



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Local Government, Housing and Planning Committee

**Tuesday 2 May 2023**

**Session 6**



The Scottish Parliament  
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

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

---

**Tuesday 2 May 2023**

**CONTENTS**

	<b>Col.</b>
<b>DECISION ON TAKING BUSINESS IN PRIVATE .....</b>	<b>1</b>
<b>DAMP AND MOULD IN SOCIAL AND PRIVATE RENTED HOUSING .....</b>	<b>2</b>
<b>SUBORDINATE LEGISLATION.....</b>	<b>42</b>
Town and Country Planning (Play Sufficiency Assessment) (Scotland) Regulations 2023 (SSI 2023/97) .....	42
Town and Country Planning (Development Planning) (Scotland) Regulations 2023 (SSI 2023/101) .....	42

---

**LOCAL GOVERNMENT, HOUSING AND PLANNING COMMITTEE**  
**13<sup>th</sup> Meeting 2023, Session 6**

**CONVENER**

\*Ariane Burgess (Highlands and Islands) (Green)

**DEPUTY CONVENER**

\*Willie Coffey (Kilmarnock and Irvine Valley) (SNP)

**COMMITTEE MEMBERS**

\*Miles Briggs (Lothian) (Con)

\*Mark Griffin (Central Scotland) (Lab)

\*Ivan McKee (Glasgow Provan) (SNP)

\*Marie McNair (Clydebank and Milngavie) (SNP)

\*Annie Wells (Glasgow) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

John Blackwood (Scottish Association of Landlords)

Aoife Deery (Citizens Advice Scotland)

Timothy Douglas (Propertymark)

Shona Gorman (Central Scotland Regional Network of Tenants and Residents)

John Kerr (Association of Local Authority Chief Housing Officers)

Debbie King (Shelter Scotland)

Carolyn Lochhead (Scottish Federation of Housing Associations)

Emma Saunders (Living Rent)

**CLERK TO THE COMMITTEE**

Euan Donald

**LOCATION**

The David Livingstone Room (CR6)



## Scottish Parliament

### Local Government, Housing and Planning Committee

Tuesday 2 May 2023

*[The Convener opened the meeting at 09:30]*

### Decision on Taking Business in Private

**The Convener (Ariane Burgess):** Good morning and welcome to the 13th meeting in 2023 of the Local Government, Housing and Planning Committee. I remind all members and witnesses to ensure that their devices are on silent and that all other notifications are turned off during the meeting.

The first item on our agenda is to decide whether to take item 4 in private. Do members agree to take that item in private?

**Members indicated agreement.**

## Damp and Mould in Social and Private Rented Housing

09:30

**The Convener:** The next item is to take evidence from two separate panels of witnesses on damp and mould in social and private rented housing. The purpose of the session is to try to understand the extent of the problem in the rental sector in Scotland and to ask whether the regulatory framework provides sufficient protection to tenants.

On panel 1, we are joined in the room by Debbie King, who is the head of advocacy at Shelter Scotland. We are joined online by Aoife Deery, who is the senior social justice policy officer at Citizens Advice Scotland; Emma Saunders, who is the national organiser at Living Rent; and Shona Gorman, who is the chair of the central Scotland regional network of tenants and residents. I welcome the witnesses to the meeting.

I will start the questions. I am interested in understanding the scale of the problem. The information in our briefing papers is that the latest Scottish house condition survey, which was published in 2019, estimated that relatively few of Scotland's homes suffered from dampness and condensation. Ninety-one per cent of all homes in all tenures—that is social, private rented and owner-occupied housing—were free from damp and condensation. Around 54,000 homes were estimated to have rising and/or penetrating damp, and around 192,000 homes were estimated to have condensation. Of course, any home with damp or mould is one too many. I would be interested to hear from Debbie King first, then we will go to the folk who are online.

I forgot to mention that anyone online who wishes to come in should type R in the chat and we will bring you in. You do not have to answer every single question. Debbie King should get the attention of the clerks, and then we will bring you in.

I am interested to hear your thoughts on the scale of the problem of dampness and mould in rented housing. For example, is it more prevalent in particular housing types or geographical areas?

**Debbie King (Shelter Scotland):** First, thank you so much for inviting us in to discuss an incredibly important issue. As you know, Shelter Scotland provides housing advice, and we see tenants regularly who have issues with damp and mould. The photos in our submission are just a small sample of what we see on a day-to-day basis from tenants who are struggling with their housing.

One of the issues in working out the scale of the problem is the lack of accurate data on those who are struggling with significant damp and mould. Additional analysis was done for a parliamentary question that showed that 90,000 households in social housing said that they had damp and mould issues. That additional analysis was done using the Scottish housing survey statistics. The scale of the problem is hard to show, but it is significant and, where prevalent, it is incredibly serious.

From a couple of the examples that we shared in our submission, you can see that it is not about having a bit of mould in the bathroom; it is about ceilings falling down or most of a home not being fit for purpose because the damp penetrates the bedding and the mattresses. People have to buy new clothes because they have to throw out their old ones, and the new clothes are mouldy within a week.

It is really important to recognise that this is not about how tenants are living. Quite often, tenants come to us to say that they are being blamed for the situation. That is not the case. We all need to boil our pasta and have a shower. We also all need to dry our clothes inside. That is the nature of living in Scotland, unfortunately. A lot of people do not have anywhere to dry clothes outside anyway.

For the people who are struggling with this problem, it is never-ending. There are some structural issues that are really important in trying to address it. Not enough social homes are being offered, and they are not of a high enough quality for people. We need to have those homes delivered within this session of Parliament. We have said that 38,500 homes are required to be delivered, otherwise the housing emergency will continue. The issue is affecting record numbers of children: more than 9,000 children are in temporary accommodation, as well as all the children who are in damp and unsuitable accommodation.

It is therefore really important that the wider structural issues be addressed as part of how we solve the issues for so many families whose children are severely affected. We are aware that some children are on seven different sets of medication to address eczema and asthma that is directly caused by damp and mould. Obviously, that is incredibly significant and serious for those children. Added to that, some children are on antibiotics because their eczema has been infected, because the damp and mould cannot be dealt with adequately in their home. There is nowhere else for them to go, so they have to stay in that home. We want to see, where possible, such homes being brought up to standard and, on top of that, the delivery of social homes being prioritised.

**The Convener:** Thanks very much for that. Emma Saunders, you have indicated that you want to come in. If you have any information to add on the types of houses or geographical areas, that would be interesting to hear.

**Emma Saunders (Living Rent):** Good morning, and thank you for inviting us. Our experience is very similar to that of Shelter Scotland. A lot of our members come to us with those issues, which have an insane impact on health, including mental health, and social links. People do not ask their older relatives to provide childcare, because they do not want to expose them to the impacts of mould and damp. They do not invite their friends' kids to their house, because they do not want them to see the state of it. Sometimes, it has an impact on their job, as they cannot go to their work in different clothes and working from home is incredibly hard for them. There are much broader impacts of living with mould and damp.

Sadly, the issues are cross-tenure. Although the response from social and council landlords is getting a bit better, a lot of blame is still being put on tenants. A lot of cosmetic remedial work, such as a lick of paint or rubbing off the mould, is carried out rather than addressing the structural issues. We appreciate that that might be because there is not enough funding to address the structural issues, but tenants cannot be made to pay the cost, including the insane cost to their health, if social or council landlords cannot properly retrofit and refurbish properties.

We also see a lot of issues in the private sector. Our members will often be evicted after they raise issues. They become really unhappy if their landlord has not done anything two or three months after they have raised issues. Landlords will then just evict them on the grounds that they want to move back in, or their family does, so the hurt is doubled.

It is really difficult to talk about property types, partly because of the lack of data. We see a lot of issues with post-1940s blocks, especially for council housing or social housing, and tenements. Leaks in a tenement can damage the whole building, and it is then very hard to co-ordinate between different landlords and the factor. That may tie in with some of the work around tenements and how to do works, repairs and retrofits.

I will stop there, but I have a few thoughts on regulations that could help.

**Aoife Deery (Citizens Advice Scotland):** That is a really good question, convener. I echo what my colleagues have said—we have a lot of shared experiences. I am quite confident in saying that the official data is probably an underestimation of the prevalence of the problem across Scotland.

Speaking to our data in the citizens advice network, we are unable to say conclusively how many cases of damp and mould the network has given advice on, as we do not collect advice code data to that level. Such cases fall under repairs and maintenance or environmental issues, but both those categories cover a large proportion of overall housing advice.

It is something that we cannot make a conclusive statement on, but we have been able to look at our social policy feedback system to which our advisers report cases of particular concern or interest and any emerging issues. We searched the system for damp and mould cases that were reported between January 2020 and March 2023, which showed that there were around 100 such cases. On location, those 100 cases show that the problem exists across the length and breadth of Scotland, so it is definitely not limited to one area.

I agree with what Emma Saunders said about blocks and flatted properties: if there is a problem in one property, it is likely to leak into other properties. It is really difficult to get to the root of the problem in order to gauge its scope and scale, but our data can tell us about the experiences that clients have with damp and mould and the impact that it has on them. I will speak about that in a bit more depth later.

**The Convener:** Thanks very much for that. Shona Gorman, did you want to come in?

**Shona Gorman (Central Scotland Regional Network of Tenants and Residents):** Yes. Thank you for the opportunity to come today. I cannot contribute with figures, but the problem is very much on the increase. This winter in particular—given fuel poverty and the cost of living crisis—has greatly contributed to that. People have been unable to properly heat their homes, which has added greatly to the number of cases. The number of cases is definitely rising.

It is good to know that tenants now feel that they will get a proper response and not just be blamed for their lifestyle choices causing or contributing to the problem, but we are just seeing the tip of the iceberg in many respects.

