There are a range of ways in which residents can take some control when faced with processes of regeneration, demolition and potential displacement. Consultation is often guided by pre-established priorities of the local authorities or developers involved. These same local authorities, however, have to abide by formal planning legislation, including the range of Rights, including the Right to Manage (RtM) and the Right to Transfer (RtT), as well as the newer Rights established within the Localism Act 2011 (see chapter 9). Although some of these tools have not been fully tested, they allow for a range of potential control – from full ownership and management through to control over the creation or involvement in making plans and the processes involved in regeneration. The tools offer residents the means to move from a position of being subjects of plans to a position in which they have more power and agency over the proposed changes and processes that affect their collective lives.

These legal frameworks are still being tested across London. Groups such as West Ken Gibbs Green Community Homes (chapter 2) and Cressingham Gardens Community (chapter 3) have been looking at how they can apply the legislation in their own cases and to suit their own particular circumstances. All these groups are in the middle of lengthy disputes with local authorities and developers. They are also witnesses to the changes in their areas in terms of tenure mix, changes to maintenance regimes and the effects of long-term under-investment. The level of residents’ involvement in their respective campaigns has varied. In some cases core groups have had support workers shaping their campaigns; other times groups have relied purely on voluntary work. The gaining of resident control through the use of these tools therefore needs to be measured against not only the constraints facing the people involved but also the resources available and the time frames.

Regarding the people involved, there needs to be support of the community and of a majority of residents. There is usually a core group
of workers at the heart of a campaign, who are representative of wider resident interests and who try to articulate these interests in the best ways that they can, while faced with the potential divisions, acrimony and even burn-out that can often accompany lengthy campaigns. At the same time, however, valuable skills are developed by all people involved. These include managing meetings, organising themselves, facilitating discussions and galvanising support from both within and beyond the community under pressure from regeneration plans.

The avenues to gain greater control depend on the resources available to residents, which include a knowledge of tools, campaigning tactics and organising strategies. Access to funding is important to pay for the completion of relevant studies, the hire of equipment and professional services, or to purchase materials needed for campaigning and developing the documentation needed for implementing any of the Rights discussed below. Finally, it is worth considering the time dimension – not only in terms of the time required for implementing any of these Rights, but also the need for appropriate timing of the activities involved (i.e. ‘good timing’). The Rights can be used as a strategic tool within a wider campaign to gain more resident control. Exercising these Rights brings people together within the community; it can also involve people from beyond the area who bring their own interests, skills and resources. Even when such campaigns are not successful, they can result in lasting achievements such as creating stronger groups, increasing individual and collective knowledge, and broadening awareness and solidarity with a particular campaign or issue.

While the timing and resourcing to exercise the Rights, both to Manage and to Transfer, might be similar, their goals can also be pursued in parallel, as some of the cases attest. However, it is useful to examine the differences in the Rights, both in terms of possible concrete outcomes of the form of control achieved (RtM) if the group is successful, and also through the processes needed. The Right to Manage can be seen as a step towards greater control by residents, and the establishment of a Tenant Management Organisation (TMO) is a good indicator of organisational skills and of governance learning for groups pursuing greater resident control. Both the RtM and the establishment of a TMO enable a group to develop a different working relationship with local authorities; the process may also draw divided groups together. The Right to Transfer is a further step in gaining resident control; it will eventually require a range of new knowledge, more resources and a longer time frame.

It is useful to frame these Rights within the framework of Arnstein’s ladder of participation (see fig. C.1 in ‘Conclusions’). Here we can start to break down what the top rungs of the ladder represent within the
category of ‘degrees of citizen power’. Moving upwards, the top three rungs represent partnership, delegated power and citizen control. The Right to Manage can be classified as a delegated power as well as allowing residents to have greater control as citizens over questions of maintenance and management of their homes. The Right to Transfer is situated further up the ladder, a point at which resident control becomes a reality through legal ownership. The ladder frames the ways in which forms of participation can increase resident control over their housing and planning more generally. It provides a valuable visual tool to show both how residents can find ways to move up the ‘rungs’ or to select the right ‘rung’ for their needs; each individual ‘rung’ has its range of tools and strategies which can be used to acquire more control.2

