

# Local Government, Housing and Planning Committee

**3rd Meeting, 2024 (Session 6), Tuesday 23 January 2024**

## **Housing (Cladding Remediation) (Scotland) Bill**

### **Evidence sessions with Owners and Residents and Developers**

#### **Introduction**

1. The purpose of this paper is to provide information for the Committee's first evidence session with stakeholders on the Housing (Cladding Remediation) (Scotland) Bill ("the Bill").
2. The Bill and its accompanying documents are available [online](#).
3. At this session on the Bill the Committee will firstly hear in a roundtable format from residents and owners and groups representing those residents and owners of properties affected by potentially flammable cladding systems.
4. Specifically, the Committee will hear from:
  - David Jones, Senior Associate, Taylor and Martin and representative, Queensborough Owners and Residents Association;
  - Chris Ashurst, Group Co-ordinator, High Rise Scotland Action Group;
  - Sean Clerkin, Representative, Scottish Tenants Organisation;
  - Perry Jenkins, Owner of affected property;
  - Alan Millar, Owner of affected property;
  - Jodi Terras, Owner of affected property;
  - Stefano Pessina, Representative, Mizu Tenants Committee;
  - Paul Turnbull, Representative, Cladding Working Group
5. Submissions to the call for views from participants can be accessed via the following link:

[https://yourviews.parliament.scot/lghp/housing-cladding-remediation-bill/consultation/published\\_select\\_respondent? b\\_index=0](https://yourviews.parliament.scot/lghp/housing-cladding-remediation-bill/consultation/published_select_respondent? b_index=0)

6. In support of his appearance Paul Turnbull has provided additional written evidence, which can be found at the annex to this paper.

7. The Committee will then hear, again in a roundtable format, from the following developers or representatives of developers:

- Stephen Andrew, Group Technical Director, Taylor Wimpey;
- Julie Jackson, General Counsel and Company Director, Miller Homes;
- Fiona Kell, Director of Policy, Homes for Scotland;
- John Low, Chief Executive, Robertson Homes Ltd;
- Kieran Walker, Senior Technical Director, Barratt Developments plc.

8. This is the Committee's second evidence session on the Bill. The Committee previously took evidence from the Bill Team at the Committee's meeting on 12 December 2023. The Official Report of the meeting can be accessed at the following link: [Official Report \(parliament.scot\)](#)

## Background

9. In the early hours of Wednesday 14 June 2017 a fire broke out in the kitchen of Flat 16 of the 24 storey tall Grenfell Tower, a residential building located in North Kensington, West London. The tower was originally constructed of reinforced concrete and designed to contain fires within the flat in which they originated long enough for the fire brigade to attend and extinguish any blaze. However, the building had recently had a cladding system added, which comprised combustible foam insulation boards attached to the outside of the concrete structure. These were protected from the weather by aluminium composite material panels, the core of which was highly combustible.

10. The fire, which should have been contained within the confines of Flat 16, escaped from the kitchen into the external envelope of the building. Firefighters attended the fire and within minutes of their arrival had extinguished the fire within the kitchen of Flat 16, but by that time the fire had already escaped into the cladding where they were unable to fight it successfully. Once established within the cladding the fire spread rapidly up the outside of the building. Within 20 minutes a vertical column of flame had reached the top of the building on the east side from where it progressed around the rest of the structure, so that within a few hours it had engulfed almost the whole of the building.

11. The fire claimed the lives of 71 people who were present in Grenfell Tower that night.

12. The circumstances of the fire have been, and continue to be, explored by the Grenfell Tower Inquiry, established by the UK Government in August 2017 and chaired by The Rt Hon Sir Martin Moore-Bick.

13. In addition to the public inquiry, the Scottish and UK Governments initiated several reviews of fire safety and building standards following the Grenfell Tower fire. Significant developments in Scotland, relevant to the Bill, since June 2017 are very briefly described below:

14. **Ministerial Working Group on Building and Fire Safety:** Established in June 2017 in the immediate aftermath of the Grenfell Tower fire, this stakeholder group has overseen reviews of building standards and fire safety frameworks, regulations and guidance. Key outputs include:

- the introduction of a statutory requirement for smoke and heat alarms to be fitted in all homes
- changes to fire safety related Building Standards for high-rise buildings that were agreed by the Scottish Parliament in 2022 and are now in force
- revised procedural guidance for building standards officers
- the establishment of several long-term groups/boards to consider building and fire safety issues.

