

Cables Wynd House Residents Group

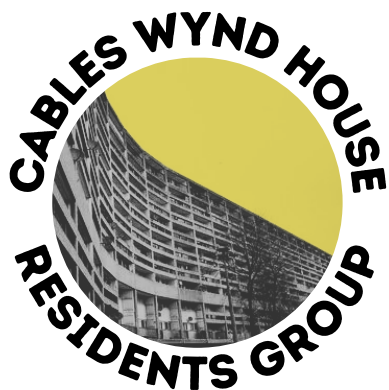
Our Housing Rights Project

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Our Housing Rights Project

Cables Wynd House Residents Group



Created in partnership with



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Altered for artistic effect

By July 2025 we need to experience these improvements....

The Key Issues



Indicator 1

90% of residents should say they feel informed about building related matters.

Indicator 2a

No one in the building should experience moderate or major disruption, and no one should be housebound due to the lifts

Indicator 2b

100% of people should feel confident using the lifts and no one should say they are 'not at all confident' about this.

Indicator 3a

No one should wait longer than 2 months for a repair.

Indicator 3b

No repairs should be causing a "big impact" or "reasonable impact".

Indicator 4

No more than 5% of residents should have mould which concerns them in their homes.

Indicator 5

By the time of the next survey, less than 15% of tenants should report a problem with pests.

Indicator 6a

Less than 10% of people should report being affected by anti-social behaviour in the building.

Indicator 6b

70% of people should feel confident and comfortable to report anti-social behaviour to the police.

Indicator 7

No resident should report that their home harms their mental or physical health.

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Forewords

Angela O'Hagan

The realities for residents of Cables Wynd are laid bare in this report of their own research into current housing conditions and the state of repair of the building. The increase in repair times, and repairs left unresolved, prevalence of vermin, and in anti-social behaviour all reveal the impact on people's quality of life and everyday living conditions. All the elements the residents raise in this report are basic human rights – to housing, health, participation – in decision making, in education, and access to services. Being stuck indoors because of either the fear or reality that the lifts are not working impacts on the social, health, and educational wellbeing of residents. Worrying about anti-social behaviour and poor conditions around the building means more people withdraw from social activities. The evidence from the residents' own research shows the impact on people of all ages and how poor housing conditions affect all aspects of their lives.

The Scottish Human Rights Commission has committed to a focus on housing in our Strategic Plan 2024-28, and the evidence from the Cables Wynd residents underlines why that focus is essential, and why urgent action to improve the quality, availability, adequacy, affordability, and culturally appropriate provision of housing in Scotland is needed.

Kasey McCall-Smith

At this crucial point in the long campaign to secure the broad range of human rights for people across Scotland, I am honoured to introduce this report. Our Housing Rights Project demonstrates that even where government lags in its actions to secure human rights, the people of Cables Wynd House Residents Group are unwilling to give up claims to their human rights. Instead, they have engaged and mobilised their rights as a community and for their community.

It is a fresh reminder that defending human rights requires more than legislation and leadership from the top levels of government – neither of which alone can resolve the many human rights deficits that impact peoples' daily lives. The dedication to defending the rights to adequate housing and meaningful participation running through this report is palpable. In shining a light on the most basic examples of missed opportunities to secure these rights by local duty-bearers, this report is proof that the promise of human rights is part of the fabric of our lives here in Scotland.

This research by the residents of Cables Wynd is not only evidence of the conditions of the building and response of duty bearers, but is evidence of the power of rights holders to act as defenders of their human rights in the face of rights denials and the failure of responsibility of duty bearers.

As Chair of the SHRC, I welcome the report and its findings. It is further evidence to urge action from the Scottish Government and other duty bearers, and further evidence to the Commission on the gaps in rights realisation in Scotland that can inform our domestic and international treaty monitoring. This report gives us – and a wide audience of responsible duty bearers – clear and direct information on the experience of people's every day realities, and just how far they are from the full realisation of their human rights.

Angela O'Hagan

Chair, Scottish Human Rights Commission



It is also a powerful testament to the commitment to defending human rights by those whose lives begin and end each day in Cables Wynd House.

Kasey McCall-Smith

LLM in Human Rights Programme Director,
Director of the Global Justice Academy and
University of Edinburgh Law School



Context

Cables Wynd House is a large, high-rise building in Leith, Edinburgh, containing 212 flats. Most of the flats (except four) are owned by the City of Edinburgh Council (CEC). We get to our flats through galleries on the 2nd, 5th and 8th floors. It was built in the 1960s and is a famous Leith building. Today, the community is a mix of long-term Leithers, New Leithers, families with young children, disabled tenants and many other community members. We really value our Council-owned flats, especially as the rest of Leith is becoming unaffordable.

In January 2017, the building was given an 'A' rating (the same as Edinburgh Castle) by Historic Environment Scotland because it is one of the best forms of brutalist architecture in Scotland. Residents have mixed feelings about this, as some people feel it has made it harder to upgrade. The building is also famous due to its literary heritage. The character of Sickboy in Irvine Welsh's *Trainspotting* lives in Cables Wynd House. A movie version of Welsh's *Wedding Belles* was filmed in the building in 2006.¹

In August 2022, City of Edinburgh Council announced that they would be carrying out an ambitious retrofit project of the building, upgrading insulation, communal areas, ventilation, kitchens and bathrooms. While residents have welcomed this news, we had been concerned that residents' priorities, such as, replacement lifts, were not to be included in the retrofit. It has taken more than three years' campaigning, including presenting a deputation to the full council, for the residents to finally hear that the lifts will be replaced. We hope that this report will help to highlight the parts of life in the building that residents most need to change, and in turn, guide the retrofit process, making it the best use of time and money.

Who we are

The Cables Wynd House Residents' Group formed in 2021 to talk about our housing and community, supported by Inspiring Leith. Our group has met frequently since then, working on this research project. We have also put on fun days and community activities with our neighbours. We meet regularly on Fridays and all Cables Wynd House residents are very welcome to join us.

Acknowledgements

We would like to thank residents who participated in this research, young ambassadors working with the YMCA for creating videos, Inspiring Leith at Bethany Christian Trust, Making Rights Real, Shelter Scotland, YMCA Edinburgh and Cllr Katrina Faccenda for her motion, and for sponsoring our launch event.

Definitions

Duty bearer - An organisation with human rights obligations, in this case City of Edinburgh Council and Police Scotland.

Rights holder - Someone whose human rights are directly affected by an issue, in this case tenants of Cables Wynd House.

1 First aired on Channel 4 on March 29 2007

About this report

This report presents the results of Community-led Action Research about our housing conditions, carried out by the Cables Wynd House Residents Group (CWHRG) between 2022 and 2024. The research was designed and carried out by residents with help from local Community Development project, Inspiring Leith. We undertook two separate surveys: the first, in July 2022, was specifically designed to give tenants as many opportunities as possible to raise issues important to them. We received 48 responses of 207 occupied flats, a response rate of 23%. We set CEC improvement targets for each issue.

The follow-up survey, in January 2024, focused on the six major issues raised by tenants in the first survey and built upon some comments from tenants, with some additional questions. We went door to door, put surveys through each letterbox, held stalls outside of the building and made the survey available online. We also left paper copies in the foyer with a post box to return completed surveys. Additionally, we contacted children through the YMCA group working in the building, and through other local agencies. We received 52 responses, a response rate of 25%.

