

Property Guardianships: Squatters paying rent?



AUFHEBEN'S INTRODUCTION

Property guardianships might be considered the housing equivalent of the 'gig economy'. 'Flexibility' on the part of the tenant means giving up the usual tenancy rights and protections. This arrangement has now become a global business model with a number of multinational companies involved. We argued back in *Aufheben* 13 (2005) that:

the very ubiquity of housing in our everyday lives has often meant that the political and social importance of housing is overlooked by those interested in the social question. Yet, as one of the central elements in the reproduction of labour power, housing is above all a class issue.

In this issue, we return to housing with an Intakes article that provides the first critical analysis of the rise of and resistance to property guardianships. It was important to get the perspective of those with experience of living in and of organizing against property guardianships. So this article is partly written by activists involved in one local campaign, alongside an investigation of the history and operation of this housing model.

As the article notes, the form of the resistance, which focuses on legal challenges, has obvious limitations. For example, in the relatively

uncharted legal terrain of the 'gig economy' outcomes in court cases have generally applied only to those workers bringing the action. In the few cases where they have had a wider impact, employers have been able to make cosmetic changes to contracts, exploit existing legal loopholes (such as self-employment law) or have simply ignored the rulings.¹

The article also points out the danger of challenges in the courts leading to unfavourable outcomes in terms of precedent which effectively tie off legal options for redress. In the case of property guardianship schemes, legal challenges have also led to the unintended consequences of encouraging property guardian companies to join together into a cartel and develop a legal framework that fully legitimises the property guardianship model through regulation.

But of course, the ultimate limitation of these struggles, which made the focus on legal challenges necessary, is the current atomisation and de-politicisation of the working class and the consequent lack of confidence in collective direct action. Ideally legal challenges to property guardianship schemes would operate alongside a squatting or similar movement to provide an alternative to the guardianships, so that the

¹ For example see the outcome of the case against Uber in 2016 brought by the GMB union on behalf of two employees. "Legal action doesn't get the goods" Libcom 28 October 2016. Retrieved from: <https://libcom.org/blog/legal-action-doesnt-get-goods-28102016>.

principle threat of the property guardian companies, that of immediate eviction and homelessness, is neutralised at least in the short-term.

Squatting is currently not illegal in non-residential properties and it is these properties that property guardian companies concentrate on extracting rent from. Mass occupations of these properties, particularly through existing property guardians transforming into squatters, could both stave off immediate homelessness and threaten the development and expansion of the property guardianships model.

In a future article we will show the parallel between workfare (unpaid work for welfare benefits) and property guardianship. We will analyse the use of both practices in a case study

of the Synergy Centre, a Brighton venue respected and used by the 'left' for events and meetings. Forgetting that these practices inexorably undermine the bargaining power of the working class as a whole, most in the Brighton left respected the Synergy Centre, seeing them as 'helping' individual homeless and workless people. This acceptance of charity-type practices is connected with a relatively recent shift from class activism and self-help practices to 'charitable activism' in the heart and interests of the radical left. In a future article, we will analyse this development in light of the class belonging of those involved.

Aufheben, May 2020

Intakes: PROPERTY GUARDIANSHIPS - SQUATTERS PAYING RENT?

You're in the boozier and someone you don't know proposes a business idea to you:

"Hey mate, a dicky bird told me you got an empty garage. You know it could be broken into by squatters or vandals and you wouldn't want that, would you? I'll tell you what; my security company can protect your property. Pay me a fee for protection and I'll fill your garage with people who need somewhere to live. I'll call them 'Property Guardians' and they'll pay me rent. If the garage gets any leaks or if the door gets broken then my handy-man Jim'll fix it for a fee which you pay me. Whaddya say? A win-win for both of us, and everything's sweet!"²

This dubious entrepreneurial idea would be laughed at by most small property owners. After all, it would be ridiculous to allow someone to effectively take over your property, claim a fee from you for 'protecting' the premises and then charge rent from some unknown persons to live in sub-standard conditions in a building not designed for human habitation. Regardless of the feeling of being ripped off through the use of your property by an interloping 'landlord', surely the tangle of housing legislation designed to protect tenants from slum landlordism would never allow such ventures to occur in 'modern' Britain?

² "PROPERTY-MANAGEMENT COMPANIES, MY ARSE! SLUM LANDLORDS MORE LIKE...", *The Bristolian*. April 2018. Retrieved from:

<https://thebristolian.net/2017/02/27/property-management-companies-my-arse-slum-landlords-more-like/>



This article looks at the growing international business of Property Guardianship (PG) and resistance to this from both within the schemes and without. In the first part of this article we begin by examining the origins of Property Guardian Companies (PGC) in the squatting scenes of the Netherlands in the 1980s. We look at how the PGC business model was developed and refined in this environment and how the model was transferred to the UK. We then review the modern history of tenant-landlord legislation and laws dealing with squatting that provided the legal context for the emergence of PGCs in the UK. We also consider how the 2008 financial crisis and the subsequent austerity, privatisation and gentrification provided the conditions for the PGC business sector to expand in the UK. In the second part of the article some Property Guardians and housing activists from Bristol present a critical case study of their experiences in resisting a PGC across the city, a struggle

which exposed weaknesses in PGC strategies and in the solidarity required to combat them.

Part 1: Property Guardianship



The origins of Property Guardianship

A brief history of the Dutch squatting movements (1960s-2000s)

The Dutch squatting movement(s) of the 1960s-80s are often eulogised for being the first to appear in Europe in the post-war period, the large numbers of participants, their militancy and longevity.³ They are also remembered for spectacular actions, from the smoke bombs thrown by Provos at the wedding of Princess Beatrix in 1966 to the violent confrontations with police and military in the 1970s in Amsterdam over the subway development of the Nieuwmarkt area and in 1980 in Vondelstraat. At the height of the movement in the 1980s it has been estimated that 20,000 people were occupying buildings in Amsterdam with a similar number in other Dutch towns and cities. Outside of housing, the squatting movement created a radical infrastructure of:

...cafés, bars, infoshops, bookstores, cinemas, bicycle repair shops, clinics and gallery spaces. There were fifteen newspapers, several printing presses and the Vrije Keyser radio station...squatters were closely associated with a number of radical political movements (anti-Apartheid, anti-nuclear energy, anti-fascism, etc.).⁴

³ One estimate states that between 1964 and 1999 up to 70,000 people squatted in the city of Amsterdam alone. A. Vasudevan, *The Autonomous City: A history of urban squatting* (London: Verso, 2017), p. 92.

⁴ Vasudevan, *The Autonomous City*, p. 90.

In 2010, just before squatting was criminalised in the Netherlands, it was estimated that this movement had dramatically reduced to less than a tenth of its size in the 1980s, with only 200 to 300 squats and 1,500 to 2,000 squatters in Amsterdam.⁵ Despite the violence unleashed by the Dutch state in the 1970s and early 1980s, it is generally acknowledged that these actions did not suppress the squatting movement. On the contrary, it is argued that these were actually "key events in establishing the movement's self-identity as a radical housing movement" and helped expand the number of participants.⁶

Instead the decline in squatting in the Netherlands that began in the late 1980s can be traced to a conjunction of a number of factors, the first of which relates to the movement's success in affecting housing policy in that decade:

In many respects, squatters in Amsterdam were remarkably successful in propagating an alternative view of the city that led, in the end, to the construction of social housing, the preservation of existing stock and the democratisation of the planning process. Housing was decommodified as thousands of houses were purchased by the state and placed under the control of local municipalities and housing associations. New rent controls were also implemented through a points system that was based on a property's use value.

These reforms helped reduce the material pressures to squat and coincided with widening divisions within the movement between those who were squatting for political reasons, those who were more interested in the lifestyle and others who merely needed somewhere to live.⁷

The late 1980s were also marked by an "anti-squatting counter-offensive centred on the management of vacant buildings"⁸ which went hand-in-hand with both anti-squatting legislation and the housing reforms apparently won by the

⁵ C. B. Camprubí, "Anti-squat: squatting in the age of neoliberalism?", *Urban Sociology*. April 2018. Retrieved from:

<http://carlesbaiges.tumblr.com/post/115197390213/antikrak>

⁶ After the violent evictions on Vondelstraat by military and police and the subsequent riots in March 1980, the numbers of squatters rose to over 9,000 in 1981. Vasudevan, *The Autonomous City*, pp. 89-90.

⁷ Vasudevan, *The Autonomous City*, pp. 90-91.

⁸ M. Ferreri, and G. Dawson, "Self-precarization and the spatial imaginaries of property guardianship", *Cultural Geographies*, 2017 doi.org/10.1177/1474474017724479, p. 427.

squatting movement. In reaction to the expansion of the numbers of buildings occupied by squatters in the early 1980s, property owners began offering short term leases in vacant buildings to 'students and artists' in order to stop them being squatted. This practice became known as *anti-kraak* (anti-squat) or *kraakwatch* (squat watch). This practice directly led to the creation of the first anti-squatting agencies which began to operate early forms of Property Guardianship schemes in the late 1980s.⁹ In 1987, a new law was passed, the *Leedstandwet* (Vacant Property Act) which inhibited squatting and handed the initiative to the authorities, the property owners and the nascent PGCs. Two of the largest 'anti-squat' multi-national PG corporations were founded in the Netherlands in this period, Ad Hoc in 1990 and Camelot in 1993. These companies would refine and develop PG schemes not only to operate in the Dutch legal environment but also in other European countries.

Concurrent to the rise of PGCs came two other important factors in the Dutch squatting movement's decline: austerity and gentrification. The early 1990s saw the authorities in Amsterdam making a series of cuts to public budgets which led to the housing reforms being rolled back, reduced subsidies and a significant decrease in the provision of social housing. In conjunction with these measures:

The first sustained signs of gentrification also appeared during this period as part of the state-sponsored process of private reinvestment in Amsterdam's inner city, neighbourhoods paradoxically preserved by the action of squatters.¹⁰

These two forces reduced access to housing in general and in particular for those on low-incomes in the centre of Amsterdam. This should have caused an upsurge in squatting, but the housing environment in the early 1990s was significantly different to the 1960s or 70s. More anti-squatting legislation was introduced in 1993 which combined with increasing demand for inner-city properties, both commercial and residential, amongst speculators in tandem with the rapidly growing PG security business made conditions very unfavourable for potential squatters, further weakening the already beleaguered movement.

Despite the propaganda of PGCs it would be a mistake, however, to directly connect the decline

of the Dutch squatting movement with the existence of PG schemes. According to some academic researchers:

While the origins of PG are to be found in localized responses to the squatting movement, it is important to underline that PG companies were founded in response to *the 'threat' of squatting and vandalism* rather than to squatting per se...the establishment of PG companies in the Netherlands occurred at a time when the squatting movement had already started to decline; in fact, *'the anti-squatters far outnumber the squatters at any time in their history'*. The provision of *kraakwatch* (or *anti-kraak*) as a response to an *imagined* threat of unlawful occupation finds echoes in the English context, where the threat of squatting is often greatly exaggerated by PG companies when compared to even the most optimistic estimates.¹¹

In fact it was arguably the weakening of the social base and militancy of the squatting movement that allowed the housing reforms won through the struggles of the 1960s, 70s and 80s to be rolled back and the anti-squatting legislation to be introduced, which created the conditions for PGCs to flourish. As the squatting movement lost its strength in the 1990s PGCs grew in size and multiplied; by 2014 there were around 50 PGCs operating in the Netherlands.

The symbiotic relationship between the practices of PG schemes and anti-squatting legislation became explicit in 2010 with the introduction of a law which made it illegal to squat empty buildings. Ironically, after pressure from left-wing parties in the Dutch parliament to focus on the responsibilities of the property-owners, "the legislation explicitly recommended anti-squatting as a win-win solution to longer-term empty properties and a deterrent to squatters and vandals".¹² The new law was a bonanza for the PGCs as it compelled local authorities and private owners to take responsibility for their vacant properties by using PG schemes. One might imagine that the criminalisation of squatting would remove the threat of occupation and reduce the need for security companies. In practice the opposite was true; as the threat of squatting receded through

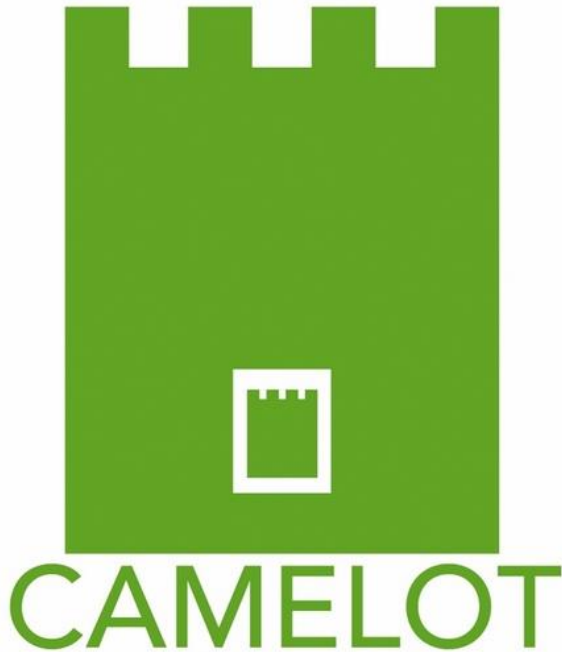
⁹ Ferreri and Dawson, "Self-precarization", p. 427.

¹⁰ The process in Amsterdam may be the origin of the slogan "Squatting is the first wave of gentrification", Vasudevan, *The Autonomous City*, p. 91.

¹¹ Our emphasis in italics. Ferreri and Dawson, "Self-precarization", p. 427.