Our country's climate does not help nor does the fact that some houses are poorly insulated and might have single glazing or ill-fitting windows—there are so many contributing factors. As a country, we really need to address the issue. Blaming a tenant for putting washing over a radiator is not the answer. Tenants know that that is not the answer, and I suspect that landlords have always known that that was never all the answer.

**The Convener:** Thank you. Debbie King, I will come back to you. Shona Gorman and Aoife Deery both said that they do not have statistics to

that level of depth. I am interested to hear whether you have a sense of how common complaints are about damp and mould in housing.

**Debbie King:** Yes, I can definitely speak to our housing advice and where we see damp and mould issues: we see them across Scotland. We have four teams who work in Aberdeen, Dundee, Edinburgh and Glasgow, and all of them get cases about damp and mould. That is probably the tip of the iceberg: those cases involve people who know to come to us and with whom we have the capacity to work.

One of the issues is the lack of robust data to show the level of damp and mould in housing in Scotland. We know, from the experiences of our clients, that the level is significant and that it affects a range of properties.

Some of the older properties are not properly ventilated: as Shona Gorman said, they do not have double glazing or adequate ventilation. The good report by the Chartered Institute of Housing, the Scottish Federation of Housing Associations, the Scottish Housing Regulator and the Association of Local Authority Chief Housing Officers, "Putting Safety First: a briefing note on damp and mould for social housing practitioners", shows that a lot of interventions must be put in place to make those homes liveable. It is not that people will thrive in them, but they will be liveable if the levels of damp and condensation are reduced by putting in dehumidifiers and by improving ventilation.

However, by and large, those interventions are only provided for a small percentage of people. It is expensive. Not only do we have to deliver new good-quality social rented homes to reduce housing need; additional funding is required to be targeted at those properties that need those interventions. As everyone else has said, it is not just a case of putting a bit of bleach here and there; it is about people living in conditions that none of us would want to live in. I certainly would not want my children having to go into hospital or going to the doctor time and time again because they cannot cope with the level of damp and mould in their home. We see that people are desperate, but there is nowhere else for them to go, so they have to put up with it. Those are the two things that need to happen, in our view.

09:45

We do not have accurate stats, because they are not available. However, we see from what is available that the problem is significant and needs to be addressed.

**The Convener:** What would we need to do to get accurate data? Is there something that we

could bring forward in Parliament that would make that a requirement?

**Debbie King:** We would probably need to look at how we can extract information from the Scottish household condition survey. Additional analysis can be done on the stats that are already collected, but we might need to collect a bit more detail and recommend that that is a requirement so that we better understand what is happening in Scotland.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** Good morning, everyone. I want to develop a little bit more the theme of blaming tenants for their lifestyle, perhaps with Debbie King to begin with. From 1992, I was a local councillor in Kilmarnock and Loudoun and then in East Ayrshire. Over many years, I dealt with literally hundreds of cases of condensation, dampness and mould, and, by and large, the explanation offered was that it was due to the tenants' lifestyle. When you compared that with other tenants' lifestyles, which were absolutely similar, who were not living in houses with condensation, dampness and mould, you began to question that assessment.

Why are we still at that point? The ombudsman in England has warned social landlords to avoid blaming their tenants. Is there still a case to answer in Scotland on that attitude of blaming tenants for the way that they live their life in their own home?

**Debbie King:** Absolutely. Work has been done. I mentioned the report "Putting Safety First", which has gone out to all social landlords, and it says exactly that—that it is not the tenants' fault. It is very much about substandard housing, with tenants who are in fuel poverty and who cannot afford to heat their homes to a level to compensate for poor housing.

We require a real culture shift. We need to look at how the housing emergency that we are in because of decades of underinvestment is impacting on the lives of so many people. We need to recognise that, as well as structural solutions to deliver social homes, there are practical solutions around holding to account social housing providers and private landlords to ensure that they are doing everything that they can to ensure that those homes are fit for purpose.

If we do not address that, we will never address wider social justice issues such as child poverty and we will never improve health and education outcomes to the levels that we want to achieve in Scotland. When we have housing stock that is so poor and we do not have enough new social homes, it is easier to blame the tenants, because it is actually quite complicated and expensive to bring poor-quality homes up to standard.

Therefore, additional support, funding and accountability are the three things that need to be prioritised and reinforced in the housing sector.

**Emma Saunders:** Sadly, we still hear of a lot of stories of tenants being blamed for not knowing how to boil potatoes, not knowing how to shower or showering too much. That can come with racist or sexist undertones and can exacerbate other existing structural inequalities. There is a lot of stress for tenants from being gaslighted, and told, "Oh, it's your fault," or, "You don't know better." That creates a loop that undermines people's confidence in themselves and in their ability to provide a good home. That continues to be the experience across social, council and private housing.

We need tenants to be able to hold their landlords to account for lack of response. Our greatest frustration is that, if it were someone's workplace, they would be able to get compensation for the impacts on their health and belongings but, because it is your home, they cannot. In council or social housing, someone might be able to get a bit of compensation for lost goods but they get nothing for the impacts on health, and we have seen the insane impact that it can have on health.

One key thing that we believe is that it is important to hold landlords accountable and that they should have to provide compensation for their failures. Tenants should have clear timeframes for how long it will take to handle the issue, what will happen if it is critical, and, if it is critical and nothing happens within that timeframe, how much they can claim back for that and for being forced to live in substandard conditions. Yes, it is about investment, but it is also about greater powers for tenants to hold their landlords to account.

**Aoife Deery:** Unfortunately, that is also the experience of many of the clients whose cases we looked at in preparation for this session. They are being blamed for their lifestyle and for not ventilating or heating the property properly but, as colleagues on the panel have mentioned, that often links back to the problem of fuel poverty and high energy costs. People, through no fault of their own, cannot afford to heat their home adequately or to lose heat through proper ventilation. That is why we were pleased to see additional funding for the fuel insecurity fund, which will hopefully go some way to addressing that.

We have seen development in the area. Our advisers tell us that, recently, better guidance has come out of local councils in some areas—particularly in Paisley and Aberdeen—on how to diagnose the problem and the process that should be followed for each type of damp and mould. The crux of the problem is that it is often difficult and expensive to diagnose the cause of damp and

mould and then get it treated properly. That is not an excuse, but that is why so many clients experience delays of months and, often, years in getting it sorted and resolved.

As I say, there has been development in the area, with local guidance going out. We would like that to be replicated and spread nationally, and approaches applied consistently, so that all landlords, whether they are private or social, know what to do. However, more resource is also needed. We have clients who are social tenants and who were told that there was not enough funding to resolve their problem and that they would have to wait until the next funding cycle to see whether it could be resolved. More funding is definitely also needed to address the problem.

**The Convener:** Shona, would you like to come in?

**Shona Gorman:** Yes, I would—thank you. Sorry, but I cannot get my chat function button to work properly.

It is awful that it has taken a tragedy down south in England to bring the issue to the attention of all landlords and councils. It is tragic that that had to happen to bring the issue to the surface and, I hope, have it addressed properly. As my colleagues have said, tenant blaming has been going on for years—I know that personally and from colleagues—because it was, in a sense, the easy way out.

That is not to suggest that landlords were completely irresponsible. However, given the scale of the problem—house building, house design and poor insulation all come into it, and it has been like that for decades—it will cost a huge amount of money. I am sure that some of the properties cannot be brought up to the standard that we expect in 2023, but people need homes. Where will those people live? Will they continue to live in substandard properties? The country, the Government and all housing providers face a huge task, and it will take a huge national effort to make any impact on the situation.

It is great to see people making moves and taking the issue more seriously, but it will take years and cost loads and loads to make the situation manageable—I really believe that. In the meantime, how will tenants cope? That is a real worry, because fuel poverty is with us and is not going anywhere soon. People cannot afford to have heating on and are perhaps taping up draughty windows, which will only exacerbate the problem.

Tenants and landlords need to talk about this together. They need to understand what the issues are for both sides and what solutions there are. Landlords should talk about it—they should not just hand their tenant a leaflet that says, “This

is what you have been doing wrong, and this is how to fix it.” They need to find out whether the tenant could get any more benefits to make their life a little easier. It is not just about throwing information at people and assuming that they will pick it up. You have to sit down in partnership and discuss it with them.

**Willie Coffey:** I will turn to the legislative framework that surrounds all this. Before I ask you about tenants’ rights and awareness of their rights, do you agree that condensation, dampness and mould are contained in the definition of a tolerable standard of house and are therefore enshrined in the housing quality standard as a whole? I believe that they are not and that that may be partly responsible for perpetuating the problem. I will turn to Debbie King first. Is there an issue with the legislation, and are condensation and mould contained in the definition of a tolerable standard of house?

**Debbie King:** The Scottish housing quality standard broadly encompasses damp and mould but is not specific. Perhaps that could be looked at in more detail. To be of a tolerable standard, a house must, for example, be free from serious disrepair, be energy-efficient, have modern facilities and services and be healthy, safe and secure. We should be able to capture the fact that damp and mould contravene quite a few of those points but maybe the guidance could be more specific on how to hold to account landlords on the social side and in the private rented sector by enabling people to say, “This has been breached, and measures have to be put in place to rectify what is going on.”

It is difficult for tenants to use a framework to have their rights upheld. As has been mentioned, in some instances, people in the private rented sector are reluctant to kick up a fuss, because they know that the landlord could ask them to leave the property. We know from the tenants who come to us that having a framework in place is good, but it is only as good as your use of it is effective. We advise tenants to go to their landlord first—that is the most important thing—and very quickly notify them of any issues that come up with damp and disrepair.

