



Controlling Letting Arrangements? Landlords and surveillance in the private rented sector*

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Abstract

Research into landlord/tenant relationships in the private rented housing sector has rarely focussed upon landlords' surveillance of tenants as a means to control behaviour and use of property, despite it often taking the form, or being on the margins of the legal definition of harassment. Drawing on in-depth qualitative interviews, this article focuses upon day-to-day relationships between landlords and tenants and explores landlords' perceptions of their property and tenants and the types of surveillance activities they adopt to control and manage tenants behaviour. The article reveals the personal and emotional motivations behind landlords' surveillance activity and raises questions about the legal and policy contexts of the private rented sector which enable such conduct to exist. In the light of the findings, the difficulties in combating extreme forms of surveillance as a property management technique are discussed and the article concludes by raising a number of issues about the ways in which current policy and legislation could be used to promote a greater understanding of rights and responsibilities in landlord/tenant relationships.

Introduction

The term surveillance in contemporary society is often associated with the monitoring of groups and/or individuals with technology, such as, CCTV cameras, to control and regulate order in social settings, for example, city centres and airports. The term is infrequently associated with the unsophisticated and perhaps in the light of technological advances, now rather outmoded methods of personal surveillance. Nor is surveillance activity often associated with the watching of people in private domestic settings in order to enforce more personal or desired modes of conformity and behaviour on the part of the watcher. This article focuses on this relatively common but rarely discussed aforementioned activity, that is, the monitoring and surveillance of tenants living in private rented accommodation by their landlords.

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The potential for gaze and control in domestic settings with the home as a site of surveillance and control is not a new or unique phenomenon (for example, see: Harvey, 1964; Nelken, 1983; Allen and McDowell, 1989; McCrone and Elliot, 1989). Historically, it has proved difficult for the private rented sector (PRS) in England to divest itself of a poor image associated with substandard property conditions, poor management practices and bad landlordism. Such practices were exemplified in the 1960's in the behaviour of the infamous slum landlord Peter Rachman (see: Harvey, 1964; Nelken, 1983; Kemp, 1992) and more recently by Nicholas van Hoogstraten (see, for example: BBC News, 22 July 2002). Both private landlords gained notoriety for their routine harassment of, and unlawful behaviour towards tenants and hence the control they exerted over tenants and their homes by ignoring their legal rights to 'quiet enjoyment' of property.

In spite of the media attention generated by the activities of these landlords and the concern expressed by tenant's rights organisations, the monitoring of tenants behaviour and intrusion into their homes by private landlords has remained largely unexplored in terms of surveillance activities, although it has been mentioned in passing as a management technique (Allen and McDowell, 1989). Such behaviour has tended to be categorised according to whether it satisfies or fails to satisfy the legal definition of harassment (see for instance, Arden and Hunter, 2002) and the surveillance component of the activities, such as watching the property but not entering it, has often been considered less important in comparison to the subsequent control exercised over tenants, particularly when landlords unlawfully enter property. Landlord surveillance and the subsequent control, and in some cases, care (Lyon, 2001: 152) exercised over tenants and their use of property is often on the margins of the legal definition of harassment, notwithstanding that such behaviour can cause considerable stress and distress for tenants as well as interference with enjoyment of their home. In this sense, surveillance, control and, to a lesser degree, care, are common concepts in landlord/tenant relations, although they are not necessarily recognised or understood according to such terminology. Indeed, the caring aspect or at least more ambivalent aspects of surveillance are often neglected as a subject of research and overridden in favour of more dubious and perhaps more intrusive aspects of surveillance activity (Lyon, 2001).

