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The social cleansing of London council estates: everyday experiences of ‘accumulative dispossession’

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ABSTRACT

London’s council estates and their residents are under threat like never before. Council tenants are being forced out of their homes due to estate renewal, welfare reforms, poverty, and the precarity of low-income work. Social cleansing can be understood as a geographical project made up of processes, practices, and policies designed to remove council estate residents from space and place, what we call a ‘new accumulative form of (state-led) gentrification’. We outline these accumulative processes, practices and policies, but more importantly we present grounded, empirical evidence of council tenants and leaseholders’ everyday experiences of dispossession, focusing our lens on three south London boroughs identified as eviction hotspots.

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Introduction

In 2012, Boris Johnson, then Mayor of London, criticized councils moving housing benefit claimants out of the capital, saying he would not have ‘Kosovo-style social cleansing’ on his watch. Yet the social cleansing of council estates—the large-scale removal of members of a social category regarded as undesirable or disposable—has continued apace in London and council estate residents are under threat like never before. This dispossession is not a singular process, rather it relates to several co-evolving and indeed accumulative processes including but not limited to: council estate renewal/gentrification (Lees, 2014a, 2014b; Watt and Minton, 2016), changes in housing and welfare policy (see Hamnett, 2010, 2014), and the growing precarity of low income work.¹ Since 1997, 54,263 units have either been demolished or are slated for demolition on council estates of more than 100 units in London²; a conservative estimate is that 135,658 households are being displaced. The estimates in previous reports have been 50,000,³ this is substantially higher. Council properties are being further decimated through right to buy (see Disney & Luo, 2017). At the same time ‘reforms’ intended to cut the welfare bill such as the bedroom tax and tax credits, plus the simultaneous rise of zero hours contracts, have hit the working poor hardest.

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Nationally rates of eviction from local authority properties have been rising steadily mainly owing to rent arrears, and a number of London boroughs have been identified by Shelter as eviction hotspots. In 2014 on average, one in thirty tenant households in the three south London boroughs of Southwark, Lambeth and Lewisham received a possession order, meaning they were subject to legal process where their home was at risk (Shelter 2014).

This social cleansing of London's council estate residents is underpinned by all four features of David Harvey's (2003) accumulation by dispossession: privatization, financialization, the management and manipulation of crisis, and state redistributions. Social cleansing can be understood as a geographical project made up of processes, practices, and policies designed to remove council tenants from space and place. Social cleansing is scalar (from the individual to whole council estates) and operates along a continuum of percolating violence that can be slow but also at times very fast (see Elliot-Cooper *et al.*, 2019). Since 2010 there have been a number of commentaries by geographers and others on the privatization of council housing, housing benefit cuts and welfare reforms, which points to the residualization of council housing and dispossession of the poor (e.g. Hamnett, 2010, 2014). This work, however, tells only one part of the story, for it has ignored the large-scale dispossessions due to the gentrification of council estates, what Elmer and Denning (2016) have called 'the London clearances'. Likewise, there has been much work done around theorizing accumulation by dispossession and discussing the policies implicated in it, but much less on empirically investigating the lived experiences of dispossession. Hodkinson & Essen (2015) ask that we ground our discussions of eviction and displacement in everyday life, looking at the specificities of how dispossession plays out and is experienced by people on the ground. In this article, we do just that through in depth empirical research with council estate residents in south London experiencing dispossession from their homes.

In so doing, we extend other emerging research in this field (e.g. Glucksberg, 2017; Minton, 2017; Watt, 2018) by following Londoners being dispossessed of their council estate homes: we follow them out of their original council estate home, into the county court room, and into public inquiries, providing important insight into the processes, lived experiences, and indeed possibilities of resistance to this social cleansing. Where Glucksberg (2017) looks back to the 1990s, we look at the contemporary time period. Where Watt (2018) looks only at homeless people in temporary accommodation we look at those that have had more secure, permanent, council tenancies, including leaseholders. Watt (2018) argues that two dynamics are at play in London's current housing precarity—urban regeneration/state-led gentrification and austerity urbanism, our research shows other important dynamics, including poverty, low pay, the vagaries of zero hour contracts, and the bureaucratic failures of the benefits payment system. We believe that these multiple dynamics add up to an 'accumulative dispossession' that adds significantly to the estate renewal household displacement numbers we cited earlier. We use the term 'accumulative dispossession' as distinct from 'accumulation by dispossession' here to underline the accumulation of policies and practices that have been put in place in attacks on council estates and their residents, and to highlight the layering of these processes of dispossession over time and space. Cooper and Paton (2017) provide the broader context in which this discussion

sits when they talk about the new urban frontier of everyday evictions in the UK as part of state involvement in housing and austerity; but here we zoom in on London, a hyper-gentrifying city with the highest land values in the UK (and amongst some of the highest internationally), where these processes are playing out especially violently. Following MacLeod (2002) we keep an open mind as to the possibilities of resisting this social cleansing and in so doing consider those vestiges of the British welfare state that act as protections for the poor.

The accumulative attack on council housing

In 1893 London County Council (LCC) built London's first council estate in the Shoreditch/Bethnal Green area in East London.⁴ For the next 50 years LCC built council estates in inner and outer London. The interwar push for 'homes fit for heroes' and subsequent Housing and Town Planning Act of 1919 was a watershed moment in the provision of council housing for working families (if not the poor). The Housing Act of 1930 encouraged mass slum clearance and councils set to work to replace slums with new build homes, trying initially to rehouse people back into the communities they were forced to vacate following the demolition of their homes. Following World War II many slum areas remained and had been made worse by bombing during the war, council house building redoubled and by the 1960s over 500,000 new homes had been added to London's stock. Post war architects and planners saw slum clearances as an opportunity to enact a modern urban vision—high rise estates with 'streets in the sky'. Dunleavy (1981) showed that the lion's share of British high rise housing was built in London (36.2%). The clearances were different in different boroughs, in Southwark large swathes of terraced housing was bulldozed to make way for large council estates, e.g., the Heygate Estate and the Aylesbury Estate which we focus on in this article. But by the time the Aylesbury Estate was built in 1977 the high rise ideal was all but dead in the UK and there was a shift from large scale clearances towards the preservation and rehabilitation of older housing.