From the start of this project, we wanted to learn more about how human rights related to our housing conditions. We attended training and capacity building sessions with Making Rights Real where we learned more about human rights: who was responsible for them and how to hold public authorities accountable for progress. We designed our research using a human rights-based approach.

As we increased our knowledge and collated the survey responses, we understood that our human rights, as set out in domestic law and international treaties, were being breached by duty bearers. These rights include children's rights, the right to adequate housing, the rights of persons with disabilities, and women's rights. YMCA Edinburgh also helped us to understand how the issues we uncovered are barriers to Scotland fulfilling its Promise to children and young people.²

We want to suggest fundamental improvements to the way that CEC relates to its tenants in the flats. Our aim is to work together to make the flats a happier and healthier place to live, and to hold CEC accountable for its basic duties in the realm of international human rights treaties, UK laws and Scotland's Promise to young people, especially those with care experience.

Housing and Human Rights

Everyone has the human right to adequate housing.

Enshrined in the 1948 Universal Declaration of Human Rights, the right to adequate housing is recognised as part of the right to an adequate standard of living under Article 25¹. It was further recognised in Article 11(1) of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR):

‘The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.’²

The State (which refers to the government, local authorities and public bodies) has a duty to respect, protect and fulfil human rights. The right to adequate housing is of central importance for the enjoyment of all economic, social and cultural rights. This right ensures that human dignity is maintained and both the physical and mental health of residents are protected.

The state must “progressively realise” the right to housing using their “maximum available resources”³. This means:

- Taking steps over time to realise people’s right to housing.
- Using as many resources as they can to realise people’s right to housing.
- Targeting spending on people whose right to housing is furthest from being realised.

Human rights protections are found in the Human Rights Act 2010 and are threaded through domestic legislation, including housing legislation.⁴

Many of the issues identified by residents breach their human right to adequate housing, particularly the habitability standard. Please see Appendix at page number 24 for more information on the right to adequate housing.

Children

Children’s Rights are set out in UN Convention on the Rights of the Child, which was partly incorporated into Scots Law in 2024.⁵

The right to adequate housing greatly impacts on children’s health and wellbeing, and their ability to realise other rights:

“Children’s health, educational advancement and overall well-being are deeply influenced by the quality of housing in which they live. Lack of adequate housing... tends to have a profound impact on children due to their specific needs, affecting their growth, development and enjoyment of a whole range of human rights, including the right to education, health and personal security.”⁶

In 2020, following a comprehensive review of Scotland’s care system, the Scottish Government committed to ‘The Promise’ ensuring that each child, particularly care experienced children, will grow up loved, safe and respected. Local authorities are a key part of fulfilling the promise. “Where children are safe in their families and feel loved they must stay - and families must be given support together, to nurture that love and overcome the difficulties which get in the way.”⁷ All decisions will begin and end with a focus on the importance of secure attachments, protecting and prioritising loving and consistent relationships that matter to children.

The development of secure attachments is influenced by environment and feeling safe within the home. The issues in this report all negatively impact on young peoples’ ability to form a secure attachment. Some neighbours with children have told us that environmental factors in this report negatively impact on their health and put extra pressure on family life, presenting barriers to this key foundation of The Promise.

People with disabilities

“In its general comment No. 5 (1994), the Committee on Economic, Social and Cultural Rights reaffirmed that the right to adequate housing includes accessibility for persons with disabilities. The Special Rapporteur on adequate housing has also underlined not only that housing should be physically and economically accessible to persons with disabilities, but that they should be able to effectively participate in the life of the community where they live.”⁸

Using a Human Rights-based approach

This project uses a human rights-based approach in practice. The Scottish Human Rights Commission

1 OHCHR | Universal Declaration of Human Rights - English
2 OHCHR | International Covenant on Economic, Social and Cultural Rights
3 ICESCR art 2(1)
4 Right to Housing
5 UNCRC (Incorporation) (Scotland) Act 2024
6 OHCHR | Fact Sheet 21 The Right to Adequate Housing: FS21_rev_1_Housing_en.pdf
7 Family is one of the five foundations of the promise
8 OHCHR | Fact Sheet 21 The Right to Adequate Housing: FS21_rev_1_Housing_en.pdf

explains that “taking a human rights-based approach is about using international human rights to ensure that people’s human rights are put at the very centre of policies and practice.”⁹

A rights-based approach empowers people to name and claim their rights. It enables duty bearers to fulfil their human rights obligations and creates accountability so people can seek remedy when their rights are violated. A rights-based approach uses the following principles:

- **Participation**
Everyone has the right to take part in decisions that affect their rights.
- **Accountability**
People should be able to hold duty bearers (public authorities) to account for their rights. And there should be effective remedies when human rights are breached.
- **Non-discrimination**
Everyone should live free of discrimination and people who are most marginalised should be central to decision making around rights.
- **Empowerment**
Everyone should be able to name and claim their rights. People and communities need to understand their rights and be able to claim them in practice.
- **Legality**
International human rights will be used to frame policies and practice.

The FAIR Process

This project used the FAIR process in this to guide using a rights-based approach.

- **Facts**
Find out the experiences of people affected by the issue.
- **Analyse rights**
Discover what rights are at stake
- **Identify responsibilities**
Identify who is responsible for the rights. Which duty bearers have responsibility and what needs to change?
- **Review actions**
Make recommendations for action and monitor how these actions are carried out. Evaluate what has happened as a result.

The Key Issues

Summary of indicators

Our group has considered the main issues identified in the surveys and have set improvement targets to demonstrate what we want to see changed. This is a way to practically monitor the progressive realisation of rights. This table summarises the statistics gathered from the two resident surveys, who is responsible, and sets targets and time scales for improvement.

*Percentages mean % of survey respondents

Subject	2022 Status	2024 Status
1 – Communication, Accountability and Participation	68.7% did not feel informed about building related matters	59.6% did not feel informed about building matters
2a – Lifts – impact	4.6% said they were housebound because of the lifts 30.6% had experienced major inconvenience 27.8% said that problems with the lift had caused them moderate disruption	6.7% said they had been housebound because of lifts at some point over the last year 31.1% had experienced major disruption 20% experienced moderate disruption
2b – Lifts – confidence	N/A	23.9% felt fully confident using the lifts
3a – Repairs – length of time	37.8% waited over 2 months for a repair 27% waited more than 6 months for a repair	41% waited over 2 months for a repair 45% waited more than 6 months for a repair
3b – Repairs – impact	51.9% of people waiting said the un-done repair was having a big impact on their day to day life	58% of people waiting said the repair was having a big impact 8.3% said the repair was having a moderate impact
4 – Damp and Mould	37.5% of respondents had a problem with mould	53.1% of respondents had a problem with mould
5 – Pests	64% said they had a pest problem	63.3% reported a pest problem
6a – Experience of Safety and Anti-Social Behaviour	N/A	42.2% affected by anti-social behaviour in the last year
6b – Confidence in reporting Anti-Social Behaviour to Police	N/A	Of these, 33.3% felt comfortable reporting to the police
7 – Housing and Health	N/A	40% said their home negatively impacted on their mental health

