critical to the climate change agenda, but it is within the unprotected area of local authority budgets. An additional set of skills and knowledge will be needed on top of what we have now. How can community heat networks be promoted when we do not have the required skills and resources in local authorities? We can almost name the fantastic work that is being done by some local authorities, but it is not being done universally by all councils.

Another issue is the opportunity for councils to provide bus services, which was considered as part of the Transport (Scotland) Bill that was passed only a few weeks ago.

Those are three areas where really innovative—totally new—work is needed. How will that be funded? What will the Scottish Government do in relation to knowledge and funding to enable local authorities to take the lead at community level?

Aileen Campbell: Following the passing of the Planning (Scotland) Bill, we will be consulting on planning fees and performance towards the end of this year. As part of that process, we can look at issues such as increased fees for retrospective applications and all the other issues that were discussed during the progress of the planning bill. The principle was to ensure that improved performance could be linked to that. I know that the issue of how the resources generated from that might be used came up during the committee's evidence sessions. That would be up to local authorities. However, we would want to be able to further engage on what is appropriate in terms of planning fees and cost recovery.

10:30

Regarding the issue of building and the skills that are required, Professor Sean Smith has carried out a review of that. The review also considered the industry more generally, including the types of buildings and infrastructure that we are constructing and whether we have the necessary skills to be resilient to future challenges and the current climate change challenge. All of that is being looked at to make sure that we can gear up to ensure that we have the right skills to build the right things in the right way, so that we can make good on the carbon challenges.

You are right that there are other ways in which we can think critically about the transport provision of the budget and how we can embed more innovative thinking in practice. However, some of that is locked into the budget discussions that will have to take place. The climate emergency means that we have to think about things in an imaginative, innovative and different way—we cannot just continue as we are, otherwise we would not be responding to the emergency that we face. A lot of that will be caught up in the budget discussions.

Sarah Boyack: The critical issue during the first half of our evidence session today has been about core services—priorities and areas where councils are under pressure—and those are areas where local authorities will really have to step up the work and do things that are either not currently being done by local authorities or are only being done by very few. That means that a huge transfer of knowledge will be needed, which also presents a risk. For example, if a local authority is developing a heat network, it is desirable for it to be low carbon, but there are financial risks involved. Local authorities need to learn from each other and from their experiences, or from other countries—some countries are 20 years ahead of us. It is important to look at how the need to respond to climate change is framed for local authorities.

I am keen to see that in the budget. The process in the run-up to the budget would be to see whether the Scottish Government would be putting in new resources. To cut to the chase, I recently asked the Cabinet Secretary for Environment, Climate Change and Land Reform and she said that the Government had reached a settlement with COSLA, which she indicated is the forum for dealing with these issues. I reflected at the time that given the nature of the climate emergency, the big-ticket changes you would be looking for are not within the financial framework that councils are operating within, particularly given their staffing constraints.

Aileen Campbell: Part of the budget discussions that we will have will be about what the settlement will be and how local authorities prioritise their spending. We have a statutory target to reach around some of these things, and that has to drive progress across all public life, not just local authorities. That is why we are consulting on the role of the public sector and how it responds to that challenge. That consultation closes at the end of next month, so we have to consider all the responses and work out what we have to do differently to meet the targets that Roseanna Cunningham has set out within the legislation. We also need to consider what that means for day-to-day life more generally. That will be part of the discussions, and it will be up to the local authorities to then deliver on that through the budget settlement that ends up being agreed to.

There are also other ways to look at that, such as, for example, through the community planning partnership. We could look at whether this organisation could discuss ways to bring together the people who are making decisions within communities, and whether it could discuss how climate change will impact on the communities that this organisation serves.

The Scottish leaders forum also has climate change as one of its priority work streams. Again, that forum brings together all the leaders from local authorities, including health boards and others from across the whole of public life. Those bodies are looking at what more they need to do to respond to the challenges that have been set out. Climate change is a priority that has been set out by the Scottish Government and it is a priority of Scottish leaders. There will be discussions throughout the budget process about what is attributed by individual local authorities to meet that challenge.

Sarah Boyack: That really squares with all the evidence that has been provided by witnesses that the work is needed. You are saying that we will need to look to the budget for that, and we will need to wait and see.

Aileen Campbell: Yes, but as I said, that workstream is being taken forward by the Scottish leaders forum to ensure they are responding adequately in public life. The forum is led by Colin Sinclair, the chief executive of NHS National Services Scotland, and Sally Loudon, chief executive of COSLA.

That has been led from the front by our leaders in public life, to work out what they do as the public sector to respond to the challenge, alongside the work that we are doing to consult with them on the practical issues that they need to address. That includes how they need to change what they do; what they need to fund; what they need to think about differently; whether their existing commitments tally with the fact that we now have a very pressing climate change problem to address; whether that means that we have to rethink our past prioritisation in spending, and how we do that by looking through the lens of child poverty, without embedding further inequalities more generally; and making sure that the transition to a low-carbon economy is a just one.

Sarah Boyack: Local authorities are already heavily involved in the vehicle charging network. The committee has heard evidence that, if we are to step up the use of and demand for electric vehicles such as cars, buses and bikes, we need charging points. Although we have some infrastructure for that, it is not going to meet future needs and demand. Will you give us an update on your plans to expand the vehicle charging network?

Aileen Campbell: The programme for government contains our commitment to continuing to support charging up to 2022, and to support the creation of 20 electric towns across the country. We now have more than 1,200 charge points, and the £20 million funding that was announced earlier this year will see another 800 charge points added to that network.

We are also working with local authorities, SP Energy Networks, SSE plc, and others, to work out what more we can do and how we can work collaboratively to deliver on that aspiration. That does not sit wholly within my portfolio, so if there is anything else that you want to probe and test, we will happily get back to you.

Sarah Boyack: We would be very interested, because it links directly to planning. If you are building new houses or extending communities, that infrastructure is crucial from day one, so that people can see it before they actually move in and invest accordingly.

Aileen Campbell: You are absolutely right. Funding is there, existing networks and infrastructure are in place, and there is an ambition to do more, with funding attached. That

work is on-going, alongside the energy providers and network operators, to work out how we deliver that.

You are right to ask how that links with housing up to 2040. Do we have the right infrastructure? Do we need to do more there? Do we need to have much more planning embedded, to make sure that people can live the life that we expect them to live, and cope with the climate emergency that is upon us? These issues do not just belong to one portfolio; I am conscious that Roseanna Cunningham has more of the specifics around charging points.

Sarah Boyack: I accept all that, but I am conscious that communities are expanding and new communities are being built. From the 2040 perspective, that infrastructure brings the opportunity to do it now, as opposed to the big agenda of retrofitting which you rightly mention.

Aileen Campbell: Yes, and it is—

The Convener: Okay. I want to move on.

Aileen Campbell: I just want to say—

The Convener: Hold on a second, please. The committee can write to Ms Cunningham and see what information we can get back. Be very brief, Ms Campbell, please.

Aileen Campbell: Although the housing work that we are doing is planned up to 2040, that does not mean that we will just do the work at the end of 2040. It is about on-going work, and that came through in the evidence that the committee received. If you want to change systems, you need to do it over time. It will not happen overnight.

As you will know, the housing sector is looking for longer-term certainty around what it has to build, how it has to build it, and what it needs to gear up for. It is not about a big bang at the end of 2040 and suddenly having a new system; it is incremental work and culture change is necessary.

Alexander Stewart (Mid Scotland and Fife) (Con): The committee has heard evidence that the procurement rules and practices that are in place are quite challenging, and that those rules and practices were brought into place to support, assist and improve, but they might be creating barriers to effective service delivery across the piece. It would be good to get the Government's view on that.

Aileen Campbell: That is something else that the committee has brought up previously. I can understand that there are frustrations, but the procurement legislation has been designed to be flexible, to ensure that we get more small and medium-sized enterprises into the pipeline, and to support our local businesses. The changes that we have brought about through the legislation

have been designed to do some of that. If there are particular frustrations, it would be good to get more detail and clarity on where those have been so that we can work through them.

We also hear that there is a bit of risk aversion in public life with regard to how procurement can be used to deliver on wider aspirations. To go back to Annabelle Ewing's point, it might be a question of sharing good practice and learning from others who are doing good things.

I also point to the work that is being done in Ayrshire on community wealth building, which I think is particularly interesting. I had an extremely informative meeting with a councillor from Preston on the work that Preston City Council has done, and it is interesting to see the development of the community wealth building approach across all three Ayrshire council areas. Tools such as procurement are being used to embed fair work practices, to tackle inequality and to make sure that communities benefit from the public money that is in the system, and that work is linked to the regional deals. That is an example of a case in which procurement has been used in an imaginative and innovative way to deliver services and a host of other outcomes.

Alexander Stewart: I indicated that there are challenges, but you have identified that there are real opportunities to develop and expand that process to ensure that you achieve value and that the necessary support mechanism is there. Will some redesigning or restructuring be required to ensure that that happens? As you have identified, some councils are quite forward thinking and progressive in what they are trying to achieve, whereas others seem to be averse to taking such an approach. If the system was redesigned, would that help all councils to feel more confident?

Aileen Campbell: It could do. However, people are being bold and imaginative within the existing structure, so it is clear that there is no hindrance or barrier to some councils. What has enabled those local authorities to try out different things to support their third sector and their SMEs? At national level, we have some good statistics on how many SMEs are interacting with the procurement system, but we need to think about how we tackle risk aversion and enable those authorities that are risk averse to be enlightened by other authorities that are doing interesting things.

