

Delivering a Culture Change in Property Guardianship: Recommendations for Reform to the Regulatory Landscape

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Abstract

Purpose

Property guardianship is increasingly being viewed as an alternative and, in many cases, a last resort to the unaffordable private rental market. This upsurge in the incidence of guardianship necessarily amplifies the existing legal grey areas and the inherent insecurity and precarity in the sector for guardians. Drawing on interviews with property guardians, and archival research, this article explores the background to the guardianship occupation model; highlights the key problems guardianship generates and, building on this, proposes recommendations for reform to the regulatory landscape of guardianship. It argues that a culture change in property guardianship is needed so that guardians can be better protected, and local authorities empowered to be more proactive in overseeing property standards of guardian properties in their areas.

Design/methodology/approach

The article draws on qualitative semi-structured interviews with 46 property guardians and archival research.

Findings

The author argues that property guardians routinely enter the sector largely as a matter of last resort based on financial considerations or following difficult life experiences. Insecure and precarious, guardianship operates under licence agreements which provide less protection for guardians. Coupled with ambiguity around the application of existing housing legislation to guardianship and research showing non-engagement by local authorities with guardianship, the article suggests regulatory reform is urgently needed.

Originality/value

With traditional residential tenancies in the private rental sector increasingly unaffordable for many and guardianship becoming a viable alternative, this article argues for significant regulatory reform to the guardianship sector to ensure guardians are adequately protected under the law. It presents a series of proposals to deliver a culture change in the sector.

Keywords: Property Guardianship; Housing; Regulation; Occupational Rights; Reform

Paper type: Research Paper

INTRODUCTION

Property guardianship is a comparatively lesser-known housing option in the UK but is, nevertheless, seeing exponential growth and attracting increasing attention from the media (The Guardian, 2010, 2016) and researchers (Meers, 2021, Hunter & Meers 2107, 2018, 2020).

Property guardianship involves the occupation of otherwise vacant commercial and residential properties at a sub-market rent. Billed as an apparent ‘win-win’ (Meers 2021) for all concerned, the occupants (‘guardians’) get cheaper accommodation than they might generally find in the otherwise unaffordable private rented sector, and, in return, provide security for premises that if left unoccupied could fall victim to squatting or vandalism. At the same time, it allows landowners to generate income for premises that are, usually, awaiting planning permission for further development. Landowners grant licences to ‘Guardian Agencies’ who then identify suitable guardians and oversee and generally supervise the day-to-day operation of the guardianship scheme.

Despite the upsurge in popularity of guardianship, there is still only a relatively small body of research examining the property guardianship phenomenon. This emergent research (Ferreri and Dawson, 2017, 2018; Hunter and Meers 2017, 2018, 2020) provides essential context but also raises key questions about the scale, demographics and nature of the sector (Meers 2018b). There is also a growing interest in the legal, doctrinal categorisation and implications of property guardianship (Bevan, 2023a, Bevan 2023b). This burgeoning but small body of research indicates widespread problems at the heart of the sector in particular with poor living conditions and the insecurity of guardianship occupation. Moreover, there is great uncertainty and ambiguity as to the precise legal status of guardians and the protections that they do and do not enjoy under current housing legislation. Many questions remain; not least, how we might better understand the lived experience of those occupying as guardians and shape the regulatory landscape to ensure greater protections and security for guardians. This article therefore seeks to supplement and contribute to this ongoing and important research and, in so doing, make recommendations for regulatory reforms to the sector.

Inspired by Hunter and Meers’ research into the phenomenon (Hunter & Meers 2017, 2018, 2020), this article draws on insights from the author’s own qualitative interviews conducted with property guardians and existing archival research including published studies and reports produced by the London Assembly Housing Committee (London Assembly 2018) and Sheffield Hallam University (Reeve et al 2022). The article proceeds in three parts. Part 1 explores the background, origins and nature of the property guardianship phenomenon. Part 2 draws on 46 interviews with property guardians to examine the motivations and lived experiences of guardians themselves. After setting out a summary of the key findings from these interviews and locating both synergies and divergencies between the current study and existing research, the article moves to reflect on the wider issues pertaining to guardianship and its uneasy and ambiguous place in the legal framework on occupational rights in England. Using this analysis as a springboard, Part 3 presents a series of practical policy recommendations that could be implemented to bring about a culture change in property guardianship to deliver much-needed greater protection and clarity to this most insecure and precarious industry.

PART 1: BACKGROUND, ORIGINS AND NATURE OF PROPERTY GUARDIANSHIP

Property guardianship found provenance in the Netherlands where the practice of ‘antikraak’ (‘anti-squatting’) emerged in the 1980s but saw a marked step up in popularity following criminalisation of squatting in the country in 2010 (Bucholz, 2016). Property guardianship arrived in the UK just over two decades ago with Dutch companies the first to set up in London. The guardianship sector is likely the fastest-growing form of occupation in the UK with new

guardianship providers joining the market every year. Property guardianship is especially attractive to commercial landowners who, through the installation of very basic facilities such as temporary shower rooms and kitchens and recruiting property guardians to occupy the land, are able to reclassify their property as domestic or residential and thereby side-step the considerable business rates that would otherwise be owed (Meers 2021). It has been reported that over 70% of all guardianship properties are commercial (Norwood, 2010). For some guardians, cheaper accommodation in areas that would, otherwise, be outside their price range and the flexibility of the guardianship arrangement can work well. For others, as research has shown (Hunter & Meers, 2017, 2018, Reeve et al, 2022) and, as Part 2 exposes, the sector fares less well. Now over two decades old in the UK, the sector is maturing. Its upsurge in prevalence and visibility (advertisements are increasingly seen on streets in most major cities – see Hunter & Meers, 2020) should not, however, be taken axiomatically as approval or endorsement for the operation of the industry. Living as a guardian may be a choice but for many, it is a choice of last resort. As Bevan has argued, the expansion of guardianship must be seen as symptomatic of the wider housing emergency in the country and cannot be divorced from household income and housing pressures more generally (Bevan 2023a, 2023b). Coinciding with sustained falls in the rates of homeownership in the UK in the last 5 decades to just 63% on the latest data (down from 70% in the 1970s) (DLUHC, 2023a) and fuelled by cost-of-living, housing unaffordability crises and soaring private rents (McKee et al 2017, McKee et al 2019, Hunter & Meers 2018a) for an increasing proportion of the population, the promise of guardianship is an appealing one. Adults aged 35-45 are now three times more likely to rent accommodation as opposed to owning a home when compared to just 20 years ago (ONS, 2020). Pinpointing accurate numbers of property guardians is challenging, in part due to the lack of independent regulation of the sector. Figures vary and the most robust data (Hunter & Meers, 2017) has not since been updated. In 2018, research suggested 5,000 to 7000 guardians (London Assembly, 2018) but by 2022, there were reports of over 50,000 people applying to be guardians (Property Guardian Providers Association, 2019); and a Freedom of Information request in 2016 (Berry, 2016) revealed 1000 guardians living in accommodation owned by central London authorities alone. Given the growing visibility, advertisement and incidence of guardian agency activity since 2016, there is good reason to estimate the true figure for guardians in England may be closer to the tens of thousands and is surely expanding each year. There are, today, in excess of 50 Guardian Agencies operating in the UK. (Property Guardian Providers Association, 2019).

