



Monthly Threat in Focus
MAY - TRESPASSING

MAY – TRESPASSING

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TRESPASSING – THE LAW [1.](#) [2.](#) [3.](#) [4.](#) [5.](#)

TRESPASSING IS WHEN ANYONE ENTERS LAND OR BUILDINGS WITHOUT PERMISSION OF THE LANDOWNER OR OCCUPIER

Trespassing is a CIVIL MATTER

Exceptions covered by Criminal Justice and Public Order Act 1994

- Squatters (residential premises)
- Unauthorised encampments (Police, Crime, Sentencing and Courts bill 2022)
- Raves
- Hunt saboteurs

UK Defective Premises Act and Occupiers Liability Act and the Health and Safety Act 1974

Owners, Landlords/facility management and employers have a duty of care towards ‘others’, i.e. employees or visitors – invited or otherwise who may be injured due to failure to maintain/repair property.

This includes but is not restricted to:

1. Safe access and egress
2. Reasonably expected to protect against hazards. [Site fined £1.2m after boys access site and get electrocuted Jan 2020](#)
3. Reasonable steps to prevent adversaries from entering the site.

The law on your side

[The Anti-social Behaviour, Crime and Policing Act 2014](#) provides a number of options available to owners, landlords/facility management and employers.

These include:

- Civil Injunctions
- Criminal Behaviour Orders
- Public Spaces Protection Orders
- Community Protection Notices
- the Dispersal Power
- the Closure Power

In our ‘advice for managers’ section we will examine both Civil Injunctions and Community Protection Notices (CPN) together with further advice on dealing with trespassing.

TRESPASSING – WHO, WHAT, WHY, HOW

WHO

WHO are they?

Rough Sleepers, Urban Explorers (Urbex), Social Media Auditors, Fly-Tippers, Burglars, Activists, Anti-social behaviour

WHAT

WHAT WJ sectors do they affect?

Construction, Aviation, Finance, Energy, Government, Security, Defence, Media, Exhibitions and Events, Logistics, Science, Facility Management, Transportation, Embassies.

WHY

WHY do trespassers trespass?

Take shelter/sleep, Social Media bragging rights/Adrenaline 'sport', Increase subscribers on social media, Dispose of unwanted waste without cost, Engage in criminal activity, Protest/demonstrate against owner/occupier.

HOW

HOW do they trespass

Gaining access through insecure openings, Scaling property, Access via neighbouring buildings, Steaming, Accessing land unchallenged, Forcing entry, Gaining entry with intent to occupy property.



[Fly Tipping \(DEFRA 2022\)](#)



[Just Stop Oil Occupation \(Just stop oil 2022\)](#)

TRESPASSING – EXAMPLES 1 - 3

EVENT	ACTIVITY	SECTORS TARGETED	GROUPS	THREAT	THE LAW	EXAMPLE
URBAN EXPLORER (URBEX)	Climbing property to access construction cranes, rooftops	Buildings in Construction, Security, Stadiums, National Landmarks, Large Bridges	Numerous URBEX Instagram and You Tube users.	Brand Reputation, disruption to BAU, damaged/restricted access to site, staff confrontation, duty of care for trespasser, injury/death to trespasser, H&S hazard	Trespass is a civil matter not a criminal one however should an Urbex force entry or 'come equipped' with tools to force entry to your property then there is evidence of criminal intent.	Urbex scale crane at Olympic Park Jan 2022
SOCIAL MEDIA AUDITORS	Enter publically accessible space in close proximity to secure venues to challenge staff	Construction, Security, Government, Medical, Military, Logistics, Events	DJ Audits / Auditing Britain	Brand Reputation, disruption to BAU, restricted access to site, escalating conflict, staff distress, confrontations by individuals and groups, bullying and harassment	It is not an offence to film in public places, Section 33 Criminal Justice Act 1972 "Public place includes any highway... and any other premises or place the public have or are permitted to have access".	Auditor accesses closed police station while guard on a break Mar 2022
ACTIVISTS SQUATTER Occupation ASB	Access property freely or by force with intent to demonstrate or occupy	Construction, Aviation, Finance, Energy, Government, Security, Defence, Media, Exhibitions and Events, Logistics, Science, Facility Management, Transportation, Embassies, Retail	XR, JSO, Insulate Britain, Pal_Action	Brand Reputation, disruption to BAU, damaged, restricted access to site, staff confrontation, duty of care for trespasser, injury/death to trespasser, H&S hazard, Disgruntled neighbours	It is illegal to squat in residential premises. Non residential property or land is not included and requires civil action or other offences such as criminal damage	Activists occupy Science Museum Oct 2021