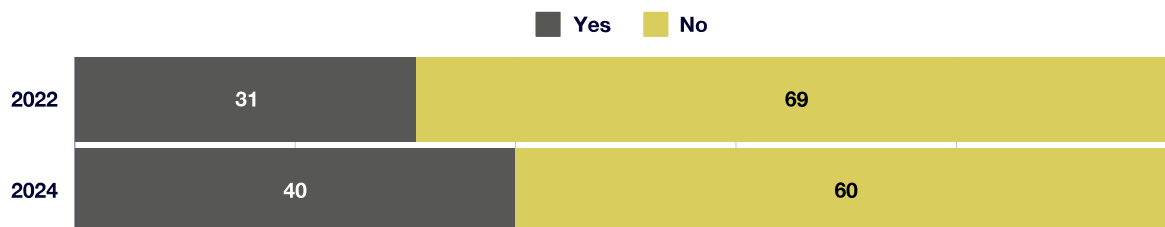
Improvement target / indicator*	Who is responsible? (Duty bearer)	Timescale
90% should feel informed about building related matters	City of Edinburgh Council	July 2025
No one should experience moderate or major disruption, or be housebound because of the lifts	City of Edinburgh Council	July 2025
100% should feel confident about the lifts	City of Edinburgh Council	July 2025
No one should wait longer than 2 months for a repair	City of Edinburgh Council	July 2025
No repairs should be causing a “big impact” or “reasonable impact”	City of Edinburgh Council	July 2025
No more than 5% of residents should have mould which concerns them in their homes	City of Edinburgh Council	July 2025
Less than 15% should report problems with pests	City of Edinburgh Council	July 2025
Less than 10% of people should report being affected by anti-social behaviour in the building	Police Scotland and City of Edinburgh Council	July 2025
70% of people should feel confident and comfortable to report anti-social behaviour to the police.	Police Scotland and City of Edinburgh Council	July 2025
No one’s home should harm their health	City of Edinburgh Council	July 2025

Section 1

Communication, Accountability and Participation

Indicator 1: By 2025, 90% of residents should say they feel informed about building related matters.

Do you feel informed on building related matters? (%)



Increasing trust, communication and participation is extremely important for helping to resolve the issues in this report in the most effective and restorative way.

When we started the research process, residents involved in the group had experienced problems in communicating with, and getting answers from, City of Edinburgh Council as their landlord. Some residents had bad experiences of the process of refitting kitchens and bathrooms in 2012, and many people felt resigned to not really knowing what would happen in their building, or whether CEC would listen to them, or follow through on commitments. This had led to lots of residents not really engaging in official consultations or meetings.

We asked people whether they felt informed about matters relating to their home and building. In 2022, only 31.3% of people said they felt informed, rising to 40.4% in 2024.

Meaningful tenant participation contributes to trust, creative problem solving and accountability. Communication is essential to enable participation and affects most parts of life in Cables Wynd House. Residents welcomed a newsletter produced in spring 2024 and plans for digital notice boards. However, to really improve in this area, communication needs to become much more frequent, with the Council responding to residents in a way that shows they are listening, and which conveys respect.

Who is responsible for realising this right?

City of Edinburgh Council is responsible for the residents' right to participation.

International human rights protections

The right to participation is central to advancing human rights.

“The right to participate in political and public life is important in empowering individuals and groups, and is essential to eliminate marginalization and discrimination. Participation rights are inseparably linked to other human rights such as the rights to peaceful assembly and association, freedom of opinion and expression and the rights to education and to information.”¹

The Convention on Rights of Persons with Disabilities also includes the right to participation in political and public life.²

Children should be able to participate in issues affecting their human rights as outlined in the United Nations Conventions on the Rights of the Child (UNCRC) (see Appendix for more detail).

1 OHCHR and equal participation in political and public affairs | OHCHR
2 Article 29, Convention on the Rights of Persons with Disabilities 2006

Scottish context

People’s right to participate in decisions that affect their lives is well-established in Scotland and is particularly relevant in housing.

CEC recently said, “We want to understand how we can better support tenants’ participation in developing services.”³

All registered social landlords (RSLs) and local authorities in Scotland must have a tenant participation strategy⁴ which will enable ‘continuous improvement in landlords’ performance in supporting and enabling tenants to participate’.⁵

‘Voice’ and ‘People’ are key pillars of The Promise Scotland. “The voices of those with lived experience will be embedded in decision making”⁶.

The children that Scotland cares for must be actively supported to develop relationships with people in the workforce and wider community. CEC is a ‘corporate parent’ and holds a commitment to develop relationships with the children and families it holds that responsibility for. Council staff’s consistent participation in collaborative community meetings, for example, the Cables Wynd Community Forum and Youth Forum, will help those relationships to thrive and provide the supportive network needed.



Best practice examples

- **Housing Rights in Practice.** In 2015 the Scottish Human Rights Commission worked with a group of people who were living in poor housing conditions in Leith. The end of project report⁷ made good practice recommendations for duty bearers relating to participation, such as learning to welcome accountability and engagement with rights holders, being open to dialogue, even where that involves criticism and challenge, supporting a learning environment and recognising the value of the expert knowledge of rights holders.
- **Together with Tenants.** While there are different regulatory requirements in England, “Together with Tenants” offers some helpful ideas.⁸

Residents’ key recommendations

- Produce a comprehensive leaflet, as soon as possible, informing residents exactly what is being changed in the building during the upcoming retrofit, and how the process will affect them, with estimated timelines shared as much as possible
- Deliver newsletters (either through the door or the planned digital notice boards) every month during the retrofit
- Senior decision makers, as well as relevant officers, should attend the Cables Wynd Community Forum and follow good participation practice⁹, such as reporting back in a timely manner, sharing power, and updating residents on progress between meetings

3 Tenant Participation Strategy 2024 - 2027 - City of Edinburgh Council - Citizen Space
4 Housing (Scotland) Act 2001, s53 and s54
5 Guide to Successful Tenant Participation - gov.scot
6 Voice, is one of the five foundations of the promise
7 Housing Rights in Practice: Lessons learned from Leith
8 National Housing Federation - Best practice (Together with Tenants)
9 5.0 Good Practice Case Studies - Guide to Successful Tenant Participation - gov.scot

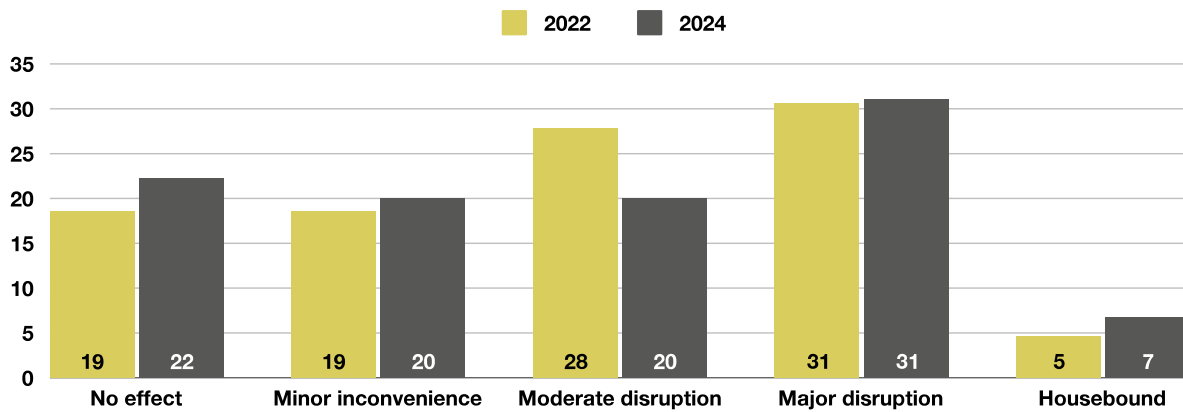
Section 2

Lifts

Indicator 2a: By July 2025 no one in the building should experience moderate or major disruption, and no one should be housebound due to the lifts.