Property Guardianship was initially portrayed in the media as the realm of ‘quirky’, ‘alternative’, twenty-something, urban-types - most famously in the 2016 Channel 4 sitcom, *Crashing* by Phoebe Waller-Bridge (Big Talk Production, 2016) in which 6 graduate ‘guardians’ (self-styled as the “motley crew”) occupied a disused hospital in London. The profile of those entering guardianship arrangements is, however, changing. As Ferreri et al noted, the image of ‘carefree, young ... university-educated’ (Ferreri et al, 2017, 246) became fixed as the dominant narrative and representation of guardians. Yet this image of ‘eccentric’ graduate guardians is far from the reality of the sector. Guardians are increasingly diverse in age, background and employment status, ranging from students to professionals to key workers, to retirees (London Assembly, 2018).

Advertised by guardian agencies as an ‘exciting alternative’ to the private rented sector and even promoted on one guardian agency’s website as a ‘solution to the housing crisis’ (Property Guardians, 2024), research and first-hand accounts from guardians themselves are shattering the illusion of the guardianship dream with accounts of poor accommodation conditions, rising living costs despite the guardianship promise of cheap living, of last-minute, forced eviction

and overcrowding of ever smaller living spaces (Amin & Gibbs, 2015, Hunter & Meers, 2017, 2018).

In summary, comparatively little is known about property guardianship in the UK compared to the more developed and fulsome body research that exists exploring the deficiencies of the private rental market (Waldron 2023, Blandy, 2018, Reeves-Lewis, 2018, Rugg & Rhodes 2018). From the relatively limited research on guardianship to date, we can say that guardianship as an occupation model is rapidly expanding both in scale and in geography, is no longer concentrated only in London, is populated by people of diverse ages, backgrounds and employment status and is likely far more significant than local authorities and policy-makers have hitherto perceived (Reeve et al, 2022).

PART 2: GUARDIANSHIP STUDY FINDINGS, PROBLEMS & LEGAL AMBIGUITIES IN THE GUARDIANSHIP SECTOR

This Part does three things: first, it summarises the findings from 46 interviews conducted by the author with property guardians. Secondly, it builds on those findings by reflecting on both the synergies and divergencies between the present study and existing archival research. Thirdly, it highlights a series of wider legal and regulatory ambiguities and tensions that are operating in the guardianship sector. In so doing, this Part draws attention to and further supplements research by Hunter & Meers, Reeve et al and others underscoring major legislative grey areas pertaining to guardianship, the uncertainty in relation to the role of local authorities, and the imbalance in the relationship between guardians and guardian agencies. This, in turn, it is argued opens up the space analytically for the article, in Part 3, to explore possible reform to the regulation and law surrounding the guardianship sector.

Guardian Interviews: Methodology & Findings

Qualitative, semi-structured interviews with 46 property guardians were conducted either online via Zoom or telephone. Interview notes were taken, and interviews were transcribed and analysed. The sample comprised 22 women and 24 men. Participants ranged from 22 to 64 (8 in their 20s; 22 in their 30s, 10 in their 40s, 4 in their 50s and 2 in their 60s). They were drawn from across England, from London (15) the West Midlands (10), the South West (7), Yorkshire (8) and the North West (6) and had engaged the services of 8 different guardian agencies. 31 of the total 46 guardians interviewed therefore lived outside London. This geographical reach was intended to generate insights into the possible, differing pressures experienced by guardians across the country. The majority of participants were either single or in a couple; none had children residing with them. Participants were invited to share their experiences of property guardianship including how and why they entered the sector; their interactions with the guardian agency; any interactions with the local authority; issues arising in relation to living conditions, maintenance, and repairs; as well as their understanding of the terms of their agreements and notice period for eviction. The interview questions were framed so as to capture as broad a sense as possible of the experiences of guardians but were not framed with any pre-conceived or targeted notion of reform at the outset.

Naturally, the limitations of this study must be acknowledged. Due to constrained resources, the sample size was relatively small; and only guardians and not guardian agencies were interviewed. The findings cannot, therefore, be taken as representative of the whole sector nor can the results be extrapolated out too widely to make broader assumptions about guardianship

practice. That said, the findings are nevertheless insightful as further supporting and supplementing existing studies of guardians' lived experiences of the sector. Additionally, other existing research has involved interviewing local authorities and guardian agencies (Reeve et al, 2022) and thus the findings of the present study, therefore, serve as a complement to that work.

The key findings from the interviews are set out below; organised into four categories for ease of digestion:

(1) Reasons for and Means of Entry into Guardianship

(i) Reasons for Entering Guardianship

All those interviewed noted financial considerations and the unaffordability of the private rental market as either the principal or a significant reason for entering guardianship as opposed to seeking an Assured Shorthold Tenancy in the private rental market. The majority explained that they saw guardianship as a trade-off or compromise under which they paid less for accommodation but, as a result, had to accept fewer protections and less security. Three-quarters of those interviewed reported turning to guardianship after experiencing difficulties finding affordable private rented accommodation; or after issues with homelessness (or the threat of homelessness); the remainder electing guardianship after a relationship breakdown or after being evicted from a private tenancy. All those interviewed cited the cheaper accommodation of guardianship as a key driver in entering the sector. Two-thirds regarded guardianship as either a 'last resort' or expressed entering the sector as being 'necessary' in light of their financial and personal circumstances. Notably, none of those interviewed explained entering guardianship by reference to purely non-financial factors e.g. flexibility of the occupation; nature of the properties etc. One of those interviewed noted, however, that it was 'cool' living in an unusual building (an old nightclub) and that he enjoyed far greater space than he could otherwise have afforded privately. Difficulties securing private housing (beyond affordability issues) were also noted: two interviewees highlighted that they had attempted to secure private tenancies, but, for example, one interviewee noted that properties were 'snapped up as soon as they was [sic] advertised' (woman, 30s, South West). Three of those interviewed explained that an additional advantage of guardianship was the size of the properties; their guardian accommodation being far larger by dint of the property being former commercial premises as opposed to residential units. A minority noted that guardianship allowed them to live closer to their place of employment and the money they saved in travel could be used on activities other than accommodation. More than three-quarters of those interviewed explained that they saw guardianship as a 'short-term' arrangement; expecting to reside in their current property for less than 12 months; the remainder had either lived more long-term in the property or had moved between guardianship properties for more than 2 years. This latter group noted they anticipated potentially moving between a series of guardianship properties over the next 5 years. Just under a third of those interviewed reported moving at least twice within the guardianship sector following eviction from a guardianship property. A small minority explained that, on being served notice to quit, their guardian agencies had offered alternative guardianship accommodation and they had taken up the offer.