In the following sections we cover both the Right to Manage and the Right to Transfer. The former came out of the Housing Act 1985, supporting the set-up of Tenant Management Organisations. The Right to Transfer, modelled on the Right to Manage, can also be seen as part of the broad efforts to demunicipalise the provision of housing during the 1980s. The Right to Transfer is related to what was previously the Right to Acquire or, to use its political name, ‘Tenants’ Choice’. Walterton and Elgin Community Homes (WECH) (see chapter 1) used ‘Tenants’ Choice’ legislation to force the local authority to dispose of stock to a community-owned housing association, despite the legislation having been relatively untested across the country. Indeed, it remained on the statute book for around seven years, and was then amended so that only an approved landlord could use the legislation and the process would be subject to a ballot by residents.3 There is, therefore, a legislative relationship between the Right to Manage, the Right to Acquire (or Tenants’ Choice) and the Right to Transfer, which we will trace in the following pages.

Right to Manage

<table>
<thead>
<tr>
<th>Type of tool</th>
<th>Planning legislation</th>
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<tr>
<td>National, GLA or Local level</td>
<td>National</td>
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<tr>
<td>Act, year</td>
<td>Commonhold and Leasehold Reform Act 2002</td>
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<td>Localism Act 2011</td>
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<tr>
<td>Regulations, year</td>
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<td>The Housing (Right to Manage) Regulations 20085</td>
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<td></td>
<td>The Housing (Right to Manage) Regulations 19946</td>
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<tr>
<td>Guidance</td>
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Description of Right to Manage

The Right to Manage (RtM) is the right for both tenants and leaseholders of a building, or indeed an estate containing flats, to take over management of the building(s) from the freeholder, using an RtM company.

The Right to Manage has given council tenants a collective right to take over the management of the council housing where they live. This can occur when a local tenant group believes that they could provide a better or more cost-effective service, such as arranging repairs or estate cleaning, if they were to have direct control of the funds that the council spends on that service. When tenants join together to manage their own homes, they need to set up a Tenant Management Organisation (TMO). TMOs have been managing council housing around the country for nearly 50 years, with such arrangements now extending from council-owned properties managed by a TMO to private leaseholders.

The legislation itself has evolved from the introduction of the Housing (Rents and Subsidies) Act 1975. This enabled local authorities to delegate budgets and responsibility for housing management and maintenance to TMOs. Under the Labour government of the time, Tenant Management Co-operatives were set up and, subsequently, section 27AB of the Housing Act 1985 allowed councils to hand over management of estates to these Tenant Management Co-operatives. The 1986 Housing and Planning Act further provided powers to grant funding to tenant groups for advice and support, in order that they could develop TMOs. In 1987 the Estate Management Board model of TMOs was developed as part of the Priority Estates Project and Estate Action.

With the Housing (Right to Manage) Regulations 1994, powers were introduced for TMOs to enable residents of council housing or housing association homes in the UK to take over responsibility for the running of their homes. The Commonhold and Leasehold Reform Act 2002 extended this right to leaseholders to acquire the landlord’s management functions by transfer to a company set up by them – a Right to Manage (RtM) company – which applied to private leaseholders, as opposed to council tenants.

In 2002 an independent evaluation of TMOs was commissioned by the Office of the Deputy Prime Minister (ODPM). It led to the 2008 Right to Manage amendments that introduced voluntary agreements and simplified the process to one ballot. In 2008 Local Management Agreements introduced voluntary agreements for self-management on a small scale; these were followed in 2012 by new Right to Manage regulations, intended to simplify the system. The various stages of
legislation – 1975, 1985, 1986 and 1994 – all seemed to have had the establishment or strengthening of TMOs as their objectives. These progressive developments have to be seen in the context of wider dynamics in housing policy – including the attempts by successive political regimes to diversify social housing provision, but often also to support the demunicipalisation of social housing.

Usefulness for community-led social housing regeneration

Right to Manage allows for the creation of community-based, cooperatively run, representative and local organisations that collectively ensure the management quality of housing. There are now over 200 TMOs working as community groups and improving conditions of both the physical and social infrastructures in their estates or buildings. Management agreements are negotiated with the landlord to take on limited, local responsibilities financed from the rental revenue. The Right to Manage has been supported by governments of all parties since the 1980s. They have funded training and given advice to groups wishing to pursue the Right to Manage.

The RtM legislation and process can also serve to support community-led social housing regeneration, enabling such social housing groups to take a lead in developing their own public realm, investing in their homes and developing plans for their estates. In addition, using the Right to Transfer (see below), TMOs now have the opportunity, in theory, to move from management to ownership, retaining proven structures such as the TMOs for running their housing.