Indicator 2b: By July 2025 100% of people should feel confident using the lifts and no one should say they are 'not at all confident' about this.

In the last year, how much have problems with the lifts affected your life? (%)

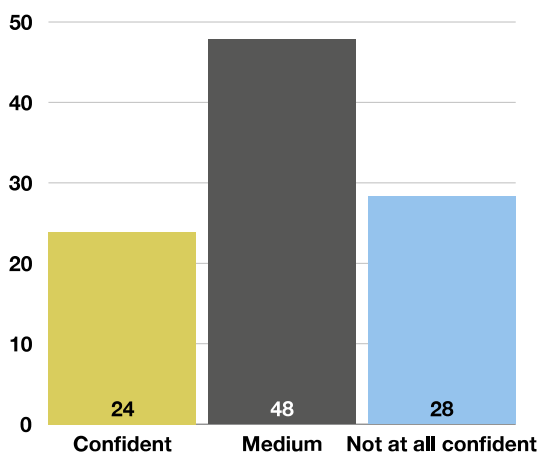


Percentages are rounded to nearest integer.

In 2022, residents analysed the data and shared a target with CEC that no one's lives should be moderately disrupted or more because of the lifts in the building. However, when we asked again in 2024, 58% of people still felt the lifts had disrupted their lives moderately or more.

It is very concerning that more than a quarter of people feel 'not at all confident' about using the lifts, especially when many people rely on them simply to get in and out of their homes.

How confident do you feel about using the lifts now? (%)



Why is trust in the lifts so low?

Over the past two years we have heard many stories of people getting stuck in lifts, some people more than once. On one recent occasion the alarm call did not work so the person had to shout loudly until she was heard by a passer-by who had to jam the doors open to get her out. Lifts often shake, do not stop at the correct floors, or arrive when called.

"I have a 16 year old son with autism and the lifts are an issue for him. I can manage to use the stairs."

Father, Cables Wynd House

Latest news

In June 2024 residents gave a deputation to the full council about the problems with lifts, in support of a motion to investigate the costs of replacing them, proposed by Cllr Katrina Faccenda. ¹ In November 2024, CEC shared the very welcome news that, having taken independent advice, they will replace all of the lifts as soon as possible. We will continue to monitor this process, and hope that we will see a big improvement in the next survey.

1 Edinburgh Council on Thursday, 27th June, 2024, 10.05 am - Modern Council point 8.11

“My children refuse to go in the lifts because we’ve been stuck so many times.”

Parent, Cables Wynd House

Human Rights

Broken lifts breach the right to adequate housing as homes are not accessible.² The UN Convention on Rights of Persons with Disabilities states: ‘Duty bearers shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment.’³ This includes housing.

Broken lifts are a risk to health and to the right to life, which is prohibited in law.⁴ In an emergency, disabled residents or those with young children may be trapped in the building or unable to access emergency medical treatment. Residents’ safety concerns were ignored at Grenfell, leading to catastrophic loss of life. The gravity of the current situation, and the need to enact the planned replacements, at Cables Wynd cannot be overstated.

“I was pregnant and had a toddler in a buggy. The lifts were broken so I had to climb down the stairs from the 5th floor. It wasn’t good.”

Mother of two, Cables Wynd House

Domestic law

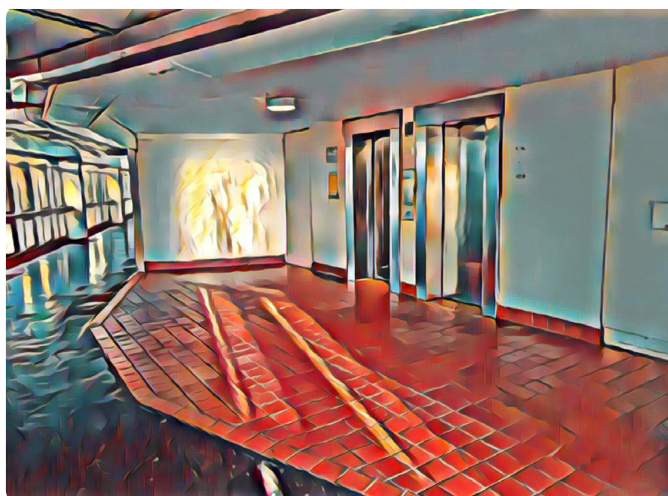
The Equality Act 2010 states that a person may not be discriminated against because they have a disability. Indirect discrimination may arise where a certain practise puts any person with a protected characteristic (age, disability) at a disadvantage when compared with someone who does not share that characteristic.⁵ Residents who have been housebound because of broken lifts are likely to be indirectly discriminated against in this situation.

The Promise Scotland

By 2030, leaders at all levels are focused on what matters to children, families and communities, rather than their own organisations and systems. The lifts have consistently been a priority for the community of Cables Wynd House in many conversations we have had. They can also be a barrier for supportive services reaching the people that need and are entitled to.⁶

Residents’ key recommendations

- Replace current lifts as soon as possible, prior to retrofit with new, reliable models which can be repaired quickly
- The Council should monitor the functioning of lifts internally, with sensors fitted to lift cars indicating any problems. Also treat resident feedback as important data and do not ignore it
- Help to restore trust in lifts by apologising for previous bad service, and outlining steps being taken to ensure safe and functioning lifts immediately and over the long term



“I have claustrophobia and have been stuck in lifts 3 times. I struggle to leave the flat now.”

Tenant, 8th floor



2 See Appendix
3 Article 9, Convention on the Rights of Persons with Disabilities | OHCHR
4 Human Rights Act 1998, Schedule 1 Article 2
5 Equality Act 2010 s19
6 What is Plan 24-30?

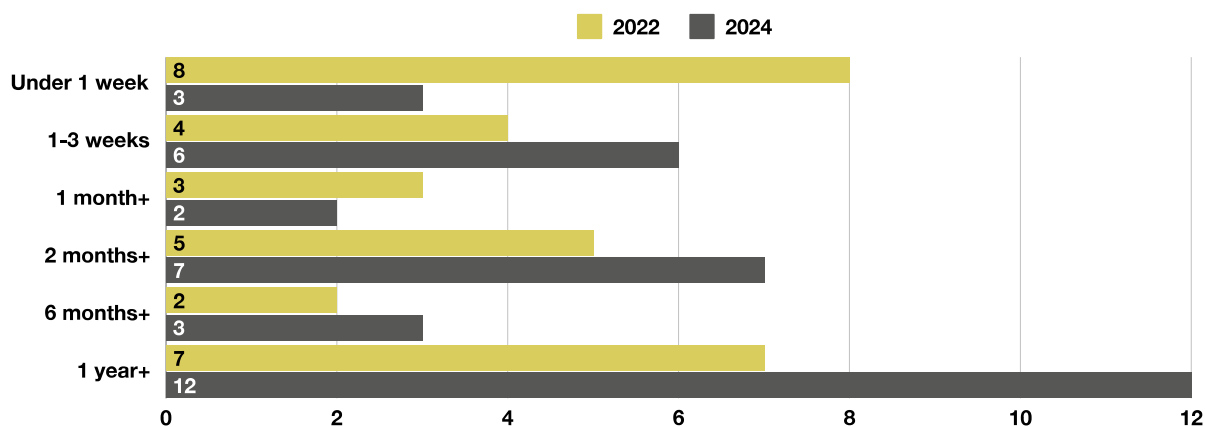
Section 3

Repairs

Indicator 3a: No one should wait longer than 2 months for a repair.