Indeed, although some attention has been given to surveillance activities in the housing field, such as homelessness (see: Fopp, 2002), and in relation to anti-social behaviour in the social rented sector, (see: Papps, 1998; Hunter *et al.*, 2000; Hunter and Nixon, 2001), the activities of private landlords have rarely been thought of in the context of surveillance (but see: Lister, 2002a) yet there is considerable scope to consider their activities in this way. For instance, regular formal inspections of rented property by landlords or their agents are a routine part of property management (Trott, 1998). In contemporary society, both in terms of government policy and debates about law and order, the behaviour of individuals has become of overriding importance as has the ability to predict and control behaviour. Foucault's conception of surveillance involving subsequent discipline and compliance (Foucault, 1979: 215; 1988: 18-19) readily encapsulates some of the conduct of landlords described below in order to ensure that tenants comply with certain norms of expected behaviour. Furthermore, the connection between the surveillance of groups or individuals and the increasing scope for control and regulation which this brings can also be linked to Bauman's work on proximity (Bauman, 1991). The proximity of private landlords own homes to their rented properties makes informalised surveillance activity

an amenable management practice (see below). However, perhaps of greater relevance in this context is the work of Deleuze (1992) who argues that control rather than discipline is a more significant and salient feature of society. Both discipline and control are discussed in relation to the findings of this research below.

The policy and legislative background to the research

The potential for gaze, surveillance, control and in some cases, care is evident if consideration is given to the types of private landlords letting property, the types of tenants prevalent in the sector and the legal and regulatory regimes which the parties are subject to. In recent years ownership within the private rented sector (PRS) has become dominated for the most part by private individuals. The number of private individuals letting property, (excluding resident and employer landlords), has increased from just over one million (60%) in 1990 to almost 1.7 million (76%) in 2000/01 (Bates *et al.*, 2002). For the majority of private individual landlords, letting property is relatively new and not their main occupation but is a small scale 'sideline' activity or hobby that does not comprise their main source of income (Thomas *et al.*, 1995; Leather, 2001).

The rise in the number of private individuals letting property is partly due to the transformed letting environment after the 1988 and 1996 Housing Acts which diminished security of tenure and made it easier for landlords to claim possession of property after a minimum period of six months without recourse to court proceedings. The increase can also be attributed to the economic climate where investment in property, particularly through Buy-to-Let schemes, has become popular. An often understated factor is the ease with which individuals can begin letting property in an industry that is, for the most part, fragmented, unregulated and does not require formal professional entry conditions or recognised quality or training standards (Kemp and Rhodes, 1997; Lister, 2002b). Tenancy relationships can be set up by simply purchasing an 'off the shelf' letting agreement and this is sufficient for many landlords to operationalise relationships with tenants and also replaces information gathering to gain an accurate knowledge of the legal framework (Thomas *et al.*, 1995; Lister, 2002b: 98). The letting agreement may be the closest either party gets to engaging with the legal framework which they rely upon to outline their respective rights and responsibilities. However, previous research has found that many private landlords and tenants are unfamiliar with the contents of their letting agreements and that the contents were rarely discussed or negotiated by the parties (Crook and Kemp, 1996; Lister, 2002b). In this sense letting agreements formalise landlord/tenant relationships but their contents are not necessarily used by the parties to shape the nature of their relationships.

There is considerable variation in the levels of professionalism adopted by landlords towards property letting, management standards and maintenance (Kemp and Rhodes, 1997: 130; Cowan and Marsh, 2001). This is particularly significant in relation to attitudes towards the legal framework, levels of attachment to property and how they regard it (for example, as a financial asset or still as a home) and the manner in which tenants are regarded (for instance, as friends/relatives or simply as a source of rental income) (Bevan *et al.*, 1995; Thomas *et al.*, 1995; Crook and Kemp, 1996). Age, gender, social class and status are also likely to have a bearing upon the ways in which landlords operate in the sector. Moreover, in spite of contractual

arrangements between the parties and numerous pieces of legislation, the sector currently lacks regulatory standards relating to the monitoring and/or enforcement of, for example, service standards, and landlords' general accountability to tenants.

A further issue related to management and landlords' responsibilities in the PRS is that of preventing and responding to the anti-social behaviour of their tenants. Although the issue of tenants' anti-social behaviour has been mainly highlighted in relation to the social rented sector (Papps, 1998; Hunter and Nixon, 2001) the ways in which private landlords manage anti-social behaviour is increasingly in the spotlight with many local authorities introducing initiatives to involve and support landlords who are experiencing this issue with tenants. The issue of managing tenants' behaviour is particularly important given the youthfulness, vulnerability and inexperienced nature of the group of tenants explored here.

