Our Ref:

8th August 2019

Dear,

**External Wall System Certificate of Compliance**

**Cladding**

I write with regards to the above and following my firms’ previous communications surrounding cladding on buildings throughout the country.

Over the last few months, our customers, owning flats in buildings falling into the categories being targeted, are increasingly encountering difficulties when interacting with lenders for home sales or re-mortgages. The reason for the difficulties being the lenders requiring them to produce fire safety certificates in line with the Regulatory Reform (Fire Safety) Order 2005.

As you are aware, this legislation is only applicable in England and Wales and it is our understanding that there is no such certificate available for private residential dwellings in Scotland.

In this respect, and, given we do not fall into the qualification categories, it is not possible for HPMS, as the appointed Property Factor, to provide a written statement under such legislation, resulting in homeowners experiencing extreme difficulties.

It is our understanding that the Scottish Governments Ministerial Working Group on Building and Fire Safety ‘MWG’ confirmed at their meeting of 10th August 2017 confirmed that:

*“30 of 32 local authorities have reported that ACM cladding has not been used on any privately-owned high-rise domestic buildings. Edinburgh and Glasgow are completing their investigations and it was acknowledged that this would take time due to the numbers involved. Scottish Government officials are in close contact with both local authorities and have offered additional assistance.”*

*“Detailed intelligence continues to be gathered on the use of ACM in the cladding systems of buildings in Scotland. This remains focussed on any high-rise properties where people sleep overnight that have not already been captured by local authorities’ initial investigations and any other types of property where there are expected to be vulnerable people living.”*

On the 8th September 2017 the MWG further stated that:

*“31 local authorities had reported that no private high-rise housing had ACM.”*

It is therefore our understanding that the Scottish Government, through their Local Authority verifiers, have confirmed that no other buildings, other than those identified to the specific homeowners, have such cladding on their buildings.

Notwithstanding this, recently, a major lender has advised one of our customers that they will require the attached ‘External Wall System certificate of Compliance’ to be completed by a qualified person, such qualification being detailed on the MHCLG information Note 1 Annex A, otherwise they will not be provided mortgage funds.

We are informed this means they will be unable to sell their flats or will suffer financial hardship due to having to move to higher variable mortgage rates, with substantially higher monthly payments.

We have now written to each of the identified professions enquiring as to whether they can provide us with details of any of their membership who offer such services in Scotland. This will allow us to contact them on behalf of our customers, hopefully allowing them to progress their house sales and re-mortgages without difficulty.

As you can understand, given the volume of such properties throughout Scotland, We are deeply concerned that this growing problem will rapidly expand, ultimately having a restrictive and detrimental effect on the Scottish Housing market. We would therefore suggest that this is a growing concern that the Scottish Government should take action on as soon as possible, to prevent increasing difficulties for a substantial number of Scottish homeowners.

We, and our homeowning customers, would greatly appreciate any assistance your Government can offer them and we would be happy to meet with you, or any of your colleagues, to discuss this matter .

Yours sincerely,

CC – All 32 Local Authorities (per file)