Indicator 3b: No repairs should be causing a “big impact” or “reasonable impact”.

Time waiting for repairs (tenants)



Additionally, there were 35 people in 2022 and 44 people in 2024 who reported repairs, but are unsure how long they took.

Repairs are not only technical issues to be resolved; they influence the mental and physical health of residents and their ability to participate in their community.

Waiting times and missed appointments

“Repairs Direct never turn up - it’s impacting my work.”

Resident, 2024

The main problems residents shared were waiting months for repairs, operatives not showing up at agreed times, operatives attending initially but never coming back or following up. Missed appointments led to the wasting of annual leave for some and the missing of personal appointments for others.

In 2022, 40% of households who had reported a repair, had waited longer than 2 months for it to be fixed. 28% had waited longer than 6 months. The target we set for improvement was that by 2024 no one should wait longer than 2 months for a repair. However, in 2024, 50% of people had been waiting more than 2 months, and 27% of people who had reported repairs had been waiting for more than a year for their issue to be resolved.

Impact of disrepair

One resident said: “(I have) constant worry about what will go wrong next, makes me feel really low, it’s a nightmare, I wish I had never come here, feels like

the house is crumbling around us” (2022 survey).

In 2022, residents agreed a target that by 2024, no repair problem should be having a ‘big’ or ‘reasonable’ impact on residents. However, 58% of residents in 2024 felt repairs were having a ‘big impact’ on their life shows how urgently this service needs to improve.

Our research shows that CEC is sometimes failing to maintain an adequate standard of housing in Cables Wynd House, and that the repairs response has not improved. The City of Edinburgh Council’s repairs department has been raised as a problem in other areas of the city.¹

Human Rights

Failure to carry out repairs within a reasonable time frame is likely to breach right to adequate housing, particularly, “Availability of services, materials, facilities and infrastructure” and habitability.”²

Domestic law

Under the Right to Repair³, Scottish tenants have the right to have small urgent repairs carried out by their landlord within a given timescale.

The Right to Repair Scheme covers certain ‘qualifying’ repairs such as:

- loss or part loss of space or water heating if no alternative heating is available

1 Home, sweet home? North Edinburgh’s housing emergency – The NEN – North Edinburgh News
 2 See Appendix
 3 Housing (Scotland) Act 2001

- external windows, doors or locks which are not secure
- loss or part loss of electric power

Tenants have the right to remedy where the ‘qualifying’ repair is not started within the time limit.⁴

Failure to carry out timeous repairs could mean the property falls below the tolerable standard set out in law.⁵

Best practice examples

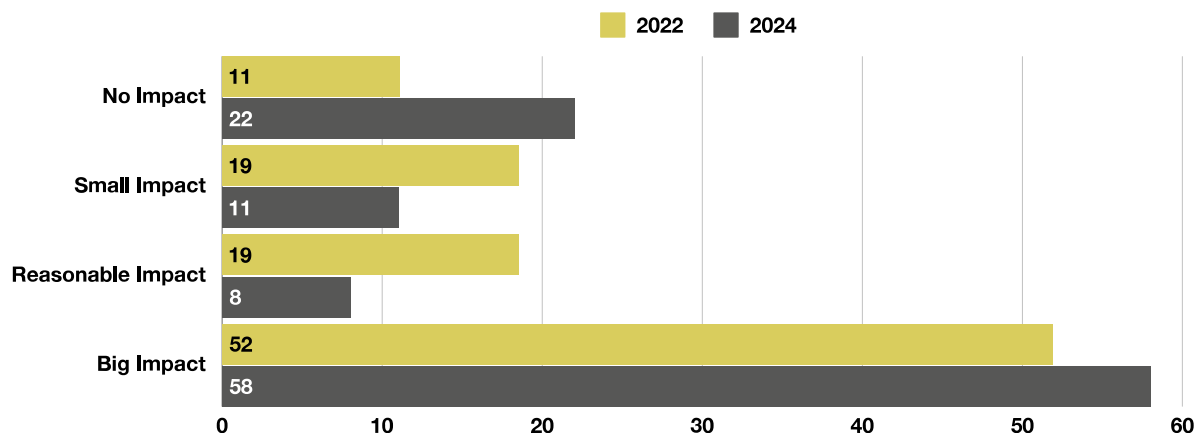
- Repairs services **can** work effectively in housing associations and local authorities.
- **The Chartered Institute of Housing** provides advice for best practice in repairs and maintenance. It recommends timely communication at every stage of a repair, involving residents in shaping the service, respect and understanding, and effective collection of feedback.⁶
- **Ashton Pioneer Homes in Ashton-Under-Lyne** instigated a new system called Every Connection Counts (ECC), whereby any member of staff visiting a home, such as housing officers, property inspectors, repairs operatives and even contractors, fills out brief report, asking the resident about outstanding repairs. This has become a valuable tool to engage residents on any maintenance issues and has created an excellent repairs service. The result has been that legal requirements for repairs are met, while also achieving high levels of tenant engagement.⁷

Residents’ key recommendations

- Adopt and work towards the target that no resident should wait 2 months or longer for work to start on significant repairs
- Start offering an annual maintenance check-up to all tenants to identify and address problems early
- Compensate residents for poor or neglected repairs



Impact on life, including mental health, of uncompleted repairs (%)



Percentages are rounded to nearest integer.

4 Housing (Scotland) Act 2001, s27

5 Housing (Scotland) Act 1987, s86

6 Rethinking repairs and maintenance | Chartered Institute of Housing

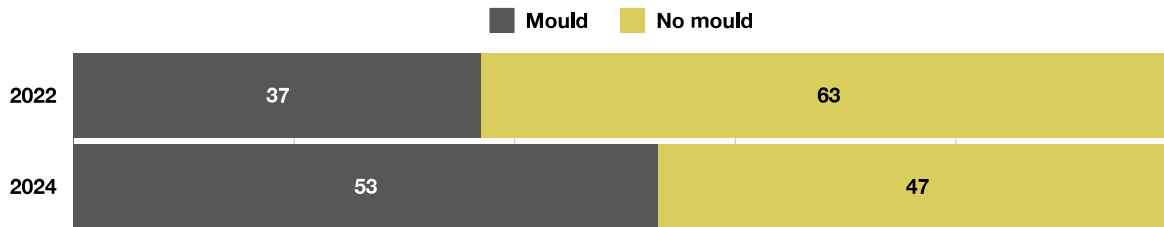
7 Ashton Pioneer Homes | Good practice | Assets and safety | Chartered Institute of Housing (cih.org)

Section 4

Damp and Mould

Indicator 4: No more than 5% of residents should have mould which concerns them in their homes.

Percentage of households experiencing mould. (%)



Damp and mould can have serious health implications if left untreated, so it is important that the council work collaboratively with residents to agree the best approach for a person's home.

In 2022 37.5% of residents surveyed had mould in their homes. The residents' research group set a target that the council should take measures so that no more than 5% of people had mould in their homes. Unfortunately, in 2024, the prevalence of mould had increased to 53.1%.

It is the landlord's responsibility to ensure that homes are safe and maintained to a decent standard.

Damp and mould can be caused by water getting into a flat because of a defect in brickwork, overflow pipes, blocked rainwater pipes or leaking heating systems. It can also be caused by an excess of condensation which can sometimes be dealt with by tenants themselves. It is important to note that the Scottish weather means there is often no opportunity to dry clothes outside.¹

If a flat is very difficult to heat and ventilate, the landlord needs to make improvements.

