



OFFICIAL REPORT
AITHISG OIFIGEIL

Local Government, Housing and Planning Committee

Tuesday 22 April 2025

Session 6



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LOCAL GOVERNMENT, HOUSING AND PLANNING COMMITTEE
11th 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:

Stephen Garvin (Scottish Government)

Alan Johnston (Scottish Government)

Paul McLennan (Minister for Housing)

Ruth Whatling (Scottish Government)

CLERK TO THE COMMITTEE

Jenny Mouncer

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Local Government, Housing and Planning Committee

Tuesday 22 April 2025

[The Convener opened the meeting at 09:30]

Decisions on Taking Business in Private

The Convener (Ariane Burgess): Good morning, and welcome to the 11th meeting in 2025 of the Local Government, Housing and Planning Committee. We have had apologies from Emma Roddick MSP. I remind all members and witnesses to ensure that their devices are on silent.

The first item on our agenda is to decide whether to take items 3, 4, 5, 6, 7, 8 and 9 in private. Are we agreed to do so?

Members indicated agreement.

Building Safety and Maintenance

09:31

The Convener: The next item on our agenda is evidence as part of our work programme on building safety and maintenance. This morning, we are joined by Paul McLennan, the Minister for Housing. He is joined by Scottish Government officials Alan Johnston, deputy director of cladding remediation; Stephen Garvin, deputy director of building standards; and Ruth Whatling, housing standards team leader, better homes.

We have a number of questions to ask. I will begin—if I can find my question sheet.

The Minister for Housing (Paul McLennan): Is it okay to make a short statement?

The Convener: Yes, that is fine.

Paul McLennan: Good morning, and thank you for inviting me to participate in this discussion. I thought that it might be useful and helpful to provide a short update on the progress that has been made on some of the issues that the committee has been considering lately, which we will probably move on to.

The overall condition of housing in Scotland has been steadily improving over the years, and that has been driven by existing standards. However, there is still more to do to make sure that everyone lives in a healthy and secure home.

The witnesses at the committee's evidence sessions in March highlighted some of the devastating impacts of living with damp and mould in homes. I am pleased that we are bringing forward an amendment to the Housing (Scotland) Bill to provide for Awaab's law, which will introduce timescales and expectations for repairs to reported hazards. I am sure that we will discuss that shortly and I look forward to hearing your views and questions on the amendment. The bill already contains proposals to improve tenants' rights, but these measures will strengthen them further to make sure that tenants' homes are safe for them and their families.

I also welcome the news that the Scottish Housing Regulator will introduce three new indicators, which landlords started collecting data on from 1 April, specifically on damp and mould. That new data, along with the findings of the thematic review on preparing annual assurance statements, will provide a more comprehensive picture of damp and mould issues in social housing.

I also know that this is a worrying time for home owners who are affected by reinforced autoclaved aerated concrete. You will be aware of the UK

RAAC campaign group petition, which asks for funding and a national register of affected homes. I am fully engaging with the Citizen Participation and Public Petitions Committee on the matters that are raised in the petition and in May I hope to meet with local residents in Aberdeen who have been affected by RAAC.

Local authorities continue to support home owners in their areas, and the 2025-26 local government settlement of more than £15 billion ensures that local authorities can make the best decisions for their residents. The Government cannot deliver all those ambitions alone and we look forward to continuing to work with the committee as well as with stakeholders to ensure better living conditions for people in Scotland.

I hope that you found that update useful, convener.

The Convener: Thanks very much. We will certainly go into more detail on the areas that you have highlighted.

I would like to start by asking a question on tenant experiences and landlord practice in the space of damp and mould. The committee has heard from witnesses that there is still evidence of a culture of blaming tenants when they report problems of dampness in their homes to their landlords, despite guidance advising against that.

I am interested in understanding how the Scottish Government can support the dissemination of good practice and embed cultural change among landlords in this area.

Paul McLennan: The issue has been raised with the committee before. There is a role for all of us as MSPs to ensure that the culture change that you have just asked about happens; indeed, we have probably all had cases of constituents being blamed by their landlords. I am also aware of an evidence session that you had with Tenants Together Scotland and various local authorities, and I think that guidance to local authorities will be incredibly important in this area. The issue is becoming more prevalent since the sad case of Awaab Ishak, because people are now aware of their rights. That is an incredibly important part of the issue, and it has been acknowledged in the amendment to the Housing (Scotland) Bill that we have lodged.

In my introductory remarks, I touched on the Scottish Housing Regulator's new indicators for damp and mould, which I think will help here, and there is a role for the Government to disseminate that information, working with local authorities. After reading the evidence from Tenants Together Scotland and others, I think that there is a role for all of us, whether local authorities or whoever, to ensure that people are aware so that the sort of thing that you have highlighted does not happen

and that tenants know that they have the right to have their property repaired in good time. The amendment and the indicators will set a direction of travel by which people will be made aware of their rights, and their behaviours will not be blamed.

The Convener: That leads me on to the Government's proposed amendment to the Housing (Scotland) Bill, which will introduce Awaab's law in Scotland. How will that work in practice? For example, what might be specified in secondary legislation with regard to the timescales required for work to address dampness and mould, as well as levels of compensation?

Paul McLennan: There are a number of things to highlight. A key issue is that we were keen to discuss the matter with the United Kingdom Government, and to work very closely together on it. We have certainly had those discussions and have tried to follow what it has been looking at.

As you know, our amendment was lodged on 17 March, and it will be discussed formally at committee. It gives Scottish ministers the power to introduce, through secondary legislation, timescales for social landlords to investigate hazards such as damp and mould and to commence repairs in that respect. It will also allow us to consider additional health-related hazards that should be covered by regulations in Scotland and, again, we will be very much following examples in the rest of the UK.

We have committed to further engagement and consultation across the sector and with tenants prior to the introduction of secondary legislation, and I think that that will be really important. Obviously, we are working with the regulator on the issue, too.

Another key thing will be to set out clearer rules and responsibilities when it comes to investigating and commencing repairs of hazards, although that is probably a matter for the consultation.

A key issue at the moment is, as you have mentioned, enforcing the right. That will also be part of our further engagement, and I am happy to come back to the committee on the matter, either in person or in writing, as we progress our discussions. It is really important that we engage with local authorities and others on what that will actually look like.

The Convener: Looking at the evidence that we have taken on damp and mould, I am concerned that we need to get beyond simply using antifungal paint for mould that appears on a wall, because the mould is still there. Can we bring in a requirement for repairs that actually get to the deeper problem and which get mould spores out of people's homes? I have heard from not just colleagues in this room but members across the

chamber that reports of damp and mould issues are appearing in their inboxes. It seems to be a very challenging situation.

In our evidence session on damp and mould, a number of local authorities told us that they are beginning to take a much more proactive approach to addressing the situation, and they are getting in there and removing whatever has been contaminated with damp and mould. How do we support that process to ensure that people have homes that are fit and proper to live in?

Paul McLennan: You make a really important point. You are right: if somebody goes in and addresses the issue with antifungal paint, it might do the job for a short period of time, but the mould will just come back again very shortly afterwards.

One of the keys things in the consultation—you picked up on the point—is about working with local authorities on the technology in that area and ensuring that what we do is more sustainable and long term. It should not just be a case of doing a paint-over job because, within a year or two, the problem will come back, so that will not solve the situation in the medium to long term. It is very much about working with local authorities on ensuring that the technology that is coming forward—there are various initiatives in that regard—leads to longer-term, sustainable action. We will be consulting the regulator and local authorities on that issue. Again, I can come back to the committee on that.

As you said, it is something that the regulator reports on, and we will be discussing the matter with the regulator. I do not know whether any of my colleagues want to add anything.

The Convener: It seems that you have covered it.

Paul McLennan: The important point is that it has to be sustainable.

The Convener: Another aspect that we need to look at—although I know that it is not in your remit, necessarily—is how we build houses going forward, as we need to ensure that we do not continue to build the problem into future construction.

