



OFFICIAL REPORT
AITHISG OIFIGEIL

Local Government, Housing and Planning Committee

Tuesday 18 March 2025

Session 6



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LOCAL GOVERNMENT, HOUSING AND PLANNING COMMITTEE

9th Meeting 2025, Session 6

CONVENER

*Ariane Burgess (Highlands and Islands) (Green)

DEPUTY CONVENER

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

COMMITTEE MEMBERS

Meghan Gallacher (Central Scotland) (Con)

*Mark Griffin (Central Scotland) (Lab)

*Fulton MacGregor (Coatbridge and Chryston) (SNP)

Emma Roddick (Highlands and Islands) (SNP)

Alexander Stewart (Mid Scotland and Fife) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Sean Clerkin (Scottish Tenants Organisation)

Aoife Deery (Citizens Advice Scotland)

Peter Drummond (Royal Incorporation of Architects in Scotland)

Shona Gorman (Tenants Together Scotland)

Yvette Hoskins (Dundee RAAC Campaign Group)

Gloria Lo (OiSA Designs)

Emma Saunders (Living Rent)

Graham Simpson (Central Scotland) (Con) (Committee Substitute)

CLERK TO THE COMMITTEE

Jenny Mouncer

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Local Government, Housing and Planning Committee

Tuesday 18 March 2025

[The Convener opened the meeting at 09:35]

Interests

The Convener (Ariane Burgess): Good morning, and welcome to the ninth meeting in 2025 of the Local Government, Housing and Planning Committee. I remind all members and witnesses to ensure that their devices are on silent. Fulton MacGregor is joining us online this morning, and we have received apologies from Alexander Stewart and Meghan Gallacher.

I warmly welcome Graham Simpson to the meeting. As this is Mr Simpson's first time attending a meeting of the committee since becoming a substitute member, the first item on our agenda is to invite him to declare any relevant interests.

Graham Simpson (Central Scotland) (Con): I am pleased to be here, convener. I was on the equivalent committee in the previous session, and I am looking forward to today's meeting. I have no interests to declare.

The Convener: Well, aside from the fact that you are convener of the cross-party group on housing. You are definitely interested in this topic.

Graham Simpson: I am definitely interested, convener.

The Convener: That is wonderful.

Decision on Taking Business in Private

09:36

The Convener: The second item on our agenda is a decision on taking business in private. Does the committee agree to take items 5, 6 and 7 in private?

Members *indicated agreement.*

Building Safety and Maintenance

09:36

The Convener: The next item on our agenda is an evidence-taking session as part of our work on building safety and maintenance. We will be hearing this morning from two panels of witnesses.

For the first panel, we are joined in the room by Sean Clerkin, who is campaign co-ordinator at the Scottish Tenants Organisation; Yvette Hoskins, who is vice-chair of the Dundee RAAC campaign group; and Emma Saunders, who is the national organiser at Living Rent. We are also joined online by Aoife Deery, who is a senior social justice policy officer at Citizens Advice Scotland, and Shona Gorman, who is vice-chair of Tenants Together Scotland.

Before I turn to questions from members, I should point out that we have read in the press this morning that the Scottish Government has announced its intention to lodge amendments on damp and mould to the Housing (Scotland) Bill. We do not know the detail of those amendments yet, but it is still important that we have our conversation today, as it will, I hope, help the Government in that respect.

We will direct our questions to specific witnesses initially, but if you would like to come in, please indicate as much to the clerks. Aoife and Shona, you should do so by typing an R in the chat function. One less thing for you to think about is operating the microphones—we will do that for you.

Finally, before I begin with some initial questions about tenants' experience and landlord practice, I should say that the session will be split into questions on damp and mould—those issues will be the primary focus for our first few questions—and questions on reinforced autoclaved aerated concrete. You might feel initially that we are not asking any questions that are relevant to your specific area, but we will definitely have questions for you.

As the first question is really for Citizens Advice Scotland, I will direct it to Aoife Deery, but it is also for Living Rent, Tenants Together Scotland and the Scottish Tenants Organisation. I am just cueing you up, Aoife, because I am interested in hearing how, from the work that you have been doing, you think the volume of tenant complaints about damp and mould in their homes has changed over the past couple of years.

Aoife Deery (Citizens Advice Scotland): Thank you, convener, and thank you for having us along to this morning's session.

As you will have seen from our written submission, we deal with a very high number of repairs issues—about 6,400 last year—and we are currently refining our data collection to better understand the issue of damp and mould within that. That said, we have been told by advisers that, although they are not officially logged, the number of damp and mould cases that they are seeing remains a stubbornly high proportion of all repairs cases. It is very much a prevalent and damaging issue that our advisers are dealing with every day and, indeed, is often the cause, or consequence, of another repairs issue.

What I really want to emphasise is the impact on people—that cannot be emphasised enough. Time and again, advisers tell us about the negative impact on mental and physical wellbeing, particularly the link with respiratory issues and stress and anxiety; irreparable damage to belongings, including furniture; and the financial hardship that is caused by having to replace such items, and often having to pay two rents, as people try to move to another property. Advisers also tell us about families being unable to live safely in their homes or to use all the rooms in their homes—and, worst of all, becoming homeless. It is also worth noting that many homeless accommodations also suffer from quite serious damp and mould.

I would just like to share a quick case study that illustrates some of the issues that I have been talking about. Laura and her husband approached their local bureau in February, because the temporary flat that they had been allocated when they became homeless was mouldy, damp and cold. There was mould all over the walls, which were often damp to the touch, and the windows were not airtight and let the cold air through. Their bed was also wet to the touch, because of the conditions.

Laura stated that they were spending approximately £12 a day on trying to heat the flat, but they were struggling to afford that on their low income. The couple had gone to speak to the council two weeks previously and were told that someone would be in touch, but they have not yet heard anything. Laura is currently pregnant and her midwife has said that they would provide a letter to the council, explaining how the accommodation was not suitable for her or the baby. Laura has lately been having difficulty with her breathing and has been experiencing an on-going cough.

That, I hope, gives you a sense of just one person's experience of damp and mould.

The Convener: Thank you very much for that, Aoife. It certainly sounds like a pretty horrendous experience. My colleagues and I are getting similar cases in our inboxes; indeed, that is why

we have picked up on and are pursuing this area in our evidence taking.

Does anybody else want to come in or add anything?

Emma Saunders (Living Rent): Good morning, everyone. I am very glad to be here.

Just as Aoife Deery has said, it is hard to know what volume of complaints we get on these matters, because it is hard to establish a baseline. That is one of the things that we are concerned about; the figures in the data, as reported in Scotland, seem to be very low in contrast with our experience and what is happening in England and the rest of Europe.

People might say, “Oh, the figure is about 10 per cent”—indeed, I think Wheatley Homes had a statistic that was even lower—but, in our experience, that just does not chime with reality. We wonder whether there needs to be more extensive data collection to understand what is going on, and more extensive data reporting, especially from social landlords, because the numbers that are being reported do not correspond with our members’ experience in practice.

I realise that I am almost creating subsets of data here, but when it comes to social and council housing, people are reporting this problem all the time, but are just getting ignored. Housing officers tell them, “You don’t know how to boil potatoes”—that is a direct quote—or “You don’t know how to hang your laundry up” and so on. This is not about individual issues; however, despite the fact that current national guidance makes it clear that this is not an issue of individual behaviour, that is what housing officers are still saying at local level. It just compounds the issue, because it makes tenants feel crazy. They raise the issue over and over again, and they are being gaslit.

Private sector tenants are afraid of raising the issue, because they fear that they will face eviction if they do. That has been the experience of our members; they raise mould and damp issues and, three months later, they receive an eviction notice.

Lastly, as Aoife Deery says, conditions in temporary housing are often very poor, with a mixture of mould and damp, sometimes mushrooms and sometimes pests—rats and so on. People in such situations feel that it is very difficult to raise issues, because there are no other options for them. Where are they going to go?

It is important that the committee understand the different problems that people face. They are not just physical and mental; there are social problems with mould and damp, too. You will not invite people to your home if you have them, and you

cannot invite elderly relatives to provide them with care and so on. It disrupts your life.

For us, a key aspect of resolving the matter is the setting of clear deadlines. It means that you know, once you raise the issue, what your landlord should be doing, and if they do not do it, what your recourses to justice are—whether you can go to tribunal to get a repair order, and/or get compensation.

The last bit of information that I wanted to share is that we have more and more lawyers getting in touch with us, because they want to speak to our members to pursue personal injury claims. People are increasingly understanding that living in a home with mould and damp amounts to personal injury, and lawyers are pursuing such matters.

09:45

Sean Clerkin (Scottish Tenants Organisation): Over 90 per cent of our casework is with tenants who have rampant damp and mould. Essentially, we have an endemic damp and mould problem that is blighting the lives of hundreds of thousands of tenants across Scotland. Like Living Rent, we believe that we face an imminent public health crisis.

Let me give you two examples, which involve clients who have given permission to be named today. One is a chap called Alex Gordon. Alex Gordon has lived in a mouldy and damp home since 2010, and, in that home, he has caught aspergillosis, a terminal illness that comes from *Aspergillus* mould spores in the air. He is 69, and he knows that he will die from the disease one day—he has been told so by his doctors.

Alex lives in a Wheatley home on the south side of Glasgow, and his terminal illness is a result of his having been exposed to mould for a period of over 14 years. He said for years that he had damp and mould in his home, and Wheatley said, “No, you don’t.” It did physical inspections, which were just a matter of viewing the house; someone looked at it, and said, “You don’t have it.” However, two independent studies by expert witnesses showed that he had rampant damp and mould in his home, to the extent that he was removed and Wheatley was forced to spend five weeks removing the mould.

The second case involves a woman called Michelle Ure, whom I represent and who was recently named in *The Herald*. South Lanarkshire Council said it was only condensation that she had. The tenant said, “No, I’ve got damp and mould in my cavity wall insulation. It’s in the structure of the home.” The extent of the damp and mould has been such that her two-year-old boy, Leighton, has repeated chest and respiratory

infections and, in fact, nearly died a few weeks ago.

Two housing officers and an inspector came to the home late last week and told her, "You've got to clear the physical mould. You've got to clean it up." When she said, "Why do I have to clean it? I have severe asthma", it was demanded of her. We have this on tape, by the way—it will be coming out in the media shortly. They said that she should clean the mould up, even though she is asthmatic. When she asked the person who said this to her, "Are you qualified to deal with damp and mould that you're telling me about?", they said, "No, I'm not."

That is the problem: there is, in Scottish housing, an essential lack of understanding. The Scottish housing sector does not really know too much about damp and mould—there is a wilful ignorance about it.

What we in the Scottish Tenants Organisation are saying is that, because damp and mould are endemic and in hundreds of thousands of homes, we have to introduce a Scottish Awaab's law. What we are saying is—

The Convener: I must stop you there, because we have specific questions about Awaab's law. We will come on to that.

Sean Clerkin: Right. I will just finish by saying that the burden falls on the tenant, because the landlord regards them as the expert. They have to make the complaint and then do this, that and the other.

The bottom line is that the tenant is not an expert on damp and mould. The landlord should be proactive instead of being reactive and always looking to the tenant to report damp and mould. They should know what is happening in their properties; they should have up-to-date stock-condition surveys so that they know what is going on.