If that does not work, another remedy is to go to environmental health to try to get support. If that does not help, people can go to court. However, we have families that are struggling in very poor housing and trying to make ends meet. The cost of living crisis has made all that worse. Trying to do all that on your own is incredibly difficult and time-consuming. You have to have quite a lot of knowledge and confidence to be able to do it. Things could probably be strengthened and made clearer in the legislation. Coupled with that, we absolutely need to ensure that the system works

for the tenants. If they come to us, we have housing advisers who know all this and can support them, but we support a very small percentage of the tenants who need that level of support.

10:00

**Aoife Deery:** I cannot echo Debbie King's comments enough. I agree that the clarification of terminology and definition would be helpful. However, the biggest problem for us, particularly in regard to private tenants, is about unclear timescales for when things should be resolved. As I said, some of our clients have waited for years for issues to be resolved in their homes. Another big issue is that most of our clients just want to move on. Some do—they will wait for local housing lists or find another private let—but that leaves the problem unresolved and passes it on, which prolongs the issue.

I go back to my point that having a clear timescale within which issues should be resolved would be really helpful and make it clearer to tenants what they should expect in the process. However, I echo the point that the process as it stands can be confusing, time-consuming and difficult to do without help from organisations such as ours or Shelter Scotland.

**Emma Saunders:** The tolerable standard mentions rising or penetrating damp, but it does not specifically mention mould or understand the impact of mould. The repairing standard does not mention it. There could be slight amendments to both those standards. However, our vision across all housing—public, council and private—is that there should be standardised processes and timeframes. Tenants should know that, if they raise mould or damp issues, it takes three days or 24 hours for their landlord to respond, and the landlord needs to respond by having an evaluation that outlines the seriousness of the problem and whether it is structural, and by having a clear timescale to address that.

I reiterate that, if a landlord does not follow the timescale, there need to be clear penalties; otherwise, there is no incentive to follow the timescale, especially for private landlords. We see some of the most long-standing problems in private housing, because landlords do not have an incentive to do anything. Therefore, it is about making standards clear and ensuring that tenants can enforce them.

Tenants should know their rights. Everyone knows that it is not normal to live in a house that makes you physically ill. The problem is that it is incredibly hard to get your landlord to move on that, because they have no incentive to do so.

**Willie Coffey:** Thanks very much.

**The Convener:** We will now move to questions from Annie Wells.

**Annie Wells (Glasgow) (Con):** Good morning.

Emma Saunders touched on the repairing standard. I will ask a question that is specifically related to private rented housing. How effective is the repairing standard as a way of ensuring quality rented homes? How effective is the tribunal process as a resolution in disputes about the repairing standard? That goes to Aoife first, please.

**Aoife Deery:** Thank you for the question. On the effectiveness of the repairing standard, we think that it is a good start that could be built upon. As I said, it could be clearer about expectations around who exactly should be doing what and within what timescales.

We believe that the First-tier Tribunal for Scotland is underutilised; in our experience, many clients do not want to use it. As I have said before, the process is time consuming and confusing and the forms that are provided are, without help, confusing to complete. There is, therefore, an accessibility issue when it comes to encouraging people to use the processes that are open to them; people find it difficult to do those things without help from us or similar organisations. The process could definitely be improved and better utilised.

**The Convener:** Emma Saunders. *[Interruption.]* I think that you are on, Emma.

**Emma Saunders:** I am sorry, I did not hear that. I think that there is an issue with my connection.

Guidance on repairing standards is not specific enough. What does “wind and watertight” really mean? When guidance states that something must be “tolerable”, what does that mean? It is also stated that there should be a “reasonable” timeframe to do repairs. What does that mean? If “reasonable” means two years, that is not okay. Many things need to be tightened up and clarified so that tenants know what they can expect from their landlords.

We echo Aoife Deery's comment about the tribunal: it is hard to access. There are 106 forms—maybe more—on the website, and people wonder which one works. If a tenant goes to tribunal, the tribunal can issue an order for the landlord to do the repairs, and if the landlord does not do the repairs, you can get a rent relief order. So, even if you go to tribunal, there are three stages to the process before the landlord is hit where it hurts, which is by losing money. That means that tenants can wait a very long time to have repairs done while still living in and paying full rent for substandard accommodation. That is

not okay. That is where we want the tribunal to be more effective, or for tenants to be able to have rent compensation, straight away. There should be an automatic rent relief order for tenants as soon as repairs are not done, rather than tenants having to apply and, potentially, wait a long time for it.

**The Convener:** Shona Gorman, you have not indicated that you want to respond. Do you want to come in on Annie Wells's question?

**Shona Gorman:** Obviously, the tenants whom I represent are in the social housing sector, not the private housing sector.

I am sorry, but I am not getting the chat function to work, and I wanted to come in previously on the timescales. I completely agree that timescales are needed that tenants are made aware of, and that they must be met. I wonder whether the Scottish Housing Regulator could come in on the matter; perhaps in the housing charter there could be new indicators to take account of that issue, and there could be something that landlords would have to complete annually showing the number of cases of damp that they had and the number of repairs that met or did not meet the timescales.

**The Convener:** Thank you very much. We will hear from the SHR in two weeks' time. That is a good point that we can put to it. Debbie King, do you want to come in?

**Debbie King:** Yes. I want mostly to reiterate what has been said about equity of access to the tribunal, in particular for private tenants. The tribunal was set up to enable such access, but there are still difficulties in understanding the tribunal and there are issues around awareness.

Accountability is also crucial. You can have all the legislation in the world, but if landlords are not held accountable for providing homes that are of a good standard, tenants will not go through that sort of process to make things better.

**Annie Wells:** Thank you—and thank you, convener.

**The Convener:** Thanks, Annie. We go now to Miles Briggs for questions.

**Miles Briggs (Lothian) (Con):** That answer brings me on nicely to my question. Good morning, and thank you for joining us.

The Scottish Housing Regulator and other organisations recently published a briefing on how the social housing sector can respond to problems of dampness and mould. We touched on that, just then. Is there anything else that might be useful, for landlords or tenants, to improve how landlords respond to complaints? Specifically, what else could be included in the tenants charter, which the committee recently approved? Shona Gorman mentioned new indicators. Is there anything else

that people want to raise on that? Debbie, I will bring you in first.

**Debbie King:** There is definitely something to do on the tenants charter. I think that Shona will probably give a bit more detail on that.

For me, one of the key things is that we need to support landlords to be able to make changes and we need to make sure that we have good-quality homes. That includes funding being available for building social homes and upgrading current homes without one impacting on the other, because we need both. A targeted approach is required. We can have charters and legislation, but action needs to be taken that enables landlords to do what is required. I do not think that any landlords want to put their tenants in awful properties, but there is no choice at the minute. Support and funding should be available, and their being delivered to and targeted at where they are needed is crucial.

**Emma Saunders:** It would be good to have follow-up surveys to make sure that, after six months, an issue has not come back and has been well addressed. We agree with what Debbie King just said about funding. There should not be just a specific funding pot for retrofits; there should be innovative cross-tenure funding because, in some instances, the difficulty is that there are various landlords in a block—social landlords, private landlords and council landlords. It is then really difficult to renovate the whole block if there is a whole-block issue.

Lastly—I know that this was not part of the question—we need to make sure that ventilation is part of building standards, especially for retrofits, and that there is awareness of potential ventilation issues. We see new builds that have really good insulation but are poorly ventilated, so condensation and mould develop.

**The Convener:** Shona Gorman, would you like to come in on this point?

**Shona Gorman:** There is a huge problem. We cannot just say to landlords, "Right—you've got to deal with this", then walk away. Landlords need to be properly supported to deal with problems, in particular through funding, because the problem is huge, countrywide. Getting something done about it quickly will be the real challenge. Most landlords that I am aware of are putting in place strategies to deal with the problems of damp and mould in a more timely fashion, but will they be timely enough? Will they address just the symptoms and not their underlying causes? That will be challenging in terms of money and time.

A lot of landlords are undertaking stock surveys on the fabric-first approach to carbon zero. Many of those stock surveys will, I am sure, highlight issues and problems around insulation and

ventilation. Again, however, I ask whether landlords can deal with those things quickly enough to be really effective. I am not sure. This is where the SHR might come into play. If their doing so was part of the annual return under the charter, landlords would have to specify how many cases of damp and mould they were dealing with, their timescales for dealing with them and whether they were meeting those timescales. Will that be enough? I do not know, because there is a huge challenge.

10:15

**Marie McNair (Clydebank and Milngavie) (SNP):** Good morning.

How is the cost of living impacting on dampness and mould problems in homes? Do you have any more suggestions about support that might help tenants through the cost of living crisis and with energy costs? How will the ending of the United Kingdom Government's support for fuel costs impact on people? I will direct my questions first to Aoife.

**Aoife Deery:** There is definitely a link between the cost of living crisis and issues of damp and mould. As I have said before, quite a lot of our recent clients who have had damp and mould issues have specifically referred to their problems with affording to pay high energy costs. We have also, however, seen clients, especially people with children, in such situations who use heating despite the really high cost and despite the fact that doing so is putting them into debt. They do so in order to try to stave off the problem and to keep their family well. There is definitely a strong impact from the cost of living crisis. People are really feeling the pinch because of it.

You asked about further support. It would be great to see more funding for schemes such as the fuel insecurity fund, although that is just for housing associations. Wider support would be really welcome, in the form of fuel vouchers and suchlike.

You also asked about the impact of the rescinding of UK Government support. Without a doubt, that will have a huge impact, so we are keen that more ideas be developed to keep supporting households, because the cost of living crisis is definitely not over.