There are a couple of other questions on the bill amendment. Assuming that the bill progresses as planned and that the amendment to introduce an Awaab's law is accepted, when would tenants be able to enforce that right?

Paul McLennan: Again, it comes back to working with the other stakeholders. We will be working closely with local authorities and other social landlords on that point. I am happy to come back to or to write to the committee on it, but it is part of the further consultation that is already happening.

The Convener: Okay. So it is still a work in progress.

Paul McLennan: It is a work in progress.

We must work closely with social landlords on that issue, and we need to ensure that what we are doing is sustainable and realistic. It will very much mirror the UK Government's approach. I am happy to come back on the specifics, but those discussions and consultations are going on as we speak.

The Convener: Great. This is my final question at this stage. The Awaab's law amendment would apply only to social housing. I would be interested to understand how you plan to achieve similar rights for tenants who live in private rented housing.

Paul McLennan: The Government is committed to implementing Awaab's law for private tenants as well. There are existing powers, which we must ensure are used to the maximum extent. It is part of the engagement with the private rented sector. I have raised the issue with the Scottish Association of Landlords on a number of occasions, so it is aware of our commitment in that regard, and we will engage with the organisation.

I am happy to come back on the two points relating to social housing and to the private rented sector, but we are committed to having Awaab's law for the private rented sector as well.

The Convener: You just mentioned that there are existing powers that you could use.

Paul McLennan: There are powers in the existing legislation, but they are not always used. One of the key things is to ensure that we use existing powers. If we bring in Awaab's law—as I said, we are committed to introducing Awaab's law for private tenants as well—we must do so in consultation. For individual landlords, there will be a slightly different approach to how we do that. We are discussing that with the Scottish Association of Landlords, including what its role is and how we ensure that individual landlords are aware of the requirements.

The Convener: Will you clarify in which piece of legislation those existing powers exist?

Paul McLennan: I will bring in Ruth Whatling on that point.

Ruth Whatling (Scottish Government): The repairing standard allows for amendments to be made to the requirements within it, so we do not need to introduce another bill amendment for the PRS. We will have to create a new requirement within the repairing standard.

The Convener: It is good to hear that it does not need primary legislation.

Meghan Gallacher has a supplementary question in this area, and then we will move on to retrofitting, fuel poverty and heat in buildings.

Meghan Gallacher (Central Scotland) (Con): Good morning, minister and officials. Minister, you and I have had exchanges regarding Awaab's law, and I am pleased to see that it will feature as part of the Housing (Scotland) Bill, as it rightly should. My question relates to the number of homes that are no longer deemed habitable under the tolerable standard. You and I have had exchanges regarding that in the chamber.

When I asked a topical question on the issue on 11 March, you said:

"The increase in the tolerable standard failure rate is due to the introduction of smoke and carbon monoxide alarm criteria. The vast majority of the failures were in the private sector."—[*Official Report*, 11 March 2025; c 6.]

09:45

However, the response to the freedom of information request that was made by my party in January 2025 shows that there are still council homes that do not have such interlinked fire safety alarms fitted in them. That includes 2,800 homes in Fife, 800 in Aberdeen, 524 in South Lanarkshire and 500 in Edinburgh. The committee would be interested to hear an update from you, minister, on whether the Government is engaging with local authorities on that. It fits in with making sure that homes are safe and secure for people to live in.

Paul McLennan: My officials and I engage with local authorities on that point. I can write back to you and the committee about the actions that have been taken in the local authorities that you mentioned. I am happy to take that forward as a point of action and come back to the committee and Ms Gallacher on it.

The Convener: Super, thank you.

We will move on to retrofitting, fuel poverty and heat in buildings. I bring in Willie Coffey.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): Good morning. The City of Edinburgh Council raised an issue with us about the need to align net zero standards to deal with issues relating to multiple types of tenure in flatted dwellings and accommodation. What is the Government's view about how easy or difficult it will be to do that? If there are any proposed amendments to the bill, will they make it easier or more difficult to achieve the net zero standard in mixed tenure blocks?

Paul McLennan: There are a number of points in that. I come back to the point that the Acting Minister for Climate Action made. I recently visited Granton, where there is a mixed tenure development and the heating system is built in to

the development itself. The Government is committed to doing that in future.

Retrofitting is an important part of what local authorities—and the Government—look at in relation to their outlook for investment. It is important to invest in retrofitting, repairs and new housing. There is no doubt in my mind that we need to follow the retrofitting agenda. I know that there has been debate about that in other Parliaments, but there is no doubt that we need to do it as soon as we can to make sure that we are tackling climate change.

The Acting Minister for Climate Action updated the Parliament on the Government's intention to introduce a heat in buildings bill to make provision for all homes and buildings to move to clean heating systems by the end of 2045. It is right to do that. Even though that is about 20 years away, it gives incentives to investors.

As I previously told the committee, the estimated cost is about £30 billion and it would provide about 20,000 jobs. The cost of construction has probably pushed that estimate much higher than it was a year or so ago. We always need investment to come in to the sector.

From speaking to local authorities and other social landlords, I know that that is an important part of their considerations about whether they invest in repairs, new properties or retrofitting. The mixed tenure approach is also important in terms of discussions about how they can invest. I had the pleasure of visiting Wester Hailes to talk about the success of the area-based schemes. When I visited Wester Hailes, I saw the improvement that that had made in a number of properties with mixed tenure. Half a billion pounds has been spent on that project.

We are looking at different proposals for working with the City of Edinburgh Council on heat networks. Local authorities had to send in their local heat and energy efficiency strategies—LHEES—and now we are looking at implementation plans. There are several different approaches, but they have to take in a mixed tenure approach.

We must remain committed to changing the heating systems by the end of 2045. Different local authorities have different approaches. That is why it was important that the LHEES were picked up on, because they allow a little bit of local flexibility. It is important that we make sure—particularly considering the size and scale of Edinburgh and the mixed tenures in it—that there are different approaches that we can take. We are working closely with the council, as is the Acting Minister for Climate Action and other colleagues.

Willie Coffey: Will social landlords such as the City of Edinburgh Council be able to proceed in

relation to their stock of flatted accommodation where, for example, they do not own all the flats? Will they be able to proceed with what they wish to do, even if the non-council tenants do not want to participate? Conversely, will the City of Edinburgh Council and other authorities be able to make an offer to non-council tenants to participate in a scheme if a block of flats was being retrofitted in, say, Granton?

Paul McLennan: Again, that is why what the LHEES looks like is really important. You are right that there will be a mix of tenures, as there was in Wester Hailes, for example, for the area-based schemes. The approaches will obviously be slightly different. In Wester Hailes, for example, if there was a private tenant, there were different ways to provide the funding, so there are different ways to look at the issue. The overall funding package is an important part. In Wester Hailes, the area-based schemes allowed people to plan things out.

Having spoken to the City of Edinburgh Council teams at the time, I think that the consultation at the outset and the discussions that took place were key. I had a chance to speak to private tenants and social or local authority tenants about how that was done. That approach worked, and it was very much done in consultation with tenants, whether they were private tenants or council tenants. We need to consider that approach, which worked, as we go forward. The process will need to work in different parts of Edinburgh and in different parts of Scotland. The area-based schemes and the work in Wester Hailes show that that approach works.

Willie Coffey: The committee has heard about the potential role of solar thermal heating as a cost-effective way of heating homes, so it is not just all about heat pump technology. There was discussion in a previous committee meeting about solar thermal heating possibly being a viable alternative. Is the Government aware of and considering that option, as well as promoting it by providing information to the public?

Paul McLennan: There are a number of points to make. Before I became a minister, I remember meeting Solar Energy Scotland and speaking in a debate about the work that it was doing. There have been changes in technology in relation to payback times, for example—I think that there was a members' business debate on that.

