

S31: Unauthorised occupation of non-residential premises – guide to managing the risk



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Contents

1	Introduction	3
2	Legal position	3
3	Awareness	3
4	Preparations	4
	4.1 Occupied premises	
	4.2 Vacant premises	
5	Practical security measures and controls	5
	5.1 Occupied premises considered at risk	
	5.2 Vacated premises	
	5.3 Premises at high risk	
	5.4 Incident handling	
6	Standards referred to in these recommendations	9
7	Other related RISC Authority guides	9
8	Unauthorised occupation of vacant premises checklist	10
 Appendix:		
	Property guardian services – more information	11

Summary of Key Points

The table below summarises the key points of the document.

The growing challenge of unauthorised occupations	<ul style="list-style-type: none">• Insurers report that there has been a significant increase in the frequency and severity of claims for damage and clear up costs arising from unauthorised occupations of vacant properties.
Evolution of the problem	<ul style="list-style-type: none">• Frequently reported are occupations by large numbers of well organised traveller groups making use of empty buildings for dumping by fly tippers in return for cash payment.
Vigorous action required	<ul style="list-style-type: none">• In the light of how this problem is developing, managers and owners would be well advised to revise their risk assessment and, if necessary, take rigorous action to reinforce the physical resistance of their vacant building.
Importance of planning	<ul style="list-style-type: none">• Advance planning covering the preparations that need to be made in advance of an occupation, the actions required should an occupation occur and those needed to protect the operation and assets going forward, is just as important as physical preparations.
The law and policing	<ul style="list-style-type: none">• As part of the advanced planning, managers and owners should acquaint themselves with the legal and policing environment they will find themselves in should the worst happen and trespasses need to be ejected.
Help and support	<ul style="list-style-type: none">• The advice and support of professionals, consultants and specialist services can be invaluable before, during and following an unauthorised occupation.

Symbols used in this guide



1 Introduction



Owners and managers with an appreciation of how much more serious this problem has become will be better prepared if the worst was to happen.

Although the unauthorised occupation of premises, typically by travellers and squatters, is a long standing problem, insurers report a marked escalation in incidence plus evidence of unwelcome new trends in the motivations of, and depredations inflicted by, certain types of trespasser group.

The problem is aggravated by the fact that, although targeted legislation was introduced in 2012 to tackle squatting in residential premises, the law has not kept up with the worsening picture in the non-residential sector. As a result, ejecting unauthorised occupiers from non-residential premises without risk of legal challenge can be a cumbersome process and there is anecdotal evidence that the piecemeal legislative action has displaced squatting from residential to commercial property.

To some degree, the information and recommendations given in this document overlap with the content of RISCAuthority document *BDM10: Code of practice for the protection of empty buildings - Fire safety and security* but the approach is brought up to date by taking into account the new phenomena of the brazen and coordinated “swamping” of target premises, and not necessarily those left completely vacant, by larger groups than experienced previously and the associated exposure of legitimate occupiers to threatening behaviour.

Insurers of commercial premises identify the following common motivations behind many of the large scale/high claim cost occupations recorded recently:

- To ‘squat’, drink, take drugs and run large parties and ‘raves’
- To steal contents or fittings (particularly those of metal or architectural value)
- To operate illicit businesses, particularly illegal fly tipping facilities

Most occupations involve a degree of damage, either incidental or wanton and, frequently, fire damage through reckless or malicious behaviour.

2 Legal position

In summary, if those illegally occupying commercial land or buildings will not voluntarily leave, the owner is empowered under common law to eject the trespassers, although this is a course of action requiring the utmost caution and execution other than by a reputable Enforcement Agent would be foolhardy for the average owner. Consequently, the owner will usually have to obtain a court order for eviction of the trespassers. In certain limited circumstances, depending on the behaviour and language of the trespassers, the police themselves may be empowered under legislation to direct the trespassers to leave but whether they avail themselves of this power is entirely at their discretion. For more on the legalities see ‘Incident handling’ (section 5.4).

3 Awareness

The police, local authority and business associations are useful sources of up-to-date intelligence on local conditions.



Expect the unexpected given the audacity and aggression displayed by some groups.

Being prepared is a key factor in avoiding or limiting the duration/effect of unauthorised occupation, and different levels of preparation will be appropriate according to the type of premises/circumstances.

