

Citizen Participation and Public Petitions Committee
Wednesday 18 June 2025
11th Meeting, 2025 (Session 6)

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

Introduction

Petitioner Wilson Chowdhry

Petition summary Calling on the Scottish Parliament to urge the Scottish Government to expand the mandate of the Scottish Housing Regulator (SHR) or establish a dedicated body to ensure owners of ex-council properties receive the support and protection they need to deal with significant structural issues. The new or amended regulator should:

- provide oversight and advocacy for owners of ex-council properties experiencing structural crises
- monitor standards and safety through ongoing inspections and the implementation of mitigation measures to maintain safety standards in homes, particularly when systemic issues affect multiple properties
- coordinate support and facilitate clearer pathways for owners of ex-council houses to access advice, financial aid, or alternative accommodation where properties become uninhabitable due to structural risks and where local authorities may have a conflict of interest
- ensure transparency by requiring relevant authorities to disclose known structural risks and safety failures and provide clear information on the presence of hazards like RAAC to owners of ex-council homes.

Webpage <https://petitions.parliament.scot/petitions/PE2150>

1. This is a new petition that was lodged on 25 March 2025.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition collects signatures while it remains under consideration. At the time of writing, 102 signatures have been received on this petition.

5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.
6. The Committee has received submissions from the Scottish Government and the Petitioner, which are set out in **Annexe C** of this paper.

Action

7. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
June 2025

Annexe A: Summary of petition

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

Petitioner

Wilson Chowdhry

Date Lodged

25 March 2025

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to expand the mandate of the Scottish Housing Regulator (SHR) or establish a dedicated body to ensure owners of ex-council properties receive the support and protection they need to deal with significant structural issues. The new or amended regulator should:

- provide oversight and advocacy for owners of ex-council properties experiencing structural crises
- monitor standards and safety through ongoing inspections and the implementation of mitigation measures to maintain safety standards in homes, particularly when systemic issues affect multiple properties
- coordinate support and facilitate clearer pathways for owners of ex-council houses to access advice, financial aid, or alternative accommodation where properties become uninhabitable due to structural risks and where local authorities may have a conflict of interest
- ensure transparency by requiring relevant authorities to disclose known structural risks and safety failures and provide clear information on the presence of hazards like RAAC to owners of ex-council homes.

Background information

Currently, the SHR's focus is limited to social tenants, leaving owners of ex-council houses without adequate oversight or advocacy when structural crises arise.

I have sought updated data from the SHR on homes affected by Reinforced Autoclaved Aerated Concrete (RAAC), with the SHR confirming 2,445 social homes are impacted, but emphasized its limited focus on social tenants. SHR does not collect data on private properties, however, UK RAAC Campaign Group figures now confirm at least 2487 council homes are affected. Through FOI requests, 1,357 privately owned homes were identified, bringing the total to over 3,844 affected properties in Scotland, though private home data remains incomplete. I have criticised the SHR for withholding information and providing inaccurate figures.

It is crucial that a formal mechanism is established to address the gaps in the current system, which leaves owners of ex-council houses vulnerable and without recourse when faced with widespread structural challenges.

Annexe B: SPICe briefing on PE2150



Brief overview of issues raised by the petition

The petition calls on the Scottish Parliament to urge the Scottish Government to expand the mandate of the Scottish Housing Regulator (SHR) or establish a dedicated body to ensure owners of ex-council properties receive the support and protection they need to deal with significant structural issues such as the presence of Reinforced Autoclaved Aerated Concrete (RAAC).

Scottish Housing Regulator

The Scottish Housing Regulator's (SHR) role and functions are governed by the Housing (Scotland) Act 2010. The 2010 Act provides the SHR's statutory objective is to:

“safeguard and promote the interests of persons who are or who may become—

- (a) homeless,
- (b) tenants of social landlords, or
- (c) recipients of housing services provided by social landlords.”

The general functions of the Regulator are:

- to keep a publicly available register of social landlords, and
- to monitor, assess and report regularly on (and, where appropriate, to make regulatory interventions relating to)—
 - social landlords' performance of housing activities, and
 - registered social landlords' financial well-being and standards of governance.

The SHR does not have any specific advocacy role and does not have a role in addressing individual complaints from individual social housing tenants. The SHR has no statutory role regarding owners of ex-council properties.

Scottish Government action

The Scottish Government established a [Reinforced Autoclaved Aerated Concrete \(RAAC\) Cross Sector Working Group](#) in August 2023, which provides a forum for stakeholders to work together to tackle RAAC-related issues. There is also a RAAC in Housing sub-group.