Letting agreements and other contractual agreements, for example, anti-social behaviour contracts and anti-social behaviour orders, are increasingly used in attempts to influence and modify tenants behaviour by stipulating sanctions and penalties for breach of terms (Lister, forthcoming 2005) yet as indicated above, the extent to which the terms of legal documents are engaged with is often limited and ultimately may have little bearing on the conduct of tenants (see below). Given the limitations of legal documents, this may lead to landlords' adopting more active approaches to manage tenants.

In terms of tenants in the PRS, in recent years young people have become the key demand group. Although the PRS is small, comprising only 10 per cent of all households, it performs a crucial role in accommodating the majority of single young people living independently (Rugg and Burrows, 1999). The tendency for young people to use the PRS as the first port of call when leaving home or institutional settings is well established (see for example: Rugg and Burrows, 1999; Iacovou, 2001) and the reasons for their concentration in the sector in England have been well documented. These reasons include, owner occupation and the social rented sector becoming less accessible or desirable, the postponement of home ownership (see: Rosser, 1997; Ford, 1999; Anderson, 1999), the growing student population (Kemp and Keoghan, 2001; Christie *et al.*, 2002) and the greater use of the sector to house vulnerable young people, such as those leaving Young Offenders Institutions and children's homes (see: Broad, 1998) as well as young people who are unable to live at home with their families.

The processes by which landlords and young people became enmeshed in a range of policy regimes began with the introduction of the 1988 Housing Act which transformed the letting environment in the PRS. The Act weakened rent controls, security of tenure and tenants' rights, providing an environment where there was, in theory, "greater freedom for the parties to sort out their affairs by negotiation and contractual agreement" (The Earl of Caithness, Hansard, House of Lords, 21 July 1988, col. 1518). Security of tenure was reduced to a minimum fixed term of six months and landlords were able to seek possession of property after the fixed term without recourse to legal proceedings. Further deregulation brought about by the 1996 Housing Act, in conjunction with the introduction of the Single Room Rent, changed the specific nature of relationships in the PRS between landlords and tenants under the age of 25 by restricting housing benefit entitlement of young single people, who are predominantly concentrated in shared

accommodation, to that of the cost of a single room, placing further emphasis upon them to negotiate a reduced rent with landlords or otherwise pay the shortfall. Within this legislative and policy environment young people often have difficulty in asserting their rights given their vulnerability, limited income, limited security of tenure, the ease with which landlords can dispense with tenants and the difficulties in finding suitable alternative accommodation in a pressured market.

Within the context of these key policy and legislative regimes, this article explores the ways in which landlords use surveillance activities to monitor and control the activities of their younger tenants. This article moves away from discussions of structured and technological approaches to surveillance to explore more unsophisticated natural surveillance techniques and overtly intrusive approaches to monitoring tenants in their homes. This study differs from previous research into relationships in the PRS that have tended to focus exclusively upon extremes of behaviour, such as harassment and unlawful eviction (Burrows and Hunter, 1990; Marsh *et al.*, 2000) and have overlooked more typical day-to-day behaviour centred around power imbalances which is described here. This article also attempts to go beyond other landlord studies and look at more emotional aspects behind landlords' behaviour and seeks to outline their attitudes and reasons for their behaviour.

The research

The research on which this article is based was prompted by the lack of information about the "ordinary relations" (Englander, 1983: xvii) between landlords and younger tenants living in the PRS. An understanding of the nature of their relationships is timely given the over-concentration of a diverse range of young people in the PRS at the same time as increased numbers of private individual landlords are entering the sector, often letting property as a sideline activity. Given the often inexperienced nature of both parties to the letting process the research sought to illuminate issues which emerged as a result of naivety and/or ignorance of rights and responsibilities. In addition, with the current policy focus upon combating anti-social behaviour, the ways in which small scale landlords responded to the behaviour of young, vulnerable and less experienced households was of interest. In order to understand the nature of typical day-to-day interactions between landlords and young people, semi structured qualitative interviews were conducted with fifteen landlords and fifteen young people living in the sector. The study did not set out to interview tenants of the landlords interviewed or vice versa as this potentially may have proved too onerous in terms of time and refusal rates of either party, as well as adding further ethical considerations to the research. In so far as it is possible to ascertain from the interview data collected from both parties none of the landlords interviewed were landlords of the tenants interviewed. The material presented here has sought to fill a number of gaps in knowledge and focuses primarily upon the perspectives of landlords, their attitudes towards their tenants and their management practices. The experiences of the young people interviewed during this study have been used briefly to illuminate some of the issues discussed here and explore their responses. An extensive discussion of young people's experiences is beyond the scope of this article; these are explored in detail elsewhere (see: Lister, 2004).