The first political/policy assault on council housing was from Margaret Thatcher and the New Right (see Hodkinson & Robbins, 2013), although it had been threatened by poor management, under investment, and paternalism from at least the early 1970s. From the late 1970s, when London's population was shrinking, some Greater London Council (GLC) tenants had managed to buy the homes they rented but then the Conservative government's 1980 Housing Act gave all council tenants the right to buy their council homes. Thatcher's 'right to buy' legislation saw the council housing system begin to implode (see Hanley, 2007; Malpass, 2005). Since 1980 1,843,830 council homes have been sold through right to buy in England, 16% of these (287,384) have been in London (<https://www.gov.uk/government/statistical-data-sets/live-tables-on-social-housing-sales>, Table 685). The number of properties managed by London councils started to shrink; 1990 was the peak year for right to buy. In addition, the 1986 Housing and Planning Act gave councils the option of transferring all or part of their housing to another landlord (stock transfer), such as a registered social landlord, this further cemented council housing's decline (see Forrest & Murie,

1988; Cole & Furbey, 1994). The Thatcherite attack on council housing was aided by geographer Alice Coleman (1985) who argued that the design of British high rise council estates was to blame for the social problems on them (see Jacobs & Lees, 2014).

In 1994 there were 645,588 council rented dwellings in London, by 2017 this had declined to 393,938.⁵ The borough with the largest number of council properties, Southwark, declined from 55,803 in 1994 to 38,553 in 2017; the next largest Lambeth declined from 44,531 to 23,715. Continuing in the same vein, in 1995 Thatcher's successor as prime minister, John Major also condemned multistorey estates: 'There they stand, grey, sullen, concrete wastelands, set apart from the rest of the community, robbing people of ambition and self-respect' (Meikle, 1995).

The attack on council estates was instigated by Thatcher but continued by New Labour. New Labour's assault on council estates has been well documented (Watt & Jacobs, 2000; Lees, 2014a, 2014b; Hodkinson & Robbins, 2013), clothed as it was in language about the moral failure of council estate residents and social responsibility to take the poor and disadvantaged out of 'sink estates' (see Johnston & Mooney, 2007; Slater, 2018). Of course the story of why poverty and social problems became concentrated on council estates is complex and part of the history of council housing in the UK (see Hanley, 2007), indeed the language of moral failure was evident before New Labour in publications from the free market think tank the Institute of Economic Affairs in the 1980s (e.g. Murray, 1990). New Labour's solution was to rebuild council estates as mixed income communities. Demolition occurred in a complex and spatially uneven manner out of the third way reform of the governance and financing of council housing away from local authority ownership and control (Hodkinson & Robbins, 2013; Watt & Minton, 2016). Critical urban scholars have charged that council estate renewal through mixed communities policy was/is 'gentrification by stealth' (Bridge *et al.* 2011) socially cleansing the inner city of low-income communities. They have also raised questions about the underpinning ideal of 'mixed communities' as a poorly conceptualized and ineffective policy panacea for social ills (Lees, 2008; Cheshire, 2009; Tunstall & Lupton, 2010). A London based study by Arbaci and Rae (2013) found that mixed communities policy in London exacerbated social inequality and masked deprivation. In their Islington study area they found that affluent professionals had displaced low income populations of Greeks and Somalians, and that council tenants were being pushed further out of London to places such as Enfield and Cheshunt in Hertfordshire. The much touted shared-ownership schemes were taken up almost exclusively by young professionals from outside of the neighborhood.

In 2004 the Centre for Social Justice (CSJ) was established by Iain Duncan Smith⁶ as an independent think-tank to make policy recommendations to tackle the root causes of poverty. Like New Labour, the CSJ argued that living on a council estate affected your life chances. The CSJ was commissioned by the then Leader of the Opposition, David Cameron, to develop a new poverty-fighting agenda for the Conservative Party which resulted in the 2007 Breakthrough Britain report,⁷ which argued for an end to any obligation to provide council housing and that we should encourage private landlordism instead. In many ways this report was an extension of

New Labour's urban renaissance agenda, for example, Section 3.2 repeated the New Labour mantra on delivering socially mixed communities. But they pushed it further by underlining that council housing was to be a spring board and not a safety net (p.95). This was followed by a report 'Principles for Social Housing Reform',⁸ from Localis, recommending councils should 'exploit [the] huge reserve of capital value' in their houses and the land by selling it off and charging 'market terms'. London based Housing Associations got in on the act, for example, Kate Davies, now Chief Executive of Notting Hill Genesis, contributed an Introduction to the 2008 CSJ report '*Housing Poverty*'⁹ in which she said that 'council estates are ghettos of needy people', 'council homes are subsidized by the taxpayer', council tenants 'often pay little or no rent, and get their home maintained in good order for free'. She also maintained that 'living on an estate can affect your health, your ability to work, the type of education your children will get and your life chances'. She added that 'social housing is not a desirable destination' and that 'private ownership is preferable to state provided solutions'.

Such reports were the supporting planks to assault three, the Coalition government's changes to housing benefit payments, which, from 2013, allowed local authorities to pay not the median local rent but a payment equivalent to the 30th percentile of local market rents, which almost immediately exacerbated already-existing processes of displacement. Reduced tenancy rights followed when the statutory right to lifetime tenancies for new council housing tenants in England and Wales were axed. Indeed, Hodkinson & Robbins (2013) argue that the Coalition government saw a return to the Thatcherite agenda and class war conservatism, enacting Harvey's (2003) 'accumulation by dispossession' by halving the affordable housing budget from £8.4 billion to £4.5 billion, 2011-2015. The predictions that low income Londoners would experience 'mass displacement' (Fenton, 2011) and that such policies would pave the way for a new wave of gentrification (Hodkinson & Robbins, 2013) are already materializing. To 'kick-start and accelerate' that process, the government launched a £150 million Estate Regeneration Programme of loans to private developers 'redeveloping existing estates' on 'a mixed tenure basis' so as 'to boost housing supply' and 'improve the quality of life for residents in some of the most run down estates in London and nationwide' (HCA, 2014).¹⁰ The Welfare Reform and Work Act 2016 sustained the attack on disadvantaged groups (within a landscape of austerity) with benefit caps and freezes, and changes to carers allowances, etc.¹¹

In assault four Cameron's Conservative government¹² announced in 2016 that it would blitz poverty and improve the life chances of the disadvantaged by demolishing the UK's worst 'sink estates'. This announcement was aided by a report from property consultants Savills who argued that such an approach would help catalyze the building of hundreds of thousands of new homes in London alone. Redeveloping council estates with market housing was touted by both the Conservative Minister for Housing, Brandon Lewis (2015),¹³ and Labour peer Lord Adonis (2015),¹⁴ as a way to address deprivation and increase housing supply without public funding, showing the cross party support for demolishing council estates. Hodkinson & Robbins (2013) are surely right to say that such interventions were designed to

‘unblock and expand the market, complete the residualization of social housing and draw people into an ever more economically precarious housing experience in order to boost capitalist interests’ (p. 1).