**Marie McNair:** Thank you. Does anyone else want to come in on that?

**Debbie King:** You have asked really good questions and, in the context of a growing housing emergency, in which even more people are now homeless and struggling, or are having to live in temporary as well as unsuitable accommodation, the impact is significant. The housing emergency

has already been exacerbated by the pandemic and its impacts, and there is now a cost of living crisis.

Evidence shows that, this year, half of all households in the social rented sector will be in extreme fuel poverty. The coming winter will be really difficult for them. Some of those people will be in accommodation that will not have damp and mould issues, but we see, when we consider the scale of the issue, significant problems of people struggling with the cost of living crisis because not only have heating bills gone up, which has impacts in relation to mould and damp, but food bills and everything else have gone up.

People are really struggling. We know that it is really difficult for people in the social rented sector, but private tenants are struggling equally. There are high poverty levels in the private rented sector, and a lot of people are living in that sector who would, by choice and if it were available, be living in social housing, which is, by and large, more affordable. They are having to live in the private rented sector, however, because social homes are not available in the right places for them. It is difficult enough now, but it will get harder, and more support will be required to enable people to live a life that—although they would not be thriving—would not, we hope, have as much impact on their health and wellbeing.

**Marie McNair:** Shona Gorman is nodding her head. Do you want to come in on that?

**Shona Gorman:** Yes. The cost of living crisis is having a huge effect on people at the moment. Physical issues are involved and, as my colleagues have said, people are not able to afford heating and are struggling to put food on the table. Having to cope with that must put a lot of stress on people's mental health, because they are worrying about feeding their children or worrying about whether their children are becoming ill because the house is not warm enough. Coping with that situation is absolutely horrendous.

Landlords have to be able to offer as much support as possible. It is also hugely important to have a welfare advice and a debt team in place for landlords so that such services can be offered to tenants and they can receive the maximum amount that they are able to claim in benefits. Apart from anything else, if landlords can do that for tenants, tenants will, hopefully, be able to continue to pay their rent. Above all, you make their life a bit more tolerable if you show understanding of tenants' issues and problems.

**Emma Saunders:** The cost of living crisis is still an everyday reality for all our members, and it will get worse this coming winter. The issue is not going away. That calls for us to understand that housing costs are a combined total; they include

rent, fuel bills and council tax. When we talk about housing affordability, we need to look at all those together. The emergency rent freeze has had an impact in terms of tempering the worst excesses. We would be concerned if there were a premature end to the rent freeze, given that energy bills will continue to rise. There could then be a perfect storm of rising rents, rising bills and tenants with no money left for food.

**Ivan McKee (Glasgow Provan) (SNP):** I remind the committee of my declaration of an interest with regard to private rented property.

I thank the panel for coming along this morning. I will focus on two areas. I want to get your perspective on the potential for a new common housing standard and to hear any thoughts that you have on the design of new homes and retrofitting of existing homes. We have touched on some aspects of that and on how those designs have the potential to help with mitigation of dampness and mould problems and ensuring that they are minimised. Debbie, will you start with your thoughts on either of those?

**Debbie King:** Yes. I can give some general comments. A new common housing standard would definitely be welcome. There is ongoing work on that. Such a standard would be of interest but, again, accountability, enforcement and implementation would be crucial to make it work.

On design of new homes and retrofitting, we always say that we need good-quality social homes in order to reduce housing need. That is vital, and it includes standards that will allow people to live in housing without high fuel bills. It is about all the normal things that have been talked about for a long time, but it requires funding.

Obviously, social housing providers and builders are struggling with additional costs, at the minute. The cost of living has affected not only tenants but how we deliver new social homes. It is about ensuring that funding is available to deliver good-quality social homes where they are required. That is really important, because some of the housing stock can be retrofitted and brought back up to spec to deliver homes that would allow people to thrive and live a good life. I suspect that some of the stock has probably gone past that point and would be incredibly expensive to retrofit and bring up to that level. Councils make choices about such things every day, and it is about ensuring that there is not a pause. We are seeing that starts of new social homes are going down: things have slowed down because of the impact of the cost of living crisis. All the wider structural issues are really important.

**Ivan McKee:** Are there any specific things that you would want to see in a new common housing standard?

**Debbie King:** I can say nothing specific at the moment. We might be able to come back to you at a later date, when we have looked at the matter in more detail.

**Ivan McKee:** Okay. Thanks very much. Emma—do you want to come in on either of those points?

**Emma Saunders:** We are in favour of a common housing standard. Some local authorities and housing associations have specific guidance: for instance, on mould and damp, they might say that someone will get in touch within 48 hours and then do a survey and classify issues as being superficial, more in-depth or structural, and they will give a timeline for resolving each one. That is much better practice and could really benefit tenants in the private sector, where there is nothing of the like. As has been said, it would be about implementation and enforcement of the standard, and about tenants feeling able to enforce it.

For new homes and retrofits, we feel that there should be best-practice designs with awareness about ventilation, especially for social housing and local authority housing, because we want that to be the best housing in Scotland. We would be interested to see whether there could be a pilot scheme of public sector vehicles to deliver retrofitting, or council-led vehicles to deliver repairs so that there is in-house local authority knowledge of best-practice retrofits and awareness of what to do with mixed-tenure blocks. That remains one of the harder areas, where there are, potentially, homeowners who do not have a lot of money who will face very high bills for retrofits and might then need to sell their home or might get into massive debt. We need to understand how best to address complex situations in mixed-tenure blocks.

**Ivan McKee:** So, the common housing standard is as much—or if I have heard you correctly, probably more—about timelines, processes and implementation as it is about new technical requirements.

**Emma Saunders:** It is a bit hard to say without seeing a standard. It might be important to have technical requirements around ventilation and humidity levels in a house, so that tenants can do their own tests and say that their house does not meet requirements. That might be useful.

**Ivan McKee:** That is good. Thank you very much.

**Aoife Deery:** I want to come in quickly on the common housing standard. In principle, we agree that it should not matter what tenure a people live in; they should expect the same standard of housing or, at least, minimum standards. That, too, needs to be backed up by funding.

Our concern, though—this has been mentioned—is around enforcement. There are already substandard properties on the market, mostly in the private rented sector, against which standards are not being enforced. We do not think that councils or the First-tier Tribunal for Scotland have the resources to enforce properly, or to remove those properties from the market, so they will continue to be used and people will keep getting away with renting out properties with poor standards. The crux of the matter is resourcing of proper enforcement to ensure that substandard properties do not continue to be rented out.

**Shona Gorman:** I will come in on the question about a common housing standard. That sounds ideal, but I again agree with what has been said: I am not sure who would monitor it, who would enforce it or where the money to do it would come from. It is an awkward one.

The issue of retrofitting will be huge, going forward. A lot of tenants feel that not enough research has been done into what does and does not work. I know that research has been done in some areas, but there is a feeling that in many ways we are being experimented on and that we are the ones who will have to face changes in our homes. We are talking about major changes when, for example, a heating system is removed and a new one put in. Is there enough evidence to suggest that the new heating system will be better and will be economical? I am not sure that there is, and I know that, certainly for the tenants whom I represent, it is a huge worry that we seem to be facing this problem first. We wonder about that. A lot more work needs to go into identifying exactly what sort of systems will work. When it comes to homeowners, it will be really difficult to get a solution in tenement blocks where there are mixed tenures.

10:30

**Ivan McKee:** Okay. Is part of the concern that a build or a retrofit standard that would improve insulation might make ventilation worse?

**Shona Gorman:** That is part of the concern, but the cost is a concern, too. First, retrofitting seems to have been sold on the basis that it will make it much less expensive for people to heat their homes and to be comfortable—but will it? Surveys seem to suggest that that might not be the case. As you say, will there be good insulation and good ventilation? Will the heating system be one that tenants know how to work? I am certainly aware of houses that were built a few years ago with brand new gold-standard heating systems that the tenants could not make work effectively for them. Therefore, the systems were very costly and not viewed well.

**The Convener:** Thanks, everybody. That is the end of our questions. I really appreciate the evidence that you have given today; it has been really important for us to hear it. I will suspend briefly to allow a change of witnesses.

10:31

*Meeting suspended.*

10:34

*On resuming—*

**The Convener:** We are now joined by our second panel. In the room, we have Carolyn Lochhead, who is director of external affairs at the Scottish Federation of Housing Associations. We are joined online by John Blackwood, who is chief executive of the Scottish Association of Landlords; John Kerr, who is co-chair of the Association of Local Authority Chief Housing Officers, or ALACHO; and Timothy Douglas, who is head of policy and campaigns at Propertymark. Thank you for joining us.

I will ask the same questions that I asked the previous panel. I would be interested to hear your thoughts on the scale of the problem of dampness and mould in housing. For example, are dampness and mould more prevalent in particular housing types or geographical areas?

I will start with Carolyn Lochhead, as she is in the room.

**Carolyn Lochhead (Scottish Federation of Housing Associations):** Thanks for the invitation to be here today.

As you know, housing associations are charities—they are not-for-profit bodies. They work really hard to try to avoid such issues. The statistics that we have show that, in 2019, 99 per cent of social homes met the tolerable standard, which you have talked about this morning. The statistics therefore suggest that, generally, in social homes, the standard of accommodation is good. That is not to say that, where there are problems, they are not very serious and should not be taken seriously; clearly, they should be. “Putting Safety First: a briefing note on damp and mould for social housing practitioners”, which we produced along with some of our partners, and which has been referred to this morning, was very clear that, where damp and mould arise, that is a serious issue that is really difficult to live with, and it has to be taken very seriously.

You asked about geography. There is probably more of an issue in remote and rural areas. For example, research that came out from Changeworks last week stated that they have a greater proportion of older and less energy-

efficient properties, particularly different types of construction that can be harder and very expensive to retrofit. They tend to have houses that are larger, more isolated and more exposed to wet and windy weather. Obviously, isolated properties also have the issue of more heat loss, because they do not benefit from neighbouring properties. There is a particular issue in remote and rural areas.