(ii) Means of Entry into Guardianship

All those interviewed entered guardianship after either responding to an online advertisement or following word-of-mouth recommendations from friends or family already occupying as

guardians. A significant minority of guardians (just under a quarter) reported accelerated entry to a guardianship property if a friend or relative was already an existing guardian with the same guardian agency. Five guardians interviewed explained that they were either currently or had previously acted as a 'head guardian' – a status which means a monthly discount in the occupation fees payable in return for which the 'head guardian' acts as a go-between or representative for the guardian agency communicating between the guardian community and the agency.

(2) Living Conditions in the Guardianship Property

All of those interviewed reported poor living conditions in their guardianship properties. All reported issues of sub-standard maintenance, repair and outstanding issues that had been raised with guardian agencies but had yet to be resolved. Just under three-quarters of those interviewed reported problems pertaining to poor or faulty heating, damage caused by wind and rain, sanitary and hygiene concerns. Over a third reported being forced to purchase their own, portable equipment to heat their guardianship property. Over a third reported issues with condensation, damp and mould, faulty plumbing and damaged roofing. Two-thirds reported periods, within the last 3 months, with either no water at all, no hot water or intermittent water supply to their property. As to fire safety, experiences were mixed. Just under half of those interviewed reported no issues. The remainder noted that they were either not aware of fire safety measures, had not been informed of fire safety procedures, fire safety tests had not been carried out and did not know where the nearest fire exit was located or had no knowledge of the property's fire procedures. Many reported purchasing their own 'fire packs' prior to taking up occupation. Three-quarters reported that they had considered leaving their guardianship arrangement as a result of either the sub-optimal living conditions, the guardian agency's failure to conduct repairs, failure to respond to requests for maintenance or due to long waits for related issues to be resolved. Just over a third of those interviewed said concerns as to poor living conditions had impacted negatively upon either their mental or physical health or both.

(3) Raising Concerns with the Guardian Agency and/or the Local Authority

(i) Raising Concerns with the Guardian Agency

Less than a fifth of those interviewed reported that their guardianship property had effective repairs reporting systems. The majority reported long delays in gaining responses from guardian agencies when issues were raised as well as evasiveness and equivocation from guardian agencies when matters of maintenance and repair were flagged by guardians. A majority reported that, when repairs were carried out, they were either unsatisfactory, mere temporary fixes or led to further issues of maintenance. Over half of those interviewed reported that instead of raising issues or repairs/maintenance, in many cases, they would either devise their own make-shift solution e.g. purchasing portable heaters etc., using facilities of other guardians in their building or simply accept that poor conditions were the trade-off for cheap accommodation or were to be expected given the nature of the property (at times, unusual sites e.g. old nightclubs or disused churches). A majority explained that they had experienced at least one unannounced inspection of their property by the guardian agency with no, or no reasonable prior notice/warning given. A minority reported feeling 'watched' or felt their privacy was being invaded by agencies' 'heavy-handedness' with inspection. One interviewee explained

that an inspection had commenced without warning while he was in bed (Male, 34, North West).

(ii) *Raising Concerns with the Local Authority:*

None of those interviewed reported any interaction at all with their local authority in relation to their guardianship property. Consonant with the findings of the Reeve et al study (2022), A significant majority (over three-quarters) expressed complete ignorance at the role a local authority might play in relation to oversight of residential property in their area; admitting that they had not had any dealings with or ever contemplated that the local authority had any responsibilities in relation to housing conditions, living standards and health and safety hazards.

(4) Guardians' Awareness of the Guardianship Agreement

All those interviewed occupied guardianship properties under licence agreements rather than under assured shorthold tenancies. The majority (over two-thirds) expressed a solid awareness and understanding of the nature and conditions of their licence agreements; the remaining third expressed tentativeness or some unawareness of the consequences of occupying under a licence. Of those who were aware of the nature of their agreement, a significant majority were unhappy or dissatisfied with at least some of the terms contained within the agreement in particular around eviction. As one interviewee explained, however, 'what choice do we have but to accept it and sign' (Female, 26, London). As to the insecurity of occupation as a guardian, a significant majority (over two-thirds) were aware that they could face eviction on a shorter notice period: just 28 days' notice. A small minority reported that they believed eviction could only happen if they behaved badly, 'broke the rules' or otherwise damaged the property. Of those who had occupied previous guardianship properties, the vast majority had experience of being served notice to quit with the required 28 days. Accounts of evictions with little or no notice were mostly historical relating to experiences 'some years ago.' All those interviewed reported wider restrictions and limitations to their rights as outlined in their agreements such as constraints on the number of visitors and conditions such as a maximum number of nights a guardian could spend away from the property. All participants expressed uneasiness and displeasure at these terms but, generally, accepted them as 'part of the deal' and compromise of guardianship.

In summary, five key headlines or issues of particular significance emerge from the conducted interviews:

- Financial motivations remain the key driver for entry into the guardianship sector, along with difficult personal circumstances, homelessness or loss of a previous, private sector tenancy.
- Guardianship is regarded by a majority as an option 'of last resort' rather than as a positive choice; the private market having priced out many would-be tenants.
- Poor living conditions in guardianship properties remain the single most widespread and significant problem in the sector. Sub-standard property conditions are reported as damaging to guardians' physical and mental health.
- Guardians are unaware of the role or responsibilities of local authorities vis-à-vis guardianship. As research by Reeve et al has demonstrated, local authorities, who are responsible for overseeing the quality and safety of residential properties in their area,

continue not to be actively engaged with the guardianship sector in a consistent manner across the country (Reeve et al, 2022).

- The insecurity of occupation as a guardian (shorter notice period for eviction) is largely understood by guardians when entering the sector but remains a source of significant dissatisfaction for guardians. Troublingly, however, a small minority remains unaware of the implications of occupation under a guardian licence agreement.