TRESPASSING – EXAMPLES 4 - 6

EVENT	ACTIVITY	SECTORS TARGETED	GROUPS	THREAT	THE LAW	EXAMPLE
FLY TIPPERS	Accessing land freely or by force to dump domestic or industrial waste and avoid costs	Construction, Industrial, Security, Logistics, Facility management	Members of the public, unlicensed waste carriers	Brand Reputation, disruption to BAU, damaged/restricted access to site, fire hazard, H&S hazard	'illegal deposit of any waste onto land that does not have a licence to accept it'.	Fly Tipping Gangs Cost Councils Millions Apr 2022
BURGLARY	Force entry to property with intent to steal	Construction, Aviation, Finance, Energy, Government, Security, Defence, Media, Exhibitions and Events, Logistics, Science, Facility Management, Transportation, Embassies, Retail	Residential and non-residential burglars	Brand Reputation, disruption to BAU, damaged/restricted access to site, duty of care for trespasser, injury/death to trespasser, H&S hazard	A trespasser enters a building with intent to steal inflict grievous bodily harm or do unlawful damage;	Attempt to Steal Magna Carta Copy from Museum Jul 2020
ROUGH SLEEPERS	Sleeping in entrances/insecure areas	Construction, Aviation, Finance, Energy, Government, Security, Defence, Media, Exhibitions and Events, Logistics, Science, Facility Management, Transportation, Embassies, Retail	Homeless, Vulnerable, Mentally Unstable	Brand Reputation, disruption to BAU, damaged/restricted access to site, staff confrontation, duty of care for trespasser, injury/death to trespasser, H&S hazard	Rough sleeping is a criminal offence under section 4 of the Vagrancy Act 1824 In 2019, there were 183 prosecutions and 140 convictions, with only 4 convictions being for the specific offence of 'sleeping out'	Rough Sleeper dies in M&S doorway Feb 2021



UrbEx (GQ Magazine 2016)

TRESPASSING

CASE STUDY – Urban Explorers [6.](#) [7.](#) [8.](#) [9.](#) [10.](#) [11.](#) [12.](#)



Anti-Urbex poster (Construction News 2019)

CANARY WHARF – A Case Study

- September 2018 five urban explorers attempted to climb the 58 storey Newfoundland Building in Canary Wharf, London contravening an unknown persons injunction brought against them by The Canary Wharf Group.
- Reaching the summit, they took photos to post on social media with the caption ‘injunction...what injunction’.
- The group appeared in court and escaped prison sentences but were warned any further action would result in their detention.
- A spokesperson for the group said:

“If it’s this easy for a bunch of kids to get in, also terrorists will get in easily. We’ve actually helped them out.”

PREVIOUS ISSUES

- On New Year’s Eve, 2017, at another Canary Wharf Group site, One Bank Street, a 19 year-old urbex fell 50ft to his death whilst climbing the building and wasn’t discovered for three days.
- He had made himself known to officers, a search followed and the police were called but the urbex could not be found.
- At the Inquest his parents were damning of the construction company and staff.

THE SHARD – A Case Study

- In July 2019 a man was seen to scale the outside of the Shard building.
- The Free climber successfully ascended the building and was spoken to by police (but not arrested) when he finished the stunt.
- Real Estate Management (who manage the Shard) had an existing injunction out on the free climber.
- The trespasser admitted breaching the injunction in court and was sentenced to six months in prison.
- Shortly after his release he went on to scale the Stratosphere tower in Stratford to protest against climate change.
- Of his preparations to scale the Stratosphere he said:

“he spent a week preparing for the climb, studying every aspect and surface of the 147-metre building and trying to climb a few floors overnight in secret. It took him less than half an hour to reach the top”.

PREVIOUS ISSUES

- In 2013 Greenpeace activists scaled the Shard building to protest against Arctic oil drilling.
- 2017 A you Tuber scaled the building from the viewing platform to the apex.

WHAT CAN ADVISORY SERVICES DO FOR YOU

Perform a **Bespoke Site Specific Threat Assessment**

Advisory Services can conduct a Site Survey to:

- Proactively assess the threat specific to your site.
- If required review a previous trespassing incident.

Produce a written report:

- Identifying any exploitable vulnerabilities.
- Provide mitigation strategy and advice.
- Design bespoke technical, physical and operational counter measures that are targeted to reduce the threat specific to your site.
- Advice on effective incident mitigation and management capabilities that work in conjunction with Policing services.

Facilitating changes by:

- Building security staff’s awareness and confidence in managing the threat and responding to incidents.
- Re defining the operational procedures and responsibilities of canine units, security officers and managers.