The work that has been done in Ayrshire has already triggered thinking by other local authorities about how best to use their city deal money and how to look at such matters in a different way. That is important to me, because the other parts of my portfolio are about how we meet poverty targets, reduce inequality and improve people's life chances by enabling them to access

employment that is paid fairly. If all those things can be achieved through the imaginative use of procurement, we must support that. We can point to the Ayrshire councils for doing some creative thinking.

Alexander Stewart: It has been put to us in many submissions that the best way to manage the situation would be to transform and redesign the procurement process. Budget constraint is an issue. There is an envelope of money that needs to be managed to ensure that development and expansion can take place. Because of the way in which councils are looking at their communities, what the impact might be on their communities and where they believe they should be taking their communities, they do not yet have the confidence to make progress on the issue, with the result that the procurement situation has become more of a barrier than an enabler. We want it to be an enabler, because the enabling needs to take place.

Aileen Campbell: I agree with Alexander Stewart, convener—I was about to say "Presiding Officer".

Annabelle Ewing: He has been promoted.

Aileen Campbell: Although there is some good practice, we need to focus on the risk aversion in the system that is preventing it from being adopted across all areas.

The Convener: We are drawing near to the close of our session. We have left the best till last—Annabelle Ewing has a couple of questions.

10:45

Annabelle Ewing: That is his campaign for Presiding Officer started already.

The Convener: It did not enter my head.

Annabelle Ewing: I will pick up from where Alexander Stewart got to. We had an interesting session with Professors Kenneth Gibb and James Mitchell, looking at potential alternative models of delivery and the way forward. We tried to pick up on all the good points that the cabinet secretary made on how to unlock the potential that is out there and get people working together.

A point that has come across frequently, and which is picked up in the IJB debate, is on how everyone works in their silo. How do we get people out of their silos? Professor Mitchell commented:

"One of the problems is that we appoint to such institutions in silos, we train in silos and we generally work in silos."—[*Official Report, Local Government and Communities Committee*, 9 October 2019; c 45.]

He went on to advocate a stick-and-carrot approach, rather than one that he termed

“sermonising”. That is an interesting idea. How do we get to a better place? How do we get out of silo working? It is a culture that seems to affect any exciting initiatives that are proposed. Nonetheless, during implementation, it seems to go back into the silo culture.

One issue that Professor Mitchell suggested was incentivisation, which picks up on Mr Wightman’s comment from a wee while back. It would be interesting to hear a wee bit more from the minister on that issue, in terms of the accounting and so forth, because we know that incentivising human beings is more likely to reap rewards in all manner of ways. I am sorry for the broad-brush approach, but I think it is important, because at the end of the day we are relying on individuals to provide the service. How do we do that into the future and in a different way to get good and more consistent results?

Aileen Campbell: I will kick off. I point again to the early years collaborative as one way of fundamentally breaking down some of those barriers, and bringing people together, regardless of whether they are from the NHS, councils, the Government or the third sector, to focus on the needs of the child. The principles of the person-centred approach are important in trying to break through some of the silos.

Another area that I would point to in breaking down some of the silos—I have seen it happen in real life—is when we apply the place principle, which has been adopted by the Government and local authorities. Focusing on a place as opposed to focusing on the health and education services that we provide to the community and not what other things are going on, and thinking about the holistic needs of the place can be the driver that breaks down some of those silos.

I hope that we will align some of the funding streams. If you are building houses, you need to know what you need around that and how to meet climate change targets. What do you do for active travel around those houses? How do you align all the funding streams and opportunities in a more sensible way? The sense of place is something that I can see breaking down the silos. I suppose that the question is: how do we make that happen as business as usual?

The next step is how we get from pockets of good practice to it being the norm, with person-centred services and a place-based approach. I mentioned the Scottish leaders forum in response to Sarah Boyack’s question, because of its workstream on climate change. It also has a workstream on incentives, which might unpick some further opportunity for different approaches. I point to those examples, which, as I have seen, can bulldoze through some of that silo mentality. The early years collaborative is fundamentally

empowering people on the front line to make substantial decisions that enable them to challenge further up the pecking order and question the aye-been culture.

Kate Forbes: I am very interested in the concept of incentivisation, because it moves us away from talking about inputs to talking about outcomes. Although we can all discuss that rhetorically, incentives actually make that shift. Although we may all agree, across the public sector, certainly between the Scottish Government and COSLA, on what the outcomes should be, such as improving people’s lives, linking that to the more tangible outcomes that we want to see is something that I would be interested in exploring further.

It drives more collaboration, so I can certainly commit myself to some preliminary consideration of that within Government but, more critically, to discussing it with COSLA. The place for that, if it is not in the budget process, will be in the local governance review. It is certainly a conversation that I will happily have with COSLA as part of our discussions on funding.

Annabelle Ewing: That is positive. Thank you.

Aileen Campbell: I would like to add a practical example of where the place principle has worked to transform an area: the Clyde gateway. It has brought together housing, health, the community, the police, the women’s library—a whole host of different players—and it has fundamentally regenerated the area, providing it with opportunity. People in the community feel heartened because what they see is not projectitis, which they have experienced in the past when they have been promised much but have not seen any change, but the Clyde gateway approach having transformed the area. It has done that with and alongside, rather than to, the community. The area has started to see opportunities for employment, new housing and things that never would have previously wanted to settle in the east end of Glasgow. It is through that type of approach that you start to see the real benefit of focusing on a place and what that place needs, and delivering services accordingly, as opposed to doing it on your own because you need to meet a target for housing, or to build a new road, in isolation.

Annabelle Ewing: There may be an opportunity for a future visit.

Aileen Campbell: Yes, it would be a good—

The Convener: Excuse me. We are over time, so—

Annabelle Ewing: I have one last point to make, which involves the suggestion by the Robertson Trust about the model of social bridging finance. I will not ask the cabinet secretary and the

minister to go into it in detail today. The model essentially brings together the public sector, the third sector and independent funders. The risk that is apparently taken by the independent funders involves not a financial return, but social impact. The Robertson Trust is currently carrying out an evaluation of that model. I ask the cabinet secretary and the minister to undertake to have a greater look at it, and to consider and reflect upon it, to see to what extent it might be appropriate to help promote the model in relevant areas of economic activity, because it sounds like an interesting idea.

Aileen Campbell: Absolutely. We currently support a lot of the work of the Robertson Trust, so it would be easy for us to pledge to work with it to understand its approach and take out any future learning.

Annabelle Ewing: Great. Thank you.

The Convener: Thank you very much, and thank you, Annabelle.

I thank the cabinet secretary and minister for attending today's session. We look forward to seeing the Government's response to the committee's letter in due course; at least we know some of what will be in it.

I suspend the meeting to allow for a witness changeover and to establish a videolink.

10:52

Meeting suspended.

10:57

On resuming—

Building Regulations and Fire Safety

The Convener: Agenda item 3 is an evidence session on building regulations and fire safety in Scotland. I welcome Laura Hughes, who is general insurance manager at the Association of British Insurers; Craig Ross, who is associate director of the built environment at the Royal Institution of Chartered Surveyors; Professor José Torero, who is a professor of civil engineering and head of department at University College London; and Dr Jim Glockling, who is the technical director at the Fire Protection Association.

Dr Glockling is giving evidence by videolink, so we need to be mindful of possible slight delays on the line during our discussion. Can you hear me all right, Dr Glockling?

Dr Jim Glockling (Fire Protection Association): I can indeed. The link seems to work very well.

The Convener: Given the size of the panel and the time that is available, we will move straight to questions from members.

Sarah Boyack: It is good to have the witnesses with us today. We have had a lot of incredibly helpful written submissions in advance of the session.

I will kick off with a basic question. Do current Scottish buildings standards requirements, particularly as they apply to new-build high-rise domestic buildings, offer residents sufficient protection from fire? If not, what changes would you like to be introduced? That question is open to any of the panel.

Laura Hughes (Association of British Insurers): The Association of British Insurers represents the insurance industry, including property insurers, across the United Kingdom, and is really keen on ensuring that buildings are safe from fire. We have acknowledged in the past, and do so again today, that the Scottish Government has robust regulations, especially compared with those in England. Examples include mandatory installation of sprinklers in care homes and changes that the Scottish Government introduced following the Grenfell Tower fire, such as reducing to 11m the trigger building height relating to combustible cladding. Our perspective is that the Scottish Government has some very robust regulations.

Our main concern, however, is that the Scottish Government continues to allow the BS 8414 test, which in essence allows continued use of

materials of limited combustibility on buildings over 11m, because those materials can pass the test. Back in 2017, following Grenfell, the ABI commissioned the FPA to do some research into the fundamentals of BS 8414. The research clearly demonstrates that the test is not currently appropriate for the real-world conditions in which cladding is put on buildings. I am sure that there will be more discussion of that, but the ABI considers that it is the main issue that needs to be dealt with in Scotland.

There are also various concerns or requirements around some of the changes in England as a result of Dame Judith Hackitt confirming the need for a “golden thread”. The work that the Scottish Government has done on the inventory of high-rise buildings is a really great step. We need more of that in the future.

11:00

Craig Ross (Royal Institution of Chartered Surveyors): Thank you for the invitation to speak on behalf of the Royal Institution of Chartered Surveyors. Personally speaking, I say that it is great to be back on home soil and to speak about this very important topic in our Parliament.