In fact, London was already ahead of the sink estate strategy, as the Mayor of London’s (2014) Housing Strategy called for the ‘vast development potential in London’s existing affordable housing estates’ (p. 59)¹⁵ to be unlocked through private redevelopment. And borough councils argued there is no alternative to estate renewal at a time of cuts to local authority budgets and restrictions on municipal finance. The, now somewhat diluted, 2016 Housing and Planning Act¹⁶ is set to accelerate social housing losses and make social housing more generally a less secure tenancy through the selling of higher value council housing and pay to stay, etc.

For the moment, council estates remain home to a large number of Londoners and offer secure and truly affordable accommodation, but they are massively under threat. Add to this the C21st precarity of low income work, like zero hours contracts, and the everyday realities of poverty and marginality, and a perfect storm has been created. The outcome of the 2018 Social Housing Green Paper, a ‘new deal’ for social housing, is yet to be known. The Grenfell fire tragedy caused panic at central government level, resulting in a Green Paper which in theory was meant to address the stigmatization of social housing—but which has not yet resulted in any concrete proposals. In what follows we present grounded empirical data on the lived experiences of these assaults on council estates and their residents in London.

Everyday experiences of dispossession on London council estates

Our research lens is focused on those south London boroughs identified by Shelter (2014) as eviction hotspots. Eviction can occur due to serious anti-social behavior, such as drug-dealing or domestic violence, rent arrears, or estate renewal. The latter two are the most statistically significant and are analyzed here. We draw on a mix of primary and secondary data from four interlinked research projects,¹⁷ this allows for a much needed longitudinal view. The primary data includes in-depth interviews with those displaced from the Heygate ($n=20$) and about to be displaced from the Aylesbury ($n=35$) estates in Southwark. These interviews were undertaken between 2011 and 2018. The interviews focused on both council tenants and leaseholders experiences of displacement and its economic, social, cultural, and emotional impacts. We also collected postcode data on displacement from both the Heygate and Aylesbury estates, mapping where people were displaced to. The primary data also includes research undertaken at Lambeth County Court over 3 months in 2015 shadowing solicitors acting as duty advisers for the court.¹⁸ This access provided us with the unique opportunity to observe solicitors helping council tenants in the boroughs of Lambeth, Lewisham and Southwark facing a dispossession order on their home. Judges also gave us access to some of the court cases, in which we were able to follow the tenant and duty solicitor into the courtroom. We were able to examine the reasons why tenants found themselves in arrears and facing eviction, and their experiences of this. We were also interested in how local authority housing and the law protects those who are ‘vulnerable’ and/or on low incomes from dispossession. In 15

randomly selected visits to the court we were able to observe over 50 cases, and made detailed notes on 43. Statistical analysis of the duty scheme data for 2014/15 (based on 790 unique visitors) also provided information on the gender and ethnic origin of those facing a possession order in court, the type of landlord and the order made.

In what follows we begin by looking at dispossession due to council estate renewal, then we turn to council possession orders, of course these different forms of dispossession can be layered on top of each other. It is what Watt (2018, p. 96) calls the ‘the vicious intertwining’ of ‘long neoliberal policies coupled with short-term austerity cuts’, but it is more than that too, for poverty, ill health, zero hour contracts, and the vagaries of the benefits system are all evident. There are no doubt cases of council estate residents that may be experiencing both displacement due to council estate renewal and dispossession due to a possession order at the same time, although thankfully we did not come across anyone in this unique situation. The enormity of the ‘accumulative dispossession’ that London council estate residents are facing becomes evident, as does their lived experience of the dynamics at play. What is clear is that the state, government policy (or the lack of government policy in the case of reeling in the injustice of zero hours contracts and low pay), is to blame.

Dispossession due to council estate renewal

The Heygate Estate in Elephant and Castle was sold by Southwark Council to the international property developer Lendlease for £50 million. Southwark then spent over £44 million moving the 3000 plus council tenants and leaseholders out (Lees, 2014b). One in three secure tenants were subjected to eviction proceedings (on the connection between state-led gentrification and state-led evictions, see Paton and Cooper, 2016). The Heygate Estate has now been demolished, its replacement—Elephant Park—was sold off-plan in East Asia. There were 1194 council flats, the new development will have no council flats but it will have 82 ‘affordable’ units, affordable means 80% of London’s super-heated market rent, more than double the level of council rents. As the displacement maps in Figures 1 and 2 show both Heygate council tenants and leaseholders have been displaced from their homes. Just one in five secure tenants managed to stay living in the neighborhood, that is the wider SE17 postcode, the rest were displaced across Southwark and beyond. Tenants were asked to find a new home through the Council’s Homesearch waiting list and bidding scheme and were given only 6 months to do so: ‘it took six times... if you don’t accept any of the bidding you go back to the bottom again... I think I got mine after the third bidding’ (ex Heygate council tenant who was displaced, interview 2013).

