

# **PE2150/B: Amend the Scottish Housing Regulator's mandate or create a body to protect owners of ex-council properties**

## **Petitioner written submission, 9 May 2025**

We are grateful for the Scottish Government's initial response to Petition PE2150 and welcome the opportunity to offer a considered reply. However, we remain deeply concerned that the complexities and public safety risks raised in this petition have been significantly underestimated.

While it is true that the Scottish Housing Regulator (SHR) was established under the Housing (Scotland) Act 2010 to focus exclusively on social landlords and tenants, this legislative framework has not adapted to meet the realities facing former tenants who now own their homes. The argument that there is no current remit for the SHR to protect private homeowners, or that councils bear no residual responsibility for homes sold under the Right to Buy scheme, might be legally accurate, but it fails to acknowledge the exceptional and urgent context presented by Reinforced Autoclaved Aerated Concrete (RAAC) and other structural defects that were embedded in council-built stock before privatisation.

### **RAAC Is Widely Recognised as Defective – Except in Scottish Housing**

RAAC has now been officially recognised as a critical safety risk across multiple sectors:

- The Department for Education in England is providing targeted funding and rebuilding support for schools and colleges with confirmed RAAC.
- The Department of Health and Social Care has launched a £685 million fund to address RAAC in NHS hospitals and aims to eradicate its use across the estate by 2035.

Both departments are rightly treating RAAC as a defective material requiring government intervention, even in environments like schools and hospitals, where occupancy is temporary and controlled. Yet in Scotland, residents, including children and elderly individuals, are being asked to continue living in homes made with the same dangerous material without any structural support, despite increasing evidence of its degradation and failure.

This contradiction is indefensible. If RAAC is too dangerous for schools and hospitals, how can it possibly be safe in private homes, particularly when those homes were built by public authorities using public funds and later sold without full disclosure of the materials' limitations?

### **Historical Negligence and Known Risks**

Authorities have long been aware of RAAC's vulnerabilities. The Building Research Establishment (BRE) and the Institution of Structural Engineers (IStructE) issued warnings decades ago. Structural deterioration was already so serious in the 1990s that 400 RAAC homes were demolished in Basildon, England, and 86 more were

condemned in West Lothian in 2004. Yet the construction method continued to be used in the interim without proper revision or testing of its long-term performance, especially under conditions of water ingress, vibration, or general aging.

In Tillicoultry, many RAAC-constructed homes were built near operational coal mines and quarries. Blasting activities reportedly shook homes well into the late 1980s. It is reasonable to infer that this would have accelerated the deterioration of lightweight materials such as RAAC. Residents now face evacuation, dereliction, and spiralling costs for empty homes—on top of rent payments for temporary accommodation and futile insurance premiums.

In Basildon, two private homeowners affected by RAAC were compensated based on pre-RAAC property values. Their local authority acknowledged the fault of a predecessor body that used the material in a cost-saving strategy that ultimately failed. Why are Scottish homeowners not afforded the same recognition?

### **The Scheme of Assistance Is Not Sufficient**

The Government's reference to the Scheme of Assistance, which offers advice and support to private homeowners, fails to grasp the gravity of the situation. In practice, local councils have largely relied on this scheme to offer superficial advice or emotional support, while avoiding the provision of financial help or meaningful interventions. Where entire communities are affected by serious structural defects such as RAAC, the Scheme has proven wholly inadequate.

Compounding this is the clear conflict of interest local authorities face. These councils were responsible for commissioning or overseeing the original construction of these now privatised homes. They now act both as potential parties at fault and as gatekeepers to support mechanisms. Without independent oversight, homeowners are forced to negotiate with entities more concerned with minimising liability than offering practical help.

### **Conclusion and Renewed Call for Action**

While we acknowledge the Scottish Government's legal interpretation of the Scottish Housing Regulator's current remit, the argument presented fails to appreciate the exceptional, structural, and public safety dimensions of the crisis at hand. This is not a routine housing issue. It is a systemic failure with profound financial, physical, and emotional consequences for hundreds of homeowners, many living in communities already identified within the Scottish Index of Multiple Deprivation.

RAAC is a critical and urgent example, but it is unlikely to be the last structural defect to emerge from a period of cost-driven mass construction and the subsequent privatisation of council housing stock. Many ex-council homes were built using experimental or economy materials, often without long-term data or adequate safeguards. As these buildings continue to age, further latent defects are likely to come to light, defects for which individual homeowners have neither the expertise nor the financial capacity to respond, and where local authorities may again face conflicts of interest.

Therefore, we reiterate our call for either:

1. A revised mandate for the Scottish Housing Regulator, expanding its role to advocate for and protect former council tenants now facing structural risks in their privately-owned homes; or
2. The establishment of a new independent body with the power and resources to:
  - Provide advocacy and representation for affected owners of ex-council properties;
  - Monitor safety through ongoing inspections and enforce mitigation where risks are present;
  - Coordinate support, including access to financial aid and emergency housing;
  - Ensure full transparency, including mandatory disclosure of known or emerging structural defects—such as RAAC—to homeowners and prospective buyers.

Without such action, the most vulnerable households in Scotland will remain trapped – financially, physically, and emotionally – by past construction decisions and the failure of regulatory frameworks to evolve. The opportunity exists now to create a lasting, forward-looking mechanism that protects people not only from RAAC, but from future building failures that may emerge as ex-council properties continue to age.

We urge the Committee and the Scottish Government to treat this matter with the urgency, nuance, and humanity it demands.