4.1 Occupied premises

Even premises that are in normal use can be exposed, particularly those that are infrequently manned or visited (such as lock up stores and warehouses), those with large car parks or open spaces and/or sites with minimal staffing. Owners should consider this aspect of risk and:

- Unless risking undue alarm to staff or tenants, brief them to avoid unnecessary confrontation with unknown individuals or groups but to report any relevant unusual activity or behaviour with which they are uncomfortable, to a responsible party such as the managing agent.
- Prepare an action plan for implementation in the event of unlawful occupation, e.g. who to contact, how to respond, what to say, how to record speech and events.

4.2 Vacant premises

The insurers of premises must be informed if they are to be vacated. They can be expected to set out the precautions to be taken, not only for the general security of the premises, but also for other hazards, such as fire, water damage, frost etc. It is vital that owners take this issue with the utmost seriousness well in advance of a vacant period and consider the security implications. The recommendations in this guide, particularly the security measures and controls, should be prepared for or actually implemented, in advance of a vacant period so that they are in place at the earliest possible point following the departure of personnel or tenants.

Matters to consider include:

- Consider making use of any living accommodation within or attached to the premises or consider a short (temporary) let to suitable tenants so that the premises do not have to be left completely empty during normal business hours.
- Seek the co-operation of neighbours or commercial security personnel engaged in the neighbourhood, requesting notification should they become aware of any untoward developments that could jeopardise the security of the premises or site.
- All contents of any value or utility to unauthorised occupiers should be removed before the premises are vacated.
- Any remaining combustible contents or material in the open should also be removed.
- Depending on the circumstances, in addition to disconnecting utilities in a way that frustrates easy reinstatement (e.g. denial of access to, or removal of, fuse board/meters etc, capping gas supply etc) a significant deterrent to squatting is created if fixtures and fittings such as sinks, toilets and kitchen fittings are removed from the premises.
- Ensure any skips that need to remain on site are well away from the buildings and also remove any vehicles.
- Complete any outstanding maintenance work, particularly that which may outwardly convey premises neglect, e.g. broken windows, graffiti etc.
- Review whether hazards exist that could cause injury to a trespasser, as the premises owner may be liable in law.
- Check the correct operation of any external security lighting and consider reinforcements to those elements of the installation susceptible to vandalism (lighting fittings, unprotected junctions and wiring etc); consider extending lighting to the entire site, being careful to adequately illuminate vulnerable places such as recessed doorways.



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FAQ

Over time the main threat has evolved from protest, squatting and raves to occupations driven purely by monetary gain; preparations need to reflect this.

- Unless undesirably drawing attention to the facility, post notices to the effect, for example, that the contents have been removed, all services disconnected and the premises are protected by intruder alarm systems, CCTV, guarding services etc.
- Draw up a comprehensive escalation plan in advance of any unauthorised occupation for the actions to be implemented upon discovering it e.g. contact with the owner, authorities and interested parties, rapid and unimpeded access to CCTV footage, details of loss/damage inflicted on the assets and of offences, actions taken so far on site.
- Prepare a contingency plan for the action that will be required following an unauthorised occupation such as emergency repairs, boarding-up, cleaning-up operations, tightening of access control and visitor/contractor authorisation procedures.
- Should there be strong reasons to avoid implementation of the recommendations above, consider at least putting in place arrangements to ensure that, should circumstances change, the premises can be made secure at short notice.
- Visit and inspect the premises at regular, frequent intervals looking out, in particular, for evidence of attempted or actual entry. Consider whether any developments in the general area (e.g. presence of unrecognised vehicles) might point to the presence of potential squatters.

5 Practical security measures and controls

5.1 Occupied premises considered at risk

- Ensure all building openings are in good order and have good quality security for use when necessary.
- Ensure security against unauthorised access to site, particularly vehicular, such that unauthorised access would entail the use of exceptional tactics and/or a significant physical attack. Secure fencing and gates and/or reliable 24/7 surveillance and/or physical obstacles taking various forms may be required.
- Consider installing a CCTV system viewing the immediate surroundings and approaches to the premises, with recording facilities and monitor(s) placed at a security post or where they are most likely to receive attention.
- If supported by the risk assessment, consider maintaining human surveillance of entrances or installing electronic access control, possibly supported by BS 8418 *Detector Activated CCTV*, and in conjunction with BS 8484 *Lone Worker Devices* where there is minimal manning.



