


A close-up photograph of a heavy-duty metal padlock attached to a metal handle. The padlock is silver-colored with a ribbed texture. The handle is dark blue-grey and appears to be part of a larger mechanical device. The background is blurred.

**ADDLESHAW
GODDARD**

AG ENFORCE



We have instructed AG several times at a large development site which is difficult to secure. On each occasion they have dropped everything to obtain a High Court Writ and have secured possession within days, minimising our clean-up costs. They handled everything with very little input required from us.

ANDY SMITH, MUSE DEVELOPMENTS

THE PROBLEM

Trespassers are increasingly becoming a problem for commercial land owners. In recent times, we have seen a significant increase in instructions to remove all types of trespassers, the most common being traveller groups and protestors.

All types of property are vulnerable to this risk, but particularly open land, development sites, car parks, industrial estates and retail parks.

Whilst prevention is most definitely better than cure, when it comes to trespassers, this is not always possible and we have seen most types of security measures breached by determined groups.

In all cases, the presence of trespassers represents a significant cost to the landowner. The longer the trespass continues the larger the landowner's clean-up costs. In some cases, we have seen tonnes of waste dumped within days, leading to tens of thousands of pounds in clean-up costs. A trespass can also hold up developments and stop nearby businesses from trading.

Land owners attempt to remove trespassers from non-residential property informally. This is known as the Common Law remedy.

This involves Enforcement Agents attending the premises to encourage trespassers to move on. However, in our recent experience, this method has become less effective, particularly in certain parts of the country and certainly against well-organised and determined groups.

Land owners are therefore often forced to commence formal court proceedings. If a very basic application to Court for a possession order is made it can take between one to two weeks to obtain and enforce the order, by which time the land owner's exposure to clean up costs could be considerable.

We worked with AG on an urgent and difficult job in Essex, where a large and hostile group of trespassers were dumping large amounts of waste on a retail and leisure park. AG obtained a High Court Writ the same day as issuing proceedings in the County Court, which we have never seen done before by a private landlord. The following day we had cleared the site. They are experts in this process.

ALEX HILL, ANDREW WILSON HIGH COURT ENFORCEMENT

THE SOLUTION – AG ENFORCE

AG Enforce has been designed to address the challenges and risks faced by land owners in current times. It is a process that we have perfected through our extensive experience of dealing with every type of trespass problem, whether it be a few caravans or a mass, organised protest in a strategically important building.

We work with and co-ordinate our trusted team of contacts within the industry, such as enforcement agents, specialised barristers, and process servers in order to minimise delays and achieve the best results possible for our clients.

We recognise that time is always of the essence and that there is no one approach that fits all scenarios. Our experienced team will ensure that any such issues are dealt with in the most effective manner.

In some cases, we have been able to obtain a High Court Writ of Possession to remove trespassers the same day that proceedings were issued, thereby minimising the client's exposure.

We very much see our approach as the ultimate way of protecting our client's property.

We instructed AG to remove a large and hostile group of travellers at one of our retail and leisure investments in Essex. The team seamlessly co-ordinated the whole process and managed to secure a High Court Writ of Possession the same day as issuing proceedings, which was enforced the following day, thereby minimising our clean-up costs and exposure generally. We really got the sense that we were in safe hands and that literally everything was being done to secure possession as quickly as possible in order to protect our investment.

KATY LETCH, HAMMERSON PLC

OUR APPROACH

All cases are different and a tailored approach is required to ensure the best results. In some cases, the Common Law method is almost guaranteed to fail, and time should not be wasted attempting this. AG and its team will advise on Common Law versus formal proceedings at the beginning of an instruction and then manage the process for land owners.

What should **YOU** do upon seeing trespassers?

- 1 **Immediately** call the police.
- 2 **Immediately** call your insurers.
- 3 **Immediately** contact **AG Real Estate Disputes** team
- 4 Where safe to do so, start to collate information, for example registration numbers of vehicles and details of the group, including size of the group, gender, number of children, nationality, number and type of vehicles, number and type of animals, and damage caused to land.
- 5 Consider putting security on site.
- 6 We do not suggest land owners attempt to approach or negotiate with the trespassers directly.

What **WE** will do

- 1 Gather information from your business.
- 2 Consider Common Law remedy or formal proceedings.
- 3 Provide initial advice.
- 4 Appoint and co-ordinate team (Enforcement Agents/ process servers/barrister).
- 5 Draft proceedings and any tactical ancilliary applications.
- 6 Secure hearing time/date and instruct Counsel to attend.
- 7 Transfer County Court Order to High Court and enforce via private High Court Enforcement Agents.
- 8 Advise upon and assist with securing of the site.

We can also advise on prevention measures, including security options and the use of temporary “live in” occupiers.

CASE STUDIES

Former BHS premises in York

AG successfully acted for a large Institutional Investor client to remove squatters from York's former BHS store following police intelligence that a protest rave, attracting over 500 attendees and which would result in serious health and safety risks, was planned in the client's premises. We secured an emergency possession hearing, and obtained an Order which was enforced immediately with the assistance of York County Court Bailiffs and the Police enforcement team. The squatters were evicted and possession was secured in less than 24 hours from notification by the police.