Then the council began to issue eviction notices over the heads of those who failed to find their own council place or refused the council’s offer of alternative housing. One ex-Heygate tenant who had lived on the Heygate for 14 years, between 1995 and 2009, was a single mother living in a one bedroom, privately rented flat that was very expensive for her at £650pcm. She said that her 22 year old son was sleeping on the sofa, that she was on the housing register for Gravesham Borough Council but did not have enough points.¹⁹ This was not her first move since leaving the Heygate, indeed as is often common in stories of displacement she moved multiple times

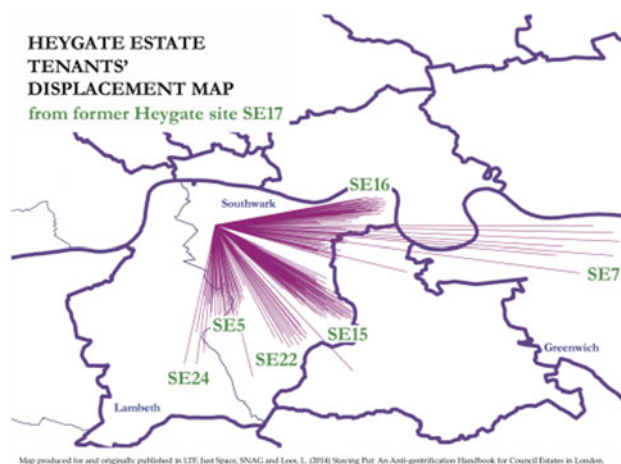


Figure 1. Council tenant displacement from the Heygate Estate, London (Source: Lees *et al.*, 2013; London Tenants Federation *et al.*, 2014; also reproduced in <https://www.dispossessionfilm.com/>).

(Watt, 2018, calls this recurrent displacement), first to Surrey Quays, then to Rotherhithe to housing association accommodation where she lived for 2 years before moving to Kent. She said: ‘Because I moved away from London... I don’t think I might be moving back... I still have sisters that live in South London... I still see them on the train you know. But I lost contact with friends... I still have their numbers but it’s the distance and everything’ (interview, 2013). Displacement is rarely a singular move, more often multiple moves occur before people settle.

Interviews with council tenants being displaced from the adjacent Aylesbury Estate (see Figure 1 in Hubbard & Lees, 2018) backed up the stories gathered on the Heygate Estate. Of course, the impacts on the elderly and those with health issues were even worse. One elderly council tenant in the process of being evicted from the Aylesbury had onset dementia, as such the interview was done with her daughter:

‘Well... the only way she wants to be coming out of here is in a box... at the end of the day they are not listening to what she is saying which is just “leave me here!”. Because they’ll move ‘em out, it will be just like the Heygate. The blocks will stand up year after year... my mum’s 83, she’ll be long gone before the blocks. So part of me thinks just leave her here, just leave her alone. So that’s what I say’ (interview, 2013).

The impacts on the elderly are especially acute. Another interview with a widower who had lived on the Aylesbury Estate for 25 years showed clearly what he felt he was leaving behind when he accepted a replacement council flat in Kennington Park, it also shows the impact of the slow violence of these regeneration schemes as he begins to withdraw his sense of place:

‘As you can see I put a lot of effort into this flat. I worked hard on it. I sanded the floors. I’ve got a mural that I can’t take with me... It’s not to everybody’s tastes... but it’s to my taste, at least it was to my taste 10 years ago... but basically I’m decorating the new place in a similar way. When I moved in here it was a combination of my ideas and my wife at the time, so the difference between that and me doing it by myself is, err, yeah, you know. When they announced that they wanted to demolish the place... it

changed things for me, in a sense that I didn't feel as inspired to decorate and to keep the place. Like, it doesn't look like it did. The floor was immaculate, I let it go a certain amount. I didn't deliberately let it go I felt like, you know, I had this thing hanging over my head. That's one of the reasons I decided to move' (interview 2013).

Even for those that have been able to move nearby, the feelings of loss are acute:

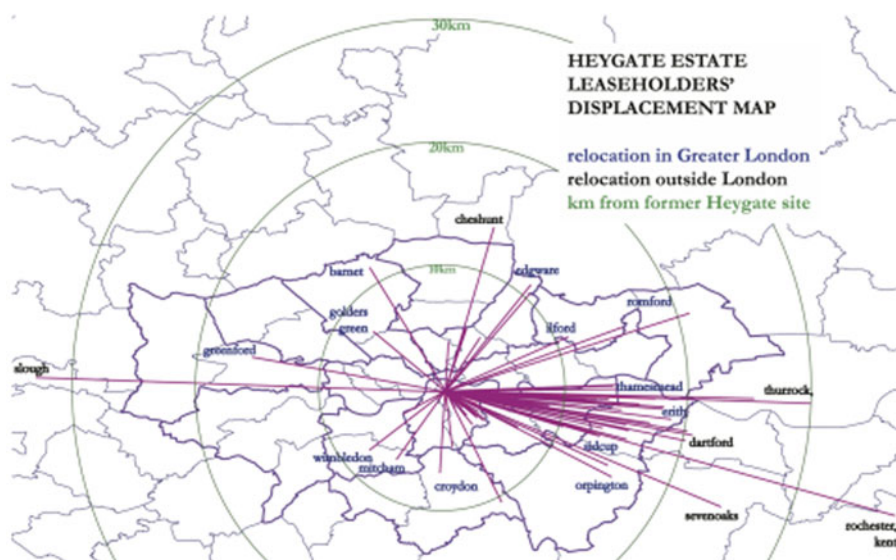
'(The new flat is) 10 mins from the old one, it's so small, dad can't get in the bathroom or take a shower. He was in hospital and he's at my mum's now ... he can't move here. The kids miss their grandma, they've never been in a place where grandma was not there, they will cry at night ... "I want to go to Nans". I'll say wait until the weekend son. He cries he wants to move back to the Aylesbury. Mum's losing her marbles, she's lost so much weight, she lost her friends ... one is in Cooks Road, one is in Nunhead,²⁰ she hasn't seen them since she moved. She hasn't seen any of them' (interview 2017).

Baxter and Brickell (2014) have called this 'home *unmaking*' and they are clear that some home *unmakings* like the ones in this article are brutal, alienating and discriminatory. Supportive familial and community networks are undermined and often destroyed.

The whole process of dispossession of council tenants from the bidding process for a replacement home to the demands of viewing potential (but often unsuitable) new homes was highly stressful and destabilizing. One interviewee who lived with her elderly, disabled mother who spoke little English, and had two young children, one at nursery, the other at primary school, said:

'Things have been really mad. We were offered to view a flat but mum couldn't get there but mum said it was okay for me to look and to see if there was enough room for the children. The council don't care and only offer us 2 bedrooms but I am at the point now that I just don't care, I've had enough. The flat was really small and only 2 bedrooms. There were disabled rails like in the bathroom. The kitchen is very small, the lounge very small, but I told them we couldn't take it because there was no lift so how could my mum get up there? She cannot use stairs. They said they didn't realize my mum is disabled. We were offered to view another place and I went there. I was waiting in the cold for 35 minutes and no one turned up! Now they say our bidding is suspended! It has been for the last 2 weeks. I asked why and they said I never turned up for the viewing! But I did, I was there for over 35 minutes and didn't see no-one!' (interview, 2013).

