

Unwanted Guests

Squatting Law Whitepaper 2015



SQUATTING LAW

THE FIRST FOUR MONTHS OF THE NEW LEGISLATION

On 1 September 2012 a new law came into force in England and Wales criminalising squatting. Through Section 144 of the amended Legal Aid, Sentencing and Punishment of Offenders Act, squatting was criminalised for residential buildings including social housing properties – but not in commercial buildings.

CASE LAW

People convicted under the act can be imprisoned for up to 51 weeks, or fined up to £5,000, or both. In early September 2012 three men were arrested in a Brighton squat after a police raid on the property, following the expiry of a deadline by the owner for them to vacate the premises – in what is believed to be the first test of the legislation that makes squatting a criminal offence.

And in late September three people were arrested in London for squatting in a housing association property in Pimlico. A man pleaded guilty to the offence and was jailed for 12 weeks; another was fined £100 and recalled to prison for breach of licence; while a third will be sentenced at a later date.

But the new law is already facing challenges. Irene Gardiner who has been squatting in a 500-year-old cottage near Llanidloes, Powys, for 11 years, and brought her children up there, has been asked to leave the property. She is planning to take her case to the High Court claiming the new law breaches her human rights to personal and family life under Article 8 of the European Convention of Human Rights.

COMMERCIAL BUILDINGS – A NEW TARGET?

The act does not include an offence for squatting in a commercial or non-residential building which remains a civil offence. This was raised as an issue while the bill made its way through Parliament but officially the government has not said whether it will look to introduce further legislation to make squatting of all kinds an offence. At the time of the consultation, the government argued that not legislating for non-residential buildings would allow students to occupy academic buildings for protest, and to allow squatters to occupy genuinely abandoned buildings.

With residential buildings better protected by the new law, commercial buildings may be increasingly targeted by squatters as it is not illegal to squat in a vacant non-residential property. The Advisory Service for Squatters estimates that there are around 22,000 squatters in the UK and says that while some squatters remain in residential buildings **“determined to resist for as long as possible”** others are looking at alternative options.

“People who know about the law change are generally now squatting in non-residential buildings, pubs, offices, warehouses ...”

The service argues that many **“non-residential properties can be made into perfectly good homes, and social spaces.”** With an estimated five squatters per property, more than 4,000 commercial properties are needed to accommodate those currently in residential buildings, according to Orbis. And many commercial building owners and managers are already seeing a sharp increase in squatting in empty commercial buildings.

51+5K
WEEKS IMPRISONMENT
FINE



A THIRD OF FACILITIES MANAGERS ANTICIPATE AN INCREASE IN SQUATTING

A recent survey of facilities professionals by vacant property experts Orbis revealed that some 30 per cent of the 156 facilities managers who responded expect an increase in squatters targeting their properties, with 27 per cent saying that they had been targeted by squatters over the past two years. London (37%), the south-east (22%) and the Midlands (19%) are the most targeted areas by squatters.

The survey follows a recent panel debate at the FM Event at London's Olympia which agreed that commercial property is more at risk from squatters following the change in the law.

"Now the residential law has changed, we are going to find commercial properties will be targeted," said Pauline Ledford at Telereal Trillium.

"There seems to be a growing movement that empty commercial property are being used for homeless people." Lynne Swift at CBRE, agreed. **"The new squatting law has made commercial properties more attractive,"** she said, citing the damage they can do as the key problem.

