

This is a repository copy of *“Thank heavens for the lease”*:Histories of shared ownership.

White Rose Research Online URL for this paper:

<https://eprints.whiterose.ac.uk/125976/>

Version: Accepted Version

Article:

Cowan, David, Carr, Helen and Wallace, Alison orcid.org/0000-0001-5088-1895 (2017) “Thank heavens for the lease”:Histories of shared ownership. *Housing Studies*. pp. 855-875. ISSN 0267-3037

<https://doi.org/10.1080/02673037.2017.1408782>

Reuse

Items deposited in White Rose Research Online are protected by copyright, with all rights reserved unless indicated otherwise. They may be downloaded and/or printed for private study, or other acts as permitted by national copyright laws. The publisher or other rights holders may allow further reproduction and re-use of the full text version. This is indicated by the licence information on the White Rose Research Online record for the item.

Takedown

If you consider content in White Rose Research Online to be in breach of UK law, please notify us by emailing eprints@whiterose.ac.uk including the URL of the record and the reason for the withdrawal request.



“Thank heavens for the lease”: Histories of shared ownership

Journal:	<i>Housing Studies</i>
Manuscript ID	CHOS-2016-0177.R2
Manuscript Type:	Original paper
Selected Keywords:	housing policy, home ownership, housing tenure
Author-Supplied Keywords:	multiple streams, historical approaches

SCHOLARONE™
Manuscripts

1
2
3
4
5 On 16th September 1975, John and Denise Elliott "... made history when they became the
6 first couple to buy half a house – and pay rent on the other half" of a three bed house on the
7 former site of the Kings Norton golf course in Birmingham; John is reported as saying "A
8 house like this would have been beyond us", and Denise as "We have always wanted a home
9 of our own. I think this is a marvellous scheme to help couples to get started" (*Birmingham*
10 *Mail*, 17th September 1975).
11
12
13
14

15 Introduction

16 In this article, we draw on John Kingdon's multiple streams analysis to illuminate the development of
17 a particular low cost home ownership initiative in the UK: shared ownership. Kingdon (2011) argued
18 that problem, policy, and political streams come together to open what he described as "windows of
19 opportunity" in which agendas are set. In essence, all the stars align to produce a particular agenda.
20 A key motivator in this alignment are policy entrepreneurs. We draw on a range of archival material
21 and interviews to demonstrate how human and non-human policy entrepreneurs were able to set
22 the agenda from 1973-83 in favour of shared ownership; they neutralised the alternatives, while
23 retaining some of their instruments; and solved a number of early problems by bringing key players
24 (building societies, at that time the key sources of mortgage finance for residential properties) into
25 the programme.
26
27
28

29 During an investigation of modern shared ownership (Cowan *et al*, 2015), three questions emerged
30 about its history: how and why did "shared ownership" come into being? How and why did it come
31 to be called "shared ownership"? And, why was the technology of the lease used? Research
32 participants questioned the label "shared ownership" and the use of the lease. These questions are
33 of particular interest in housing studies scholarship beyond this study of a rather parochial policy
34 intervention because they also tie in with some key themes with which this journal, and the housing
35 studies tradition more broadly, have become engaged: the "finding" of history, problematics, and
36 political method as an important source (Jacobs, 2001; Jacobs & Manzi, 2017; Malpass, 2005; 2008;
37 McDermont, 2010; Jacobs *et al*, 2003; Bengtsson, 2015).
38
39
40

41 The questions raised historiographical and methodological issues. The historiographical issues
42 presented themselves early in our study. Key stakeholders with long memories reflected back on
43 the 1970s. Different people "claimed" shared ownership as their own. At the start of our project,
44 we read that John Coward, who unfortunately passed away at that time, "pioneered the concept" of
45 shared ownership (Daily Telegraph, 2013). Others claimed it for themselves or their organisation.
46 We read that it "began" in Notting Hill in 1979 (Heywood, 2016), or in Birmingham in 1975 (Forrest
47 *et al*, 1984).
48
49

50 Shared ownership, alongside other property ownership initiatives, has been a small, but significant
51 part of successive UK government's low cost home ownership policy offer. It has taken a sizeable
52 proportion of social housing grant and has featured prominently in policy documents. Alongside
53 other initiatives, it is regularly touted as the solution to recurrent problems of home ownership
54 affordability. Other countries have adopted similar equity sharing models that reconfigure
55 attributes of tenure to offer forms of equity sharing, mitigating the affordability and deposit
56
57
58

1
2
3 constraints typically presented by contemporary homeownership (Wallace, 2012; Thaden *et al*,
4 2013; Teruel, 2015). Our assessment of the origins of the UK's shared ownership offer indicates the
5 quite particular conflation of circumstances and technologies that drive policy and guard against the
6 wholesale policy transfer of imperfect models to other countries; not least because recurrent local
7 contextual issues emerged, often as a result of the specific form of leasehold interest which shared
8 owners obtain (see, for example, Peaker 2013; Cowan *et al*, 2015) and which has different
9 consequences in different parts of the UK (Scotland being different as a result of its different land
10 law). Some of these leasehold issues have been well-known as a result of long leasehold disputes
11 (Cole and Robinson, 2000; Blandy and Robinson, 2001), but have particular purchase with shared
12 owners who are often at the more marginal end of the home ownership spectrum.
13
14

15
16 In the first section of this paper, we discuss our theoretical framing of this article. In the key period
17 discussed in this paper (1973-83), we argue that there were several policy entrepreneurs. Our
18 adaptation of that classic study, in line with Science and Technology Studies, is to include the lease, a
19 non-human actor, as an entrepreneur. As John Stanley, the central policy entrepreneur put it to us,
20 in the course of discussing this article, "Thank Heavens for the lease. It made uniform nationwide
21 coverage possible". The nuance we seek to add to the literature draws on and develops theories
22 about policy change, which focuses on people and things as actors in their own right. Whereas, for
23 example, Jacobs and Manzi (2017) focus on the significant figure of Anthony Crosland, we are just as
24 interested in other objects, like leases and labels.
25
26

27
28 In the second section, we develop our historiographical approach. Next, we give a thumbnail
29 sketch of the development of shared ownership. In the following section, we demonstrate how
30 alternatives to shared ownership were neutralised, either ideologically or practically. In the final
31 substantive section, we consider the roles of the key players as policy entrepreneurs. We focus on
32 John Stanley MP, because he got things moving, enrolling others (the Building Societies Association
33 (BSA) and the National Federation of Housing Associations, referred to below as "the National
34 Federation") and developing the product). However, rather than focus on the human actors, we
35 substantiate our methodological point by taking the humble, mundane legal technology of the lease
36 as an actor in its own right around which the human actors manoeuvred. We conclude with a
37 discussion of the significance of the histories we present.
38
39

40 Adapting the multiple streams approach

41
42 Housing studies has re-discovered the significance of the politics of housing (Jacobs & Pawson,
43 2015). Bengtsson (2015: 679) argued for a middle range theory-informed research on housing
44 politics that focuses on the actor level to understand social and political phenomena on the macro
45 level. The challenge was to develop the focus while drawing general conclusions. In *Agendas,*
46 *Alternatives, and Public Policies*, Kingdon developed such an approach, seeking to understand how
47 things came to be regarded as solutions to policy problems ("an idea whose time has come" - 2011:
48 1). This approach was derived from his qualitative research in US health and transportation, but it
49 was pitched at the level of universal issues in policy-making, so that it has been hugely influential
50 (and cited over 12,000 times) (Cairney & Jones, 2016).
51
52

53
54 Kingdon argued that an agenda "is the list of subjects or problems to which government officials and
55 people outside of government closely associated with those officials, are paying some serious
56 attention at any given time" (2011: 3); but that there are a set of alternatives for governmental
57

1
2
3 action (2011: 4). This distinction between an agenda and alternatives is particularly useful in this
4 study, as the alternatives to shared ownership were neutralised. In no sense was shared ownership
5 the only solution, but we argue that traces of the alternatives became enmeshed in its emergence.
6 He argues that a range of actors (from the President to public opinion), but particularly government
7 officials and Non-Government Organisations are key participants in agenda-setting. He describes a
8 triptych of “(1) problem recognition, (2) the formation and refining of policy proposals, and (3)
9 politics” (2011: 87).