**John Blackwood (Scottish Association of Landlords):** Thanks very much for inviting us to speak this morning.

With regard to geographical areas, we cannot pinpoint any particular problem in any part of Scotland; our experience is pretty mixed throughout Scotland. However, we have seen a significant increase in calls from our landlord members about that problem. In all the years in which we have provided a helpline service to our members, we have had more calls about dampness and mould this winter than we have in any previous winter. There has been a significant increase in such calls. Largely, that is the result of landlords coming to us and saying, "I'm concerned about this. I don't know how to react. We've never had a problem with previous tenants living in our properties experiencing this. I have let the property for many years. Why is it an issue now?" Those are the issues that we have been talking to our members about. There has certainly been a significant increase in such calls this year.

**John Kerr (Association of Local Authority Chief Housing Officers):** I am delighted to be here on behalf of ALACHO to talk to the committee about what is a very important issue.

I echo some of Carolyn Lochhead's comments about the social rented sector. I take her point about rural and more remote areas. In homes in which the issue is prevalent, that could be because the ventilation is relatively poor. That can highlight a damp and mould issue. I do not think that there is any particular house type or home location in which the issue is more prevalent.

The issue has risen to the fore. Obviously, the committee understands that it is not a new issue—it has been with us for many years—but it has become more prevalent in recent times. Obviously, the tragic case in Rochdale put it high on the public agenda.

It has been good to listen to some of the evidence today. The "Putting Safety First" briefing note has been highlighted. The issue warranted a response from landlords based on the increased awareness. That was discussed earlier in the context of the cost of living crisis and tenants being unable to heat their properties.

That is where I stand at the moment.

**Timothy Douglas (Propertymark):** Good morning, committee, and thank you very much for the invitation to give evidence today.

Propertymark agrees with the other contributors. The full extent of how many homes are affected by damp and mould is unclear from data sets. That said, from conversations that we have had with Propertymark members across Scotland, we do not have extensive evidence to suggest that the issue is drastic or hugely problematic across the private rented sector. However, Propertymark recognises the seriousness of the issue and that the first signs of damp and mould should be tackled quickly.

There are four areas that letting agents have reported back to us. Damp and mould can come from the fabric of the building, or they can be a result of how the property is being lived in, poor ventilation in certain rooms or throughout the property, or poor insulation at the property as a whole. As other contributors have said, we do not have evidence on specific property types or geographical areas, but there is a combination of factors. The problem is spread across those areas, and there is no simple answer. There is a combination of those four factors.

**The Convener:** Okay. Thanks very much.

My next question is directed specifically at Carolyn Lochhead and John Kerr. The housing ombudsman's follow-up report on dampness in English social housing noted that one clear area where landlords in England needed to improve was the knowledge of their stock. I am interested to hear how social landlords currently monitor dampness problems in properties in Scotland. Are you content that social landlords know their stock well enough to take proactive action to deal with potential dampness problems?

**John Kerr:** You are right about the ombudsman's report. The briefing note that was published by ALACHO, the SFHA, CIH Scotland and the SHR recognised that having a good approach to asset management is key to dealing with the issue and that is one of the conclusions and recommendations for social landlords to take on board if they do not already. Some social landlords are already on top of this and undertake proactive assessments of stock condition. They take an informed and risk-based approach to prioritise properties that have maybe been susceptible to damp and mould issues in the past.

One of the issues that was highlighted earlier was to do with on-going record keeping. That may be something that social landlords can improve on. More and more want to be positive, role model landlords.

As with all asset management issues, we should all be taking a proactive customer-focused

approach. With wider asset management, damp and mould problems should be kept at a minimum. I am aware of many local authorities, other authorities and registered social landlords that are investing in their stock and looking at taking a proactive view in introducing environmental monitors to tackle damp and mould at an early stage. They can record what is happening in the home with humidity levels.

10:45

Breaking it down, it is about effective asset management. The ombudsman in England was bang on, and that is reflected in the briefing note that was produced here. That will inform a further briefing note that will go out to give assurance to governing bodies of registered social landlords, housing committees in local authorities and leadership.

**Carolyn Lochhead:** The sense that I get from our members as I go around the country visiting them is that they have good knowledge of their stock and a good working knowledge of the condition that it is in. We know how many housing association properties meet things such as the Scottish housing quality standard, so we have some figures. We know that our members have to report on things such as emergency and non-emergency repairs times, so there are some figures there. However, we took the opportunity in the briefing that we produced with ALACHO and our other partners to re-emphasise the importance of doing proactive assessments of stock conditions—of not always waiting until somebody reports a problem, but proactively managing stock.

One thing that we particularly emphasised was the importance of having a void assessment. When someone moves on from a property, it becomes void, or empty. It is about taking the opportunity to go in and have a look, and having a checklist that will include things such as checking fans and ventilation systems, which can contribute to addressing damp and mould. Voids are quite an important part of the approach, because they mean that people can get easy access to a property. Doing a proactive stock assessment survey of all your stock requires tenants to give you access to their home, which, quite reasonably, they might not always want to do. Void assessment therefore seemed to be quite an important thing to emphasise.

**Willie Coffey:** I will lead on the same issues as those that I asked the previous panel about, and I will start with John Kerr.

One issue is the extent to which tenants are responsible for the conditions that they live in because of their lifestyle. We are talking specifically about condensation, dampness and

mould. You will be aware that the ombudsman in England issued a warning to social landlords to avoid blaming tenants for those conditions. Do you recognise that it is still an issue in Scotland that, in many cases, we say to our tenants that it is their lifestyle that causes condensation, dampness and mould in their homes?

**John Kerr:** That is a good question. If there is still, across the social rented sector, a culture of blaming tenants, I would be extremely disappointed. That is not to say that that does not exist, but ALACHO's position and the position in the briefing note that was published back in February is that blaming tenants is not only inappropriate but ineffective in dealing with the problem.

One clear thing about a good and effective landlord—whether that be a private landlord or a social landlord—is that they encourage tenants to report issues in their homes so that they can respond proactively by getting in and solving the issue as soon as possible. A blame culture in respect of tenants would work against that. If a person was trying to be an effective landlord, that would go against them. It would lead to a stigmatisation of tenants and to tenants being reluctant to come forward. I go back to the convener's earlier question about effective asset management. Blaming tenants would not be good for the landlord.

I am not daft enough to say that that culture does not exist, but I think that that sort of culture will be driven out by professionalism in the sector. The publication of the document addresses some of that.

I hope that that answers your question.

**Carolyn Lochhead:** I agree with John Kerr. The briefing note that we put out earlier in the year was very clear that tenants should be listened to and supported, that issues should be tackled, and that our members need to tackle problems with the property and the experience of living in the property. We are very clear that, if a problem is reported, its root cause has to be found and tackled, and our members are keen to do that.

It is undeniable that the experience of living in a property—this is the case for all of us as we go about our day-to-day business in our home—has an effect on the property, but a person should be able to live and carry out reasonable activities in it. There is no question but that we need to focus on tackling the issue and, where appropriate, to support tenants to understand how they might be able to minimise the effect of how they live. That is very different from blaming people. It is about finding the root cause, tackling it, and taking action wherever that is necessary.

**John Blackwood:** I want to reiterate that and to add a voice from the private rented sector. I do not think that there is anything to be gained from the landlord, in effect, blaming the tenant for a problem that is, essentially, in everyone's interests to fix. I think that every landlord and tenant would be keen to find a solution to the problem. We should be working towards that rather than entering into some kind of blame game.

In the earlier session, a witness said that it is often very difficult to diagnose a problem and to say whether it is condensation, dampness or rising damp, for example. That was quite interesting. We need to knuckle down on the root causes of the problem, find solutions to how we can best empower landlords to take appropriate action, and make sure that tenants are well informed about what can and will happen to eradicate and sort the problem.

**Willie Coffey:** Before I ask for views on tenants' rights, the legislative framework and so on, I want to come back to John Kerr and ask a specific question. Do you agree that condensation, dampness and mould are not defined in the tolerable rights standard for a house and that it is, therefore, entirely possible for a council, association or anyone to allocate to a family a house that has condensation, dampness and mould and is not entirely appropriate in this day and age?

**John Kerr:** It is not appropriate for a property that does not meet a certain standard to be allocated by a responsible social landlord. On the first part of your question, which was about different standards, I will say that they could be tighter and include damp and mould. There is a definition and guidance but, for any appropriate social landlord—or private landlord, for that matter—it would be very inappropriate and not good practice at all to allocate a property that has condensation and dampness. Earlier, Carolyn Lochhead made a good point about using the void stage to tackle issues. The void assessment would look at dampness and mould issues as well—that would be the appropriate time for that. If an issue were discovered with a home at that time, the responsible landlord would ensure that it was rectified prior to allocating the property.

I get your point about the legislation—it could allow for that—but professionalism in the social rented sector would not allow that to happen. Good checks and balances were put in place that were further strengthened by the briefing note that was published by the various partners earlier this year.

**Willie Coffey:** Thanks. Carolyn Lochhead, is it possible that houses could be allocated in those conditions in this day and age?

**Carolyn Lochhead:** I quite agree with John Kerr that it would not be appropriate for them to be allocated in that condition. Your question is about whether the tolerable standard covers mould and damp. My reading of it is that the tolerable standard covers rising damp and penetrating damp, and it refers to insulation. I think that your question is whether it should refer to mould and damp specifically. I would need to talk to our members about the view that we would take on that, whether there would be issues with it and how practical it is. I could not give you an answer; I would need to have that conversation.