¹² Camprubí, "Anti-squat: squatting in the age of neoliberalism?"

its criminalisation, the market for PGCs expanded. The co-founder of Camelot stated, "after the squatting ban we have increased turnover within a few years from five to thirty million" and the market value of the company increased by 342 percent between 2009 and 2013. This rapid expansion is mirrored in the estimates for the numbers of people acting as Property Guardians in the Netherlands. In 2010 when the anti-squatting legislation was introduced around 50,000 people were in Guardianship schemes, four years later this had risen to 120,000.¹³



The Property Guardianship model

Having examined the political and economic context for the concept of PG schemes it is now worth considering their specific origins. One might have expected existing security companies to have been the forerunners of PGCs but in fact several of the major business entities emerged from those looking for affordable rents in the Netherlands. The co-founder of Camelot, Bob de Vilder and his business partner Joost van Gestel, met as students. After graduating they were searching for rooms to let in Amsterdam when they came across the anti-squatting PG model. As a business idea it looked very attractive; a PGC is paid to rent out other people's property, but unlike a letting agency it collects all the rent as well as the fee for providing security. There are limited overheads (an office, a website and a minimal maintenance organisation) plus no financial liabilities such as loans or mortgages on the property being rented out and consequently

¹³ Camprubí, "Anti-squat: squatting in the age of neoliberalism?"

the business could be started with relatively little capital. If there was a difficulty, it lay in the legal domain.

De Vilder and van Gestel recognised that the principal issue with the early PG schemes was their ambiguous legal basis in relation to the existing web of housing laws designed to protect the tenant from abuses by landlords. Unsurprisingly, their first action before launching Camelot as a corporate entity was to employ a "very expensive" lawyer to set about creating "a good solid legal ground to start the business".¹⁴ What this meant in practice was creating legal mechanisms and exploiting loop holes in Dutch housing law in order to protect the PGC and the property owner from any liability. Essentially, this was achieved by circumventing the legal status of the landlord-tenant relationship and the tenancy.

If you take a look at any PG licence agreement you will *not* see the following terms, 'landlord', 'tenant', 'tenancy' or 'rent'. Instead you will see the name of the PGC, the 'Guardian', the 'licence' and the 'fee' instead. In changing the legal relationship of landlord and tenant, the PG licence effectively removes most of the legal protections afforded the latter and attempts to establish a new kind of contractual arrangement for housing. Of course, this licence is not something that a property owner would see or be concerned with, as would be the case for a security guard's contract in a conventional security business. The PGC operates as a gate-keeper between the owner and the Property Guardian and that gate is kept firmly shut, as is demonstrated by the number of clauses in a PG licence preventing contact between the two parties.

In addition to the fundamental change in legal status of the Property Guardian with regard to housing rights, licence agreements are chock full of other odd rules, which at first appear quirky but on closer inspection are carefully employed directives and definitions to avoid any legal relationship with tenancies. For example, the word 'room' is redefined as a 'living space', which according to a Camelot licence:

means such part or parts of the Property as Camelot may from time to time designate as being available for the shared residential use of the Guardians and other persons.¹⁵

¹⁴ Camelot Europe News, "25 years Camelot - how it all started in 1993", 26 March, 2018. YouTube video, https://www.youtube.com/watch?v=ru10_p4pGXs

¹⁵ Camelot Property Management Terms and Conditions, 29 June, 2016.

	Security Guard	Property Guardian
SIA trained	✓	✓
24 hr protection	✓ £8000 per month	✓ £200 a month
Multiple guards	✓ £12 an hour per guard	✓ flat fee
Incident Response	✓	✓
Maintenance	x	✓
Protection by law	x	✓
Appearance	x	✓

Figure 1: Comparison of the cost of security guards and Property Guardians (Oaksure Property Protection, 2019)

It is beyond the scope of this article to enter into all the nuances of these redefinitions, loopholes and legal devices, but needless to say they are present in *all* PGC licences. In fact any PGC licence agreement should be seen as a *dynamic* document, that is, it is likely much of its lengthy legal basis is untested in court and, as we shall see, in some cases not worth the paper it is written on. The point we are making here is that whichever of the numerous PGCs you analyse they all share the same basic practice in their contracts with Property Guardians: the attempt to legally redefine the landlord-tenant relationship in order to circumvent any protections for the latter.

Making money through Property Guardianships

For the PGC there are a number of ways to profit in the business of Property Guardianship. One might suppose the primary income stream for a company providing security services would be the fees charged to the owners for providing protection for their properties. For a company providing security equipment and guards acting as mobile ‘night watchmen’ this would certainly be the case. However, for the PGC these fees are not the principal source of revenue; in fact in some cases they offer their services to the owners for free or on a trial basis.¹⁶ This makes PGCs very competitive compared to other security businesses that rely on more conventional

methods (see Figure 1).¹⁷ On top of ‘security’ fees PGCs often have maintenance contracts with the owners, whereby minor repairs to the premises are chargeable. However, with reduced or minimal security fees demanded from the owners and merely maintenance contracts it seems unlikely that such a business could be profitable. In fact, the primary income stream for PGCs lies somewhere else entirely.

It has been estimated that the average number of Property Guardians per building contracted to a PGC in London was around 20. Assuming a conservative monthly licence fee of £400,¹⁸ simple arithmetic shows that on average a building in London could generate a basic income of about £100,000 per year for a PGC. However, this is an underestimate of the potential revenue. Although the licence fees are clearly below the market rate for private rented properties in the capital and the PGCs emphasise this on their websites, on top of these basic costs for the prospective resident are a lot of hidden extras. These typically include a large damage security payment (effectively

¹⁶ In one example the owner costs for securing a building fell from €155,000 to €28,000 per year by using a PG scheme. Camprubí, “Anti-squat: squatting in the age of neoliberalism?”

¹⁷ M. Ferreri, G. Dawson, and A. Vasudevan, "Living precariously: property guardianship and the flexible city", *Transactions of the Institute of British Geographers*, Volume 42, Issue 2, June 2017, p. 251.

¹⁸ This figure is based on a survey of Camelot properties in London in April 2018. Camelot Europe. April 2018. Retrieved from: <https://uk.cameloteurope.com/properties/rooms/London/> A survey in London in 2017 of 210 Property Guardians stated that the average monthly licence fee was £475. C. Hunter and J. Meers, *Property Guardianship in London: a report produced on behalf of the London Assembly Housing Committee* (York: York Law School, University of York, 2017), p. 45.

deposits), exorbitant administration fees and one off payments for 'security equipment' like the fire safety pack.¹⁹ These costs can add up to hundreds of pounds and along with the first month's licence fee, which has to be paid up front, mean that to access a PGC managed property in London requires around £1,000 before a licensee can even move in.



On top of this initial outlay and the monthly licence fee, PGCs create a web of exorbitant fines and charges connected to the complex set of rules and regulations governing the living conditions of the Property Guardians. For example, studying a contract issued by PGC Camelot in 2016 demonstrates late licence payments incurred administration fees of £25 per reminder letter and £5 per text! Other fines included a charge for expenses due to breaches of the licence at £75 per hour per PGC employee to cover any administrative work, with each letter costing £35. Not returning keys upon vacating the property would cost the 'Property Guardian' for changing the locks and a charge of £75 per hour, per employee engaged. Even failing to inform Camelot of a change of e-mail address or phone number involved a penalty of £35.²⁰ So whilst initially appearing financially attractive to both property owner and prospective Property Guardian, the reality for the latter is often very different. This is not surprising as without the façade of providing security for the property owner clearly the main revenue stream comes from the Property

¹⁹ In Bristol in 2014, the damage security payment ranged from £350-600, the administration fee was £65 and the fire safety pack was £65. *Licence: Camelot Guardian Management*, 23 January, 2014. A more recent survey in London in 2017 showed that the average payment for administration and fire safety equipment was £150 and the average 'deposit' was £565, with the most common being £750. Hunter and Meers, *Property Guardianship in London*, p. 7, 40.

²⁰ *Camelot Property Management Terms and Conditions*, 29 June, 2016.

Guardians, as it would in a typical landlord-tenant relationship.

If we assume that 'security' for a property is the primary objective of a PGC and that Property Guardians are acting as de-facto 'security guards', then clearly they are being doubly exploited as they are not being paid to do this work. Instead it could be argued that they are in fact *paying to do the work*. Alternatively, the PGC might argue that their below-market rate housing costs by default include hidden payments for being a security guard. This leads us by implication from the condition of unpaid labour into the world of bonded labour, normally reserved in the UK for horror stories about 'modern slavery'. This may seem far-fetched but it was precisely these kinds of arrangements that got one of the largest PGCs, Camelot, into trouble with Hackney Council in London. Apart from misleading the Council about the size of the fees charged to Property Guardians, Camelot were also using Council properties to house unpaid interns who were working for them. Effectively Camelot held the implied threat of homelessness over their workers in order to coerce them into working for free. As a result of this scandal, Hackney Council terminated the contract with Camelot in 2015 and then employed an 'ethical' PGC, Global Guardians. Global Guardians was a more attractive proposition than Camelot, as they offered Hackney Council a significant cut of their licence fees whilst more than doubling rents for the existing Property Guardians.²¹ We shall return to so-called 'ethical' PGCs later in this article.

The representation of Property Guardians to the owners of vacant properties seeking protection as 'security guards' by PGC salespeople carries its own particular irony, which is reflected in the licence. One might expect a 'security company' hiring 'security guards' to have contracts with their employees that clearly stated their duties in the building, such as clear guidelines on their power to deal with intruders, vandalism and fire, how to interact with police, fire and ambulance services, health and safety, training etc. However, studying a typical PG licence is an education in itself. After wading through "pages of weird and wonderful 'rules' aimed at getting round tenancy law, interspersed with illegal threats of fines and evictions for not following them" some housing activists in Bristol noted that buried in the:

...final paragraph of the endless pages of loopholes and threats in the 'licence' come the two statements which give the whole game away:

²¹ L. Amin and M. Gibbs, "The high price of cheap living: how the property guardianship dream soured", *The Guardian*, 24 December, 2015.

- It is hereby expressly acknowledged by all parties that the Guardian has **NO** security responsibility as defined in the Private Security Industry Act 2001
- The Guardian expressly acknowledges that they **only have the powers of an ordinary citizen** and they will not assume the powers of security officers or the police or any governmental authority²²

So despite the PGC propaganda, Property Guardians are not actually security guards and have no powers to act as such.²³ This of course begged the question: if Property Guardians are not security guards then what are they? In Bristol the activists answered their own question:

So despite all the pseudo-legal flannel in the licence it's fairly obvious the Property-Guardian is actually just a *tenant paying rent to a landlord*.²⁴

The fact that this 'landlord' does not own the building or that the 'tenant' might not be able to access the legal rights of tenancy is somewhat secondary to this fundamental observation.

The reduced costs for securing empty buildings with Property Guardians, as against conventional security measures, that PGCs offered was not the only incentive for private property owners to engage in the schemes. Owners of vacant commercial properties typically pay property taxes to local councils in the form of 'business rates' which can be significantly higher than the charges for residential properties. This fact is not lost on PGCs who often sell their PG schemes on this basis:

By installing property guardians – and basic facilities such as temporary showers and kitchens – owners can reclassify buildings as domestic, slashing their business rates.

²² "PROPERTY-MANAGEMENT COMPANIES, MY ARSE! SLUM LANDLORDS MORE LIKE...", *The Bristolian*.

²³ We have come across only one example where a PGC actually trains its Property Guardians to be licenced security guards. This was the security company turned PGC, Oaksure who used this fact as a marketing tool. "Property Guardians", Oaksure Property Protection, 2019. Retrieved from:

<https://www.oaksurepropertyprotection.com/property-guardians/>

²⁴ "PROPERTY-MANAGEMENT COMPANIES, MY ARSE! SLUM LANDLORDS MORE LIKE...", *The Bristolian*. The PG licence related to a property in Bristol managed by the PGC Camelot.

Live-In Guardians [a PGC] advertises its ability to reduce business rates for landowners. Its website states: "In most cases we will be able to substantially reduce your empty rates liability." The company reduced a landowner's business rates on an office block in Lambeth from £694,000 to £33,000 per year, lowered liabilities on a gym in Covent Garden from £150,000 to £2,650 per year, and reduced the rates on nine light-industrial units in Shoreditch from £110,000 to £15,000 per year.

The number of properties receiving rates reductions under these schemes is unclear, but it is clearly costing local authorities millions of pounds. Global Guardians alone claims to have saved its clients £1.2m in reduced business rates.²⁵

Many local authorities employed PG schemes to manage buildings that were closed and mothballed due to the austerity measures launched in 2010 by the coalition government. However, inviting and encouraging PGCs to operate in their towns and cities was a poisoned chalice in that Councils may have been making savings over conventional security costs but losing much more in terms of business rates for vacant private properties.

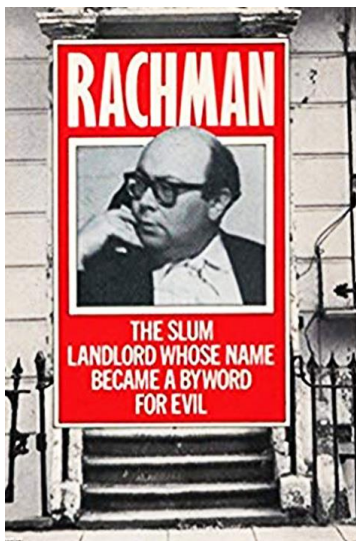


Property Guardianships in the UK

The key areas of housing legislation which were central to the introduction, operation and resistance to PGCs in the UK involved tenancy, possession and living conditions. As we have seen it was necessary for PGCs to circumvent the landlord-tenant relationship in order for their

²⁵ Amin and Gibbs, "The high price of cheap living: how the property guardianship dream soured".

business model to be successful. Recent housing safety legislation particularly with regard to large residential buildings presented PGCs with obstacles and activists with legal tools. The status of possession law was important as it related directly to the legality of squatting, the folk devil which the PGCs relied on to drive their 'security' business. These laws were a product of interrelated economic and political struggles over the last century or so. In order to understand the context for the introduction and growth of PGCs in the UK and to understand their modus operandi it is worth considering brief histories of these dynamic legal frameworks and their disposition in the wake of the financial crisis of 2008.