The research was conducted in a northern English city with a competitive and diverse PRS with rents higher than the national average (Rhodes *et al.*, 2001). There is also a diverse range of landlords in the city's PRS, in line with the national picture and a 'quota' element was built into the selection to reflect the range of landlord 'types' in the market. Landlords letting to housing benefit claimants, those working full time, and students were included in the sample as were landlords letting Houses in Multiple Occupation (HMOs), those with a larger portfolio and those with only one or two properties. The selection was confined to private individuals for whom letting property was not their main occupation, rather than organizational or business landlords. This approach was adopted as this type of landlord is increasingly entering, and is dominant in the sector (see above) and it was felt to be important to focus upon and reveal the diversity in motivations to letting and management practices of this group in addition to obtaining a wide range of views and experiences. Inevitably confining the sample to a single landlord 'type' has implications for the findings of the research; however, as the type of landlord explored here is most common in the sector, the research has sought to illuminate the activities of this group rather than spreading the sample across a wider range of landlord types.

Previous research has noted that there are considerable difficulties in constructing adequate sampling frames of landlords (McCrone and Elliot, 1989; Kemp and Rhodes, 1997) and this did prove to be difficult during the research process and a number of simultaneous targeting strategies were required. In order to facilitate access to landlords a copy of the local Houses in Multiple Occupation compulsory register was obtained. This document was used as a starting point for selecting private landlords. Initially, a number of landlords were contacted by letter and follow up telephone calls made, combined with telephoning landlords advertising property in local newspapers. Representatives from local organizations, for example, student accommodation officers, and members of the Local Landlord Forum, were contacted to ask if they could assist and a number of interviews were achieved via these contacts. Access to the remaining respondents was achieved by responding to adverts in accommodation lists and via snowballing techniques (Berg, 1988; Atkinson and Flint, 2001) where respondents provide a referral to another landlord. Contact was made via a series of letters and telephone calls and interviews were arranged to take place as soon as possible and usually within one week. All of the interviews were conducted face-to-face. An interview schedule was used and interviews lasted on average for an hour. They were taped and subsequently transcribed and coded for detailed analysis using a range of key themes.

The selection of landlords achieved comprised seven males, seven females and one couple. All of the landlords interviewed had let property for at least one year with the majority having let for in excess of five years and a third for ten years or more. Letting property had become the main occupation of two landlords who had recently retired. For the remaining thirteen landlords property letting was not their main occupation or source of income but was a 'sideline' activity (Thomas *et al.*, 1995). The numbers of properties owned and let ranged from one to six with ten of the fifteen landlords owning and letting only one or two properties. The number of tenants let to ranged from two to in excess of thirty five. Shared terraced houses were the most commonly let properties, followed by flats and HMOs.

The research, although small scale, was detailed and respondents were asked about social, economic and legal arrangements. For instance, the topics covered included, arrangements for setting up the tenancy, attitudes towards tenants and the legal framework, management practices, financial arrangements, and details about letting agreements and rights and responsibilities. The remainder of this article explores the social aspects of landlord/tenant relationships and examines landlords' attitudes towards both their property and tenants and how they manage relationships. In this way the study moves away from legal definitions of appropriate and inappropriate behaviour towards highlighting more subtle and complex modes of landlords conduct which reveal the difficulties encountered in viewing landlord/tenant relations as straightforward business and legal relationships. The behaviour discussed is not, on the whole extreme, but is nevertheless, intrusive and can have a severely limiting and negative impact upon tenants' enjoyment of their homes.