As you may know, the RICS covers 22 professional pathways to membership and has about 135,000 members, so it is a diverse organisation. It can therefore be difficult for one person to speak on behalf of everybody and from a position of consensus. We have submitted a written statement on zero valuation and cladding, which the committee should have received—I believe that it was submitted yesterday. I would like to take back to the RICS any questions on that document and any questions that I feel merit a more measured and encompassing response. I will ensure that the committee has a detailed response as soon as possible.

Through our combined expertise and primary objective of working in the public interest, we have been heavily involved in the post-Grenfell fire safety work in England, and we had representatives in the Cole and Stollard reviews in Scotland. We remain ready to assist the committee on this important safety issue.

I will move on to the question. As Laura Hughes said, combustible materials are currently permitted if the relevant person opts to use a BS 8414 test. Fires in properties start for a number of reasons: typically, there are about 40 fire-related deaths in Scotland each year that are attributable to occupational activities. It is therefore difficult to say that cladding and insulation systems can inhibit fires altogether. Indeed, there is no panacea that will solve the problem. Current building standards that are designed to address cladding and

insulation issues will reduce risk from cladding and insulation, but passive and active fire protection measures are all part of reducing the risk of fire spreading once it has started.

The BS 8414 test is currently considered for cladding solutions. Although the test is useful, we feel that it could be improved to include more realistic scenarios. Another issue to consider is that there are limited testing facilities available for the test—perhaps only three in the UK. Furthermore, the estimated cost of carrying out the test is between £40,000 and £60,000 and there is a 12-month to 18-month waiting period, which obviously creates issues for the test.

We support the moves that have been made on Scottish buildings standards.

Professor José Torero (University College London): I will start by saying that I struggle with Sarah Boyack’s question, particularly in the light of the responses of my two esteemed colleagues. We have discussed the details of building regulations and talked about the details of testing regimes, but they are not the fundamental problem. The fundamental problem is that, when you have a set of building regulations and building technologies, for the system to work correctly, you must have competent professionals who are capable of using those tools appropriately. It is not the test or the regulation that is bad; it is use of the regulation or the test that is bad. In the hands of a competent professional, regulations can be supplemented—they can be understood and ambiguities can be dealt with. However, in the absence of competent professionals, none of that happens and mistakes are made.

There is no perfect test. BS 8414 can be used appropriately or inappropriately—it depends on the user more than on the test itself. The problem is that current building technologies, particularly when it comes to high-rise buildings, have evolved in a manner that means that they require a high level of competency, and Scotland does not really have a proper definition of competency when it comes to fire safety. In the absence of a proper definition of competency, it is impossible to establish how to do an appropriate assessment of a building, how to do an appropriate design and who is and is not doing things correctly.

Sarah Boyack: I was going to come on to the verification procedures, but I see that Dr Glockling wants to come in.

Dr Glockling: I will detail some of the work that we have done on BS 8414 testing. I thank the committee for giving me the opportunity to give evidence.

Since Grenfell, between the ABI, RISC Authority and the FPA, insurers have contributed the best part of £0.5 million in order to understand better

the standards that are used to authenticate the material that is used on buildings. Their reasons for doing so are perhaps slightly different from those of others. Insurers need clarity when they are determining what the estimated maximum loss might be in any given building. Fire is a unique peril in that it has the capability to exceed those limits very quickly if nasty surprises arise.

The work that we have done is very independent—we took a fresh-eyes look at the standards, with no remit. Insurers would love us to say that there is no problem, rather than that there might be a problem. We conducted many tests on the BS 8414 scale and looked at its capability to assure fire performance from an insurance perspective. We concluded that although it is a better test than many others out there, development is needed in order to meet that remit.

The research continued and we found a discontinuity in the building regulations, as they currently stand, between the fire-stopping requirement relating to the external envelope of the building and the toxic hazard that can be presented to occupants from fires in the cladding void. We feel that further work is required to ensure that there is appropriate separation of occupants from the toxic hazard that can be generated.

The key point is that BS 8414 is not a bad test, but it is not developed enough to ensure that real life can be replicated. It is possible that, following a failure, rather than different materials being selected, certain rearrangements of materials could be carried out to allow such a test to be passed. That suggests that design detailing is critical to performance. We need to ask ourselves—this echoes what other witnesses have said—whether those details are realistic and practical, and whether they represent what goes on the building.

To summarise, I say that the BS 8414 testing has been used as a test of materials rather than a test of system. It is usually commissioned by product manufacturers rather than by the end user or specifier. As such, important materials such as membranes are often omitted from tests. We know that things such as vapour membranes can spread fire more quickly than cavity barriers can respond, and we feel that that is important. Important features such as the presence of plastic ducts and vents are also omitted from the tests, which do not have to be fire stopped on the external envelope of the building. I will say more about that later.

In addition, the scale of the test is somewhat wrong, in that the fire is the same width as the façade specimen, so that can lead to the void being preferentially sealed against air flow in the void from the void, which would not be the case in a much larger building with a broader footprint.

Test installations can end up being overrobust, oversimplified and oversealed, and can therefore result in an overfavourable outcome. A lot of the problem is to do with realism. We test many systems in our laboratories. Currently, all our rigs are tied up looking at current buildings and assessing whether what is on them is okay. Just today, I was heartened to learn of a request being made—I do not know whether it was by the building owner or the local authority on whose behalf the test was being done—for the whole system to be removed and put back on properly so that it correctly mirrors the building. That is heading in the right direction.

I will finish off by mentioning a key feature that I think is missed in all the testing. The presence of plastic ducts and vents does not form part of a fire test. Those are not fire-stop devices, but they form a route for fire ingress and fire egress from a building. That is not considered. As a result, a key feature that we are seeing is many buildings are susceptible to fire ingress straight into the void, where there might be combustible structures or combustible insulation.

That sums up the research that we have done to date and our criticisms. I entirely agree that tests that were honestly used are at the root of many of the problems. However, at the end of the day there are also key issues with scale and how testing is conducted.

Sarah Boyack: Thank you very much. That was helpful. It is interesting to hear a different take on the testing process. It will be worth reflecting on your evidence, although I will certainly have to read the transcript afterwards. I am sure that you were speaking perfectly articulately at your end, but I am afraid that I could not hear you completely. I am not sure whether that is just because of where I am sitting in the committee room.

Dr Glockling: I am sorry about that.

Sarah Boyack: I make a commitment to read your evidence again afterwards.

I have a follow-up question that goes back to Professor Torero's point, which he made at the start of the session, about the skills and knowledge of the people who are involved in the technical process. Are the verification procedures robust enough to ensure that fire safety requirements are being met in practice?

I am interested in the skills and knowledge of the people who are carrying out the tests and the different stages in the process, including the commissioning of works. Are the right fire safety requirements included in the commissioning in the first place? How are buildings constructed and what happens on completion? At what point is there actual testing, and do we have the skills that

are required through each of those processes? That is about not just verification but whether the construction and oversight processes are happening in our buildings.

Professor Torero: The design and build stage of modern construction systems is extremely complex. It contains some very simple components and other very complex ones. Some of them are easy to verify, but for others the process is extremely complicated because the components have already been encapsulated and enclosed in such a manner that it is difficult to see them.

In providing proper verification, certain tasks can be done at the end of the process by an individual with a basic level of competence—for example, verifying that self-closing mechanisms in doors work. All that the person has to do is look at them and verify that they work, which takes only a little bit of experience and common sense. When it comes to systems such as those involving cladding or sprinklers, the level of competence needs to be much higher. We have methods that enable us to verify sprinkler systems and see that they are working correctly. However, in the case of cladding, the exercise has to be done during the construction process because, once the system is completely enclosed and sealed, someone would have to break it apart to be able to understand whether it is working.

The question of where testing should come in the whole process is difficult. Dr Glockling made important points in that regard. For example, detailing is a significant aspect of the cladding process, but it is one that testing cannot reproduce. When we provide criticism of tests, we think of tests as systems that are there to reproduce reality, but that is not the case. In principle, tests are done to provide evidence or information to enable competent professionals to make decisions. Therefore, the tests do not have to reproduce reality; they simply have to reproduce conditions that provide adequate information to enable competent professionals to make decisions. When and how testing should be done should be part of a process that is driven by competent professionals.

Craig Ross: I would like to expand on that. The problem is exacerbated when it comes to testing on site. A verifier will make site inspections but, ultimately, they are not responsible for the quality of workmanship there, which very much comes down to the responsible person.

Over time, some skills that used to exist on site—for example, those in the clerk of works role—have largely been phased out, for various reasons such as cost saving. We have seen evidence of quality issues on building sites, which

we believe is partly due to that move away from such roles.

Yesterday, I had a meeting with building standards and the Scottish Fire and Rescue Service in which we discussed how that particular problem can be overcome. The certifier of compliance role was discussed in outline. The alternative to that is called the construction compliance notification plan, which is the process by which the applicant will inform the verifier of the complexity of the construction, and the potential key stages for the verifier to come and inspect. We would probably like to see that developed. The verifier role is strong in Scotland, and it is worth keeping it as it is and bolstering it through a detailed compliance plan.