10
11
12 Recognising that the definition of policy problems involves “great political stakes”, he argues that
13 policy proposals emerge from “the great primeval soup” in which the actors “try out their ideas on
14 others in the policy community” (2011: 122). There are, however, certain actors who advocate for
15 particular proposals, whom he labels “policy entrepreneurs” (2011: 122):

16
17 These entrepreneurs are not necessarily found in any one location in the policy community.
18 They could be in or out of government, in elected or appointed positions, in interest groups
19 or research organizations. But their defining characteristic, much as in the case of a business
20 entrepreneur, is their willingness to invest their resources – time, energy, reputation, and
21 sometimes money – in the hope of a future return. That return might come to them in the
22 form of policies of which they approve, satisfaction from participation, or even personal
23 aggrandizement in the form of job security or career promotion. (2011: 122-3)

24
25
26 He argued that entrepreneurs can push their pet solutions when problem or political windows open,
27 which can be infrequently and for short periods only (2011: 166), because of a change in the political
28 stream (168).

29
30
31 Kingdon’s thesis has a particular salience for our data. However, the histories of shared ownership
32 we present are ones in which at different moments, and for different reasons, people and things
33 became woven together. They do not privilege one over the other; indeed, as Lovell (2009: 498)
34 points out, “what has been overlooked is how materials ... can be used by entrepreneurs to effect
35 change ... policy theory as a whole remains underdeveloped in this respect”. Freeman and Maybin
36 (2011: 165) argue that inscription into a document “... is a practised thing ... a conduit or corridor,
37 something through which other things (power, meaning) flow”. A document can be an artefact that
38 functions as “a technique for inter-esting” (160; see also Latour & Woolgar, 1986: 45-50); they
39 “anticipate and enable certain actions by others – extensions, amplifications, and modifications of
40 both content and form” (Riles, 2006: 21). Further,

41
42
43 ... the document is a translation that also translates. It is intrinsic to those communicative
44 processes in which actors inhabiting different social worlds first enter into relations with
45 each other and then begin to recast or reconstruct themselves, their interests and their
46 worlds. This means simply that the document connects actors and coordinates their actions.
47 (Freeman & Maybin, 2011: 165)

48
49
50 The standardisation of things, in particular, makes possible an array of new techniques (McKenzie,
51 2006). And the standardisation of *legal* documents are crucial technologies in private legal
52 infrastructures as “... devices through which particular technical, institutional, political, legal, and
53 economic arrangements gain solidity and durability” (Riles, 2011: 46).

1
2
3 As we develop below, the lease is an archetypal artefact because it embodies precedent (its terms
4 are well-known and understood within a particular milieu), acceptability (it was acceptable to the
5 interest groups), adaptability (it could be adapted for a key interest group) and universality (the
6 development of a centrally promulgated model made it universal). All of these characteristics make
7 the leasehold a translation that also translates and is a technology around which interested parties
8 congregate. In housing policy terms, the leasehold is a key device, which has produced its own sets
9 of problems (Blandy & Robinson, 2001). It has a hybrid nature in housing policy because it exists
10 across renting and owning tenures (Blandy & Goodchild, 1999), which leads some owners to regard
11 themselves as renters (Cole & Robinson, 2000).
12
13

14 As Malpass (2000a: 196) observed, "Writing history requires hard choices, about what to put in and
15 what to leave out, and about what is important and what is not". As we see this history, the
16 technology and entrepreneurs combine at different moments in different ways to translate and
17 mobilise apparently immutable devices. The lease, an apparently immutable object, becomes a fluid
18 device (see Cloatre, 2013; Hunter, 2016); and the label itself is a signifier, although what it signifies is
19 open to reinterpretation by different actors, at different points in time.
20
21
22
23
24

25 Producing history

26
27 In this section, we discuss how we have produced our history of shared ownership. We discuss this
28 as three particular problems: data collection; period of study; and history by elites. The first
29 problem for this study, we thought, was quite how to generate the data to answer our queries. By
30 the time we finished, the problem was quite how to analyse the enormous amounts of data
31 generated. In a pre-electronic age, inscription of meetings in minutes, memoranda, legal advice was
32 committed to paper and mostly stored away in archives (Freeman, 2008: 15). We visited the
33 National Archive, London Metropolitan Archive (for GLC records), and the Birmingham Library
34 archive of Birmingham City Council. We generated around 4,500 photographs of such documents,
35 the majority of which came from the HLG series in the UK's National Archive.
36
37

38 A further problem concerned the period of study. The lease had stabilised in form by the 1970s, so
39 that its core terms – which would doubtless be meaningless to lay persons – were generally well-
40 known by professionals. In any event, it was its adoption and adaptation as the foundation for
41 'shared ownership' that was relevant to this study. Then, we might have traced shared ownership
42 back to its previous incarnations, under different labels, and through its translations. But we found
43 that Birmingham had been advocating its scheme from about 21st September 1973 (Birmingham CC
44 Housing Committee Report). This seemed to be the date at which 'shared ownership' emerged as a
45 distinct policy solution, although we recognised that its genesis might have occurred elsewhere
46
47
48

49 Indeed, one could just as easily have started with the publication of a "little pamphlet" by John
50 Stanley, shortly after he was elected to Parliament in April 1974, and endorsed by Margaret
51 Thatcher, then shadow Minister for the Environment: *Shared Purchase: A New Route to Home-
52 Ownership* (Stanley, 1974). The significance of this little-known publication was its translation into
53 national policy by the policy entrepreneur – John Stanley himself – when taking office as the first
54 housing Minister in the first Thatcher government from 1979.
55
56
57

1
2
3 Having roughly established the start of our period, we recognised that an equally difficult question
4 concerned its end. Stanley had wanted shared ownership provisions in the 1980 Housing Bill.
5 However, other than an oblique, but significant technical alteration, this did not occur because
6 Parliamentary Counsel felt that “disposals of this kind were novel and completely untested in the
7 courts” (Memorandum, A Murray to A Murphy, 9th September 1980, HLG118/3180); and/or because
8 there was insufficient Parliamentary time amidst the complications of the right to buy and other
9 matters in the Bill. Our period, in fact, extended (perhaps because of obsession on our part) to
10 around 1983, by which time the Housing Corporation - the housing association funder and regulator
11 at that time - had settled a second draft of the model lease and it had become blackboxed as an
12 accepted, stable translation of the (by then) shared ownership bargain into legal form. As Kingdon
13 acknowledged, “problems fade” because officials feel that they have solved the problem – in this
14 study, the right to buy had proved to be a rather more successful Conservative intervention in low
15 cost home ownership at a time when the financial markets had opened up and credit was becoming
16 cheaper. Shared ownership then was comparatively insignificant – the window of opportunity had
17 been shut.
18
19
20

21 We supplemented these documents from the archives with two tranches of interviews. The first set
22 of interviews (n=19) were those conducted as key stakeholder interviews during the opening phase
23 of our project. We had discussed the foundations of shared ownership as an element of these
24 interviews, where the informant had such knowledge. The second set of interviews focused solely
25 on the past and were conducted with two people who “had been there”. One of those persons was
26 a former chief executive of a housing association. The other was Sir John Stanley – he gave us
27 permission to name him in our writing, in part because it would have been obvious who he was and
28 equally obvious as to his status in the then developing field of shared ownership. All other
29 interviewees are referred to below as KS1-20.
30
31
32

33 These interviews gave rise to a further problem, which might be loosely summarised as an ethico-
34 sociological issue. Our interviews were with elites about their role and appreciation of their place in
35 history. The documents we had sourced from the archives were written mostly by, and for, elites.
36 Naturally, our interviewees might have been expected to “talk up” their role, to seek to influence the
37 presentation of our histories. In fact, that was not our sense in the data analysis. We recognise that
38 we cannot provide any single history, for these are the histories of our interviewees and the
39 document authors as they present them; and, with a double dose of subjectivity, as we analyse
40 them. Sir John’s interview was transcribed and checked with him and, as a condition of publication,
41 this article was checked with him before submission.
42
43
44