A brief history of tenancy law

Just prior to World War One it has been estimated that 90 percent of households in Britain lived in privately rented accommodation. At this time the relationship between landlord and tenant was governed by common law and the system was relatively unregulated. However, this did not mean that working and middle class families were treated equally by landlords:

The middle classes were able to negotiate leases giving some form of security for relatively long periods. For others their accommodation was tied to their job, and rented from week to week, or, for those slightly higher up the ladder, annually. Pressure for accommodation led to sub tenancies and lodgings, often rented on a daily (or nightly) basis.²⁶

²⁶ R. Burrige and D. Ormandy, "Health and safety at home: private and public responsibility for unsatisfactory housing conditions." *Journal of Law and Society* 34, no. 4 (2007), p. 547.

Where formal agreements between landlord and tenant existed they were drafted by the former and unsurprisingly were framed in their favour. Cases brought to court by tenants were rare and in general the magistracy deferred to the terms of the agreement which the two parties had apparently "voluntarily and independently entered". For the precarious working-class tenants and licensees:

The bailiff, eviction, and the prospect of the debtors' prison were always in the background, creating a constant pressure to pay the rent and, with no security of tenure, a need not to upset the landlord.²⁷

Shortages in house building due to the long depression (1873-1896) and rises in land prices combined with the opportunity for landlords to increase rents led to chronic overcrowding, run-down properties and unhealthy living conditions for much of the working class. Rather than improving housing conditions had deteriorated over the three decades before the First World War, whilst rent formed an ever greater fraction of wage-packets. The outbreak of war and the consequent displacement of millions of workers into war industries meant that there was massive demand for rented accommodation in particular cities. Combined with the existing shortage of housing and more regular wages for the war workers, this provided an opportunity for landlords to increase rents. However, the needs of wartime production also placed these sections of the working class in a better bargaining position:

Growing conflicts over rents and the housing shortage culminated with the citywide rent strike in Glasgow in 1915. With more than 20,000 tenants in the city on rent strike, and faced with the prospect of the rent strike leading to a general strike in Glasgow munitions factories, which would have severely handicapped the production of munitions vital for the war effort, the Government decided to defuse the situation. Overriding age-old objections concerning the rights of private property and freedom of contract, the Government rushed through legislation introducing rent controls.²⁸

²⁷ Burrige and Ormandy, "Health and safety at home", p. 547.

²⁸ "The housing question", *Aufheben* #13, 2005.

The rent controls of 1915 were followed by further legislation which prevented landlords from circumventing them by outlawing additional fees such as premium or 'key money' and, crucially, tenants were given security of tenure.²⁹ Although these laws were meant to be a temporary wartime measure and only applied to properties with lower-end rateable values, the strong post-war left-wing political environment meant that governments were forced to retain them. The outbreak of the Second World War led to the scope of these housing laws being expanded to include properties of higher rateable values and in 1953 it was estimated that 90 percent of dwellings fell within the rateable value limits and most unfurnished tenancies were within the scope of the legislation.³⁰

In the 1950s successive Tory governments rolled back the rent control legislation by putting vacant, new and recently converted housing outside the remit of the legislation and reducing the rateable value at which the law became applicable. This made it attractive for landlords to remove existing less-well off tenants who were protected by the legislation and convert properties into smaller units that were above the rateable value for rent control. The most infamous multiple property landlord of the period was Peter Rachman who symbolised the excesses of these widespread practices. Rachman used enforcers to 'encourage' protected tenants to leave his numerous properties in West London and then refilled them with unprotected migrants at higher rents. The reaction to 'Rachmanism', as these practices became known, came under the new Labour government of 1964 which introduced the Protection from Eviction Act and the following year the Rent Act. These two pieces of legislation made harassment of tenants a criminal offence, forced landlords to have to obtain a court order in order to evict tenants, and made four weeks the statutory period for notices to quit for all tenants. In addition:

instead of inflexible rent controls based on tightly defined statutory formulae, rent levels were to be fixed at a 'fair' level which reflected market rent but discounted any inflation for housing shortage. Any appeal was to the Rent Assessment Committees

...and fair rents could be reviewed every two years.³¹

The application of these laws was widened to include a greater range of rented properties and for the first time the legislation was intended to be permanent. Further expansions, to include furnished accommodation and succession rights for family members of tenants, were made in 1974 and the legislation was consolidated in 1977 by the Protection from Eviction Act and the Rent Act. At this point tenants enjoyed the strongest legal protections in modern British history, though many were unaware of their new rights.

As with many historical situations where attempts at legal regulation of property relations are made without actually altering the social relations of ownership, the owners reacted in order to maximise their accumulation in the new legislative environment. Many landlords withdrew from the private renting sector, leading to a substantial reduction in its size. By the end of the 1980s it is estimated that the fraction of households in private rented accommodation had reduced to 8-9 percent. Other owners attempted to circumvent the Rent Acts by exploiting the fact that the legislation was not comprehensive and some tenancies fell outside its bounds. Landlords used these loopholes to evict tenants. Others attempted to redefine the landlord-tenant relationship to escape the protections for tenants by renting properties to limited companies, essentially virtual individuals, instead of actual individuals.³²

A similar tactic, which has a direct relevance to current Property Guardianship schemes, was the use of 'licensing' to rent properties. In 1983, Roger Street, a Bournemouth solicitor, 'rented' two rooms to Wendy Mountford for a 'licence fee' on the basis that the contract could be terminated with fourteen days' notice. Mountford signed a form saying she understood the Rent Act 1977 did not apply in this instance. A legal dispute arose between them and in civil court Mountford claimed she had a lease rather than a licence. Street appealed and two years later the case eventually ended up in the House of Lords for judgement. Despite the fact that the Court of Appeal had ruled that Mountford knew she had a licence and not a tenancy and thus was not a tenant, the Lords ruled in her favour. This was because it was the facts of her living arrangements that determined whether she was a tenant, not the written agreement. Lord Templeman noted:

²⁹ Premiums or key money are payments required from a new tenant of rented accommodation in exchange for the provision of a key to the premises.

³⁰ T. Shepperson, "The end of Section 21 – a quick look at its history", *The Landlord Law Blog*, 17 April, 2019. Retrieved from: <https://www.landlordlawblog.co.uk/2019/04/17/the-end-of-section-21-history-of-the-prs/>

³¹ Shepperson, "The end of Section 21".

³² The practice of 'Company lets' is still a viable loophole. Shepperson, "The end of Section 21".

The manufacture of a five pronged implement for manual digging results in a fork even if the manufacturer, unfamiliar with the English language, insists that he intended to make and has made a spade.³³

This case set precedent in that it affirmed the legal rights of tenants regardless of attempts by landlords to assert their relationship was something else. This judgement, at least in the short term, stymied this particular approach to circumventing tenancy law. However, by the mid-1980s these tactics were rapidly becoming obsolete; for landlords a new saviour had entered stage right.

The unintended consequences of the pro-tenant Rent Acts of the 1960s and 70s had been the withdrawal of many owners from the private renting sector. This was because they were unwilling to take on tenants who could obtain security of tenure for many years. Also, there was the problem of 'fair rents' which were meant to reflect the 'market rent'. However, as the 'market' had been partially suppressed by the controls, 'fair rents' drifted down providing less incentive for owners to keep their properties in good condition. As a result the condition of many properties deteriorated. The arrival of the Conservative government in 1979 provided an opportunity to reverse the gains made by tenants over the previous 25 years. Thatcher wanted to increase the size of the private rented sector and used the law to do this. The Housing Act 1980 introduced shorthold tenancies which allowed landlords to regain possession of a property from tenants after a stated period (typically one year). This concept was refined and extended in the Housing Act 1988 with the creation of assured shorthold tenancies and provided the legal process, through section 21, for landlords to evict tenants without giving a reason. These changes effectively removed the security of tenure that had been in place since the 1970s.

By the mid-1990s the assured shorthold tenancy (AST) was the dominant contractual agreement between landlord and tenant, displacing the assured tenancy which did not have access to the powerful section 21 clause. The rise of the AST had other effects in that it encouraged mortgage lenders to:

finance a property purchase where the purchaser will not be living there themselves, again because of the protection provided and the ultimate

right to recover possession under section 21.³⁴



This reversal in power relations eventually led to the buy-to-let boom which had its origins in the 'buy to let mortgage' launched by Association of Residential Letting Agencies in 1995. Essentially the new confidence of landlords and money-lenders came from their increased control over their properties and the consequent precarity of their tenants. One pro-landlord legal commentator even stated: "Section 21 has been enormously important and in many ways is the author of the modern PRS [Private Rented Sector]".³⁵ The mid-1990s also saw landlords presenting legal challenges to how 'fair rents' under the 1977 Act were determined. Originally, 'fair rents' were calculated by what were termed 'comparables'; that is comparing a potential let with similar properties that already had a registered fair rent in place. Several successful court-cases in the neo-liberal 1990s provided precedent for landlords to compare a property to the market rent instead. This allowed a general rise in rents to occur and effectively removed most of the remaining controls.³⁶

³⁴ Shepperson, "The end of Section 21".

³⁵ Shepperson, "The end of Section 21".

³⁶ "Determination of fair rents", *Shelter Legal – England and Wales*, 21 March, 2018. Retrieved from:

³³ United Kingdom House of Lords Decisions: *Street v Mountford* [1985] UKHL 4 (2 May, 1985), p. 6.

The impact of these significant changes to the relationship between landlord and tenant and rent controls was to make the private rented sector (PRS) far more attractive to property owners, particularly through buy-to-let. From a low of 9 percent in 1990, the PRS accounted for 20 percent of households in the UK in 2017. Between 2007 and 2017 the number of households in the PRS grew from 2.8 million to 4.5 million.³⁷ Although the PRS grew after the 1980s this was offset and to some extent driven by the huge decline in public housing. At the start of World War One council housing accounted for only two percent of households in Britain. By 1939 this had increased to 10 percent and at its high point in 1970 a third of all households were council tenants.³⁸ The effect of right-to-buy policies combined with sanctions from central government against replacing council housing stock and the reduction in new builds due to cuts in local government spending in the 1980s had a large effect on the amount of local authority housing. More recently post-crash austerity policies that restricted local authority spending have exacerbated this deficit. In England in 2018 around 17 percent of households were considered to come under the bracket of social housing of which less than 7 percent were Local Authority properties.³⁹

Housing fit for human habitation

The Housing of the Working Classes Act 1890 was the first British legislation to formalise the idea that rented properties should be "in all respects reasonably fit for human habitation". This act was limited in its remit and landlords could circumvent the legislation by adding clauses to leases. However, the concept survived, and through the first half of the twentieth century courts gradually developed a 'standard of fitness' based on building codes and by studying diverse complaints of tenants. It was not until 1954 that a definition was formalised in the Housing Repairs and Rents Act, which:

identified nine matters to be considered in determining whether premises were unfit: repair; stability;

http://england.shelter.org.uk/legal/rents/fair_rents/determination_of_fair_rents#2

³⁷ K. Christiansen and R. Lewis, "UK private rented sector: 2018", *Office of National Statistics*, 18 January, 2019. Retrieved from:

<https://www.ons.gov.uk/economy/inflationandpriceindices/articles/ukprivaterentedsector/2018>

³⁸ "The housing question", *Aufheben* #13, 2005.

³⁹ Dwelling stock estimates in England: 2018, Ministry of Housing, Communities & Local Government, 24 May, 2019. Retrieved from:

<https://www.gov.uk/government/statistics/dwelling-stock-estimates-in-england-2018>

freedom from damp; internal arrangement; natural lighting; ventilation; water supply; drainage and sanitary conveniences; facilities for the preparation and cooking of food and disposal of waste water.⁴⁰

A few years after, in the Housing Act 1961, the issue of disrepair of rented properties was addressed for the first time. Clauses in the act compelled landlords to keep in repair the structure and the exterior of the property (including drains etc.) and to keep in "proper working order installations for the supply of water, gas, and electricity, for sanitation, and for space and water heating".⁴¹

Although these two pieces of legislation ostensibly produced responsibilities for landlords and protections for tenants, enforcing the law revolved around the key issues of detecting and reporting. As far as reporting goes, Burridge and Ormandy note:

Any protection for tenants is futile if the landlord can evict them whenever a complaint is made. Security of tenure, the protection of a tenant's right to occupy the dwelling, is an essential corollary of any tenants' rights against the landlord. Even though some tenants had limited security, there was still widespread reluctance to complain about housing conditions and many apparently suffered severe discomfort and deprivation before objecting.⁴²

The introduction of assured shorthold tenancies in the 1980s not only increased the precarity of tenants but has severely hampered reporting of conditions 'unfit for human habitation' or rented properties in, sometimes dangerous, disrepair. Recent studies have suggested that victimisation of tenants who complain by landlords is prevalent and has dis-incentivised many other tenants from seeking redress. The other option, detection, through the inspection and licencing of properties by local authorities is reliant on having the resources to carry this out and the legislation to compel them to undertake this activity. One category of housing where this is now (supposedly) compulsory is for properties designated as Houses of Multiple Occupancy (HMO).

⁴⁰ Burridge and Ormandy, "Health and safety at home", p. 549.

⁴¹ Burridge and Ormandy, "Health and safety at home", p. 549.

⁴² Burridge and Ormandy, "Health and safety at home", p. 550.