Wm Bain fencing Ltd

Palisade fencing



Jacksons Fencing

Rising vehicle blocker

5.2 Vacated premises

- Except where the premises are not located on a defensible site (e.g. where directly bordering a public thoroughfare) ensure the perimeter is as secure as possible e.g. with security fencing, static obstacles such as large planters, concrete curbs, concrete blocks, earthworks and proprietary security solutions such as rising bollards, vehicle blockers etc. See RISCAuthority guides *Site security: fences and gates* and *S10 Guidance for the protection of premises against attacks using vehicles (ram raids)*.
- Ensure the premises are secure, particularly at ground floor and basement level, but not forgetting windows, emergency escape doors and rooflights accessible from external fire escape staircases, scaffolding and roofs of adjoining buildings.
- If an effective, conventional intruder alarm or CCTV system is already installed, ensure it is serviceable and reach agreement with the insurer (if necessary) or the installation / maintenance company for sustaining its use.

Note

The ongoing operation of an existing Detector Activated CCTV system is often a particularly valuable security asset.

- In the absence in the premises of a conventional intruder alarm system, arrange for the provision of a BS 8584 conforming temporary alarm system (TAS) and/or temporary alarm/ CCTV system, ideally one also complying with the Security Systems and Alarm Inspection Board's (SSAIB's) code of practice 'SS 2004'.

Note

A TAS is typically battery powered and designed to be rapidly deployed on a non-permanent basis with the ability to detect and indicate the presence of unauthorised persons or a hazard within a vacant premises. They are usually supplied and maintained by one of the security firms specialising in the protection of unoccupied premises and are capable of contacting a monitoring centre and/or responsible party if intrusion, and possibly fire or flood, is detected.



VPS Property Solutions

A TAS in situ

Also consider:

- As far as allowed by the evacuation plan, securely board or brick up as many openings in the building shell as possible, not forgetting insecure roof features. In this regard, the services of security firms specialising in vacated premises are strongly recommended as, typically, tailor-made metal screens are provided (photo: front cover), and usually available within 24 hours.
- Secure against forcing and penetration of any remaining building features that cannot be effectively sealed. The standard of such security needs to take account of benefits to the intruder that may exist, such as the seclusion and extra time available when attacking vacant premises compared with those in normal occupation.
- Retention of a keyholding/response service approved by the National Security Inspectorate (NSI), the Security Systems and Alarm Inspection Board (SSAIB) or the Security Industry Authority's Approved Contractor Scheme .
- Engaging a specialist vacant property security management company whose ongoing services may include developing an overall strategy for strengthening the physical security of the premises during the void period, regular inspections to check the correct functioning of protective measures, the condition of the buildings and state of maintenance, and, generally, their continuing integrity in relation to exclusion of squatters and criminals.
- Contracting with a so-called 'property guardian' service complying with BS 8584. Such services, which appeal to some owners/ landlords of commercial premises, arrange for premises to be occupied by one or more vetted property guardians. See separate appendix.



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Temporary alarm/CCTV unit

5.3 Premises at high risk

The necessity for case-by-case risk assessment cannot be over-emphasised. It is important to recognise that certain unoccupied assets must be seen as exceptionally at risk through, for example, a combination of vehicular access, unfavourable location, or the potential they hold for unauthorised activities. Such premises are very challenging and expensive to physically secure against unauthorised occupiers for the simple reason that standard commercial and industrial buildings cannot withstand a determined attack by those armed with tools, time and opportunity.

It must be accepted that in these cases conventional security measures such as electronic systems, screens and mechanical devices will be much less effective than in general applications. Recent history of large-scale occupations clearly shows that even if police attend they may be unable or unwilling to act. Invariably, the only option open to owners is to create a formidable barrier.

For the larger premises with good vehicular access the aim of the most serious and determined groups is often to operate a fly tipping business. To defeat such people and their vehicles and tools, denial of access through use of barriers consisting of concrete blocks to a specification that will stop the largest size and weight of a commercial vehicle that could feasibly be brought to the site perimeter/entrance, is essential. Siting of 4.5 tonne interlocked concrete blocks across entrances, inside or outside openings such as loading doors, etc is recommended by specialists.



The monitoring function of electronic security systems such as intruder alarms and CCTV is valuable, even indispensable, but the deterrent to those intent on trespass and unauthorised occupation is much less than to typical intruders e.g. those entering to steal contents.