Study Findings: Synergies with and Divergences from Existing Literature

The findings from the conducted interviews lay bare the motivations, experiences and crucially the significant problems at the heart of the guardianship occupation model. In large part, the findings reinforce, accord and reflect deep synergies with the general thrust of the existing literature on guardianship. Thus, the current study underscores the influence of financial motivations for entering the guardianship sector, the prevalence of poor living conditions in guardianship properties and the difficulties in securing repairs and maintenance; all of which sound loudly in the existing research in the field to date (Hunter & Meers 2017, London Assembly 2018, Reeve et al, 2022). However, where earlier research had suggested guardians were only as dissatisfied with repairs/maintenance as those in the private, rental sector (Meers, Hunter), the current study found far more widespread dissatisfaction amongst guardians than hitherto reported. Poor living conditions and slow or no maintenance remain the central and most commonly cited concerns of guardians in the present study. In contrast, then, to existing research (London Assembly, 2018; Hunter & Meers 2018a, 2018b), the findings of the current study would indicate that dissatisfaction as to poor living conditions and repairs is a far more significant issue in the guardianship sector than in the rental sector (23% dissatisfaction amongst renters on latest available data: DLUHC, 2023b).

Other synergies with existing research can be discerned. For example, the current study provides further and supporting evidence of the growing role played by the guardianship sector in accommodating those looking not just for a ‘quick fix’ or very temporary, transitory housing but instead demonstrates that the sector is increasingly being populated by those of all backgrounds and ages as a source of more longer-term (cheaper) accommodation as an alternative to the rising costs and ever more unaffordable private rental sector (Hunter & Meers 2017, 2018, London Assembly 2018). Interestingly, the study also reveals the growth of the sector outside of London and, although only a relatively small sample, would suggest that geographical location plays less of a role than might have been anticipated as a predictor of guardians’ experiences. One may have anticipated, for example, that experiences of guardianship in larger metropolitan areas such as London, for example (where PG first began to take root in the UK) might run ahead of those in the rest of the country and might be differentiated from experience in newly developed or developing, regional guardianship markets. In fact, the study found strikingly similar experiences (both positive and negative) in London as in the regions of the UK. This suggests that the underlying trends (and problems) in the sector are being mirrored and replicated across the country.

While in alignment with existing research, in certain key respects, the findings of the current study would appear to go further than the existing work in the field. For example, while Reeve et al noted ‘low knowledge’ amongst guardians of grievance procedures going beyond merely complaining to guardian agencies, the current study revealed a total unawareness and non-engagement with local authorities in this space. None of the guardians interviewed had any knowledge or appreciation at all for the role of local authorities in overseeing private properties in their areas, and not a single participant could identify or explain any role that local authorities

might play in relation to the sector. Given that poor living conditions, lack of maintenance and slow or no response to complaints remain the central concern of guardians, as this study has further identified, the concomitant finding that none of those interviewed had any appreciation of local authority oversight of guardianship properties, is an instructive finding.

Further new insights emerge. Early research into the guardianship sector by Hunter and Meers (2017) suggested, in part, a lack of awareness by guardians of some of the core terms in their guardianship agreements (e.g. as to the duration of their occupation, knowledge of relevant notice periods for termination of occupation etc.). The current study, however, revealed a mostly very strong understanding by guardians of the nature of their agreements and their terms (even if there was broad frustration at the nature of their agreements' terms). This finding suggests that problems in the sector cannot chiefly be connected to guardian education (certainly not as to their occupation agreements) and, furthermore, that the focus of any reform agenda to improve the sector should therefore focus more directly on wider regulatory and, in particular, enforcement issues rather than campaigns to inform guardians of the terms of their agreements.

Wider Legal & Regulatory Ambiguities in the Guardianship Sector

Beyond the findings of this study, further problems and pitfalls facing the guardianship sector can be discerned including a series of legislative grey areas and a wider ambiguity as to the precise role local authorities ought to play in supervising the sector. First, there are important doctrinal questions as to whether guardians are rightfully to be regarded as occupying as 'licensees' or as 'tenants' (Bevan, 2023a, 2023b). Given the purposive construction that is to be given to occupation agreements in light of the principles famously laid down by Lord Templeman in *Street v Mountford* (1985), Bevan has argued that property guardianship must be seen as the new battleground in the lease/licence distinction. With far greater security and protections afforded to tenants (as opposed to licensees) and the court's willingness to look beyond the labels used on the face of an agreement,¹ for guardians occupying under apparent 'licence agreements' this is a significant issue. For present purposes, however, the intricacies of the lease/licence debate and the doctrinal aspects lie outside the scope of this article. In any event, the current position and messaging from the courts is that guardians occupy as licensees and are not owed the broader statutory protections of tenants: see, for example, the Court of Appeal judgment in *Global 100 Ltd v Laleva* (2021) in particular.² This leaves guardians vulnerable because, as licensees, they are not protected in the same way as tenants. Many guardians occupy under periodic licences that roll from one period to the next. With guardians unsure of if or when they might be asked to leave the premises, this can make occupation especially precarious. Licensees do not enjoy the same protection from eviction as tenants and fall back on the basic statutory floor under the Protection from Eviction Act 1977. The 1977 legislation means guardians occupying premises as a home can be asked to leave their accommodation with just 28 days' notice and, if valid, cannot challenge the notice or any subsequent possession proceedings. This renders guardians' occupation both uncertain and insecure. As the findings of the study revealed, guardian licences frequently include restrictive terms around control and use of the property, including limits on the number of visitors and periods of absence; arguably included precisely to destroy the exclusive possession that could lead to a finding of a tenancy. Equally, it found that a proportion of guardians do not understand the true nature of their occupation agreement or grasp its full implications (see also London Assembly, 2018). Taken together, this is troubling and adds to the overall precarity of the sector.

Further problems exist. First, in relation to the deposits that guardians are asked to provide in order to secure their occupation. As licensees the statutory deposit protections under the Housing Act 2004 section 212 do not apply. Research by Hunter & Meers (2018) has shown that guardians routinely pay just as high deposits as those occupying under tenancy agreements; the deposit being often far in excess of their monthly fee – yet do not enjoy the protections of tenants. The evidence indicates that guardians experience difficulties and delays securing return of their deposits at the end of their occupation. Secondly, recent years have seen growing reports of significant rises in the fees guardians are being expected to pay for their occupation. In one example, guardians already occupying premises were given 6 weeks to agree to a significant fee increase of 113% or they would be evicted (Clark, 2022). These fee increases hit particularly hard as guardians are drawn into the sector due to financial difficulties securing alternative accommodation, making meeting these increased fees especially challenging. Yet there is no redress. Either they pay the increased fees, or they are evicted; further demonstrating the vulnerable position of guardians.