The Scottish Government has made it clear that responsibility for funding and managing RAAC remediation lies with property owners. For example, in answer to the [Parliamentary Question S6W-31232](#), the Minister for Housing, Paul McLennan MSP, stated:

“The management of Reinforced Autoclaved Aerated Concrete (RAAC), including assessing its condition and any decision for removal, is a matter for building owners. Information on buildings identified as having RAAC, including its management, can be found in the Scottish Government report available here: <https://www.gov.scot/publications/raac-in-the-public-sector/> and also from individual building owners and authorities. The Scottish Government has not provided specific funding for RAAC remediation as it is primarily a building maintenance issue.”

The UK Government has adopted a similar position for privately owned homes in England, stating in a written answer to [Parliamentary Question UIN 24183](#) (answered on 20 January 2025) that:

“All building owners are responsible for managing building safety and performance risks of all kinds in their buildings, including reinforced autoclaved aerated concrete (RAAC), in a proportionate, risk-based, and evidence-based manner. To do so, they should continue to follow guidance published by the Institution of Structural Engineers (IStructE) to identify, assess, and manage RAAC.”

Previous Scottish Government support for defective homes

Previously, under Section 99 of the Housing (Scotland) Act 1987, the Scottish Government had designated 12 types of precast reinforced concrete homes as defective. This designation allowed the [Scottish Government to provide financial assistance to the owners of such homes for remediation work](#). To be eligible, a home had to have been sold by a social landlord to a sitting tenant under the right to buy. The scheme was wound up in 2018. This was a compensation scheme run by the Scottish Government that did not involve the establishment of any separate body.

Some private homeowners in Scotland are currently affected by potentially flammable external wall cladding systems. The Scottish Government is addressing this through its [cladding remediation programme](#).

Scottish Parliament Action

The Local Government, Housing and Planning Committee of the Scottish Parliament has been undertaking [ongoing scrutiny of building safety and maintenance issues in Scotland](#).

This has [included consideration of RAAC](#), most recently at the [meetings of 18 March 2025](#) where the Dundee RAAC campaign group attended as a witness; and at its [meeting of 25 March 2025](#), the Committee heard from some councils who talked about understanding the extent of the problems in their areas and liaising with owners of ex-council homes. Prior to these sessions, the Committee issued a call for views. The [petitioner submitted written evidence to the Committee](#).

[The Committee heard from the Minister for Housing on 22 April 2025](#) and was asked about the idea in the petition. The Minister concluded by stating:

“I will not pre-empt what that committee or the petitioner will say, but I am sure that I will be asked to speak to that committee at an appropriate stage. I am happy to come back to this committee at that point.”

Kate Berry

Senior Researcher

29 April 2024

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C: Written submissions

Scottish Government written submission, 8 May 2025

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

Thank you to the Committee for the opportunity to provide an initial view on petition PE2150 to amend the Scottish Housing Regulator's mandate or create a body to protect owners of ex-council properties.

The Scottish Housing Regulator was created by the 2010 Housing (Scotland) Act to be the independent regulator of all social landlords (i.e. local authorities and registered social landlords – RSLs). It has one clear and unambiguous single statutory objective: to safeguard and promote the interests of current and future tenants of social landlords and other users of social landlords services. Its main duties are to regulate the performance of housing services by all social landlords, particularly landlords' achievement of the standards and outcomes that the Government set for social landlords in the Scottish Social Housing Charter. It also regulates the financial health and governance of RSLs.

Its remit does not extend beyond the regulation of social landlords, and the Scottish Government has no plans to amend its statutory objective.

Where homes were sold under Right to Buy, there are no further responsibilities the local authority would have for the maintenance of that property. Local authorities already have a duty to ensure the housing in their areas meets the relevant standards and where a homeowner requires advice and information then this would be provided through the Scheme of Assistance.

Where a homeowner feels there are issues with the buying/selling process they need to seek their own independent legal advice.

Petitioner written submission, 9 May 2025

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

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.

Petitioner written submission, 5 June 2025

PE2150/C: Amend the Scottish Housing Regulator’s mandate or create a body to protect owners of ex-council properties

While the SPICe briefing outlines the current statutory limits of the Scottish Housing Regulator (SHR), it fails to meaningfully engage with the core premise of the petition: that thousands of Scottish homeowners—disproportionately affected by RAAC-related structural failures—remain entirely unprotected by the existing regulatory framework and urgently require a new form of statutory representation.

The status quo is not only inadequate but unjust. What the SPICe briefing frames as a mere jurisdictional gap is, in practice, a dangerous void in accountability—one that enables local authorities to sidestep liability, while homeowners are left shouldering the financial and psychological burden of defective construction for which they bear no fault.

1. The SHR’s Inadequate Remit Undermines Public Protection

The SPICe briefing states that the SHR’s statutory function is to safeguard the interests of tenants, homeless persons, and housing service recipients from social landlords. However, this narrow mandate was devised in a regulatory era blind to the scope and legacy of systemic construction failures that transcend the tenant–landlord relationship.