As I have said, they should be proactive instead of just being reactive to tenants making complaints. Most landlords do not understand the damp and mould that are in their properties—that is a fact.

The Convener: That is great. Thank you, Sean, for highlighting your perspective that landlords do not understand the issues of damp and mould in their properties.

Does anybody else want to comment on damp and mould? I note that Shona Gorman has not come in yet. I should say that we have previously heard about landlords blaming their tenants for problems with damp, even though it is reinforced in Scottish Government guidance that that should not be happening. I would be interested in hearing from Shona Gorman or Emma Saunders whether

landlords' attitudes to tenants reporting damp and mould problems have changed. Is there still the sort of blame culture that Sean Clerkin has highlighted?

Shona Gorman (Tenants Together Scotland): Good morning, and thank you so much for the opportunity to be here today.

The examples that we have already heard this morning are pretty horrific. Although many more tenants are reporting damp and mould to the landlord in a way that they would not have done in the past, because of the tenant-blame culture, I am not certain that they are getting the responses that they should be getting.

However, I am also not certain that this is about landlords not wishing to deal with the matter. I do not know why, because I am not a technical person, but I feel that our homes—our present existing housing stock—are in a very poor way and unable to cope with the problem. I do not know whether that has to do with how they were built, or whether it has to do with climate change and increasingly damp conditions. I imagine that most of these things will come in somewhere, but we certainly do not seem to be able to deal with the problem satisfactorily.

Anecdotally, I have heard of a neighbour being told that they needed to open their windows more and another neighbour being told that they were opening their windows far too much. Whether those words were actually said, I do not know, but that was the perception that the tenant was left with. We seem to have a long way to go if we are looking to get landlords and tenants to work collaboratively to get rid of this problem.

Is it about a lack of maintenance of existing housing stock? I do not know, but it is a very worrying problem and we do not seem to be anywhere close to dealing with it effectively.

The Convener: Thanks very much for that. A panel of architect experts will be joining us after you, and maybe they can shed some light on those questions.

I will now bring in Willie Coffey, who has some specific questions.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): Good morning to everybody on the panel.

Thinking about the examples that people have cited just now and in previous years, is it your experience that the damp and mould are already there when people get the tenancy and do not occur after they take up the tenancy? My experience over the years, as a councillor and in the Parliament, is that the damp and mould are there in the first place. Should there be a system that assesses the fitness of the property initially, at the letting stage, in which the landlord—whoever it

is—declares that the house is fit for purpose and does not have damp and mould? All the problems that we are dealing with today are there when a tenant begins living in a property.

Thinking about the example that Sean Clerkin gave of a person having lived in the property for 14 years, I would bet that the damp and mould were there in the beginning, before that person got the house. Do you think that we should look at the front end of the process and correctly assess the condition of a house at that point, to make sure that it can be let?

Sean Clerkin: I am going to bring up the idea of having Awaab's law in Scotland again, if I may, because it is directly relevant to the question. The bottom line is that, until Awaab Ishak—the two-year-old child who lived in Rochdale—died, landlords were not dealing with the problem at all. They were rushed into dealing with it because it was suddenly a major problem for the authorities—the Governments in Edinburgh and London—after the coroner ruled that the death was caused by mould and damp. Before that, it was not considered to be a major problem, but it has been a major problem for years. There has to be proper statutory intervention—there has to be Awaab's law in Scotland, and it must be better than the law that they have down south.

What would that law be? Number 1: it would require accurate and up-to-date property condition information based on comprehensive stock condition surveys, having an accurate database and knowing what the problems are. For example, when a home became void, you would go in and examine it to see if there was any damp or mould. You would have annual inspections in addition to any stock condition survey, and you would have accurate intelligible information about the condition of your stock.

Number 2: all employees of private and social landlords would need to be trained in identifying damp and mould, and any specialist contractors that they used would have to be trained and certificated in dealing with damp and mould. That would encourage landlords to be proactive instead of being reactive, as they tend to be now, and relying on tenants' complaints. Tenants should not have to bear the burden of identifying damp and mould. For too long, the housing sector has lacked the knowledge and has been totally inadequate in dealing effectively with damp and mould.

We would also say that landlords must investigate all cases of damp and mould within a robust and specific timeframe. That would consist of information gathering; a thorough walk-through inspection of the external and internal parts of a property, in which precise measurements would be taken; and a systematic approach to

addressing the root causes of the problems, ensuring long-term resolution and prevention.

Willie Coffey: Many thanks for that. I realise that I am probably encroaching on my colleagues' questions, which will give you a chance to develop that theme.

I would like to get a sense of what the other witnesses think. Do we need to do something at the front end of the letting process of a tenancy, so that tenants can be assured that the house they get does not have damp and mould present? Would that be a good idea?

Emma Saunders (Living Rent): Yes. I will give an example from the private rented sector. Some people who were living down south, in England, were moving up to Edinburgh. They were not able to see the property ahead of time, but they had to put up money up front to secure it, because it had been so hard to secure properties. They moved in and saw that there was damp and mould, and they raised that with the letting agent. However, the letting agent did not do anything for five months, until they moved out. The case involved a couple, one of whom had cancer while the other developed a skin condition as a result of exposure to mould and damp.

So, yes, something at the front end of the letting process could be helpful. The problem is that people are so desperate for a home that they will do whatever it takes to secure one. For us, the solution is much more about having clear penalties and processes for reporting when problems arise. The tenants in the case that I just mentioned reported the damp and mould from the get-go. They moved in, they reported the issue and yet nothing was done, because there is no penalty for the letting agent or the landlord.

Willie Coffey: Are there any other views from the panel on the idea of having some kind of front-end assessment of a property's condition?

Aoife Deery: I think that it is a really good suggestion, particularly from the perspective of the social rented sector, where pre-tenancy checks are already carried out. The suggestion could fit in quite well there.

We would hope that there would be an assessment of the habitability of a property and that landlords would not try to house anyone in unfit housing. However, we are in a national housing emergency, which I imagine plays into this, and social landlords are under a lot of pressure to turn voids around. At the same time, though, landlords should not be letting out unfit homes. The issue of damp and mould speaks to a wider issue with the supply of affordable housing.

I echo what Emma Saunders said about people being just so desperate for homes. We have

experienced a great number of cases in which people have moved into homes where—as you say, Mr Coffey—damp and mould were already present. They have reported the problem straight away, hoping to get it sorted out, but they have waited years for a resolution—if, indeed, they have ever got any resolution—and have still had to seek alternative accommodation in some instances. It is a never-ending cycle that is affecting people's wellbeing to a very great extent, as we have said.

Willie Coffey: Are there any other comments on that?

10:00

Shona Gorman: I think that it is an excellent idea and definitely something that should be pursued. We need that, but we also need landlords to talk to incoming tenants. When landlords show a house, they should take great care to show tenants how the heating system works. They should give tenants an idea of the cost of the heating system and talk quite honestly and openly with them about whether they will be able to afford it. Also, a house may have ventilation fans in the bathroom and kitchen, and landlords should talk to the incoming tenants and assure them that a trickle fan will not cost them a fortune in electricity even if it remains on all the time. They should assure tenants of the need to keep the fans on and that they are positive things to have. A collaborative approach is needed.

Damp and mould in a home should not be covered up in the first place. A home should be properly fit for purpose and totally free of damp and mould at the time of letting. However, as has been said, in this housing emergency and with people being desperate, it is very difficult to ensure that that is the case.

Willie Coffey: Thanks very much for that, Shona. It leads me to the question that I was supposed to ask at the outset. Your submission to the committee highlighted to us that some good practice or some positive work is going on out there among landlords who are dealing with damp and mould. Can you give us a flavour of that experience from your perspective, please?

Shona Gorman: In the best of worlds, landlords do not want to have this issue. Reputationally, they cannot afford to have this issue, and, for the health and safety of their tenants, they clearly should not want to have any problems of damp and mould.

It goes back to something that I said earlier. Landlords and tenants need to work collaboratively on this. Landlords must offer as much support and help as possible to their tenants to make their home warm and comfortable, to maximise their benefit income and, as far as can

be managed, to have whatever welfare grants and help they need to heat their home, and so on. If landlords and tenants work together on this, we are far more likely to get a good result. If a tenant feels that the landlord is not blaming them but trying to support them, they will hopefully be more likely to say, "Look, I'm really struggling. I thought that I could manage this, but I'm not managing it."

Landlord and tenant working together is the outcome that we hope for, but the state of the house in the first place is the absolute must. It must be free of damp and mould to start with, and it must be well maintained. I am thinking of even very small things. Where I stay, my gutters are not being cleaned as regularly as they used to be. That may sound like a very small thing, but, if a gutter is blocked up, the likelihood is that damp will seep into the walls of my home and perhaps internally.

These are very basic things, but we need to get much better at doing them. I certainly welcome all the initiatives that good landlords are putting into practice.

Willie Coffey: Thank you, again, Shona.

I will turn to Emma Saunders, briefly. Your submission told of the need for impartial independent expertise, advice and reports about the issues, because tenants might not always trust reports by the landlord on the condition of a house. Could you explain to the committee why you think that that is important?

Emma Saunders: Thank you for bringing that up. The experiences of council tenants, social tenants and private tenants are different. In council and social housing, reports are often very house focused and do not look at structural issues. Inspections might not look at the gutter or the roof, or see that new external wall insulation has been brought in, which means that ventilation is not working. As a result tenants might not trust a survey because it does not look at all the factors and gives a stock response that does not feel appropriate to what people are living with.

Willie Coffey: Who should do that kind of assessment?

Emma Saunders: It is hard to think about having a whole new system that is very expensive to run when we know that there is not enough money in the housing system. However, if there were clear qualifications—I hope that the building experts in the gallery can talk more about this—and clear centres of expertise, tenants would know that there would be a thorough assessment and thorough surveying, and that that would be the case in the private sector, as well.

We get surveys that tenants just do not trust. They then get their own surveys done and they

say something different, so we need something that tells a coherent story so that we can get to root causes. Surveys come out and tenants do not trust them because they do not reflect their experience, so they redo them and three years later they say, “Oh! This is really what’s going on”, as Sean Clerkin talked about.

Sean Clerkin: I was going to say that part of the idea behind Awaab’s law was that there should be a statutory framework: we need a statutory framework in which expert witnesses would do the reports. If there was a dispute between tenant and landlord—for example, between Wheatley Homes and a tenant—there would be an expert witness report.

Expert witness reports could be publicly funded by the state because tenants are, for the most part, on very low incomes. They feel as though they are outgunned by landlords. The bottom line is that expert witnesses should be funded by the state.

There is a very good public expert witness—Professor Tim Sharpe—in the west of Scotland, who does a lot of reports. We also have Kristine Reilly-Blake, who works for Healthy Homes and Beyond IAQ Ltd. Those expert witnesses go in and act impartially. They look at the damp and mould and do a report that can be trusted by both the landlord and the tenant. Independent expert witnesses who are publicly funded by the public purse, as part of a statutory framework to tackle damp and mould, would be a very good thing.

Graham Simpson: The meeting has been very interesting so far. Before I ask about Awaab’s law, I note that we have had some discussion already about the need to look at buildings as a whole. Shona Gorman mentioned guttering, which sounds dull but is actually not: it is so important. One flat that I rented in Edinburgh was a top-floor flat. I could see the gutters from my window and they were never cleaned, which I knew was just storing up problems.