Solar thermal heating will be an important part of the energy strategy that the Government will produce. It will be a useful addition for some home owners, but it will depend on their location and their needs. Heat pump systems generally make a better solution across Scotland, and there will be investment in that way. There might be opportunities for householders to look at solar

thermal heating, and Home Energy Scotland interest-free loans can help home owners at that point. Constituents in my area have taken that approach over a number of months and years. Dunbar is meant to be the sunniest place in Scotland, so we often push and promote that. We have all seen the increase in the use of solar panels and solar heating, and Home Energy Scotland interest-free loans provide opportunities to develop that.

A key point relates to the information that is available to householders and home owners. That is really important as we go forward with the LHEES. It comes back to the point that I made about Wester Hailes—it is important that the consultation and discussions with home owners result in the best approach for them. Solar will certainly have a part to play as we go forward.

Willie Coffey: In relation to public engagement, I find that my constituents say, "I want to see this technology working somewhere before I invest in it, because it could be very expensive." How can people get access to information? The first port of call will not be Government documents on a website. Is Home Energy Scotland the place where people should go for advice and guidance?

Paul McLennan: There are a number of places, and Home Energy Scotland is one of them. Local authorities also have a role in that regard. We can have an LHEES implementation plan and a strategy, but a key point is how we get that message out. We are talking about developing technologies in the next 15 or 20 years. How do we ensure that home owners, social landlords, private landlords and private tenants are aware of them? Local authorities play an important part in that. People should be aware of energy advice, whether from local authorities or from the Government. It has to tie into the LHEES strategy and what that looks like. We talked about the approach that is taken in Edinburgh; other parts of Scotland take different approaches. It is about making people aware of that.

The specific approach in Wester Hailes focused on discussing with home owners, social landlords, Edinburgh council, or people who had bought their houses. The important part was speaking specifically to tenants—that was helpful—and making them aware of their options, whether the property was privately owned or owned by the council.

The Convener: I want to pick up on Willie Coffey's point about solar thermal. I take your point about the interest-free loan that is available. However, I hope that you will have a chance to look at the extensive evidence session that we had on damp and mould, when solar thermal was proposed for tackling it. As you will know, solar thermal means that the heating system does not

start with cold water but with warmed-up water, so it does not have to use so much energy to heat the home. That was suggested as a response to fuel poverty.

I know that there has been a delay in the introduction of the heat in buildings bill that is partly to do with making sure that it will not push people into fuel poverty. I would therefore say that it could be good to look at a technology-neutral grant scheme.

Minister, you will recall that you came to the co-housing event. I want to flag up to you a point about investment and your earlier responses to Willie Coffey about people investing and the need for considerable investment. There is now an idea that people could invest to lock up carbon by using Scottish timber for retrofitting or new builds. It would great if the Government could take that on board and have a look at that. It will continue to be discussed. Rather than leaving the scope 3 emissions in trees that get blown down, we can use them to invest in housing that will not be blown down. You might have picked up on that at the co-housing event.

Paul McLennan: Yes, and you and I had a brief discussion about that. It was discussed at the event and various proposals are being developed in the sector and I am sure that the Government will pick up on that. I am happy to take that point away and raise it with colleagues.

I had an interest in solar thermal when I met Solar Energy Scotland prior to becoming minister. The technology has changed and the payback time has reduced. There are different forms of solar energy and different ways in which it can help to tackle climate change. The sector will continue to develop. One of the key things for me going forward is to make sure that we are flexible enough to engage with different technologies as they move on in the next five, 10, 15 and 20 years, whether that be for retrofitting or for new properties being built. We have seen how much technology has changed in the past five years.

The Convener: Great. Thanks for that. We are going to move on to the topic of reinforced autoclaved aerated concrete, and I will bring in Mark Griffin.

Mark Griffin (Central Scotland) (Lab): Thank you, convener, and good morning minister. We have heard from previous witnesses that social housing tenants who have been decanted from properties that have been affected by RAAC have had a really challenging time. Some have been forced to accept unsuitable accommodation and some have had to spend money that they do not have to replace furniture because they could not get access to their previous properties. What support and guidance has the Government issued

to registered social landlords in particular about supporting tenants who have been decanted?

Paul McLennan: I will speak to the more general point and then come on to the specifics. The Government recognises the challenges that tenants are facing. I will bring Stephen Garvin in in a second. Our broader approach to RAAC includes housing, but it is about the wider issue across Scotland—there have been a couple of issues with it in my local authority, including Preston Lodge high school and the Brunton theatre in Musselburgh. We have taken a much broader approach than the UK Government and we have looked at the NHS, schools and right across the sector; I will bring Stephen Garvin in on that point. That faced the challenges, and we worked very closely with the regulator on that point, and I was on a building safety group that was chaired by the cabinet secretary.

10:00

Obviously, we expect all social landlords to ensure that their tenants are accommodated safely. There are a number of issues. I have engaged with Aberdeen City Council, for example, and West Lothian Council, over their approach to RAAC. In Aberdeen, obviously, it was slightly different. RAAC can impact on properties in different ways. In Aberdeen, the properties will have to be demolished. There is a mix of private and social tenure. We have had numerous meetings. I am heading up to Aberdeen at the beginning of May to meet tenants and residents to discuss that point. We worked very closely with the people at Aberdeen City Council. Because they had to decant very quickly, we have had to engage with them very quickly, to make sure that there are properties for people to move into. That approach is slightly different from the approaches of West Lothian, Dundee and other areas. We have engaged with all that. The officials will engage with all RSLs and local authorities on that as we go ahead.

If there are any specific examples about furniture, I will be happy to pick up that point. I had not heard of that particular case but, if there are examples, I can pick those up and come back to you.

I will bring in Stephen Garvin, then I want to add a few things on our general approach to RAAC, not just when it comes to housing but more broadly.

Stephen Garvin (Scottish Government): We recommended that the Institution of Structural Engineers guidance be used as a basis for assessing RAAC's condition, safety and so on. That will help with the advice that the engineers can provide to building owners and the action that

can be taken—for example, whether immediate action is required to decant people from properties or whether the RAAC, if it is in good condition and there is no problem with it, can be monitored over time.

The work that we have done is primarily about understanding the extent of RAAC across Scotland in the housing sector, schools, hospitals and so on. Although we now understand the numbers that are involved, there is still some work to do in looking across those estates at any on-going risk.

Mark Griffin: The committee heard evidence from people who are affected by RAAC—owners and social tenants—so I am sure that we can forward the *Official Report* of that meeting.

Paul McLennan: I have read that, but not the actual specifics about where it is and so on. I am happy to pick that up.

Mark Griffin: You mentioned that you are planning to go to Aberdeen to meet some of the residents who are affected by RAAC, and you made the point that residents seem to fall into two categories: those who have been decanted—the likely outcome is demolition—and a separate category of residents who feel that there is a technical solution for repair and that they can carry on living in a property. Have you met specifically with any of the groups who have been talking about the technical challenges around repair, as well as the Aberdeen groups?

Paul McLennan: There are a number of things in that. I come back to working with local authorities. Local authorities should, initially, be the point of contact for home owners and tenants when those are first notified that they have RAAC. Local authorities work very closely with us in that. That involves looking at whether a surveyor or other support should be available, and we have found that that has been the case with most local authorities.

Some local authorities' positions are different. As I said, Aberdeen went through its committee and talked about the number of options that were available. In its case, the chosen option was demolition. We have worked to give Aberdeen City Council some financial flexibility in how it tackles the initial costs that come up. As I said, I have met local authorities, but I have not met any other groups. In my introduction, I mentioned the Citizen Participation and Public Petitions Committee, at which I imagine I will be requested to speak, at some stage, and we will discuss with groups at that point. In addition, as I said, I am going up to meet Aberdeen residents at the beginning of May.

As the approach develops, we are still engaging with West Lothian Council and Clackmannanshire Council on where they are in their engagement.