In 1999 two students died in a house fire in Glasgow. It was revealed after their deaths that their basement flat had iron bars on the window, a disconnected fire alarm, a blocked fire exit and that the landlord had failed to register the property as an HMO with the local council.⁴³ HMOs are defined as residential properties with more than one household that share common areas and facilities such as bathrooms and kitchens or even stairwells or landings. The term first appeared in legislation in the Housing Act 1985 but it wasn't until 2004, and partly down to the deaths of the two students in Glasgow five years previously, that it became mandatory for certain types of HMOs to be licenced. Failure to do so became a criminal offence; prior to this legislative change the emphasis had been on self-reporting by landlords. Central to gaining an HMO licence from a local authority is satisfying the fire, gas and electrical safety requirements, proving the property is not overcrowded and that there are sufficient cooking and bathroom facilities for the number of residents living there.



A brief history of squatting law

As with the legal relationship between landlord and tenant, laws about squatting have been the product of the interrelation of economic conditions and political struggles. An unprecedented squatting movement in the UK developed in the immediate aftermath of World War Two in the context of a desperate shortage of social housing and rising homelessness. At first, in 1945, returning soldiers seized empty properties in cities to house servicemen's families. This was followed by a mass invasion of empty army camps which led in 1946 to nearly 40,000 people occupying more than 1,000 such facilities. The movement gained significant public and

media sympathy but it was the well-publicised actions of the Communist party in housing 100 homeless families in luxury flats in Kensington, London that concentrated the minds of the government. They instructed the Home Office to draw up legislation which would make squatting a criminal rather than civil offence. In the end, police blockades of these high profile squats in wealthy areas of London led to their demise and the change in the law was dropped.⁴⁴ Nevertheless, the tension between civil and criminal legal sanction would reappear continuously as the squatting movements waxed and waned in the latter part of the twentieth century.

The re-emergence of squatting as a movement in Britain can be traced to the formation of the London Squatters Campaign in 1968. In this period, in the absence of specific laws dealing with this form of occupation, squatters employed the ancient Forcible Entry Act (1381) to deter ad hoc evictions.⁴⁵ In fact, the lack of legislation to deal specifically with occupation by those wishing to live in a property gave squatters some flexibility in court. In 1969 in a series of court actions over seventeen squatted houses in Ilford, East London, Redbridge Borough Council attempted to use a later version of the Forcible Entry Act (1429) to claim that the squatters were 'forcibly detaining' the properties. They lost, and in so doing shut down that particular legal attack on squatting by setting precedent.⁴⁶ Other tactics by squatters such as refusing to give their names to officials so they could not be served with named possession orders initially succeeded but were later nullified in court cases.

The legal skirmishing between squatters and local government in the late 60s and early 70s eventually led to a response by central government. In 1974 the Law Commission recommended the repeal of the Forcible Entry Acts and that all forms of trespass become criminal offences. In response squatters in London formed the Campaign Against a Criminal Trespass Law (CACTL) which argued "that the real purpose of the legislation was not to wipe out squatting but to stop protest occupations". CACTL organisers lobbied students and workers, many of whom had been involved in university and factory occupations. As Finchett-Maddock notes:

At the time, there was mass unrest, workers for instance being involved in

⁴³ F. McFall, "UK: Scotland: students welcome tighter controls on landlords", BBC News, 30 September, 1999. Retrieved from:

<http://news.bbc.co.uk/1/hi/scotland/462096.stm>

⁴⁴ Vasudevan, *The Autonomous City*, pp. 44-46.

⁴⁵ L. Finchett-Maddock, "Squatting in London: squatters' rights and legal movement(s)" in B. van der Steen, A. Katzeff, and L. van Hoogenhuijze, (eds.) *The City Is Ours: Squatting and Autonomous Movements in Europe from the 1970s to the Present* (Oakland: PM Press, 2014), p. 217.

⁴⁶ Vasudevan, *The Autonomous City*, p. 48.

over two hundred factory occupations between 1971 and 1975....by 1976, CACTL had the backing of thirty-six trades councils, eighty-five trade union branches, and fifty-one student unions.⁴⁷

Pressure from CACTL paid off. Although the Criminal Law Act of 1977 embodied some of the changes suggested by the Law Commission, such as making it easier to evict squatters in certain circumstances, it was watered down and did not make squatting a criminal offence per se. Ironically, the 1977 law in repealing the earlier Forcible Entry Acts even provided squatters with some protection against illegal entry and eviction through its *Section 6: Violence for securing entry*.⁴⁸

The 'free party' and 'rave' scene of the late 1980s and early 1990s intersected with squatting in that they all became the target of legislation designed to criminalise their activities. Despite a series of high profile protests including an anti-police riot in Hyde Park the Criminal Justice and Public Order Act (CJPOA) came into force in late 1994. The Act:

made some substantial changes to the law relating to squatting, bringing in interim possession orders on behalf of the owner and giving squatters a considerably reduced amount of time to remain and thus a reduced version of squatters' rights.⁴⁹

The defeat of the campaign against the CJPOA led to further legal attacks on squatting. In 2002 the Land Registration Act altered the law of adverse possession, effectively removing the right for squatters in uncontested possession of property for more than ten years to gain ownership. This reversal was followed ten years later by perhaps the most fundamental challenge to squatting in modern British history. This was the criminalisation of squatting in residential buildings which was being discussed in parliament during the numerous occupations by students and anti-austerity activists in the nationwide protest wave of 2010-11.⁵⁰ The Tory

⁴⁷ Finchett-Maddock, "Squatting in London", p. 218.

⁴⁸ This author remembers in the early 1980s (I am sure along with many others) affixing a copy of Section 6 of the 1977 Act to the front door and reading it out to police officers and landlords on several occasions to deter them from entering squats. Finchett-Maddock, "Squatting in London", p. 217.

⁴⁹ Finchett-Maddock, "Squatting in London", pp. 223-224.

⁵⁰ This included the seizure and damage to the Conservative party headquarters at Millbank Tower in London by demonstrators during the education protests of 2010. M. Manjikian, *Securitization of Property Squatting in Europe* (London: Routledge, 2013), p. 113.

government set up a consultation on the criminalisation of squatting in 2011 and a year later they responded by:

amending clause 26 (now clause 144) of the Legal Aid, Sentencing and Punishment of Offenders Act (LASPOA)...Under the plans, anyone found squatting in a residential building was to face a year in jail, a £5,000 fine, or both.⁵¹



The LASPOA was enforced immediately, particularly in London, with 247 persons arrested, 112 charged, 101 convicted and 22 imprisoned in the Metropolitan Police Service (MPS) area between September 2012 and September 2013.⁵² The initial shock of these arrests and the publicity associated with particular cases appeared to have a wider impact.⁵³ Over the following four years the numbers of people proceeded against by the MPS for squatting dropped by a factor of ten from 62 in 2014 to 6 in 2017.⁵⁴ As many squatting activists

⁵¹ Manjikian, *Securitization of Property Squatting in Europe*, p. 224.

⁵² Figures quoted from M. Dixon, "Criminal squatting and adverse possession: the best solution?", Queens' College, Cambridge University. Retrieved from: https://www.repository.cam.ac.uk/bitstream/handle/1810/246191/OA1844_Best-v-Land-Registrar.pdf;sequence=1

⁵³ The first squatter to be jailed was widely reported in the media. "London squatter first to be jailed under new law", BBC News, 27 September, 2012. Retrieved from: <https://www.bbc.co.uk/news/uk-england-london-19753414>

⁵⁴ The yearly figures were 2012 (75), 2013 (54), 2014 (62), 2015 (34), 2016 (11) and 2017 (6). It is interesting to note that migrant workers from eastern Europe made up 60 percent of those proceeded against in this period. MOPAC, "PPA Squatting for the date range September 2012 to August 2017", Met HQ - Information and Insight 783131, 18 December, 2017. Retrieved from: https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/disclosure_2018/march_2018/information-rights-unit--people-proceeded-against-for-squatting-between-september-2012-to-august-2013--september-2013-to-august-2014

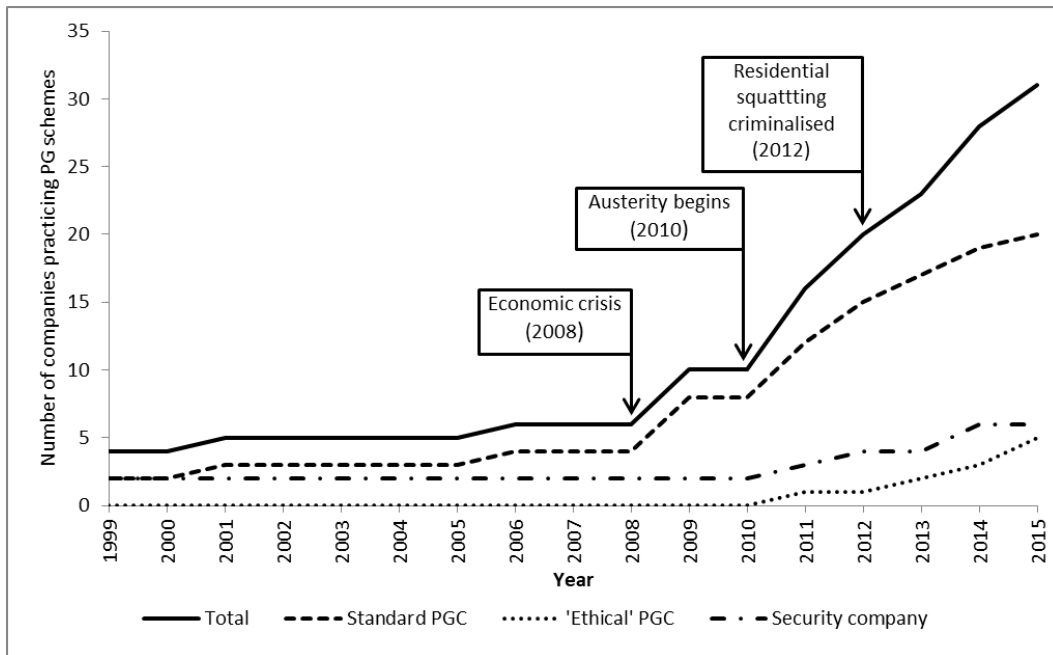


Figure 2: Number of companies running PG schemes in the UK (1999-2015)

have noted, the main effect of the new law was to convince many people that squatting was illegal per se, despite the fact it only applied to residential properties, not commercial or agricultural premises.

Historical estimates of the numbers of people squatting in the UK are hard to determine as there is no official record keeping, but the figures that are available do demonstrate trends. In 1979 it was estimated that there were 50,000 squatters in the UK; 30,000 of whom were living in London. By 1995 this had reduced to a low of 9,500, partly down to the licencing of squats in the 1980s and because of the actual and perceived sanctions introduced by the CJPOA in 1994. However, over the following years, the number of squatters began to increase. It was estimated in 1998 that there were 15,000 and 22,000 in 2005.⁵⁵ The latter (conservative) figure seems to have held, with government estimates suggesting there were 20,000 squatters in 2011, just prior to the introduction of the LASPOA.⁵⁶

The rise of the Property Guardianship business sector

The first dedicated Property Guardian Company, Ambika Security, made its appearance in the UK in 1988 but it wasn't until the turn of the twentieth century that Guardianship became a recognisable business sector. Three key

enterprises founded in the Netherlands led the way by opening up limited companies in the UK; these were DEX Property Management (1999), Camelot (2001) and Ad Hoc (2005).⁵⁷ However, from assessing their declared accounts, the UK companies were in general small and/or sleeper operations waiting for market conditions to become favourable, which eventually they did.

Figure 2 shows the number of companies operating PG schemes in the UK from 1999-2015. They are divided into three types. 'Standard PGCs', are those UK companies that were founded on the basis that "live-in security constitutes their main profit-making activity", 'Ethical PGCs' that "are usually aimed at volunteers and individuals working in the arts and creative sectors and are sometimes registered as non-profit" and lastly, 'Security companies' that offer PG schemes as a "minor part of a wider portfolio of security options for property owners".⁵⁸ It is clear from Figure 2 that the PG sector grew rapidly after the economic crisis of 2008, led by the increase in the number of Standard PGCs. The numbers of Security Companies and Ethical PGCs began to expand in 2010, as austerity measures were introduced across the UK. The growth in the Security Companies was almost certainly related to the competitive advantage that PGCs had over these traditional businesses. This forced Security

⁵⁷ Companies House, "Search the register". Retrieved from: <https://beta.companieshouse.gov.uk/>

⁵⁸ This graph and the categorical definitions of PGCs are derived from additional research based on the data listed in Table 1 p. 252 of Ferreri, Dawson, and Vasudevan, "Living precariously: property guardianship and the flexible city".

⁵⁵ Finchett-Maddock, "Squatting in London", p. 216.

⁵⁶ C. McClatchey, "Squatters: who are they and why do they squat?", BBC News magazine, 6 July, 2011. Retrieved from: <https://www.bbc.co.uk/news/magazine-14030336>

Companies to open up new arms running PG schemes.

The growth in Ethical PGCs was partly down to the voluntarist 'big society' ideas of the incumbent Tory government, who encouraged and facilitated such schemes as a partial solution to the loss of local government services due to the swingeing austerity measures. However, Ethical PGCs are not averse to engaging in dubious housing and employment practices, albeit with a do-gooder façade. For example, Dot Dot Dot, a PGC founded in 2011 offers housing as a Guardian for its applicants on the proviso that they sign up to a minimum of 16 hours unpaid voluntary work each month. They claim that:

Dot Dot Dot believes that with lower monthly living costs, our guardians have a little more time and can therefore engage with their community with less pressures of needing to be elsewhere to earn money.⁵⁹

Being a Guardian for Dot Dot Dot therefore involves wearing several hats; tenant, unpaid security guard and unpaid labourer. The company's income streams thus include fees from owners for protecting their properties, rent from their live-in Guardians and perhaps fees from charities for providing this free labour. It would not be beyond the realms of imagination to see how this scheme could be applied to other scenarios, leading to informal forms of bonded or indentured labour.