If I can blow my own trumpet and that of some other MSPs, I note that in the previous session of the Parliament we formed what is still known as the tenement maintenance working group. The idea was that a lot of the problems that we have in flatted properties in Scotland result from their not being properly maintained. We thought then, and still do, that there is an issue around tenement law and that things really need to be done.

We have produced a report. There were recommendations in it—one of which was that there should be regular inspections of properties. The issue is now sitting with the Scottish Law Commission, and we are likely to see proposals from it in the next session of the Parliament.

Shona, perhaps I can come to you because you mentioned gutters. We are not just talking about people in rented properties, are we? We are talking about private homeowners as well, and we need to look at properties in the round.

Shona Gorman: Yes, you are right—we do. This guttering thing will haunt me, probably. Can I say to my landlord, please, that I am not suggesting that they are not cleaning guttering because they do not want to? I do not think that that is the case, at all.

However, especially over the past few years, during the period of Covid with so many repairs needing to be done, and increasing costs, I think that repairs have slipped a bit from what they used to be. They used to be a regular occurrence. As has been said, it is fundamentally important that we maintain our buildings—that we maintain them externally and do everything that we can do to keep them windtight and watertight, and keep façades in as good condition as possible. The inside will not be in a great state if the building is not properly maintained externally. A lot of existing stock now has not, over decades, been maintained to as high a standard as we would wish for.

Graham Simpson: Do any witnesses have views on the responsibility of factors for maintaining buildings properly?

Emma Saunders: Our members mention problems with factors all the time—factors not doing their jobs and their not being able to hold factors accountable. Anything that can strengthen the legislation on factors and factors’ responsibilities would be interesting.

On social housing, I would echo what Shona Gorman said. We are seeing that quite a few social landlords are not doing regular maintenance work, despite increasing service charges. That is creating a lot of frustration for our members. They do not see their gutters being cleaned and have to petition for six months to get one gutter cleaned, which seems to be out of proportion, yet they see their service charges going up.

Graham Simpson: I will turn to Awaab’s law. Sean Clerkin has made a couple of lengthy contributions on the matter already. However, I think that it is worth setting out the background. Awaab Ishak from Rochdale, age 2, died in December 2020 after falling ill because he lived in a damp and mouldy home. That is the background to Awaab’s law, which is being introduced in England. It will come into force in October.

Currently, as drafted, the law will apply only to social landlords, but the current United Kingdom Government has said that it wants to extend it to the private rented sector. The Scottish Government, as you have heard already, has said

today that it wishes to introduce an amendment or amendments—I do not know whether there will be one or several—to the Housing (Scotland) Bill, which would tackle the problem. I guess that my question is this: when the Government does that, should it be limited to social landlords or should it apply to all landlords?

Sean Clerkin: I think that it should apply to the private rented sector as well as the social rented sector. Another thing to say is that in the private rented sector and the social rented sector, when they are dealing with mould remediation, landlords go in with antifungal paint and paint over the top of the mould, or they put in false walls and say, essentially, that that is the problem sorted, but the problem comes back.

What is needed is a high standard of mould remediation, which would mean that specific high standards would have to be adhered to. For example, in Alex Gordon's home, Wheatley Homes was forced to remove the plaster right back to the brick, then dry the brick. In other words, it was not a case of putting on a lick of paint. The landlord had to go in and do the work properly. That was why there was a court case. They were forced to go back to the brick. Initially, they just wanted to put on some antifungal paint, but over five weeks they had to strip back to the brick and remove the actual fabric of the wall and remove the carpets. Anything that had mould spores was removed and dumped forever. That is what has to happen.

10:15

Mould is dangerous to people's health. It is fatal to some people, especially if they suffer from respiratory problems. Michelle Ure's two-year-old boy was nearly an Awaab Ishak, recently. He vomited because of his chest infection, while she was sleeping in bed with him. Only her rescuing him at the last minute prevented him from dying. That was in Scotland: it happened this year. The council is now saying, "We'll move you now—we'll get you out." She had been asking for that for months and months, but was ignored. It was only the bad publicity from *The Herald* newspaper that convinced South Lanarkshire Council to make a move. Now it is, at long last, saying, "We can move you to a damp-free home."

The point that I am trying to make is that we have to have a statutory framework and statutory intervention. Let us look at this. The Scottish Housing Regulator is introducing only three indicators of performance on damp and mould, but the actual reporting will not be until 31 May 2026 when the ARC—the annual return on the charter—will be done.

The voluntary approach and the guidance approach are of no use. We have to have a statutory intervention if we are to save lives and have a long-term resolution and the confidence of tenants in Scotland, both private and social. We need statutory intervention to help tenants, because they are very powerless against landlords, at the current time.

Graham Simpson: Sean, your contributions are great, but they are quite long, so I wonder whether we could have briefer answers. That would be useful.

The Convener: Aoife Deery has indicated that she wants to come in.

Graham Simpson: Aoife—it would be good to hear from you.

Aoife Deery: In response to your question, I say that Awaab's law, if it comes to Scotland, absolutely needs to be extended to the private rented sector. I would echo many of Sean Clerkin's comments. We have talked before about the fact that a great deal of support and training will be needed to facilitate that, because we have an underqualified sector. As Sean Clerkin has pointed out, various measures are taken in homes, but they are not all effective in getting rid of damp and mould. We need a much higher standard of remediation, as he said.

We investigated the issue two years ago in our repairs report, called "In a Fix". We made some recommendations about what needs to happen, which is clearly to engage private landlords and support them to make necessary repairs, including for damp and mould. We asked the Scottish Government and lenders to develop insurance options for private landlords because we found that the lack of cash flow seemed to be the most common reason why landlords were not dealing with issues. That just cannot be an excuse.

We need to put in place measures to ensure that when such things happen there is money to remediate the problem, so that tenants do not need to live in such circumstances for longer than they ought to.

Graham Simpson: That is a really good point. I will go away and read that report, now that you have mentioned it. I have made a note of it.

I will play devil's advocate. The written submission from the Scottish Federation of Housing Associations said that an Awaab's law for Scotland might be "counterproductive". The organisation is concerned that it

"could result in landlords and contractors striving to meet targets at the expense of proper diagnosis of the issue and identification of root cause."

I guess that the SFHA is saying that we could have quick fixes, such as slapping on a coat of paint without finding the cause of the problem. The following panel of witnesses are architects, who will know the details on that.

Emma Saunders: The problem is growing, not shrinking. What social landlords and private landlords are doing is not working, and we are going through a public health crisis. We are probably all praying that we do not have a Scottish Awaab Ishak here. Again, that response reflects a gaslighting attitude from landlords, who say that there is no problem and what they do is working, because it is not—in our experience, the numbers show that it is not.

If we want the Awaab Ishak law in Scotland to work well, it needs to have clear timelines and penalties. Landlords will be brought to account by ensuring that, if they do not do the work well and it is slapdash and done too quickly, tenants can go to the courts or the tribunal and get a court order to ensure that the work is good, and by ensuring that people can get compensation. At the end of the day, if something hurts the landlords' pockets, they will start acting faster.

Graham Simpson: My final question follows up on that. I will bring in Sean Clerkin on this. The law in England says that social landlords must fix damp and mould within a certain period. When we have that law in Scotland, what should the period be?

Sean Clerkin: The proposed Awaab's law down south, which is coming into force in October, says that, where there is a threat to a tenant's life, the work must be carried out immediately. However, in other circumstances, the law talks about a "reasonable" amount of time but does not define that—there is no hard and fast definition.

In my opinion, the objections of the Scottish Federation of Housing Associations are spurious, because the Awaab's law in England talks about carrying out the work in a reasonable amount of time, and we could have that same provision allowing a reasonable amount of time, to give flexibility. I think that the Scottish Federation of Housing Associations is being a bit disingenuous.

It is not just about timescales; it is about standards. A statutory framework would impose not only timescales, which would be reasonable rather than unreasonable, but high standards of work. High standards of work are key, and that is what a statutory framework offers.

Emma Saunders: We looked at some housing association standard timelines. For instance, Wheatley Homes says that, if something is urgent, it will get to it within 24 hours, and if it is non-urgent it will get to it in, I believe, 14 days. Urgent repairs will be things such as a big leak, the roof

caving in and so on—other things are going on that require urgent repairs.

It is good to have clear deadlines because, in our experience, the term "reasonable" can lead to on-going delays, especially in the private rented sector. In social housing, there is maybe a bit more practice relating to what a reasonable delay is; in the private sector, that does not exist at all—it is seen as reasonable for people to wait two years without bits of their roof.

Part of the issue is about adding a course of redress and feedback for tenants to say whether a repair has been done well. We also want tenants to be able to withhold rent if their landlord has not acted within a certain period, because that is the only thing that the landlord will react to.

Graham Simpson: Thank you very much.

The Convener: We have a few more questions on damp and mould and then we have quite a few questions on RAAC. We do not have a hard and fast time slot, but we are about 15 minutes away from when we agreed to move on to the next panel. We will need to keep our questions and responses succinct and to the point. If you do not have anything to add, that is okay—do not feel that you have to. If you have a different view, we certainly want to hear that.

That is probably all that I need to say about keeping our responses succinct. We will probably run 15 minutes over, so we might go until 11 o'clock. Ideally, we aim to end at quarter to 11, but we might need a bit more time to address the RAAC issues.

Mark Griffin (Central Scotland) (Lab): Some of the points that I wanted to ask about have been covered. Beyond the actions that the Government has said that it is taking, such as issuing guidance about not blaming tenants, the actions of the regulator on statistics, and the potential inclusion of a form of Awaab's law in the Housing (Scotland) Bill, what else do the Government, landlords and the regulator need to do on damp and mould?

We have heard about skills and the accreditation of assessors, the potential for recourse to tribunals for tenants, and the withholding of rent. Are there any points that have not been covered so far on what powers we should give to tenants or action that the Government or landlords should take?

Emma Saunders: Very briefly, we think that it is important to have health points for people who are exposed to mould and damp so that they can bid for other homes. Ideally, homes will be repaired, but sometimes the home cannot be repaired or people have been so traumatised in a home that they just cannot stay. Having a few more points so

that people can bid for another house would be helpful.

Sean Clerkin: The process towards Awaab's law in England has been good, but I think that we can improve on it in Scotland and make it better. I agree with Emma Saunders that there must be firm timescales. I mentioned the word "reasonable" because the Scottish Federation of Housing Associations has said, "Oh, we'd have to do it within five minutes," but that is not the case—we are talking about reasonable timescales.

The other thing is standards. We need more people in housing associations and in social and private landlords to be trained so that mould and damp can be identified at an earlier stage. As well as stock condition surveys, people could go in during a void and identify damp and mould that need to be dealt with. In the past, those have not been dealt with. On annual visits, people should look for damp and mould. That must become the number 1 priority for the authorities in housing, which it has not been in the past. It had a low profile until the Awaab Ishak tragedy, but it should be a very high priority for everybody, because tenants' health and that of their children is at stake—the health of everybody who lives in the home is at stake.