45 The rough period 1973-1983 has been the subject of significant analysis in terms of housing policy,
46 generally and more specifically in relation to low cost home ownership initiatives (Forrest *et al*,
47 1984; Murie, 2016). In short, rising building costs, interest rates, and inflation, particularly as a
48 result of the breakdown of the Bretton Woods agreement and the OPEC induced rise in oil prices,
49 combined with significant public expenditure cuts to housing following the IMF bailout (Malpass,
50 2005: ch 6). The 1974 election, called to decide “who governs Britain?”, produced a coalition
51 government followed by a minority Labour government which subsequently, following the October
52 election, had a small majority. Stuart Lowe (2005) describes it as a critical juncture in housing policy,
53 an intense moment of political and institutional transformation (Hay, 1992: 161). Malpass (2005:
54 104) argues that, “despite the intensity of the political debate housing policy was shaped at least as
55
56
57
58
59
60

1
2
3 much by economic exigencies as by ideology” (see also Jacobs and Manzi, 2017: 2). However, this
4 was also a period when housing associations were becoming “instruments of government” (Malpass,
5 2000b: ch 6), a point which is emphasised in this case study.
6
7

8 9 Shared ownership: Key moments

10
11 In this section, we highlight how shared ownership emerged from the policy primeval soup. A policy
12 window opened because of the emergence of a particular problem about tenure, and the opening
13 enabled key players to “push their pet solutions” (Kingdon, 165). We develop how a consensus
14 emerged about alternative tenures and how the policy and political stars aligned around what came
15 to be known as shared ownership. Indeed, as we argue, the label (which morphed from “half half”
16 to “shared equity” to “shared ownership”) was important in aligning the political stream. This
17 alignment was, however, not a linear process, but one which was fraught with complexity because
18 local entrepreneurial innovation raised questions about the extent of the power of housing
19 providers, particularly local authorities.
20
21

22
23 Birmingham City Council appears to have been something of an entrepreneurial authority in the
24 early 1970s at least, as it developed a package of opportunities for ownership for its tenants and
25 others, from lower cost mortgages to sales of its homes (Murie, 1975). It applied to the Department
26 of the Environment (DoE) - the government department with responsibilities for housing - in
27 September 1973 for permission under the Housing Act 1957 to have the site of the former Kings
28 Norton golf course developed by a private contractor and then sold on a “half half” basis.
29

30
31 The DoE’s permission had to be sought as a result of the 1957 Housing Act, but it was appreciated by
32 the DoE that it had no power to grant permission for this novel type of arrangement. In fact, to give
33 them this power, a rather obscure provision relating to the payment of subsidy for this type of
34 transaction had to be inserted into Schedule 1 of the 1975 Housing, Rents and Subsidies Act.
35 Permission was then given and Birmingham publicised their scheme as the “Half Half Scheme”.
36

37
38 Birmingham used a lease for the sale, which then appears to have been copied by the GLC for its
39 Cheshunt development and about nine other authorities subsequently in the second half of the
40 1970s (GLC records). There were no records of the number of sales on a “half:half” basis during this
41 period, because the DoE did not collect them. Sales could not be *more than* a 50 *per cent* share and
42 the rent paid had to be above a certain proportion of the rateable value because otherwise the
43 provisions of the leasehold enfranchisement legislation might have applied. Buyers were given an
44 option to purchase the other 50 *per cent* share.
45

46
47 It is clear that Reg Freeson, the then housing Minister, took a keen interest in the Birmingham
48 development and tenurial alternatives more generally; first, Jack Straw (then an Islington Councillor)
49 reported that he had met the new half half owners (presumably including the Elliotts), writing a note
50 that “Both couples said that they had no difficulty in understanding the concept of the scheme, and
51 both appeared very grateful that the scheme had given them a chance to become owner-occupiers
52 which they would not otherwise have had” (21st October 1976). Freeson wrote to Councillor
53 Wilkinson – municipal councillor for Birmingham - that “[The scheme] is, in my view, an important
54 step forward in our aim to provide a greater variety in forms of tenure, the creation of such a
55 scheme as yours can, I hope, fill an important gap between the existing stark choices of renting and
56
57

buying" (Letter, 17th April 1975, Greater London Council Archive). Freeson also wanted to invite Stanley to meet with him, following a seminar given by Stanley in 1975 (but his officials suggested that Stanley's desire to involve private finance was unworkable).¹ And, finally, it was said of Freeson that he "has been particularly anxious to encourage equity sharing" (CR Durham, H7c, 5th December 1977, HLG118/3059) but, also, perhaps conversely, with a co-operative element.

The Birmingham scheme was also noted in the highest echelons of government, added as Option C to Prime Minister Wilson's consideration of alternatives to the Thatcher suggestion of the right to buy (Prem 16/930). In the "policy primeval soup", alternative forms of tenure were on the government agenda for what appear to have been three reasons. First, Thatcher's development of the right to buy policy appeared to be gaining traction, which led to Wilson's discussion of the right to buy at a Chequers policy weekend and consideration of alternatives which would be politically acceptable to local authorities.² Secondly, there were entrepreneurial authorities like Birmingham and the GLC seeking to develop alternatives for their tenants and those on their waiting lists.

Thirdly, there was an understanding of the problem of tenure as a result of contemporary economic "reality". Stanley referred to the "50:50 divide between the half of the nation that owns and the other half that rents [which] is liable to become self-perpetuating". The unpublished Campbell Working Group on *New Forms of Social Ownership and Tenure* set out the problem of tenure starkly:

We consider that there is an indisputable need for a wider choice in the housing market to meet the serious problems of many people in gaining access to housing and to provide greater flexibility of movement. There is a danger of access being confined to owner-occupation on the one hand and local authority tenancies on the other. The private rented sector which used to provide access for many of those who need housing quickly, or who find it difficult to meet the qualifications imposed by the building societies and local authorities, is rapidly diminishing and, in any circumstances which are likely to obtain in the foreseeable future, will before long become very small indeed. (1976: para 32)

It gave rather faint praise to the prospect of what were by then known as "equity sharing schemes" (an equally inaccurate title): "Equity sharing would not of course help all those with housing access problems. But some people would benefit, in our view, from alternative tenure arrangements" (para 37). Alternative tenures became a feature of the 1977 Housing Green Paper (DoE, 1977: 11.20, 11.25-6).

However, any development of equity sharing schemes was largely stifled by the "chaos" that developed subsequently (Association of Metropolitan Authorities' representations to DoE: HLG118/3059). In the course of taking legal advice on a different matter (the Greater London Council decision to offer all their tenants a 10 year option to purchase their property), it was noted by the DoE's barrister that the relevant powers in the 1957 Housing Act did not allow for local authorities to provide options to purchase: "I think that the full tactical point is that things are

¹ Stanley was cited as saying that: "what he feels is most needed, to free this new departure from dependence upon public sector finance, is a 'half-and-half' scheme linked to an agency drawing upon private funds. ... Even the building society people present began taking notes at that point" (New Society, 1978, p 257, 2nd Feb 1978; "The Minister has seen the article ... He was interested to see Mr Stanley's involvement ...": HLG118/3059 c).

² In fact, this fell away because of concerns about the adverse effect on Labour councillors at the impending local elections.

perhaps unlikely to turn nasty but if they do, they could turn very nasty. More important is the need to protect occupiers under these schemes" (CR Durham, 19th January 1978, HLG118/3059).

Although the accuracy of this advice was controversial, and different barristers took different views, it was said that a provision in the Housing Act 1957 "... seems to have the effect, in a situation of mortgage default, of preventing a mortgagee in possession of the leasehold interest from disposing of it in order to clear the outstanding mortgage debt. The [Building Societies Association ("BSA")] legal department ... raised this with the Department (H7)." (M Clarke, 7th February 1977, minute, HLG118/2968; the earliest reference to this issue we could find was on 28th September 1976: HLG118/2968).