Leaseholders on both the Heygate (see [Figure 2](#)) and targeted blocks on the Aylesbury (see [Figure 2](#) in Hubbard and Lees, 2018), who had bought their flats through right to buy, were issued with Compulsory Purchase Orders and the council made them 'low ball' offers. Each leaseholder was made an offer on an individual basis (so the same size flats in the same block might be given a different offer), a council 'divide and rule' tactic that they hoped would both reduce what they had to pay and stop leaseholders coming together to resist council offers. The last leaseholder to be forcibly evicted from the Heygate (where he was refusing to move until he got market value for his property), a teacher, commissioned an independent surveyor who valued his property, a 3-bed maisonette, at £240,000; £80,000 more than the Council's surveyors. The council's surveyors argued that their's was a good offer given that the properties were soon to be demolished. Obviously value should not have been linked to other properties about to be demolished but to market rates in



Map produced for and originally published in LTE, Just Space, SNAG and Lees, L. (2014) *Staying Put: An Anti-gentrification Handbook for Council Estates in London*.

Figure 2. Leaseholder displacement from the Heygate Estate, London (Source: Lees *et al.*, 2013 and London Tenants Federation *et al.*, 2014; also reproduced in <https://www.dispossessionfilm.com/>).

the area. The council resorted to Rachmann²¹ like tactics to get this leaseholder out, turning off his gas and electricity, and barricading in the near empty estate. On being evicted from the estate, the council billed him for his eviction, and he was forced to move in with his partner as he could not afford to buy another property in the area. Another leaseholder from the Heygate was offered a flat in the nearby newly built, high rise, Strata Tower. She was given £150,000 for her 3-bed flat on the Heygate Estate, but flats in the Strata Tower ranged from a studio flat at £240,000 to 3 bed flats at £775,000. The 2-bed penthouse was on the market at the time for £1.6 million. The leaseholder had worked three jobs, seven days a week to pay off her mortgage and saw her ‘right to buy’ flat as an investment for her children. To buy in the Strata (or indeed elsewhere in London) she would need to get another mortgage—not easy on her low income and with insecure jobs and new mortgage restrictions—her life security and investment was destroyed (Lees, 2014b). This was/is nothing less than domicide (Nowicki, 2014). Porteous and Smith (2001) define domicide as ‘the planned, deliberate destruction of someone’s home, causing suffering to the dweller’.

Leaseholders on the Aylesbury Estate who fought the CPO told similar stories of below market value offers and dirty tactics by the council to get them out. One leaseholder who was involved in the first and indeed second Aylesbury Public Inquiry was put to the severest of tests. The list could not be more disturbing: the council built a high fence around her block (see Figure 3) making it very difficult for her to access the property that she owned, she had to wait for a security guard to let her in to her own home; the council got the postcode of her block deleted meaning she could not receive post, including benefits, a replacement fridge etc. They began demolishing the blocks around her (see Figure 4), this seemingly caused a gas leak in late 2016 that



Figure 3. Aylesbury Estate's 'Alcatraz fence' built by Southwark Council around Chiltern House (Photo: Loretta Lees, 2018).

saw her hospitalized for gas poisoning (interview, 2015). Moreover, on her return home from the hospital she got stuck in her block's lift for 90 minutes when it failed due to non-maintenance, only to get in her door to find the council had left her cooker on the whole time she had been in the hospital. When asked how she manages to survive all this she said 'I have no alternative!'

The results of the (first) Aylesbury Public Inquiry were released later in 2016. The leaseholder testimonies and academic research presented to the inquiry looked at the eradication of home against the will of its dwellers, to the sweeping destruction of families, communities and ways of being. They gained a precedent setting win, as the Planning Inspector²² ruled that the CPO would have significant negative impacts on protected (BAME) groups, thus breaching Public Sector Equality Duty. In his follow on ruling, the Secretary of State for Communities and Local Government said that the owner-occupiers refusing to move should not be forcibly evicted. He too was concerned that the impact on the majority of the estate who are from BAME backgrounds would be disproportionate and that they would have to move out of Southwark if the Order was confirmed (see Rendell, 2017; Hubbard & Lees, 2018). In the 2018 revised Aylesbury Estate public inquiry there were further wins with a change in Southwark's policy for dealing with the CPO of leaseholders (see Lees and Hubbard, forthcoming), even if ultimately this did not stop the dispossessions. The demolition of council estates in London is ongoing and is having detrimental impacts not only on the number of council homes available but also critically on people's everyday lives. But welfare changes and the vagaries of working poverty are also



Figure 4. Demolition of the blocks behind Chiltern House (Photo: Loretta Lees, 2018).

pushing Londoners out of council housing and indeed the capital. It is to this related dispossession that we now turn.

Dispossession from council homes due to possession orders

As Hamnett (2014) points out London accounts for the highest share of UK housing benefit (26%), and housing benefits make up the lions share of total benefit spending in London (50%, bar pensions and child benefit). He charges that London is witnessing ‘welfare policy generated social cleansing’ (p. 501), but welfare cuts (including caps on housing benefit, the bedroom tax) are only one part of the story, for the neo-liberalization of the world of work (e.g. zero hours contracts), low incomes, and the bureaucratic vagaries of how benefits are managed, are also significant factors causing rent arrears and dispossessions. Those facing eviction proceedings at Lambeth County Court faced multiple challenges, despite 67% being in full or part time work the overriding reason for their rent arrears was poverty (cr. Malpass, 2004, on residualization in social housing). Those in care and service industry jobs were simply not paid enough to cover rent, council tax, utility bills, food and travel, even when living in low cost council housing. Similarly those who were self-employed or on zero-hour contracts described struggling to budget and manage rent payments due to insecure working conditions, inconsistent hours, delayed housing benefit payments and with no contingency to cover periods of sickness or family crisis. The precariousness of tenants’ circumstances and the fine line for many between being able to just about manage and falling into arrears was stark:

'The landlord, Lambeth Council, is seeking a suspended possession order. The woman a nursery nurse officer works full time. She earns £1156 a month. The monthly rent is £636.35. The arrears built up when her parents died, one after the other. She spent her rent on travel to the Midlands to make arrangements for the funerals' (Field notes, 2015).