I have drawn your attention to a two-year-old nearly dying this year and a man of 69 who has been told by his doctors that he is dying of severe mould allergy. That came out in the sheriff court during the summer. Basically, the issue has to become our top priority, because we have an imminent public health crisis for hundreds of thousands of people who are trapped in damp, cold and mouldy homes. They cannot get out of them because of the current housing emergency. They are trapped and need help, but they are not getting it.

The Convener: I will bring in Fulton MacGregor, who joins us online. Fulton has questions on the cost of living and fuel poverty in relation to damp and mould, and then he will move on to RAAC—I will cue up Yvette Hoskins for that. I just want to let you know that we will shift themes, but it will all happen on Fulton's watch. So, Fulton, come on in.

10:30

Fulton MacGregor (Coatbridge and Chryston) (SNP): Thanks, convener. I will try to be as seamless as possible but, given that I am online, I am happy for you to decide who will answer the questions.

I want to ask about the impact of the cost of living and fuel poverty. That is a fairly big issue just now and it takes up a lot of our constituency inboxes. To what extent is the cost of living crisis impacting on the problems of dampness and

mould in homes? Can any other support be provided to tenants to manage fuel costs and keep their homes adequately warm?

Emma Saunders: Thank you for bringing that up. It is definitely an issue and it is a contributing factor, as people cannot afford to heat their homes. A lot of tenants now just leave their windows open, because that at least provides ventilation. You are cold, but at least you will not have mould and damp, because your home is ventilated.

For us, what that requires—this also perhaps answers Mark Griffin's question—is a continuation of the work that the Parliament is doing on other aspects, especially rent controls and costs in social housing, where service charges are rising and becoming unaffordable.

The other bit of the equation is the plan for retrofitting our housing stock. That is a long-term solution to fuel poverty and mould and damp. It is disappointing that we will not have standards on energy performance in the private rented sector in this session of the Parliament and that England will have better standards than Scotland. That issue is also putting undue pressure on social housing in contrast to private housing.

Lastly—this maybe goes back to what Graham Simpson talked about—in mixed tenure blocks, the way in which retrofit is being done is putting people into poverty right now. We have examples of our members going through mixed tenure improvement schemes that leave them facing £40,000-worth of debt. Suddenly, retrofit is evicting people from their neighbourhoods, which is creating distrust and fear of that process.

It is a complex picture and I wish that I could do it more justice. We need to understand that the cost of living still has an impact, so we need to consider how to improve the affordability of housing now, and then have a plan for the future for retrofits.

Aoife Deery: The cost of living crisis is absolutely still affecting people, and we also have the price cap increase and inflation increases. I spoke previously about Laura and her husband, who are spending £12 a day just to heat their temporary accommodation. When you are on a low income, that is a huge proportion of your income. People are still very much struggling with the cost of living.

On solutions, we are exploring and pushing the idea of social tariffs for energy. That is one potential solution but not the magic bullet. Thank you for asking that question.

Sean Clerkin: The cost of living crisis is about to get a lot worse come 1 April, when we will see the equivalent of an 18 per cent increase in energy

prices, if you add up the increases over October, January and April. The cost of water is going up. The cost of everything is going up, including council tax—the whole thing. That will generate a lot more fuel poverty, and worse fuel poverty, for tenants.

The need for a social tariff for heating is now unquestionable. We need that social tariff for low-income groups and those who are struggling. Most tenants have been struggling, but it is going to get a lot worse. Come next winter, people will not turn their heating on and will keep their windows shut with no ventilation, because they are freezing. They cannot afford to open their windows, because they would freeze, but they cannot afford to turn their heating on. The situation is getting worse day by day and month by month.

The bottom line is that the state—that is, the Government in Edinburgh or London—needs to introduce social tariffs. It also needs to subsidise retrofitting. Instead of knocking down four tower blocks in the Wyndford area in Maryhill this weekend, we had an ideal opportunity to retrofit them and give them to homeless families in Glasgow—that would have been the best solution of all. The bottom line is that that opportunity has been badly missed, and we have been saying that at all times.

Tenants are suffering and it will get worse—they need help. I will tell you right now that, among the tenants who I have been dealing with, there is a rise in social unrest in Glasgow and other areas, and there will be another rise after April, when the price increases happen. There will be social unrest—that is definitely on the cards.

Fulton MacGregor: I was going to ask the witnesses for their views on the UK Government's proposed cuts to disability benefits and how those might impact, but we have covered that a wee bit. Maybe one of the panel members could come in on that, if the issue is a concern. Obviously, they are proposed cuts at the moment, but people who are receiving disability benefits are some of the most vulnerable people in society.

The Convener: I know that that is an important aspect, but it is slightly off-topic. I think that you have another question to ask. If you could go there, that would be great, and somebody can add a response to that.

Do you have another question?

Fulton MacGregor: Yes. I am happy with that proposal. If somebody wants to comment on that in answering the next question, that is fine.

I will move on to my next question. The Scottish Government has said that it will not progress with the proposed heat in buildings bill until it is satisfied that the interventions in it will decrease

fuel poverty at the same time as decarbonising homes. What impact might that have on preventing damp and mould in homes? What should be included in that bill to alleviate the problem?

Again, convener, I am happy for you to decide who answers.

The Convener: Does anybody have any comments on that question?

Emma Saunders: The impact is that the issue will be pushed down the line. We will fail to meet standards, and it is a missed opportunity. We know that the fuel crisis is hitting people hard and that climate change is becoming more and more a part of our lives. We know that we need skilled work for people and work that involves trade unions. Therefore, a mass retrofit programme that is led by outlining clear standards in a heat in buildings bill would be a perfect opportunity for Scotland now.

It seems that there is a lack of vision and a lack of wanting to drive up standards. It is especially a problem for private housing, where more than 50 per cent of the stock is at energy performance D or below. That means that we will potentially have a two-tiered sector, in which social housing meets certain standards and private housing standards decline more. In short, those are some of the impacts.

The Convener: Thanks for that. I do not see anyone else indicating that they want to come in on that question. It seems that Emma Saunders has covered it well.

We will seamlessly move on to our questions on RAAC. Fulton MacGregor, if you want to continue with that, that would be great.

Fulton MacGregor: The Scottish Government has argued that RAAC remediation work is solely a matter for home owners and landlords. What is your view on that approach?

Yvette Hoskins (Dundee RAAC Campaign Group): Good morning. Thank you for having me.

We do not feel that the approach is fair. The impression that is being given is that anybody who bought under the right-to-buy scheme is responsible for their own home. However, when they were sold their property, as was everyone else since then, they did not know that there was RAAC in it. The funding needs to go further. We need a national fund to remove the RAAC. Not removing the RAAC causes issues for homeowners with lenders, mortgages and insurance cover. I have information on all of that.

There needs to be action on a bigger scale. We have information that suggests that RAAC was known about in a particular development in our

area in 1977, 1978 and 1979. It was used as a pilot to test RAAC roofing. This has been going on for quite a long time, and it needs fixing. The numbers are extremely high, and they are increasing all the time.

It is also not just in local authority or ex-local authority property. Two of my sources of information bought their houses independently. The houses were designed and built by an independent developer in 1961. What acted as the floor in the bedrooms, bathroom and everything in the upper structure also acted as the ceiling in the living room, dining room, kitchen and everything downstairs. Those people were not told about RAAC when they got their mortgages because that information is not being disclosed, unlike what happens now when local authorities and independent housing associations look at housing stock. They were able to get a mortgage well after the local authorities and independent housing associations declared that there was RAAC in their housing stock. They then had to rip out a whole floor in their homes because it was unstable. Another person not far from them is in the process of trying privately to remove the same thing. They are in the process of removing their RAAC floor, or RAAC ceiling, in the middle of their one-up, one-down house.

The Convener: Thank you.

Fulton, you may ask your next question.

Fulton MacGregor: People seem to be heeding your earlier call, convener.

How would the witnesses characterise the experience of tenants who have been decanted from socially rented homes with RAAC elements to alternative properties? What issues have arisen, and how could those best be addressed?

Yvette Hoskins: In our local area, I have met more than 3,000 residents—homeowners and tenants—of RAAC-affected homes. Some of the tenants have not been decanted and are still living in their homes, in conditions such as those that were mentioned by other panel members, with the RAAC slowly deteriorating and already cracking and breaking away. Unfortunately, because of the housing crisis across Scotland, local authorities have nowhere to put them.

The Convener: Does anybody else want to come in on that one briefly, or has Yvette Hoskins covered it? Certainly, 3,000 people is a lot of people to meet.

Sean Clerkin: Reinforced autoclaved aerated concrete is highly dangerous. Essentially, the Governments have to intervene to provide financial help to the homeowners and new homes for tenants, because, for the most part, RAAC homes will have to be demolished because they

are highly dangerous. They are just waiting to collapse, and you cannot have people living in those conditions. They have to be given new homes.

The tenants have to have new homes built in their areas. We are not talking about a massive number of homes in Scotland—we are talking about homes in Dundee, Aberdeen and other areas. It is not beyond us to say that the Scottish Government could intervene to accelerate the building of social rented homes for those people.

The homeowners should be given financial help, because they have just been abandoned. Everybody has washed their hands of them. People need help. It is not their fault that this happened. They need help from the state. The state is there to protect its citizens, and that is what it should be doing.

10:45

Shona Gorman: The tenant and homeowner experience of RAAC has been awful. Some tenants who have been out of their homes for months, having been decanted, have been able to get back into their home to get some person belongings only recently. Quite often, the decant properties have not been suitable, for example in terms of size, distance from schools and workplaces or sources of support. There has been a cost to tenants of purchasing furniture and practical items such as clothing, and for some there has been an impact on home contents insurance.

For homeowners, it has probably been even worse, because some are still paying the mortgage on a home that they are not able to live in.

The situation has been very distressing and there seems to be no immediate end in sight. In some cases, there seems almost to be not so much an unwillingness as an inability to take responsibility for the situation. As has been said, whether you are a tenant or a homeowner, this is not your fault. I think that the state needs to stand up and take some responsibility for it.

A national construction database that holds key details of properties in the housing sector and how they have been built—what materials have been used and so on—would be a valuable asset.

The Convener: Certainly, the committee has been interested in the idea of keeping an inventory of what goes into houses and that kind of thing.

Emma Saunders wants to come in.

Emma Saunders: I will be brief. Another impact for the tenants who have been decanted is that they do not know when they will be able to return

to their neighbourhood—if ever. People feel that loss of community and of place strongly—they do not know whether they will see their neighbours every day again.

The Convener: That certainly can be very upsetting and unsettling.

Willie Coffey has a question.

Willie Coffey: The Scottish Federation of Housing Associations recommended that we need proper guidance on surveys and so on for domestic properties. We have such guidance for non-domestic properties. Does the panel agree with the SFHA? Do we need to extend the scope of guidance to deal with RAAC?

Yvette Hoskins: Apologies—I am full of information.

The Convener: That is great. You have been quiet for so long and now you get the opportunity. It is wonderful.

Yvette Hoskins: We have received lots of information from tenants, and from homeowners and tenants in mixed-tenure blocks of flats. It appears that local authorities and particular governing bodies are not taking deflection readings of any kind to determine tolerance. Such readings put the property in a red, amber or green category and tell you whether the condition is critical or good. People are just walking in and doing a physical check, including assessing properties that have coverings or sheeting on the roof, meaning that the RAAC panels cannot be seen.