**Willie Coffey:** If no other panel members want to assist with a view on that, I will move on.

Broadly, do tenants fully understand their rights and how to exercise them? Do you think that landlords, by and large, work with their tenants to enable them to exercise those rights fully?

**Carolyn Lochhead:** On the question of tenants' awareness, I must say that we do not represent tenants, so it would be wrong of me to give you a view on that. Our members work closely with their tenants and communicate with them in a number of different formats to make them aware. Whether in writing, through face-to-face meetings or on social media, our members work hard to make sure that tenants know what to expect, what their rights are and how the system works. Having said, however, that we do not represent tenants, I am sure that everyone would support the view that there can always be greater awareness of rights, particularly of the right to repair that was mentioned earlier. That is an important right that I do not hear people talk about as much as we might like. It is about repairs costing up to £350, for which there are set timescales for carrying them out. For a broken extractor fan, for example, it is seven working days. There are probably specific things that could be talked about more, but our members certainly work very hard to make sure that they communicate with their tenants in a way that makes sense for them, in order to help them understand what they should expect.

**John Kerr:** Carolyn Lochhead has covered most of it, but one of the key things in the document that I referred to a few times is that it is the responsibility of a good, effective social landlord to encourage tenants to report issues. It is about working effectively with tenants to make sure that they are aware of their responsibilities, which we do through our on-going engagement. A key part of that is ensuring that there is effective staff training so that there is professionalism in the sector and staff are aware of their obligations regarding tenant participation. There is a lot of good effective work being done out there, but people in the sector should not rest on their laurels. We should keep building on that work to

make sure, in particular, that tenants are aware of their responsibilities, that there are no blockages to that and that we encourage tenants in all the interactions that we have with them.

**Willie Coffey:** Do any other witnesses want to offer a view on tenants' rights and how we can assist tenants to exercise those rights?

**John Blackwood:** Yes. The private rented sector is perhaps slightly different. We have seen many changes in the past few years with the introduction of a new tenancy regime that is very much focused on giving more rights and, importantly, more information to tenants. The Scottish Government makes a lot of information available through its website for tenants about their rights and access to justice. We have come far in the private rented sector on support for tenants that is freely available to them. I do not represent tenants either, though, so I am not the best person to talk about the sort of information that they benefit from and that they would like to see.

**Timothy Douglas:** I will go back a step and reiterate what was said in the opening session and build on what I said in my opening comments. In trying to put policy in place and legislate in this area, it is important to recognise that there is a combination of factors and that it is therefore not about having a one-size-fits-all answer.

My first answer alerted us to four areas in which there could be a problem: the fabric of the building; how the property is lived in; its ventilation; and poor insulation. To take that a step forward, on the ground floor of a multi-occupied building, for instance, if the damp and mould has come through the skirting boards, it could be that the damp-proof course has eroded or even that it was not there. That would fall within the landlord's responsibility.

If the landlord were looking to sell and did not want to engage with the process, that would appear on the home report as a reason for not being able to sell the property. If it is a first or second-floor property, the issue could be due to a lack of ventilation, tenant behaviour or the external harling on a gable end where the wind and rain are getting in. If it is on the top floor, there could be an issue with the roof and therefore you will be looking at the roof insurance, the—[Inaudible.] If you are in a house and the damp is coming from the ground up, that could indicate that there is an issue with the fabric of the building, whereas if it is coming from a room, perhaps a bathroom with a lack of ventilation, the issue could either be structural or down to behaviour.

11:00

Therefore, the fact that there is no one-size-fits-all answer needs to be taken into consideration. As mentioned in the first session, all parties need to work together. There is an issue with the types of housing and the lived-in experience. Also, from a letting agent point of view, if, when they win instruction from the landlord, there is an issue with the fabric of the building and problems with damp and mould have been identified, they will either not touch the property or will put pressure on the landlord to get the problems resolved before they take on that instruction. That is clear in the letting agent code of practice, which links back to the repair standards.

Those are areas that need to be in the minds of policy makers, and then some of the existing checks and balances that are carried out by letting agents before a property is put on the market need to be looked at.

**Annie Wells:** Good morning. The evidence that we received from Shelter contained photos of clients' homes that showed dampness problems that had not been fully resolved by landlords. How common is it for tenants to have to live with such severe examples of damp and mould for so long? Do you have any examples of good practice by landlords when it comes to communicating and responding to complaints about dampness?

**John Blackwood:** It is obviously in the interest of landlords to fix these problems, and we encourage every landlord to do so. We provide a helpline service to our members, so it is landlords who approach us. In every case, they come to us saying, "I don't know what to do here. I don't know what the problem is. Where do I go to get information?". Over the years, we have built up guidance notes for landlords so that they understand what condensation and dampness are, because that in itself is a complex area. The next stage is what information they give to their tenants, how they communicate with them, whether they visit the property or inspect it and how they follow up on the problem to ensure that they find its cause and, more importantly, resolve it. That is what we have been closely working with our members on, particularly during the past winter. However, as you can imagine, it is an issue every winter.

We need to be thinking about what we can do to prevent this becoming an even bigger problem next year. People are very conscious of their bills. The big feedback that we were getting from our tenants was that they were not switching on their heating at all, which, of course, was causing a problem. They were terrified of the bills that they might incur as a result of turning on the heating. We hope that next winter will not be as bad, but it could be, so we need to find solutions to those

underlying problems and encourage landlords to engage with their tenants in order to do that.

**Timothy Douglas:** Building on my last point, the role of the letting agent ultimately starts with winning the instruction. They will work with the landlord on the fabric of the building to ensure that it is ready to be marketed. The process before taking instruction is outlined in the letting agent code of practice.

If an agent is taking on a property to let out, they will do a pre-inspection of the property, and then they will do an inventory at the check-in, which will obviously feed into the check-out report at the end of the tenancy. At the start of the tenancy, the tenant will be given a tenant information pack. On the whole, the agents who will be managing the property will be doing checks in month 3 and month 9. So, twice a year, the agent will record all the details, as set out in the letting agent code of practice.

When we have had conversations with letting agents, it has been because a tenant has flagged an issue with damp and mould. In such instances, the letting agent will investigate and, as John Blackwood said, obtain a professional quote. If there is severe damp and mould, they are certainly not trade level, but they would take photos, get a detailed report from the professional quote and collect the evidence. Ultimately, the professional quote outlines the reasons why there is damp and mould in the property. That is sent to both parties. As I said earlier, if a landlord wants to sell and does not want to deal with the issue, the issue will appear in the home report and be picked up as an extra enforcement, as it were, to get the property up to standard.

From conversations with our agents, I know that they understand the seriousness of the issue. They do pre-tenancy and in-tenancy checks, react to the issue as soon as possible and obtain professional quotes to resolve the matter.

**John Kerr:** I refer back to the "Putting Safety First" briefing note. There are a couple of good practical examples in that document from—off the top of my head—East Dunbartonshire Council and Lochalsh & Skye Housing Association, which I referred to earlier. We had a session back at the beginning of February, prior to the launch of that publication, which brought in a couple of other housing providers—I think that Perth and Kinross Council was there talking about its good practice. ALACHO and the SFHA are collating evidence of various examples of good practice out there. The publication was more about the consistency of dealing with the issue.

As Timothy Douglas and John Blackwood have said, it is clear that good landlords should respond promptly to issues that are raised, assess each

issue and treat the problem. One thing that resonated with me this morning from the discussion—I cannot remember who spoke about it—was the issue of following up issue and making sure. You can treat the issue immediately, but you have to follow up in three months' and six months' time to make sure that the root cause has been dealt with and that the problem has not resurfaced. That is key to ensuring success in dealing with damp and mould.

**Carolyn Lochhead:** The question was about how common that kind of situation is. Obviously, I do not know the source of those photos, so I cannot comment on them. As I said earlier, we know that 99 per cent of social homes met the tolerable standard; we know that nine out of 10 tenants report being satisfied with the homes and services that their RSL provides; and we know that 93 per cent of RSLs are compliant with energy efficiency and social housing standards. So, the statistics suggest that this is not common, but that does not help you if you are living with those conditions; I recognise that. That is why it is important that, where something like that happens, it is addressed quickly.

The other part of your question was about examples of good practice. SFHA hosts the technology enabled care programme on behalf of the Scottish Government. There is some good practice coming out of that about using technology to monitor what is happening in a home and finding the root cause. It uses indoor environmental sensors. Housing associations and councils are involved in the programme. A report is coming out later this year on what we can learn from that. It is about trying to find early warnings so that things do not get to the point where you are looking at pictures like those that have been shared with you. It is important to say that technology can be very helpful, and more and more of our members are using that kind of technology, but it is only part of the picture. Clearly, there has to be communication with the tenant to explain what we are doing and what they should expect—that is important—but we are seeing some good practice coming out.

**Annie Wells:** Thank you.

**Miles Briggs:** I thank the witnesses for joining us today. How do social landlords monitor complaints, specifically about dampness? Are any improvements needed, such as recording some of the issues that the witnesses on the first panel mentioned?

**Carolyn Lochhead:** We already have an annual report on the social housing charter. That gives us quite a lot of statistics on, for example, non-emergency repairs. We know that 88 per cent of non-emergency repairs are completed right first time, that the average number of days to complete

a non-emergency repair was 8.9 working days and that there were 22 per cent more repairs in 2021-22 than in the previous year, although Covid will, of course, have played a part in that. We have quite a lot of detail, and our members will have individual approaches—beyond what the charter requires them to do—to how they monitor, record and follow up on complaints.

Some members have recently been looking at their systems, particularly in relation to damp and mould, because not everybody has a system in which data specifically on damp and mould can be pulled out. Those issues might be covered by “overall problems” or “overall repairs”. Some of our members have been looking at whether they need to have something more specific, but, at the moment, that is what we have.