The Minister announced this problem in Parliament on 25th May 1978 (to stop Sunderland announcing their decision to enter into a scheme). The BSA wrote to Peter Shore, the Secretary of State, that "Building societies have for some time been under pressure to lend to lessees of properties under 50/50 schemes of the type pioneered by Birmingham ... Clearly, therefore, your statements in the House mean that we cannot currently advise societies to lend on the basis of this lease and that our discussions with Birmingham must be suspended" (20th June 1978, HLG118/2968). The DoE were searching for an ameliorative power that could be given legislative effect, but, in a rather telling intervention, the DoE's lawyer wrote:

I am up against the difficulty, which I am afraid I have already reiterated rather tiresomely, that I do not know what an 'equity sharing' scheme is. ... I am afraid all this will seem unhelpful, but it is really impossible to advise on what can safely and accurately be said or implied, in terms of legal concepts such as options and leases, in relation to a concept ('equity sharing') which has not been formulated (R. Cumming, Legal A, 3rd May 1978, HLG118/3059)

That might have been the end of shared ownership but for the fact – almost extraordinary among the welter of other initiatives at the time – that there was cross-party support for it. Indeed, the Conservative manifesto for the 1979 election clearly highlighted, "We shall encourage shared purchase schemes which will enable people to buy a house or flat on mortgage, on the basis initially of a part-payment which they complete later when their incomes are high enough." The Conservative government took shared ownership in a rather different direction from that proposed by Labour, but, as we develop below, that was a combination of events (the rise of the right to buy which diminished the shared ownership offer for council tenants, a change in the underlying economy, and the involvement of housing associations, including their trade body, the National Federation, and funder/regulator, the Housing Corporation).

The 1980 Housing Act facilitated the development of local authority schemes, and also enabled housing associations to dispose of land (s. 122), subject to the Corporation's consent; and not necessarily for the best price reasonably obtainable, thus facilitating shared ownership (another previous area of doubt). It was at this time also that the label "shared ownership" began to stick. Indeed, a year earlier, in an aside, a DoE civil servant had sent on some papers in response to a request for further information: "I attach some papers about equity sharing schemes. The Minister (Mr Stanley) prefers the term 'shared ownership' so we now use the letter [sic]" (letter, A Melville, DoE, to N Pittman, Scottish Development Council, 21st August 1979). As KS2 put it, "[Shared

1
2
3 ownership] was born – it got its name from John Stanley and rang bells politically – the word
4 ownership was important politically”. Stanley, in interview, gave his reasons for this name change:
5

6 [W]hat we now come to is shared purchase, which I then decided shared ownership was a
7 better phrase, because shared purchase just suggests a one off. But shared ownership has a
8 greater ..., at least I felt it was a stronger phrase and it is, it's ownership. So that's why I
9 rechristened it.
10

11 This term “ownership” was not politically or technically neutral. It gave it undoubted appeal to a
12 Conservative party focused on low cost home ownership initiatives. It also had technical
13 consequences. An owner has responsibilities. In this standard form of a “full repairing lease”, the
14 occupier was and remains responsible for 100 *per cent* of the repairs and all other outgoings on the
15 property, regardless of size of share. An owner has those obligations and the price of shared
16 *ownership* was an acceptance of those obligations. As shared purchase, in Stanley’s model (1974:
17 16), this apportionment was regarded as “slightly unfair ... [but] represents a fair *quid pro quo* for the
18 small element of subsidy in the scheme”. As shared *ownership*, the justification could be more
19 robust. Labels, in other words, allow things to move on rather more quickly.
20
21

22
23 Thereafter, matters moved rather swiftly. Various shared ownership programmes were set in
24 motion – “shared ownership off the shelf” in 1981; local authority shared ownership model terms
25 and conditions, 1981; Housing Corporation model leases for shared ownership, 1981 and 1983;
26 followed by the 1983 Housing and Planning Act and the Corporation’s “do-it-yourself shared
27 ownership” (DIYSO) scheme, 1983-4. The latter scheme was so successful that it ran out of money
28 quickly and funds were syphoned to this programme. Two other factors helped push shared
29 ownership along. First, the National Federation shared ownership working group was set up and
30 met from September 1979; secondly, the DoE through the Corporation set generous grant levels (H
31 Parker-Brown, minute, 5th December 1980, HLG118/3966: “[The Minister] has noted that shared
32 ownership schemes simply will not work if cost equals value”.)
33
34
35
36
37

38 Neutralising the alternatives

39 The policy problem that there was “an indisputable need for a wider choice in the housing market”
40 having been crisply acknowledged by the Campbell Working Group, the range of alternatives
41 presented ready solutions to the problem on the decision agenda (Kingdon, 2011: 142). In the policy
42 primeval soup, Kingdon acknowledged that a wide range of ideas “become part of the set from
43 which choices are eventually made” (p 122). The policy community “evaluate them, argue with one
44 another, marshal evidence and argument in support or opposition, persuade one another, solve
45 intellectual puzzles, and become entrapped in intellectual dilemmas” (p 125). However, the criteria
46 for survival of the range of alternatives often have as much to do with technical feasibility and value
47 acceptability (p 131). We have already seen in the previous section how the re-labelling of shared
48 ownership provided it with a veneer of value acceptability. In this section, we develop an argument
49 about the neutralisation of the alternatives to shared ownership, essentially as largely not aligning
50 with the incoming 1979 Conservative government’s values, although there were also emerging
51 questions about the economic feasibility and desirability of those alternatives; but, more than that,
52 we demonstrate how traces of those alternatives were actually incorporated into shared ownership
53 itself.
54
55
56
57

1
2
3 It was by no means a given nor an inevitability that shared ownership would become the chosen
4 alternative; nor, indeed, that there would be a single alternative. A range of alternative schemes
5 were in action other than shared ownership: community leasehold; co-ownership; co-operative; and
6 leasehold schemes for the elderly. Indeed, in December 1978, the Housing Corporation announced
7 a programme of funding for community leasehold and co-ownership.
8

9
10 Furthermore, shared ownership was by no means an accepted or politically acceptable alternative
11 within the housing community. Policy entrepreneurs, like Freeson and Stanley, were interested but
12 had different ideas for its development. Stanley saw a significant role for private finance from a
13 financial institution such as a building society or pension fund to enable the withdrawal of state
14 subsidy (Stanley, 1974: 7-8). Freeson appeared wedded to a local authority model. While some
15 housing specialists were actively working on the development – Notting Hill Housing Trust set up a
16 subsidiary, Addison, because of definitional problems around their charitable status – others
17 expressed concerns:
18

19
20 My immediate reaction at that time, this is [the] mid-70s don't forget, was this is a travesty.
21 This is taking resources away, scarce subsidy away from the rented housing programmes.
22 We should be here to help the poorest, not those who could go halfway to buying a house.
23 So I was somewhat anti it actually in the first year or so, ... (KS20)
24

25 In this section, we look at the way that two of the three alternatives gradually became neutralised.
26 There were political choices made, but there were also economic and practical choices by the
27 ultimate consumer.
28

29 Co-ownership

30
31 Co-ownership was a co-operative scheme under which members owned the entire property
32 between them and jointly paid the mortgage. Their optimum size was said to be 40-50 units (Note
33 of DoE/HC meeting: HLG118/3180). As the Campbell Working Group (1976: para 78) put it, the
34 scheme "... would not be attractive to people who preferred to think of themselves as owners".
35 Even at that time, though, it was recognised that those schemes formed in the 1970s "have found
36 themselves in difficulties" (para 75); and, by May 1980, "It was agreed that the further development
37 of this model should be reviewed in the light of changes in the economic climate which had made it
38 less attractive" (Note of meeting, DoE and HC, 6th May 1980, HLG118/3865).
39
40