The nature of landlords' surveillance and control in the private rented sector

Landlords' attitudes, expectations and orientations towards tenancy relationships, tenants and property have an overriding impact on relationship outcomes and the overall experiences of tenants in the PRS. The range of factors which are likely to influence the behaviour of landlords in the PRS are numerous. However, an important factor to consider is that different types of landlords reflect different approaches in their letting activities and are oriented towards economic concerns and legal and social arrangements in a variety of ways (see, for instance, Allen and McDowell, 1989: 53). For example, commercial and business landlords for whom letting property is their sole occupation and main source of income, focus upon profit as a driving force in their relationships with tenants (Allen and McDowell, 1989: 53; Thomas *et al.*, 1995: 25-28) as opposed to personal or informal factors. In contrast, for private individuals letting property as a 'sideline' activity (Thomas *et al.*, 1995: 19) and not as their main source of income, and who are the subject of exploration here, profit is unlikely to be a central focus of the relationship (see, for example, McCrone and Elliot, 1989; Allen and McDowell, 1989; Bevan *et al.*, 1995) with personal preferences, as opposed to formal arrangements, playing a significant part in their motivations and overall management practices.

This article highlights landlords' active interest in property where they interpret rights of ownership as rights to possess and control the property and tenants' use of it (Ryan, 1982; Nelken, 1983; Allen and McDowell, 1989; Marsh *et al.*, 2000). The control landlords exert over tenants and property is described and explored in order to demonstrate that it is not simply derived from ownership of property but also from young people's greater dependence upon landlords which manifests itself consciously and unconsciously via unilateral exchange (Blau, 1964; Molm, 1997) between the parties. Irrespective of the motivations of landlords, the authority, and in some cases, the care exerted influences young people's experiences of tenancy relationships.

Findings from the interviews revealed that throughout the duration of tenancy relationships, landlords were able to adopt a number of overt and covert surveillance strategies in an attempt to control and regulate young people and their use of property. These strategies often conflicted

with the few basic legal rights tenants possessed. A central, often unacknowledged, legal precept of all tenancy relationships, (regardless of whether the parties have a written or verbal agreement), is that landlords' grant all tenants the right to 'exclusive possession' of property. This provides tenants with the legal right to use property to the exclusion of all others, including the landlord. Reinforcing the right of 'exclusive possession' are two additional conditions of tenancy relationships. These are the implied promises of landlords to leave tenants in 'quiet enjoyment' of the property and, 'not derogate from his [or her] grant'. These two overlapping conditions relate to landlords' interference with tenants' use of property (see Arden and Hunter, 2002). In spite of the legal situation, tensions often existed between young people's *possession* and landlords' *control* of property. Although tenants hire possession of property, landlords nevertheless retain rights of ownership and can assert rights of control over the property and its use. The tensions exhibited between young people's possession and landlords' control were symptomatic of landlords' unwillingness or inability to fully relinquish their property to tenants, often still regarding it as a "personal possession" (Allen and McDowell, 1989: 52) to be dealt with according to their wishes.

A key issue to emerge from the data was that "control rather than use is the essence of ownership" (Ryan, 1982: 57) notwithstanding that landlords' control of property conflicted with the rights of tenants. In this sense the basic rights tenants acquired legally and by virtue of economic transactions were merely rights on paper as, in practice, they could be overridden by landlords and could not be exercised or enforced easily. A common feature of relationships was landlords' "close surveillance of property" (Allen and McDowell, 1989: 46) which took a number of forms, both overt and covert. Both forms interfere with young people's use and enjoyment of property and proved equally problematic for young people to deal with successfully.

Overt strategies of control took the form of landlords' direct and active interference with tenants' 'exclusive possession' and rights of 'quiet enjoyment' via repeated and uninvited visits to property without advance warning. These visits tended to be combined with complaints and attempts to control and regulate the ways in which young people used property, for example, by leaving notes and instructing young people to clean the property. On their own, such actions may be innocuous but where this behaviour is repeated, its accumulation is likely to be tantamount to the legal definition of harassment. Such personal observations coupled with the desire of the observer to render the observed compliant are very much in the spirit of Foucault's work. A quote from one of the young people interviewed in the study is used to highlight the difficulties experienced, where on the one hand the landlord is good about coming round and so is available to tenants, however on the other hand his behaviour is soon perceived as an excessive amount of care and attention:

He's [landlord] pretty good about coming round, he was getting quite irritating in that it was a little bit of a mess. Washing up was waiting for the third person, it was his turn, so it was just sitting there for a while you know and the landlord was being quite finicky about stuff, for instance, having magazines in the bathroom which I think is fairly normal and bottle tops on the floor, this kind of stuff, nagging really.