All our members have clear complaints processes. If someone is not satisfied, they can go to the ombudsman. There is a clear route for that.

**John Kerr:** Carolyn Lochhead has covered what happens. All local authorities now require registered social landlords to have an effective set of complaints processes. One recommendation in the briefing was to strengthen record keeping, and my local authority, West Dunbartonshire Council, ensures that it monitors and maintains records on dampness and mould complaints.

**Miles Briggs:** We have touched on the briefing note that you and the Scottish Federation of Housing Associations developed. Is any follow-up work planned? The issue of follow-up surveys was raised earlier. Are you looking at taking that forward?

**John Kerr:** There is follow-up work, in that we will publish a further document that will be more for governing bodies, local authority housing committees and management committees for registered social landlords, so that we build a level of assurance that housing providers are doing all that they can.

I spoke earlier about data gathering and the information on good practice that we are capturing. That will be put in a publication, too. We want to capture all the good practice that exists and build consistency in service delivery, particularly in the social rented sector.

**Carolyn Lochhead:** As well as what John Kerr referred to, guidance for governing body members will be published shortly, specifically on this issue, to make sure that they know what questions they should be asking and what answers they should expect to hear. That follows quite a successful event that we ran for governing body members of housing associations.

The SFHA will shortly be reviewing its self-assurance toolkit. Again, that will include

questions for governing body members—people who are on the boards of housing associations—about tenant and resident safety, so there is on-going work.

**Miles Briggs:** We are obviously talking about two different sectors, so does the Association of Landlords have any comments on repairing standards and how those can be enforced? Has there been any learning from what has been developed in the social rented sector?

11:15

**John Blackwood:** My first comment relates to access to appropriate information and advice. We struggle to make our members aware of the underlying issues when it comes to condensation and dampness, so we could use more documentation and guidance tools on that. We often refer members to North Lanarkshire Council, for example, which has a very useful video that explains the issues relating to dampness and condensation. More targeted information for all parties—I am talking about tenants as well as landlords—would be really useful.

In the earlier evidence session, the committee heard concerns about access to justice through the First-tier Tribunal and the resources associated with that. Equally, we hear that from our landlord members, who say that it takes too long to get to the tribunal and that the process is lengthy.

There has been talk about whether we need more robust legislation. We should remember that, in the private rented sector, the repairing standard, as well as the tolerable standard, is available to us. The tolerable standard will be updated next year. Rather than changing statute, there might be a role for statutory guidance to set out steps that landlords and tenants can take in working together to resolve issues. We are keen to work with the Government to achieve that.

**Timothy Douglas:** I agree with what John Blackwood said about targeted information and, where appropriate, case studies. The opening statement of the existing statutory guidance on the repairing standard, which was issued on 1 March by the Scottish Government, supports what I said earlier. The opening paragraphs of that document state:

“Private landlords should be aware that dampness has historically been a significant housing problem in Scotland ... Each property will be different and private landlords must exercise judgement in assessing if the essential fabric elements are adequate to ensure the property is wind and watertight.”

There are then a few pages with quite a lot of information about tackling the causes. That information must be read, but, as John Blackwood

said, some of it perhaps needs to be dissected, made more relevant to different property types and linked to case studies. There should perhaps be more targeted information so that issues can be tackled before they develop.

All that we hear from agencies is that the tolerable standard is in play. The statutory guidance on the repairing standard is linked to the letting agent registration requirements. Fundamentally, agents are adhering to that because, without that registration, they cannot operate.

**Miles Briggs:** That is great.

**Mark Griffin (Central Scotland) (Lab):** I have a question for John Kerr. It is not about a council's role as a social landlord but about its strategic responsibility in ensuring that all homes in the local authority area meet the tolerable standard and its ability to report breaches of that standard to the tribunal. How proactive are councils in assessing stock across all tenures? What do you do to support private tenants, too? In the previous session, we heard that private tenants sometimes live in houses with damp or mould but do not have the time or the energy to pursue that, or they might be concerned about their tenancy if they were to do so. What are councils doing proactively in relation to all the stock in local authority areas?

**John Kerr:** That is a good question. You are right to point out that councils perform the role of the housing authority in local authority areas. As we have discussed with the wider ALACHO membership, resource issues make being proactive difficult. Every local authority has a private sector housing team. It is about providing a degree of consistency.

The question was about having a proactive approach to ensuring standards in private sector housing. A quick review of local authorities' housing strategies would show that there is an ambition to be more proactive and to be better at raising housing standards in relation to the few issues with private sector housing that is in disrepair. Local authorities have issues with resourcing private housing teams. Obviously, they are funded from a general fund, and resourcing those teams puts acute pressure on local authorities. It is a challenge for local authorities to deliver the ambitions of local housing strategies across Scotland.

**Mark Griffin:** John Blackwood and Tim Douglas, do you or your members have any experience of local authority interventions on that front? Are there any examples of local authorities getting in touch with members to talk about standards? What does that process look like? How is it handled on both sides?

**John Blackwood:** We would certainly like local authorities to engage with landlords more constructively. That could be as a result of a tenant reporting a problem or, indeed, a landlord going to a local authority and saying, "I have this issue. I don't know where to turn. Can you help me?" Many landlords say that local authorities are not responsive to them. Of course, as part of the registration process, they should declare what they are aware of with regard to their responsibilities as private landlords when it comes to the repairing standard and what their general obligations are as landlords.

I am keen to see more engagement by local authorities to support landlords to ensure that they are fully aware of what they need to know and, more importantly, to see how they engage with their tenants and resolve issues that are reported by them. There is not enough of that, and I would like to see more. We can do that with our members—people who use our helpline pose such questions to us, and we support them where we can. Of course, many people are not members of our organisation, and they rely on local authorities as their sole source of information and support.

**Timothy Douglas:** I do not have any specific examples, but we are all acutely aware of the capacity of local authorities and their various budget constraints. Fundamentally, we hear from our members that it is about inspections. Inspections lead to enforcement. Our members want policy makers to incentivise local authorities to inspect, perhaps through inspection league tables for Scotland that rank local authorities by the number of inspections.

As John Blackwood mentioned, as professional bodies, we do a lot of content and communication with members. We have a network of regional executives who are letting agents across Scotland and ambassadors for Propertymark. In other parts of the UK, we engage with local authorities through various landlord and private sector forums. We would certainly welcome the opportunity to engage locally with local authorities, when they have the capacity for that, by sharing best practice, disseminating information and helping them with their inspection and enforcement regimes.

**Mark Griffin:** Thank you.

**Marie McNair:** Good morning, panel.

I want to ask the same question that I put to the first panel, and I will direct it to John Kerr. How is the cost of living crisis impacting on the problems of dampness and mould in homes? Are there any further suggestions of support that might help tenants through the cost of living crisis and with energy costs? What will be the impact of the

ending of the UK Government's support for fuel costs?

**John Kerr:** That is a good question. There is no question but that, as has been mentioned by this and the previous panel, there is a distinct correlation between the cost of living crisis and the ability of social tenants or private tenants to heat and ventilate their homes appropriately.

I suppose that, going forward, the impacts of the diminishing supports that are available for the people who are experiencing fuel poverty—or just outright poverty—will be quite acute. My local authority and, I think, a large number of other local authorities, as well as the housing associations, have developed their own tenant hardship funds so that they can provide direct financial support to tenants to ensure that they have the wherewithal to heat their homes. That is not sustainable, because that money comes from tenants' rents, and we also have a wider duty to keep rents affordable. There is also the wider issue of a Government intervention to ensure that people do not face the dilemma of being unable to heat their homes.

When we speak to our tenants, one thing that comes up is the issue of some of the media messaging out there around the cost of living crisis. Maybe there is a discussion to be had here. There is a fear—it is borne out in reality, too—that, because of the fuel bills, turning their heating on will drive tenants further into financial hardship. That is a real concern of ours. Local authorities and housing associations might directly appoint their own welfare rights energy advisers to discuss that, but, again, that comes at a cost to the tenants.

The cost of living has certainly had a huge impact on the on-going problem. The fear is that, if the cost of living crisis deepens or continues for a prolonged period and if social tenants, who are invariably some of the poorest people in society, are not provided with solid, wide and direct financial assistance that has longevity, things will only get worse.

Thank you. That was a good question.

**Marie McNair:** Does anybody else want to come in?

**Carolyn Lochhead:** The ending of that support has clearly had a huge impact. More and more, we have been hearing from our members about tenants being, as John Kerr said, too frightened to put their heating on. That is a completely unacceptable way for anyone to have to live. We know that there are particular issues in the social sector; indeed, the last Scottish house condition survey showed that social tenants were more likely to say that the reason why their home was

hard to heat was that they could not afford to heat it. There are specific issues there.

During the previous evidence session, there was reference to a statistic that I think came out in the Scottish Government's report on the Cost of Living (Tenant Protection) (Scotland) Act 2022, which was that about half of social tenants will be living in extreme fuel poverty by the end of this year. That is massively worrying.

One positive thing that we have seen is the Scottish Government's fuel insecurity fund. We have been able to distribute to our members several rounds of funding from that, on behalf of the Scottish Government, and as a result, they have been able to help about 55,000 households with things like insulation measures and clearing their fuel bills. The fund has provided cash to get them out of debt and enabled them to pay for their fuel, and we really welcome it.

The need is massive. In the last round, we had about £2 million of funding, and, within 36 hours, we had bids totalling about £6 million. That shows the incredible level of need. To be fair to the Scottish Government, I should say that it provided further funding so that we could meet that need, and we expect another announcement this week about more. We have to say that there has been a positive response, but we certainly think that things ought now to be moved on to a slightly more permanent footing. Instead of unpredictable rounds of funding, can we see a multiyear approach so that our members know what is available and can plan a bit better?