Photo: VPS Property Solutions

Interlocking concrete blocks but each may need to weigh up to 4.5 tonne

These defences, whilst formidable, are designed to be removed from site by contractors once the future of the building is known. Consequently, bearing in mind that the groups involved may have access to heavy plant or may actually operate businesses using such plant (demolition, site clearance, etc) any such defences could be removed, so such a site may also need to retain a professional manned guarding service, alert to threats on a 24/7 basis.

The security of 24-hour guarding is particularly valuable if the future of the premises is sale or redevelopment in the medium term, and an untrained employee or caretaker is unlikely to provide the type of fully effective and credible guarding service that is required. Retention of a professional guarding service is therefore recommended, i.e. one complying with BS 7499 and approved by either the NSI, the SSAIB and/or recognised by the SIA's Approved Contractor Scheme.

The service should provide coverage through regular patrolling of the location, supported by key-point logging on a guard tour patrol system. The manpower requirement will vary according to the assignment instructions and the extent of the premises/site. Ideally, the guard on patrol will be in continuous contact via mobile radio with a static guard in a secure location in a position to raise an alert if necessary. A regular 'health check' on the well-being of the guards by a control centre or another guarded site is a further essential element of such a service.

FAQ

Some assume that a guard dog may be allowed to run free outside business hours provided it's in an enclosed yard but this is not the case.

In some extensive and challenging situations, use by security personnel of guard dogs is beneficial. Should this be the case, the guard service will be obliged to observe the Guard Dogs Act 1975 which requires that any guard dog in use be 'under control of the handler' or 'secured so that it is not at liberty to go freely about the premises'. In addition, warning notices will need to be placed at all of a premises' entrances.

The purpose of the act is of course to protect the public, which includes trespasses and intruders, from being injured by guard dogs. Nonetheless the presence of guard dogs can be viewed as an additional deterrent and the alertness and enhanced senses of a trained dog justify their use in suitable situations.

5.4 Incident handling

Rapid action is of paramount importance once a security breach is reported. The groups involved actively network, maintaining intelligence on the availability of vacant property and they have the benefit of practical and legal advice freely available via a number of squatter websites.

As soon as evidence of an illegal entry has been detected, quickly pass details to the police, local authority and any insurer and visit the location forthwith.

- If there is no one in occupation, disregarding any pseudo-legal notices posted by unlawful occupiers, repossess the premises, maintain continuous legal occupation and re-secure the buildings and site to a significantly better standard than previously.
- If there is unauthorised occupation, in the presence of a witness and in a calm and non-confrontational manner that avoids any escalation that may serve to aggravate the situation, take reasonable steps to ensure that those in occupation understand that they are not entitled to be there and that they should leave. Ideally, in addition, have suitable notices, prepared with legal advice, posted prominently on site. Record behaviours and what is said either by taking notes or by other means. Create and maintain a detailed chronology of events for subsequent dealings with the police and use in court proceedings.

It has to be recognised that the potential for the police to assist in removing trespasses is subject to restrictions. This is clarified in the government website 'Squatting and the law' (extract):

'Simply being on another person's non-residential property without their permission isn't usually a crime. The police can take action if squatters commit other crimes when entering or staying in a property.'

Such crimes include:

- causing damage when entering the property
- causing damage while in the property
- not leaving when they're told to by a court
- stealing from the property
- using utilities like electricity or gas without permission
- fly-tipping
- not obeying a noise abatement notice

S61 of the Criminal Justice and Public Order Act 1994 provides that where the trespassers have been asked, but refused, to leave and have caused damage or used threatening, abusive or insulting words or behaviour, or if there are six or more vehicles (including caravans) on the site, the police are empowered, in principle, to require the trespasses to leave. If these conditions are not applicable but there is an intention to intimidate so as to deter or to obstruct or to disrupt the lawful business carried on at the site, it may be possible to apply S68 and S69 of the Act. Where police, applying this legislation, have ordered trespassers to leave, a criminal act is committed if the trespassers fail to leave or, after removal, return to the site within 3 months.

The decision to use police powers remains at the discretion of the senior officer present. The officer may determine that use of these powers may be unduly harsh or otherwise inappropriate or may, for some operational reason, conclude that their legal powers need not be enforced. Reports suggest that the reluctance of police to act is far from uncommon. Those close to this subject detect a strong preference on the part of the police that these situations are addressed by civil, rather than police intervention.



It's as well to be aware of the options in advance of any occupation and, particularly where the legal position is not clear-cut and/or more than a few trespasses are involved, the intervention of the police cannot be assumed.