At first glance, it would be expected that the criminalisation of squatting in residential buildings in 2012 would have reduced the numbers of actual or potential squatters, and thus decreased the threat to empty properties in general and thus undermined the primary raison

d'être for PGCs. However, many PGCs used the fact that squatting was still legal in commercial properties to wage a propaganda war on their property-owning customers in favour of PG security. For example, Oaksure Property Security outlines the argument on their website under a section entitled "Squatting and the law":

The law changed on 1 September 2012 making it a criminal offence to trespass in a residential property with the intention of living there (S144 LASPO 2012). Since then networks of squatters in the UK have been solely targeting commercial buildings. Being in a commercial property without consent is not currently considered a breach of criminal law and police can only take action when criminal law has been broken, like damage to property or theft. The *Financial Times* reported a rise of 100% in trespassing cases for commercial property in the quarter following this change in legislation that made trespassing in residential buildings a criminal offence.

They then attempt to retain the risk of squatting in residential buildings:

Despite this change in law, squatting in residential properties remains a threat. This is partially due to a lack of enforcement by the police. Cuts in police budgets have made some police stations reluctant to take on the additional responsibility for managing security for all vacant residential buildings. In addition it is very



dotdotdot

Meanwhile, happiness

Some of our guardians can easily afford to privately rent, but choose guardianship because of **the networking and community**

Some are **experienced** volunteers
Some are **volunteers in the making**
Some are looking to meet **like-minded people**

They all want to have a **positive impact on society**

⁵⁹ "How do volunteering and guardianship go together?", Dot Dot Dot. June 2019. Retrieved from: <https://dotdotdotproperty.com/volunteering/>

difficult for a police officer on a doorstep to tell the difference between a genuine tenancy dispute and a squatter who claims a right to reside at a property.⁶⁰

It is somewhat ironic that PGCs would cite cuts to police budgets after 2010 as a threat to property owners. In fact the combination of the economic crisis of 2008, the subsequent economic austerity measures and the consequent housing crisis created a perfect environment for PGCs to flourish. The crisis of 2008 led to a significant fall in the construction of housing and commercial premises by private companies, an increase in the numbers of empty commercial properties as may firms down-sized or went out of business and, due to speculation, an increase in the number of long-term empty commercial properties.⁶¹ The housing crisis which developed out of the economic recession was driven by a lack of new-build private housing, stagnancy in social housing construction, unregulated rising rents in the private sector and, particularly after 2013, a significant increase in the house-price to earnings ratio.⁶² More minor factors, the criminalisation of squatting in residential buildings and the reduction in public services for the homeless, certainly increased the number of long-term homeless and street sleepers respectively. Concurrent with these factors were the public-spending austerity measures introduced by the Conservative government in 2010. These had a dual effect on the housing sector in reducing housing benefit in real terms and compelling local authorities to sell off property assets as public services were cut back.

Local Housing Allowance (LHA) rates, introduced in 2008, are used to calculate housing benefit for tenants renting from private landlords. In 2015, as part of cuts to welfare benefits, the then Chancellor, George Osborne, fixed LHA rates until 2020. The result, as rents were rising in this period, was to reduce the number of available properties where housing benefit covered all of the rent. For example, in 2015-16 the fraction of two-bed private rental properties fully covered by LHA in outer London ranged from a minimum of 18 percent in the south-east to a maximum of 30

percent in the north-east. By 2019-2020 this had reduced to a minimum of 2 percent in the north-east and a maximum of 14 percent in the south-west. These changes in affordability of rent under LHA were also dramatic across the country, particularly in the south of England. By 2018, local authority areas such as, Essex, Cambridgeshire, Oxfordshire and Bristol had 5 percent or less of their two-bed private rental properties fully covered by LHA.⁶³ These benefit cuts increased the exclusion of the very low paid and unemployed from the private rental market, forcing some to consider other options such as the low rent PG schemes.

Across the country, as a result of austerity measures, many public services were scaled down and rationalised leading to the selling off of local authority property assets to help offset the financial cuts. This added a large number of public buildings, such as council offices, day care centres, elderly people's homes, police and fire stations to the list of long-term, empty properties. The importance of these public sector buildings to the PGCs can be gauged by a survey of local authorities in London carried out by the *i* newspaper in 2019.⁶⁴ The survey, based on Freedom of Information requests, asked borough councils to declare the numbers of properties they owned that were being managed by PGCs and the financial arrangements between the two parties over the period 2015-2018. Of the 31 boroughs approached, 23 responded, of which three stated they did not use PGCs. For the remaining 20 boroughs the numbers of PGC managed properties are plotted in Figure 3. The reduction in numbers of PGC managed properties in 2016-2017 was, in the main, due to changes in two particular London boroughs, Hackney and Greenwich. The former, partly in response to the scandals around Camelot in 2015, reduced its PGC managed properties from 217 in 2013/14 to 20 in 2017/18,⁶⁵ whilst Greenwich went from 178 buildings in 2014/15 to 58 in 2017/18.

⁶³ R. Booth, "UK housing crisis deepens as benefit claimants priced out by high rents", *The Guardian*, 7 July, 2019. Retrieved from <https://www.theguardian.com/society/2019/jul/07/uk-housing-crisis-deepens-as-benefit-claimants-priced-out-by-high-rents>

⁶⁴ V. Spratt, "The hidden housing crisis: FOIs reveal how much money London councils are receiving from property guardian companies", *i News*, 10 February, 2019.

⁶⁵ The huge reductions in PGC managed properties in Hackney between 2014 and 2018 were predicated on the idea that, where possible, the borough council were trying to use "empty properties ourselves to provide better quality and cost-effective temporary homes to homeless households as an alternative to nightly paid accommodation". By the end of 2018, Hackney had reduced its PGC managed properties to one. Spratt, "The hidden housing crisis".

⁶⁰ "Squatting Prevention", Oaksure Property Protection, 2019. Retrieved from: <https://www.oaksurepropertyprotection.com/squatting-prevention>

⁶¹ "Property data report", Property Industry Alliance, 2018. Retrieved from: <https://propertyindustryalliance.org/property-data-report/>

⁶² H. Osborne and P. Allen, "The housing crisis in charts", *The Guardian*, 12 January, 2015. Retrieved from: <https://www.theguardian.com/money/2015/jan/12/the-housing-crisis-in-charts>

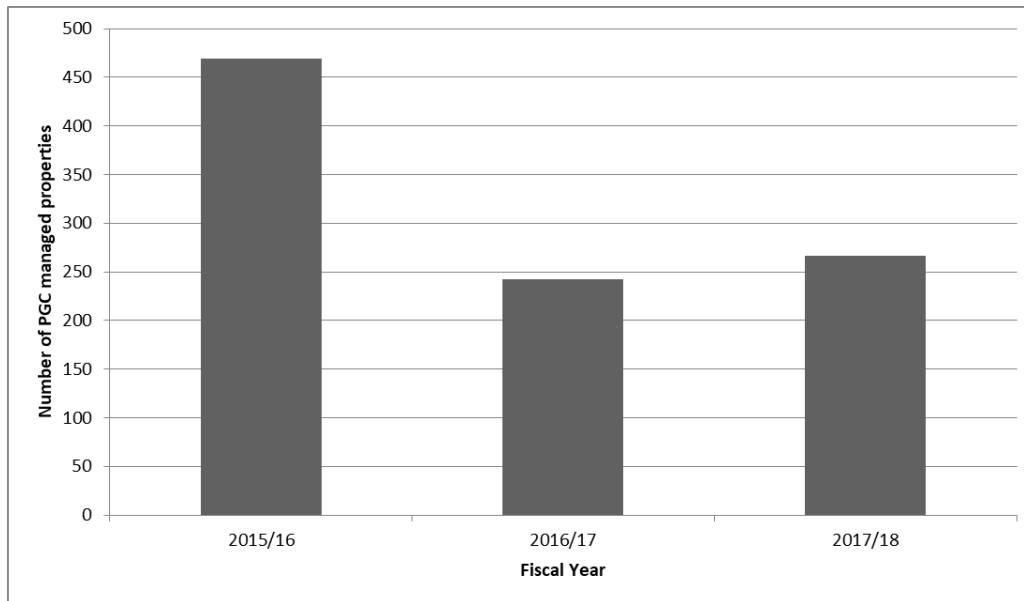


Figure 3: Survey of PGC managed, local authority owned buildings for 20 London boroughs from 2015-2018

As to the second question, concerning the financial arrangements between local authorities and PGCs, the responses were very interesting. It appears that in many cases in order to incentivise borough councils in London to take up Guardianship schemes the PGCs waived charges for security and offered a cut of their Guardians' licence fees. For example, Camden Council allowed PGCs to take over the running of 12 properties in 2017, which brought in £1,235,129 in fees that year from an estimated 250 or so Guardians. This was then split 50-50 with PGCs.⁶⁶ Clearly, from Camden Council's perspective, the more PGC run buildings the better. About half of the boroughs that responded to the survey appeared to be gaining income from licence fees paid by Property Guardians in their properties.

This change to the financial relationship between PGCs and their customers, which appears to have its origins in deals struck with local authorities in London, was identified by the PGC Global Guardians as an important milestone in the development of the PG model in the UK:

By 2012 a new business model had emerged, reversing the cash flow. Instead of paying the property guardianship company to secure the building, the property owner could generate income from the arrangement. Under this model, the property guardianship company charges the guardians for living in the

property, and passes a proportion of this money back to the property owner. Effectively, the guardianship company takes over full management of the empty building, providing a one-stop shop solution with the property guardian service at the core.⁶⁷

The fact that the owner of a building, public or private, is receiving rent from the Guardians and perhaps reduced costs due to the change from business rates to residential council tax alters their incentives. The new arrangement reduced the financial pressures on owners to develop, rent or sell empty properties. Instead they could sit back and gather in revenue from their 'tenants' along with their PGC partner, something that would have been expensive and difficult if they had followed the conventional legal route to becoming a residential landlord. In the case of local authorities, the new arrangement also presents a conflict of interest in making money out of housing large numbers of people in sub-standard accommodation whilst simultaneously being the regulatory body for environmental health, HMOs and other housing regulations.

⁶⁷ "Property guardianship: a better way to protect empty property", Global Guardians. Retrieved from: <https://www.bsia.co.uk/Portals/4/Case%20Studies/VPP/Global%20Guardians%20-%20Property%20Guardian%20White%20Paper.pdf>

⁶⁶ Spratt, "The hidden housing crisis".

For commercial and public property owners the economic and political environment after the 2008 economic crisis and subsequent cuts to local authority budgets produced large numbers of long-term empty properties which required 'security'. For prospective Property Guardians the effects of the housing crisis, rising rents (particularly in London), reduction of housing benefit coverage and the criminalisation of squatting pushed them towards PGCs as a solution to their housing needs. It is thus no surprise that the numbers of PGCs operating in the UK climbed dramatically after 2008 and has continued to rise ever since.

Part 2: Bristol - A case study of resistance



Broomhill Elderly Persons' Home

In November 2016, two Bristol housing activists went to the closed Broomhill Elderly Persons' Home (EPH), formerly run by Bristol City Council, on a tip-off regarding an ongoing clash over tenure there between residents and Camelot, the Dutch-based Property Guardian Company. What they were to unravel led to a major exposé of how this clandestine part of the neoliberal, outsourced housing sector works across the UK.

According to Activist X:

At the time of our first visit, there were eight residents in a sprawling, abandoned 1980s complex over three floors, its dilapidated fittings and dodgy lights bearing an ominous resemblance to the Outlook Hotel set in *The Shining*. We were let in by one of the residents, who quickly introduced us to a second, and in the space of a couple of hours talking to these people who through their own DIY legal investigations had already

acquired extensive knowledge of the subject, we were initiated into a housing underworld where nothing was what it seemed, where naked exploitation, neglect and abuse was rife, and where law and even basic human rights were at best blurred beyond recognition if they weren't scorned altogether.

It emerged that as from the middle of 2013, a group of ten or more people had been attracted to Broomhill EPH either by adverts online (on Rightmove, or Camelot's own website), or by an internal offer made in at least one case from another property in the Camelot 'Guardian' network. The residents were mostly persuaded by the low advertised cost in comparison to the steep rates in the private rented sector that were unaffordable to them. However in some cases they had been influenced by the PGC marketing strap-lines of "unconventionality", "creative improvisation", and "doing things differently".

Resident A, our main source, felt under pressure to sign the Camelot contract from the moment he set foot on the premises. The Camelot employee insisted how lucky he was to be offered a choice over rooms, and told him that there were many others waiting who would be offered the same rooms if he stalled for time. Eventually, he agreed to take two adjacent rooms for a price of £237 per month. Under pressure, and feeling unable to read the contract properly before signing, he was compelled to pay a deposit of £350, a hefty admin fee, plus a down payment to cover a basic fire safety pack. Then a few days after he moved into Broomhill on January 24 2014, Camelot told him to pay the licence fee for the *whole* month of January, even though he had only been resident for one week.

In the same month, the hot water boiler for the premises failed. Camelot proved to be unconcerned, and ignored the residents' requests to fix it. This meant that there was no hot water in the kitchens, bathrooms or hand-basins, only in the showers. The stand-off persisted until December of the same year, when the then-manager of Camelot South-West wrote to the residents to say that the company had "no intention of fixing the boiler – not at that moment, nor at any time in the future". The central heating system was already broken, according to Resident A, and indeed it remained so for the entire duration of their stay (to August 2017). This had already forced the Guardians to provide their own local heating such as mini-radiators and fan heaters.