41 For a period, though, it appeared that they achieved the problem-policy-politics alignment that
42 Kingdon identifies as necessary for policy change. The 1975 Housing Rents and Subsidies Act set up
43 the Co-Operative Housing Agency, a role adopted by the Housing Corporation. Co-operatives were
44 powerfully supported by Reg Freeson (Hansard, 12th April 1978, cols 1385-6). The Housing
45 Corporation set aside 10 *per cent* of their budget for co-operatives in 1977/8 and 1978/9, "... the
46 only difficulty is finding enough schemes to finance" (Background Note PQ 1511/77/78,
47 HLG118/3356).
48
49

50 What neutralised co-ownership as an alternative were three things, which incorporated the political
51 values and technical feasibility issues to which Kingdon draws attention. First, the 1979 election
52 took co-operatives largely off the agenda – Stanley and colleagues were not in favour. Secondly, as
53 noted above, the financial environment simply was not favourable. Thirdly, the 1980 Act inserted a
54 power of sale into co-ownership agreements, which was interpreted as meaning that a majority
55 could vote for sale (HLG118/4140), and Stanley pressed Sir Hugh Cubitt, the Chairman of the
56
57
58

1
2
3 Housing Corporation, for action on the disposal of the remaining units (21st February 1983
4 HLG118/4140).
5
6
7

8 Community leasehold

9 Community leasehold schemes bore an almost mimetic resemblance to the Birmingham half half
10 scheme. They were new build and rehabilitation developments, under which residents bought a 50
11 *per cent* share and received a long leasehold interest (National Federation, 1978: 1-2). The scheme
12 appears to have been originally proposed by Richard Best, then Director of the National Federation,
13 in a proposal put to the DoE on 21st February 1975 (HLG118/2703). It was recommended by the
14 Campbell Working Party on Housing Co-Operatives. Originally, the proposal was for a co-operative
15 tenure, tying in with Freeson's government agenda, but it was also proposed by Roger Evans of
16 Barratts Developments, a private construction company, "which I shall be touting around the
17 housing associations in the next few weeks, as part of my marketing drive" (HLG118/2982). He had
18 proposed it as a "conventional solution to [property law difficulties]".
19
20
21

22 Despite this resemblance to the Birmingham scheme, there were also a number of key differences.
23 First, and most significantly, unlike the Birmingham schemes, the "buyers" were not given an option
24 to purchase the whole as government grant was only payable in respect of dwellings "let or available
25 for letting". This proved to be a significant reason for its subsequent neutralisation (although it
26 should be acknowledged that this policy problem could have been altered quite simply). Secondly,
27 the Birmingham scheme had struggled unsuccessfully to obtain the support of local and other
28 building societies, which refused to lend on them. They relied on local authority mortgages.
29 Community leasehold, on the other hand, was worked up by Richard Best and Rosie Boughton for
30 the National Federation, *in conjunction with* the BSA, Housing Corporation and DoE. Freeson wrote
31 "I consider this to be another valuable policy initiative which we should back ..." (Minute, 17th
32 February 1977, HLG118/2982). This meant that, "... after long and tortuous negotiations", which
33 lasted over a year (NFHA, 1978: 2), the BSA approved the National Federation arrangements (WF
34 Jackson minute, 14th December 1977: HLG118/2982). Importantly, the approval extended to the
35 model lease, which was developed by the National Federation. Subject to individual building society
36 office approval, buyers were potentially able to access private finance. By 14th December 1978, five
37 schemes of 88 properties had been approved (letter J Peel (Housing Corp) to R Mills (DoE), 14th
38 December 1978). Further development, however, stalled because of problems in obtaining grant
39 approvals: "As we predicted the delays in getting any [grant] approvals for [community leasehold]
40 schemes are badly undermining the programme" (Richard Best, letter to B Quilter, DoE, 24th January
41 1980: HLG118/2703).
42
43
44
45
46

47 After the 1979 election, community leasehold as a product was a victim of a shift in political values.
48 Whereas it had previously captured the triumvirate of problem-policy-politics, and formed part of
49 the government agenda, the 1979 election effectively killed it off. Geoffrey Finsberg, the new
50 Under-Secretary of State at the DoE wrote, on 21st December 1980 that
51
52

53 As you know we have been considering the future of these schemes, and we have now
54 decided that future shared ownership schemes should include staircasing arrangements and
55 an option to buy. Shared ownership schemes provide an invaluable stepping stone to home
56 ownership, and it seems to us very important that people should be able to proceed towards
57
58
59
60

1
2
3 ownership of their existing home, and not have to move to become an owner occupier.
4 (HLG118/2703)
5

6 From January 1981, no further schemes were approved (internal manuscript memo, DoE, I Jordan to
7 R Warne, January 1981: HLG118/2703; see also HC Circ 14/80: para 2).
8
9

10 Community leasehold could be seen as a policy failure. However, that is not the case. As hinted in
11 the memos and minutes, it was their conversion into shared ownership units which was significant.
12 Indeed, the technologies through which community leasehold was delivered – government grant,
13 the lease, construction at below accepted standards for social housing – together with the deliverers
14 – housing associations – and their networks – the BSA, Housing Corporation and DoE – were a
15 potent mix of participants. And these participants largely formed the key players in the
16 development of shared ownership as well.
17
18

19 20 Leasehold schemes for the elderly

21 Equally significant, in terms of the understanding of shared ownership, as opposed to numerically,
22 were leasehold schemes for the elderly. Following resolution in the 1980 Housing Act, government
23 grant was payable in respect of 30 *per cent* of the capital cost and the leaseholder paid 70 *per cent*
24 of the remainder. The scheme was designed for downsizing outright homeowners in later life. There
25 was no option to purchase and the lease was non-assignable – it could not be passed on and was not
26 a mortgageable asset. The leaseholder paid a service charge to cover running costs. What is
27 interesting about this scheme, as opposed to community leasehold, was that it was absolutely ring-
28 fenced in discussions – there was no question about neutralising it, no doubt because they were
29 small in number and, politically, changing them would not have been helpful because of the affected
30 constituency of consumers. Perhaps the most significant reason for low take-up was the recognition
31 that it was not a suitable product for most people.
32
33
34

35 The Housing Corporation and Charity Commission took the view that charities could not undertake
36 these schemes (28th October 1980, HLG118/3180). However, following *Joseph Rowntree Foundation*
37 *v Attorney-General* [1983] 2 WLR 284, it was held that such activities could, in law, be charitable.
38 This was significant because, until that point, housing associations engaging in shared ownership had
39 been forced to set up equity sharing/shared ownership organisations (like Addison, an off shoot of
40 the Notting Hill Housing Trust, for example); after that point, it was no longer necessary. So again, a
41 battle fought regarding an alternative product facilitated the growth of shared ownership.
42
43
44
45
46

47 The policy entrepreneurs

48 Policy entrepreneurs are key players in Kingdon's analysis. As he puts it, their "defining
49 characteristic ... is their willingness to invest their resources – time, energy reputation, and
50 sometimes money – in the hope of a future return" (Kingdon, p 122). They generally promote "pet"
51 solutions perhaps because they want to promote their values (p 123). What stands out in the
52 documentary record is the driving force of John Stanley and the NFHA in developing equity sharing
53 into shared ownership as we would recognise it today. They did so in tandem with the BSA, a factor
54 which had developed community leasehold into a plausible alternative in 1978. In the first part of
55
56
57
58
59
60

1
2
3 this section, we introduce the key entrepreneur – John Stanley – who really pushed the agenda,
4 alongside the National Federation. As prefaced above, we then focus on a rather different actor –
5 the lease. It was this document which was manipulated and proved sufficiently flexible as a policy
6 container to capture the problem-policy-politics solution.
7

8 Stanley et al

9
10 Stanley had all the characteristics of a classic policy entrepreneur. He had published his pamphlet on
11 shared purchase in 1974, developed that policy during the 1970s through the Conservative Party as
12 MP; his policy was adopted in the 1979 Conservative manifesto; and he became Housing Minister in
13 the first Thatcher government. Stanley himself traced his interest in housing back to the late 1960s
14 when he was the housing desk officer at the Conservative Research Department; and Secretary to
15 the party's Housing Policy Group, chaired by the former Minister of Housing, Sir Keith Joseph, with
16 the responsibility for proposing housing policies for the 1970 Conservative manifesto. Other
17 members of this group included Margaret Thatcher, Frank Griffin, leader of Birmingham City Council,
18 and Irwin Bellow, a Leeds City Councillor.³ Stanley recalled the idea of shared ownership being
19 discussed at this group. However, the focus of that group was to try to get local authorities to
20 exercise their powers of sale, although “the shutters came down” on that policy following local
21 elections.
22
23