A third issue concerns ambiguity surrounding the precise role of local authorities vis-a-vis the guardianship sector. Under Part 1 of the Housing Act 2004, local authorities have a duty to keep the housing conditions of properties in their areas under review and identify any action needed. This duty extends to guardianship properties and, should the property contain a hazard under the Housing Health and Safety Rating System (HHSRS), the authority is required to investigate, inspect and take appropriate enforcement action. There is, however, growing evidence that local authorities are either not engaging with property guardianship at all; are unsure of their precise duties and relationship to the sector or, if they are engaging, that engagement is patchy and not applied consistently across the country. Research by Reeve et al found, for example, that there is ‘very low levels of knowledge about the property guardian sector amongst local authorities.’ (Reeve et al, 2022, section 12). Worryingly, the research noted that not only did local authorities not have a comprehensive understanding of standards across the private rented sector generally, but the local authorities surveyed did not engage with guardianship at all. As the research found, ‘There was little evidence of case study local authorities feeling duty bound to identify or review the property guardian sector as part of reviews of the wider private rented sector.’ (Reeve et al, 2022, section 12). Moreover, 25% of authorities surveyed were unable to confirm if any property guardians resided in their areas; a further 34% suggested there were no property guardians when the research’s evidence indicated otherwise. Very few authorities were able to offer any data at all on the number of guardian providers or premises occupied by guardians in their area, nor of the legal framework used in relation to guardianship. The inexorable conclusion drawn was that local authorities only became aware of property guardians when specific complaints were brought to their attention (Reeve et al, 2022, section 12). This is especially alarming when the findings of the present study are considered alongside this research. As outlined earlier in this Part, the findings of the present study found that none of those guardians interviewed had raised concerns with their local authority and a significant majority were unaware that such recourse was even open to them. As Reeve et al conclude, it is ‘concerning that local authorities are not routinely incorporating this section of the private rented sector into their standard data collection exercises because evidence from this study suggest that standards are often poor, and that guardianship may be more prevalent and geographically dispersed than local authorities assume.’ The position on enforcement of housing, health and safety standards is equally disquieting. Reeve et al’s research further exposes that, of the authorities surveyed, none had an enforcement strategy for property guardians or even possessed wider strategies that made a passing reference to guardianship; any enforcement against guardian agencies was ‘sporadic,

and in some cases, non-existent' and, in all cases, reactive in nature (Reeve et al, 2022, section 13).

As to the relationship between guardianship and regulation of houses in multiple occupation (HMOs), the Court of Appeal in *Global 100 Ltd v Jimenez* (2023)³ confirmed that most guardianship properties will likely be subject to mandatory or selective HMO licensing requirements provided the guardian is living with people other than their spouse, partner or relative. The court rejected the argument from the guardian agency that the property did not need to be licensed as an HMO because the guardians' purpose centred on 'guarding' the property and not primarily on occupation.⁴ This judgment should therefore increase the engagement between local authorities and guardian agencies and, thereby, improve housing standards in guardianship properties. This would, however, only be the case if guardian agencies take heed of the court's judgment and comply with the licensing requirements. Despite the clear signal from the court, many guardian agencies are still resistant and reluctant to accept the need for HMO licensing. This will necessarily place a burden on local authorities and their legal teams to investigate and determine in each case whether a particular guardian property crosses the occupancy threshold for mandatory licensing. This is not an easy determination to make and made even more difficult given the unusual nature of guardian properties, the rapid turnover of guardians occupying them and the layout of the buildings being quite different in many cases to traditional housing. Thus, local authority departments less familiar and experienced with guardianship properties may struggle to engage the principles of HMO and the Housing Act 2004 without clear guidance.

Additional concerns and uncertainties relate to fire safety in guardianship properties. Questions of application and scope remain as to how the Fire Safety Order 2005 operates in the guardianship context. This position is aggravated by research, and the findings of the present study, which reveal that a majority of guardians are required to purchase their own fire safety equipment prior to taking up an occupation. This 'fire pack' includes a fire alarm, fire blanket and fire extinguisher. One could ask if this is appropriate and, in any event, according to the London report, environmental health officers and the London Fire Brigade have expressed fears that the fire packs would not protect guardians adequately should there be a fire (especially given the commercial nature of many guardian premises) (London Assembly, 2018, 6).

Finally, and perhaps most fundamentally, there are, at present, no national statistics that capture accurately the scale of property guardianship or its exact shape and geographical spread. Local authorities do not collect data about the sector and this, coupled with the broader problems and ambiguities in the legal framework governing guardianship set in the context of poor living conditions and the insights gleaned from the lived experiences of guardians themselves, makes urgent reform to the regulation of guardianship a necessity.

When the findings of the current study are viewed against the wider legal and regulatory ambiguities in the sector as outlined in this Part, it is argued, this opens the space to explore how the legal regulation of the sector might be reformed to provide better outcomes and experiences for guardians occupying the sector. On this basis, the recommendations for reform outlined in the next Part spring from the two, principal concerns that emerge most prominently from the foregoing analysis: first, the need to strengthen the regime for oversight of the sector by local authorities and guardians' engagement with local authorities, increasing sector and guardian awareness of the role of local authorities; and secondly, the need to bolster and render more efficient processes for guardianship property repair, maintenance, complaints and return of deposits. These recommendations are fleshed out in the next Part.

PART 3: DELIVERING A CULTURE CHANGE: RECOMMENDATIONS FOR REFORM TO THE REGULATORY LANDSCAPE OF PROPERTY GUARDIANSHIP

Having outlined, in the previous part, the key findings from the study, the central problems this study revealed, and having identified the legal and regulatory ambiguities at the heart of the guardianship sector, this Part moves to present a series of practical policy recommendations for how the legal and regulatory framework governing guardianship might be reformed to deliver a culture change and increased security for guardians. Despite great work having been undertaken by the trade body, the Property Guardian Providers Association,⁵ which aims to both promote the reputation of the industry and share best practice, significant issues in the sector still persist. Equally, while there is a Government ‘fact sheet’ offering advice for potential guardians,⁶ again it is argued that this does not go far enough to meet the challenges and widespread problems in the guardianship arena. With that in mind, 8 recommendations are made here. In making these recommendations, it must be underlined that they are offered not as solve-all panaceas, nor is it assumed that they would address all of the issues experienced by guardians. Nevertheless, they are offered in order to contribute to the growing conversation of what shape more robust and protective regulation of the guardianship industry might take. Moreover, one must be cognizant of the need to strike a balance between clarifying and strengthening regulation to protect guardians whilst, simultaneously, not undercutting or destroying the essence and flexibility of the guardianship business model which could result in guardian agencies passing higher costs onto guardians or leaving the sector altogether. Reform to regulation in this space must therefore tread carefully. The approach here, then, is to propose recommendations, based on existing research, that would deliver greater security for guardians without undermining or suffocating the core impulses of the industry. Importantly, these proposals operate according to a multi-level approach in that they comprise a combination of changes to the law, but also recommendations around the development of advice and guidance to the sector as well as wider regulatory measures.