You asked about the UK Government, too. We have certainly been adding our voice to the calls for a social tariff, which would mean that more vulnerable people, including a lot of social tenants, had more guarantees about the energy bills that they will face.

11:30

We have also seen particular issues for our members. Now is probably not the place for a really deep dive into that, but the ability of our members who provide things such as healthcare services, supported accommodation or sheltered accommodation to do what they normally do, which is to buy energy in bulk so that their tenants have a heat and rent package, has been affected, because the cost of energy has been really spiralling. They have been working quite hard to protect their tenants from the effects of that, but that work can go only so far. There are a number of issues in that area.

**The Convener:** We move on to questions from Ivan McKee.

**Ivan McKee:** Thank you and good morning.

I want to ask the same two questions that I put to the first panel. First, would a new common housing standard help to address issues with dampness and mould? John Blackwood made the point that we should perhaps be looking at having more statutory guidance instead of a standard. I would be interested in hearing the panel's thoughts on that.

I also wanted to ask about the design of new homes and about retrofitting existing homes. What potential scope is there for that work to help address some of the issues that we have been talking about this morning?

Do you want to start on either of those questions, Carolyn?

**Carolyn Lochhead:** I am happy to. Thank you.

We have not seen the new housing standard yet, and we do not know what is going to be in it. As I understand it, it will be focused on being a multitenure standard. In other words, it does not matter what kind of rental contract you have; you should still have the same expectations. My understanding is that it will, largely, be about bringing other properties up to the standards that are already expected of social landlords. As far as I know, it will not have a massive impact on our members, although I might find that I am wrong about that when I see it. We will take a good look at it when we get it.

As for new builds and retrofitting, the standards that our members have to build to for new homes are extremely high. I know that several committee members have been out to see some of those developments, and I will be delighted to organise for others to go out and see the quality that our members are building to. Obviously, that is very welcome, and our members are glad to do that.

Of course, there are cost implications in having to build to such high standards. We are in a very difficult environment; the costs of construction are really spiralling, and the addition of further regulations that members have to meet all adds to costs, too. It makes us a bit worried about the target for building new social homes. I know that in the earlier session, there were quite a lot of references to the fact that one of the big issues driving a lot of this is the lack of social housing. Certainly, we agree on the need to prioritise the building of new social housing if we want to drive up standards and create a better environment for tenants to live in.

There are a few issues about retrofitting, particularly in being able to access the funding to carry out retrofits. The net zero heat fund has been a really good fund, and our members have been glad to be able to access it, but we are seeing a lack of speed in applications going through, and our members are reporting that they

are being asked for a lot of information. That is holding things up when they want to get on and retrofit properties. We know that £200 million is available from that funding up to 2026, but, as far as we know, only £17 million of that has been spent. We wonder whether we can look again at that fund's requirements and whether we can make it easier to access and reduce the requirement for match funding.

There are also specific issues with retrofitting. You now need installers who can meet the PAS 2035 requirements, under which a retrofit specification is required in order to access certain types of funding—not that many installers are qualified to meet that standard.

So, there are issues about funding and the ability to access the right people to do the retrofit, and then there are some of the issues that were mentioned in the earlier session. For example, if our members do not own a whole block, they have to get into very complicated negotiations with owners and landlords, which can cause a real hold-up in bringing properties up to the standard that our members really want to meet.

**John Blackwood:** I concur with much of what has been said. We have long supported the introduction of a common housing standard and a repairing standard. Obviously, we will want to know the detail of that and how it will work in practice, particularly when it comes to dealing with problem areas involving, say, mixed ownership. How can we ensure that home owners take responsible steps to maintain the fabric of their tenement, for instance? If there were a common housing standard, we would need to take all that into consideration but, in principle, we support such moves. We believe that all tenants should have access to the same degree of repairs, regardless of who their private or social landlord happens to be.

Retrofitting has been an issue in our sector. Again, we have issues with access to funding, with many landlords finding themselves unable to access the funding that would enable them to carry out those kinds of important upgrades to the properties. Even if they do get the work carried out, they are now saying to us, "We have damp and mould problems with our properties that we never had before." That is partly because of the quality of the insulation and partly to do with the quality of the fitters who carried out the works. You do not know how good, bad or indifferent those tradespeople are until you incur a problem. For the first time, members are saying to us, "We are encountering problems with our properties as a direct result of putting insulation into them." We need to look at that, and we hope that, in time, the quality will improve.

A common housing standard is, in principle, a good idea. Of course, its implementation will all come down to the detail and how we manage mixed ownership blocks.

**Ivan McKee:** I find it interesting that you are having problems with damp that you did not have before, and it is something that we should consider in a bit more detail.

John Kerr, do you have any comments on either of those questions?

**John Kerr:** My points have been addressed, but I would just reiterate Carolyn Lochhead's point about wider funding. There needs to be greater clarity with regard to funding streams. Carolyn said that landlords are committed to meeting the wider ambitions of "Housing to 2040", including the affordable homes target. Obviously, construction inflation has gone north, which some of us did not anticipate. Allied to that, there is the wider retrofit agenda, which is, rightly, about making sure that our homes are as energy efficient as possible. Both of those things come with a price tag, however. Social landlords are responsible for ensuring that rents remain affordable. As I have said, there needs to be greater clarity with regard to funding streams so that we can realise the ambition of "Housing to 2040".

As, I think, everybody has said, a common housing standard can be only a good thing. Everybody welcomed the publication of "Housing to 2040", and everybody was right behind its ambition to have uniformity of standards. My only concern is to ensure that a common housing standard does not dilute anything and that it continues to raise standards for the betterment of tenants, their health and their wellbeing. It can therefore be only a good thing. Obviously, we have not seen it yet, but we will see it later this year and into next year. ALACHO will be keen to participate in that process to ensure that the standard comes forward and achieves the wider ambition.

**Ivan McKee:** Timothy Douglas, do you have any comments?

**Timothy Douglas:** I agree with the other panellists. It is hard to find a reason not to support greater standards for homes across Scotland, but we are awaiting the consultation and further detail. "Housing to 2040" mentions new standards and multitenure, and linking those standards to energy efficiency and heating; indeed, I think that it even refers to digital connectivity. It is a wide-ranging strategy. We have just had a discussion about local authority capacity with regard to enforcement and, ultimately, any new housing standard will need to take into consideration the strain being placed on local authorities in delivering their

current duties as well as any extension of standards.

On energy efficiency, there is a huge concern from letting agents in Scotland and across the UK about the targets. Again, we are waiting for the consultation from the Scottish Government on its proposals, and it needs to come as soon as possible so that the sector knows the timescales and targets to which we will be working, as well as the financial implications for landlords and agents. At the moment, we are doing a lot of work on asking agents to engage with their landlords on what their portfolios might look like in five, 10 or 15 years. Have all the quick wins been done at the property? What are they doing now to make the property as energy efficient as possible and to plan ahead?

Fundamentally, it goes back to a common theme that I have already mentioned. Propertymark is concerned about a one-size-fits-all approach to energy efficiency and one target for the diverse range of properties across Scotland. That approach is simply not workable, and it could result in some private rented properties that are not able to meet the target being lost from the stock. Surely, the emphasis from policy makers should be on how to make each property as energy efficient as possible and how to make each property less damp and as mould proof as possible. That has to be the target. We could categorise that for different types of property across Scotland, but a one-size-fits-all approach to energy efficiency will have a knock-on effect and could mean losing certain properties from the private rented sector in Scotland. At the moment, there are no grants available to private landlords, only loans of up to £15,000. That is another thing to look at.

On the issue of new homes, there is, from our members' point of view, certainly a role for local authorities to play through planning. Are we ensuring that, for example, there are enough vents in the properties that are being built? The feedback that we have received from agents is that a lot more properties would benefit from an extractor fan—for example, in a bathroom—and that any work to improve energy efficiency, such as loft insulation, must not block vents. That needs to be taken into consideration. I appreciate that those are specific examples, but they are issues that have been raised by members.

Finally, again on the issue of new homes, there is, of course, the new homes ombudsman, which Propertymark lobbied for. It is a UK-wide scheme that registered developers have signed up to, and it will also, I hope, act as a mechanism for starting to resolve disputes and level the playing field. After all, sales agents have redress, too. Unlike letting agents in Scotland, sales agents are

regulated by the Estate Agents Act 1979, which is UK-wide, but there is no mandatory regulation or qualification or, indeed, minimum entry requirements to be a sales agent or to sell houses on a new build site.

**The Convener:** That concludes our questions for today. Thank you very much for joining us and giving evidence.

At our meeting on 16 May, we will hear from the Chartered Institute of Housing, the Scottish Public Services Ombudsman and the Scottish Housing Regulator as well as the Minister for Housing on the same issue and have the chance to explore with them the issues that have been raised today.

## Subordinate Legislation

### Town and Country Planning (Play Sufficiency Assessment) (Scotland) Regulations 2023 (SSI 2023/97)

### Town and Country Planning (Development Planning) (Scotland) Regulations 2023 (SSI 2023/101)

11:43

**The Convener:** Agenda item 3 is consideration of two negative instruments. I point out that there is no requirement for the committee to make any recommendations on such instruments.

If members have no comments, does the committee agree that we do not wish to make any recommendations in relation to the instruments?

**Members** *indicated agreement.*

**The Convener:** As we previously agreed to take item 4 in private, I close the public part of our meeting.

11:44

*Meeting continued in private until 11:50.*



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

---

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

---

All documents are available on  
the Scottish Parliament website at:

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

Information on non-endorsed print suppliers  
is available here:

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

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

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

---



The Scottish Parliament  
Pàrlamaid na h-Alba