During 2014, residents were constantly moving in or out of Broomhill, but the overall number remained roughly the same or at an even

higher level. By asking ex-residents, Resident A discovered that these unfortunates *almost never* got their deposits back on leaving. Spot-charges were also demanded, for example a £35 charge applied to *all* the residents at the property, simply because on an inspection a Camelot employee had claimed that one of the kitchens "hadn't been cleaned properly". Unaware of their rights, and made to feel precarious by the nature of Camelot's licence agreement and the arbitrary threats (such as "we can evict you immediately if you don't comply") that the company would claim were real powers, the residents felt compelled to obey even if they resented the high-handed, callous and arrogant attitudes on display.

The inspections themselves were another issue. According to Camelot, the company reserved the right to enter the premises at any time and inspect the personal rooms assigned to residents, and to which the latter had the keys for and exclusive access. In practice, or at least in 2014-15, Camelot would usually send everyone an email warning of an impending inspection, but there were occasions right from the start where, according to another occupant, Resident B, "There would be no warning, and on arrival home from work you would simply find a Camelot calling card to say that an inspection of your room had been carried out". The constant stress and worry about random inspections, potentially at any time of the day or night, and whether they would be announced or not, just added to the already precarious nature of living as a 'Guardian' at a Camelot-run property.

By summer 2014, following the forceful eviction of a young man, the threatened eviction of a young woman who had complained about suspected asbestos in her room, the harassment of a father once it was discovered that his daughter had been visiting the property, and Camelot's indifference to three violent electric shocks suffered by residents when either turning on lights or while showering, one group (henceforth to be known here as 'the core defenders') decided they had had enough and began to question the legal status of the conditions they were living under. The initial enquiries were disappointing, as Shelter (the homeless charity) stated that the contract they had signed was "legally legitimate" and that they had "no legal recourse as to the condition of the property". It was a similarly unhelpful story at the Citizens' Advice Bureau, who had no knowledge of the Property Guardian scheme and felt unable to provide advice.

About this time, the residents began to raise questions about the owner of Broomhill EPH. This had been triggered by an obscure £20 charge for council tax on the monthly bill. Surely, they reasoned, they should be paying their council tax

direct to Bristol City Council (BCC) rather than through an intermediary? When asked, the council's Temple Street office stated that Broomhill EPH was unregistered for council tax and there was no liability on the property. Following the challenge made by the residents to Camelot over these findings, the £20 'council tax' charge was mysteriously dropped from subsequent bills.

Then suddenly in February 2015, all the residents at Broomhill EPH were issued with an unexplained notice to quit. After a challenge, enquiring the reason and complaining about the short (two-week) length of the notice even for a licence, the period required to leave was extended by another two weeks. Regarding the reason, one of the Camelot employees stated simply that BCC "wanted their building back", and had terminated their contract with Camelot. By now, suspicious of anything Camelot said, and also aware that a man had recently been shown around the premises as if he was a potential sub-tenant for the whole property, Resident A contacted the then-Principal Portfolio Manager at BCC, and asked him whether the council had ended the contract with Camelot. It is worth quoting this officer's reply in full:

Thank you for your email. We are currently in contract with Camelot Property Guardians to manage Broomhill EPH. I am not aware that Camelot want to terminate their contract, or to sublet the property.

Resident A knew a disgruntled former employee of Camelot's, and discovered that their suspicions about an imminent sub-let of Broomhill to a third party, assumed by the type of branded van and look of the man to be from the construction business, were correct. Resident A took this evidence and the letter from the Portfolio Manager to his local councillor, who made further enquiries within BCC and put a stop to the threatened eviction. But two residents, finding the pressure and stress unbearable, had already left voluntarily by this point and both became homeless as a result. The 'sub-tenant' and his company were later to resurface at another Camelot-run BCC property, as we shall see later in this article. Shortly after the storm had died down, a Camelot employee informed Resident A that contacting his local councillor was "a serious breach of the contract", and that he would be "evicted with immediate effect" if he ever did so again.

In May of that year, due to constant pressure, Camelot eventually installed another shower, but one without an extractor fan. This caused a continual build-up of black mould, and within a

couple of months residents were also getting regular electric shocks from it. Then the shower tray split in half. This caused a leak of dirty, foul-smelling water into the room, making the floor very slippery. By this time the only other shower was not functioning, so everyone in the building was forced to use the same one. Although Camelot received numerous complaints about the shocks, the mould and the tray, they did nothing. The condition of the building's only shower worsened over time, and after another year it began to oscillate between spraying water that was either freezing cold or scalding hot. This situation continued until August 2017, when BCC's contract with Camelot at Broomhill ended.

Continuing to research into housing law as prompted by Resident B, the core defenders discovered that their building fitted the full criteria of a House of Multiple Occupation (HMO), and by law this required it to have a licence and to meet strict environmental standards. A visit by a council environmental health officer followed (instigated by the residents), and he wrote a letter to Camelot outlining all the HMO failures that needed to be redressed in order to get a licence to rent. However, it was duly discovered that the officer concerned accepted Camelot's counter-argument that "since the building was due for demolition, a licence would not be required". It was later to turn out, that this decision originated from the same BCC Principal Portfolio Manager who had also unlawfully advised Camelot against obtaining a licence. Once Camelot had gained the illegal clearance from BCC, all the residents were threatened with "immediate eviction" should they contact the Environmental Health Department ever again.

As autumn descended, an attempted burglary at Broomhill left a damaged window that let cold draughts from outside into the now freezing corridors. Getting no help from Camelot, the residents were forced to fix the window themselves with nails and gaffer tape. And Camelot kept applying the pressure. Next, having lost their own keys, their employees broke the outside door into the power supply in the basement, potentially allowing vandals in. Inspections also became more frequent, and more often without warning. One resident was fined £90 for eating toast in his room and left the property in disgust shortly afterwards, while another returned from having a shower to discover a Camelot "security" employee rummaging through his belongings. Camelot were also having difficulties of their own, as they discovered that one of their employees had been diverting payments made by 'Guardians' across the south-west into his own account instead of into Camelot's.

Then in April 2016, all Broomhill residents (23 at the time) were served with a 28 day notice to quit, Camelot stating once again that BCC wanted to take the building back. One week later, Camelot sent a further email to all residents stating that they would keep *everyone's* deposits if *anyone* still had belongings left behind at the premises after the notice date. This included abandoned belongings of previous residents. "We perceived this as an excuse to try and keep our security deposits," explained Resident A.



The core defenders immediately made contact with the Avon Law Centre, where they were advised that Camelot's 'notice to quit' was legally invalid as it did not include the prescribed information required by the Housing Act of 2004. Reassured of their rights, the trio notified Camelot of their error and explained that, in view of this, the residents would be remaining on the property beyond the expiry date of the illegal notice. Camelot then proceeded to serve a valid eviction notice (for licensees), with an expiry date in late June. Around this time the number of residents at Broomhill EPH started to fall precipitously, and the remainder stopped paying Camelot any further licence fee. Resident B was one of those who moved out.

It was at this point that the core defenders at Broomhill became aware of the *Street v Mountford* housing law ruling in 1985, which granted *Mountford* full tenancy rights despite both parties having signed what they believed to be a licence. The case further established that the court was entitled to look beyond the terms of the agreement itself to its actual workings in practice, and from this to decide whether a licence or tenancy applied.

Once Camelot had been confronted over their notices, the already tense atmosphere at Broomhill turned progressively ugly. More akin to the behaviour of 'screws' trying to quell a prison protest, random, frequent and unannounced

inspections were now being used with the deliberate intent of increasing the level of force and menace. Threats were issued to residents in their rooms when the unannounced visitors arrived, with no regard to the legal process of contractual termination, and showing utter contempt over being prosecuted for committing the type of offence known in housing law as 'harassment'. The Camelot employees involved regularly told the residents to "get out in accordance with the original date" (i.e. before the end of May, not June as had been established), or else they would suffer "many repercussions", including "County Court judgments against them" and "bad credit ratings". Residents were even told that the council was going to begin demolition on a date (variously given as May 25/31), regardless of whether they were still in there or not. These verbal threats were often followed up by the same message repeated in an email format and sent out to all residents at the property.

Worse was to come. On May 26 2016, Camelot attempted an illegal eviction, sending round one of their employees with a reputation for violence and holding extreme right wing views. According to Resident A, this employee appeared suddenly on the premises with a crowbar in hand, forcing his way into private rooms, ordering people to "Leave, leave right now!" and shouting abuse (including racial) at the three residents he found in the building. Resident A confronted the employee, asking him to leave or he would call the police, quoting the Protection from Eviction Act 1977 at him. The Camelot employee responded by first physically assaulting Resident A, then intimidating a female resident by threatening to "bring a gang of bailiffs and dogs, to evict her with immediate effect", and finally by wandering around setting off fire alarms and causing extensive damage to the property. A few days later he returned, to dismantle the fire doors in the building and remove most of the communal light bulbs/fluorescent tubes, as well as breaking down the locked doors to the private rooms of two residents.

In the aftermath the assault and related abuses were reported to the police, who in due course issued the aforementioned Camelot employee with a 'severe caution' known as a 'community resolution order'. However, the abuses continued, including the removal of toilet and bathroom locks in a building that had two female residents, and also the unexplained disappearance of personal property. Calling the Principal Portfolio Manager once more at BCC and asking for protection, this officer denied giving authorisation for Camelot's actions at Broomhill, but then told the two residents calling him that in his eyes they were now "squatters". The Fire Service too were called for help, and with the

bangs and crashes of Camelot's employee going about his business in the background, the officer there said that Camelot "could remove fire doors if they so wished", because they, the residents, were "not relevant people". The residents contacted the Avon Law Centre again, and following a call to Camelot from one of their lawyers, their employee's campaign of destruction ceased.

It was four to five months after this showdown that the two housing activists made initial contact with the remaining five residents. In the conversation it emerged that BCC Environmental Health had insisted on the installation of a working hot water boiler, which Camelot had deigned to do, but this 'new' boiler broke down within days, and in addition began leaking into the kitchen next to electrical fittings. A bucket placed underneath the broken boiler had to be emptied on a regular basis by one of the residents to prevent serious flooding, and this situation continued until the end of the Camelot contract in August 2017. By now no licence fees were being paid by the Guardians, and although Camelot had by then largely withdrawn from the premises in a physical sense, they were trying to evict the core defenders (now down to two) through the courts. Having researched into housing law, Residents A and C countered with a legal challenge (using *Street v Mountford*, 1985), claiming to be tenants as opposed to licensees, and, therefore, that the Camelot eviction was illegal.



Organising across the city

The two activists suggested that the remaining core defenders should make contact with residents in other Camelot-run properties across the city and try to build Property Guardian solidarity; a proposal that was agreed upon. A list of the properties owned by BCC but contracted out to PGCs was obtained, and it was soon discovered that fourteen addresses across Bristol were divided up roughly 50/50 between two Property Guardian companies, Camelot and Ad-Hoc. Most of these were former elderly persons' homes closed by BCC in the aftermath of the 2010 austerity policies, though there were also a

couple of school buildings, a community centre, some BCC offices, a police station and a fire station. Accompanied by the core defenders to spread the news of the impending court case (set for January 2017) and what it was about, the activists then travelled around the city and visited each 'Guardian' property in turn.

The condition of each property varied widely, though certain features were common to all. Some, in particular the Ad-Hoc properties, were very difficult to gain access to, whereas the 'security' at Camelot properties was more improvised and shoddy. As Activist Y put it,

The most common similarity on arrival at all Guardian properties, heightened by the cold and dark of a winter evening, was an impression of entering a twilight zone, a clandestine underworld. People were on the whole receptive to our prompts and suggestions, but right from the start you could sense the lack of self-confidence, the atomisation and inexperience of struggle that prevailed under such seemingly transient, insecure circumstances, and that this would be a serious challenge for us to overcome.



The general nature of the complaints at all the properties was familiar enough. Neglect, resentment over unsafe, defective or broken facilities, the arbitrary, onerous and spurious clauses in the licence contracts, the feelings of powerlessness, fines randomly applied, the inspections, and in some cases the threatening behaviour of company employees as experienced at Broomhill. In reflection, Activist Y stated:

We discovered that Ad-Hoc seemed to be the more 'professional' of the two companies, if such a word can be

applied. On balance, we encountered fewer complaints from residents at Ad-Hoc buildings, even though the level of (resident) cynicism over that company's agenda and lack of accountability was similar. But it could simply be because Ad-Hoc had been the first of the PGCs to arrive in Bristol, and had already selected the best portfolio of convertible properties before Camelot arrived on the scene.

The strata of society as represented by the residents visited at the Camelot/Ad-Hoc administered properties in Bristol were quite varied. Age ranges tended towards the young, 'millennial' end of the spectrum on average, but by no means exclusively. A full age range between around 25 and 60 was encountered, with a smaller but significant-sized group in their 40s-50s, for one reason or another finding it difficult to make ends meet. PGCs of the Camelot/Ad-Hoc mould require their Guardians to be employed, and while this is certainly obligatory (proof of earnings is required) when a Guardian moves into a property, it is less clear whether this still applies later on as long as the resident can pay his or her way. Gender was fairly evenly split, and ethnicity diverse. There were a large number of migrant workers from mainland Europe and beyond - especially at one location, which we discuss later in the article. Much has also been written about Property Guardians (in London) being overwhelmingly 'middle class' or 'young professionals', but this did not really tally with the picture that we uncovered. Jobs that the Property Guardians had whom we met spanned all kinds of insecure, transient, low wage, long/irregular hours work in the transport, service, 'creative' and 'gig economy' sectors, ranging all the way from bus drivers to care assistants, part-time web designers to set builders, waitresses to kitchen porters, cleaners and even security guards. The common denominator that they all shared was being nigh-on *permanently* priced out of the private rental market, and/or being shackled down by unpayable debts. If some were middle class in origin, it was clear that most had long given up on the chance of ever getting back on the so-called 'property ladder'.