Should the trespassers fail to vacate and re-occupation of the premises is not achieved, legal action should be sought as a matter of high priority in order to trigger the legal formalities necessary for control of the premises to be returned to the owners with the minimum of delay. If the legal adviser's recommendation is to apply for an interim possession order (IPO), this must be done within 28 days of discovering that unlawful occupiers are present. However, due to exacting technical hurdles, IPOs are not favoured by all advisers in all circumstances and it is said that the police can be reluctant to act, notwithstanding that a successful application renders continued occupation after 24 hours of serving notice a criminal offence.

In these circumstances the legal advice would normally be to go straight for a County Court possession order (recovery of possession of land, including buildings or parts of buildings) according to Part 55 of the Civil Procedures Rules, albeit that the right to repossess may not be granted for several weeks. Note also that, using this remedy, there is no penalty against the unauthorised occupants should they return. In exceptional circumstances, the legal adviser may alternatively recommend applying to the High Court. This can have the benefit of a faster legal process but it will be necessary to satisfy the court that, for example, the premises are at risk of suffering substantial damage.

Once the order has been granted specialist 'bailiffs' (private certified Enforcement Agents) can be appointed to eject the occupiers if they have not already left. Information and support from the providers of these, and other firms specialising in unlawful occupation, is readily available.

If the occupants are few in number, consideration could be given to immediate use of a reputable Enforcement Agent with a solid track record of success (achieved without exposing clients to unwanted litigation and bad publicity) to enforce a property owner's common law right to repossession – which might be achieved within hours of the incursion becoming known. Again, there is no penalty using this route against the unauthorised occupants should they return. However, this solution can backfire, depending on the circumstances. For example, if there is a large occupation and an unexpected level of resistance is met, the exercise may fail, avoidable costs will have been incurred and there will have been a confrontation, potentially with a range of unpredictable consequences. Professional advice is essential. The best advice may be, in the interests of a predictable and sustainable outcome, to tolerate the delay and immediately commence an application for a formal County Court possession order.

6 Standards referred to in these recommendations

BS 8584 Vacant property protection services – code of practice

BS 8484 Provision of lone worker services – code of practice

BS 8418 Detector activated CCTV – code of practice

BS 7499 Static site guarding and mobile patrol services – code of practice

7 Other related RISC Authority guides

BDM10 code of practice for the protection of empty buildings – Fire safety and security

S10 Guidance for the protection of premises against attacks using vehicles (ram raids)

S20 Essential principles for the protection of property

S21 Measures for the control of metal theft

S23 Guidance for specifiers of CCTV in security applications

S29 Guide to electronic access control systems

S30 Terrorism-sources of guidance and support

Site security: fences, walls and gates

Site security: site layout

Site security: external security lighting

Site security: electronic detection systems

Site security: manned guarding

8 Unauthorised occupation of vacant premises checklist

Issue	Yes	No	n/a	Action	Due date
Have the insurers been notified that the premises are to be vacated and have all such special measures as the insurers may have required been implemented?					
Have arrangements been made for regular inspection of the premises?					
Has a risk assessment been prepared that takes account of the vacant status of the premises, their security strengths, weaknesses and situation, their ease of access and such property, fittings and materials that might be of interest to thieves?					
Have the perimeter boundary and gates, the various building openings (doors windows etc), means of vehicular access etc, been upgraded as necessary?					
Have the fire alarm, intruder alarm, CCTV system and security lighting been checked for correct operation and supplemented, as necessary, to reflect the change in the security risk?					
Has use of a temporary alarm/CCTV system been considered?					
Have the services of a specialist vacant property security management company been considered?					
Does the risk merit a 24-hour static guarding service from one of the reputable security industry guarding companies?					
Have those personnel who may visit or temporarily occupy the premises been briefed on the risks of unauthorised occupation and how they should act and behave should this be threatened, attempted or actually occur?					
Has an action plan been prepared and circulated as necessary detailing the steps that will need to be taken should an unauthorised occupation occur?					
Does the action plan include rapidly securing CCTV footage, noting loss and damage incurred, creating records of the occupation incident (who was present, what was said etc)?					
Will all necessary parties (the authorities, insurers, legal advisers etc) be immediately informed should an unauthorised occupation occur, securing reliable advice on what should be done?					
Does the plan include the actions needed to recover and strengthen security to protect the assets going forward?					