In Scotland, thousands of properties were sold under “Right to Buy” from the 1980s onward—many of which contain RAAC or were constructed with other non-traditional, unsafe methods. These homeowners were not developers, nor did they commission dangerous building materials. They were ordinary working people who, encouraged by government policy, purchased homes that were often promoted by local councils as structurally sound.

They now face massive remediation costs, loss of property value, and serious mental distress, with no formal statutory body advocating for their interests. That the SHR has “no statutory role” regarding these owners—as SPICe points out—is precisely the problem. The government created the circumstances under which these homes were sold. It must now take responsibility for the aftermath by ensuring those affected have a voice, protection, and legal recourse.

2. Evidence of Institutional Failure and Political Influence Demands Accountability

The SPICe briefing makes no mention of the significant body of historical evidence suggesting long-standing knowledge—both within government and industry—about the risks of RAAC. This omission is troubling and underscores the need for greater scrutiny.

Research reveals that RAAC's use was neither accidental nor based purely on technological optimism. Rather, it was promoted through a network of corporate and political influence:

- **A private company** collaborated with the Building Research Establishment (BRE) to legitimise RAAC use in system-built homes, while also said to facilitate trips by UK politicians to Sweden to promote Siporex (a RAAC product).
- A late MP and former shareholder and director of the abovementioned company promoted system-built housing in Parliament, raising serious conflict of interest concerns.
- **The Edinburgh Research Unit (ERU)** developed automated building design systems that instructed local authorities and the Scottish Special Housing Association (SSHA) to use RAAC-including systems such as Skarne and Bison.

Alarmingly, the post-Ronan Point review into the safety of system-built housing **excluded Scottish properties**, allowing RAAC risks in Scotland to persist unaddressed. Councils such as Edinburgh were already reinforcing RAAC roofs in the 1980s, yet this work was later downplayed or denied in official statements—illustrating a pattern of obfuscation.

Further documentation shows:

- Structural surveyors in Livingston found that RAAC homes lost two-thirds of their value in 1989.
- Siporex was being promoted in the 1960s as a miraculous material, even as its water-sensitivity and fragility were known.
- In 2017, Lanarkshire authorities internally classified Siporex as RAAC, confirming its widespread use—despite subsequent denials from councils.

This body of evidence paints a damning picture: that RAAC was knowingly installed in Scottish housing with either passive neglect or active suppression of concerns. These systemic failures go far beyond individual councils and merit a **full statutory Public Inquiry** into the approval, promotion, and continued use of RAAC in Scotland.

3. Justification for a New Body or Legal Reform

In light of the evidence presented, there is a compelling case to **reassess legal liability** and consider RAAC a “**defective product**” under the principles that once guided the 1980s defective housing scheme under the Housing (Scotland) Act 1987. The Scottish Government previously intervened to provide financial assistance for defective homes constructed with substandard materials. If anything, the case for intervention is even stronger now, given the accumulated knowledge of RAAC's dangers.

However, unlike in the 1980s, there is **no body today** that represents the interests of ex-council homeowners. Council housing departments are conflicted, often holding records that would establish their own liability. The SHR is statutorily barred from helping owners. Who, then, stands up for these citizens?

This is precisely why **either the SHR's remit must be expanded** to include owner-occupiers of former council housing, or an entirely **new independent statutory body** must be created—**free from local government influence**—to advocate for the interests of affected homeowners.

This new entity should:

- Act as a statutory point of redress for ex-council homeowners facing structural issues like RAAC.
- Provide guidance and legal support in disputes with local authorities.
- Hold councils accountable for historic failings in procurement, oversight, and disclosure.
- Support compensation or remediation programmes funded jointly by local and national government.

4. Growing Public Support and Moral Imperative

There is growing national and Scottish support for accountability and justice:

- Over **6,000 signatures** have been collected on the UK petition demanding a statutory Public Inquiry (petition.parliament.uk/petitions/701337).
- Nearly **2,500 people** have signed a RAAC-specific Scottish petition (petitions.parliament.scot/petitions/PE2113).
- Communities from Aberdeen to Tillicoultry are already mobilising through protest, petition, and potential legal challenge.

People affected by RAAC in Scotland are not looking for handouts; they are demanding fairness, transparency, and representation. These are the cornerstones of democracy. For Parliament to acknowledge these harms, yet decline to act due to outdated statutory definitions, would be a dereliction of public duty.

Conclusion

The SPICe briefing confirms the worst fears of affected homeowners: that their suffering falls outside existing protections. This legal vacuum must be filled—through either **reform of the Housing (Scotland) Act 2010** or the creation of a **new statutory agency** representing former council homeowners impacted by RAAC and similar defects.