A structural engineer has determined that, without the initial reports, building plans and so forth, it is hard to know the length and depth of those panels. Also, work on one house could potentially affect the council tenants' homes next door—and vice versa.

The surveys need to be wider. Only a portion of properties in each area have been surveyed. The RAAC panels can vary from property to property, but not every property is being assessed.

Willie Coffey: Would standard guidance cover that? If the issues are variable wherever we see RAAC, would standard guidance work?

Yvette Hoskins: Initially, we were told that the work would be intrusive, and you cannot be intrusive because if you drill or core into the material, it weakens it and makes it deteriorate quicker—it is not stable. However, every single block of flats that has been built with RAAC has a roof hatch cut into it. There is roof access from every single stairwell in every single block of flats in the whole of Scotland, and it is the weakest point.

The information is not clear, in my opinion, given that everyone is doing it very differently. We have had four individual independent structural engineer reports—I have 20 structural engineer reports in my file—and they all talk about deflection and tolerance readings, but those readings are not getting done.

Willie Coffey: Sean mentioned Dundee and Aberdeen. Would the guidance that is applicable to, say, Dundee work for Glasgow, or does it have to be guidance for individual areas?

Sean Clerkin: There are very few properties that are made of RAAC in Glasgow.

All that I will say is that the homeowners and the tenants need help and the Scottish Government should be providing that help for them. If I am not mistaken, about 4,000 properties in total are affected by RAAC in Scotland, so it is well within the Scottish Government's financial capabilities to help those homeowners and tenants.

The RAAC properties are unsafe. People will need to come out of them and they will need to be demolished, and those people need to be given new homes. That is what has to happen. There needs to be financial compensation for homeowners who invested all their money and have lost out because their homes are not worth anything—they are worth nothing because the owners will never be able to sell them. They will be demolished.

Mark Griffin: Yvette, are owner-occupiers being given any support at all if they have to decant from a property that has been certified as unsafe?

Yvette Hoskins: Unfortunately not.

Mark Griffin: They are just being told that their property is unsafe and they need to find alternative accommodation themselves.

Yvette Hoskins: Homeowners are responsible for getting their own structural engineer in to do their own homes. If the issue is with a mixed tenure block of flats and there is a council tenant in there, the council assesses it—it sends its own structural engineer. That is how we found out that there was a little bit of miscommunication on how the service should be done. We are not receiving any support or communication from local authorities, and very little from Government bodies. We are very much on our own.

Mark Griffin: When an owner-occupier finds RAAC, the value of their home drops. How does that affect the prices that are being offered by a local authority when it comes to compulsory purchase?

Yvette Hoskins: In our area, we do not have anybody going through compulsory purchase, but I know that people in Aberdeen are going through

the voluntary process. I can give a prime example of that. A gentleman in Aberdeen paid £140,000 for his three-bedroomed house only two years ago—the household is the husband, the wife and three children. He is being offered £61,000 for his home. That does not allow him to apply for another mortgage or even to pay the outstanding mortgage on that property, as he has rent to pay for another home on top of all the everyday living costs.

It is challenging—you are paying for a property that will be demolished, but the finance goes nowhere near covering it. I have a lovely gentleman who is 19 and who got his house keys a week before the letter came out about RAAC. He has a full mortgage and cannot apply for another mortgage because he has to pay for the full mortgage that he currently has. He is a young lad, and he is not able to rent anywhere else.

Our property went on the market and was valued at offers over £105,000. The last offer that we had was £20,000. That is like somebody offering me £1. There is a wide range. Some people are in retirement and are mortgage free. The only investment that they have as part of their estate is their home. That home is now of a very low value and does not cover their living costs or give them an estate to leave to their family members.

Mark Griffin: My last question is about properties that can be remediated. I am thinking about properties that I have visited in terraced rows, where RAAC panels cross over property boundaries. Some are local authority properties and some are owner-occupied properties, and the local authority is proposing to remediate its stock. How can it remediate its stock where a panel crosses into an owner-occupier's property, potentially leaving that property at risk of collapse, while not giving the owner-occupier the opportunity to participate in the remediation scheme or, seemingly, any involvement at all in the works?

Yvette Hoskins: We have exactly that position outside Dundee. We are supporting people in Angus as well—I have met all the residents of every single affected home there. That includes tenants and homeowners, because we are a voice not just for homeowners but for both.

It can vary a little bit. I have four independent structural engineer reports on four homes. There is one homeowner in the middle, with council tenants on either side. That is quite common. There are flats that are all in one structure—they have separate entrances but are co-joined on the roof. The four independent structural engineer reports that I have clearly state that the homeowner in the middle cannot do work on their property without potentially causing damage to the

council properties on either side—and vice versa. Not one single tenant or homeowner can get any clear indication of building plans. All of us, all over Scotland, are being told that there are no plans. No builder will come along and touch the panels or the roof—they will not know the extent of the work to cost up—unless they know the length and depth of the panel and how the property was designed. It is very challenging because local authorities, for legal reasons as well as for insurance purposes, are not allowed to spend local authority money on homeowners. The same applies to homeowners. There needs to be funding of a whole package so that the work is all done together, systematically and collectively.

The Convener: Yvette, you are doing such a great job. Thank you.

I have a final question about the impact that the presence of RAAC in homes is having on owners' and tenants' ability to obtain building and contents insurance. You touched on that and on mortgages, but my question is specifically about insurance. I have a further, connected question. Is there anything that you think the Scottish Government could do to support people in the affected properties in that regard?

Yvette Hoskins: Yes. I hope that you can change the legislation. We have independently written to insurance companies, as well as bank chief executive officers and their trustees. For people with outstanding mortgages, their homes are the bank's assets, in the sense that they have invested money in those homes. However, they will not become involved and help homeowners unless the legislation is changed and guidance is given by the Scottish Parliament.

The home insurers are exactly the same. As soon as any resident—homeowner or tenant—mentions that there is RAAC within their home, their insurance policy is cancelled. Some insurers—very few—may let you carry on insuring with them, but you will pay much higher premiums because you have a roof with RAAC.

11:00

The potential for that roof to collapse is minimal, but I know that it has happened in one house in Angus. The tenant's ceiling collapsed and she has been decanted. That happened in July 2023. If your ceiling collapses, your insurance will not cover you for that structure, but if the roof causes any internal damage within your property—say it is your kitchen ceiling that falls because it is made of RAAC—your insurance will repair all the damage that the RAAC does but will not replace the RAAC roof. It is the biggest expense in a home.

Tenants and homeowners are in the same position with insurance. I have information from

residents who tell me that their insurance company is not renewing their policy at all. Some of them are living in their homes with no insurance. It is not good.

The Convener: Okay. So we need some changes in legislation.

Yvette Hoskins: Yes.

The Convener: All right. That brings us to the end of the session. It is 11 o'clock, and that is where I predicted we would get to with the time.

Thank you very much for joining us and responding to our questions, and for representing people and being their voice. We have heard some very difficult, challenging stories today from some of you, so thank you for bringing those perspectives. We appreciate it. The issue is one that the committee is very keen to do more work on. I will be interested to see the amendments relating to damp and mould that the Government is lodging.

I suspend the meeting for about five minutes so that the witnesses can change over and we can also have a little bit of a breather.

11:01

Meeting suspended.

11:08

On resuming—

The Convener: For our second panel this morning we are joined by Peter Drummond, who is the chair of the practice committee at the Royal Incorporation of Architects in Scotland, and Gloria Lo of OiSA Designs, who is a chartered architect. We will try to direct our questions to one or other of you specifically, but please do indicate to the clerks if you would like to come in. There is no need for you to operate your microphones; we will do that for you.

We will start with damp and mould and, before we get into specific questions about tenants and landlords and what people should or should not be doing, I thought that it would be good if we could get a bit of an understanding of the technical issues.

Gloria Lo, I am particularly directing this question at you. Some of those issues were highlighted earlier by the previous panel. I think that Shona Gorman mentioned that we need to get to the underbelly of the issue before we start saying, "This is what we should be doing." It seems that that is part of the problem: we do not fully understand everything. I will give you a little bit of time to open that up, then we will come to a number of other questions in this area.

Gloria Lo (OiSA Designs): Thank you for your invitation. I am honoured to be here. I am an architect in practice, and I also teach building physics to the layperson through the Association for Environment Conscious Building and to master's students studying sustainable design. I specifically research moisture in buildings. I liaise with the University of Strathclyde and the University of Edinburgh and all the engineering departments.

The nature of the issue is very complex. Moisture in buildings is definitely a problem. I started this research because a client of mine had mould and damp issues in their home. It is very relevant and now that I have gained that knowledge, I hope to share it with you to provide some understanding and a basis that could perhaps inspire your decisions to be based on scientifically tested, proven and evidence-based solutions.

Physics and politics share a key point, in that both want to be efficient and do the smallest amount of work to make the largest impact. To do that efficiently, you have to understand the problem from the ground up. The best way to bring this understanding is to talk about the ingress and egress of moisture to a building. It is important to understand that there is both liquid and vapour involved. They act quite differently and they are both causes of damp and mould.

There are three main methods of ingress. The first one that I will talk about is from the outside in, which is the more obvious method of liquid ingress, to do with leakage, perhaps through lack of maintenance or poor repairs of cracks and gaps, or as a result of external high ground, especially on slopes where there is hydrostatic pressure, which is groundwater pressure. You might say rising damp, but most earlier buildings in Edinburgh, for example, do not have a damp-proof course and do not have a rising damp problem. The problem is the source. Where does the liquid come from? The source of liquid from the ground and the source of liquid from rain are what we are trying to combat. I will come back to egress and how to deal with that later.

The second major time bomb that we are sitting on is inappropriate retrofits. One type in particular that I want to draw to your attention is the infill of existing cavity walls as single measures for insulation. Such infilling traps moisture. We originally designed walls as cavities. Now, instead of building your 300mm or 400mm deep castle wall, we have reduced it to become two skins and the cavity in between is drained. We use cavity ties with drip tips and a cavity tray at the bottom with weep holes. That wall is designed to drain.

Scientifically, we have worked out and tested the sorptivity of materials. We know that two hours

of average rainfall will completely saturate the outer leaf of a wall. When doing building surveys, I have looked from the loft into the cavity and seen with my own eyes weeping external leaves. Think about filling a cavity in that condition: what happens to that moisture? It is effectively trapped. Now, there will be people who tell you that it can go between the beads or get drained. That may happen eventually and slowly, but some moisture will be adsorbed on the surfaces of those beads and drainage will be a very slow process. Infilling has stopped the effective drainage and ventilation of the cavity.

The water vapour stays there; the relative humidity of that cavity stays at close to 100 per cent for a long period. Then the vapour transfers gradually—diffusion is a very slow process—towards the internal side as it fills up, trying to equalise itself. Of course, we get more and more rain, so eventually the internal leaf gets wet and you have damp and mould inside.

There is a time bomb because that process takes, in my experience of seeing clients' homes, about 10 to 15 years to come to the fore. By that time, the client has no recourse because the warranty for the wall injection has passed and they have to pay some five times more to have the infill extracted.