11:15

Laura Hughes: I echo the panel's comments. Across the UK, we have seen issues with levels of competence and understanding of individual roles in the construction process. I agree with Craig Ross that the verifier role seems to be a strong role. There is still a need for clarification on roles and responsibilities and the ABI and the insurance industry are keen to see more detail on the construction process and materials used in a building. It is my understanding that the inventory that the Scottish Government has started is a step towards that. There is a need for that to be completed in an electronic format that is available to building owners within the construction process and to insurers, who have to understand what they are actually insuring. The inventory also needs to be available to the Scottish Fire and Rescue Service, so that it can understand what firefighters might have to tackle during a fire, as they might need to change their approach, depending on the construction of the building.

Dr Glockling: There is a role for standards and the evaluation of the data in reducing the burden on competency. In many other areas of protection, the concept of safety factors is introduced. Although material structural elements of a building will be required to support a certain number of tonnes, the actual element that goes into the building might have a safety factor of 2, so we can be assured that, even if something is wrong or people drill holes in it throughout its lifetime, it will probably still fulfil its function.

In the fire industry, when we test extinguishing agents of a certain type, they might pass the test at a certain quantity, but then we might ask for a 30 per cent uplift to provide a safety factor for when we encounter deviations from what might be expected in the test. When it comes to cladding testing, however, there is no concept of safety factor; the approach is just that, if a configuration passes, that is all well and good. We have to

recreate realism there. We certainly see that in some of the buildings that we have investigated post-fire, where perhaps in light timber-framed structures, a 20cm hole has been left not fire-stopped. That can go on to breach all the building's fire-resisting capabilities, so it ends up razed to the ground.

There is an inbuilt susceptibility in the assumption of perfection in the way that we put up buildings. Given the losses that we are seeing, the current view is that that is not possible or credible. Tests can be changed to introduce a requirement so that, although you might test a certain configuration, what goes on in the building needs to be that plus more to account for the imperfect environment that the world is.

Sarah Boyack: My first two questions were about what the standards are and whether they are right, and then the verification process. My third question is about the role of our local authority building standards departments, which are crucial for accountability, transparency and ensuring that people abide by the standards. What are your views on the extent to which local authority departments have the expertise that they need?

As I listen to the four of you giving evidence, I am thinking that the skills and knowledge that people need to be able to put that into effect are required not only at the construction stage but at the regulatory stage. How confident are you that we have that in our 32 councils across Scotland?

Craig Ross: In the collective pool of the 32 local authorities, we have the skills and expertise. A difficulty might arise in the case of a particular local authority that might not have expertise in a certain area, such as sports stadiums. In that case, it might have to draw on expertise that is available in other local authorities. Having the centralised building standards system in Scotland is a strength in that respect, because it enables local authorities to do that. That is unlike the situation that exists south of the border, where an approved inspector might not go to their competitors to draw on that expertise.

The expertise exists in-house, but it is spread across the country rather than being in each local authority.

Sarah Boyack: Are there cases where the situation could be improved in order to build on where we are at the moment?

Craig Ross: The existing system should be enhanced, rather than altered drastically. We should be bolstering the capabilities that exist. Of course, in a perfect world, there could be more funding for it—I am sure that local authorities would welcome that.

Annabelle Ewing: On that point, the Cole report made a specific recommendation about the need for the building standards team not only to check the proposed design but to check what was being built. In the past, we have seen that, sadly, those two things need not be the same. After Grenfell and after the work of the Scottish Government's joint ministerial working group on building and fire safety and the Cole report, which emanated from that, is anything changing on the ground, as far as you are aware?

Craig Ross: Not that I have seen. To be honest, I cannot comment on that personally. It is a question that I would like to take back to my membership, particularly the ones who work in Scotland.

Annabelle Ewing: It is an important question.

The Convener: Mr Ross, you said that there is expertise across the country, but not within specific local authorities, and that that expertise can be shared across local authorities. Is there an easy way in which local authorities can get in touch with other councils that have experts in, to use your example, sports stadiums? Is there a register or something like that?

Craig Ross: As far as I understand it, that is being developed.

The Convener: So the process is under way.

Graham Simpson: I would like to ask a simple question about something that was touched on at the start. It is my understanding—I think that all of you have confirmed this—that, currently, Scottish regulations do not ban combustible materials on the façades of high-rise and high-risk buildings. If that is the case, do you think that they should be banned?

Laura Hughes: Yes—

Craig Ross: Yes. Sorry, Laura—after you.

Laura Hughes: I think that we might all be about to agree on this. The issue comes back to the use of the BS 8414 test. If materials pass that test, they are permitted to be used on the outside of high-rise and high-risk buildings—currently, in Scotland, that means that they can be used on buildings over the height of 11m. The ABI would like to highlight the importance of using the specific trigger heights. That is a good measure, and we are supportive of the trigger height coming down to 11m, but currently the test still permits combustible materials to be used on buildings that are over that height.

The issue is not only about having a trigger height—we do not believe that the risk should be assessed on trigger height alone. For example, the Bolton student block that caught fire last week was just over 17m, which is just under the English

level of 18m. The issue is about considering not only the height of a building but the amount of risk of fire and the complexity of the building. There must be a consideration of the combustible materials that buildings have on them and of the people who live and work in the buildings, especially if they are vulnerable people. That means that we should look specifically at schools, care homes, hospitals and other buildings whose occupants might struggle to evacuate as quickly as the occupants of other buildings.

Graham Simpson: You all agree that those combustible materials should be banned. Perhaps you do not all need to say yes.

Professor Torero: Can I make a comment?

Graham Simpson: Yes. I was going to ask you about the test, but carry on.

Professor Torero: Do we understand the implications of banning all combustible materials from the external components of buildings? Do we understand that, if we did so, buildings like the one that we are in now would not exist?

Graham Simpson: Will you expand on that, please?

Professor Torero: If we look at this building from the outside, we see that it is full of combustible materials. Double glazing will have combustible materials between the layers. Many components would be eliminated if we eliminate combustible materials. It is impossible to say that the answer is that there should be no combustible materials. That is a simple solution, but it has become incompatible with multiple other functionalities of buildings that prevail all over the country. When we deal with such a complex problem, we have to be careful not to make such simplistic statements. It is not such a simple problem that we can say, "Ban all combustible materials," because the implications are extraordinary. To prevent all sorts of fires, I would like to see no combustible materials in any buildings, but we all recognise that that is unrealistic. We are surrounded by combustible materials. We have to be more intelligent in the way that we look at the problem and not just make blanket statements that we will not be able to apply.

Graham Simpson: What do the other panel members think of that?

Craig Ross: The RICS would like to see more harmonisation of regulations between the nations of the United Kingdom. In England, there is no option to submit the BS 8414 test, which therefore removes the possibility of using some combustible materials. However, non-combustible or limited combustibility—A2-S1,D0—materials are permitted. That is the way to go.

Graham Simpson: And we do not have that here.

Craig Ross: Not yet.

Dr Glockling: The external envelope of the building needs special consideration because, uniquely, if it is combustible, it can communicate fire to all fire compartments of a building. That leads to the challenges that we have. The statistics that we have for death in fire in the UK are generally very good. Compared with statistics across the world, they are exemplary. We are good at preventing fires from spreading within a building. However, from countless fires, we have seen that the external envelope of the building can rapidly communicate fire to all occupancies. Therefore, it is not inappropriate to introduce what might seem like a draconian measure in order to sort out such a high consequence issue.

I concur with Laura Hughes that, when we consider all the issues that are on the table, and as the recent fire in Bolton indicated, the height trigger is only one of the considerations. We would prefer the combustibility ban to be based on occupancy and function of the building and on critical infrastructure and the saving of life, rather than just on the height of multistorey buildings.

Graham Simpson: Right. You have all mentioned the BS 8414 test. None of us members is an expert. In layman's terms, will you explain what that test is and what the issues are with it?

Dr Glockling: The test is at a minimum scale of about 8m high and about 2m to 3m wide. A large wood crib is placed in the bottom and a completely pure façade is placed on an L-shaped frontage of the simulated building. It has no penetrations in it—no windows, vents or ducts. The idea is that the test simulates what happens once a fire has broken out of a window of a building and is lapping up the front of the building.

11:30

The test looks at the features of how fire breaks into the cladding on the front and affects the cladding and insulation. Because of the nature of those systems, there must be a void. Voids can be a problem, because fire can travel up them. The major components would be cladding surface—often aluminium composite material—the insulation behind and the void in the middle. The void is protected from fire spread by the provision of horizontal and vertical cavity barriers. Those are complex devices. They have quite a job to fulfil, in that the void must allow free-flowing air during normal use of the building, when there is not a fire. They must close under the action of fire; therefore, we use intumescent products on the front of the barriers, so that they will seal the 25mm to 50mm gap of the void when subjected to fire.

In its purest form, that is a simple test. I would criticise it because of the scale of the testing. The fire is the same width as the test specimen, so we can totally seal that void. I can see room for improvement there. However, a lot of the criticism is about how the test and its results are used. It is perfect form and does not feature things such as vents, which can allow the early entry of fire into the all-important void area, and yet we see buildings going up with vents cut through the cladding system, so somebody has made an engineering judgment there. Aside from the work that we have done on whether that is okay, I am not aware of any testing that has been done.

Certain components often get missed out from the testing, such as the lighter membranes. Those are typically fabric coverings of insulation, which can rapidly spread fire. In our laboratory, we have shown that they can spread fire faster than the cavity barriers can respond. If those were included in the testing, the outcome might change. The laboratories that do the tests report accurately what has been done. When it comes to the previous conversation about competency, we need to ask ourselves whether people are doing the detail, reading those reports and saying, "Is that exactly what I have got on this building?" If it is not, then somebody, by accepting the system, is making an engineering judgment—and a brave one at that—to say that, based on that report, things are okay.