Recommendation 1: Establishment of a New Government Taskforce within the Department for Levelling Up, Housing & Communities Charged with Reviewing All Housing Legislation for Compatibility with Property Guardianship

This taskforce would be charged with overseeing a full, rigorous and searching review of all existing housing legislation and policy and its interaction and compatibility with property guardianship. This review would form the basis for subsequent work (outlined below) as to new Government guidance for ensuring greater stability and security in the sector. It would involve cross-checking housing law for consonance with property guardianship and, in so doing, would identify areas where existing law could be extended to cover guardianship and lacuna in the legal framework where new further legislation and regulation may be needed. It could, for example, result in the proposal of amendments to existing legislation, such as the Housing Act 2004, to put beyond doubt its applicability to property guardianship, as well as updating or clarification of the Fire Safety Order to end the situation where, as the current study exposed, guardians are expected to purchase their own ‘fire packs.’ The taskforce review would generate the first, comprehensive and instructive picture of the true state of regulation of the guardianship industry and where it sits within existing legal frameworks. This would dispel much of the ambiguity and uncertainty as to the application of specific legislation to guardianship, and further act as a catalyst for clarifying minimum standards in the sector, elucidating precisely the responsibilities of guardian agencies and tightening up enforcement

where standards are not met. In future, should the sector expand further, consideration could also be given to the desirability of specific, statutory regulation for the guardianship industry via a designated Act of Parliament.

Recommendation 2: Development of New Government Guidance on the Nature and Status of Guardianship for Guardians, Guardian Agencies and Local Authorities

Several distinct forms of new guidance should be produced. First, fresh guidance should be produced for those currently living as guardians or contemplating joining the sector. This guidance should set out clearly and robustly the background, risks and benefits of guardianship, should include template guardian licence agreements, explain the key terms in guardianship agreements around, for example, eviction, and, additionally, should provide express reference to the legal avenues for redress that are open to guardians with complaints about their existing accommodation and where to get assistance. This would allow guardians to make more informed choices about their position in the sector, better understand their rights, and explore more speedily options for seeking advice and for resolving disputes as to, for example, repairs and maintenance. This proposal responds directly to the chief concern emerging from the interviews conducted; namely that the process for reporting and securing repairs and maintenance to guardianship properties is slow or, in some cases, non-existent, inconsistent or results in fixes that are only temporary in nature. This new guidance would replace the current Government ‘fact sheet’ with a more expansive, practical and rights-centred resource. In addition, new guidance should also be drafted for guardian agencies setting out their duties and responsibilities outlining precisely the legal requirements applicable to them in terms of licensing for HMOs, health and safety obligations and implications if these are breached. Finally, new government guidance should be issued for local authorities laying out explicitly their role in relation to the guardianship sector, their responsibilities in terms of licensing, investigating hazards under the Housing Health and Safety Rating System (HHSRS) and setting out the requirement to develop guardian-specific strategies for tackling poor guardianship living conditions and enforcement action. This would end the current ambiguity around how local authorities relate to guardianship and would instil a proactive rather than reactive approach within local authorities. This guidance could, furthermore, require local authorities to include express reference to guardianship in their existing and future private rented sector strategies.

Recommendation 3: Property Guardianship Training for Local Authorities

As happened across the country when the Homelessness Reduction Act 2017 came into force (introducing new and expanded duties on local authorities around prevention and intervention in cases of homelessness and threatened homelessness) so too specific guardianship training should be mandatory for local authorities, in particular housing departments so that local authority housing and enforcement officers are aware of the particular issues raised by guardianship. This training would ensure that no local authority is left behind in readying itself for a further increase in property guardianship and would mean they are being better equipped to deal with interactions with guardians and guardian agencies already operating in their area.

Recommendation 4: Development of a New National Property Guardian Redress Scheme to which all Property guardianship Providers must be Registered

This recommendation was first mooted in the London Assembly report into guardianship in the capital and it is repeated here (London Assembly, 2018, 20). There is much to commend this

proposal. At present, we know from existing research and as demonstrated plainly in the interviews conducted that problems of poor living conditions in the sector are widespread, but many guardians feel unable to raise concerns. More troublingly, there have been reports of gagging clauses within guardianship agreements seeking to prevent guardians from complaining to the landowner, the local authority or the media (London Assembly, 2018, 19). These clauses, and the threat of summary eviction and potential homelessness which could follow, create an environment in which guardians often feel unable to raise concerns about the poor condition of their property. This feeds the imbalance in the relationship between guardians and guardian agencies and acts as a barrier to improving living standards and the quality of guardian housing more generally. Since October 2014, it has been a legal requirement that, for assured shorthold tenancies, letting and managing agents must belong to one of two government-approved redress schemes.⁷ There is no corresponding mandatory requirement in law for properties occupied under licences such as guardianship arrangements. While some guardian agencies have voluntarily joined a redress scheme, and the Property Guardian Providers Association have developed their own scheme,⁸ there is no strict obligation to do so. This should change. Guardian agencies should be required in law to register with a redress scheme. This would not only incentivise guardian agencies to resolve disputes earlier and before they reach the redress scheme, but it would also give guardians with unaddressed complaints an additional outlet and a ‘safe space’ (London Assembly, 2018, 20) in which to raise their concerns and have complaints investigated.

Recommendation 5: Expansion in the Work and Responsibilities of the Housing Ombudsman to Cover Property Guardianship

Related to the previous recommendation, it is proposed that the work of the Housing Ombudsman should be explicitly expanded to include specific responsibilities in relation to the guardianship sector. The precise shape of these would require consultation but it would be expected that, in addition to investigating complaints, the Ombudsman could be encouraged to issue ‘Insight Reports’ or ‘Special Reports’ on contentious aspects of the guardianship industry as it currently does for issues pertaining to the private rented sector and social landlords.⁹ These reports would offer a further opportunity for clarification and definition of the nature and extent of guardian agencies’ obligations and guardians’ rights. Many of the guardians interviewed for the present study felt they had ‘nowhere to go’ if their guardian agency did not respond or did not respond adequately to their complaints. Expanding the role of the Ombudsman would offer guardians with another string to their bows and a further avenue for redress when faced with repair, maintenance or other concerns.

Recommendation 6: Introduction of a Property Guardian Deposit Protection Scheme or Extension of Section 212 of the Housing Act 2004 to Guardians

At present, the Deposit protections under section 212 Housing Act 2004 apply only to tenancies and not to licence agreements. This means guardians are not covered. This significant discrepancy was noted by several interviewees in the study as an element of ‘injustice’ and even described by one participant as ‘guardianship discrimination’ when compared to the experience of tenants. This position must change. Guardians are paying deposits in the same way, in many cases, as their tenant counterparts and so should receive the same protection. This could be achieved in one of two ways: either by introducing a new, bespoke Property Guardian Deposit Protection Scheme or, alternatively by extending section 212 to property guardians. Whichever route is adopted, this would deliver meaningful reform and make a substantial

impact on guardians; many of whom struggle to have their deposits returned or have experienced significant delays in matters relating to deposits.

