

Class-based punishment? How legislation to evict social tenants involved in riots is unjust

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Part of the ‘fightback’ by the Coalition Government against the 2011 riots was to take tough action on sections of Britain’s society that were supposedly ‘without control’. **Gareth Young** outlines the effects of unjust amendments to a Department for Communities and Local Government paper that suggested social housing providers can take possession of a property where a tenant is involved in a riot. Despite vociferous opposition from much of the housing sector and a U-turn by one local authority attempting to pursue the eviction of a tenant, the proposal transitioned into legislation in March 2014.



Under the Anti-social Behaviour, Crime and Policing Act (2014) a clause now exists giving housing providers the discretionary power to evict a tenant, or member of that household, if found guilty of an indictable offence in the context of a riot. This clause applies to anywhere in the UK. In principle, this means that a tenant, or the son or daughter of a tenant, could for example live in Manchester but become involved in a riot-related offence in London – some 200 miles apart – and still face the threat of eviction from their social-rented home. This would also be on top of any criminal charges they could face.

Given the broad findings from the [Riot Communities and Victims Panel](#) (where housing was not mentioned), the suggestion to amend housing-related powers in the context of the 2011 riots is curious. With little evidence to suggest which housing tenure the rioters resided in, it raised the question of *why should this problem be dealt with through housing mechanisms?* It was also slightly puzzling as to why there was a clause relating to ‘rioting’ specifically and not including other forms of serious anti-social or criminal behaviour.

In a [You Gov poll](#) taken shortly after the riots, the results showed that 68 per cent of people thought rioters should lose their benefits, whilst 62 per cent supported the eviction of council housing tenants. Setting a pretext for such punitive actions, David Cameron focused his [official speech](#) on the riots towards the moralistic binary of deserving and undeserving populations:

Irresponsibility. Selfishness. Behaving as if your choices have no consequences. Children without fathers. Schools without discipline. Reward without effort. Crime without punishment. Rights without responsibilities. Communities without control. Some of the worst aspects of human nature tolerated, indulged – sometimes even incentivised – by a state and its agencies that in parts have become literally de-moralised.

Owen Hatherley summed the response up in his [article](#) *Evicting rioters’ families from their homes? There’s a horrible logic to it*. For Hatherley the collective punishment of eviction *en masse*, arguably, fitted into the wider agenda on public housing – including the reduction in security of tenure. He also suggested that the use of eviction in a riot context is another mechanism for ‘removing the “undeserving” poor from highly profitable inner-city sites’.

In an attempt to get a better idea of how the ‘riot clause’ would be welcomed in practice, I conducted research with those working on the front line of housing and anti-social behaviour and ultimately responsible for the delivery of such policies. Housing providers were generally unenthused by the proposed new powers. For example, if a tenant had committed an offence, whether or not this was in a riot-related context – that was considered anti-social or illegal and having a negative impact within the locality then they already have powers to serve a Notice Seeking

Possession. If the housing-management function was not affected (so the riot offence took place away from the locality, however that may be defined in a tenancy agreement) then there was little motivation to evict them anyway. Any criminal offences that have been committed would be dealt with through the relevant criminal powers.

Given the scant evidence suggesting that social housing tenants were disproportionately representative during the 2011 riots, practitioners involved in the research were very clear that it was a sign of *punishment on a class basis*.

These developments link into current proposals about the security of tenure of social housing tenants from the [Housing and Planning Bill](#), as well as recent studies highlighting the [wider impacts](#) that welfare cuts and policies such as the Bedroom Tax can have on people.

Given the continued trajectory of reduced security of tenure for social housing tenants, combined with the continued stigmatisation of poverty today evident in the ongoing narrative around '[sink estates](#)', the future for social housing tenants is indeed increasingly problematic. It was reassuring to hear that many practitioners from the housing sector were defiant in resisting this policy change and actively demonstrating the [positive effects](#) social housing can have on community building. However, a combination of the 'riot clause', increasing political pressure on housing providers and the reduction in security of tenure for new tenants (in particular through Introductory or Starter Tenancies) there is no saying what will happen in the future.

It is not within the scope of this piece to make any suggestions about the 'morality' of the rioters, or what the rioters' motivations were – if any motivation can be identified at all. Instead, the key argument is that the collective punishment and double-jeopardy that social housing tenants could potentially face, where people living in other housing tenures would not, is an injustice. Whilst it still remains to be seen exactly what impact – if any – the riot clause will have in the future, reflecting on political rhetoric and public perceptions that continue to stigmatise and demonise people living in poverty (see, for example the work of Loic Wacquant, Owen Jones, Imogen Tyler or the increasing body of research around [Poverty Porn](#)) there is real cause for concern about the way in which certain people may be punished in the outbreak of urban disorder in the future, or what other additional clauses may continue to be added to the powers against social housing tenants.

About the Author

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