The first point of engagement is with local authorities, but I have demonstrated that I do not have an issue with speaking to residents—I have done that on cladding and other issues. It is not a problem to speak to residents—I am happy to do that. I have an invitation from Liam Kerr and Audrey Nicoll on that, and I am happy to go up and speak to residents in Aberdeen on that point.

Mark Griffin: You mentioned the approaches taken by local authorities. In the previous evidence session that I mentioned earlier, the point was made that the response from local authorities is very variable, and that is putting it politely. In the Government's discussions with local authorities, have you talked about a minimum level of service that you expect local authorities to provide to residents who are affected by RAAC? Has the variable response from local authorities been raised? If so, how have you responded to that?

Paul McLennan: One issue is that each local authority is slightly different in terms of where the RAAC is in their areas. The situation is different in West Lothian, Clacks and Aberdeen. Our approach is based on what the local authorities' approach would be, which has given them flexibility in their local approaches. Working collaboratively with local authorities is the key thing in that regard.

If members have specific concerns, I am happy to pick those up with local authorities. As I said, I have engaged with all local authorities that have issues with RAAC. If the committee or individual members have any specific concerns, I am happy to pick those up and take them forward. We expect the local authorities to take that approach.

I have engaged with local authorities and I think that they have been engaging with tenants and home owners on that point. If there are any specific issues and if members think that local authorities should be doing more or there is feedback from residents on that, I am happy to pick those issues up with Mr Griffin or with other committee members.

I do not know whether colleagues have anything to add on that. We continue to engage with all local authorities, and officials do so on a regular basis. Stephen Garvin might want to talk about that.

Stephen Garvin: We have a cross-sector working group on RAAC, which has a housing sub-group. We get the opportunity to meet local authorities and RSLs in that sub-group, and it allows them to share information on different approaches. I know that, outside those meetings, organisations or authorities will be engaging with one another. However, as the minister said, there is a specific context to the issues in each area that needs to be taken into account.

Mark Griffin: RAAC campaigners and the Royal Incorporation of Architects in Scotland have made the case for the Government to establish a RAAC remediation scheme for private home owners, based on the previous scheme for owners of defective system-built homes and the current cladding remediation programme. Has the Government formally responded to those calls? Is the Government actively considering a remediation scheme?

Paul McLennan: We are obviously sympathetic to home owners and their situation. We are getting feedback from Aberdeen City Council and other local authorities on the feedback that they are getting. When I go up there to visit residents, I will probably hear that. We continue to push the UK Government for funding, but it has so far refused. The latest response from the UK Government makes it clear that it does not intend to provide any funding and that the issue is devolved.

There are a number of points to make. I know that the UK Government approach was very much based on hospitals and education buildings, but there was not an extensive look at the RAAC issue in the UK. We continue to push for that. As you know, the budget is set against continued and unprecedented pressures on the public finances, which is one of the issues. We will continue to push the UK Government on that point, and any support that we can get from the committee or from Mr Griffin's Labour Party colleagues would be extremely helpful.

We have talked about IStructE, which does not define RAAC as a defective material, and it is still widely used. Again, it depends very much on whether we are talking about a repair, demolition and so on. We will continue to look at the issue, but we will need support from the UK Government for any such remediation programme going forward. We will continue to push the matter; the previous UK Government said that it would fund necessary improvements, but obviously there has been a change of Government. The current Government has not, so far, refused to provide funding to help us in that regard, but we will continue to look at the issue as we move forward.

Mark Griffin: Is there, as with the cladding remediation scheme, a legislative barrier to a RAAC remediation scheme?

Paul McLennan: I do not know the full extent of that. Cladding and RAAC are slightly different issues, but I am happy to come back to you on the point about legislation.

I should say, though, that this does come down to funding; we will continue to press the UK Government on that, but so far we have not received any positive reply. We will also continue

to engage with home owners and see how best we can support them.

Mark Griffin: Thank you.

The Convener: Alexander Stewart has questions on the same subject.

Alexander Stewart (Mid Scotland and Fife) (Con): Good morning. Minister, in your answers to Mr Griffin, you touched on the guidance on RAAC in non-domestic buildings. The committee has heard that the Scottish Government should be developing RAAC surveys and remediation guidance that are focused on domestic properties. As I have indicated, the guidance that you already have is based largely on non-domestic buildings. Can you give a commitment that you will develop such guidance for buildings that are not classified as non-domestic buildings?

Paul McLennan: Yes, I can. I will bring in Stephen Garvin in a second to talk about this in a bit more detail, but I have already mentioned that the Institution of Structural Engineers—that is its long name—is looking at developing additional guidance specific to the issue of RAAC in housing. Moreover, the Royal Institution of Chartered Surveyors is preparing a consumer guide that will provide advice to landlords, tenants and home owners, and that guide is expected shortly. The Institution of Structural Engineers is also preparing guidance to support landlords, tenants and home owners in making informed decisions on how they manage RAAC in residential properties, and that work is due to be completed later in the year.

We are engaging and liaising with RICS and IStructE in supporting those initiatives, and we are having on-going engagement with affected landlords through the Scottish Government-led RAAC in housing sub-group, which Stephen Garvin has touched on. I will bring in Stephen, as he is involved much more than I am in those discussions.

Stephen Garvin: There is not much more that I can add. We are supporting the Institution of Structural Engineers in developing further guidance. At the moment, we cannot say what, if any, change it will make to its existing guidance—there might be more on, say, repair options—but the institution now has more access to data on different types of properties and can look at the matter again. That is what we are supporting.

Alexander Stewart: If that is the case, that will give more confidence to the sector, and I look forward to hearing what comes from that work.

The committee has heard concerns about the legislative gap that prevents local authorities from mandating repairs to shared elements of terraced homes and housing. The concerns relate to RAAC panels that extend across two or more homes in

one terrace, when the homes are owned by different parties. Are you aware of that issue, and are you looking at any developments—or, indeed, solutions—that might require primary legislation? If any solution might require such legislation to be put in place, it would be good to get your views on that.

Paul McLennan: I have been made aware of the concern, and I have asked officials to look into the matter and see whether, if there is a gap in legislation, there is anything that we can do in that respect. I am happy to keep the committee informed on that. I do not know whether Stephen Garvin has anything to add, but we are looking into the issue and we will come back to the committee on it.

Alexander Stewart: Written evidence that we have received has suggested that the Scottish Housing Regulator be mandated, or a new independent body be established, to protect and advise ex-council home owners who are impacted by RAAC and ensure that they receive support and representation. That has been a big issue. You have said that you will be visiting Aberdeen in the coming weeks, which might be because of the situation and the calls for support and representation. Do you agree with the suggestion that the Scottish Housing Regulator must be mandated to do that or that a new independent body should be established?

10:15

Paul McLennan: I am aware of the petition on that, and I am sure that I will be asked to speak to the Citizen Participation and Public Petitions Committee at the appropriate stage.

There are a couple of things to say about the remit of the Scottish Housing Regulator. The regulator was created by the Housing (Scotland) Act 2010, and it is an independent regulator for all landlords. One of its statutory objectives is to safeguard and promote the interests of current and future tenants of social landlords and other users of social landlord services.

The regulator regulates the performance of housing services, and a key aspect involves picking up issues with RAAC. When we were first made aware of that issue, which affects buildings across the UK, the regulator had a key part to play in engaging with social landlords. The approach that we took was much more extensive than the one that was taken in the rest of the UK, and that was the correct approach. We looked at housing across all sectors, as well as NHS and education buildings. The regulator played an important part in that. It comes back to the point that there was no further obligation for homes that were sold under the right-to-buy scheme, but local

authorities have the role of ensuring that the housing in their area meets the relevant standards.

I am sure that the petition will continue to go through the parliamentary process and, depending on what is raised by the petitioner, we will respond accordingly. I will not pre-empt what that committee or the petitioner will say, but I am sure that I will be asked to speak to that committee at an appropriate stage. I am happy to come back to this committee at that point.