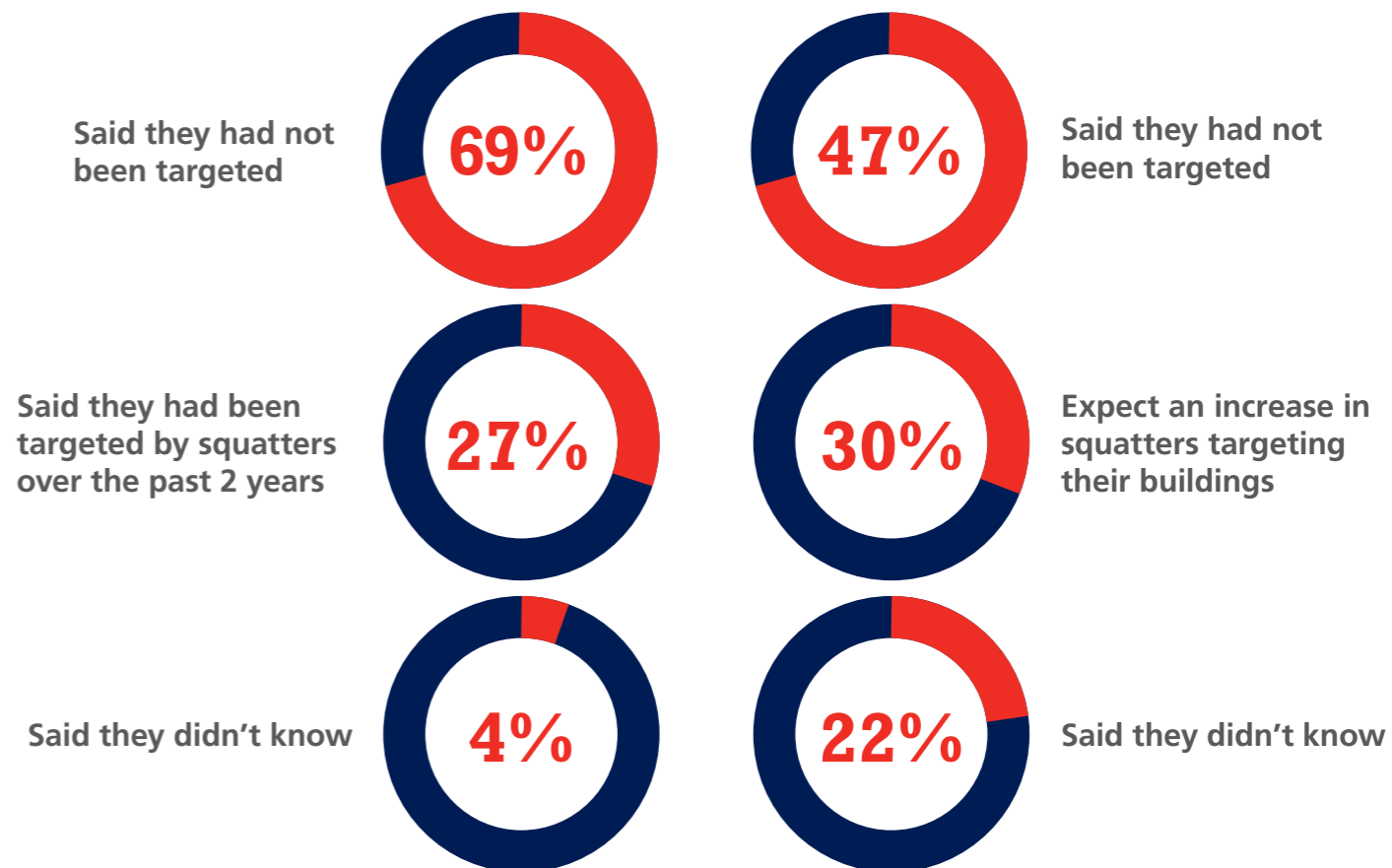
OTHER UNWELCOME GUESTS

Many of the respondents to the Orbis survey cited Travellers and Gypsies as causing an equally pressing problem as squatters. **"Travellers have taken up occupation with their caravans inside our commercial buildings,"** reported one respondent, while another said that Gypsies **"preferred commercial land"**.

"Now the residential law has changed, we are going to find commercial properties will be targeted"

DO YOU EXPECT YOUR BUILDINGS TO BE INCREASINGLY TARGETED BY SQUATTERS AS A RESULT OF THE NEW LEGISLATION AFFECTING RESIDENTIAL PROPERTIES?

OVER THE PAST TWO YEARS, HAVE ANY OF YOUR BUILDINGS BEEN TARGETED BY SQUATTERS?



Results from a survey of facilities professionals by vacant property experts Orbis.