Damp and mould have been big issues for some residents over many years. Our research showed that it is a building-wide issue, which has deteriorated since 2022. Stories from residents show that the problems are exacerbated by poor communication and repairs responsiveness.

Improving ventilation and insulation is a priority for the planned retrofit of the building, and we hope that the building work will reduce damp and mould. We plan to repeat the survey when

the retrofit is complete, and measure if residents' experiences have improved as a result.

However, communication, accountability and repairs response need to improve immediately, and alongside the retrofit, so that residents feel confident reporting a problem, and issues are addressed in a timely and effective manner.

"Damp and mould affect me badly as I've got COPD, had a heart attack and stroke."

Resident, ground floor 2024

Human Rights

The habitability of housing is crucial as it is identified by the World Health Organisation that inadequate living conditions are invariably associated with higher mortality and illness rates.² Mould and damp are indicators of a breach to the right to adequate housing.³

The World Health Organisation Constitution states that "The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being".⁴ Public Health Scotland have noted dampness and mould in housing as a risk factor to health.⁵

"...the repair is only temporary. Skimming over damp doesn't address the damp."

Resident, 2022

1 putting-safety-first.pdf

2 WHO Housing and Health Guidelines 2018

3 See Appendix.

4 Constitution of the World Health Organization

5 Public Health Scotland, Healthy housing for Scotland Briefing Paper Healthy housing for Scotland

Domestic law

Substantial penetrating or rising damp within a property indicates that it falls below the legal tolerable standard.⁶

Best practice examples

- **Edinburgh Council** are already trialling new approaches to tackling this issue, and we hope these, combined with the retrofit, will be successful.
- **The Association of Local Authority Chief Housing Officers, the Chartered Institute of Housing Scotland, the Scottish Federation of Housing Associations, and the Scottish Housing Regulator** have worked together to provide the social housing sector with improved information on how they can respond to damp and mould.

They recommend taking a proactive approach by assessing stock condition; encouraging tenants to report damp and mould and respond quickly when they do so; addressing the root cause of the problem and following up to ensure the problem has been fixed.⁷

- **Phoenix Housing** in London have a useful example of a good information leaflet for residents.⁸

Residents' key recommendations

- Adopt our target of less than 5% of people reporting damp and mould by July 2025
- Communicate about the health impacts of mould and how to prevent it. Some residents in Cables Wynd House have moved from countries with warmer climates, where damp and mould are not issues, and do not realise the health risks.
- Include damp and mould in our recommended annual repairs survey



6 Housing (Scotland) Act s86

7 putting-safety-first.pdf

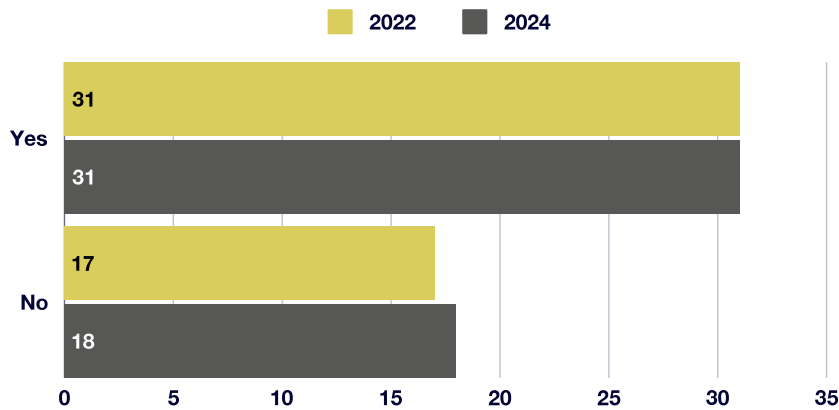
8 PH_Condensation in your home_A5 6pp_2023_V3.pdf (phoenixch.org.uk)

Section 5

Pests

Indicator 5: By the time of the next survey, less than 15% of tenants should report a problem with pests.

Do you have a pest problem in your flat? (tenants)



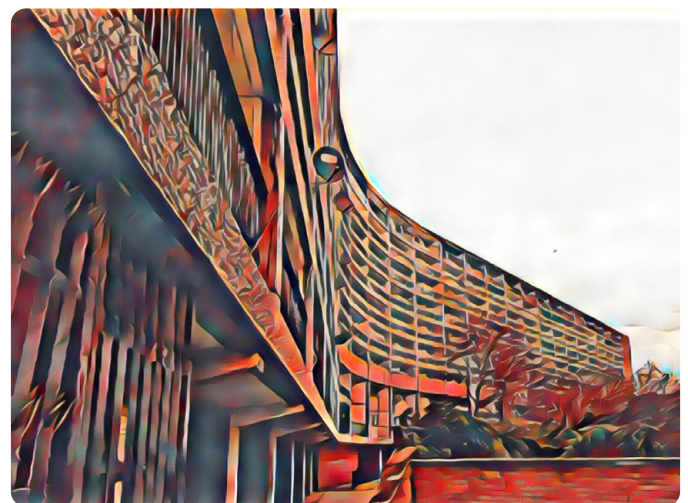
In 2022 64.5% of respondents said that they had a problem with pests. The most common complaint was about mice. Insects and pigeons featured next in the survey results with 28% and 25% respectively of respondents saying they had a problem. The residents set a target that by 2024, no more than 15% of residents should have problems with pests. Unfortunately, in 2024, 63.3% of resident’s reported a problem with pests. Mice remained the most prevalent problem. Reports of pigeons reduced, but insect infestations increased.

Pests are a historical problem in Cables Wynd House. This may be partly because of its adjacency to The Water of Leith, as properties next to a river have an increased likelihood of mice and rats. Some residents recall that large holes were left around new pipes during the kitchen refits that took place in 2012. This seems to have enabled the free movement of pests through the building. Residents have reported stopping-up holes with wire wool or setting traps, but mice simply move between flats and are hard to get rid of.

Pigeons often nest on the balconies on the Henderson St side of the building, with their droppings creating a hazardous environment. Some residents do not use their balconies at all for health reasons. Pigeon nets have improved the situation for some people.

International Human Rights Protections

Breathing in contaminated bird droppings can cause serious illnesses.¹ Insect infestations can cause health conditions and be damaging to mental health. Pests and insect infestations may breach the right to adequate housing.²



¹ Health and Safety Executive guidance: Psittacosis and other diseases from work involving bird droppings - Harmful micro-organisms - Controlling hazardous substances - Managing occupational health risks in construction
² See Appendix

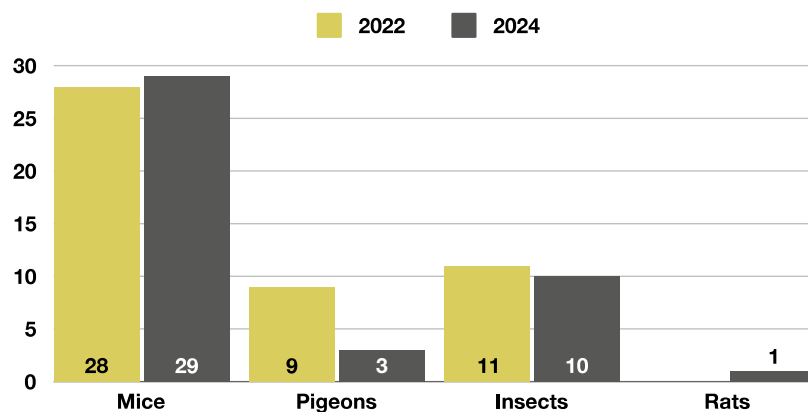
Best practice examples

- Whilst the UK Housing Ombudsman does not operate in Scotland, their guidance³ for landlords when managing pests in properties is useful.
- Reports of pests should be taken seriously and the onus should not be put on tenants to resolve the issue as the root cause may not lay with them.
- A timely inspection should be made of the impacted areas and the root cause established. This is especially important when, as in the case of Cables Wynd House, multiple reports of infestation are reported.
- Aim for joined up working in the area with other pest control companies and local authority environment health teams/wardens and appoint a project lead person. Repairs or preventative work should then be carried out to the fabric of the building in a timely fashion.
- Good communication with residents is vital throughout the process to make sure that both landlord and resident are working together to solve the issue.