15. **Inventory of High Rise Buildings:** The Ministerial working group quickly established that there was no central source of standard information on Scotland's high-rise domestic buildings, which hindered any national assessment of what action needed to be taken to rectify potential fire safety defects and the likely costs. The Scottish Government commissioned consultants to develop a High-Rise Inventory (HRI), a summary of which was published in November 2021. This reports that there are 780 high-rise buildings in Scotland (buildings with a storey height of 18 metres or more above ground), which are spread across 15 local authorities – although 49% are found in Glasgow. In total, there are 46,616 flats within these high-rise buildings. 38 buildings are clad in Aluminium Composite Cladding (ACM), 23 of which are clad in the highest risk "Category 3" panels.

16. **Zero valued homes and EWS1:** The issue of "zero valued homes" first arose in December 2018 when the UK Ministry for Housing, Communities and Local Government issued an advice note to anyone responsible for, or advising on, the fire safety of potentially combustible external wall systems on high rise residential buildings. The introduction of this advice, since superseded by Scotland-specific advice issued in August 2021, has led to some mortgage lenders refusing to provide loans for the purchase of flats in high rise buildings unless there is proof that they meet the requirements set out in the advice note. Where such proof is not available, surveyors could value such properties at £0 for lending purposes. This obviously has implications for home-owners, those wishing to buy and the operation of the wider housing market.

17. It quickly became apparent after the publication of the first advice note that there was no standard process for assessing the fire safety of existing high-rise properties that would satisfy the needs of home owners and financial institutions. The Royal Incorporation of Chartered Surveyors (RICS), working with the Building Societies Association (BSA), and UK Finance then developed an industry-wide valuation process aimed at resolving this issue (known as EWS1).

18. It is important to note that the EWS1 system is not a statutory requirement. It was created to standardise fire safety assessments for buildings with external wall cladding systems to allow financial institutions to issue mortgages and insurance.

19. **Ministerial Working Group on Mortgage Lending and Cladding:** Established by Scottish Ministers in 2020, this working group investigated possible solutions to the issue of zero-valued homes. Reporting in early 2021, the group's key recommendation was the eventual replacement of the EWS1 with a Scottish Government backed Single Building Assessment.

20. **Single Building Assessment:** The Scottish Government announced the establishment of a Single Building Assessment programme in March 2021. The aim being to offer free fire safety assessments for all affected buildings – paving the way for publicly funded remediation work on buildings found to have unsafe cladding systems.

21. The Cabinet Secretary for Social Justice, Housing and Local Government wrote to the Local Government, Housing and Planning Committee on 27 March 2023, including an update on the Single Building Assessment programme, the key information being:

- "...three Single Building Assessments are being commissioned in partnership with developers. Fourteen Single Building Assessments have reached a reporting stage and remediation has started on one building."

22. Scottish Government figures, updated in September 2023, show that 105 buildings are currently part of the Single Building Assessment programme.

23. A further update was provided to the Committee by the Bill team at the Committee's meeting on 12 December:

"We have formally commissioned 27 building assessments. We now have 16 of those at substantive reporting stage. We have remediation under way in one building and mitigation in a second building. We have a commitment to ensure that all of those 105 are on a pathway to a single building assessment by next summer. That is set out in the mandate letter from the First Minister to the cabinet secretary, and we are taking steps to ensure that the mandate is met.

24. **Scottish Safer Building Accord:** The Scottish Government announced the creation of the Scottish Safer Building Accord on 12 May 2022, which the Cabinet Secretary described as:

- “It is my clear expectation that developers linked to buildings with problematic cladding will fund remediation where this is identified. That will ensure that when public funds are needed to be spent, we can use them to focus on buildings and works where a developer cannot be identified or no parent developer exists. The creation of our Accord with the housebuilding sector and homeowners will form the basis of a way to address each building’s needs. However I want to also make clear that if required, I will make full use of the powers available to us to bring parties to the table, including if necessary, using legislation to do so.”