During our visits to the court we also saw, first hand, how 'benefit reform' intended 'to reduce welfare dependency' in the Welfare Reform Act 2012²³ had directly increased the threat of dispossession (see Fitzpatrick & Watts, 2017, on the welfareization of English social housing). In one case a woman in her sixties who had lived in her two-bed council flat in Lambeth for 30 years, was facing a possession order for rent arrears after her housing benefit payments had been cut by 14%. The woman was self-employed and earned £107 a week, her rent was £126.94 and she simply did not have enough money to cover the shortfall. The 'under-occupancy penalty' (bedroom tax) also left people without enough money to pay their rent and tougher benefit sanctions introduced in 2012 led to people's housing benefit being wrongly withdrawn and consequently receiving a possession order. For example, a couple with learning difficulties had been served notice after falling behind with their rent as a result of their housing benefit being suspended because their adult daughter was suspected of earning more than she had declared. Their housing benefit had since been reinstated, but arrears had built up and the couple had failed to keep up their payments. When the solicitor asked why they had stopped paying their contribution, the woman admitted that when she got 'stressed out' she couldn't cope and 'things had fallen apart'. In another case a young, black man suffering from depression, anxiety and psychosis had had his employment and support allowance (ESA) and housing benefit stopped after he was assessed as being physically fit for work. The man was in the process of appealing against this and although his housing benefit had since been reinstated he had no other income to pay off the arrears and was living from food-banks and handouts from friends. During the hearing the Judge asked why people evidently in need were having their housing benefit stopped.

Under current law, housing benefit should not be automatically suspended when an individual is subject to other benefit sanctions. However, *The Guardian* reported that the Department for Work and Pensions' computer system had been wrongly informing local authority housing benefit departments that those subject to sanctions had had their benefits cancelled rather than temporarily withdrawn.²⁴ This led to housing benefits being wrongly suspended or stopped, as in the case above. This increased the risk of homelessness, while adding to the national welfare bill, as increasing numbers of people faced eviction proceedings over unpaid rent. It was also apparent during the research that administrative mistakes by under-resourced housing benefit departments were jeopardizing people's homes.

Of the 43 cases we observed, 28 claimed housing benefit and 2 were awaiting a claim to be processed. In half the cases delays or a mistake in housing benefit payments had been a contributory factor to their rent arrears. Problems encountered included: delays in processing claims, delayed payments for those on zero hour contracts and/or flexible working arrangements, and 'clawing back'—the practice of deducting sums from housing benefit payments owing to a previous over payment. These issues were critical for those struggling to make ends meet and contributed to

people's homes being put at risk. In another case, a woman had had her housing benefit suspended when she went to Pakistan for two months owing to a family bereavement, despite informing the housing benefit office that she would be away. On her return it was reinstated in full, but five months later she was still waiting for a payment to cover the arrears and it was this debt that led to the landlord filing a Section 8 eviction notice. The woman referred to was a housing association tenant rather than a council tenant, which was why the HA were able to seek to have her evicted immediately and why her situation was so precarious. The Judge adjourned the case on the basis that the notice had been filed incorrectly, however in the absence of this oversight, the Judge would have had no option but to grant a possession order.

For those on low incomes, the process of 'clawing back' meant that tenants were unable to budget and pay their rent. For example, despite this single parent working part-time and studying (she was still awaiting her first student loan payment), she was struggling to make ends meet:

'Crying and hardly audible she explains that she has had to borrow money from family and friends and that she has paid all she can and has no more money (the day before the hearing the tenant paid £700 towards the arrears). She says the housing benefit issue is due to a mistake on her claim and as a result she has not been getting any assistance. Herself and her son are living off £20 a week. She says she wants to pay but can't. In order to go to University she has to borrow an oyster card from a friend because she can't afford to top up her own card' (field notes, 2015).

We observed three other similar cases of lone-parents who were students, struggling to manage their student loan income and housing benefit entitlement. In each case the tenant had not understood what benefits they were entitled to or how they should manage the loans and budget for the holidays. In one of the cases, the woman's original debt dated back to 2003. Since then she'd been paying back the arrears at £3.75 a week. Notice had been served after her payments became erratic, due to her student loan being delayed, the NHS bursary she was expecting suddenly being halved, and changes to her housing benefit payments. In court, neither the Judge, solicitor or housing officer could make sense of her housing benefit entitlements or payments and the case was adjourned and a housing benefit officer requested to be present at the next hearing.

We observed the impact of benefit sanctions, historical underpayments and delays, but it was also apparent that the system itself was under resourced and in disarray. Amongst tenants facing eviction proceedings, there was confusion regarding what benefits they were entitled to and many claimed they had not received any paper work or advice regarding a housing benefit decision which had resulted in them not being able to pay their rent. For example, a single parent, working two days a week at Sainsbury's supermarket and in receipt of full housing benefit, claimed she'd been unaware that she was in arrears until she received the court summons. In court, it was apparent from the housing benefit record that despite there being no change in her circumstances her housing benefit had been suspended and then later reinstated, but the arrears payment put into her account did not cover the entire period her benefit had been stopped for.

For those struggling with a range of issues such as ill health, depression, caring for a dependant, poverty, and problems with benefits, the court experience was traumatic and served to worsen their situation. In one case, a single woman with an adult child

living with her who had agoraphobia, anxiety and depression was facing eviction proceedings because she did not have enough money to pay her rent. During her consultation with the duty solicitor it was apparent that due to her fluctuating income she was eligible for housing benefit, however it had been delayed owing to a query on her case. She was also struggling to pay council tax and although she was the primary carer for her son she was not eligible for a carer's allowance. The duty solicitor explained that because the woman's income was so low if she received a suspended possession order she wouldn't be able to keep up the arrears payments and was at real risk of losing her home and as such sought an adjournment. After the hearing we interviewed the woman about the possibility of losing her home:

'I made it a home for 26 years and to lose it you know... I'm getting on in life. It's not a good thing, the stress of it and being under all the stress makes me worried that I won't be able to do my job properly, if at all. I might lose my job. If I am made homeless I will lose my job because I get sent my rota at home, it has personal information about service users and that can't be urm... [starts to cry] disclosed to anybody, so I will lose my job too, as well as my home' (interview, 2015).