11:15

The third type of moisture that often gets overlooked is internal moisture generation. Research has shown that the average household produces 12 kilograms of moisture internally in water vapour form by cooking, cleaning, laundry and breathing. Even just living—breathing—produces moisture. You probably notice that in your bedroom you get condensation on your window in the morning. That is because you have been breathing in the room for eight hours. Unless you tell people to stop breathing, cooking, cleaning and doing laundry, we will generate moisture inside the home.

I will go on to the egress of moisture. What is effective egress? Rising damp and the ingress of liquid moisture would be addressed by maintenance of gutters and roofs, which of course you know about, but also by drainage. Even the first generation of damp-proof courses are failing, because they are built of a material that will eventually fail. Long-term drainage solutions include redirecting the water where it can safely go.

There is no one-size-fits-all solution and we need to think very carefully about regulation. Just saying, "You need to tank everything," is not enough. You cannot build on flood plains in the same way in which you would build on a hill where

it is dry. What you do is build on stilts, as is done in Switzerland. There, people have carports underneath their houses where there is a slope with run-off. You try to build in a sensible way so that water can run away safely. That means that drainage and the method of building need to change altogether, rather than just using tanking. Tanking will fail under high hydrostatic pressure.

The Convener: Can I ask you to explain tanking briefly?

Gloria Lo: Tanking is using either bitumen or plastic or a similar material that has a very low porosity or permeability, so that the water cannot get through. Eventually, if there are lapses in joints and if it is continuously under strong water pressure over time, it will fail. The long-term solution is drainage.

The second and third points of egress are related: evaporation and ventilation. I heard a lot about ventilation earlier, but evaporation is a term that is often missed in the equation. Without evaporation, you have to ventilate that much more for it to be effective. We know about ventilation. Vents and trickle vents are mechanical extraction methods. Evaporation has to do with temperature. The simple fact of physics is that air can hold a lot of moisture when it is hot, but when it cools down its ability to hold that moisture decreases. That is why condensation occurs. The air's temperature crosses what we call the dew point, its holding capacity reduces and the moisture condenses.

When we talk about mould, it is critical to understand that mould develops when it is both damp and cold. Mould spores love temperatures of approximately 13°C and relative humidity of 80 to 83 per cent. That is the critical surface condition in which mould growth is likely. Wall temperature is likely to be lower than what the thermostat says, or what the internal room temperature is. If you measure a corner of this room, the temperature will be lower than where we are sitting. The position of a thermostat may mean that it is not regulating the entirety of the home and certainly not certain surfaces. People might think that they are heating their homes to 18°C, but there are certain corners that might be at 13°C, which mould will like.

As you can see, the interplay between liquid and vapour moisture, its directly proportional effect on heating, and the ability to heat your home make a complex contribution to damp and mould.

The Convener: Great. Thank you very much for that. I found that useful and I hope that colleagues did, too. There are specific points, such as how we design a home that keeps us out of that zone of 13°C and 80 to 83 per cent humidity, that are potentially quite an interesting challenge.

Now we will get into some of our other questions. Peter Drummond, feel free to come in on this one. I would be interested to hear whether you have any views on how landlords in Scotland are addressing damp and mould in properties that they own. Are there any examples of good practice or are there other approaches that could be taken to deal with the problem?

Gloria Lo: Currently, there is big pressure to extract moisture or to give people dehumidifiers. That is the key strategy, but because evaporation has not been taken into consideration, the homes remain cold. With the cause of mould, if we insulate homes but people cannot afford to turn on the heat, the extractor or the dehumidifier, that is not effective.

One effective long-term solution is solar thermal. It is a technology that is well known and scientifically proven. Once installed, it will work for many years at a low maintenance cost. A system that was installed 30 years ago had one slight maintenance issue with a pump. It is such a simple technology. No further cost is required to run it. It is a long-lasting, low-cost, low-maintenance regime that can help to heat homes.

Solar thermal is not used because of the misconception that it is not effective. People say, "Oh, we need heating in winter when it is cold. Is it effective?" Actually, it is. Evacuated tube solar thermal collectors operate on radiation from the sun, not on outdoor temperature. Such a system has very good output even when it is cold outside. Obviously, we would say, "Fabric first, insulate and keep your home warm." The storage cylinder of the solar thermal system needs to be very well insulated, too, for it to work well.

In terms of the actual application, once a system is installed it can provide up to 70 per cent of the space heating and hot water consumption in a domestic property. It does that because, on the coldest days, which are maybe late January and into February, the diurnal range—the amount of solar radiation and the day length—has already moved on from the solstice in December and you are getting quite a lot more solar radiation on the coldest days, when you need it. The monitored results have tested that, by the coldest days, the temperature of the solar thermal store has risen by approximately 15°C already since December time. That means that by the coldest days of -2°C or whatever, the thermal store has a temperature of 30°C to 50°C. You may need to heat that water up a little bit more to get it up to 70°C for your heating, but you are not starting at 3°C, so it is a big leg up, even if it is not heating the house 100 per cent of the time.

Finally, the effectiveness of the system is also to do with clear skies. The coldest days normally

have clear skies, while cloudy days tend to be warmer because of the cloud cover.

That is a little bit of scientific myth-busting, I suppose, as to why solar thermal will work in cold countries. I can provide you with references, case studies and books that support all that research.

The Convener: Great. Thank you very much. Solar thermal is an example of best practice and could be a good direction of travel. I see that Peter Drummond wants to come in.

Peter Drummond (Royal Incorporation of Architects in Scotland): Good morning, members. You asked whether there were good examples. Unfortunately, I can think of plenty of bad examples but very few good ones. One of the principal problems is that, although the science is well understood, the effectiveness of solutions where implemented is not nearly as well studied. No battle plan survives the first engagement and, alas, that is the way with technology as well. There is not nearly enough post-occupation evaluation undertaken in Scotland or, indeed, in the wider UK to allow us to ensure that we are delivering the right solutions for the right tenants and occupiers. We need tenant-focused solutions. We need the right tools in the right place to help people.

Contractors tend towards a one-size-fits-all solution, as you have heard from Gloria Lo. However, as you have also heard from her, the technical challenges are very complex and require a great deal of skill to deliver. I have read some of the building evaluations that Janet Foster and her team at the Mackintosh school of architecture have done. They are eye-openers when compared with how we thought certain systems would work, but unfortunately not enough social housing providers undertake that level of study.

If there is only one thing that I would add to Gloria's excellent briefing on the issues, it is the need for us to look at real-life scenarios and how they have played out two, three, four, five and 10 years down the line, otherwise we will find ourselves making the same mistakes as our forebears did with other defects that we will be covering today. We need effective long-term, technically able solutions.

The Convener: Great. Thank you very much for that. Before I bring in Graham Simpson with his question, I will come back to Gloria Lo. In speaking about the causes of damp, you specifically mentioned cavity walls in buildings, but what about the causes of damp in solid wall buildings, such as tenements?

Gloria Lo: I live in a tenement. There is not generally a big problem in solid walls in terms of the thickness that they were built to. However, there is no blanket cover. In cases where there is an issue, we have to be careful in relation to what

retrofitting was done and how much insulation was put in, because of the potential for interstitial condensation. If you overinsulate, the temperature drops so dramatically from the internal to external leaf that it crosses the dew point that I was talking about and you can get condensation and mould growing where you cannot see it. Every situation is different, and has its own problems, but it also has its own solutions. It is knowing where to look and how to deal with it.

11:30

I was struck by the comments on investigation, condition reporting and surveying in your previous session. Part of it relates to that. We use surveys by looking, mainly, not by monitoring and not by knowing the temperature and relative humidity over time—even for just a week—of what it is like in winter, for example. You do not know how the building is behaving. You also do not know if there is interstitial condensation, because you have not investigated and drilled through and made that in-depth investigation. Most of the building surveyors just use their eyes, which is fair enough for liquid damage, but vapour damage and interstitial condensation are much harder to diagnose.

The Convener: Great. Thank you very much for that. Graham, come on in.

Graham Simpson: This is so interesting. By the way, we need to be careful when talking about tenements that we do not automatically just think of old buildings. They are not. Any flatted development is legally a tenement, and we could be talking about very modern buildings.

I have thought for a while that it would be good if we had something for the private householder so that they had somewhere to go in order to get somebody into their house and report on how it works. I do not know who that would be. Let us say that someone has problems with mould or that there might be hidden mould. Who would you get in to assess your house and how it is functioning?

Gloria Lo: I suppose that would be the likes of myself. There are professionals out there who do that. For example, Bill Revie does detailed surveys using borehole cameras and all sorts of things. Architects are a good starting point, but not all architects have the same level of knowledge of all the different parts of a broad range of subjects that architecture touches on.

We need to train more people, potentially. One of the reasons why I teach building physics through AECB to the layperson, but also at university, is that we need to train more people to have a better in-depth understanding to do surveys, because it is not just going to a home and taking a look, as you say.

Peter Drummond: I will endorse everything that Gloria Lo has said, even though I might tick off some of my members. I will go one step further. Some architects, some building engineers and some chartered building surveyors can do it. Those people tend to have specialised or have gone to the more technical schools of architecture or surveying. When one looks at the marketplace today—I will tread carefully as I say this—you will see a plethora of what purport to be qualifications. Many of the qualifications are light-touch qualifications that are awarded after a three-day or four-day course. When I was at the University of Strathclyde, damp and mould in buildings was a term's-worth of lectures. I know about Gloria Lo's course, and I can assure you that it is longer than the Strathclyde one.

I will draw ire from those who work out that I am talking about them, but we have to be careful that they are robust qualifications, not diddy qualifications. We need to ensure that tenants, consumers and building owners are talking to properly qualified individuals. They will not all be architects, surveyors or building engineers. Gloria mentioned Bill Revie, for example. There are a good number of people that that applies to. There are some very good housing association officers and local authority housing officers. Not all of them are good but some of them are very good. Perhaps the question is, how will we identify a level of qualification and skills that somebody should obtain? Should there be a register of some description? Should there be a better-recognised qualification?

Graham Simpson: Gloria, you spoke at some length about solar thermal. I think that you are referring to solar panels on the roof. Is that correct?

Gloria Lo: Yes, but that is different from photovoltaics, which produces electricity. Solar thermal directly uses the sun's radiation to heat water.

Graham Simpson: Ah—so solar thermal is different. I do not think that I have heard of that.

Gloria Lo: Yes, it is. Solar thermal technology existed before photovoltaics. It is about 95 per cent efficient in converting the sun's energy into heat. Photovoltaics is a photoelectric effect, which is only 23 or 24 per cent effective in converting the sun's energy into electricity. It is less effective but higher-grade energy. From a physics point of view, it does not make sense to generate higher-grade energy and then convert it back into a lower-grade energy with 24 per cent efficiency. You can think about a glasshouse and how the sun heats it up. It is a much more direct way of producing heating.

That is something that has been missed, partly because of very unbalanced grant schemes in

previous generations of the technology. That ought to be levelled up. We should give a level playing field to all technologies. Of course, there are no one-size-fits-all solutions. Some tenements do not have ownership of the roof, for example. We need to support all the different technologies and be agnostic about our support and grant funding to the different technologies. We need to make it available and make people aware of the range of solutions that are available to them. Solar thermal is one that I feel could help because of its effectiveness and its low running and maintenance costs. The tenant or owner does not have to do anything to it. It directly addresses fuel poverty.