25. The Cabinet Secretary's letter to the Local Government, Housing and Planning Committee on 27 March 2023 provided a progress update on the development and implementation of the Accord, which stated:

“Unfortunately, there remain a small number of outstanding, but critical issues on which we have not been able to agree. The main point of impasse being an unwillingness of developers to accept the need to work to legal Scottish Building Standards. Developers want to apply a single approach to Building Standards across the UK even when remediating buildings in Scotland.”

26. The Cabinet Secretary provided an update on the progress of the Accord in an answer to a parliamentary question issued on 25 May 2023, which indicated that:

“The Scottish Government is determined to ensure that buildings with unsafe cladding are remediated and that developers meet their responsibilities. The Scottish Government has been working closely with Homes for Scotland and the 10 largest developers who work across the UK (wave one developers) to agree a Scottish Safer Buildings Accord. We have now reached an in-principle agreement with Homes for Scotland and a number of those wave one developers on the Accord. This is an important step in the process. We will now move to agree the long form legally-binding contract to support the remediation of developer linked buildings with unsafe cladding. We will continue to engage with the remaining wave one developers to address outstanding technical questions and open discussions with the smaller and medium sized developers on their responsibilities. We are continuing to explore legislative options to safeguard residents and homeowners.”

27. Those "legislative options" have been developed into the proposals in the Bill.

## **The Bill**

28. The Bill is split into five parts, these are:

1. The Cladding Assurance Register.
2. Powers to assess and address danger.
3. Offences under parts 1 and 2.

4. Responsible developers scheme.
5. Interpretation and final provisions.

29. The following section provides a short overview of the provisions set out in each part of the Bill. A detailed description can be found in the [explanatory notes](#), produced by the Scottish Government, which accompany the Bill.

30. **Cladding Assurance Register:** Scottish Ministers will be required to maintain a Cladding Assurance Register. Every building subject to a Single Building Assessment will have an entry in the Register, which will set out the results of that assessment and any remedial work carried out. It will be an offence to give false or misleading information to a person conducting a Single Building Assessment or Scottish Ministers, where this information would result in an inaccurate entry in the Register, or an entry not being created where it otherwise would.

31. **Powers to assess and address danger:** Scottish Ministers will have the power to arrange for a Single Building Assessment to be carried out, subject to owners and occupiers receiving seven days' notice. An Assessment cannot be carried out during that notice period without the consent of the property owners.

32. Scottish Ministers will have the power to require any person to provide them with information that is reasonably required for the purposes of conducting a Single Building Assessment or for entry into the Cladding Assurance Register. It will be an offence, without reasonable excuse, not to supply such information when required.

33. Scottish Ministers will be able to arrange for remedial work identified by a Single Building Assessment to be carried out. Such work cannot begin before the expiry of a 21-day notice period, where owners and occupiers are notified of proposed works.

34. The only exception to this is where urgent work, required for the protection of human life, is required. In which case, Ministers should give such notice as circumstances permit. Property owners will be able to appeal to a Sheriff against proposed non-urgent remedial work. Any appeal must be submitted within 21 days of receiving notification. The Sheriff may allow the work to proceed, allow some of the work to proceed, or prevent the work from proceeding. A Sheriff has 21 days in which to decide an appeal. If a decision is not made within that time, then the work may proceed.

35. Scottish Ministers will have the power to require the residents of premises clad in potentially flammable material to evacuate the premises in two circumstances:

1. A Single Building Assessment identifies a substantial risk to the occupant's lives related to the cladding system. The requirement to evacuate can be given in writing or verbally. Occupants can be asked to evacuate immediately.

2. Occupants may be endangered by remedial works identified as necessary by a Single Building Assessment. Notice to evacuate must be given in writing, allowing at least 14 days before residents are required to leave.

36. It will be an offence to occupy a property which should have been evacuated. Scottish Ministers will be able to apply to a Sheriff for a warrant to eject occupants who refuse to leave a property when required.