These factors also explain to an extent why most of the Guardians living in buildings that had particularly bad or dangerous living conditions did not move out immediately. Turnover of Guardians was significant in these properties but for many the lack of low rents and their existing debt allied with the potential loss of deposits, having to move *again* and in some cases the will to fight where they stood were disincentives to finding new accommodation. Resident A at

Broomhill stated that approximately a quarter of the twenty or so Guardians were hiding from Camelot the fact that they were unemployed and claiming housing benefit, as this broke the terms of the licence and thus could lead to their immediate eviction. However, he also noted that as long as the money was coming in (the licence fee) Camelot were happy to turn a blind-eye, that is, until these particular residents started to complain and/or get organised. Resident A also explained that most of the Guardians that moved out fairly rapidly were "salaried", that is they had higher and more consistent incomes and thus more access to the private rental sector.



Speedwell Fire Station and Brentry Elderly Persons' Home

Two of the Camelot-run properties visited in Bristol need to be expanded upon in greater depth; these are Speedwell Fire Station and Brentry EPH.

Speedwell shared many features in common with Broomhill EPH in terms of its general state of disrepair, but being a fire station it was therefore strictly speaking wholly unfit for human habitation even at the outset. And the lack of basic standards far exceeded those at Broomhill - to the extent that even the core defender team was shocked at what the twenty or so residents there were forced to put up with. At Speedwell there was exposed asbestos (making sections of the premises off limits), draughts that blew right through the structure, exposed wiring, electrocuting showers and hot water taps, and kitchens infested with rats.

Unsurprisingly, the level of disaffection and urge towards rebellion among the Guardians at Speedwell was already high, and it didn't take long to motivate them to start taking action themselves. Unfortunately, however, perhaps due to the age range (at Speedwell this was overwhelmingly mid-20s), there were faction fights, attitude issues and total hedonist chaos to contend with. Nevertheless, one key resident with sporadic help from one or two others did manage to confront Camelot's illegal behaviour, challenge

the council, order a HMO survey and get at least half of the residents to stop paying their licence fees until standards were raised to a tolerable level (which needless to say never occurred up to a significant degree, right up until the termination of Camelot's contract there in Spring 2018).

On arrival at Brentry EPH, the activists and the Broomhill core defenders were confronted with a very peculiar situation. "We could sense an atmosphere from our first visit," said Activist X, "almost of organised crime and gangsterism." The residents at Brentry, another BCC-owned EPH in a slightly better condition to Broomhill, were around 50 strong or more, mostly young to middle aged men arriving and leaving in a constant flow at all times of the day or night. Very few could speak English, and all carried a feeling of fear and suspicion as to the identity of the activists. There was a notice on the door in a foreign language (later translated as being Romanian), telling residents to pay the £85 rent *in cash* every Saturday to "the warden". The activists were however able to enter and wander around the property unmolested, where they found the centre of activity to be in the complex's only kitchen, with the rest of the occupied area mostly divided into tiny bedrooms interspersed with a few toilets and bathrooms. Despite the Camelot/BCC notices on display from outside, it became clear that there was also a third party involved.

Paying another visit, Activist X arrived with Broomhill Resident C and a Romanian translator, and by going together into the kitchen area they began to piece together a picture of the situation at Brentry EPH. Activist X told us:

The men we had encountered were all sub-contracted bus drivers for Bristol's city service known as First Bus. They were migrant workers with little knowledge or experience of working in the UK, brought in by an employment company known as Meridian Drivers. Many of the men were visibly angry about their situation, and one leaned forward to say, "You with Camelot think you're being fucked - well, we are being *triple-fucked* here!" We were just starting to break down the distrust and get to the bottom of it all, when the door flew open and a man speaking English with a Scottish accent burst into the room, screaming a tirade of abuse at the man who had just spoken. "You, shut the fuck up," he yelled, "I'll *deal with you later*".

This 'gang-master' later turned out to be the very same man who had visited Broomhill with Camelot employees back in 2015, as it now turned out, with the intention of removing the existing residents and starting the same sub-let super-exploitation scheme of the bus drivers now at Brentry. Activist X continued:

The gang-master then ushered us aside and started to give us the Camelot/Meridian side of the story. Everything was "in order", he explained. The rent the bus drivers were paying was "reasonable", half of the money went to Meridian and half to Camelot, it was in cash because it was "easier that way", and Bristol City Council housing officers were "fine" about the arrangement. "Look, " he said, turning on a tap in the kitchen and letting it run. "They have hot water".

After a brief explanation, the warden/gang-master marched the trio off the premises.

Clearly, in the eyes of the alarmed visitors things were most definitely *not* "in order" at Brentry EPH, and none of them could stop wondering about the unknown fate of the man whom the gang-master would "deal with later". Between January and July 2017, the two activists and assorted others made several further visits, but their attempts at communication were hampered by the withdrawal of the translator who had become intimidated after the experience of her first visit to Brentry EPH. From this point on Meridian's 'gang-master' was always on hand, so a visit required a couple of people to square up to him while the others distributed leaflets intended to inform the residents of their legal rights and who they could get to help them.

Despite all the difficulties, Brentry's live-in cleaner, who spoke better English and was able and willing to absorb the information given out, over time helped organise the drivers to stand up for themselves. When, in the aftermath of the later media exposure (see below), Camelot/Meridian panicked and attempted a mass eviction of everyone at Brentry *with a 7 day notice, sent via text message*, it was the cleaner who contacted tenant support staff at BCC and between them they put a stop to it. It also seems that she negotiated a deal with Meridian, Camelot, and presumably BCC as well, because when activists next visited in early 2018, the numbers of migrant workers previously crammed into the space were greatly reduced, the Scottish gang-master was gone, and the remainder were represented directly by the cleaner, who seemed to be acting as a sort of warden in his place.

This story hit the headlines in the local media in summer 2017, starting with *The Bristolian* broadsheet and being followed up by the *Bristol Post* and *BBC Points West*. Someone had reported the suspected conditions of 'modern slavery' at Brentry EPH, the police got involved, and the elected Labour Mayor, Marvin Rees, ironically in the midst of an 'anti-modern slavery' campaign himself, was somewhat embarrassed. An article by a *Bristol Post* journalist who had been tipped off by the activists revealed that the drivers' wages were indeed being "triple-fucked" between hands-off landlord Camelot, landlord-cum-subcontractor Meridian Drivers, and their employer, First Bus. The only body apparently getting nothing from this arrangement was Bristol City Council, on whose property it was all happening. The article also revealed that this was not the only location where such abuses were taking place, and outlined a similar set-up he had discovered, this time involving Meridian and Ad-Hoc, at an unused council property in South Gloucestershire.



Taking on Camelot in court

Meanwhile, back at Broomhill EPH, Residents A and C were busy preparing for their cases at Bristol County Court. Resident A's case was first on the list, with Resident C's due a few weeks later. All hinged on the residents convincingly presenting their argument for being tenants

instead of licensees, which if proved, would effectively nullify the Camelot licence eviction process underway at Broomhill EPH. And of course, such a judgement, if passed, would also have wider repercussions, with the theoretical potential to upset the entire Property Guardian business model.

The January hearing was by now being followed by the press, thanks largely to the efforts of *The Bristolian*. Public interest was also high, as the large numbers in the public gallery showed. A section of Camelot residents made up part of these, with members of local activist groups such as Bristol Housing Action Movement (BHAM), Sisters Uncut, and Homes for All being present. Some students contesting rent hikes at their university halls also showed up. There was however a small group of middle-aged men not with Camelot who remained unidentified throughout the proceedings, and it remains unknown as to whether these were connected to the PGC Ad-Hoc, or to other organisations with a vested interest in the Property Guardianship business model (see our Conclusion). They were closely following the legal contest and its outcome.

The hearing was long, with much time being wasted around confusing peripheral issues such as Camelot's insistence that they were in fact "two companies" (Plaintiff A and Plaintiff B) instead of one, and although both were taking action against Resident A, only one was the landlord company and the other one not. This was a devious attempt by Camelot's barrister to play games with corporate law, which found little sympathy with the judge. Witness statements followed, where each of Camelot's employees put up a spectacularly poor performance, flatly contradicting both themselves and each other. Finally the judge wrapped up the hearing, and adjourned for a month saying he would hear both barristers' summaries and make his judgement on February 20th, 2017.

On the date set for the judgement, the Camelot team appeared to be in total disarray, calling hurried meetings in a consultancy room at every break. The Camelot staff then left the courthouse *before* the judgement, leaving their barrister alone to deal with it. In the mid-afternoon Judge Ambrose read out a shortened transcript of his decision in court, which concluded in favour of the defendant's claim that his licence agreement was indeed an assured shorthold tenancy. The Camelot barrister was furious, visibly upset and humiliated, and swore to appeal the decision. In the weeks after however, all talk of an appeal was quietly dropped. And reading Judge Ambrose's judgement in full is instructive in this regard, because in its length it covered *every single*

escape or avenue for appeal that Camelot could have used against the decision and closed them all off, one after the other. In the end, the defendants and activists realised why the process had been so protracted, and were grateful for the time, precision and attention to detail that Ambrose had taken in his judgement.

But of course, the court decision was not the end of it. Resident C at Broomhill recognised that, whether they were tenants or not, the legal victory had not overcome the basic problem of the inevitable eviction. In reality all they had done was to buy time, and with BCC now determined to press ahead with the long-postponed demolition, he seized his opportunity to offer Camelot a climb-down from their next scheduled case, his own. With the local precedent of the February 20th judgement still hanging in the air, Camelot were very likely to lose, so they settled out of court paying Resident C's legal costs and awarding him substantial compensation. By June everyone remaining at Broomhill EPH had received valid Section 21 tenancy eviction notices that legally expired in August. Resident A and one other resident however resolved to stay and fight to the end, and with the help of BHAM and ACORN (tenants' organisation), successfully repelled the first visit of Camelot's enforcers with the county court bailiffs. This was a limited victory however, because BCC and Camelot working together then applied for crown court bailiffs and shortly afterwards staged a surprise eviction with complete success. However, even the by-then legal eviction of Resident A was not conducted entirely within the law, because Camelot seized the opportunity to simultaneously remove the *other* tenant's belongings (she was undergoing hospital treatment and her notice was not due to expire for another week), and during this illegal eviction her laptop and an expensive digital camera were among several of her personal possessions that went missing. But by the end of the eviction day, Camelot's contract at Broomhill EPH had finally expired and BCC's security guards were in full possession of the property.

The consequences of this ground breaking legal judgment over the type of contract that Camelot was claiming as licences now began to play out beyond Broomhill EPH. The repercussions at Speedwell Fire Station and Brentry EPH have been dealt with elsewhere in this account, and the decision, news of which was spread by the activists, influenced the (already outlined) course of events there. Two Guardians in London resisting another Camelot eviction there were able to get £2,000 ex-gratia payments in return for 'leaving quietly' once they threatened to take Camelot to court. We also know of some other cases in Brighton, Salisbury and Chelmsford where Guardians resisting evictions

had found out about events in Bristol in the course of their own battles. The court judgment forced an emergency international board meeting of Camelot executives and shareholders in London not that long afterwards. Bristol City Council also felt compelled to make a public announcement to the effect that they would henceforth be "terminating their contracts with Camelot and Ad-Hoc" (though obviously *only* at the most contentious/dangerous properties, as the activists discovered in what began to resemble a 'groundhog day' follow-up tour in early 2018). Beyond these few successes/part-successes however, the impact seemed to be somewhat limited, for the reasons described earlier in the account. I leave the final words to Activist Y, who summarises the aftermath in Bristol as follows:

We followed up our success in court with a leaflet drop and visit to all the Camelot and Ad-Hoc properties on our list to tell everybody of the news. We encouraged the Guardians to follow up their legal rights as tenants, and advised that at the very least they should each demand a £1000-2000 handout from Camelot if they ever tried to evict them. But by and large, the effort was somewhat disappointing and we found out that the reservoir of fear, atomisation and apathy, that companies like Camelot can play off to harvest their vast profits, remained largely intact.

Epilogue

Since this case study was written in 2018 there have been a number of developments which are worth recording.

The significant negative publicity concerning the PGC Camelot, which had been initially generated by Hackney Council's decision to ditch them in 2015, was exacerbated by the public announcement in 2017 that Bristol City Council would follow suit and terminate contracts they had with PGCs Camelot and Ad Hoc. After the widely reported court victory over Camelot by Property Guardians in Bristol in 2017 that is outlined in this article, the PR situation for the Company turned decidedly sour. Several incidents subsequently came to light which hardened attitudes to either employing Camelot for security or becoming one of their Property Guardians.

In a court case in the Netherlands in 2016 it transpired that, three years earlier, a young woman had been electrocuted in a shower and died in a local authority property being managed by Camelot. The local authority, Camelot's rental agency and Camelot's technical service

department were each fined €60,000 for their role in the death. This was the maximum penalty the court could apply, as no individuals were on trial. During the case it transpired that an official from the local authority had stated that the building was "uninhabitable" before the Property Guardians had even moved in.⁶⁸ Similarities in this case with the dangerous conditions in several Bristol City Council properties managed by Camelot were profound.



In July 2018 PGC Camelot struck back at the 2017 County Court ruling in Bristol that the Property Guardian Resident A was a tenant and effectively in possession of an assured shorthold tenancy. A Property Guardian who had been living for two years in a room in an office block owned by Westminster City Council and managed by Camelot refused to leave after being served notice. Camelot brought possession proceedings against the PG and won on the grounds that their licence did *not* constitute a tenancy.⁶⁹ Despite this relatively unpublicised victory for Camelot more bad news for the company was just around the corner.