Recommendation 7: Introduction of National Statistical Counts for Property Guardianship

A national requirement for local authorities to gather data on property guardianship in their authority area would bring enormous benefits to researchers, guardians and the smooth-running of the industry as a whole. It may take some time to implement and would require local authorities to set up a specific register of guardian agencies in their area recording properties used as occupation for guardians as well as information including HMO and licensing status. This would allow a fuller picture of the scale of the guardianship sector to be captured which would, in turn, inform both research into the sector but also the initiatives and measures outlined in earlier recommendations in this Part. Many of the problems and difficulties experienced to date with guardianship, as highlighted by the current study, could be tackled more effectively with more detailed and updated data. This would allow for more targeted, appropriate and effective future policy intervention in the area.

Recommendation 8: A Change of Regulatory Culture Away from Industry Self-Regulation

To a large extent and, in particular, through the Property Guardian Providers Association (PGPA), the guardianship sector is self-regulating. Yet, despite the efforts of some responsible guardian agencies and the PGPA to professionalise and raise standards in the sector, the problems of poor living conditions persist. A number of guardian agencies have also launched their own Guardian Charters for example Ad Hoc's 'Respect for Guardians Charter'.¹⁰ Key among the findings from the present study was that the issue of poor conditions in the sector persists. Given the widespread nature of the problems in the sector, however, it is argued that self-regulation has, thus far, proved insufficient to ensure security for guardians and drive up property standards. So, while Guardian agencies must be encouraged to continue their work to improve the industry, it is incumbent on the state to ensure that the legal framework governing guardianship is both clarified, communicated to all parties and enforced consistently. At the same time, there is a need to avoid stymieing the innovation and flexibility which is the essence of the industry; a concern many guardian agencies have expressed. If properly regulated and standards upheld, property guardianship can provide keen benefits to landowners, guardian agencies and guardians themselves in bringing empty properties into use and offering cheaper residential accommodation. If the apparent 'win-win' of the business model is to be realised, however, regulation beyond that currently in place is required. Government and local authorities must be more positively engaged in reviewing and upholding regulation in the guardianship arena.

Existing research has shown that the engagement of local authorities with guardianship in inspecting and upholding standards of health and safety in guardian housing in their area has, to date, been irregular or patchy at best, and, at worst, totally absent. What is needed, then, is a culture change in which the regulation of the guardianship sector is no longer left to, often well-meaning guardian agencies, but instead is brought explicitly under the umbrella of state regulation and local authority oversight. This culture change should be delivered through the roll-out of new guidance (as outlined above), increasing training and awareness of local authority staff along with greater effort directed towards delivering a nationwide and consistent approach to minimum standards in the guardianship industry, and, furthermore, by drawing guardians' attention to their rights, and how they can enforce them.

CONCLUSION: DELIVERING A CULTURE CHANGE IN PROPERTY GUARDIANSHIP

The existing body of research exploring the guardianship phenomenon, supplemented by the findings of this study, reveals that problems of poor living conditions in guardianship properties are widespread. In addition, there are related issues pertaining to the ambiguity and uncertainty surrounding the (in)applicability of existing housing legislative frameworks to the guardianship sector and evidence of a serious lack of engagement by local authorities. There is, moreover, a significant data deficit with a lack of reliable, updated, national statistics as to the scale and nature of property guardianship. What evidence there is points towards the need for greater security and stability for guardians and for local authorities to be empowered to act more proactively in relation to guardianship in their area. With guardians joining the sector precisely because they are locked out of the increasingly unaffordable private rental market or experiencing difficult life events, evidence of sub-standard properties and impacts on physical and mental health are especially concerning. Efforts by guardian agencies themselves and the Property Guardian Providers Association have gone some way towards raising standards in the industry, but problems still persist. Set against the context of a cost-of-living crisis, a wider housing emergency and with guardianship growing rapidly across the country, it is therefore right to closely investigate and explore reform to the regulation governing guardianship. This article has argued that a culture change is needed in the regulatory landscape of guardianship and has put forward a series of recommendations which aim to deliver this change. The recommendations urge a fulsome investigation and understanding of the application to guardianship and gaps in coverage of existing housing legislation; to energise local authorities to act positively in the guardianship space and to bring about fresh Government guidance for all parties in the guardian relationship so that informed choices can be made about the sector and where to find help and resolve disputes. The establishment of new redress and deposit schemes will support guardians and the instigation of national data collection is crucial to provide a richer and fuller evidence-based from which future research can spring. While the significant financial constraints on local authorities must be acknowledged, nevertheless, with the increasing unaffordability of the private rented sector, we can expect the lure of guardianship to endure and the expansion of the sector to continue. In light, then, of the growing importance of the guardianship occupation model, central government must be urged to do more to support local authority budgets so that there is financial headroom to undertake this important work in the guardianship space. Taken together, the reform proposals outlined here aim to balance more effectively the relationship between local authorities, guardians and guardian agencies, offering guardians greater protections and security while, at the same time, not undermining the essence and flexibility of the guardianship business model.

¹ See *Street v Mountford* (1985) UKHL 4; *Aslan v Murphy* [1989] EWCA Civ 2; *Bruton v London & Quadrant Housing Trust* [1999] UKHL 26.

² For more on the lease/licence distinction in the guardianship context, see Bevan (2023b).

³ See also discussion in *Ludgate House Ltd v Ricketts (Valuation Officer)* [2019] UKUT 278 (LC), *Oxley v Live in Guardians Limited* LON/00BG/HMF/2019/0037 and *Global 100 Ltd v Jimenez & Ors* [2022] UKUT 50 (LC).

⁴ In 2020, Camelot Guardian Management Company Ltd (Camelot Europe) pleaded guilty to 15 charges of not obtaining an HMO licence and other breaches of HMO regulations in an action brought by Colchester Borough Council.

⁵ See the PGPA website: <https://www.propertyguardianproviders.com/services> (last accessed 1st February 2024).

⁶ See: <https://www.gov.uk/government/publications/property-guardians-fact-sheet/property-guardians-a-fact-sheet-for-current-and-potential-property-guardians> (last accessed 1st February 2024).

⁷ The Government is currently seeking to strengthen the position of the redress scheme for the private rented sector, see: <https://www.gov.uk/guidance/private-rented-sector-ombudsman-renters-reform-bill> (last accessed 1st February 2024).

⁸ See <https://www.propertyguardianproviders.com/pgpa-guardians-redress-scheme> (last accessed 1st February 2024).