On paying her rent she said:

'I was never in dispute of it: I simply don't have enough money. I go to bed every night with a sandwich and a cup of tea [still crying]. I can't even have a proper meal. I understand that it's got to be done, but urgh... it just feels like a punishment for the poor. If I was in Dickensian times I would be in debtors prison' (interview, 2015).

Disproportionately at risk of eviction in South London were women with dependents and ethnic minorities. According to the 2014/15 duty scheme records, 18% of clients were white British, 27% black/British African, and 20% black/British Caribbean. Similar demographics were recorded during our duty scheme observations: 23% were noted as being white British and 60% black/British African and black/British Caribbean. Women were also overrepresented, 61% of the 2014/15 duty scheme clients and 67% of those we observed were female. Of the female clients observed, 15 had a dependent child living with them, 3 lived with a non-dependent child, and another 3 lived with a non-dependent child with care needs. Only 4 women with children lived with a partner. These figures reflect the BME populations of council estates in South London that the Planning Inspector and Secretary of State were so concerned about in terms of ethnic cleansing of the Aylesbury Estate (see previous section).

It was apparent during our observations at the court that the duty scheme and solicitors, and indeed many judges, were essential for keeping council tenants in their homes. The atmosphere at court was frantic and when listening to tenants it was clear that many did not understand the eviction process and some were even unclear as to why eviction proceedings had been taken against them. Solicitors were able to advise tenants on what type of order or ruling they should apply for, suggested realistic amounts for paying back the arrears, negotiated with housing officers, and in court were able to ensure that due process had been followed. It became evident that these safeguards were essential for protecting council housing tenants from homelessness. Of the 19 local authority cases we observed, only one suspended possession order, one outright possession order, and one warrant application were upheld. It

was also evident that secure council tenancies provide extra protections in the eviction process. A local authority can only forcibly evict a council tenant by seeking a possession order through the court, and when in court they must demonstrate that it is reasonable for an order to be made. Given the extremely difficult circumstances that both life and the benefits system has put some tenants in, this safeguard proved essential for protecting the poor and otherwise marginalized from homelessness. In order to evict a tenant, a council or housing association must follow a number of steps (see White & Lees, 2016). In cases where the tenant is facing potential eviction over unpaid rent, before the council or housing association begin proceedings they are first required to follow the pre-action protocol for possession claims introduced in September 2015.²⁵ When a case reaches court, if it is proven that the pre-action protocol steps have not been followed by the landlord then the Judge can adjourn (postpone) or dismiss a case. The court can also adjourn a case or suspend an order if a council or housing association tenant offers to pay the rent arrears back by a mutually agreed amount (this should be affordable and based on the tenants income, with minimum payments starting at £3.75). If an order is suspended a tenant will only find themselves back in court if they fail to meet the agreed payments. The private rental sector does not have these inbuilt protections for its tenants (see Cowan, 2011, on the legal context of social housing).

Although housing associations should follow the same guidance as local authority landlords, they, as well as private landlords can speed up the eviction process by seeking outright possession of a property using a Section 8 Notice. This means that if the tenant is more than eight weeks in arrears at the time the summons is served and/or the case is heard, and the notice has been served correctly, the court has no mandate to intervene and the tenant can be evicted. During the research one of the duty solicitors suggested that increasingly some housing associations were resorting to progressing evictions more swiftly. Given the large number of stock transfers of council estates (accelerated by the Decent Homes program and PFI schemes) to housing associations in London, e.g. Notting Hill Trust, now merged as Notting Hill Genesis, is redeveloping the Aylesbury Estate, this is especially worrying. Those council tenants who do get to move back onto the original footprint of their estate into new HA homes will nevertheless lose the protections discussed above built into council housing tenure, potentially opening them up to future dispossessions. In addition, those dispossessed council tenants who end up in the private rental sector are even more vulnerable to eviction proceedings than housing association or council tenants. Significantly, between 2005 and 2015 private rental stock in Southwark, for example, rose by 26.1% from 61,096 to 77,023, while in the same period council rented stock fell by 11.8% from 43,885 to 36,687 (Southwark Council 2015, Southwark Key Housing Data, p. 15). Where Hodkinson & Essen (2015) show legal frameworks assisting in accumulation by dispossession in people's everyday lives, in this paper we also show how legal frameworks can offer protection to council tenants facing dispossession. Protecting these protections should be paramount for future scholar-activist work (cr. Layard, 2018).

In our observations at Lambeth County Court it was clear that the duty solicitors, council tenancies themselves, and the judges all played a critical role in protecting (or

at least trying to protect) low income council tenants from losing their homes. But the Ministry of Justice closed Lambeth County Court in 2017 in further cut backs, despite widespread concern over the potential impacts on those facing an eviction order, as a result of increased travel times to other courts (now also under threat of closure) and costs (Cambridge House estimated 10% minimum of a tenant's weekly budget), and concerns over whether the duty scheme would be able to continue. Access to justice itself for those facing dispossession is becoming increasingly difficult.

Conclusion

'I'm a council tenant. I stay council tenant. I die council tenant. Simple as that!' (interview, 2013).

For over a century now council housing in London (as in the rest of the UK) has provided secure and affordable homes for the working and workless poor, as part of a welfare state deal that protected people from homelessness and acted as a counter to the private rented sector. This protective shield is disappearing as we speak. Council estates are being demolished and 'regenerated', and their residents pushed out of their homes and communities. The benefits system no longer provides essential safeguards for council estate tenants, partly the result of the 2012 Welfare Reform Act, but also due to errors in the housing benefit system, which has seen, according to the charity Crisis, one-third of housing benefit claimants subject to a sanction on their un-employment benefit, having their housing benefit suspended or withdrawn. Many more have been affected by delays in processing claims, mistakes and under payments, while a lack of communication means that many are not even aware that their home is at risk. This situation will only worsen with the rolling out of Universal Credit, intended to simplify the benefits system by merging together the six existing benefits, including employment benefit, tax credits and housing benefit.