The Convener: We will move on to questions about cladding remediation. I will bring in Fulton MacGregor, who joins us online.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good morning. As the convener said, I will ask some questions on cladding remediation. Minister, how many buildings have had potentially flammable cladding removed or remediated since the launch of the single building assessment, which was about four years ago?

Paul McLennan: I will say a couple of things on that. I have said on a number of occasions that the process of identifying cladding-related issues across Scotland has been far too slow, and I will touch on the actions that we are taking in that regard. Work to assess, mitigate and remediate is already under way through a number of avenues. We have published information via the high-rise inventory that shows that work is now under way on just under half—11 out of 23—of high-rise buildings that are owned by a local authority and have been identified as having combustible cladding. We are surveying local authorities to validate the data and confirm the status of buildings where remediation has not previously been reported. That is key.

We have also confirmed that all 107 entries in the Scottish Government pilot programme are progressing on an appropriate pathway of assessment, which will lead to mitigation or remediation works. We received the fire engineer outturn report immediately before Easter weekend, and officials are currently rapidly considering it.

Scottish Government-led assessment is progressing on 13 works. Urgent interim measures, such as waking watches, are taking place for six entries, and one entry has had external wall cladding removed. When we have been made aware of the need to take immediate action, we have done so. For instance, we have invested more than £6.7 million in mitigation works for one entry that was cited.

As I have said, I have no doubt that the length of time that it took to identify such issues was disappointing, hence why we are taking action to move things forward. We have been very sensitive to the concerns of affected home owners and

residents, and I have met people from across Scotland on a number of occasions.

The statutory framework that we lacked previously, which includes a robust SBA process, has been in place since January. We must now greatly increase the pace. I have previously spoken in a statement to the Parliament about the open call and the breadth of our work on cladding. I am sure that that will come up later.

That is what we have resolved to do. I have said previously in the Parliament and to the committee that the pace was far too slow, but we are now taking action. We have passed the Housing (Cladding Remediation) (Scotland) Bill and put in place the SBA process. We also have the developer remediation programme. That is all in place. We have an indicative budget of £52 million for this year, which is a big increase in spending. We have in place everything that is needed to increase the pace in tackling the issue.

Fulton MacGregor: I appreciate your candidness, minister. You will be aware that the committee has been hearing concerns about the lack of progress, so I appreciate your response.

You mentioned that we might ask questions on the open call for residents. I will do that now. Will you clarify the purpose of the open call for residents of buildings with external wall cladding systems? What do you hope that that will achieve? Has the Scottish Government already identified buildings with potentially flammable wall cladding systems following the Grenfell tower fire in June 2017?

Paul McLennan: On the open call for residents, one key thing that I mentioned in my statement to the Parliament was increasing the pace and the breadth of the work. We have discussed that with local authorities, and I spoke to all the housing conveners at that point to talk about our approach.

That sits alongside the work that we are already doing. We are doing work with assessments. We are leading that, but developers are also involved. The main thing—I think that I have previously mentioned this—is to empower and enable home owners and their representatives or social landlords to take a lead role in the assessment and remediation of their buildings, with support from the Scottish Government grant fund. We have also had discussions with factors on that point.

Since the open call was launched just four weeks ago, there have been 32 expressions of interest in getting support for an SBA. That is quite positive, and the number is rising daily.

You mentioned identifying buildings following the Grenfell tower fire in June 2017. Those have been identified through a number of measures.

We carried out a data collection exercise—the high-rise inventory—in 2021. There was also a high-pressure laminate cladding exercise. Those identified a number of buildings with potentially flammable cladding. Our call for participants in our pilot programme also identified a number of buildings with potentially flammable cladding. A number of other buildings have been identified as owners have come forward through the single open-call process.

We have written to local authorities, and I have engaged with local authorities' heads of housing on that point. That was part of the statement that we made last month. We continue to engage with local authorities as we progress that work. The initial feedback that we have had about the expressions of interest has been positive since the open call was launched about four weeks ago.

Fulton MacGregor: Will those who request a single building assessment through the open call be allocated a survey on a first-come, first-served basis, or will there be a prioritisation process? Will you describe how the process might work?

Paul McLennan: A really important point is that I do not think—I do not expect—that we intend to have a prioritisation process for support under the single building assessment or the single open-call process, but I will have discussions with colleagues on that.

Expressions of interest will be checked against the eligibility criteria, which include residential status, building height and date of construction. If the criteria are met, we will invite owners to apply for Scottish Government support.

You asked about people being dealt with on a first-come, first-served basis. We want to help people as much as we can and as quickly as we can. If an immediate risk is identified, we will pick that up and deal with it as soon as we can. We have allocated an initial £10 million to support the work, and we have set an initial end date for expressions of interest and applications of 30 September.

Beyond that, we will assess the wide range of affected buildings. The first stage is trying to identify them and getting them on to the SBA process. If there are immediate concerns, we will deal with those as soon as we can. There have been 32 expressions of interest in four weeks, so there is interest.

I come back to a point that I have made in the chamber and to the committee: every case is different in terms of the single building assessment, the mediation work that is carried out and the timescales that go beyond that. It is very much a case-by-case basis. If there are immediate risks, we will take action to address them as soon as possible through the SBA process and

remediation. I have mentioned the increase in the budget to £52 million this year.

On the point that I made in the chamber about making progress on the SBA process and moving to remediation work as soon as possible, which is an important part of the process, the indicative budget shows that more remediation work will be carried out during this financial year. The number of responses that we have had so far to the single open call is encouraging.

Meghan Gallacher: Before I ask questions regarding assessors and the open call, I will go back to the pilot entries for the cladding remediation programme. As we know, there are 107 entries as part of that pilot. In the past, I have attempted to tease out an answer from the Government on when the works will be completed on the five properties and the pilot entries. Will the minister give an update on when those works will be completed and, indeed, when the works on the other 102 properties will be completed? We need to start moving forward. You are right in your assessment that things have been too slow, but if we are going to progress at speed, we need to know when the pilot programme will be completed.

Paul McLennan: In my statement, I made the point that the works are all in slightly different positions. I am happy to come back to you on that, and I will bring in Alan Johnston on where we are with individual cases. It depends on where things are with the SBA process and the remediation process. I think that I indicated where things are with the pathways at the moment, but we can provide more information on that to you, Ms Gallacher, and the committee. I cannot give an indication of the timescale, because it depends on the work that is required in the remediation and SBA processes. Every building is different, but I am happy to come back with more detail on that point.

I will bring in Alan Johnston.

Alan Johnston (Scottish Government): It is important to remember that the buildings that are on the pilot programme are on it because those people came forward in an open call at an earlier point in the process. It is a pretty diverse group of buildings—the buildings have different models of ownership and different natures—so it is to be expected that different buildings on the programme will take different courses.

Buildings being on the pilot programme is not the same as there being Scottish Government-led assessment and remediation. For example, local authority or RSL properties will go through a different course of assessment and remediation. A number of the buildings that clearly fit the criteria for being Scottish Government led within the scope of the Housing (Cladding Remediation)

(Scotland) Act 2024—generally, privately owned multi-owner buildings—are being taken into the SBA process. Work on 13 of those has been commissioned and is under way.

It is important to recognise that there is a further process beyond that—the pilot cleanse, which is a slightly technical term, involves going through each property to understand its specific position and where the responsibility for taking further action sits. We expect that more buildings will come through the pilot cleanse process that fit the criteria for being Scottish Government led. We think that those buildings will go into the single open-call process, along with other buildings that are now coming forward.

10:30

Other buildings will be for developers to take forward, initially. As we know, it is a fundamental tenet of the process that, when developers come forward and are willing to remediate the issues created by their use of cladding in buildings that they have developed, it is right, from a public purse point of view, that the developers take that work forward. That is the subject of the developer remediation contract. However, it is also the case that some of the 107 properties in the pilot programme are buildings that the developers are prepared to pick up.