Residents' key recommendations

- Take a joined up, whole building approach to pest control to eliminate pests as much as possible
- Communicate about this strategy clearly so that residents are aware and can contribute
- Build in measures to reduce pests into retrofit process, such as blocking up gaps and holes between flats as much as possible

If so, which pests? (*sightings*)



3 <https://www.housing-ombudsman.org.uk/centre-for-learning/key-topics/pests/pest-guidance/>

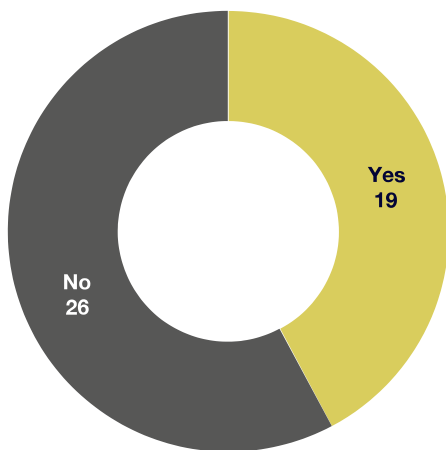
Section 6

Safety and Anti-Social Behaviour

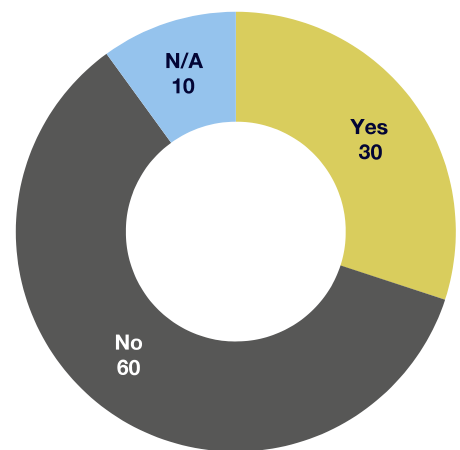
Indicator 6a: By July 2025, less than 10% of people should report being affected by anti-social behaviour in the building.

Indicator 6b: 70% of people should feel confident and comfortable to report anti-social behaviour to the police.

Have you been affected by anti-social behaviour in the building over the past year? (*tenants*)



...if yes, did you feel comfortable reporting this to the police? (%)



When we use the term “anti-social behaviour”, we are referring to behaviour which involves “acting in a manner that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household”. We added this question in 2024 because the issue was noted by many residents in the 2022 survey, and in other conversations at the flats. It is concerning that of the 38.4% of residents who have been affected by anti-social behaviour in the year leading up to the survey, only a third felt comfortable reporting it to the police.

One issue that comes up frequently is concern over aggressive dogs, and dog poo on landings inside of the building.

Human Rights

Although all the issues in this report apply to children’s rights, the need for a safe environment is particularly important for children’s development.

Article 27 of the United Nations Convention on the Rights of the Child (UNCRC)¹ recognises the right of every child to a standard of living adequate for the child’s physical, mental and social development. Following from this, children should have access to safe and

well-maintained housing as this is fundamental to ensuring their physical and mental development.

“Please stop dogs pooing all over the building!”

2024 survey response

Domestic regulations

Published in 2022, the Scottish Social Housing Charter set the standards and outcomes that all social landlords should aim to achieve when performing their housing activities. Landlords are expected to meet a set of outcomes, including Outcome 7.

“Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that:

- tenants and other customers live in well-maintained neighbourhoods where they feel safe.”²

¹ UNCRC_summary-1_1.pdf

² Scottish Social Housing Charter November 2022 - gov.scot

The Promise Scotland

Under the foundation for Scaffolding in Plan 24 -30³ the emotional and mental health of babies, infants, children and young people is a priority. Residents have told us that anti-social behaviour has a considerable negative impact on mental health and family life, therefore undermining the health of children in these households.

“Teenagers drinking and vomiting at my door, people smoking on the lift, weed smell everywhere”

2024 survey response

Best practice examples

- **The Chartered Institute of Housing Scotland** has produced a practice briefing⁴ on tackling anti-social behaviour.
- **Sheffield** - A team of neighbourhood officers provides support for Sheffield City Council’s housing tenants, helping to address issues of concern. This approach has helped to reduce ASB reports from tenants from around 5,000 to less than 3,000 within four years. Each household is offered an annual visit, where neighbourhood officers can offer advice, links to support services and pick up on problems before they escalate.⁵

Residents’ key recommendations

- Police: Reinstate diversionary activities for young people and take a public health approach to policing in the area
- Police: take a proactive focus on the building with regular patrols
- City of Edinburgh Council: Install one-way glass on doors at entrances to building. Often people trying to gain entry can see residents clearly, and they feel pressured into letting them in



3 Scaffolding is one of the five foundations of the promise

4 anti-social-behaviour-practice-briefing.pdf-

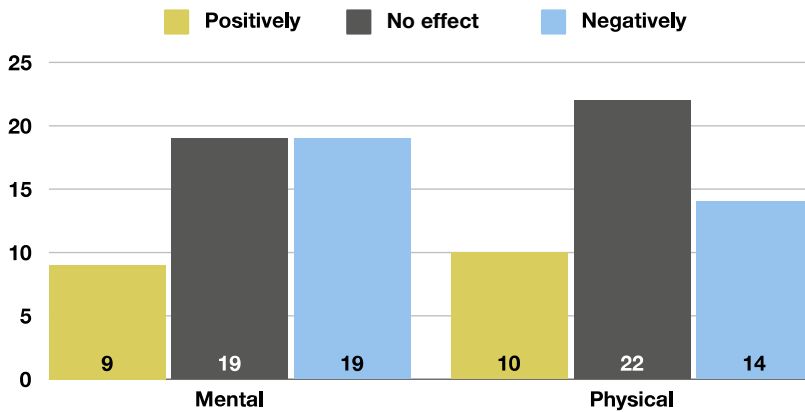
5 Sheffield Council: neighbourhood officers helping to reduce ASB for council housing tenants | Local Government Association

Section 7

Housing and Health

Indicator 7: By July 2025 no resident should report that their home harms their mental or physical health.

Overall, how do you feel your home affects your health? (*tenants*)



We wanted to ask a question about health in the latest survey, because, as we were meeting people and speaking about the building, it was clear that the situation in the flats was having a serious impact on their wellbeing.

The link between housing and health is well established¹. Therefore, investing in improving the issues in this report is likely to improve outcomes for community members in many areas of their lives.