A report on TMOs found that:

Between 1991 and 1997 the formation rate rose to an average 13 or 14 TMOs per year. The rate of new formation slowed down after 1997, averaging 4 per year in the last decade. Information about closures of TMOs is very patchy, but there are some indications that TMOs closure rates in the last decade are either roughly the same or slightly higher than the rate of new TMOs being formed.\textsuperscript{12}

To set up a Tenant Management Organisation, tenants enter into a legal agreement with their landlord to carry out such specific housing management functions as caretaking, rent collection and repairs. The number of housing management functions that TMOs take over can vary, with many taking on increased responsibilities over time.
There are three main stages in setting up a TMO: the first is development and feasibility; the second is the ballot of tenants; and the third is creating a management agreement. The last includes a competence assessment, carried out by an independent assessor. All TMOs are legally recognised organisations and take different forms. Some are Tenant Management Co-operatives, while others take the form of not-for-profit companies. Some TMOs (the co-operative model) have resident-only Boards. Another common model consists of resident-majority Boards, where places are allocated on the Board for council staff, councillors and others (Estate Management Boards). All tenants of homes managed by TMOs must be able to become members, and the majority of Directors must be elected by TMO members.13

On 6 August 2012, following extensive consultation with the wider housing sector, a replacement set of Right to Manage regulations, designed to provide a more straightforward procedure, came into force. Under the Housing (Right to Manage) (England) Regulations 2012,14 these apply to England only. These new regulations ensured that TMOs could now use the RtT regulations, in theory, to move from management as a TMO to ownership, retaining the proven structures for running their council estates. Although they may have sufficient resources to cover part or all of the costs of the transfer process, they still would face a major challenge if they wish to create a stand-alone, community-owned, resident-controlled Private Registered Provider of social housing, as outlined in the RtT legislation.15

Difficulties found in the context of community-led social housing regeneration

Tenants need to have received appropriate training and have sufficient time available to be able to take on the tasks of management, oversight of contracts and delivery of services. These tasks may also involve handling budgets, issues of staff employment and ensuring service standards. While there are challenges facing governance, they can be overcome with experience, resources and support. To this end, groups usually employ professional staff; it is rare for the main responsibilities to be carried out by volunteers.

The actual use of Right to Manage has declined in recent years among estate residents. It has instead become more common in the private sector among leaseholders from private landlords. Nonetheless, it is still an important tool for groups to use, although one difficulty is dealing
with areas of mixed tenures. In extreme cases, these may include councils outsourcing their social housing rentals through large private rental companies, sitting alongside both short-term private social tenants and also sub-tenants and renters from leaseholders. This kind of situation makes establishing who is eligible for balloting or involvement in the process of setting up the RtM very difficult.

Another issue has arisen after the Grenfell fire in North Kensington that occurred in June 2017. It relates to the role that the Kensington and Chelsea TMO had in the management of social housing across the borough. Originally set up to provide management services for council housing across the whole borough, it was in reality more of an Arm’s Length Management Organisation – too large and with serious governance problems, partly caused because it was not community-based. These lessons were learned at a heavy and tragic cost of human life.¹⁶

When we recommend to use this tool

It is clear from the case studies discussed above that this tool can be recommended in situations where residents have felt that the local authority or organisation responsible for managing repairs and maintenance has not been doing an effective or efficient job. In the case of Cressingham Gardens, for example, there has been long-term under-investment and systemic failures in the management of maintenance contracts. This has resulted in shoddy work that sometimes even damaged the integrity of the estate’s character and made conditions more dangerous, such as the resurfacing of the steps or works to the guttering systems, which were both badly carried out. When residents are seeking better control of repairs, maintenance work and other service contracts then the Right to Manage can be very useful.