In March 2019, Camelot pleaded guilty to 15 charges in Chelmsford Magistrates' Court including failure to licence a House of Multiple Occupation (HMO) and 14 breaches of HMO management regulations. The property, a former care home, had been filled with 30 Property Guardians by Camelot but had not been licenced as an HMO. The local authority, Colchester

⁶⁸ "Council, landlord fined €180,000 for shower electrocution death", Dutch News.nl, 25 March, 2016. Retrieved from: <https://www.dutchnews.nl/news/2016/03/council-landlord-fined-e180000-for-shower-electrocution-death/>

⁶⁹ G. Peaker, "Property Guardians – licence not tenancy in office building", *Nearly Legal: Housing Law News and Comment*, 23 October, 2018. Retrieved from: <https://nearlylegal.co.uk/2018/10/property-guardians-licence-not-tenancy-in-office-building/>

Borough Council, was contacted by a Guardian in January 2018 and an investigation found a faulty fire alarm system, blocked fire escapes and sealed doors. Guardians only had one kitchen and shared bathrooms lacked hot water.⁷⁰ Despite this judgement, according to many local authorities, the Ministry of Housing, Communities and Local Government, and the London Mayor's Office, it was still unclear whether HMOs and the Housing health and safety rating system applied to the situation of Property Guardians.⁷¹

Despite the fact that other PGCs were employing similar practices, it was Camelot that was presented as the *bête noir*, rather than the Property Guardianship model. Both local authorities and other private property owners avoided Camelot and employed supposedly more ethical PGCs. As the writing was on the wall for Camelot in Bristol, we even heard of some of their Property Guardians switching to other PGCs and moving to other properties. As a consequence Camelot's primary company turnover dropped from £5.2 million in 2014 to a low of £2.3 million in 2018. As we had suspected, as a result of the bad publicity and falling profits the company had a management shake-up. One of the two directors of the UK arm was replaced and permanent staff numbers fell to an all-time low of 26 in 2018.⁷² Camelot's South West operation was scaled down, their office in Bristol closed and by 2019 they were not advertising any properties in the city. This was a victory of sorts for the Property Guardians and activists who had opposed the company but, as they were fully aware, it was certainly not definitive. Other rival PGCs merely filled the gap left in the market and the PG legal model itself remained intact.

This state of affairs was exemplified in January 2020 when Camelot was finally sentenced for the 15 breaches in HMO regulations in Colchester. Potentially this could have cost Camelot a lot of money as the fines are unlimited for these offences.⁷³ In practice, the failure to have an HMO licence alone would have cost them (at least) tens of thousands of pounds, with the

additional 14 breaches adding considerably more. However, in November 2019, two months before their final appearance in court, Camelot decided to "restructure". This involved the Dutch parent company pulling in inter-company loans making all of its British corporate entities insolvent and placing them in voluntary liquidation.⁷⁴ Faced with a company in administration the District Judge claimed he:

had no alternative...but to issue a nominal fine of £100 for each of the 15 offences and ordered the company to pay the council's full costs of just under £10,000.⁷⁵

It is unclear if any of these hugely reduced fines and Colchester Council's legal costs were even paid by Camelot's now defunct and asset-less companies. This result begs the question as to whether a similar legal and financial outcome would have occurred if some of the residents had burned to death as a result of Camelot's breaches of HMO fire-safety regulations.

The brazen nature of these corporate legal games became apparent during the Colchester case when out of the demise of Camelot came a new corporate entity, Watchtower Security Solutions, trading as Watchtower Property Management. The company had the same directors and address as Camelot. The deposits of Property Guardians along with assets from Camelot were transferred to the new corporation and they were back in business. Within weeks Watchtower were:

pressurising Camelot guardians to sign up to new licence agreements with them, for the properties that they are already in. Some of these, at least, are at an increased monthly licence fee.

The new Watchtower licences also carried more explicit, though false, legal claims such as exemption from the Protection from Eviction Act 1977, which were aimed at misinforming their

⁷⁰ H. Saul and V. Spratt, "Property guardian company prosecuted over former care home where more than 30 guardians lived with one kitchen", *i*, 29 March, 2019. Retrieved from:

https://inews.co.uk/opinion/comment/property-guardian-company-prosecuted-over-former-care-home-where-more-than-30-guardians-lived-with-one-kitchen/amp/?twitter_impression=true

⁷¹ G. Peaker, "Property Guardians and HMOs – Guilty", *Nearly Legal: Housing Law News and Comment*, 30 March, 2011.

⁷² Companies House, CAMELOT PROPERTY & GUARDIAN MANAGEMENT LIMITED, Company number 07858570. Retrieved from:

<https://beta.companieshouse.gov.uk/company/07858570>

⁷³ Peaker, "Property Guardians and HMOs – guilty".

⁷⁴ G. Peaker, "Property Guardians, vanishing companies and still getting it wrong", *Nearly Legal: Housing Law News and Comment*, 5 December, 2019. Retrieved from:

<https://nearlylegal.co.uk/2019/12/property-guardians-vanishing-companies-and-still-getting-it-wrong/>

⁷⁵ G. Norwood, "Property 'guardian' firm found guilty - now trading under new name", *Letting Agent Today*, 13 January, 2020. Retrieved from

<https://www.lettingagenttoday.co.uk/breaking-news/2020/1/property-guardian-firm-found-guilty--now-trading-under-new-name?source=newsticker>

Property Guardians and providing some future legal defence.⁷⁶

The various legal actions surrounding the status of Property Guardians with regard to tenancy, eviction and HMOs over the last few years may have had other impacts rather than just bad publicity. In October 2018 seven of the largest PGCs formed a cartel, the Property Guardian Providers Association (PGPA).⁷⁷ It was claimed the PGPA was created:

to provide the industry with effective representation, to formulate policy, and to ensure that its members are at the forefront of meeting or exceeding legal and safety standards.⁷⁸

The first action of the PGPA was to attend a debate about Property Guardianship schemes in the House of Lords where apparently they were "warmly welcomed by all parties... and government Minister Lord Bourne announced the government would be seeking to meet the association soon". It is clear, despite the rhetoric, that the PGPA was set up to organise and defend the interest of PGCs from a legislative perspective. The threat to their business model from housing activists using a combination of publicity and housing law has certainly concentrated their collective minds. The question now is: 'who guards the Guardians?'

Conclusion

It can be argued that rebellious counter-cultures and underground movements are 'laboratories of capitalism' where nascent entrepreneurs and future social planners test out ideas and models. The most successful then reappear in the service of capital as recuperated 'good business ideas', 'innovative' entrepreneurial models or as new forms of social organisation in the workplace.⁷⁹

⁷⁶ Peaker, "Property Guardians, vanishing companies and still getting it wrong". It appears there have been a number of legal cases against Camelot concerning breaches of the Protection from Eviction Act 1977 which have been settled out of court. These have been excluded from the public domain due to non-disclosure agreements instigated by Camelot.

⁷⁷ The PGPA, was founded jointly by Ad Hoc Property Management, Guardians of London, Live-in Guardians, Lowe Guardians, VPS, Dex Property Management and Camelot. It was claimed these seven members provide over 80 percent of the Guardian accommodation in the UK.

⁷⁸ "House of Lords welcomes PGPA launch of industry association", *Residential Buyer*, 16 October, 2018. Retrieved from: <http://www.residentialbuyer.info/house-of-lords-welcomes-pgpa-launch-of-industry-association/>

⁷⁹ For example, the 'strange corporations' (such as Apple) that emerged out of the US West Coast counter-culture of the 1970s, the rapid recuperation of 'anti-fashion' punk as a saleable fashion in the late 1970s, or models of 'workers

The PGC model does not fit this process precisely as it first appeared as 'anti-kraak', a *reaction* to the spread of squatting movements and cultures in the Netherlands in the 1980s. However, the homeless 'nascent entrepreneurs' who propagated the PGC model in Amsterdam were able to detach it from squatting (other than as a virtual threat) and apply it as a general solution for the problem of securing and exploiting empty properties. What was retained from the European 'squatting culture' of the 1960s-80s by the PGCs, and is widely propagated to potential Property Guardians as a sales-tool, are the supposed bohemian-like possibilities of individual and collective living:

PG companies can thus be seen to be appropriating countercultural lifestyles and imaginaries at the same time as they push the cultural and legal boundaries of what is acceptable as 'temporary living'. Beyond a place for precarious living, PG could be seen to provide a 'squatting' experience (at a cost), which belongs to wider shifts towards depoliticized but highly aestheticized forms of 'lifestyle squatting'... 'yesterday's squatter is today's anti-squatter'⁸⁰

From the perspective of property owners, speculators and local authorities the PG model provided significant financial incentives for both 'security' and monetising vacant buildings. This in turn created a new housing sector, inhabited by Property Guardians without the rights or protections of tenants; gagged from speaking out, subject to immediate displacement or eviction and often suffering disgraceful living conditions.

As housing activists with first-hand knowledge of squatting in the 1980s and 90s our impressions when we first entered Camelot properties in Bristol in 2016 were that they weren't ideal places to squat. They were mostly non-residential, were too big, dark, damp, and difficult to heat and had dangers like faulty electrics, asbestos and vermin. After conversations with Property Guardians who were living in the properties, we could not get it out of our minds that people were actually paying to live in these sub-standard conditions. Essentially, this is the crux of this article, to 'call a spade a spade'. We have removed the various facades put up by PGCs that they are principally security companies helping to protect buildings from squatters, vandals and thieves or in the case of their 'ethical' versions that their primary aim is to

control' over production in the 1960s/70s reappearing as new management practices in factories in the 1990s.

⁸⁰ Ferreri and Dawson, "Self-precarization", p. 433.

help 'build communities' through voluntary work. Instead, we have demonstrated that the primary business activity and income stream for a PGC is to act as a 'landlord' extracting 'rent' from de facto 'tenants' in their customers properties.

Although the current number of Property Guardians in the UK is in the region of thousands rather than tens of thousands, the Property Guardians Providers Association (PGPA) estimated in 2018 that there was a potential market for 100,000 Guardians.⁸¹ Although this is a relatively small number compared to the Private Rented Sector, which currently has around five million households in the UK, it would be wrong to ignore this growing business model merely on the grounds of size. To do so, would be to miss the real danger it presents; that is, undermining the limited protections for tenants that remain in housing legislation after more than a century of struggles over eviction, rents, possession, safety and living conditions.

The experiences of the case study in Bristol demonstrate that resistance from within and without the PG schemes is possible and can have limited success. Despite the precarious position of Guardians and difficulties in organising within and between properties the campaign in Bristol managed to persuade the City Council to withdraw its involvement with PGCs, set some limited legal precedent over the definition of a tenant and significantly damaged Camelot, one of the larger international PGCs. Combined with subsequent victories in other parts of the country, notably concerning the illegality of failing to licence properties with HMOs, there is greater awareness amongst Property Guardians as to various legal tools available to them. Although it appears the 'wild west' years of PGCs, when they seemed to be able to operate with impunity in grey areas of legality, may be coming to an end, these organisations have also learned from the tactics of the PG campaigners⁸² and are now getting organised.

The formation in 2018 of the PGPA cartel by leading PGCs in the UK was a reaction to the bad publicity being generated and, crucially, to the legal challenges to their business model by Guardians in several cities. The operation of PGCs in the UK had been predicated on circumventing existing legislation concerning tenancy and housing conditions but they had also benefited from confusion and inconsistency about the status of the PGC model in the legal domain. However, as challenges from disgruntled

Guardians grew and threatened to set legal precedent it became clear that PGCs had to act collectively to defend their interests. Consequently, the primary aim of the resulting PGPA is to lobby central government to provide a legal framework which includes the PG model within housing legislation.⁸³

The legitimisation of the PGC model will set a dangerous precedent in several respects. As we have noted, it will weaken and destabilise existing tenancy law, creating new categories of housing and residents and by default working against the generalisation of protections for tenants. It will also open the possibility for new legal frameworks where housing and employment are linked. These schemes range from the supposedly benign housing plus voluntarism of the 'ethical' PGCs, housing plus unpaid intern employment of the standard PGCs, and more sinister 'modern workhouse' projects situated in hostels and empty buildings and aimed at the destitute and homeless.⁸⁴ The latter may seem far-fetched, but our experiences of PGCs sub-letting local authority buildings to dubious 'employment agencies' to barrack concentrations of migrant workers should be taken very seriously.

Through our experiences of living in and visiting many PGC managed properties in Bristol, we have commented many times on the dangerous conditions of the properties. The immediate threats of falls, electrocution and fire are complimented by more insidious dangers such as asbestos, vermin and insanitary living conditions. In the reactive rather than pro-active health and safety conditions of Property Guardianship the possibility of a major incident with significant loss of life is ever present. A Grenfell Tower type disaster in a PGC managed building would certainly not be far-fetched.

⁸¹ "About" Property Guardian Providers Association. Retrieved from:

<https://www.propertyguardianproviders.com/about>

⁸² In one particular case a high-ranking executive from the PGC Camelot offered to meet one persistent campaigner to discuss the issues they had with the company.

⁸³ See for example the White Paper written by the PGPA: "The law on property guardianship: a white paper setting out the health, safety and legal status of security through occupation", PGPA, November, 2017. Retrieved from: https://docs.wixstatic.com/ugd/216985_7927ef1e3d054f1d90c21c070d73f34f.pdf

⁸⁴ For example, in November 2014 Blackburn and Darwen Council purchased a bus depot in the city centre and then sold it to a private charity to run it as a recycling centre. The plan was to house ten itinerant people at the depot who would work for free with the money raised from the recycling operation going to provide training, education and employment. B. Jacobs, "Former Blackburn bus depot set to house the homeless," *Lancashire Telegraph* 13 November, 2014. Retrieved from:

<https://www.lancashiretelegraph.co.uk/news/11599309/for-mer-blackburn-bus-depot-set-house-homeless/>