THE RISKS – AND RESULTS

Taken to the cleaners

This puts commercial property owners at risk of very substantial repair bills. Cleaning a small commercial property, such as a pub, after it has been squatted can cost around £1,500. For larger properties or where there has been considerable damage, repair bills might be in the region of £5,000, without taking into account legal fees. With an estimated 100,000 incidents of squatting in the UK, the clean-up bill per year for commercial property owners and managers could be £650 million without including the cost of any repair work. Insurers Aviva has seen cases where squatters have stripped a commercial property, causing £150,000 of damage. One Orbis survey respondent cited squatters ripping out armoured cables causing £10,000 of damage.

In another Aviva case, a property was left vacant and was entered by squatters. They were served with a bailiffs notice and moved out. The premises was re-boarded and new padlocks used. Several days later, the squatters re-entered the property and it is estimated that the damage caused exceeded £30,000.

BEYOND THE CALL OF DUTY

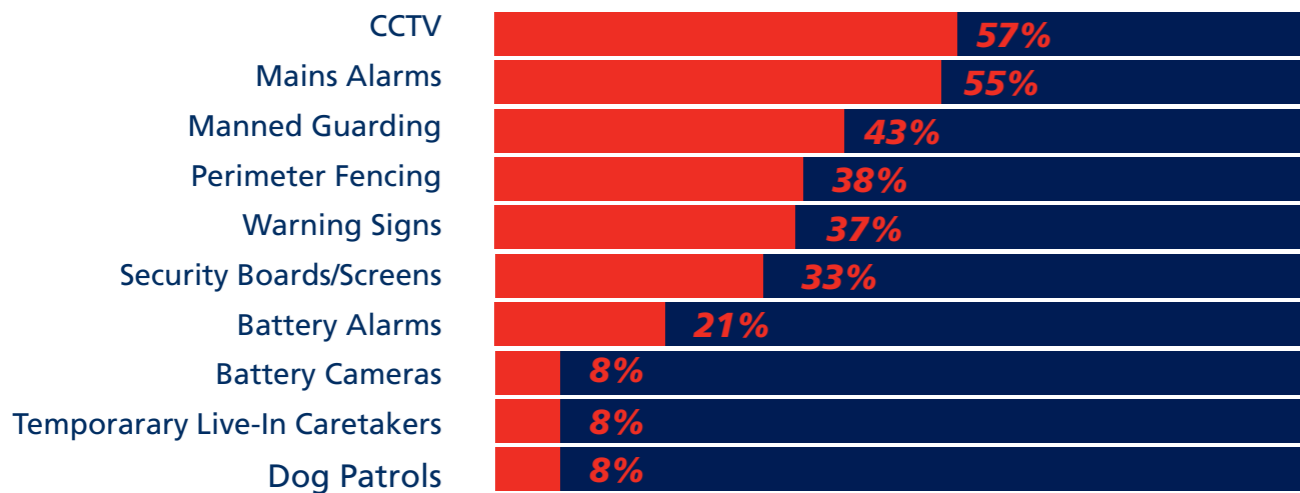
In addition to the threats from criminal activities, there are specific legal and insurance requirements to follow when managing empty property. A landlord's statutory obligations and Duty of Care remain, even when a property is vacant – empty buildings are covered under the Defective Premises Act and Occupiers Liability Act – and failure can prove costly. One trespasser injured in a vacant commercial property received £600,000 in compensation.

It is therefore more important than ever to ensure that vacant commercial property is properly managed and protected and not left to become derelict and a target for squatters.

Insurance group Aviva has seen claims as a result of squatters double in recent years – in some cases claims for more than £1million have been made, which includes not just the cost of removing the squatters but also the cost of repairing damage to the property from, for example, fire, caused either on purpose or by badly rewiring the electrics, or water damage pipes removed for their scrap metal value.

POPULAR SOLUTIONS

CCTV and mains alarms were the most popular security solutions that respondents to the recent Orbis survey are using or planning to use to protect their properties against squatters. Other options included manned guarding, perimeter fencing, warning signs, security boards or screens, battery alarms, battery cameras, temporary live-in caretakers and dog patrols.



One trespasser injured in a vacant commercial property received £600,000 in compensation.



WHAT THE NEW LAW COVERS

Under the act, a person commits an offence if they are in a residential building as a trespasser having entered it as a trespasser; the person knows or ought to know that he is a trespasser, and the person is living in the building or intends to live there for any period. But the offence is not committed if the person is holding over after the end of a lease or licence (even if the person leaves and re-enters the building).