This tool could also be used as part of a longer-term campaign to take more control of the management of an estate. Residents can begin to organise and use the Right to Manage tool as a means to bring people from across different tenures together. By initiating the conversations and governance discussions needed to pursue a more active role in management, residents are able to come together, perhaps with a longer-term vision that could focus on preventing the demolition of the estate. This could then move on to developing propositions for their own project of refurbishment and improvement of the physical and social infrastructures of their homes and their estates collectively.
Technical and financial support available

The most up-to-date information for groups needing support as a Tenant Management Organisation, as well as for groups who want to exercise the Right to Manage, is available from the National Federation of Tenant Management Organisations (NFTMO). This has extensive and free resources including directory listing for funding organisations, support services, housing organisations, employment support and tenant participation advice, as well as a range of contacts of other well-established groups around the country. Other useful resources for groups available from the NFTMO include a business planning guide for TMOs to prepare community-focused business plans, and guides for practical ways in which groups can keep in touch with tenants and members. The material included is a useful toolkit for staying in touch, improving the governance and management of a group, providing an effective housing service and guiding people on how to get advice and support for the Right to Manage process. The latter material includes useful information on balloting, calculating allowances and managing relationships with local authorities, together with the statutory guidance from government.

Another useful tool is the common assessment model standards (2012) – the set of standards that groups must meet before a TMO can be recognised. These 17 standards are grouped under the headings of: realistic and viable aims, good levels of communication and organisation among residents, demonstrations of good functioning and control, and demonstrating the provision of an effective housing service. Finally the NFTMO also has a service for identifying an adviser for the set-up of a Tenant Management Organisation, the development of a Local Management Agreement and exploring the option of a Tenant Led Stock Transfer. In terms of financial support, another avenue is through the Tenant Services Authority’s National Tenant Empowerment Programme, which provides grants to fund training and support for TMOs.

Case studies

One of the most recent successes from the cases we have explored in the first part of the book is that of Cressingham Gardens (chapter 3). Here the residents, as part of their broader campaign to prevent the demolition of their estate and gain more control, chose to use the Right to Manage legislation. The estate residents had been suffering for many years from the long-term under-investment and poor maintenance services provided by the council. After contesting the quality and costs of
the ongoing maintenance and repair programme through a series of in-depth analyses, using Freedom of Information requests, of contractual costs and spends by the local authority, the group was successful in transferring the management of estate repairs from the council to a community-owned company. This was achieved after having given notice for the Right to Manage and pursuing an estate-wide ballot on the decision. The Right to Manage request was successful.\textsuperscript{20}

**Right to Transfer**

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<thead>
<tr>
<th>Type of tool</th>
<th>Planning framework</th>
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<tr>
<td>Regulations, year</td>
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<td></td>
<td>Housing (Right to Transfer from a Local Authority Landlord) (England) Regulations 2013</td>
</tr>
<tr>
<td>Guidance</td>
<td>Giving Tenants Control: Right to Transfer and Right to Manage Regulations Consultation 2012</td>
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<td></td>
<td>Housing Transfer Manual 2014</td>
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<tr>
<td>See also:</td>
<td>Tenants’ Choice legislation 1988 (repealed and superseded)</td>
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**Description of Right to Transfer**

The Right to Transfer (RtT) is a legal framework\textsuperscript{21} that enables council tenants to change their landlord through the collective transfer of ownership of their homes to a private registered provider of social housing of their choice.\textsuperscript{22} In effect, it forces local authorities to transfer their housing stock to a new landlord chosen by residents. The new landlord, which could in theory be a tenant-run organisation or partnership, would have to pay the value of stock (the Transfer Value) to the council and commit to the development of the local community through additional investment for the refurbishment of current housing and the supply of more (see the possibility of debt write-off for transfers of more than 500 homes below).

The Right to Transfer legislation is an amendment of section 34A of the Housing Act 1985 through the introduction of section 296 of the Housing and Regeneration Act 2008. It grants secure council tenants the right to require a council to co-operate with a transfer proposal for a
minimum of 100 houses let under secure tenancies within a contiguous transfer area.

The Notice of Proposal is prepared by the tenant group and submitted to the local authority expressing the tenant group’s interest in pursuing housing stock transfer. Once the proposal notice is accepted, a Feasibility Study is carried out, examining the options for transfer and costs. This must confirm the houses to be transferred and agree that these are the same houses originally identified in the proposal notice. The study should also specify and provide an assessment of options for transfer, including no change. The financial viability must include condition of the houses, future maintenance and repair costs, the projected level of rental income and leaseholder service charges.

If the study is accepted by the local authority, the process then moves to the Development stage. This sets out the timetable, identifies new landlords and provides a business case to the GLA (if in London) and to the government, including a request for funding of debt write-off if needed. Once the business case is approved by the GLA or government, a consultation and ballot with tenants is held. If this is successful, consent is sought from the Secretary of State. If approved, the transfer should theoretically occur during the following 6 to 12 months.