37. A person conducting a Single Building Assessment or undertaking remedial work is entitled to do anything reasonably required to carry out that work, subject to requirements that include giving at least 24-hours' notice of their plans, carrying out works at a reasonable time of day and ensuring premises are secured when they leave. Forced entry is only permissible once Scottish Ministers have obtained a warrant and only in certain specific circumstances, including where entry has been refused, or is expected to be refused, the premises are unoccupied, the owner is temporarily absent, or the work is urgent.

It will be an offence for a property owner, occupier, or other person on the premises to obstruct or fail to assist, when requested, a person undertaking a Single Building Assessment or remedial work.

38. Scottish Ministers will have powers to require the owners, occupiers and those who receive rental income from a property to supply information necessary to allow them to issue notices relating to Single Building Assessments and remedial work. Failure to supply such information will be an offence.

39. **Offences under Parts 1 and 2:** Senior office holders in a company, partnership or other body found to have committed an offence under Parts 1 and 2 of the Bill can also be held personally culpable, where the commission of that offence involves their consent, connivance, or neglect. As is usual, nothing in the Bill makes the Crown criminally liable.

40. **Responsible Developers Scheme:** Scottish Minister will have the power to establish one, or more, Responsible Developers Schemes, the purpose of which is to:

"...secure that persons in the building industry address, or contribute towards the costs of addressing, risks to human life created or exacerbated (directly or indirectly) by the external wall cladding systems of buildings that are wholly or partly residential."

41. Details about scheme membership, who should operate the scheme(s), membership charges and processes will be established in separate Regulations, which will be the subject of the affirmative parliamentary procedure. Sections 21 to 24 of the Bill "elaborate" on the provisions that will be set out in these Regulations. This "elaboration" includes the following points:

- Membership of a Scheme will be open to any developer that has a connection to a building that has problematic cladding, which is defined as being an external wall cladding system identified by a Single Building Assessment as creating or exacerbating a risk to human life and that work is required to eliminate or mitigate that risk.
- Membership of a Scheme may include conditions requiring the carrying out of Single Building Assessments, contributing to the cost of remediation work, and providing information to Scottish Ministers and others.
- There will be a right of appeal against decisions taken by the operator of a Scheme regarding joining, leaving or expulsion from that Scheme.

42. Regulations will allow Scheme operators to add a developer that meets the criteria for Scheme membership but choose not to join to a "prohibited developers list". A right of appeal would be created for those aggrieved at being added to such a list. Inclusion in a list could result in:

- A developer being prohibited from carrying out any development.
- A developer being prohibited from carrying out development of a kind specified in Regulations.
- A local authority building standards department being prevented from awarding or amending any application for building warrant submitted by a developer on the list.
- Any submission of a completion certificate to a local authority building standards department from a developer on the list being rejected.

43. New offences would be created for breaching a prohibition on undertaking development, the maximum penalties being £50,000 on summary conviction and an unlimited fine following conviction in indictment.

44. **Interpretation and final provisions:** The key element of this Part is the definition of a Single Building Assessment. This is defined as an assessment of a flatted building that stands at least 11 meters above ground level and has an external wall cladding system. The building must contain at least one dwelling and have been built between 1 June 1992 and 1 June 2022. The assessment must consider any risk to human life created or exacerbated by the cladding system and identify what work (if any) is needed to eliminate or mitigate that risk. The assessment must be conducted by a person authorised to do so by Scottish Ministers and in accordance with standards specified by Scottish Ministers.

45. This definition can be amended through Regulations by Scottish Ministers, subject to the affirmative procedure, but not to include non-domestic buildings or buildings that do not have an external wall cladding system.



46. The provisions of the Bill will come into force on a day(s) that Scottish Ministers specify in Regulations.

### **Next steps**

47. This is the first of three meetings taking evidence on the Bill. At its meeting on 30 January the Committee will hear from fire safety experts, surveyors, insurers and lenders. It will conclude its evidence taking on the Bill on 6 February when the Committee will hear from the Minister for Housing.

**Clerks to the Committee and Alan Rehfisch, Senior Researcher, SPICe  
January 2024**

**Annex**

**Pre meeting document from Paul Turnbull, the representative from an Owners’ Working Group, living in a flat affected by suspect cladding**

This document provides information about the “lived experience” of a group of owners who have worked for 4 years trying to push for a resolution for their predicament caused by suspect cladding on their building.