That brings me back to the point that, when we talk about the 107 properties in the pilot programme, we are not saying that those 107 are all Scottish Government-led projects. There are also local authority and registered social landlord properties that can be considered through a single open call, or the institutional owners of those buildings can decide what steps to take with them.

The pilot programme is quite a complicated Venn diagram—if I can put it that way—of different buildings of different types that will find their own pathway through the process, reflecting their different circumstances and their different ownership. What we can say is that all the buildings on the pilot programme are on a pathway for assessment and remediation that is appropriate for them, led by the responsible owner or developer, as the case may be. That means—this brings me back to your question—that it is difficult to give the exact timescale by which work on each of the buildings will be done, because that will depend on the circumstances of the building and of the particular actor or sector that is dealing with that building.

For projects that are Scottish Government led, SBAs are being taken forward, and they either have been completed or will, we expect, be completed shortly. They will then go into the next part of the single building assessment process,

which involves deciding what work needs to be done on the buildings. Typically, there would be a design process for the remediation works, or more urgent mitigation measures might be considered if the building situation, as described in the SBA, is such that urgent measures are required. In other words, it will be clear that we cannot wait for remediation; urgent measures have to be taken. That is the process for those buildings. The design process will take a number of months before they are considered for remediation.

I appreciate that this has been quite an involved answer, but I want to make a final point about buildings coming through the parallel single open call process. Those buildings will not have been part of the pilot programme, but they will be assessed over the next few months and a number might then need to be considered for mitigation or remediation. That will generally be led by the owners of those buildings, but, in many cases, they will be supported by the Government as part of its commitments to support assessment, mitigation and remediation in various circumstances and at various stages of the process.

There will likely need to be some prioritisation process for remediation. The amount of remediation that happens will be subject to the available budget, as approved by Parliament, and it should take account of the relative risk of those buildings. In other words, the ones that come out of the assessment looking more risky than others should be given priority in the process of moving to remediation.

It is a complex process with many moving parts. However, between the assessment and subsequent design, mitigation and remediation that will take place for the Scottish Government-led projects, the developer contribution and the role of developers in that respect, and the single open call process, which has been launched and is now operation, you will expect to see a broad front of assessment, mitigation and remediation taking place over the next year and well beyond, making use of the additional budget that the minister has mentioned.

Meghan Gallacher: I appreciate the detail, because I think it important that we tease it out. I have a follow-up question. There are 107 properties in the pilot programme. Given that the programme was launched in 2021, why do we still not know, four years later, which of the properties are subject to Scottish Government-led remediation and which are not?

Paul McLennan: I will bring in Alan Johnston to respond to that question, but I have a response to it, too.

Alan Johnston: We have a good idea of those properties whose remediation would fall to be Scottish Government supported or Scottish Government led in the model that we are now taking forward. The pilot cleanse is about making sure that they are all covered and that they all have a route forward—a pathway through to assessment and remediation.

It is true that the pilot programme was a way not only of taking on board or understanding the set of buildings that needed attention but of working out how that was going to be done. That is part and parcel of a pilot process. It is fair to say that, as was rehearsed in the preparation and development of the Housing (Cladding Remediation) (Scotland) Bill at this time last year and prior to then, and in statements that the minister has made, a number of issues arose in the pilot programme that were hurdles or barriers to that approach. The most salient of those was the issue of consent, and that topic was addressed in the bill that became the Housing (Cladding Remediation) (Scotland) Act 2024. In private multi-owner properties, it could be difficult to take forward even assessment, let alone remediation, if the consent had not been obtained of the many individual owners in the property.

The 2024 act has created powers, along with safeguards in certain situations, whereby the Scottish Government will be able to direct the assessment and remediation that need to be taken forward for a particular building. That issue had to be worked through in the pilot programme and was addressed as part of the process that led to the bill becoming an act.

The second main issue that came up in the pilot programme was that of what constitutes, in the Scottish context, an appropriate assessment of an affected building. That was not entirely straightforward, because the context in Scotland is different from that in the rest of the UK with regard to what assessments are extant and appropriate for the buildings concerned. That was also dealt with—albeit less directly—through the bill process. As you will recall, the bill introduced a new measure called a single building assessment, which is a statutory assessment around which the powers of the bill are constructed. That was defined in statutory standards. Technical standards were published in June last year, and final full standards were published and brought into effect in January this year.

The pilot programme delivered two major things: understanding of the need for a statute to address the issue of consent and understanding of the need for a statute to address the consistency and validity of a single building assessment process. Following the commencement of the act on 6 January, those are now in place, and they are the

foundations for the work on the single open call and the other consequential actions in relation to the buildings that were part of the pilot programme that are now being taken forward.

Paul McLennan: A key issue is the need to look at the barriers and the challenges, some of which Alan Johnston has mentioned. One challenge related to whether the process should be Government led or developer led. We have sought to move through the process as quickly as possible, but there were a number of issues. A couple of developers had different ownership issues that had to be looked into, on which we engaged. Some developers had previous ownership structures in place when the cladding was looked at, so there was some legal work that needed to be carried out with a few of them.

We have also talked about the ability to pay, because the last thing that we wanted to happen was for developers' liability to carry out repairs to impact on their ability to continue to trade. That was a very relevant issue, which we discussed with various other parties.

The Housing (Cladding Remediation) (Scotland) Bill was important in addressing the specific issues to do with obtaining the necessary consent to move forward the process.

Another key issue was the fact that we are dealing with UK-wide companies, which needs to be considered in the context of the SBA process. Scotland has a slightly different tenure system, and we need to consider how that works with what is being done in the rest of the UK. We wanted to make sure that we engaged with UK-wide companies on that point. My officials and I had meetings about that with nine or 10 of the biggest developers in the UK that operate in Scotland. The developer remediation programme, which we have just about concluded with developers, is very similar.

It has been a case of getting the right structure in place to enable us to move forward. I think that we are now at that stage, and we are trying to progress that through the open call.

We have done a lot of the groundwork, but I acknowledge that it has been slow to get to where we are. The budget that we have set aside for this year gives confidence that we will spend much more money on that. We have put in place all those bases, removed as many of the barriers as possible and got agreement from the developers on how we progress to make sure that we do it in a way that is not divergent from the rest of the UK. We will get the properties remediated as soon as possible, because this impacts people, and that is the most important thing.

We are trying to progress the pace as quickly as possible. All the stepping stones that we have put

in place will allow us to do that, as well as the single open call, which I have progressed. As I have said before, progress has been far too slow, but I am confident that the pace will now increase.

Meghan Gallacher: I appreciate the explanation, but, having asked two questions, I still do not know how many buildings will be subject to Government-led remediation.

Paul McLennan: I am happy to write to you to try to provide more clarity on that. As I said, there is complexity in that the buildings are all slightly different. We all want the remediation to be concluded, progressed and moved on as soon as possible. I am happy for Alan Johnston to drop you a note on the specific points that he mentioned in his contribution.

Meghan Gallacher: Thank you.

The Convener: Before you go on to your question on assessors, Meghan, I have a supplementary question. It would be helpful to understand how the Government is tracking, reporting on and monitoring the pilot programme. We had a wonderful, complex description from Alan Johnston, which was very helpful. How are owners and developers keeping the Scottish Government up to date on how things are developing?

Paul McLennan: I have regular meetings with colleagues on the various states of programmes in the pilot and on any other issues that come up. I will bring in Alan Johnston on the point about day-to-day work.

Alan Johnston: I will try to be brief. On the developer dimension, there is a wider context to the developer remediation contract, which, as members know, is approaching the point of signature. Significant progress has been made on the key heads of terms of that agreement. Although we are not there yet, we are hopeful that we will be very soon. On the back of that, there will be a process on information that is being provided by developers and engaging with developers on information about what they are doing to take forward their commitments under the developer remediation contract. We would expect that to be where developer-led properties in the big pilot programme set would be picked up and reported on.