⁹ See <https://www.housing-ombudsman.org.uk/reports/> (last accessed 1st February 2024).

¹⁰ See <https://www.adhocsecurity.co.uk/ad-hoc-calls-for-industry-to-raise-standards-with-launch-of-property-guardian-charter/> (last accessed 1st February 2024).

REFERENCES

L. Amin and M. Gibbs, ‘The high price of cheap living: how the property guardianship dream soured’ (24th Dec 2015, The Guardian) available at: <https://www.theguardian.com/society/2015/dec/24/the-high-price-of-cheap-living-how-the-property-guardianship-dream-soured> (last accessed 1st February 2024).

S. Berry (2016) ‘Property Guardian Use in The Public Sector in London’ available at: https://www.sianberry.london/wp-content/uploads/2016/08/SianBerry_Property_Guardians_London_2016.pdf (last accessed 1st February 2024).

Big Talk Productions (2016) George Kane [Director], ‘Crashing’ [Television broadcast] (Channel 4).

C. Bevan (2023a) ‘Property Guardianship: re-visiting the lease/licence distinction and reshaping the regulatory landscape of occupational rights in English Property Law’ 139 *Law Quarterly Review* 79-100.

C. Bevan (2023b) ‘The rise and rise of property guardianship and what it says about our broken housing system’ (10th March, The Conversation) available at: <https://theconversation.com/the-rise-and-rise-of-property-guardianship-and-what-it-says-about-our-broken-housing-system-201050> (last accessed 1st February 2024).

S. Blandy (2018) ‘Precarious homes: The sharing continuum’ In: H. Carr, B. Edgworth and C. Hunter (eds.) *Law and the Precarious Home: Socio-Legal Perspectives on the Home in Insecure Times* (Oxford: Hart).

T. Buchholz (2016) ‘Struggling for recognition and affordable housing in Amsterdam and Hamburg: resignation, resistance, relocation’ PhD Thesis: University of Groningen.

M. Ferreri, G. Dawson and A. Vasudevan (2017) 'Living precariously: Property guardianship and the flexible city' 42(2) *Transactions of the Institute of British Geographers*, 246-259.

M. Ferreri and G. Dawson (2018) 'Self-precarization and the spatial imaginaries of property guardianship' 25(3) *Cultural Geographies*, 425-440.

G. Norwood, 'Property guardian schemes offer quirky homes at low rents. But not for long' (10th January 2010, *The Guardian*) available at: <https://www.theguardian.com/money/2010/jan/10/property-guardian-schemes> (last accessed 1st February 2024).

J. Clarke, 'Property guardians: companies accused of doubling rents' (*The Guardian*, 24th September 2022) available at: <https://www.theguardian.com/money/2022/sep/24/property-guardians-rents-increases> (last accessed 1st February 2024).

Department for Levelling Up, Housing & Communities (2023a) Home Ownership Ethnicity Facts and Figures Update 2023; available at: <https://www.ethnicity-facts-figures.service.gov.uk/housing/owning-and-renting/home-ownership/3.2/> (last accessed 1st February 2024).

Department for Levelling Up, Housing & Communities (2023b) National Statistics, English Housing Survey 2021 to 2022: Satisfaction and Complaints; available at: <https://www.gov.uk/government/statistics/english-housing-survey-2021-to-2022-satisfaction-and-complaints#:~:text=Satisfaction%20with%20repairs%20and%20maintenance,with%20their%20repairs%20or%20maintenance> (last accessed 12th February 2024).

D. Koku, 'How we Live Together: The Property Guardians' (*The Guardian*, 12 January 2019): available at: <https://www.theguardian.com/lifeandstyle/2019/jan/12/how-we-live-together-the-property-guardians> (last accessed 1st February 2024).

C. Hunter and J. Meers (2017) *Property Guardianship in London: A report produced on behalf of the London Assembly Housing Committee* available at: https://www.london.gov.uk/sites/default/files/london_assembly_-_property_guardians.pdf (last accessed 1st February 2024).

C. Hunter and J. Meers (2018) 'The 'Affordable Alternative to Renting': Property Guardians and Legal Dimensions of Housing Precariousness' In: H. Carr, B. Edgeworth and C. Hunter (eds) *Law and the Precarious Home: Socio-Legal Perspectives on the Home in Insecure Times* (Oxford: Hart) 65-86.

London Assembly Housing Committee (2018) 'Protecting London's property guardians: London Assembly' available at: <https://www.london.gov.uk/sites/default/files/plpg.pdf> (last accessed 1st February 2024).

K. McKee, T. Moore, A. Soaita and J. Crawford (2017) "'Generation Rent' and the Fallacy of Choice' 41(2) *International Journal of Urban and Regional Research*, 318-333.

K. McKee, A. Mihaela Soaita and J. Hoolachan, J. (2019) 'Generation rent' and the emotions of private renting: self-worth, status and insecurity amongst low-income

renters' (2020) 35(8) *Housing Studies*, 1468-1487

J. Meers and C. Hunter, 'The face of Property Guardianship: Online property advertisements, categorical identify and googling your next home' (2020) 14(2) *People, Place and Policy* 142-156.

J. Meers 'The "win-win" Property Guardianship proposition: Non-domestic rates liability and the property guardianship model (2021) 24(2) *Journal of Housing Law*

Office for National Statistics (2020) *Living Longer: Changes in Housing Tenure Over Time*: <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/ageing/articles/livinglonger/changesinhousingtenurevertime> (last accessed 1st February 2024).

Property Guardians (2014) Website: <https://www.propertyguardians.com/property-guardian-scheme/>

Property Guardian Providers Association, Annual Report 2019) available at: <https://www.propertyguardianproviders.com/annual-review-2019>

K. Reeve et al, 'Property Guardians: Headline Report' (16th June 2022) Report for Department for Levelling Up, Housing & Communities: <https://www.gov.uk/government/publications/property-guardians-headline-report> (last accessed 1st February 2024).

B. Reeves-Lewis (2018) 'A new breed of rogue landlord' 21(1) *Journal of Housing Law*, 17-22.

J. Rugg and D. Rhodes (2018) 'Vulnerability amongst Low-Income Households in the Private Rented Sector in England. Nationwide Foundation' available at: <https://tinyurl.com/vpjtxth> (last accessed 1st February 2024)

J. Waldron (2023) 'Experiencing housing precarity in the private rental sector during the covid-19 pandemic: the case of Ireland' 38(1) *Housing Studies*, 84-106.

T. Zephyr, 'My real-life experience as a property guardian was anything but funny' (18th January 2016, *The Guardian*) available at: <https://www.theguardian.com/housing-network/2016/jan/18/property-guardian-channel-4-crashing-generation-rent> (last accessed 1st February 2024).



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