The attack on council estates and their residents which began in the 1970s has escalated over time. Recent benefit cuts have coincided with the aggressive dismantling of the council rented sector through the Housing and Planning Act 2016.²⁶ This is underpinned by the principle that the market should provide the nation's housing needs either through owner-occupation or the private rented sector. This ideological attack on council housing combined with benefit reform, we argue, can be viewed as a 'new accumulative form of (state-led) gentrification' that has chipped away at tenants' rights, forcing the working poor and those on benefits out of the capital, it is even shutting down the courts where they seek justice. As we have shown there is a violence to this 'accumulative dispossession', whether in the displacement due to estate renewal or the austerity policies that have dismantled the social systems that used to buffer against economic hardship (see Cooper & Whyte, 2017). Thinking about these processes as 'accumulative dispossession' forces us to see this as a stealth dispossession that is multi-layered and ongoing.

In July 2018 the current Mayor of London, Sadiq Khan, introduced a new rule (the first in the UK) that major estate regeneration schemes involving the demolition of homes must have the backing of residents through an estate ballot, before receiving

City Hall funding. The newly elected Mayor of Lewisham said: ‘Balloting residents on estate redevelopments means that existing communities are truly at the heart of changes in their area. Lewisham will be balloting residents as part of our ambitious program to build new social and genuinely affordable homes’.²⁷ Welcome as this might be it only stands for future regeneration schemes, the numerous council estates which already have planning permission are exempt. Nor does the ballot extend to all households on an estate, e.g. private tenants who have been on a council’s waiting list for less than a year, or who are not on the waiting list at all (this is important given that 40% of council homes sold under right to buy are let to private tenants) and homeless households living in temporary accommodation (see Watt, 2018). Moreover, Sadiq Khan secretly signed off on funding for 34 estates before announcing the new ballot, including a number (like the Aylesbury Estate) in the 3 south London boroughs we have focused on in this article.

The state, as we have shown here, plays an active role in coordinating new forms of dispossession and diminishing the power of the poor in favor of the rich. The 2018 Social Housing Green Paper²⁸ has continued the dismantling of council housing, offering no funding to build new council homes but offering all tenants a way into property ownership through shared ownership schemes. How those on zero hours contracts struggling to pay council rent could ever afford to buy through shared ownership was not discussed.

London’s Mayor and its borough councils are facing increased resistance to this ‘new accumulative form of gentrification’; yet resistance is not enough, we also need to create alternative blueprints to gentrification that regenerate without displacing and socially cleansing low income groups. As Hodkinson & Robbins (2013, p. 72) have said: ‘within this context, not only will housing and tenant campaigns be crucial, but so too will the role of academics in critically dissecting the purpose, mechanisms and effects of these policies²⁹ as well as offering intellectual resources to help nourish the creation of alternative policies and paradigms’. No easy task but urgent and critical.

Notes

1. See <https://antipodefoundation.org/2012/04/16/precarity-and-housing-politics-in-austerity-london-uk/>
2. This database has been collated as part of an ongoing ESRC project, PI: Lees,L; CoIs: Hubbard,P. and Tate, N. Gentrification, Displacement, and the Impacts of Council Estate Renewal in C21st London 2017-2020 [ES/N015053\1]). The database is not static and will be updated until the end of the project.
3. https://www.london.gov.uk/sites/default/files/gla_migrate_files_destination/KnockItDownOrDoItUp_0.pdf
4. See Boughton (2018) on the history council housing in the UK more widely.
5. <https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants> table 116).
6. Iain Duncan Smith was Secretary of State for Work and Pensions 2010–16, Leader of the Conservative Party and Leader of the Opposition 2001–2003.
7. <https://www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/BBChairmansOverview.pdf>

8. <https://www.localis.org.uk/wp-content/uploads/2009/04/localis-principles-for-social-housing-reform-web.pdf>
9. <https://www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/HousingPoverty.pdf>
10. <https://www.gov.uk/government/publications/estate-regeneration-programme>
11. http://www.legislation.gov.uk/ukpga/2016/7/pdfs/ukpgaen_20160007_en.pdf
12. The role of Conservative Think Tank policy wonk Alex Morton as advisor to the Cameron government explains the radical nature of the 2016 housing and planning reforms.
13. <https://www.ft.com/content/e764af1c-0f6a-11e5-897e-00144feabdc0>
14. <https://www.ippr.org/publications/city-villages-more-homes-better-communities>
15. <https://www.london.gov.uk/what-we-do/housing-and-land/housing-and-land-publications/mayors-london-housing-strategy-june-2014>
16. On what was enacted and what was not adopted in the 2016 Housing and Planning Act see http://www.cih.org/resources/PDF/Policy%20free%20download%20pdfs/What%20you%20need%20to%20know%20about%20the%20Housing%20and%20Planning%20Act%202016.pdf?dm_i=YRX
17. This includes research into the gentrification of council estates (funded by a 2012 Antipode Scholar-Activist Award, plus interviews from an associated urban studies internship at KCL in 2013, and work with the Aylesbury Leaseholders Group for the 2015 public inquiry, plus the ESRC project [ES/N015053\1] listed in footnote 1) and research into council tenants facing possession orders at Lambeth County Court undertaken in 2015 with Cambridge House (funded by a University of Leicester Impact Acceleration Award 2015-16).
18. In a scheme funded by Legal Aid and managed by Lambeth Law Centre a number of legal advice centers and firms of solicitors from Lambeth, Lewisham and Southwark provided duty advisers for the court. A duty adviser is there to represent defendants who come to court without legal counsel—usually because they can't afford it. The cases they deal with are all possession hearings.
19. Each local authority has its own allocations policy that determines the criteria to qualify to be on their register for a council home.
20. Cooks Road is in Kennington, Nunhead is in Peckham, some distance from the Aylesbury Estate.
21. Peter Rachmann was a landlord in London in the 1950s notorious for the intimidation of his tenants. His actions were associated with the 'winkling' of tenants out of their homes.
22. See <http://35percent.org/img/inspectorsreport.pdf>
23. <http://www.legislation.gov.uk/ukpga/2012/5/contents/enacted>
24. <https://www.theguardian.com/society/patrick-butler-cuts-blog/2015/oct/06/dwp-finally-acts-to-end-housing-benefit-maladministration-scandal>
25. <https://www.justice.gov.uk/courts/procedure-rules/civil/protocol/pre-action-protocol-for-possession-claims-by-social-landlords>
26. <http://www.legislation.gov.uk/ukpga/2016/22/contents/enacted>
27. <https://www.london.gov.uk/press-releases/mayoral/requirement-for-estate-regeneration-ballots>
28. <https://www.gov.uk/government/consultations/a-new-deal-for-social-housing>
29. See White and Lees (2016).

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