Similar arrangements are in place for the different buildings in the programme. The Scottish Government led on and is taking forward that process and we are fully aware of the issues. There might be some buildings that are transferred across to a single open call and then become owner led, and there will be arrangements for tracking and reporting. The Government is committed to report regularly to the Parliament on the progress that is being made across that range

of buildings—indeed, there are provisions in the Housing (Cladding Remediation) (Scotland) Act 2024 on that.

We have not yet touched on social housing. That is a whole other dimension, and we are now seeking updates from local authorities on buildings that they own that were identified in the previous high-rise inventory exercise and the high-pressure laminate exercise. We are aware that action has been taken across a range of different buildings in that set and we would expect that to be included in our further reporting on the state of the programme.

The Convener: Okay, that was very helpful—thanks.

Meghan Gallacher: I will now move on to assessors and assessments. How many qualified assessors work for the companies that are contracted by the Scottish Government to conduct single building assessments? On average, how many assessments will they be able to complete each month?

Paul McLennan: More generally, I know that the issue has been raised in the committee and in the Parliament before. On the back of the statement on the Grenfell tower inquiry, there is much broader awareness of that. We contract with companies as part of the Government-led process. We have 13 SBAs in process just now.

I have asked the question, as have many others, and we have not been made aware of any issues in companies' capacity to participate, but we will continue to monitor that as part of the cladding remediation process. As part of the broader process, SBAs are going ahead. It is a UK-wide issue, so UK companies are dealing with that as well.

10:45

I ask Stephen Garvin to talk about the broader issue around SBAs and fire engineers. I might ask Alan Johnston to comment on the more specific cladding issues. I note that those two aspects cannot be separated.

Stephen Garvin: Both the Grenfell inquiry report and the Scottish Government's response to it covered elements of fire engineering, and capacity in the market was part of that. The Grenfell report was primarily about regulation of the profession and ensuring that fire engineers were appropriately qualified and that there were sufficient training opportunities for them, whether through university courses or other forms of training. How the Scottish Government proposes to take forward regulation of the profession is something that it is picking up with the UK Government, but it is also speaking with relevant

stakeholders in Scotland, including the Institution of Fire Engineers, about those matters. I will hand over to Alan.

Paul McLennan: Before Alan comes in, it is important to note the broader concept of fire engineers' work in relation to Grenfell.

I ask Alan to cover the specific work that we are engaging on, because SBAs are about more than just fire engineering.

Alan Johnston: As the minister said, the Scottish Government is contracting companies to carry out single building assessments. To date, we have not encountered issues of significant lack of capacity acting as a constraint on the assessments that we have taken forward under the Scottish Government-led route. We intend to put out a single open call in order to drive a fairly substantial increase in the amount of assessment that is taking place, and we will have to see whether any capacity issues arise. We do not anticipate that they will, partly because this is not a Scotland-only market. It will be for contractors to manage their capacity in response to the demand that we hope and expect the single open call process will create.

I was going to say that we are entering a new era, but that might be going a little far—we are in a new stage in the process, and we expect substantial amounts of assessment, followed by mitigation and remediation. We will have to be on the ball about how that is going and about any issues that arise. We cannot expect everything to run entirely smoothly. This is a new stage in the process, and we will need to be ready for any issues that arise.

Meghan Gallacher: Okay. We know that the open call will be extended until June. I must admit that I was hoping for more information on the time frames, the scope and the numbers. I have not received that from the minister this morning. It would be really helpful if he could provide that information to the committee at the earliest opportunity because I think that that is what people need at this point, which is eight years down the road from when Grenfell happened.

I want to know about the assessed capacity of developers to undertake remediation work while still meeting new building targets. We are, of course, in a housing emergency, and it is appropriate for us to look at the need to build more homes—on which I am sure that we are all in agreement—and to make sure that developers are carrying out important remediation work at the same time.

Paul McLennan: I will comment on the broader issue of the construction sector in the UK. All Governments in the UK are looking at that, because we know that the average age of people

working in the construction sector is 58 or 59. All Governments have to pick up that, and they have done so over a period. The member raised a really important point.

The committee has heard from Stephen Garvin and Alan Johnston on the capacity of the sector to deal with Grenfell and cladding issues. We are pretty confident about current capacity, but the broader issue around the construction sector is important, because we have an aging construction sector at an important time. All Governments in the UK are picking up and are working collectively on that.

On some of your other points, we have talked about going through the pilot programme. We will come back to you on that and be as specific as we possibly can.

On the open call, we mentioned that there are 32 expressions of interest. An SBA normally takes eight to 10 weeks to deal with, and we are engaging on that. We are planning to launch stage 2 before a number of the SBAs are completed, so it will almost run into that process and flow from there. One of the key issues, as we have learned, is to make sure that the process moves as quickly as possible, hence why we are launching stage 2 in June.

I would imagine, given the response that we have had, that the number will continue to grow beyond 32. The SBAs will be carried out and we will see what remediation work is required beyond that. The intention is to move on that as soon as possible.

I am happy to keep the committee up to date with the number of open call expressions of interest that come through, with the caveat that we will have to check them against the criteria and so on. I am happy to come back to or to write to the committee on that point, but the intention of bringing forward stage 2 in June is to undertake it as soon as possible, and for us to then move on to the remediation process as well as on to what we are doing through the pilot programme. It is a moveable feast—that is the best way to describe it. We are happy to come back to the committee or to write to Ms Gallacher on that point.

Meghan Gallacher: Thank you.

Finally, we have spoken a lot about homes this morning, but there are issues with other buildings such as hotels, hostels and boarding houses. The UK Government consultation on and review of the ban on the use of combustible materials in and on external walls of buildings said that those types of buildings could present an equivalent or greater sleeping risk and, as such, should be captured within a ban on combustible facade material. Is the Scottish Government supportive of that approach and are you taking that forward?

Paul McLennan: That was one of the key things from Grenfell, and there have been close governmental discussions on that and on cladding.

I will bring in Stephen Garvin on that broader point and then Alan Johnston in relation to the discussions, because it is being discussed on a UK-wide basis.

Stephen Garvin: On hotels and other residential accommodation, we recently had a consultation on fire safety matters, which included the question of whether to extend the ban on combustible cladding to such buildings. We are currently having the responses to that consultation analysed, and we expect to make recommendations to ministers on that matter later this year.

We recognise the issue and we are engaging with colleagues in other parts of the UK on it.

Paul McLennan: Alan, do you want to add anything on the discussions we have with UK Government colleagues on cladding?

Alan Johnston: We have pretty good relations with UK Government colleagues on cladding. They published their own remediation acceleration plan in November, which was useful to see in framing our own action. Generally speaking, we have a good relationship there.

Stephen Garvin dealt with the question about legitimate materials for certain buildings.

Paul McLennan: I am happy to come back to the committee and Ms Gallacher on that point as it develops. We are working very closely with the UK Government on the actions following Grenfell, so there will be on-going discussions on that.

The Convener: Thank you. Before I come to my few remaining questions, I will go back to Meghan Gallacher's question about assessors and assessments. Alan Johnston, you said that the Government will have to keep its eye on the ball. Will you explain how you will do that—how will you monitor and track that? We have a complex picture with Government-led and developer-led approaches, the single open call and movement in between, it seems. Some kind of diagram—perhaps a Venn diagram—might be useful at some point.

What will you do to keep your eye on the ball?

Alan Johnston: There are two things. If there were issues with capacity, we would find that out pretty quickly, because things are being commissioned and we would find out at the stage when people come forward—or not—to bid for the contracts for assessment. However, we would rather find out sooner than that, which we would do via our regular contact with industry representatives, including developers, assessors

and fire engineers. We seek to maintain a feel for what is happening in the sector through them.

Paul McLennan: I will bring in Stephen Garvin on that point, because there is broader building safety work that is being done around capacity.