The document also provides a few comments on the Housing Cladding Remediation Scotland Bill, highlighting some aspects and making additional relevant comments.

The document also makes further suggestions and makes some pleas relating to our particular case.

I would be happy to respond to questions from MSPs and to expand on the points raised in this note.

**Lived experience**

We provide a chronological summary of our work on the cladding issue over 4 years in an appendix to this note. The following is a very high-level summary to give MSPs a quick flavour of our frustration over progress so far.

|                                |   |
|--------------------------------|---|
| January 2020                   | One owner encounters the new requirement to confirm the fire safety of the building and is unable to sell the flat.         |
| February 2020                  | Owners’ Working Group set up  |
| February 2020 to July 2021     | Detailed and extensive research and engagement with the Local Council, the Scottish Government, our architect and developer |
| July 2021 to September 2022    | SBA commissioned and completed  |
| September 2022 to January 2024 | No progress   |

**Key points relating to the Bill**

***Individuals will be required to support the remediation.***

The Bill proposes essential legislation to allow the Government to enforce the SBA requirements and remediation requirements. This is important to ensure that small minorities of owners do not obstruct work to benefit everyone (including the minorities).

Indeed, without this legislation, any one individual may have the right of veto over any remediation proposals. Hence, we fully support this.

***Requiring developers to remediate buildings that they built. Legal recourse ineffective***

The Bill proposes legislation and regulation to ensure that developers accept their responsibilities for the non-compliance that they introduced in their developments. We have considered legal recourse for the compliance failures of our building, and we believe the failures of the architect and developer are very clear. However, even with our seemingly very strong case there are insurmountable practical problems to using the courts to obtain a just outcome. We strongly support the mechanism to bring developers to account as the only practical way of forcing them to accept their clear liability. We would also strongly encourage a far more effective compliance regime going forward; much stronger than is proposed in the current Enforcement and Sanctions Consultation.

***List of safe high-rise buildings***

The Bill proposes a reliable process for listing high-rise buildings that have been made compliant or confirmed to be compliant. Once accepted by insurers and lenders, this should remove any concern over a building and ensure consistency of the confirmation of compliance. Hence, we fully support this.

***Speed of remediation***

Clearly, the proposed legislation will speed up the remediation process but there is a lot more speeding up to be done if this is to be sorted by the end of this decade. Established Government project management and cost approval processes need to be reconsidered.

**Other Comments**

***Not our fault***

We did not design these buildings.

We did not build these buildings.

We were not responsible for monitoring and ensuring compliance with building regulations.

We did not enact ineffective building legislation.

We did the expected due diligence, using the process the Government established to protect the public interest, before buying the property.

We are suffering from the spectacular failure to protect the public interest, caused by multiple parties but in no part caused by ourselves. This has resulted in the complete loss of control of our major asset, and added a risk to life for many years, potentially a decade or more. No person on this Committee would want to be in this position and it is imperative that this be resolved quickly for everyone affected.

***Our major assets are frozen LONG-TERM.***

Our major asset has been frozen for 4 years and at the current rate of progress we cannot see this being resolved for another 5 years or more. This is completely unacceptable. Not

even Vladimir Putin's oligarchs have suffered this draconian duration of asset freeze, and we are not a threat to our State!

***Rental income is taxed, penalising owners trying to escape the asset freeze.***

Value can be realised from these properties by renting them out. However, any rental income is taxed, most likely at 20% or 40% or possibly more. So, it is not possible to rent an alternative property of equivalent rental value without incurring an additional tax cost. This just adds insult to injury.

***Factors are not part of the solution.***

In our opinion, our factors are not resourced or sufficiently knowledgeable to undertake any aspect of the cladding investigation and remediation work.

***Grants for owners for remediation are not part of the solution.***

In our opinion, grants are not the way forward because owners do not have the knowledge, skill or time to commission cladding investigation and remediation work.