(Tenant 5, female, 23 year old housing benefit claimant)

The boundaries between landlords' and tenants' rights are unclear, given that landlords loan their property to tenants and do not relinquish their rights of control. This enables landlords to act as if property ownership conveys upon them "specific rights and liberties" (McCrone and Elliot, 1989: 179) to 'check up' on the property. Such vigilance may denote landlords own personal insecurities and anxieties as well as a lack of trust where legal and economic safeguards taken when setting up the tenancy are perceived either as inadequate protection or unimportant in comparison with the protection afforded by direct surveillance, interference and control. However, irrespective of landlords' motives for paying frequent visits to property, this is likely to pose problems for young people. The behaviour of landlords highlights that tenancy relationships are not guided by 'rules' as in a strict business agreement, but are based upon social interactions. These interactions are characterised by inequalities as landlords are able to disregard ordinary manners, customs and respect for tenants by virtue of their position as property owners. A female tenant described the extreme nature of her landlords' surveillance activities which crossed the boundaries of 'acceptable behaviour':

He's a pain because he'll come round like two or three times a week, just knocking on the door, in fact at the beginning he even used to let himself in, you know and one time he came in...and my housemate was upstairs in bed asleep and he actually went into her room when she was in bed, which was quite worrying...I don't know, it's an awkward situation. I know it shouldn't feel like that and [we] should say something, but I don't really know.

(Tenant 10, female, 20 year old student)

This 'awkward situation' highlights the extent of landlords' overt and direct control over young people's peace and enjoyment of their homes and the difficulties for tenants in dealing with sensitive issues and landlords' 'inappropriate' behaviour. The situation described here highlights landlords' volatile and idiosyncratic behaviour and the vulnerability and insecurity of young people who may not be able to deal confidently or effectively with unpredictable social situations.

An interesting feature of the data was that landlords often perceived and described their young tenants as 'children' or 'boys and girls', and they also acted in *loco parentis* towards them, regarding them in a similar manner to their own children. Such descriptions of young people provide an insight into how landlords view their own role within the relationship, how they regard young people as a sub-group of renters and how they use both care and control in the relationship to manage young people's behaviour. Eight out of the fifteen landlords interviewed adopted this approach and attempted to control and structure tenants' behaviour by visiting the property frequently – more frequently than the remaining seven landlords. Landlords' attitudes to young people as 'kids' reflected a latent imbalance in tenancy relationships, creating difficulties for young people to achieve *satisfactory* reciprocal relationships. This was particularly striking where two out of these eight landlords provided extra services to tenants, for example, cleaning. One female landlord described how she created a role for herself by entering the property on a regular basis and provided her male tenants, described as 'boys', with services and goods, such as cleaning and cleaning equipment, which reduced their financial outgoings - a characteristic of a parental relationship rather than a landlord/tenant relationship.

In contrast to the financial needs of landlords, their emotional needs have not been recognised or discussed in previous research. It was evident from the data that emotional factors played an important part in the ways in which landlords' managed relationships with young people. Emotional factors were signified by landlords' attachment to their tenants, to the point where they 'missed' them when they left and, in some instances, kept in touch with them. Attachment to tenants often resulted in landlords practising a 'service relationship' (Allen and McDowell, 1989; McCrone and Elliot, 1989: 143) where they felt 'needed' by tenants, however these practices did not translate into reciprocal and fair relationships and were not always appreciated by young people. In some cases it was felt by the young people interviewed that landlords' friendliness and involvement masked their main concern which was to exert control over their property and tenants' activities and so fulfil their own needs, rather than providing a service (Lister, 2004). Some young people interpreted their landlord's concern in this way and recognised this feature of relationships as 'an excuse to keep round the property' rather than a genuine desire to make sure 'everything was OK'.