Laura Hughes: The FPA research that I mentioned highlighted five key areas, many of which Jim Glockling has mentioned. He has not touched so much on two areas. One is that the fuel load—the wooden crate that is set on fire at the beginning—is 100 per cent wood, which is not realistic given what happens with buildings today. Most buildings have at least 20 per cent plastic, which means that the fire tends to have higher and hotter flames. Some of the FPA research identified that that was the case when the test involved 20 per cent plastic.

Jim mentioned vents and ducts, the oxygen provision and the cavity barriers. The fifth element that the FPA looked at was the system detailing. The way that the cladding is attached to the test rig is more substantial than the way in which cladding is attached to buildings. It is done with a lot more fixtures and fittings and a lot more time is taken to attach it to the test rig than happens on an actual building.

Those are some of the differences between the test rig and the real-world scenario.

The Convener: On that point, when cladding is put up, is there any testing? Does a building manager come out, have a look at it and make sure that it is put up efficiently?

Craig Ross: It depends on the contractor and on who is inspecting the site works. There is no set system for inspecting cladding systems as they are installed.

Professor Torero: With regard to the question about BS 8414, the test is a scenario test—it attempts to create a realistic scenario. You have heard numerous details that explain to an extent why it might be an inappropriate test. We all recognise that a scenario test has limitations. We are not building a building and burning it before we rebuild it again; we are creating a simplified scenario that is within reason, to try to reproduce the information that we need.

I can sit here and argue about the variables that affect, for example, the flame height and temperature and describe why the wood crib inside the test might not be representative of a modern environment. However, at the same time, I can ask myself whether, in order to get the information that I want, the test has to be representative. The question about the test is what information we need from the test and how the information is applied to the building site and the real construction. That is what requires an extremely competent professional. Because of the complexity of trying to reproduce a problem like fire, the limitation of all scenario tests is that they require an extremely competent individual to interpret the information. The limitation is not the details or problems of the test. A test cannot reproduce reality. There is a need for a proper interpretation of the test.

As Graham Simpson said, committee members are not experts in fire safety. I am sure that all the words that you are hearing are going in one ear and coming out of the other just as fast.

Graham Simpson: Not all of them.

Professor Torero: They are technical details that are difficult to understand. They are part of a professional field that requires a proper definition of competency. It is not about the details of why the test is not realistic; it is about who interprets the test and how it is applied to the construction site.

The Convener: My colleague Andy Wightman has to leave shortly, so I will let him in to ask his questions now, and we will come back to that aspect of the discussion later.

Andy Wightman: Thank you, convener.

I will focus on a practical problem that has arisen in the past 12 months or so; the panellists will be familiar with it. Following the Ministry of Housing, Communities and Local Government advice note 14, there has been a knock-on effect on surveyors assessing the value of property, mortgage providers not being able to satisfy

themselves that buildings are safe and owners not being able to do that either. Therefore, buildings are being valued at zero, which means that people cannot get mortgages. That is locking up the housing market. How can that be the case in Scotland for any building that was built after the Building (Forms) (Scotland) Regulations 2005?

Craig Ross: Could you repeat the last part of your question?

Andy Wightman: Why should that be the case in Scotland for any building that was built after the 2005 regulations?

Craig Ross: Have you seen the cladding and zero valuations paper that we submitted?

Andy Wightman: Yes.

Craig Ross: That might answer some of the questions. Valuation is not my area of expertise. I might have to take that question back to RICS and get you the response that it requires.

Zero valuation is a mechanism that is used during the course of a mortgage valuation to prevent lending when further information is needed to make an assessment of value for lending purposes. If the property has a questionable cladding system that the valuer cannot correctly identify, a zero valuation might come into play. As we touched on, specialist advice will be required in determining whether remediation works are needed. Therefore, until further advice is received, a zero valuation will be reported. As we identified in our submission, the mechanism is slightly different in Scotland. I would like to take the question back to RICS and submit a further, detailed response to the committee.

Andy Wightman: Given that the problem exists—I am aware that a process is under way to resolve the matter; indeed, this week I will convene a meeting of valuers, surveyors and lawyers about it—I want to focus on a practical issue that owners face, which is one that I think that many of us have constituents who are struggling with at the moment. If I own a flat in a high-rise development in Edinburgh—there are a number of those down at the waterfront, for example—I own the building. In Scots law, I own the external wall; it is mine. How am I to know what that is made of? How can I, or a purchaser, provide evidence sufficient to satisfy a mortgage lender that the building is safe?

Craig Ross: You can do so by carrying out an intrusive fire risk assessment.

Andy Wightman: Okay, but where in the process should that assessment come? Should I, as the seller of the property, not be in possession of all the requisite information in order to be able to pass it on to a buyer? Why would a buyer or a

seller have to undertake a fire assessment when they simply want to buy or sell a house?

Craig Ross: Unfortunately, if you look at it from the buyer's perspective, no one wants to buy a house that is covered in material that is potentially flammable. Therefore, the only way to go about it—if you do not have the information yourself, as either the building manager or the property owner—is to conduct a fire risk assessment.

Andy Wightman: But should that not have been done at the time that the building was constructed? Should that information not be in the hands of the owners of the building, so that everybody who buys a flat in it in the future has 100 per cent knowledge of the material factors relating to the construction of the building?

Craig Ross: In an ideal world, all the information, including information on building design, would be passed on to the contractor, and then passed on to the owner or the building operator. Unfortunately, that does not happen—at present, there is no system in place to manage that. That is one of the issues that has come up in the post-Grenfell investigations. It is referred to as the “golden thread” of information.

That is the situation that we have got. Consequently, the zero valuation and cladding issue is a sticking point.

We have worked with UK Finance and valuers to come up with a proposal. It has not been pushed out into the public realm yet, but we are close to doing that. We hope that that will ease the system in the meantime.

Andy Wightman: My understanding is that none of the information is available, never mind information about fire safety. If I buy a flat in Edinburgh, I would have no idea what works have been undertaken on it, when it was built, what materials have been used or what common repairs have been done. Virtually no information is available to a consumer who is purchasing a massive product on the market.

If we leave fire safety to one side, does the situation have wider implications for how we buy and sell property, to ensure that buyers and sellers are all fully informed about what they own, sell and buy?

Craig Ross: I think that it does now. The fire safety issues have brought those matters to light. Sometimes, the only way to proceed is to have detailed information about a building. Of course, we would recommend that people get a full condition survey when buying or selling a property.

At the moment, the problem is that the things that you mention are not happening. Even people in new builds face those problems.

We would recommend going with the proposed system and, in relation to the properties in question, conducting a full intrusive risk assessment, where necessary.

Andy Wightman: I understand that work is under way to try to provide a certification process. That raises all sorts of separate questions. For example, if 200—or 100 or however many—people own flats in a property, who pays for certification? Will the cost fall on the people who randomly happen to be the ones who are selling their property today, as opposed to those who do not intend to sell for another five or 10 years?

I move on to the insurance aspect. Mortgage providers say that they are not satisfied about the fire safety of buildings. Whether a building is fire safe is not the issue; they are not satisfied, and they do not have any information, which affects the risk of their lending against that property. Are those same considerations coming into play in relation to domestic buildings insurance?

Laura Hughes: We are not aware that there are problems with the insurance market insuring buildings that may either require remediation or have ACM cladding on them at the moment. The insurance industry has not had a knee-jerk reaction to the Grenfell tower fire.

For various reasons, insurance companies often ensure a whole portfolio of buildings, so they will take high-risk properties with the low-risk properties. Insurers also have risk management teams, who might walk around any high-risk properties. They are not able to go into individual dwellings, but by walking around the property, they can understand a bit more about the building management and the fire safety measures that are installed, such as whether there are sprinklers. They can also look at the building's cladding.

11:45

Since Grenfell, insurers have taken a much bigger interest in fire safety and in understanding the fire risks of certain buildings, but an insurer will not physically take off a piece of cladding and test it. That is where the intrusive fire test comes in.

There are elements in respect of which insurers will assume the worst—for example, if they do not know what type of cladding a building has. However, insurers have reported that, when they have had conversations with building owners, the owners have been forthcoming in giving the information that is available, which is great; the fact that insurers are still insuring such buildings is also great.

As Jim Glockling mentioned, the term “estimated maximum loss” is an insurer's assessment of the biggest pay-out that it is going

to have to make, for instance to rebuild a building if it completely burns to the ground. Prior to Grenfell, insurers may have taken into account the compartmentalisation of a building and assumed that the building regulations would work effectively. Therefore, if there was fire in flat 3, the assessment would assume that the compartmentalisation would work and that the fire would be contained in flat 3. Now, insurers are thinking that compartmentalisation might not work, so when they assess the estimated maximum loss, they will look at and take into account the whole building.

However, we are not aware of an insurance problem whereby buildings with ACM cladding or high-pressure laminate or other cladding materials are not being insured. That is because insurers are going in, having conversations with building owners and requesting that they take other fire risk measures, such as 24-hour surveillance, to ensure that the fire risk is reduced and that the building can still be insured. We do not want a knee-jerk reaction, with insurers saying, “We are not insuring any of this.” That is not ideal for anybody.

Andy Wightman: It is not ideal, but regardless of whether one characterises it as a knee-jerk reaction, that is what is happening in the mortgage market. Virtually no mortgage provider is willing to provide any mortgage product for certain buildings, which is an issue for families who are about to emigrate to New Zealand, for example, and it completely blocks up the market.