***The Government needs to find faster processes to speed up remediation.***

In our case, and since we are designated as an orphan building, we would suggest that the replacement of the cladding be progressed as soon as possible. Whilst this is in progress, any further investigation could be done to understand the outstanding remediation needed for specifying further work. This would remove the major fire risk issue, leaving relatively simple further activity to be specified and remediated during the ongoing work. Unfortunately, we have been unable to discuss this creative approach with the Cladding Remediation Division.

***The Cladding Remediation Division need to communicate and engage.***

The Cladding Remediation Division needs to work positively with owner groups, even when there are objections from individuals within a building. It is essential to work effectively with those seeking to support the Government's remediation efforts.

In our particular case, we would like to discuss project management plans, as well as be involved in the ongoing remediation process. This could encourage the Government to find ways of speeding up this process, by using all available resource in addition to their own.

***Lender security is no longer at risk so they should lend.***

As a reserved matter, Westminster needs to find a way to ensure lenders resume lending on these properties, on reasonable terms, in Scotland. Now that Scotland has committed to funding cladding remediation through the use of developers or through Government provided funding for orphaned buildings, there is no longer any security risk from this source when lenders consider a flat for a mortgage. Hence, the only rationale lenders now have for rejecting mortgages on these properties is to encourage Governments to progress the remediation. We do not appreciate being used by lenders in this way. It is totally unacceptable.

**Insurers**

Insurers should also provide cover on buildings and the Government should pick up the cost of any excess loss caused by cladding issues in the event of a fire related claim.

***Gross under-representation of owners in Government consultation***

Representation on the Government's Cladding Stakeholder Committee is hugely biased against the interests of owners. Industry and related professional bodies are represented by many individuals, and they are financed and resourced by the industry and professions that they represent and that caused the problem in the first place. Owners are represented by one member on this Committee. He is the only damaged party within this group and is the one individual who has no professional support. This needs to be redressed as a matter of urgency.

***Lives are on hold and owners are dying. Resolution is urgent.***

Delay in resolving cladding remediation simply brings into increasing focus the issues associated with frozen property assets which extends the period of fire risk. Already there have been deaths in over 10% of the properties in our building since January 2020. This is obviously set to increase as time goes on and there will also be disabilities and increasing care needs as the owner population ages. Whilst some may feel that progress is being made, it simply is not nearly fast enough. People's lives are severely impacted here, and the Government should move to sort this out as quickly as possible. The Post Office Horizon scandal demonstrates how easily these major injustices can remain unresolved for decades.

***The Bill should state that Health and Safety issues should be regarded as maintenance for the purposes of property title deeds.***

Property deeds normally describe how maintenance issues relating to common areas in a building are approved, and costs charged to owners. Typically, the agreement of a simple majority is required. Some argue that cladding remediation is an improvement to a property and so requires the unanimous agreement of owners to progress remediation activity. It would be beneficial in many practical ways if legislation clarified that all health and safety issues (which would capture cladding remediation) should be dealt with as a maintenance of common property issue for the purposes of all deeds. This could be done in the Bill. This would allow the Government's Cladding Remediation Division to liaise with groups of owners who could demonstrate support of a majority of owners and so speed up discussion of proposals. It also seems to us self-evident that individual owners should not be able to frustrate the action of a majority of owners who agree to comply with health and safety requirements in any multiple occupancy building.

***We assisted the Government with the development of the SBA pilot and that cooperation is no longer reciprocated.***

We worked closely with individuals in the Government as they put together the pilot SBA. Our SBA was one of the first in Scotland and our SBA report was used as an example in a meeting with developers. We gave feedback and support. However, we now feel abandoned and that there is no reciprocation for all the hard work that we put in to help the Government.

***Loss of tax and local business profits due to freezing of economic activity***

Everyone that owns a flat affected by suspect cladding is unable to sell their property. This results in loss of economic activity associated with property sales including, surveying, conveyancing, lending, removals, furniture buying and DIY. Profit, VAT and corporation tax is lost on all these activities and stamp duty will not be paid. This represents a drag on the performance of the Scottish economy.