Human rights

“The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.” - Constitution of the World Health Organisation²

Housing and Health in Scotland

“To improve physical health and mental wellbeing and tackle health inequalities in communities across Scotland we need to ensure everyone has access to a warm, dry, safe, affordable home which meets their needs. ...Housing can influence health directly through condition, security of tenure, overcrowding and suitability for inhabitants’ needs. Wider aspects of housing that influence health indirectly include affordability and poverty, housing satisfaction,

choice and control, social isolation, access to key services such as health care, and environmental sustainability.” - Public Health Scotland³

“I am now on antidepressants.”

2024 survey response

Best practice examples

- The City of Edinburgh Council carried out significant upgrades to Citadel, Persevere and West Cromwell St flats, completed in 2018. A follow up survey⁴, carried out by the Housing Rights in Practice project, found that residents reported improved mental and physical health due to the increased warmth, decreased damp and improved surroundings. This shows that the physical environment people live in has a huge impact, and that this was a very good investment from CEC.

1 Housing as a social determinant of health and wellbeing: developing an empirically-informed realist theoretical framework | BMC Public Health | Full Text

2 Constitution of the World Health Organization

3 Healthy housing for Scotland

4 Housing Rights in Practice: Lessons learned from Leith



“Mental health has deteriorated since moving here.”

2024 survey response

Residents’ key recommendations

- We believe that committing to acting on the recommendations in this report will lead to a significant improvement in community health in the building. Our community is full of talents, skills and gifts which we already combine to create life-enhancing fun days, exercise classes, mutual support groups and creative activities. Just imagine what we could do if we could rely on good quality housing, all the hours we could spend on working together to improve our health and build wealth for our community

Next steps

This report has been provided to duty bearers who have been asked to respond and invited to speak at the report launch. We will be asking duty bearers to make specific commitments to address these issues.

We will be monitoring progress by:

- Repeating our survey in 2025

- Gathering photos, videos and testimony from residents
- Participating in the Cables Wynd Community Forum, following up on actions, and feeding back concerns
- Continuing to build our knowledge and confidence about our rights

By July 2025 we need to experience these improvements...

The Key Issues



Indicator 1
90% of residents should say they feel informed about building related matters.



Indicator 2a
No one in the building should experience moderate or major disruption, and no one should be housebound due to the lifts

Indicator 2b
100% of people should feel confident using the lifts and no one should say they are 'not at all confident' about this.



Indicator 3a
No one should wait longer than 2 months for a repair.

Indicator 3b
No repairs should be causing a "big impact" or "reasonable impact".



Indicator 4
No more than 5% of residents should have mould which concerns them in their homes.



Indicator 5
By the time of the next survey, less than 15% of tenants should report a problem with pests.



Indicator 6a
Less than 10% of people should report being affected by anti-social behaviour in the building.

Indicator 6b
70% of people should feel confident and comfortable to report anti-social behaviour to the police.



Indicator 7
No resident should report that their home harms their mental or physical health.

7 key areas showing residents' recommendations for CEC

Communication, Accountability and Participation

- Produce a comprehensive leaflet informing residents exactly what is being changed in the building during the upcoming retrofit, and how the process will affect them, with estimated timelines shared as much as possible
- Deliver newsletters (either through the door or the planned digital notice boards) every month during the retrofit
- Senior decision makers, as well as relevant officers, should attend the Cables Wynd Community Forum and follow good participation practice¹, such as reporting back in a timely manner, sharing power, and updating residents on progress between meetings

Lifts

- Replace current lifts as soon as possible, prior to retrofit with new, reliable models which can be repaired quickly
- The Council should monitor the functioning of lifts internally, with sensors fitted to lift cars indicating any problems. Also treat resident feedback as important data and do not ignore it
- Help to restore trust in lifts by apologising for previous bad service, and outlining steps being taken to ensure safe and functioning lifts immediately and over the long term

Repairs

- Adopt and work towards the target that no resident should wait 2 months or longer for work to start on significant repairs
- Start offering an annual maintenance check-up to all tenants to identify and address problems early
- Compensate residents for poor or neglected repairs

Damp and Mould

- Adopt our target of less than 5% of people reporting damp and mould by the end of 2025
- Communicate about the health impacts of mould and how to prevent it. Some residents in Cables Wynd House have moved from countries with warmer climates, where damp and mould are not issues, and do not realise the health risks
- Include damp and mould in our recommended annual repairs survey

Pests

- Take a joined up, whole building approach to pest control to eliminate pests as much as possible
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- City of Edinburgh Council: Install one-way glass on doors at entrances to building. Often people trying to gain entry can see residents clearly, and they feel pressured into letting them in

Housing and Health

- Committing to acting on the recommendations in this report will lead to a significant improvement in community health in the building. If we could rely on good quality housing, we could spend many more hours working together to improve our health and build wealth for our community

Appendix

The right to adequate housing: what does it mean and how is it applied in practise?

The features of the right to adequate housing were defined by the United Nations Committee on Economic, Social and Cultural Rights in 1991 in its General Comment No. 4 on the right to adequate housing.

The Committee clarified that the right to adequate housing should not be interpreted narrowly, and a mere 'roof over one's head' does not amount to 'adequate housing'.¹ This is key as the right to housing is fundamentally linked to other human rights. As such, there are multiple factors which must be considered when determining what amounts to adequate housing:

- a) Legal security of tenure
- b) Availability of services, materials, facilities and infrastructure*
- c) Affordability
- d) Habitability*
- e) Accessibility*
- f) Location
- g) Cultural adequacy

*b) Availability of services, materials, facilities and infrastructure

General Comment No. 4 of the United Nations Committee on Economic, Social and Cultural Right states that adequate housing must have an availability of services, materials, facilities and infrastructure:

An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.²

*d) Habitability

General Comment No. 4 of the United Nations Committee on Economic, Social and Cultural Right states that adequate housing must be habitable:

Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well.³

*e) Accessibility

General Comment No. 4 of the United Nations Committee on Economic, Social and Cultural Right states that adequate housing must be accessible:

Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters, people living in disaster prone areas and other groups should be ensured some degree of priority consideration in the housing sphere. Both housing law and policy should take fully into account the special housing needs of these groups.⁴

Children's Right to Participation

Children should be able to participate in issues affecting their human rights as outlined in the United Nations Conventions on the Rights of the Child (UNCRC) specifically in relation to:

- that all the rights guaranteed by the UNCRC must be available to all children without discrimination of any kind (Article 2);
- that the best interests of the child must be a primary consideration in all actions concerning children (Article 3);
- that the child's view must be considered and taken into account in all matters affecting him or her (Article 12).

1 General comment No. 4: The right to adequate housing, para 4
2 General comment No. 4: The right to adequate housing, para 8(b)
3 General comment No. 4, para 8(d)
4 General comment No. 4, para 8(e)

Our Housing Rights Project

Cables Wynd House Residents Group

Published January 2025

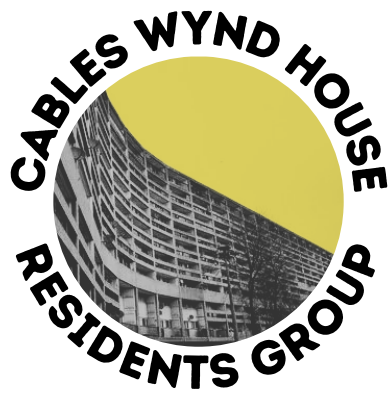
Making Rights Real

c/o Amnesty Scotland Office, 2nd Floor,
66 Hanover Street, Edinburgh, EH2 1EL
Registered Scottish Charity No. SC050342

Bethany Christian Trust

65 Bonnington Road, Edinburgh, EH6 5JQ
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