I have a final question. The helpful RICS submission includes a draft of the EWS 1 external wall fire review form, which I understand is still under discussion and negotiation. Mr Ross, do you have an idea of when work on the form might be completed and when our constituents might be able to start at least contemplating buying or selling properties?

Craig Ross: I cannot confirm that today, but I will let you know as soon as I can.

Annabelle Ewing: When I was a minister, I sat on the joint ministerial working group on building and fire safety and I recall that the key first task was to identify high-rise buildings in Scotland that might have cladding—I am sure that RICS was involved in that. Therefore, a lot of work has been done to identify the developers and the relevant local authorities, and, when in doubt, we can go back to the planning applications and building standards information. A lot of that work has been done Scotland-wide, for high-rise buildings at least. What information can usefully be taken from that audit for wider purposes? Mr Ross, do you have a comment on that?

Craig Ross: It depends on the material. I have not seen that audit yet, but I understand from my

meeting yesterday that it is due to be published in some form next year. We need to be wary of the detail that we publish—publishing the building's name and information on its precise location and whether it is covered in combustible cladding could present a higher risk, so the information would need to be vetted. The Ministry of Housing, Communities and Local Government in England has a similar risk audit, but it will not publish the details for that reason.

Annabelle Ewing: When you say that there could be a higher risk, do you mean in terms of saleability and marketability?

Craig Ross: I mean in terms of arson attacks.

Annabelle Ewing: Arson!

Craig Ross: The second point is that it depends what information has been collected. If the information is that a building has potentially combustible cladding on it, that covers only one issue—it covers only the cladding. The whole fire risk problem goes far deeper; compartmentalisation, fire doors and self-closers all need to be taken into account, and those are what would be considered in a fire risk assessment. The audit may have done the first part, which is to identify the buildings. The second part involves carrying out the fire risk assessments.

The Convener: I have two comments to make and question to ask before I let Graham Simpson back in. It follows on from Professor Torero's comments about skills being the important thing and the discussion about how the cladding that was involved in the testing is different from cladding in reality. Do cladders—if that is a word; I mean the people who do the cladding—have specific requirements or skills to do that job?

Professor Torero: No.

The Convener: No? What we have seen suggests that that is not ideal.

Professor Torero: There is no requirement for the architects who design the systems or the engineers who implement them and the individuals who construct them to have certain skills. There is no formal skills requirement—there is not even a skills definition.

The Convener: That is an important point.

With reference to the questions that have just been asked, the panel of witnesses should know that we invited UK Finance—which was known previously as the Council of Mortgage Lenders—and Local Authority Building Standards Scotland to attend today, which would have been important and useful, but neither could manage or was willing to attend.

Graham Simpson: Professor Torero, do you think that people should have a certain set of skills in order to put up cladding? Should there be a system in place?

Professor Torero: Fire safety is an incredibly complex process and it requires a professional structure around it. As such, everybody involved in the process should have a certain set of well-defined skills that can be corroborated and demonstrated.

Craig Ross: I will build on that point. This has an English focus, but competence in these matters is a cross-border issue. The competence steering group that was convened following Grenfell formed 13 working groups to look at that problem and at the level of competence that everyone, from designers to installers, should be required to have. A report has been produced and the consultation period is now over. I suggest that the committee looks at the report, because it addresses the issue of who should be competent when it comes to designing and installing things that carry a fire risk.

Graham Simpson: Was that steering group established down south?

Craig Ross: Yes.

Graham Simpson: Is the report available?

Craig Ross: It is; it is called "Raising the Bar".

Graham Simpson: That is useful. It is certainly a concern that just anyone can put up cladding. That is a worry.

Going back to Annabelle Ewing's question and the audit of the building stock, my understanding is that that work is not yet complete. Am I right?

Craig Ross: I am not sure. As far as I know, RICS has not been involved in that. I believe that it is being undertaken by Local Authority Building Standards Scotland. It was mentioned to me yesterday; people call it the "high-rise inventory". It is in the process of being put together and will be published next year.

Graham Simpson: You do not know whether it has been finished.

Craig Ross: No.

Graham Simpson: Presumably it covers not just local authority stock but private stock.

Craig Ross: That is right.

Graham Simpson: That will involve a lot of buildings.

I return to the business of testing, on which the committee has done some work. In our previous session on the issue, we heard—worryingly, I think—that some cladding systems could make

their way on to buildings following desktop studies. Is that still the case? They do not have to be tested in the lab or anything; it can just be done on a computer.

Craig Ross: Assessments in lieu of tests, which are called desktop studies, have been banned in England. Professor Torero might like to comment on that.

Graham Simpson: But they are not banned in Scotland.

Professor Torero: First, we need to define what is meant by “desktop study”. In principle, any decision on the use of cladding should be made after professional analysis of the evidence that the test has provided. The concept behind the desktop study is that it is an engineering analysis that allows information from the test to be extrapolated into an application. We can use a desktop study if the system that is being put in place is one that a professional has deemed sufficiently similar to a system for something that has been tested and for which evidence exists, in which case its application could be extended.

If it is done by a competent professional within a competent framework, the desktop study remains an appropriate concept. However, if it is misinterpreted or used without the evidence, or if the extrapolation is done in a manner that is not necessarily responsible or competent, of course that can create an enormous problem.

I stress that the concept of banning desktop studies is too simplistic. At the end of the process, we want to be able to use the evidence that we have intelligently and responsibly. Information should be verified appropriately, for which calculations, analysis and desktop work will be necessary. We must be very careful when we use such terminology, because a desktop study is a competent and professional engineering assessment.

Dr Glockling: The process of conducting desktop studies has been greatly improved with the introduction of BS 9414 on the extended application of data. Rather than just allowing anyone to take the result of one test and see whether it is an appropriate ground for making changes, BS 9414’s extended application methodology introduces a technique whereby we can infer performance between the limits of two tests. For example, if we undertake a BS 8414 test on insulation with a thickness of 100mm and then conduct another with 300mm-thick insulation, and they both pass, the BS 9414 methodology suggests that as long as the test is passed at both those extremities we can infer that using insulation of a thickness that is between the two might be appropriate. It does not allow us to infer that the use of insulation of thicknesses that are lower or

higher than those within the test limits is appropriate. However, that must still be viewed as a great improvement, because at least we are bounding our areas of knowledge and ensuring that everything remains linked to a test.

Alexander Stewart: I want to follow on from that. You have indicated that the desktop study still has potential. However, surely the standard, the guidelines and the competence of that process need to be looked at to ensure that it can still be used effectively. Organisations and individuals will have used desktop scenarios to decide what is appropriate in some circumstances. Do you agree with that use, or might it have implications if it has not been carried out effectively?

Dr Glockling: BS 9414 at least ensures that those who conduct desktop studies are confined to working between two known points of pass, rather than working from a single point on a graph and applying engineering judgment to say that, outside those limits, anything else is okay. That certainly is an improvement on what has happened historically. It is probably little known just how few BS 8414 tests were conducted prior to the Grenfell Tower fire. The majority of systems that are on buildings have been justified on the grounds of desktop study, which is what needs to be moved away from.

12:00

Professor Torero: I will go back to the idea that the concept of a desktop study is, actually, the correct process. Even when we consider BS 8414, if the committee reads my phase 1 Grenfell report, it will see that the only means for approval is basically taking evidence from the test that will then be used to make a decision. We need that process, and the desktop study, in itself, is appropriate.

The standard that Dr Glockling described is a mechanism through which we are trying to reduce the level of competence that is necessary by bounding what somebody can or cannot do. By forcing people to interpolate instead of extrapolate, we are reducing the level of competence that is necessary. However, even that standard has no definition of the competence of the user. Therefore, in principle, I can interpolate very wrongly. I still need to have an accompanying definition of competence.

Obviously, the simpler the process, the lower the consistent level of competence. However, when it comes to cladding, we are talking about an incredibly complex system by definition, so the level of competence needs to be defined appropriately.

Graham Simpson: It is far too easy for things to slip through. It is all very well to say that a desktop

study is okay in theory, but if the expertise is not out there, surely things are getting through that should not be getting through. Dr Glockling is nodding.

Dr Glockling: Yes. From an insurance perspective, we strive for resilience. Generally, when we look for resilience, we look to lower complexity and the requirement for human intervention and interaction, and to increase simplicity and safety factors. All those things get taken care of when we consider the ban on combustible materials. We end up with a building that is less susceptible to deviation and change in use, and to deviation in terms of poor design, installation and construction. If UK builders can deliver computer-aided design level accuracy in the building that is put up, many of those problems disappear, because the building will be much less susceptible to deviation in use, design and construction. That is why we will favour the ban.

Professor Torero: Unfortunately, that is not a correct statement. Although it is true that eliminating combustible materials will reduce the problems significantly, if we really think about the integrity of the fire safety strategy, it still leaves the door open to many other forms of failure,

The moment that you have a lightweight facade attached to a heavyweight construction, you will have massive relative deformation. If you rely on stay-put strategies, that means in effect that you cannot have breaching, but, even with no combustible materials, building envelopes are very susceptible to allowing fires to progress from one floor to another.