Another thing that I want to bring up is that that technology has almost been pushed aside. Scotland has only one remaining manufacturer of solar thermal panels. Using solar thermal will save jobs, livelihoods and home-grown technology; that is key to avoiding it becoming extinct. If it is made extinct, we will be importing more carbon footprint. It is a worthwhile investment and, per home, it is not expensive to install.

Graham Simpson: That is really interesting. I will have to do a bit more research into that.

You mentioned ventilation. Obviously, that is important because, with condensation, the water has to go somewhere. You have to get it out of the building. The RIAS submission mentioned some concerns about ventilation in retrofit projects. Gloria, you mentioned retrofitting at the start. In your experience, are you seeing retrofit projects that are not putting in appropriate ventilation? If that is the case, what should we do about that?

Gloria Lo: Some are done well and some are not so well done. It is difficult to get it right in legislation. The HEMAC—health effects of modern airtight construction—network is led by the Mackintosh environmental architectural research unit in the Glasgow School of Art and the University of Aberdeen. They have done a lot of research on the ventilation and airtightness issue. When you make a home really airtight, you then have to put in mechanical ventilation with heat recovery—MVHR. There is no doubt that those are good units—they work. However, they run on electricity, and their filters must be changed. Therefore, if someone is in fuel poverty, or they do not know how the unit works, they will turn it off. Also, they might not know that they need to change the filter and the unit will start to fail. Some well-intended measures for ventilation, such as on extractor fans or trickle vents, in the legislation—might not necessarily turn into effective ventilation in practice.

Graham Simpson: I get that. If we are talking about building to Passivhaus standards, the person living in that property needs to know how the property works, basically. They almost need

an instruction manual, and they need to follow those instructions. Is that what you are saying?

Gloria Lo: Exactly. If you fly an aeroplane, there will be a manual of all the parts and everything will be detailed, including every engine change and every oil change. Why do we not have that for buildings? Someone can move into a home and have no idea how to operate any part of it. That should not be the case. However, that still does not alter the fact that, if someone is unable to pay for their heating and electricity, they will turn off the extractor fan or their MVHR.

Peter Drummond: I will take a slightly different slant. If you gave me an instruction manual for a plane, I still would not be able to fly the thing. We have to be very careful. Systems can quickly become very complex, and that can place a significant burden on any occupier. Take a Passivhaus or Passivhaus equivalent. That is a very good system. It is a very high-end system that works very well for some people, but it will not work for everyone. For some people, other solutions might be more robust. That is why we have to be careful about the one-size-fits-all approach. There is no magic bullet available to us. We need to look carefully at how people use buildings, what the occupant profile for different buildings will be, what the local microclimate is, and, if it is a retrofit building, what works best with that fabric.

If we look at some of the disasters—undoubtedly, there have been disasters arising from initiatives such as the green deal—we will see that the wrong solution has been applied to the wrong building with the wrong occupants. I wish that there were a magic wand, especially one that involved architects, but there is not. What we have is a wide range of professions, contractors and regulators coming together with quite a flexible but technical framework that allows us to bring the best forward for the people in our housing stock today.

The Convener: Thank you very much for that. I ask everyone to tighten up their questions and answers, colleagues. We have a couple more questions on damp and mould, then we have five questions on RAAC—to clue Peter in on that. I will bring in Fulton MacGregor, who is online, then Willie Coffey.

Fulton MacGregor: Thank you, convener. The Scottish Government has said that it will not progress with the heat in buildings bill as it is currently drafted until it is

“satisfied that the interventions in it will decrease fuel poverty at the same time as they decarbonise houses.”—*[Official Report, 11 March 2025; c 65.]*

What impact, if any, do you think that will have on preventing damp and mould in homes? What, in

your opinion, should be included in the bill to alleviate the problem?

Peter Drummond: First I should say that the RIAS was broadly supportive of the objectives of the last incarnation of the proposed heat in buildings legislation, if not, perhaps, of the timescale in which it was to be implemented. There is no doubt that increasing standards of insulation and build quality will remedy some of the issues that we see before us today. However, make no mistake—although a building that is built to today's thermal standards performs very well, we still hit the condensation and damp problems.

I take us back to the comment that was made in the first session today about the role that fuel poverty plays. There is little point in us massively improving environmental standards in houses if people still cannot afford to heat and ventilate them properly. We will have failed in our task.

11:45

The second thing that I will flag is that the proposed heat in buildings legislation previously tackled only new-build or substantial rebuilds of buildings. It will be fantastic that in 10 or 15-years' time people will benefit from massively improved standards, but I call on the committee to look at retrofitting as a priority. The people who already live in affected buildings need them to be brought up to a tolerable standard as quickly and efficiently as we can sensibly do it. I would not rest easy at night if all that the proposed heat in buildings legislation does when it comes forward for a second time is deal with the relatively small proportion of new-build properties at the expense of the hundreds of thousands of people who live in pre-1990 buildings in this country.

Gloria Lo: I will add a little bit to that. I agree with Peter that we need to look at retrofitting existing building stocks. On longer-term solutions, we need to think about drainage and we need to tackle problems at source—we need to tackle the cause. We should not be looking at things such as antifungal paint, which was mentioned earlier. That is only a Band-Aid sticking plaster on mould, because if the conditions for it are still there, the mould will come back. The long-term trajectory is that we must remove the conditions that cause mould—the sources of moisture and water ingress. I do not think that the long-term view is embedded within the proposed legislation, especially in respect of the housing stock that already exists.

The Convener: Thanks very much for that. I will bring in Willie Coffey.

Willie Coffey: Thank you, convener. Good morning to you both.

I want to ask you about trust. Who can tenants who live in a house that suffers from dampness and mould trust? My experience as an elected member is littered with examples of council officials turning up and blaming tenants on their lifestyle for being the principal cause of dampness and mould in the house. That has been going on for years.

You might have heard a wee bit of the discussion with the previous witnesses about who we can trust to tell us the truth about the condition of a house. Do you have a view on that? Who should that be? Should there be an independent panel of experts, as has been mentioned, so that tenants can understand what is being said to them and can trust what is being said about repairs to their houses?

Peter Drummond: Thank you very much, Willie. First of all, I should probably make the quickest declaration of a conflict of interests. I act as an expert witness in cases involving dampness; indeed, some are in your constituency.

There are some very good housing officers who understand the issues, and there are some who do not understand them. Some understand but come out fighting, and others do not understand but listen to tenants. It can take weeks to work out what is causing damp in a building. That takes us back to capacity building in the sector.

I can think of one of Willie Coffey's constituents who was spoken to in exactly the terms that he described by a council housing officer, and it did nothing to build bridges. I have seen other cases in which officers go the extra mile.

That takes us back to qualifications. If we knew that every social landlord or local authority had a couple of people who were properly qualified and understood how to look at problems, I would be a lot happier. Tenants should not have to go to an expert witness and part with somewhere north of £5,000 to get an accurate diagnosis of their building. Whether there should be a central resource for difficult cases that local authorities could share is perhaps a discussion for building standards officers and Local Authority Building Standards Scotland.

There is a gap in the market. When I say that, I do not mean it in any commercial sense. There is a gap in capacity in the sector, and we need to look at how we can fill it.

Willie Coffey: Gloria, how do we establish public trust so that people can be assured that what they are being told about the condition of their house is correct and accurate?

Gloria Lo: That is tied to what Peter said earlier about not wanting the manual to design the building. I am, more and more, trying to keep it

simple in how I design. My research is about using materials as surface finishes to modulate indoor humidity. I want to use the simplest and most effective methods to do that without gadgets, without switches and without people having to touch anything. If we can find methods and solutions that people can apply, the problem will be solved without our having to lift a finger. If homes were heated without gadgetry that takes maintenance, has a cost and so on, that would hit home and people would suddenly think, "Oh, right. It's fixed."

Only when the problem is removed at source will we build trust, but trust comes slowly: it is not like a light switch that we just flip. People have to do a number of buildings well to demonstrate that they have the knowledge, which, I hope, I can provide. They will gain trust by doing it well a number of times, so that people know that there is a solution—which there is.

The Convener: Before we move on to RAAC, something else comes to my mind. Gloria talked about building on flood plains and building too close to slopes. In my region—the Highlands and Islands—we have a lot of peatland, and I am seeing brand new housing estates being built on peatland.

If we identify damp and mould, can we map it? Is a map emerging that shows us where damp and mould are appearing? Could we map obvious places such as I have mentioned to see the pattern of where we have the problem, then tackle it more proactively through recognising where developers are building on land that might not be appropriate? That is one question.

Also, how can we make sure that we are not using inappropriate pieces of land for housing developments? Could we, as you mentioned, build houses on stilts, for example, and make sure that building standards approve the right type of design intervention for a place?

Could we do something about mapping damp and mould patterns across Scotland? Is anything like that going on, and would it be useful?

Gloria Lo: It would be useful, but I do not think that there is much funding for such research. In the current mapping, the number of damp and condensation surveys is quite small and does not cover the whole of Scotland. That level of mapping takes considerable effort, funding and resources.

I understand that there is housing pressure. As the population grows, we end up using what would previously have been considered to be inappropriate land. We have to get cleverer and build on stilts or utilise other technology to overcome the difficulties, and we must not continue to use damp-proof coursing because it

does not work. We need to understand drainage effect and many other things.

Again, it comes back to the training, capacity and understanding of, for example, the planners. They ask for flood-area assessments nowadays, but are they being transposed to building regulations and to having different foundation details that building control officers understand after the planning stages? There ought to be a different approach that is currently not available in legislation. There is no one-size-fits-all solution—no two sites are the same. I can see why it is hard to legislate or advise in a blanket way.

The Convener: That was helpful. Given all the difficult stories that we heard earlier, it is good to get an understanding of the direction of travel in terms of solutions and what the Government could be doing or, certainly, what we might call on the Government to do.

We will move on to RAAC. I will bring in Mark Griffin.

Mark Griffin: Peter, your organisation has called for a remediation programme for RAAC, similar to what exists for cladding. Can you expand on why that is necessary and how you think it could operate?

Peter Drummond: I cannot pretend for one moment that that is the RIAS's idea. It arises entirely from the position that 18,000 people—householders—found themselves in in Britain in the 1970s and early 1980s. Their pre-cast concrete houses, or Dorran houses, became, through no fault of their own, unmortgageable and repair costs exceeded their capacity to pay. The Government decided that that was an iniquitous position and that it was only fair and proper that the public purse help out.

It is the view of my organisation that that is the position that householders with RAAC find themselves in today. Just as happened in the 1970s, it is only right and fair that we step in nationally to help them. There is, of course, the current equivalent of that relating to cladding, so I do not see any reason why it would not work.

To put the matter in perspective, the grants that were provided for Dorran houses were tied to income and went up to 95 per cent. Make no mistake—they were substantial grants. I and my organisation do not think that grants of 30, 40 or 50 per cent are at all fair or appropriate for people. Grants must be substantial enough to allow people to remediate their houses or—heaven forbid—if the houses cannot be remediated, to deal with the outstanding mortgage problem.

We do not think that the problem is limited to Scotland: houses in England and Wales, and a few in Northern Ireland, are built the same way.

There is no reason why the matter cannot be dealt with the same way as pre-cast reinforced concrete houses or large-panel construction. We could go down that road.