For the purposes of the act, a building includes any structure or part of a structure (including a temporary or moveable structure), and a building is "residential" if it is designed or adapted, before the time of entry, for use as a place to live. Even if people have the permission of a trespasser, this does not mean that they themselves cannot be treated as a trespasser.

SCOTLAND AND NORTHERN IRELAND

Squatting is already a Level 1 criminal offence in Scotland under the Trespass (Scotland) Act 1865 punishable with a fine not exceeding £200 and a penalty for non-payment of 21 days in prison. The property owner has the right to evict squatters without serving any notice or applying to the court for an eviction order. In Northern Ireland, squatting is also illegal and the property owner needs a court order to remove them.

TOP TIPS TO KEEP SQUATTERS AT BAY

1. If you know a property in your portfolio is going to become vacant, tell your insurance firm so that you are covered in the event of an intrusion.
2. Disconnect services to the property to prevent water damage or fire risk and check fire detection and alarm systems.
3. Inform the local fire brigade headquarters that the property is empty and explain any issues around accessing the building including security measures and keyholders in case of a fire.
4. Remove items of value even if the building will only be empty for a short time. If the building will remain empty for an extended period then remove all waste and any fixtures that are combustible such as furniture and floor coverings. This will put off potential squatters looking for more comfortable premises.
5. Carry out a risk assessment looking both at how squatters could access the property and other sources of damage.
Don't advertise the fact that the property is vacant by a pile of post by the front door, a clear view into an empty space or unkempt external areas including graffiti, fly-tipping and even long grass and untidy planting.
6. Make sure you are complying with your insurer's requirements and that the premises are adequately protected. This could mean everything from putting up net curtains in a council house to create the appearance of occupancy, to installing demountable steel screens or wireless portable alarms to prevent or detect intruders.

Our 24/7 Services

Secure

- Steel screens
- Polymer screens
- Pre-demolition steel 'Permascreens'
- Emergency boarding, meter and letter box covers
- Fencing and bollards
- Security doors / communal doors
- Radio and GSM wireless intruder alarms including Videofied, iTRAP and other alarms
- Access management including eMAKS (electronically managed access key systems)
- Manned guarding and mobile patrols
- Live-in guardians and related security services
- Bespoke risk assessments and security solutions

Monitor

- 24/7 alarm monitoring and reporting from a Cat II 5979 Alarm Receiving Centre
- Intelligent activation management via sequential verification enabling police and fire service response
- Alarm peripherals monitoring – PIRs, boiler tamper, smoke detectors, loop guard, water detectors, vibration sensors and sirens
- Telecare and welfare alarm monitoring
- Hosted access control
- CCTV monitoring
- Nationwide emergency response
- Out of hours tenant management, emergency repair and response service
- Code5 Lone Worker Protection
- Workforce protection companion service

Property Inspection

- Insurance compliant property inspections
- Full inspection service to include client-driven inspection criteria
- Proactive management of on-site issues including repair
- Health & Safety risk assessments
- Void preparation including drain downs and utility shut off
- Online real time access to your inspection reports, photographs and meter readings
- Energy Performance Certificate (EPC) testing

Clean

- Property cleaning and clearance
- Specialist cleaning (removal of bodily fluids, human waste etc.)
- Removal of hazardous materials
- Drug den cleaning, needle sweeps
- Fly-tipping and bulk waste removal
- Graffiti removal
- Garden clearance
- Infection control
- Jet washing
- Mould eradication

Repair

- Kitchen and bathroom strip outs
- Disconnection of services
- Building repair work
- Demolition services
- Flood damage avoidance and repair
- Snow removal / gritting service
- Glazing repair and replacement
- Hard surface repair (walls, sinks, baths and all hard surfaces)
- Emergency roof repair
- Pest control and disinfection

Manage

- Aura (web portal) reporting system to track all jobs, site inspections and your account status
- Risk management including insurance products and services
- Vacant property facilities management (fully managed)
- Full range of inspection services

One number, one call does it all

08000 830 850

24/7 Response Centre

Visit online: www.orbisprotect.com

Email: info@orbisprotect.com