Usefulness for community-led social housing regeneration

In theory, when council-led regeneration involves the demolition and displacement of people, the RtT can be a way for tenants to protect their social housing. The legislation was drafted so that tenants would find it easier to take a lead locally for their housing, either by taking over responsibility for managing housing services (through the Right to Manage) or by exploring options for transfer from their local authority (Right to Transfer). The latter offers a way in which a group of tenants seeking to ‘explore the benefits of a change of landlord … can transfer ownership of those homes to a private registered provider of social housing’.

The tenant group must demonstrate local support, including a minimum of 20 per cent of the secure tenants and 20 per cent of leaseholders of the houses in the area proposed for transfer. In this way the tenants in the proposed area can change their landlord and, in addition, propose a different solution for the ownership and management of their homes. This can lead to greater control of maintenance contracts and standards, finances, the governance of housing management and the development of new houses.
Once the transfer has been achieved, the new organisation can then refurbish the houses to the standards that the tenants demand. Having a smaller organisation enables greater accountability and more direct democratic control over the governance of the management of housing management. Greater control has also been found to increase the levels of wellbeing among tenants; they feel more empowered to get involved and participate in the process of regeneration. For example, residents have more control over the revenue from rents, which can go directly to repairs and property management, and over contract agreements, including rents, tenures and service contractors. The tenant group would have either to set up as a community-led private registered provider of social housing or to join an existing private registered provider, such as a housing association.

Difficulties found in the context of community-led social housing regeneration

The legislation as it stands is relatively complex and ill-defined. It has a number of practical difficulties due to the number of steps involved, the time required and the need for robust evidence in support of each test of opinion, requiring professional inputs. Most estates now have a range of housing tenures and the tenants may have a range of opinions and choices, potentially leading to difficulties in organising residents. The support and cross-tenure collaboration of both tenants and leaseholders is needed in most cases, as tenures of households on estates now tend to be mixed. They often include private rented tenants and sub-tenants, as well as having multi-occupancy of houses or temporary occupants. The different groups would have a range of opinions on council-led services, making any concerted approach more difficult without some form of community organising.

The transfer of social housing and community-led regeneration will only be achieved if the business case is approved, together with appropriate levels of financing, presumably from private sector or grant funding. There is potential support for debt write-off, which requires approval from the local authority, but this is provided to support large-scale transfers (of more than 500 homes) dependent on the approval of a business plan; it is not intended for small-scale transfers.

The labyrinthine process will test the most committed of communities. Problems can be exacerbated by the arbitrary behaviour of a local authority, coupled with a lack of professional support or financial resources. An example is the inclusion of four tests of tenant opinion, making it a laborious and time-consuming endeavour, which
furthermore requires considerable input from professionals as well as the co-operation of the local authority who are obliged to conduct a fair ballot as part of their formal consultation.

The organisation to which the houses are transferred would be either a community-led provider or an existing social housing registered provider. However, it is more likely to be an existing housing association. This requires a competitive or best-value process with, in either case, allowance for a long lead-in time. The assets could, in theory, be transferred to a community-led provider, such as a trust established by the tenant group with support from a larger housing entity. In the case of a new, community-led provider, the council is unlikely to approve the stock transfer to a newly formed housing organisation unless it can demonstrate that it is professionally managed or supported, well-staffed and resourced, and has the capacity and experience to manage the housing refurbishment, management and development. There is consequently a risk that even though, in principle, the legislation provides a community-led tool for housing control, it would not be successful. It is not conceived as a tool for overall community control, but rather as a process for the privatisation of housing stock enabled by tenants as part of an estate regeneration strategy.

Finally, it is clear that the local authority can block the transfer and has many opportunities to do so throughout the RtT process, as does the Homes and Communities Agency, GLA and/or government. Although this may be challenged through a Judicial Review, the recent reforms to legal aid have made this harder and would require yet more financial resources and even stronger commitments from the community (see section on Judicial Reviews in chapter 11). It would be easy, for example, for the local authority to seek an unfavourable determination on the request to exercise the RtT and not to co-operate. Therefore the power imbalance between the under-funded tenant group and the relatively well-resourced local authority can remain unaddressed. The finite and limited resources available to the tenant group are compounded by the ability of the local authority to control the timetable of transfer. These points are exacerbated in situations when the RtT is sought urgently or where tenant groups have the most incentive to use the legislation, such as when they are facing unwanted regeneration plans.