In a way, the problem is that, when we make a decision that is too simplistic, we create a false sense of safety, because we stop thinking. That results in a situation in which we feel very comfortable and confident that we are achieving an appropriate solution, but there is still inconsistency between the components of a strategy. I would rather see people thinking in a very serious and intelligent way, with very clear bounds of competence, than putting in place straight bans that effectively stop us from thinking. If you wanted to have brain surgery, you would go to a highly qualified neurosurgeon, because you know that it is an incredibly complex problem. As the committee can see from all these descriptions, fire safety is also an incredibly complex problem. Therefore, it requires an equal level of competence, and we cannot ignore that by putting in place all sorts of other measures to try to cover the fact that we do not have the skills that would enable us to design buildings of that level of complexity.

Laura Hughes: I totally agree. Right now, we are focusing on the ban on the cladding. However, we need to take a holistic view of a whole

building's system, and of the other fire measures that are in it as well.

I totally agree with Professor Torero's view on the importance of confidence. I should clarify that, although the BS 8414 test and the desktop study—the assessment in lieu of the test—currently constitute the best test out there, the FPA found some fundamental flaws. That means that the level of competence that is required to interpret the information that the test provides has been increased; someone will need have an incredibly high level of competence in order to do that.

We are saying, therefore, that we should ban the test and the desktop study for the time being, as has happened in England. The British Standards Institute is now reviewing and assessing how it can make improvements to the test. Until those improvements have been considered and incorporated into the test to ensure that it is as good as it can be with regard to the real-world scenarios that we see—while recognising that it is just a test, and not a whole system—we should not, knowing what we currently know, construct buildings with combustible materials on the outside, given that we are unsure about how that may all work.

The Convener: Are you suggesting, therefore, that if the test and the desktop study are banned for a specific period of time, no houses above a certain height should be built during that period?

Laura Hughes: We do not believe that buildings should currently be constructed with combustible materials on the outside. On the question of whether a ban would cover all buildings, I think that, to begin with, we need to look at buildings over 11m and high-risk and complex buildings. It would be great to say that we should not build any buildings with any combustible materials on them at all but, as Professor Torero pointed out, that is highly unrealistic. Let us start somewhere and, knowing what we do now about high-rise and high-risk buildings, let us ensure that we do not put combustible material on those buildings, especially when they may house vulnerable people.

Sarah Boyack: With regard to what should happen now and in the future, we have rightly focused on new build. However, that leaves a huge question about fire safety in existing buildings, and all the things that people can do as owners, renters and building managers to make those buildings as fire safe as possible. I am thinking, for example, of safety doors, exit issues and the provision of advice, and how we look at the risks of creating fires in buildings. If we work in a professional building, all our electrical equipment is tested regularly, but none of us do that in our own houses. What can we do as owners and renters? Are there are opportunities to make

people aware of the fire-safety worthiness of their house and what they can do to sustain or improve that—for example, at the point when they arrive home or leave the house?

One question that I did not get round to asking earlier concerns the installation of automatic fire suppression systems in more types of homes. Should that happen, or should we wait until 2021? There is a whole agenda with regard to existing homes. We have rightly focused on new build, but we need to think about what happens in the meantime and our own knowledge as citizens.

Craig Ross: I would like to answer that one. You are right—we are talking about new builds, which will involve a very small percentage of buildings year on year. The elephant in the room, without a doubt, is the existing housing stock.

There are two ways to tackle that. The first, which we have spoken about, involves identifying where the risks are and undertaking a proper fire risk assessment. The second is about educating people on fire safety. As we moved through the post-Grenfell process in England, we realised that there was a bit of a gap in respect of consumer advice. We produced the document that I am holding up, which is entitled “A clear, impartial guide to Fire safety”. It is aimed at members of the public rather than at building professionals and surveyors, and it provides simple advice on fire safety.

We are focusing very much on cladding today but, as I mentioned earlier, the main issue starts with occupation, whether it involves somebody cooking, smoking or lighting a candle. Those basic points should definitely be addressed, and that is what we hope to do with this particular document. In our meeting with the SFRS yesterday, we looked at augmenting the advice and making it applicable to Scotland, too. The second point, therefore, is definitely the need to educate home owners on what they should be doing. That is a big step that we need to take.

Professor Torero: I am all in favour of educating the public. The more educated the public is, the more the potential hazards will be reduced, particularly in the home, which is where we tend to see the majority of the problems.

The only thing that we have to be extremely careful about is the presumption of competence. Our building regulations and the way in which we design buildings assume that the user has no competence, and that must remain. It would be a terrible mistake to think about educating the consumer to try to supplement what we provide through building regulations and the design process, because we would completely change the paradigm by which we operate.

Alexander Stewart: I want to follow on from Sarah Boyack’s comments. It has been fascinating to hear what you believe the industry, the trade and organisations should be dealing with. The Scottish Government has put in place some actions for the future. We talked about the ongoing review and you discussed some aspects of the audit that will come out next year. The Scottish Government has already put in place legislation, which will take effect from February 2021, and new priorities have been set. Some of that is very positive, such as the idea of having a smoke detector installed in every kitchen and in a general living room, as well as in spaces such as landings or staircases. Ms Boyack talked about safety doors and so on, which also fall under that idea. Those ideas are positive, which gives hope that there will be safety and security in the future.

However, there is also the element that there will be no enforcement of such regulations for owner-occupiers. Some people are already saying, “What is the point of having all those specific regulations if there is no enforcement?” It is good to have aspirations and it is laudable that the Government is considering all that but, in reality, it will not solve the problem. Indeed, it might only create more problems in locations where the regulations are not enforced. Individuals will be put at risk, and safety and security will once again become a problem.

What are your views on how that is being addressed? Do you believe, like others, that it is pointless in some respects to have all that aspiration when it will not be fulfilled?

Professor Torero: When you talk about putting in extra safety measures, you mean smoke detectors, sprinklers and all sorts of other elements. Clearly, by their nature, all those things have a positive effect. However, if they are not accompanied by an enforcement mechanism, they create a false sense of safety.

Furthermore, all those things are only components of an integral fire safety strategy. By themselves, they do not offer the safety that they seem to provide, and they should be part of an integral strategy. However, the strategy is determined by the level of competence of those who design, approve and enforce it. If you do not provide for investment in education and training and the establishment of a requirement for skills for all the people involved, you again create another false sense of safety.

We talked about all the new technologies, but the worst part of that is that the addition of any new technology for the purpose of protection increases the level of complexity of the infrastructure. The moment the level of complexity is increased, the functionalities and the interaction between the technologies become ever more

complex. Once again, the skill level that is required goes up, so adding new technology can have a counterproductive effect. You have to be extremely careful that there is consistency in the approach and that it covers all the components, so that there is an integrated approach to safety.

Dr Glockling: I want to make a point about detection. If any changes are to be made to detectors, we request that they be classed as high-integrity detectors, so that they are at least believable. We believe that normal smoke detectors have had their day. They trigger on many events that are either not fire events or not events for which you would want to launch a fire engine.

12:15

We have done a large study that has shown that, on a cost-neutral basis, high-integrity detectors, which look for more than one fingerprint of fire and are likely to reach 80 per cent honesty in reporting the need for a turnout from the fire service, are available now and there are no technological challenges involved. We have done a lot of work on this and have lobbied hard for it. To ensure that detectors are at least believable would appear to be a relatively simple change to make. It was reported from the Bolton fire this weekend that no one thought to leave their rooms because false alarms were a weekly event, so what purpose do the alarms serve?

I make one more point about owner-occupiers. They have some key responsibilities for ensuring the preservation of the fire safety management plan of the building. In England and Wales, where there is a light timber-frame construction and the fire compartmentation is only one layer of plasterboard thick, anyone putting up shelves, installing new sockets or countersinking their TV into that layer can have a drastic impact on the safety and wellbeing of others in that building. I sought clarification from the Department for Communities and Local Government, as it was then, as to whether the Party Wall etc Act 1996 would come into play, because ultimately anyone making such changes could be altering the structural integrity of the building for their neighbours. In Scotland, that is handled under common law, which I am not familiar with.

When I set different scenarios to ask whether someone would need to inform their neighbours if they were putting up shelves, inserting recessed lighting, installing new wall sockets or countersinking a telly into a party wall, the question was whether it was materially relevant. The response, slightly unhelpfully, was that, yes, it would be relevant if it turned out to have been required post-fire. The DCLG did also helpfully say that the neighbours who would need to be notified

would be anyone sharing a party wall, be it horizontally or vertically.

There is a great lack of awareness about the responsibilities of owner-occupiers at the end of the day, and the products that they might need to preserve the fire boundary are not the sort of products that you buy off the shelf at B&Q; they need something very different. Owner-occupiers need an awareness of the structure that they inhabit and the extra onus that is placed on them, particularly where it is a building of combustible structure or insulation, so that they know what their duties are. I am not aware of any provision for that currently.

Professor Torero: That is a perfect example of the presumption of competence. Are we designing systems that are so fragile and so lacking in robustness that they require the user to have a PhD in fire safety engineering? That is the problem. Where is the presumption of competence? Is it on the designer, the builder or the user? It is a perfect example of where the problem is too complex to pretend that it can be the responsibility of the user.

Alexander Stewart: You have identified that the competency level that is required potentially exacerbates the problem, and what has been said has given more fuel to that process. You have indicated that we are creating a society that attempts to protect and that we might be giving a false sense of security, and you have talked about how things are interpreted by the Government and other agencies. You have made valid points about where we should be going and what we should be trying to achieve, but what do you think we should be trying to do in the short to medium term?