24
25 Stanley then left housing policy for a while. Subsequently, he was selected to be Conservative
26 candidate for Tonbridge and Malling, a Kent constituency,
27

28 I then began to think again about policy issues that I could try and make a contribution to. I
29 went back to thinking about housing. I think really I set out at the beginning of my pamphlet,
30 the basic essence of why I came to the view that we should have a national policy of
31 enabling people to move from outright renting to outright home ownership because there
32 was clearly a substantial unsatisfied demand of home ownership from people who could
33 afford to buy a substantial amount of equity but didn't have the wherewithal to be able to
34 buy 100 per cent of the equity initially. So, it seemed that one ought to try and find a way in
35 which that significant body of people could be enabled to fulfil their aspirations.
36
37

38 His corporate finance training, together with his immersion in the world of housing, enabled him to
39 develop his ideas about shared purchase, without there being a single “Eureka moment”: “there
40 seemed to be an overwhelming compelling logic in terms of moving housing policy forward. To
41 provide a bridge between outright renting and outright home ownership”. He became Michael
42 Heseltine's Parliamentary Private Secretary; and then, following her successful leadership campaign,
43 from January 1976, he performed the same role for Margaret Thatcher; and, he was the housing
44 minister following the 1979 election.
45
46

47 His top priority was to deliver the “monumental” Housing Bill, including the right to buy but also a
48 great many other provisions in the first session of the new Parliament, as had been promised. This
49 was the most significant piece of housing legislation, arguably of the twentieth century. In so doing,
50 his focus appeared to have shifted from shared ownership, but much was going on behind the
51 scenes: “actually if you want transparency, if you want accountability, if you want delivery as a
52
53

54
55 ³ He subsequently became Lord Bellwin and a DoE minister in 1979, and took the Housing Bills through the
56 House of Lords
57

1
2
3 minister you've got to say, 'Now this is something that is really important, I'm going to really have to
4 pursue this'. You've got to get stuck in there".

5
6 He pursued the cause of shared ownership, enrolling others, most significantly the building societies.
7 There are numerous letters signed by Stanley on the files at the National Archive, sent personally to
8 Directors of the large building societies and the BSA; copious correspondence with the Housing
9 Corporation and NFHA. He pushed the Housing Corporation to deliver on the development of model
10 leases – for example, a manuscript note on file reads, "Why haven't the corporation given fresh
11 instructions yet? I shall want to know why there has been this hold up when I see Mr Cubitt next
12 week" (undated, c 30th July 1981, HLG/118/3966). The NFHA working group on shared ownership
13 explicitly developed the ideas about the use of private finance which subsequently came to
14 revolutionise the housing association movement – Stanley certainly was pushing the NFHA to
15 develop private finance to dispense with housing association grants (Letter to Richard Best, Director
16 NFHA, 7th December 1981, HLG118/3969; manuscript note: "Why haven't these proposals
17 [government grant + private finance] come to me – please bring them to this meeting": Minute, R
18 Brown, 6th August 1981, HLG118/3966).

19
20 Stanley himself underlined his support for shared purchase (here referring to it as equity sharing)
21 during his first significant public speech after becoming Housing Minister:

22
23
24
25 For more than 5 years I have been among those advocating equity-sharing as one of the
26 most attractive and practical means of bridging the divide between owning and renting. It is
27 a divide that tends to be self-perpetuating. It is generally far easier for the children of
28 homeowners to become homeowners themselves than it is for children of tenants. ... Equity
29 sharing ... provides a bridge across that divide. (HLG118/2703)

30
31
32 His agenda for shared ownership was clear from the outset. He was a "hands-on" minister – his
33 handwritten notes were all over the files which we considered at the National Archive ("unless you
34 are prepared to get into the detail, all the time you've got to see the wood for the trees, absolutely.
35 But ... if you just say oh well you look after the detail, I'll just deal with the main headlines. I'll tell
36 you, you have a very, very serious likelihood of not actually delivering"). As KS20 put it:

37
38
39 Stanley went through [the files] with a fine-toothed comb, you could see his margin notes
40 right down to the detail of it. It was quite an extraordinary approach from a minister
41 actually, it was incredibly, almost anorak. ... He was a detail person. Heseltine pushed the
42 politics of it and Stanley was incredibly detailed, very frustrating for the civil servants who've
43 always felt that was their territory.

44
45 Stanley pushed shared ownership in a number of different directions. He was the source of many
46 new policy ideas, some of which were workable, others not.

47
48 Stanley was particularly proud of his DoE Circular, issued on 6th February 1981 to local authorities,
49 which provided guidance on shared ownership as well as model clauses. Stanley, himself, pursued
50 the development of model leases and, in 1982, made a decision to have them settled, a decision
51 which "was taken against official advice" (A Corner, minute, 15th November 1983, HLG118/4238).
52 Eventually, this development was overtaken by the Housing and Building Control Bill in 1982, which
53 was enacted after the subsequent general election in 1983 and piloted by his successor.
54
55
56
57
58
59
60

Shared ownership emerged from the alternatives as a genuine, well-developed policy that leached into a variety of different identities: “shared ownership off the shelf”, a label devised by Stanley (“... he will be ditching ‘Shared Ownership at Minimum Cost’ because it sounds too dreary”: H. Parker-Brown, memo to I Jordan, 9th March 1981); and “do-it-yourself shared ownership”, which overran its funding limit because of excess demand, leading to money being taken, at Stanley’s suggestion, from other Corporation programmes and extended to properties needing repair (Manuscript memo, undated, c 1983: HLG118/4148; effectively ended by 1983 election & BSA withdrawal of support for this extension, letter 2nd June 1983).

The lease

We argue that the other policy entrepreneur was the lease. Four particular features of the lease made it the appropriate vehicle for the translation of the policy aspirations: precedent, acceptability, adaptability, universality.

Precedent and acceptability

Precedent is second nature to the law; the scope for invention is limited, particularly as regards land – as was said in 1834, “it must not be supposed that incidents of a novel kind can be devised and attached to property” (Lord Brougham, *Keppell v Bailey* (1834) 2 Myl & K 517, 535). That is the lawyer’s problem with housing tenures (see Blandy & Goodchild, 1999), which effectively limited the legal technologies available to the pioneers of shared ownership.

The lease had been through successive translations in its lengthy history, until it had reached a kind of stability by the time of the Conveyancing and Law of Property Act 1881. There were learned treatises (the best-known practitioner text, *Woodfall’s Landlord and Tenant* was first published in 1890). The law was developing case-by-case, but, by and large, its terms had crystallised. That stability was reached by a process of interpretation, translation and further interpretation until meanings of terms like “rent”, “repair”, “forfeiture” had become more fixed and understood, at least within a certain milieu. Even outside that milieu, as Stanley put it,

I know full well the legal complexities of equity sharing. But the technical complexities of a modern aircraft do not debar ordinary people from flying. Nor should the technicalities of equity sharing come in the way of people enjoying its benefits (Speech to Shelter, July 1979, HLG118/3168).

Alternative mechanisms were canvassed at different times (such as the use of the rentcharge, an ancient legal tool, but the government had accepted the severe curtailment of this device: H7b, handwritten memo, 20th October 1976 (HLG118/2968)). As noted, “it is for consideration whether there are ways and less cumbersome to achieve equity sharing than the present schemes [sic] for leases and options – but nothing worthwhile has yet been suggested” (Minute, J Golding, “Equity Sharing Arrangements”, July 1979, HLG118/3772). Rather more mundanely, the DoE’s resources were stretched at the key moment in time, as they were working on reviews of housing finance and the Rent Acts (Internal Paper, “Alternative forms of tenure: Submission to the Minister”, undated, c 1976).