When we recommend to use this tool

The RtT can be seen as part of a longer process of residents gaining more direct control of their own homes on a trajectory that may start from exercising the Right to Manage. Residents can use the RtT not only when they
are threatened by housing demolition and regeneration plans, but also beforehand, to protect their homes and take greater control. However, both instances require organisation and the existence of a strong TMO, Tenants and Residents Association (TRA) or local resident group of some kind.

The recent determinations regarding both Cressingham Gardens\(^7\) and West Ken Gibbs Green Community Homes (WKGGCH)\(^8\) from the Secretary of State have made it clear that an important factor which is taken into consideration is whether the Right to Transfer is detrimental for the regeneration plans of the area. In the case of Cressingham Gardens, where the RtT has been allowed to go ahead despite the local authority’s opposition, Lambeth Council was unable to demonstrate that it would be detrimental. This was mainly because they had not made much progress with their masterplan and were only delivering 120 more homes than the People’s Plan, considered by the Secretary of State to be insignificant compared to the overall local authority numbers.

In the case of WKGGCH, the estate is part of a larger contiguous Opportunity Area and the large, although currently stalled, regeneration scheme of Earl’s Court. Here there are plans for the provision of thousands of homes (see chapter 2). The council, in this case, thought it had sufficient grounds to demonstrate that it would impact the regeneration of the area since removing the estates from the Earl’s Court Masterplan would, in their view, compromise the whole scheme. However, in the rebuttal of the July 2019 decision, WKGGCH states that it had been proven in its submission to exercise the RtT that the demolition of the estates will not happen as planned, and indeed the planners and landowners had adopted a policy to exclude the West Kensington and Gibbs Green estates from the wider Earl’s Court Masterplan. Discussions had in fact taken place with the planning authorities to increase the density on other parts of the Opportunity Area in order to maintain the density of new housing over the whole site for which they were aiming.\(^9\)

Under Right to Transfer regulations, the local authority can apply to the Secretary of State to determine whether the proposed transfer of houses ‘set out in the proposal notice will have a significant detrimental effect on the provision of housing services … or the regeneration of the area’.\(^{10}\) Both points are important to bear in mind when considering how to use the regulations and the timing of their use. The resident group will need to evaluate the size of the area for which they would like to seek a Right to Transfer, and also consider the context within which they are exercising the Right to Transfer – in terms of both ongoing regeneration plans and in ensuring that their plans for a community – or resident-led regeneration programme are not thwarted. Of course, the irony here is
that regeneration is often the inspiration for council tenants to consider exercising the RtT in order to have a landlord of their own choice:

By excluding estates which are the subject of ‘regeneration’, the Government is denying the RtT to the very Tenant Groups who are most motivated and most likely to achieve successful transfer. The predisposition that the Council’s proposed scheme is necessarily better than the Tenant Group’s scheme is doubly ironic since most ‘regeneration’ schemes involve at least an element of housing stock transfer.\(^{31}\)

It is therefore essential to build up a case with evidence, plans and proposals in place to pre-empt these arguments being used against the residents involved.

Technical and financial support available

A range of support is available from external organisations providing organisational, technical and financial support. However, as we have seen from the cases presented in Part I of this book, many skills develop as part of a group’s own campaigning and organising activities. Some specialised skills might include maintenance audits,\(^ {32}\) balloting of residents, campaigning and community organising, for example, while technical skills such as preparing valuation and feasibility studies, developing of business cases, developing architectural plans,\(^ {33}\) and understanding planning tools and legislation have been acquired by some groups. This may be because of professional expertise among the group members, or through voluntary support from external individuals or organisations, or through professional support funded by crowdfunding and other funding sources, or by funded support from umbrella organisations, such as Locality.

In terms of financial support, specific grants are available for groups to develop their plans and documents needed for Right to Transfer applications and to receive advice on the specific process. One grant is from Locality; other organisations offer qualitative research skills as well as campaign support and community organising, all required as part of the wider effort leading to the use of RtT. In particular, similar to the way that Right to Manage implies the development of institutions within the community, RtT needs effective organisations run by residents. These must be able to support the longer-term planning needed to manage and take
ownership of the estate, such as TRAs and other resident neighbourhood or community groups. The support that can be given to TMOs, for example, can include training and strategy development. This will encourage the group to think strategically about the Right to Transfer and to develop the necessary skills and partnerships to manage contracts, business planning, management and maintenance – as well as the often-overlooked area of developing governance within groups.