Accordingly, where young people were regarded as 'children', landlords had scope for a level of control which was unavailable in relationships with older tenants. Landlords were able to adopt a disciplinarian attitude and/or a supervisory role in their relationships with young people which was often based upon how landlords treat(ed) their own children, with the focus upon correcting tenants' conduct. Perceptions of young people were often distorted as a result of landlords fulfilling their own personal needs and in some cases resulted in a lack of respect for tenants and an excessive degree of vigilance throughout the tenancy relationship. One landlord described the nature of his disciplinarian management practices which he regards as a 'job':

I don't believe in a distant landlord. I like to be involved. I like getting involved and I'm not frightened to get involved, it's just all part and parcel. If they do something wrong I play bloody hell

(Landlord 1, male)

This 'hands-on' approach, shared by only one other landlord out of the eight, highlights the delicate balance between 'informal' and 'friendly' encounters with tenants and interference and control, as well as the indistinct boundary between a personal and a business/legal relationship. Similarly, a number of landlords stated that they felt their 'role' was to 'train' and correct young people's behaviour so they would 'learn the social skills that they'll need later in life'. These attitudes detract from the idea that there is equality between contracting parties and highlights the coercive aspects of social exchanges between the parties (Molm, 1997) which are an attribute of the tenancy relationship and its inherent power differentials. However, according to the accounts of the young people interviewed, where they had a landlord predisposed to control, such levels of interference with their lifestyles did not contribute to their overall well being and instead caused considerable distress and resentment. In addition, the conflicting priorities of the parties and their lack of shared understandings were evident, highlighting the difficulties faced by young people in achieving a relationship that 'works both ways' when landlords were able to misuse their authority in such a way that threatens the basic rights of tenants.

Covert strategies to control young people's use of property were also adopted by landlords. A key feature of covert strategies was close monitoring and patrolling of the property combined with the exercise of direct control over tenants' activities, if necessary. A number of landlords chose to live near their tenanted properties or had friends living close by, in addition to being on good terms with neighbours adjacent to tenanted properties, with *twelve* of the fifteen landlords interviewed fulfilling at least one of these criteria. A common practice was to make sure 'neighbours [of tenanted property] have my phone number' so that surveillance of property was anonymous and landlords were informed of any problems, such as noise or nuisance, caused by their tenants. It was apparent from the interviews with landlords that careful consideration had been given to the advantages of living in close proximity to their tenants and in three cases landlords had purposely purchased or built property to let in the same street or opposite their own home. Landlords felt that tenants' behaviour was likely to be inhibited by their close presence and the threat of intervention (see: Bauman, 1991). As a consequence, tenants were unlikely to assert their full use rights over property, given that their actions were visible - 'you can keep an eye on it' and audible (see, for example: Foucault, 1979). However, it was not clear from the interviews if landlords were unduly anxious about the occurrence of anti-social behaviour or if they already had experience of dealing with anti-social behaviour and so were using proximity as a way to safeguard against its occurrence.

Furthermore, if tenants' behaviour was not compromised, by the close proximity of landlords, they were able to exert direct control and create a regime of surveillance, as one described:

I go around every night between 11 and 12 and if there's anything happening anywhere, like somebody playing music so loud that it's going to keep people awake, I go and tell them to turn it down.

(Landlord 8, male)

As stated above, it is unclear whether this landlord was safeguarding against the occurrence of anti-social behaviour or if he had had experience of dealing with it and so was remaining vigilant. However, these interactions reveal the difficulties young people experienced in achieving relationships which allow them to enjoy their rights of 'exclusive possession'. The social context of relationships distinguishes them from formal contractual arrangements and gives rise to a number of difficulties with control remaining an integral feature of landlords' relationships with young people.

Knowing the neighbours enabled landlords to control the activities of tenants, as social control can be exercised via the proximity of third parties who can inform the landlord if problems arise. However, the extent to which landlords took responsibility for the actions of tenants that did not occur on the premises suggested that they valued the 'reporting' presence of neighbours who provide ears and 'eyes on the street' (Jacobs, 1961; Newman, 1972). One landlord described how he disciplined a tenant for an incident occurring on the street:

I've got a good rapport with the owner occupiers in the street, so I've only had two problems. ... one of my rugby player tenants at 2.30 am decided to have a discussion across the street with another rugby player. I found out about that

[from a neighbour] and rang him up and said "I hear you've been effing and blinding across the street and please don't do it again".