It is important to this narrative, though, that these negative reasons for adopting the lease were counterbalanced by positive choices. Not only did the lease bound what was possible, it also

1
2
3 produced the conditions that made the product possible in the long-term. While the characteristics
4 of a full repairing lease were well-known, there was still the ability to tinker at the margins. And it
5 was this peculiar characteristic that proved the saving of the scheme.
6

7 The other significant aspect of precedent lay in the form of lease. There were live precedents – the
8 community leasehold lease and the leasehold schemes for the elderly were both standardised
9 precedents, the former of which was acceptable to the BSA, and they were adaptable to shared
10 ownership. The community leasehold lease formed the basis for the Notting Hill Housing Trust
11 (Addison) lease (Ralph Raby, Director, Addison HA, paper prepared for National Federation Shared
12 Ownership Working Party, 18th September 1981, HLG118/3966). And, as was said of the leasehold
13 schemes for the elderly lease, “After considering various forms of tenure, a long lease was selected
14 as the best means of safeguarding the interests of the leaseholder, the association and the
15 government grant. It is acceptable by lawyers, familiar to the layman and the conveyancing
16 procedures are similar to those for freehold property” (National Federation, 1978b).
17
18

19 Adaptability

20 Precedent, however, does not imply ossification. The real genius of the decision agenda and the
21 policy alternatives was the manipulation of this mundane document to meet the requirements of
22 something rather new. It was this document and the ideas it contained that did the rounds between
23 barristers, solicitors, the National Federation, the BSA, the DoE and its Ministers. More than this, it
24 was this document which structured the discussions and negotiations. To be sure, policy-makers
25 drove it forward, but the lease made their positions simultaneously both possible as well as
26 impossible. To put it another way, it created and limited the conditions of possibility.
27
28
29

30 Crucially, the National Federation Working Group and BSA were able to devise significant
31 protections for lenders *on the terms of the lease itself*. What has become known as the mortgage
32 protection clause that indemnifies lenders was settled during this period. This non-standard clause
33 gives lenders first call – over and above government grant – to recover not just their security and any
34 costs of sale but also arrears on the whole of the property, beyond the share over which they have
35 the charge. In other words, where the lender recoups such costs over and above the “share” bought
36 by the borrower-buyer, the housing association (and grant) loses out: if a lender were to lend against
37 a quarter share, they could recoup their costs against the three quarter share owned by the housing
38 provider. This was the solution accepted, in fact, in the community leasehold lease. It was preferred
39 over the alternative - for the Housing Corporation to guarantee mortgages - because of the potential
40 effect on public funding of a guarantee system (John Gatward, letter to I Jordan, 12th May 1981:
41 HLG118/3966); although the clause does effectively guarantee the mortgage capital at the expense
42 of the housing association. It was this clause which persuaded the BSA to give its support to the
43 scheme.
44
45
46

47 Universality

48 The point about leases, however, as suggested above, was that, despite their evident complexity as a
49 tool for lay persons, they were a generally understood technology by the “key” players (in the policy
50 community). Such a document could be negotiated; model clauses could be produced; model leases
51 could be produced. Indeed, the fact that model leases could be negotiated, agreed, and produced
52 was hugely significant. The failure of the DoE to do so initially was regarded by the BSA as
53 problematic. The way was led by the National Federation Working Group and the Housing
54
55
56
57
58
59
60

1
2
3 Corporation in producing their first model lease in September 1981. Although this caused some
4 controversy in 1983, when some of its terms were unpicked, at that time, the solicitors' firm which
5 drafted it explained their purpose in so doing:
6

7 The shared ownership lease that we drafted for the Housing Corporation was drafted
8 amongst other things to be readily saleable upon the open market. With this objective in
9 mind we consulted the Building Societies Association and attended numerous meetings with
10 a panel of Building Society Solicitors which was set up to consider the scheme and the draft
11 lease. Ultimately the BSA – insofar as they are able – gave their seal of approval to the
12 Model House and Flat lease produced. ... Since the original BSA approval we have kept
13 continuously in touch with the BSA and various minor amendments have with their
14 agreement been made to the Model form. (Hammins, Grammer & Hamlin, Letter re South
15 Shropshire DC controversy, 16th January 1983: HLG118/3358)
16
17

18 The development of a model lease was a principal reason why housing association shared ownership
19 appears to have become an accepted facet of social housing, but local authority shared ownership
20 did not. This is despite the housing association model being less affordable to low-income
21 households than the local authority models in play during those early years. As regards local
22 authorities, despite Stanley's pressure, no model lease was produced:
23
24

25 The extent of the variations [to leases] sought by these local authorities is such that
26 consideration and approval of the documents is a time-consuming task. ... [], no local
27 authority shared ownership scheme has been approved by the society since 1st October last.
28 There is no doubt whatever that it is the absence of standard documentation which brings
29 this situation about. (C Thonton, General Manager, Abbey National, letter to J Stanley, 13th
30 January 1982)
31
32

33 By contrast, the Housing Corporation's model lease was approved by the BSA:
34

35 The Housing Corporation is about to promulgate to housing association in England and
36 Wales a new model lease for shared ownership. The draft of this model has been discussed
37 with the Association and seven major societies over recent months and many amendments
38 and alterations had been made at the request of the Association and those societies. ... It is
39 hoped that in the modified form ... it ought not to cause too many problems." (BSA
40 Information letter, October 1981, para 53: HLG118/3969)
41
42

43 Discussion

44 This article is not designed to demonstrate some sort of naïve historical truth. The shared ownership
45 product is largely the same now as it became by the end of the rough period under discussion here.
46 It is the case that shared ownership has been regarded as a significant offering by the Coalition and
47 Conservative administrations from 2010 – in many respects, this alliance of the economy with the
48 problem-policy-politics streams of housing has, once again, spotlighted shared ownership as one of
49 the solutions to the housing crisis. The epithet of 'ownership', the mantle of 'responsibility' and the
50 balance of these attributes between purchasers and providers adopted during these formative policy
51 years remain contested and unresolved. Purchasers were resistant to the wholesale
52 reponsibilisation of their occupation of the property while owning only minority shares, but
53 simultaneously, these epithets remained of profound importance to purchasers' sense of self and
54
55
56
57

1
2
3 their accumulation of 'symbolic capital' through their ability to call themselves homeowners (see
4 McIntyre and McKee, 2008).

5
6 However, this article has been designed to highlight how a particular empirical theory of policy
7 analysis has a certain explanatory power for housing studies, as Bengtsson has suggested. We have
8 drawn on and developed Kingdon's analytical tools to demonstrate how shared ownership came to
9 top the agenda, over and above the alternative ideas, which were largely neutralised or hived off
10 and separated from other initiatives as marginal devices (leasehold schemes for the elderly). Shared
11 ownership was favoured over those alternatives because it promised something which the others
12 could not deliver – the promise of ownership, as shared ownership came to be. And, ownership had
13 a neat fit with the incoming 1979 Thatcher government's ethic, such that the problem-policy-
14 political streams became aligned, and the "window of opportunity" was opened.

15
16
17 What was interesting about the neutralisation of these alternatives, and not shared ownership, was
18 that it was certainly not inevitable that shared ownership would have emerged as the leading item
19 on the decision agenda (underneath the right to buy, of course). Shared ownership was a problem
20 and it produced problems. Civil servants and lawyers did not understand the label. There was the
21 option chaos following the 1977 Green Paper, the problems with the lease, the tensions it produced
22 in the housing community, and the interminable negotiations over the drafting of a model lease.
23 Perhaps it emerged from the policy primeval soup quite by accident; but, there were some guiding
24 hands, who were able to make use of the open window of opportunity, manipulating traces of the
25 alternatives within its format. Thus, those alternatives, which are a largely forgotten part of the UK
26 housing history, remain salient because the tools and policy participants were incorporated into the
27 shared ownership narrative. The shared ownership lease was essentially borrowed from those
28 neutralised alternatives.