Our concern is the time that it has taken to produce a solution. I checked my diary. I last spoke to you about this 18 months ago, and as far as I can see from my office at Rutland Square, very little progress has been made with RAAC, in contrast with what is happening with cladding, which is going at a fairly reasonable speed. Very little seems to have happened with RAAC.

Frankly, pressure has to be put on Westminster—this is a pre-devolution matter—to expedite the process with considerable urgency, or we will hear more stories like those we have heard today, and people's lives will be ruined.

Mark Griffin: Another area that I want to cover is the guidance that is out there, which is more focused on non-domestic buildings. What is the Government's role in producing guidance when it comes to RAAC in domestic properties? I am talking about guidance on surveying, remediation and potentially demolition that applies to both owner-occupiers and tenants. Is that a space that the Scottish Government should be entering?

Peter Drummond: I think that it is. Members who were on the committee at the time will remember that, 18 months ago, Professor Goodier talked us through the difficulty of ascertaining the panels and how little we knew about them. The Institute of Structural Engineers talked about industry capacity. The problem is that we still do not know the level of risk involved in many of the buildings. The guidance is not informed by sufficient in-depth research.

You all know my view that we have to take a precautionary approach and move forward as quickly as we can to get people out and get houses fixed. The guidance relies on the engineer or surveyor—never the architect—and they must be able to understand complex issues. I can count on the fingers of one hand the number of structural engineers in Glasgow and the west who I would trust to do that work—and you must remember that I do not even have a full complement of fingers. There is a handful of engineers and contractors who are equipped to deal with RAAC and that is creating a logjam in the system.

The view of my institute remains that the Health and Safety Executive and national building control authorities on both sides of the border—the building standards division in Scotland and its equivalent in England—have to step forward and publish their own guidance, instead of relying on the good graces of the Institute of Structural Engineers to produce information voluntarily. That

is entirely inappropriate and the time for all four UK Governments to step in is now.

12:00

Mark Griffin: My last question is about an issue that I touched on with the previous panel. There are flats or terraced rows or semi-detached properties where one person is an owner-occupier and one is the tenant of a social landlord. The RAAC panels cross the ownership boundary. It is impossible to remediate one side without impacting the other. How can the Government give guidance to local authorities or social landlords to get around that legal minefield, so that we are not in a position where nothing happens because we cannot agree on how to manage the difference in and the legal complexities of ownership?

Peter Drummond: Legislation and regulations already exist to allow local authority building control authorities to step in and ensure that all owners in a block with a very serious defect carry out the work. Those powers are rarely exercised, because quite often a local authority is left holding the financial baby if one of the owners cannot afford to fix the defect. There exist arguably three, but in reality two, sections of the Building (Scotland) Act 2003 and its subordinate legislation that allow a local authority to step in where there is an imminent risk. I am not talking about bits falling off buildings, but about legislation for occupants of inhabited buildings.

The realpolitik is that we will have to support local authorities that are willing to take that step. Also, that takes us straight back to a remediation scheme. I would hate to see a householder in a difficult financial position being forced to declare themselves bankrupt or similar because the local authority had stepped in and repaired their building. That is one of the reasons why we need a grant scheme in place, so that those householders do not find themselves out of pocket through no fault of their own.

It is about taking two steps in tandem. We must use the existing legislation—the building standards division in the Scottish Government will have to provide a wee bit of a gentle push to local authorities to remind them of their statutory powers—in conjunction with a grant remediation scheme, so that we are not sending those poor people to the poor house. If we do not do both together, we will create more injustices.

The Convener: I will bring in Willie Coffey.

Willie Coffey: Thanks, convener. Building maintenance has been an issue for years. Suddenly, we discover that there is RAAC and there is a problem to be addressed. Have we collectively taken our eye off the ball with that

issue? Scotland is a wet country. It rains 200 days a year, so it should not come as a surprise that the buildings get wet from time to time. Why should it have come as a surprise that we get these issues with RAAC? Should we have been closely examining it regularly and looking at maintenance issues? Who should have done it? Should building owners and landlords have done it? Should they continue to do it in the future?

Peter Drummond: My experience of the public sector—I have to say that, in those cases, I have predominantly been an expert witness—is that it is pretty good across the board at identifying maintenance needs. The problem for the public sector is funding cyclical maintenance. When times are tough and you have a choice of rebuilding your local primary school or continuing full pelt on your maintenance programme, it is easy to see how decisions can be made. But then we all suffer from collective amnesia. We forget that we reined back on maintenance and then, five years later, we look surprised when the roofs blow off buildings.

The public sector and the social housing sector try their best in difficult financial circumstances. On the other hand, my experience of private landlords is that they would rather have ten bob in their pockets than in yours and that many of them—not all of them—deliberately deprioritise maintenance in looking for better yields on their properties. From that perspective, I certainly support the suggestions that previous witnesses made today that there needs to be a much firmer framework for how we expect private landlords to maintain their properties and to respond to problems. At the moment, my experience—again, I speak as an expert witness, rather than an institute—is that many private landlords are as slow as a week in the jail.

Willie Coffey: That is quite a clear point of view, Peter. It is very helpful to be able to see and hear that in the committee.

The Convener: I have a question about current building materials and approaches to building design. Do you have any concerns about materials or design that could lead to RAAC-like problems in the future? If you had a sense of that, what would we need to do now to prevent such problems from arising?

Peter Drummond: I think that Mr Briggs asked me a similar question two years ago. I will repeat the answer that I gave to him, which is that there are on-going future RAAC-type problems. The market seizes on magic products that have not been tried and tested nearly enough. There are 600 flats in Glasgow where the entire outer envelope is an inch-and-a-quarter thick honeycomb shell—like we make pass doors in schools out of—with 2mm in render. You can

break into those buildings with a Stanley knife and a craft hammer.

That is not the only problem. We see cladding problems, which are well publicised, but they are not the only ones. There are issues with ventilation, roofing systems and interior decoration. In times of financial restriction, such as we are in now and that will undoubtedly get worse as we look ahead, people look for magic solutions. They are not tested adequately and are not well understood, and we keep having to redo the same discussions every 30 years.

One of the few good provisions of the Building Safety Act 2022 is the national construction products regulator. That regulator—a UK-wide body that includes Northern Ireland and therefore, by extension, has significant overlap with the south—needs to be serious about what it is doing. It needs to look at the market on a UK-wide basis, at how we use products and how robust they are. I am sufficiently concerned that the RIAS has written to ministers in England and in Scotland three times expressing concern about the lack of progress on the national construction products regulator. The recent suggestion that it be rolled in with the building safety regulator causes me nothing but concern that it will be lost further into the long grass.

The former president of our sister body, the Royal Institute of British Architects, made a very good point at the Grenfell inquiry:

“If planes were designed the same way as buildings, not one of us would set foot in an aircraft. Instead, we have largely been at the mercy of the market and marketing people telling us about these wonder products. That has to stop, and it has to stop on a UK-wide basis, with a construction products regulator that is serious about what it is doing and, in complete change of the approach so far at Westminster, actually gets support from MHCLG to do so.”

The Convener: Gloria, I have seen that you want to come in, but I will bring in Graham Simpson with the last question and then you can respond to both.

Graham Simpson: Peter has probably answered what I was going to ask, which was whether there is a problem with how building design and construction is regulated and managed, not just in Scotland but across the UK. I think that you have answered that.

Peter Drummond: I will go one step further. Again, I have to make a brief declaration of interests since I am the chair of the Scottish Architects Examination Authority.

I will say two things. First, the quality of technical education in all the construction professions has diminished significantly since I was a student, and my father insists on telling me that it has diminished since he was a student.

Gloria Lo is unusual. We have a building physics and science expert with us and such individuals in engineering, surveying, architecture or architectural technology are rare beasts. All those at the schools of architecture, engineering, surveying and the professional bodies have to look long and hard at how they are equipping young professionals.

There is also a problem, however, in that design-and-build and associated fancies in the procurement sector have removed trained professionals from the process. Even where there are trained professionals, there is no guarantee that they are deployed beyond the building warrant stage in this day and age. I cannot remember the last time that I saw a clerk of works on site. I certainly cannot remember the last time that I saw a large number of apprentices doing on-site training. We are an industry and a sector in crisis—woe betide us that we ignore the warnings made about that in the Grenfell phase 2 report. There is a need for a sea of change.

The Convener: Gloria, do you want to come in on anything else?

Gloria Lo: Yes, I will add a small point about materials and the impending time bomb, as it were. As Peter was saying, we do not really understand half of the materials that we are using. Also, we are being pushed by the market to use those that we do understand, without proper testing. Grenfell is an example of where academics advised how materials should be tested, but the final testing on the panels was not representative of the fire. We need to heed what research actually yields us and that is often not done enough.

Now that I have spent five years looking at materials, I can say that the toxicity, off-gassing and circularity of materials are often overlooked and have implications for the longevity of our housing stock. You can look at some of the Historic Scotland or National Trust for Scotland properties that have become dilapidated and are allowed to crumble eventually and you can see that old buildings dissolve back into nature. Our buildings now cannot do that, because of the materials that we are using, which cause the toxification of waters and put microplastics and many other such things into our natural systems. We cannot recycle, reuse or repurpose those materials either.

The inherent problem is that we are containing all that toxicity and those problematic materials in our building stock, which will eventually fail. For example, because cavity walls have not been understood, there is now a push for them to be fully filled with insulation that has been chemically treated with a hydrophobic chemical. The thinking is that that would work. I agree that a hydrophobic

chemical would work for liquid water, but consider what I said earlier about water vapour. Such insulation will still trap water vapour. Have we solved the problem? Does the industry really understand permeability, material behaviour and the breaking down of materials during a fire and whether they cause cyanide or other gaseous substances to be released when they degrade and break down—in all circumstances? That long-term view of material behaviour has never been taken seriously enough.

12:15

The Convener: Thank you, that was very helpful. I will ask you briefly, therefore, to say whether it is possible to roll out the volume of housing stock that we are talking about, which is 110,000 homes by 2032? Could we return to timber-framed, timber-panelled housing? Could we return, as you say, to a type of housing construction that uses materials that could eventually dissolve into nature?

Gloria Lo: Absolutely. There are natural materials, such as wood fibre insulation and hemp insulation. A new hemp insulation factory has just started in the Borders. There are solutions that use effective natural materials that can produce good, safe, healthy buildings. I hope that I can offer that knowledge and point you to the right professors who can give you good knowledge, based on science, that will give you good solutions that we can trust and know will work.

The Convener: That has brought us to the end of our questions. Thank you so much for coming in and sharing with us. Colleagues have found it very useful and helpful, and I hope that the people on the previous panel did so too.

We have another little bit of work to do that will take only a few minutes, so please bear with us and then I will close the meeting. Just hang tight; the camera is not on you.

Subordinate Legislation

Council Tax (Exempt Dwellings) (Scotland) Amendment Order 2025 (SSI 2025/56)

12:16

The Convener: The next item on our agenda is consideration of the Council Tax (Exempt Dwellings) (Scotland) Amendment Order 2025 (SSI 2025/56). Do members have any comments on the instrument?

There are no comments. Does the committee agree that we do not wish to make any recommendations on the instrument?

Members *indicated agreement.*

The Convener: Thank you. As we previously agreed to take the next items in private, that was the last public item on our agenda and I close the public part of the meeting.

12:17

Meeting continued in private until 12:42.

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