The data discussed here has highlighted the nature of the role of landlords in relationships and explores how they control relationships via overt and covert social mechanisms. Landlords can exert a considerable degree of control over the activities of tenants by using the social dimension of the relationship as a deterrent or a corrective against behaviour regarded as inappropriate. The imbalance of power between contracting parties is evident in the relationships explored as flexible internal controls are a dominant feature rather than rigid external legal controls. This highlights the inadequacy of legal arrangements to control relationships at this particular level and the choices and mechanisms of control available to landlords.

Conclusions and policy implications

The findings presented here, although from a small-scale study, have highlighted the personal surveillance techniques that are used by private landlords in order to monitor and control the behaviour of their younger tenants and the ways in which they use their homes. By focussing upon the conduct of landlords for whom letting is not their main occupation and is a small scale activity, the findings discussed here have revealed a range of management techniques based upon nuanced behaviour and personal views. One of the revealing parts of this study is the extent to which old fashioned surveillance techniques, such as hanging around outside other people's houses is still a facet of everyday life despite the proliferation of technological devices to monitor activities. The article in focussing upon idiosyncratic and personal surveillance techniques has revealed the complex nature of landlords' attachments to property and the role of surveillance in their repertoire of management practices and to prevent the incidence of anti-social behaviour. The reasons given by landlords for their conduct is revealing, particularly given their 'hands-on' approach and perceived lack of control via contractual governance, in the light of tenants' insecurity. Surveillance whether overt or covert appears to be used by landlords as a mode of social concern which 'tops up' the legal control they have via contractual arrangements and letting agreements, irrespective of whether they perceive legal control or not. The insecurities, emotional needs and motivations of landlords revealed here via their personal surveillance activities is perhaps more striking and alarming, as well as less sanitised than observations which are revealed by technological devices, highlighting the primacy of property relationships.

The data also highlighted the differing priorities of the parties. Landlords often regarded their friendly and informal relationships with tenants as a way to exert control, rather than as a prerequisite to developing good relationships. Ultimately, although motives may differ between landlords, (and it is acknowledged that not all of the landlords in this study adopted this type of behaviour) the close monitoring of property equates with regulation and restriction of young people's activities and interferes with their rights to feel comfortable in their own homes. In addition, landlords' unpredictable surveillance activities and controlling behaviour highlights the vulnerability and insecurity of young people who found it difficult to deal with the social situations they encountered.

Although there is concern about the overall quality of property and management standards in the PRS (Department of the Environment, Transport and the Regions, 2000) a review of landlord/tenant law is ongoing (Law Commission, 2002) and proposals to regulate the sector more stringently as well as dealing with anti-social behaviour in the housing arena are always on the policy agenda. The difficulties young people experience as a result of the type of landlord behaviour described here is likely to fall outside of the statutory definitions of harassment but such conduct prevents the development of mutually satisfactory landlord/tenant relationships and may precipitate young people's exit through the sector (Lister, 2004).

Much of the behaviour of landlords discussed here arises from a lack of knowledge of the legal framework and lack of understanding about how they can assert their rights and also deal with tenants if they behave in an anti-social manner. One of the major implications arising from this study is that although conventional reforms, such as simplification of the legal framework, the provision of free information and advice, and less costly, onerous and time consuming legal procedures are necessary, they are insufficient without more fundamental changes to the ways in which individual relationships between landlords and young people are monitored and regulated. Even with an enhanced awareness of rights and responsibilities between both parties facilitated by, for example, information from local authorities, appropriate structures designed to assist both parties in understanding, protecting and enforcing their rights in the event of non compliance and disputes are necessary. Moreover, by recognising the prevalence of social practices in relationships this has the potential to provide the key to change and reform. From this recognition, a range of potential ways to restructure tenancy relationships can be explored which challenge the usefulness of the existing legal framework and current modes of regulation in promoting equitable relations between landlords and young tenants.

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