University and surrounding premises, Manchester

We acted on a complex and urgent matter when rival groups of political protestors occupied substantial sites either side of one of Manchester's busiest roads sheltering under a motorway viaduct. Representing the different owners of the two sites we acted in conjunction with Manchester City Council to secure a number of possession orders (and to defeat the attempted appeal of those orders) and to avoid further trespass in the face of considerable provocation, intimidation and risk of serious disruption to local businesses and amenities. The matter was particularly newsworthy because of the city-wide injunction initially obtained by the Council to prevent any subsequent trespass on other high profile or vulnerable sites throughout the city.

Large vacant building in Manchester

A group of political activists occupied a large and iconic building in the centre of Manchester. The issues created by this occupation concerned how the occupiers would be evicted. As veterans of fracking and other environmental protests, the occupiers were highly organised and well versed in the art of thwarting attempts at eviction. We worked closely with the specialist arm of the leading firm of High Court Enforcement Agents to execute a very carefully planned eviction early on a Sunday morning (which required the consent of the Court). The eviction was carried out peacefully with the protestors being caught unaware. The building was then secured to avoid the inevitable attempt to reoccupy.

Retail and leisure park, Essex

We received instructions to obtain a High Court Writ of Possession where the Common Law method had proven unsuccessful in relation to a large group of travellers in the Essex area, known to our Enforcement Agents as “dumpers”. The travellers had set up camp at a retail and leisure park and within a few days had dumped around 400 tonnes of waste which cost tens of thousands of pounds to clean up. Once instructed, AG managed to obtain a High Court Writ of Possession the same day as proceedings were issued which was enforced by a team of Enforcement Agents the following day.

Hucknall, Nottingham

Here, a group of 40 caravans arrived at a development site and refused to leave without a Court Order. We drafted proceedings to obtain a possession order over the entire development site, not just the part currently occupied by the travellers. This tactic proved to be invaluable as the group have returned 3 times, to other parts of the site, enabling us to restore the High Court Writ of Possession and enforce it promptly before significant clean-up costs were incurred. We also advised on enhanced security and prevention measures.

CONTACT DETAILS

AG REAL ESTATE DISPUTES PARTNERS



JULIE MIDDLEMASS
Partner

0113 209 2557
julie.middlemass@addleshawgoddard.com



CHARLES JAGGER
Partner

0161 934 6175
charles.jagger@addleshawgoddard.com



ANDREW BLOWER
Partner

020 7160 3090
andrew.blower@addleshawgoddard.com

You can also contact any other member of the AG Real Estate Disputes team, details of whom can be found on our website.



**PRIVATE
LAND**

**No access without
permission**

High Court Enforcement Group (HCEG) have worked closely with AG over the years, including some high profile matters. They are specialists in their field, knowledgeable as to the law and they co-ordinate the eviction process brilliantly. They are a pleasure to work with in what can be very difficult, time pressured and hostile circumstances.

ALAN J SMITH, HIGH COURT ENFORCEMENT GROUP





We used AG on a difficult trespasser job in Stockport where our tenants were being intimidated and criminal damage was occurring. They managed the process from start to finish without having to come for regular instruction, and within a few days the premises were secured and free of trespassers. We have found AG to be expedient, professional and knowledgeable in this area of law. The service and support provided were excellent and we would use them again for matters of this nature.

RICHARD STIVAROS, BIZSPACE LIMITED

addleshawgoddard.com

Aberdeen, Doha, Dubai, Edinburgh, Glasgow, Hong Kong, Leeds, London, Manchester, Muscat, Singapore and Tokyo*

* a formal alliance with Hashidate Law Office

© 2018 Addleshaw Goddard LLP. All rights reserved. Extracts may be copied with prior permission and provided their source is acknowledged. This document is for general information only. It is not legal advice and should not be acted or relied on as being so, accordingly Addleshaw Goddard disclaims any responsibility. It does not create a solicitor-client relationship between Addleshaw Goddard and any other person. Legal advice should be taken before applying any information in this document to any facts and circumstances. Addleshaw Goddard is an international legal practice carried on by Addleshaw Goddard LLP (a limited liability partnership registered in England & Wales and authorised and regulated by the Solicitors Regulation Authority and the Law Society of Scotland) and its affiliated undertakings. Addleshaw Goddard operates in the Dubai International Financial Centre through Addleshaw Goddard (Middle East) LLP (registered with and regulated by the DFSA), in the Qatar Financial Centre through Addleshaw Goddard (GCC) LLP (licensed by the QFCA), in Oman through Addleshaw Goddard (Middle East) LLP in association with Nasser Al Habsi & Saif Al Mamari Law Firm (licensed by the Oman Ministry of Justice) and in Hong Kong, Addleshaw Goddard (Hong Kong) LLP, a Hong Kong limited liability partnership pursuant to the Legal Practitioners Ordinance and regulated by the Law Society of Hong Kong. In Tokyo, legal services are offered through Addleshaw Goddard's formal alliance with Hashidate Law Office. A list of members/principals for each firm will be provided upon request. The term partner refers to any individual who is a member of any Addleshaw Goddard entity or association or an employee or consultant with equivalent standing and qualifications. If you prefer not to receive promotional material from us, please email us at unsubscribe@addleshawgoddard.com. For further information please consult our website www.addleshawgoddard.com or www.aglaw.com.