29
30
31
32 We have suggested that the branch of equity sharing which was labelled half: half, or shared
33 purchase, became known as shared ownership; a translation which was, in itself, crucial in bringing
34 together the policy and politics streams. Stanley was undoubtedly one of the pioneers, and it was a
35 combination of luck, foresight, immersion in the brief, and political power that enabled him to take
36 the housing portfolio, which was so crucial in the first Thatcher government, *and* develop his pet
37 project. A significant reason behind this was a small but significant shift in the problematisation.
38 The problem about the promotion of ownership remained but there was a value shift in our period,
39 away from the use of public subsidy towards personal and private finance.

40
41
42
43 The development of that pet project was also assisted through a particular device to which we have
44 referred as a technology. Technologies are rather mundane and everyday; they are familiar objects
45 which tend to be blackboxed. What was significant about the lease in this period was that it became
46 the container for all the ideas; it provided the mechanics for shared ownership to take off. The BSA,
47 National Federation, and DoE recognised this in their constant twisting of its terms, as it was
48 developed. Of course, the lease itself does not speak, but it provides the formal translation of the
49 hopes and dreams of the great men (and they were nearly all men) of that period. Our suggestion
50 here is that the lease, as a documentary artefact, was itself a policy entrepreneur. It was the
51 repository for the translation of relations of power. A considerable amount of time and energy of all
52 the key players went in to the production of this document, which was then the subject of
53 negotiation, further translation, and agreement. And it was this document which was endorsed and
54 universalised by a combination of the Housing Corporation and BSA.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

For Peer Review Only

Bibliography

Bengtsson, B. (2015), "Between structure and Thatcher. Towards a research agenda for theory-informed actor-related analysis of housing politics", *Housing Studies*, 30(5): 677-93.

Blandy, S. and Goodchild, B. (1999), "From tenure to rights: Conceptualising the changing focus of housing law in England", *Housing Theory and Society*, 16(1): 31-42.

Blandy, S. and Robinson, D. (2001), "Reforming leasehold: Discursive events and outcomes, 1984-2000", *Journal of Law and Society*, 23(3): 384-408.

Cairney, P. and Jones, M. (2016), "Kingdon's multiple streams approach: What is the empirical impact of this universal theory?", *Policy Studies Journal*, 44(1): 37-58.

Cloatre, E. (2013), *Pills for the Poorest: An Exploration of TRIPS and Access to Medication in Sub-Saharan Africa*, Basingstoke: Palgrave Macmillan.

Cole, I. and Robinson, D. (2000), "Owners, yet tenants: The position of leaseholders in flats in England and Wales", *Housing Studies*, 15(6): 595-612.

Cowan, D., Wallace, A. and Carr, H. (2015), *Exploring Experiences of Shared Ownership Housing: Reconciling Owning and Renting*, York: Centre for Housing Policy, University of York <https://www.york.ac.uk/media/chp/documents/2015/sharedOwnershipCHPL.pdf>

Daily Telegraph, "John Coward – Obituary", *Daily Telegraph*, 21st November 2013, <http://www.telegraph.co.uk/news/obituaries/politics-obituaries/10481998/John-Coward-obituary.html>

Department of the Environment (1977), *Housing Policy: A Consultative Document*, Cmnd 6851, London: HMSO.

Forrest, R., Lansley, S. and Murie, A. (1984), *A Foot on the Ladder? An Evaluation of Low Cost Home Ownership Initiatives*, Working Paper No 41, Bristol: School for Advanced Urban Studies, University of Bristol.

Freeman, R. (2008), "Learning by meeting", *Critical Policy Analysis*, 2(1): 1-24.

Freeman, R. and Maybin, J. (2011), "Documents, practices and policy", *Evidence and Policy*, 7(2): 155-70.

Heywood, A. (2016), *From the Margins to the Mainstream: A Study of the Prospects for Shared Home Ownership in the North West*, London: The Smith Institute.

Hunter, C. (2016), "Solar panels, homeowners and leases: The lease as a socio-legal object", in D. Cowan and D. Wincott (eds), *Exploring the Legal in Socio-Legal Studies*, London: Palgrave Macmillan.

Jacobs, K. (2001), "Historical perspectives and methodologies: Their relevance for housing studies?", *Housing, Theory and Society*, 18(2): 127-35.

Jacobs, K., Kemeny, J. and Manzi, T. (2003), "Power, discursive space and institutional practices in the construction of housing problems", *Housing Studies*, 18(4): 429-46.

- 1
2
3 Jacobs, K. and Manzi, T. (forthcoming), "'The party's over': Critical junctures, crises and the politics of
4 housing policy", *Housing Studies*.
- 5
6 Jacobs, K. and Pawson, H. (2015), "Introduction to the special issue: "The politics of housing"",
7 *Housing Studies*, 30(5): 651-5.
- 8
9 Kingdon, J. (2011), *Agendas, Alternatives and Public Policies*, Boston: Longman.
- 10
11 Law, J. (1986), "On the methods of long-distance control: Vessels, navigation and the Portuguese
12 route to India", in J. Law (ed), *Power, Action and Belief: A New Sociology of Knowledge*, London:
13 Routledge and Kegan Paul.
- 14
15 Lovell, H. (2009), "The role of individuals in policy change: The case of UK low-energy housing",
16 *Environment and Planning C: Government and Policy*, 27(5): 491-511.
- 17
18 MacKenzie, D. (2006), *An Engine, Not a Camera: How Financial Models Shape Markets*, Cambridge,
19 Mass: MIT Press.
- 20
21 Malpass, P. (2000a), "The discontinuous history of housing associations in England", *Housing Studies*,
22 15(2): 195-212.
- 23
24 Malpass, P. (2000b), *Housing Associations and Housing Policy: A Historical Study*, Basingstoke:
25 MacMillan.
- 26
27 Malpass, P. (2005), *Housing and the Welfare State: The Development of Housing Policy in Britain*,
28 Basingstoke: Palgrave Macmillan.
- 29
30 McDermont, M. (2010), *Governing Independence and Expertise: The Business of Housing*
31 *Associations*, Oxford: Hart Publishing.
- 32
33 McIntyre, Z. & McKee, K. (2008), "Governance and sustainability in Glasgow: Connecting symbolic
34 capital and housing consumption to regeneration", *Area*, 40(4): 481-490.
- 35
36 Murie, A. (1975), *The Sale of Council Houses: A Study in Social Policy*, CURS Occasional Paper No 35,
37 Birmingham: University of Birmingham.
- 38
39 National Federation of Housing Associations (NFHA) (1978a), *A Handbook for Community Leasehold*,
40 London: NFHA.
- 41
42 National Federation of Housing Associations (NFHA) (1978b), *Handbook on Leasehold Schemes for*
43 *the Elderly*, London: NFHA.
- 44
45 Peaker, G. (2013), "The hidden dangers of shared ownership", *The Guardian*, 3rd September,
46 <http://www.theguardian.com/housing-network/2013/sep/03/hidden-dangers-shared-ownership>
- 47
48 Prior, L. (2008), "Repositioning documents in social research", *Sociology*, 42(5): 821-36.
- 49
50 Riles, A. (2006), "Introduction: In response", in A. Riles (ed), *Documents: Artifacts of Modern*
51 *Knowledge*, Ann Arbor: University of Michigan Press
- 52
53 Riles, A. (2011), *Collateral Knowledge: Legal Reasoning in the Global financial Markets*, Chicago:
54 University of Chicago Press.
- 55
56
57
58
59
60

1
2
3 Stanley, J. (1974), *Shared Purchase: A New Route to Home-Ownership*, London: Conservative Political
4 Centre.

5
6 Teruel, R. (2015), "The new intermediate tenures in Catalonia to facilitate access to housing", *Revue*
7 *de Droit Bancaire et Financiere*, 2: 115-8.

8
9 Thaden, E., Greer, A. and Saegert, S. (2013), "Shared equity homeownership: A welcomed tenure
10 alternative among lower income households", *Housing Studies*, 28(8): 1175-96.

11
12 Wallace, A. (2012), "Shared ownership: Satisfying ambitions for
13 homeownership?", *International Journal of Housing Policy*, 12(2), 205-226.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60