Appendix

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| <p><b>Significant Information of the Lived Experience, prepared by the Owners' Working Group</b><br/> <b>Representative: Paul Turnbull</b></p>   |
| <ul style="list-style-type: none"> <li>• <b>Since January 2020</b> - None of our properties has been sold but a significant number have been rented, thus reducing the overall level of care of the property by some residents.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• <b>February 2020</b> - Following a regular Owners' Committee meeting, this group agreed to the formation of a four person Owners' Working Group to take forward the cladding activity.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• <b>From February 2020</b>, the Owners' Working Group has been engaged with: <ul style="list-style-type: none"> <li>Kevin Stewart – Minister for Housing - <b>February 2020 - May 2021</b></li> <li>Shona Robison – Minister for Housing - <b>May 2021 - March 2023</b></li> <li>Paul McLennan – Minister for Housing - <b>March 2023 – ongoing</b></li> <li>Angus Robertson - MSP - <b>May 2021 – ongoing</b></li> <li>Deidre Brock - MP - <b>March 2020 – ongoing</b></li> <li>Robert Jenrick – Minister for Housing - <b>February 2020 - November 2020</b></li> <li>Local Councillor - <b>March 2020 – March 2021</b></li> <li>Architect of our development – <b>March 2020 – July 2021</b></li> <li>Developer of our development – <b>March 2020 – July 2021</b></li> <li>Local Authority Building Control representative – <b>February 2020 – July 2021</b></li> <li>Fire Safety Engineer – <b>April 2020 - September 2022</b></li> <li>Scottish Gov. Senior Building Standards repres. – <b>April 2021 – December 2022</b></li> <li>Representatives from the Cladding Remediation Division – <b>March 2022 – ongoing</b></li> <li>The Owners' Committee – <b>February 2020- ongoing</b></li> </ul> </li> </ul> |
| <p><b>Significant Events from February 2020:</b></p>   |
| <ul style="list-style-type: none"> <li>• <b>From March-September 2020</b> During the <b>coronavirus lockdown</b>, the Owners' Working Group engaged with all owners through Zoom, garden meetings and written correspondence to enlist everyone's support for the group representing them with taking our case for remediation forward. However, we were not able to engage the support of 6% of households which meant that the Owners' Working Group could not be seen to represent the entire cohort. This would prove to be a significant issue going forward.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• <b>In March 2020</b>, the Owners' Working Group arranged for an <b>indicative intrusive survey</b> to be undertaken on one part of the cladding on the building and this suggested that we had non-compliant panels and an absence of fire breaks.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• <b>From March 2020 – ongoing</b> The Owners' Working Group has distributed <b>20 cladding update letters</b> to all owners.</li> </ul>  |

|   |
|---|
| <ul style="list-style-type: none"> <li>• <b>From April 2020 – ongoing</b> The Owners’ Working Group has updated the <b>Owners’ Committee</b> on the progress of the group, sometimes meeting some resistance from a small group of members whose views on the manner in which we were proceeding differed significantly from theirs. Our skills and abilities were brought into question but we never received any offers of support or cooperation in return.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• <b>In July 2020</b>, Paul Turnbull produced a document called, ‘<b>The Practical Solution</b>’, which we distributed to 30 political representatives, as well as to relevant groups and individuals. It provides a comprehensive observation on the challenges to undertaking a national programme of remediation by the Scottish Government.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• <b>In June 2020</b>, the Owners’ Working Group began working on cladding with the <b>Factor</b> of our building and initially this included working on the commissioning of our own SBA, with the agreement and support from the Scottish Government and with an understanding that we would be likely to be successful in gaining funding retrospectively for the completed work. This funding would have come from the £97 million that had been allocated from the UK Government for the remediation of high-rise buildings with non-compliant cladding. This work was halted <b>in April 2021</b> when the Government introduced the SBA pilot and we were invited to submit an application form <b>in August 2021</b>. The Factor submitted both the SBA application form and the grant application form on the owners’ behalf to the Scottish Government. We were accepted onto the SBA pilot <b>in September 2021</b>.</li> </ul> |
| <ul style="list-style-type: none"> <li>• <b>In December 2020</b>, following months of research by us to find an appropriately qualified professional, <b>the Fire Safety Engineer</b> engaged with the Owners’ Working Group. We initially worked with him on arrangements for our own SBA. When we were accepted onto the SBA pilot <b>in September 2021</b>, the Fire Safety Engineer took on the SBA pilot on our owners’ behalf.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• <b>In April 2021</b>, the role of the <b>Owners’ Working Group</b> significantly changed, due to our need to move onto the SBA pilot. We lost almost all control of trying to move the remediation of our building forward, the result of which is that, <b>in January 2024</b>, no remediation work has taken place, almost 3 years later!</li> </ul>   |
| <ul style="list-style-type: none"> <li>• <b>In May and July 2021</b>, the Owners’ Working Group held two successful meetings with the <b>Architect</b> and the <b>Developer</b> of our building and we produced approved minutes from both. These meetings were sponsored by our local councillor. These documents provide a significant and helpful record of how decisions were made regarding the design, planning and construction of our building.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• <b>From September 2021</b>, the Owners’ Working Group worked with the <b>Factor, the Fire Safety Engineer, a cladding specialist and the Scottish Government</b> to get the SBA, along with a Fire Risk Assessment (FRA) completed. This was a very time consuming and challenging process. The initial draft reports were presented <b>in December 2021</b>.</li> </ul>   |