Stephen Garvin: There is not too much more to add to that, minister. Following the response to the Grenfell inquiry, we continue to engage with the relevant parts of the sector and industry, including developers. Our current energy review standard is unlikely to be introduced before 2028, but we will be looking to publish it and the related guidance in the early part of next year. We try to signal such changes as far in advance as possible.

Paul McLennan: As part of our response to the Grenfell inquiry, we pulled together a group of experts in the sector to look at our response and to address the issues. That was an issue that the group picked up. We remain confident about our position going forward. We will engage with the UK Government and other Government colleagues as well as the sector as we progress with our response to the Grenfell inquiry.

The Convener: As I said, I have a few remaining questions. The Scottish safer buildings accord was launched almost three years ago, and yet the main element, which is the developer remediation contract, is yet to be signed by a single developer. I would be interested to understand what sticking points have prevented agreement between developers and the Scottish Government.

Paul McLennan: I will bring Alan Johnston in, because he has been involved in the discussions. It is safe to say that those discussions have been very good and there are now minor things that we need to tie up. As discussed during previous committee sessions, the process, as with the SBA, has been about engaging with developers to ensure that their concerns were picked up uniformly. I have met developers individually and collectively as we developed the developer remediation contract and we are very close to getting it signed. Although there is some commercial confidentiality in the process, it is important to say that discussions have been collaborative and I thank the sector for its efforts so far.

The Convener: Alan Johnston, just before you respond, I will tuck in a supplementary question. How does the Scottish Government's approach differ, or not, from that of the UK Government, which was able to reach an agreement with developers?

Alan Johnston: Those issues—the fact that it has taken so long to get to this point with the contract and Scotland's position as opposed to that of the rest of the UK—are linked. The key

point is that, in substance, the most recent discussions with developers have been about things that are in the standards and the Housing (Cladding Remediation) (Scotland) Act 2024 or relate to its implementation. We could not have realistically signed a contract or an agreement with developers until the complete statutory framework was in place, because the terms have a bearing on what will be expected of developers and the Government. That is another example of where we had to cover the ground with the 2024 act and the standards before we could finalise the contract. I think that we are at an advanced stage now and we are hopeful that we will reach agreement quickly.

That is relevant to the point of comparison with England, too. Believe it or not, it is true to say that we have tried to keep the process as simple as possible. We have tried to be as consistent as we can with the approach that is taken in England, which involves recognising that the developers are UK-wide enterprises for the most part. It would not be efficient or helpful to have major or unnecessary differences in Scotland.

11:00

However, the approach is different in Scotland. We have different legislation, a different tenure system and a different model of assessment. It has to be Scotland-specific to an extent, because that is the context in which developers will be carrying out that work. The 2024 act and the standards are the way that they are in Scotland for good reasons, which are specific to Scotland. We have tried to keep the approach as consistent and simple as we can, but Scotland has had some necessary differences that we have had to work through with the developers, which is why we are where we are now.

Paul McLennan: It has all been very constructive. We can write to the committee when the contract is agreed.

The Convener: It is good to get that clear. I want to bring in an overarching topic that we discussed when we took evidence in our first session on cladding, many years ago. I think you will remember it, minister—it was an unusual session in the Burns room.

A few things came up. One idea was to have a kind of MOT around the maintenance and operations of buildings, and that buildings need to be regularly checked. The other thing that came up at the time was how we track what materials are being used in buildings. The discussion demonstrates the difficulty of going back to find the buildings, putting out the open call, getting people to come forward and identifying the problem areas. Is that something that the

Government is looking into or would consider looking into?

Also, what action could we take—this came up in evidence—to prevent developers from using experimental or inadequately tested materials as a potential cost saving as part of whatever they are developing? How do we make sure that developers build buildings with materials that we can say are future proof, so that safety is inbuilt in the first place?

Paul McLennan: The first issue comes back to the cladding assurance register, what happens once a building has been remediated and what we do going ahead. I will bring Alan Johnston in on that particular point. The second point is incredibly important, and it was one of the main issues—if not the main issue—that came through in the Grenfell inquiry. That is a reserved matter, and the UK Government has a green paper out on construction product regulation, but we are working very closely with it on that particular point.

I will bring in Alan Johnston on the cladding assurance register, which was set up and designed to pick up on the particular issue that you were talking about. I will bring in Stephen Garvin on the second point, which came out of the Grenfell inquiry and is really important.

Alan Johnston: The cladding assurance register is now a thing: it has existed since 6 January. It is designed so that buildings go on to the register when an SBA has taken place. However, further down the line—this is sometimes forgotten about—a kind of end-of-process SBA will also take place in order to confirm that the work has been done and that the issues that were addressed in the initial SBA have been dealt with. It will be a great day for the programme when we start to get many such SBAs being recorded on the register.

As the minister has said, in the context of the ways by which remediation has taken place, such as one form of material having been replaced with another, such issues would be dealt with by the existence of the register and, crucially, the end-of-process SBAs, as it means the buildings would be confirmed on the register as no longer facing any cladding-related issues.

Paul McLennan: I will bring in Stephen Garvin on the other point, which is the most important to come out of the Grenfell inquiry.

Stephen Garvin: As the minister said, a green paper consultation from the UK Government on construction product regulation is out at the moment. The Grenfell inquiry exposed the current system's failures and the ability of manufacturers to game the system and be dishonest when developing markets. It showed that the system as a whole had broken down.

The responsibility for construction product regulation sits with the UK Government. For us, it is important, particularly for the value of our building standards system but also for the cladding remediation programme, that the materials that are delivered to site and ultimately used meet the specification and that they perform to the level that manufacturers advertise through their trade literature and their third-party certification schemes. Having a robust set of standards to test materials and a robust construction product regulation system is very important. It gives us confidence that buildings will be safe.

There are matters relating to how products are used on site and how they are put together. We see some of that coming through in cladding, with some of the investigations showing that things might not have been constructed as they should have been. Quality control around that is important.

Through the building standards futures board, we are working to improve compliance and enforcement. Next year, we expect to come forward with a new approach for compliance assessment, particularly for higher-risk buildings, and for that to be embedded in the building standards system, ultimately.

The Convener: That is very helpful. Thanks for flagging up the green paper consultation, which is quite interesting. To what extent does the Scottish Government engage with that kind of consultation? Are you contributing to it in some way?

Paul McLennan: When the new UK Government came in, one of the key things for me was to ensure that there was a four-Government response, which is really important. Initially, we had a discussion with the UK Government minister to say that we needed to work together more closely. We also had a meeting before the Grenfell inquiry report came out. In addition, I think that an intergovernmental meeting is coming up.

The issue of cladding, and Grenfell in particular, is being discussed at ministerial level. We have all given our reassurance that those discussions will continue, which has been welcomed. Officials are working very closely on the approach.

Stephen Garvin: Last week, the UK Government organised a session with us, Wales, Northern Ireland and other regulators. I was not able to attend, but I will be catching up on that with colleagues soon. We are looking to that on-going engagement to understand the changes that will ultimately be brought forward.

We reference construction product regulation in the building standards technical handbooks, and we want to keep that guidance and information up to date.

It is also important for those in industry, when they are specifying materials that they are using, and for building standards verifiers, to be able to interpret third-party certification or product manufacturers' information on materials. We will be working with the Scottish building standards hub, and we will perhaps look at training for verifiers in that area. That is something that we will be looking to take forward post-Grenfell.

Paul McLennan: The Grenfell response has come out, but there is work beyond that. I am happy to keep the committee up to date, if members think that that would be relevant.

The Convener: Yes, certainly. The tragedy of Grenfell has catalysed our understanding that there is a bigger picture to which we need to pay attention.

That brings us to the end of our questions. Many thanks to the minister and his officials for their evidence.

As we have previously agreed to take the next items in private, I now close the public part of the meeting.

11:09

Meeting continued in private until 12:00.

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