For Bespoke site Specific Threat Assessments providing practical mitigation where it counts most, please contact Wilson James Advisory Services: advisoryservices@wilsonjames.co.uk



TRESPASSING – Advice [13.](#) [14.](#) [15.](#) [16.](#) [17.](#)

WHAT CAN YOU DO – Physical solutions

1. **Signs** displaying visitor guidelines/no trespassing.
2. **Regular inspections**
 - Risk assessments.
 - I. Act on hazards.
 - Plan your space.
3. **Regular training** addressing:
 - Types of trespass and suspicious persons.
 - How to treat trespassers ('reasonable' force only).
4. **Liaison/report** with crime prevention officers and neighbours.
 - It is important to info share intelligence and method of entry with neighbouring buildings (together with police) as points of access may be facilitated by accessing neighbouring sites.
 - Neighbours may have intelligence on previous attempts and methods by urbexs you weren't aware of.

5. Physical security solutions

- Access control systems
- Fencing, gates, shutters and grilles
- Doors
- Alarms, audio warnings
- CCTV with clearly displayed signs
- Guards, canine units
- Lighting
- Secure cages/fencing around targeted equipment, anti-snap locks, ladder removal/guards
- **Deterrent measures:**
 - i. Anti-climbing measures
 - ii. Anti-vagrancy tactics
 - iii. Identifiable lanyards for all staff/visitors
 - iv. Road blockers/vehicle height restrictors
 - v. Cutting off utilities to site if not needed

6. **UK Law** - Ensure Security Officers are aware of their limitations regarding trespassers.
 - UK Law does not give security personnel any special powers or protection
 - Should an officer engage in an altercation with a trespasser as far as the law concerns it is **one civilian against another.**
 - I. **Confirm the person is a trespasser**
 - II. **Do not over react, remain polite and calm**
 - III. **Escort them off the premises and write up the event in detail**



[Rough Sleeper \(Cambridge News 2018\)](#)



TRESPASSING – CPN Vs Injunction [18.](#) [19.](#) [20.](#) [21.](#)

WHAT CAN YOU DO – Legal solutions

CIVIL INJUNCTION

A civil injunction is a court order to stop a person's or group's existing activity or prevent them from undertaking similar future action.

The injunction allows Police, local councils and social landlords to deal quickly with anti-social behaviour.

It can include but is not limited to:

- A breach of criminal law
- Current or planned trespass (Urban explorer injunctions)
- Obstruction of a highway (Insulate Britain/HS2 injunctions)

They can be granted against:

- Named defendants
- Persons unknown (you anticipate attendance by persons or groups)
- They are limited to a specified period of time but can be extended

If the injunction is then deliberately breached the person will be in contempt of court leading to a potential fine or imprisonment

A number of construction companies including Sir Robert McAlpine and Canary Wharf contractors have sought injunctions to protect their site from urban explorers amongst others.

COMMUNITY PROTECTION NOTICE (CPN)

A CPN can be issued to any business, organisation or person over the age of 16.

Community Protection Warning (CPW)

Warning: Sets out rules the person or group must adhere to which sets out a number of rules the person must adhere to.



Community Protection Notice (CPN)

Final Warning: in essence, a final warning and can result in a Criminal Behaviour Order (CBO).



Criminal Behaviour Order (CBO)

Fine or Prison sentence: It is issued in criminal court

CPN Vs Injunction

- You can appeal both an injunction and a CPN.
- The CPN (leading to a CBO) is more criminal in nature.
- A breach of a CBO is a criminal offence leading to receiving a criminal record.
- An injunction breach is a contempt of court and does not result in a criminal conviction.
- An Injunction is a standalone order.
- CBO can only be applied for alongside a criminal prosecution.

TRESPASSING – QUIZ – TEST YOUR KNOWLEDGE

QUESTION 1 CHOOSE FROM BELOW
MATCH WITH A, B , C

EVENT

ACTIVITY

THE LAW

(Select from one option from red text)

URBAN
EXPLORER
(URBEX)

FLY
TIPPERS

BURGLARY

A

Access property
freely or by force
with intent to
demonstrate or
occupy

It is **Illegal / Legal** to squat in residential premises.
Non residential property or land requires civil action
True / False

SOCIAL
MEDIA
AUDITORS

ACTIVISTS
SQUATTER
Occupation
ASB

ROUGH
SLEEPERS

B

Climbing
property to
access
construction
cranes, rooftops

Trespass is a civil matter **True / False**
Forced entry or 'coming equipped' with tools to force
entry to your property is a civil matter **True / False**

Monthly Themes for 2022

1

**Event Security-
Crowd
Management
(January)**

2

**Insider
Threat
(February)**

3

**Social
Media
Auditors
(March)**

4

**Activism
(April)**

5

**Trespassing
(May)**

6

**Fly-tipping
(June)**

7

**Lone Working
(July)**

8

**Scams
(August)**

9

**Data
Privacy
(September)**

10

**Theft Property
(October)**

11

**Terrorism
(November)**

12

**Travel safely
(December)**

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