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| <ul style="list-style-type: none"> <li>• <b>In October 2021</b>, the <b>Owners' Working Group</b> held an open meeting for all owners to present information about our acceptance onto the SBA pilot and the implications of this.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• <b>From January 2022 to September 2022</b>, the <b>SBA and FRA draft reports</b> went through further drafts, with a great deal of involvement from the Owners' Working Group. We found the first drafts lengthy, long winded, confusing and repetitive. The final SBA report, with the FRA published as an appendix, was released to owners <b>on the 9 September 2022</b>.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• <b>On the 9 September 2022</b> the <b>Owners' Working Group</b> received information from the Scottish Government that a communication had been received from:<br/><br/><i>'other residents/owners who have expressed concern' ..... 'and we need to act to address them. If we fail to act collectively, it may put at risk our ability to work productively with (your Factor) on your behalf to move matters forward. I also need to ensure that Scottish Government staff are not placed in a position where allegations could be made that they may be prioritising one person's concerns over another'.</i></li> </ul> <p>As a result of this significant <b>complaint</b>, the Owners' Working Group lost its close and effective working relationship with the Scottish Government, whereby all communications between the Owners' Working Group and the Scottish Government had to be channelled through our Factor. This proved to us that the intervention of a few, above all other owners, is potentially unworkable when trying to take forward complex pieces of work such as this.</p> |
| <ul style="list-style-type: none"> <li>• <b>From 9 September 2022</b>, the Owners' Working Group has continued to push for a <b>resumption of open communication</b> with the Cladding Remediation Division, without any real indication of willingness to communicate effectively or to provide any information on the progress with the remediation of our building, i.e. <b>by January 2024</b>.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• <b>From April 2023 – July 2023</b>, the Owners' Working Group managed to prompt the Scottish Government to hold two Teams meetings including representatives of the <b>Cladding Remediation Division</b>, with one attended by the then newly appointed Minister of Housing, Paul McLennan. Encouraging messages of <b>monthly communications</b> to owners were promised but no communication has been received over the past 6 months, i.e. <b>by January 2024</b>.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• <b>In October 2023</b>, the Owners' Working Group contacted Paul McLennan, Minister of Housing, Angus Robertson, MSP and Deidre Brock, MP, requesting their support to try and break the <b>continuing silence from the Scottish Government</b>. We have received responses from them all but to date we have heard nothing from the Cladding Remediation Division, i.e. <b>by January 2024</b>.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• <b>In December 2023</b>, Paul Turnbull submitted an Owners' Working Group response to the Scottish Government on the <b>Housing (Cladding Remediation) (Scotland) Bill</b>.</li> </ul>   |

- ***In December 2023***, Paul Turnbull submitted a response to The Scottish Government's consultation on **Building Standards: Enforcement and Sanctions**.
- ***On 23 January 2024***, Paul Turnbull will be attending the Local Government Housing and Planning Committee meeting. This will provide the Owners' Working Group with the opportunity to contribute to **highlighting the current challenges** we all face and hopefully provide the Committee with some **crucial insights** that could improve the remediation programme going forward.