Professor Torero: When we talk about the short term and the medium term, it is necessary to insist that the definition of competency cannot be postponed. If it is, we will create a worse problem to fix and, 10 years from now, we will have a much bigger problem. Therefore, we need to make that decision in the short term.

The problem is how we compensate through the period in which we build up that competency. Clearly, it is necessary to take a step back to design simpler and more robust systems. We could call that a ban, but I suggest an intelligent approach in which we bring in people who really understand the issue to inform carefully how we implement a step back, so that we have simpler and more robust systems, as opposed to imposing a blanket ban that could potentially lead to a false sense of safety.

Annabelle Ewing: I will pick up on a few points. Alexander Stewart mentioned the legislation on the installation of interlinked smoke alarms and a heat alarm in the kitchen. I absolutely support that,

and I take on board Professor Torero's point about human behaviour and competence and Dr Glockling's point that that is not, in and of itself, a magic protection. However, it is an element of protection that it would be better to have than not to have. I think that it is also the case that those alarms currently require to be in rented properties. That speaks volumes about why such a regulation is currently in place.

The enforcement issue might be a bit of a red herring. I imagine that, when the legislation comes into force for domestic properties, the attitude of insurance companies may be similar to their previous attitude to window locks and the type of lock that someone has on their front door. I imagine that, once the legislation is in force for domestic dwelling houses, insurance companies will ask whether people have the required alarms. I would be surprised if that is not the case, because that is the type of question that the insurance industry tends to focus on when there is legislation or guidance in place. I also think that that will impact on the level of premium that the insurance company will quote.

A very important point was raised about the stay-put principle. It is important to say that the Scottish Fire and Rescue Service has a presumption of stay put, but that is not an immutable presumption—the decision is for the commander who is in charge of a particular fire, and the principle is not to be adhered to through thick and thin.

It is also important to stress that the Scottish Fire and Rescue Service regularly acquaints itself with the layout of high-rise buildings in every part of Scotland. It did so before Grenfell and, immediately post Grenfell, it did a power of work in trying to speak to, or at least to communicate in writing with, every resident in buildings. It has continued that practice, which is important because it will then know the building layout, what the issues might be, and how fire engines can access the building. That work needs to be looked at in the round of activity that the Scottish Fire and Rescue Service carries out in relation to the important issue of competency, which Professor Torero raised. We cannot simply ignore all that good work that the SFRS carries out.

For anybody who is watching this meeting and is a bit concerned about what they have heard, it is important to stress that the SFRS offers home fire safety visits to anybody, anywhere in Scotland.

I have made those points because it is important that we deal with the factual situation on the ground here in Scotland.

Professor Torero: I will add a couple of brief comments.

I completely concur with Annabelle Ewing that, if there is one element of fire safety for which we have unequivocal evidence that it has had an enormous positive impact on saving people's lives, it is smoke detectors. Nuisance alarms are a problem, and they have to be handled appropriately, but there are means to deal with that issue. It is clear that, of all the potential measures that we can put in place, smoke alarms have an unequivocal track record of saving lives. Therefore, I completely concur with that view.

The other issues can be dealt with. We have technologies and information that allow us to handle them in the most appropriate way.

People have done many things to try to improve the way in which the fire service deals with situations in which the stay-put principle does not work. The phase 1 report by Sir Martin Moore-Bick makes it painfully clear how difficult it is when a decision needs to be made to move away from the stay-put policy, and we have to be conscious of that. Maintaining compartmentalisation is a really important aspect of the fire safety strategy and, when that breaks down, we have to be conscious that the sequence of decision making is very complex.

Laura Hughes: I am happy to comment on the insurance element that has been mentioned.

Annabelle Ewing: On premiums going up.

Laura Hughes: Insurers will assume that the requirements under the legislation are being fulfilled. They will not ask each and every customer whether they have complied with all the legislation that is in place. If there is a legislative requirement for alarms, insurers will assume that they are in place. Insurers are not in the habit of asking questions about whether every alarm is in place and about the appropriate legislation. In the past, insurers have assumed that building regulations will be met, but that is more questionable now.

When insurers offer premiums, they are in the habit of taking into account the fire risk management systems and measures that are in place. Insurers offer cover that is based on what they call "risk-based pricing". If there is a high risk of fire, a higher cost premium might be associated with that cover because of the estimated maximum loss, which we talked about previously. Insurers will take into account whatever measures an owner or others have put in place in a building. The installation of alarms, sprinklers—if they are appropriate—and other fire risk measures will be taken into account in a holistic approach to fire risk management.

I echo Dr Glockling's point about high-integrity fire alarms. The use of such alarms seems to be a bit of a no-brainer, especially in student

accommodation, where alarms go off every day because students do silly things. Making the change will reduce the number of false alarms, because the high-integrity fire alarms take account of heat and various other things as well as smoke. We can share with the committee an FPA report on that. The use of such alarms will mean that, when the alarm goes off, people in the building will realise that there is a fire and will do whatever is required of them—whether that is to stay put or to get out. It will also reduce the number of false alarms that the Scottish Fire and Rescue Service has to attend. We want to manage that situation, given that resources are so tight at the moment.

To us, using high-integrity fire alarms, which are available at the moment, is an obvious solution to reducing the number of false fire alarms, so that we are able to target all resources at the fires that actually occur.

Annabelle Ewing: You said that there is an assumption that the policy holder will comply with applicable legislation. I presume that, as a consequence, if the legislation was not complied with and integrated systems were not installed, that would be a breach of the policy and would vitiate the cover. Therein lies the enforcement.

Laura Hughes: Insurers are not enforcers of legislation, but they can encourage better practice. It is up to an individual insurer to decide how they would approach a case in which a fire occurred in a home where such measures were not in place. I imagine that, if the building did not fit with the requirements under the legislation, the insurer could choose to not pay the claim if they were not required to do so, but that would be a commercial decision for an individual insurer to make. Some might choose to pay out, and others might decide not to do so.

The Convener: We have already touched on this issue, but would you like the Scottish Government to consider any additional fire safety-related interventions? If so, what are they, and why would they be particularly important?

Laura Hughes: I have highlighted the importance for the insurance industry not just of assessing on trigger height but of assessing high-risk properties and the vulnerability of people within them. Our clear ask is about the current BS 8414 not being appropriate. We call for it not to be used until it has been reviewed and reformed.

12:30

The Convener: Do you have anything particular to add that has not been mentioned so far, Dr Glockling?

Dr Glockling: There are a couple of things.

We have talked predominantly about fires spreading up the outside of buildings when the fire source has been within the building, but we are seeing an increasing susceptibility of buildings ending up on the floor as a result of external fire sources. Currently, fire ingress from the outside does not really play a part in building regulations. We feel that buildings are becoming a great deal more susceptible with the change in our construction methods. Often, that is due to very simple and easily controlled design features, such as plastic air bricks. A great number of fires have occurred where fire has come in directly, sometimes by accidental means, such as from discarded cigarettes in leaf litter that is up against a plastic air brick. That can take down a building. Members would be surprised by how many have come down through that route. Another accidental possibility arises when people post their cigarette ends into those devices from an alleyway. There have also been more mischievous examples, in which such features have been seen as a light blue touchpaper for bringing down buildings. They are generally a problem for buildings with a combustible structure and void—such as a light timber frame. Fire ingress is an emerging issue, of which we need to be cognisant, and we perhaps need to afford buildings greater protection.

The other thing would be to include the general theme, when considering regulations, that the world is imperfect. What gets drawn with the accuracy of computer-aided design—CAD—might not be what gets built. In fact, I would say that it is always not what is built. If we adopt that approach, how resilient does the building become? How susceptible is it to deviation? We do a lot of work for the military—protecting warships and critical infrastructure, for example—and core to everything that we do is accepting that the world is not perfect and that some of the systems that we put in place will fail. How do things still stack up? How many systems can fail? How much deviation can be tolerated before everything breaks down?

As I mentioned before, our building regulations do not have a concept of a safety factor or resilience. Now is the time, particularly given the sensitivity of some of the building methods that have been used, to take a long, hard look at that concept and perhaps to consider it as a separate item.

Craig Ross: We have focused a lot on cladding, which is a very important issue, but there is definitely more to fire risk than cladding. Yesterday, the Scottish Fire and Rescue Service hammered home the compartmentation issue that Professor Torero touched on. That is equally important for fire risk.

We would like the clerk of works role to be bolstered for new builds and that role to be

reintroduced, however the Scottish Government can assist with that.

There is also the matter of harmonisation between regulations, whether across the UK or internationally. The International Fire Safety Standards Coalition is considering a baseline of fire safety. Fire does not respect borders. What can we learn from other countries? What good practices can we adopt? I would like to see more of that.

Finally, the education of the home owner and the consumer on basic fire safety will really help to stem the problem before it starts.

Professor Torero: I will reiterate the point that I have been making from the beginning. There should be an introspection on how much the Scottish Government has invested in education and training in the area of fire safety. We should look ahead, with systematic, continuous investment to maintain a high level of professional education and training.

It is important to note that Scotland is the world leader in fire safety engineering and fire service training. Institutions including Glasgow Caledonian University and the University of Edinburgh are leading the world in that area. They are a resource that should be capitalised in a systematic way so as to maintain the level of competence in the country.

The Convener: On that positive note, I thank the panel for attending today's session. Thank you, Dr Glockling, for appearing by videolink. I hope that it was okay for you.

Dr Glockling: It worked very well.

The Convener: The committee will now move into private session, as agreed earlier in the meeting.

12:35

Meeting continued in private until 12:55.

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