One important organisation willing to help support the establishment of new Community Land Trusts, which can be a form of owning the housing stock under RtT, is the Community-led Housing Hub at regional level. The hub in London, for example, has been developing links both with groups interested in new build or self-build and with those interested in setting up partnerships or legal entities of their own to manage and own their housing. There has therefore been substantial progress in recent years at a policy level, and with funding support from both the GLA and central government for community-led housing.

Where communities are bringing forward proposals that are broadly in line with the ambitions of the government, GLA or local authority, they are thus finding the level of professional support and funding they need. Most of the case studies, however, are pursuing plans that challenge or resist proposals and developments; they may promote ideas that do not follow their local authorities’ plans. However, the community-led housing sector does need to think strategically about how they should support such oppositional campaigns. One option may be to provide support in ways that help them move beyond the oppositional to the propositional. This is an approach that most of the case studies have achieved.

Case studies

There are very few cases of groups that have used the Right to Transfer regulations and, at present, none of these have been successful. WECH was successful under the forerunner of this piece of legislation, and their story sets an important precedent (see chapter 1).

A notable historical case is the Friday Hill Tenant Management Organisation (TMO) in Waltham Forest, which used the RtT after forming as a TMO in 1998. The council stalled the process, but did offer the group greater autonomy and funding. This was deemed a success in terms of using the RtT as a negotiation tool or campaigning tool to gain greater control.

WKGGCH has been battling against the large-scale regeneration of the area as part of the Earl’s Court development led by the private sector.
(see chapter 2). They have used the RtT, but found it time-consuming because of tenure splits and uncertainty of the council’s position. While there are also many people in favour, they are not necessarily registered secure tenants. The group has had legal advice from solicitors and support from trade unions, as well as funding from foundations. However, the council has been working closely with developers and has indicated that the default position will be a rejection of the transfer proposal, without strong evidence against it. After almost three years since they submitted their request to the Secretary of State, the RtT was not recommended on the basis of the council’s submissions, although WKGGCH are considering challenging this decision.35

Cressingham Gardens Community, in Lambeth, believed that the use of the RtT process could be a means of protecting and challenging the demolition plans as imposed on them by Lambeth Council. The process was within a lengthy and contentious campaign that included two Judicial Reviews and the preparation of an alternative People’s Plan under the campaign of Save Cressingham Gardens (see chapter 3). Again, the default position of the local authority was to reject any transfer proposals, despite some evidence to suggest that alternative plans could be feasible – and indeed more desirable for the current residents. The RtT was given the go-ahead by the Secretary of State on 9 July 2019. In any case, the success of Cressingham Gardens and of the Cressingham Gardens Community (CGC) is notable at this stage. It provides both a remarkable case study and a precedent for other residents in their attempts to secure greater control of their estate and of their homes.

Notes

2. See recent double issue of Built Environment (45.1 and 45.2) entitled ‘Outlooks on Participating: People, Plans & Places’ (Lucy Natarajan. 2019. ‘Outlooks on Participating’, Built Environment 45(1): 5–6) marking 50 years since Arnstein’s eponymous ladder of participation.
3. In interview with Jonathan Rosenberg (WECH) and Zoe Savory (WKGGCH) on 17 November 2017.
22. This section builds on work done by a group of students looking at the potential for Right to Transfer for a community group during the MSc module ‘From Strategic Vision to Urban Plan’ at The Bartlett School of Planning, UCL. The course was coordinated by Elena Besussi and Daniel Fitzpatrick. The students’ report looked at the process of exercising the Right to Buy and case studies included West Ken Gibbs Green and Friday Hill Tenant Management Organisation, among others.
29. Correspondence with Jonathan Rosenberg (community organiser of WKGGCH), 25 July 2019.
30. Ministry of Housing, Communities and Local Government, ‘Housing (Right to Transfer from a Local Authority Landlord) (England) Regulations 2013’.
32. See the work of data and housing scholar-activist Tom Keene. [http://db-estate.co.uk/](http://db-estate.co.uk/). Accessed 27 July 2019.
33. See the work of Architects for Social Housing on WKGG or of the architect Ashvin de Vos of Variant Office on Cressingham Gardens.
35. Correspondence with Jonathan Rosenberg, community organiser from WKGGCH, 25 July 2019.