Appendix 1: Property guardian services – more information

Such a service typically provides for the light conversion of part of the premises to provide basic living accommodation, including the usual range of domestic facilities and utilities. The guardians themselves are members of the public, typically with a 'day job' e.g. essential workers, mature students etc (i.e. those working other than in the security industry) who, for their own reasons, are comfortable with their living accommodation taking this form. They do not enjoy the normal residential rights of, say, an owner or tenant but instead agree with the guardian service that they will abide by the terms of a licence of temporary occupation which contains a range of obligations. These generally contribute to the security of the premises but typically do not include formal security guarding as defined in relevant standards – if only because such activity is a licensable activity under the Private Security Industry act.

At face value this arrangement should provide a degree of protection to the property assets that would not otherwise be enjoyed. However there are a number of potentially detracting aspects and the concept may only prove successful for certain types of vacant property. The insurers will need to be consulted and might only give approval once they have considered both the particular application and all details of the proposed service. In particular insurers are likely to closely examine how the guardian service applies BS 8584 in relation to the measures it contains for protecting the security of the premises.



If employment of a property guardian service is considered, select only those with a good reputation and positive customer testimonials – certification to BS 8584 is a positive indicator.

Positive and negative features of contracting with a property guardian service.

Positive features:

- The physical presence of vetted and suitable persons living in the building acts as a deterrent to squatters and criminals and, in theory, performs an 'eyes and ears' service that the building would not otherwise enjoy.
- Although in most cases the guardians are not expected to behave as security personnel they are required to inform the guardian service and, if necessary, the emergency services, should they become aware of any threat to the premises. Note: A static guard presence maintained by a recognised guarding company, in addition to the guardian service, is a positive feature.
- Guardians are also required to inform the guarding service of any maintenance issues arising such as water leakage. Although the guardians are unlikely to be occupying the entire building, the interior is likely to benefit from the heating that must be provided for guardians during the winter months.
- Guardian services typically claim good liaison with the local Fire & Rescue Service which should work to the benefit of the building, i.e. assuming the brigade have the location recorded as a building in multiple occupation rather than 'empty' (but see 'Negative features').
- There can be tax advantages, e.g. the business rates/council tax bill for a building occupied by guardians can be less than the tax due if the building is left vacant.

Negative features:

- The use as living accommodation of the whole, or part of, the at-risk premises prevents the implementation of a range of measures normally to be expected by insurers when buildings fall vacant. These might include the erection of perimeter hoarding or fencing, the sealing or reinforcing of doors and windows and the disconnection of essential services.
- For a similar reason, insurers are prevented from imposing standard unoccupied property policy conditions if a guardian service is used.
- Parts of the premises may remain exposed, unless the guardians have been sufficiently deployed around the site. Thus the necessary conversion of extensive premises to achieve an even level of overall security may not be a viable proposition. Equally, there may be parts of the premises that the owner does not wish to have occupied and if these are to be left without additional security measures, vulnerabilities will be created.

FAQ

What are the views of the insurers on the employment of guardian services? There is no clear-cut answer to this as insurers take different views and most will want to assess the particular risk circumstances.

- The contracts - between guardian service and guardian and guardian service and client - typically leave certain key matters imprecisely determined e.g. guardians are to report building problems 'as soon as possible' and inspections take place 'at regular and frequent intervals'.
- Liabilities could impinge through presence of the guardians that would not otherwise arise.
- Case law suggests that the wording of the license agreement between the guardian service provider and the property guardian and/or the living arrangements made by the guardian service for the property guardian, can be interpreted by a court as amounting in law to a tenancy. This can lead to difficulties in taking back possession of the accommodation at a time of the guardian service's or owner's choosing.
- Even where every effort has been made by the guardian service to make their licence with the guardian in every way 'watertight' and ensure no right to the exclusive use of part of the premises is created (which would undermine the claim that the agreement is not a tenancy agreement) the guardian service provider might still have difficulty persuading an individual to vacate when required, thus undermining the arrangement at that location for the future and/or attracting unfavourable publicity for the service provider and owner/landlord alike.
- The vetting and supervision of the guardians and guardian service operators cannot be compared with that exercised by the various regulators and trade bodies for security industry guarding services (NSI, SSAIB, SIA (Security Industry Authority) BSIA (British Security Industry Association) and IPSA (International Professional Security Association).
- The most thorough regime of inspection cannot guarantee that the guardians will not act in a way that places the premises at risk (e.g. introducing hazardous heating, inviting undesirable visitors, holding parties, drug and alcohol induced behaviours, being absent from the premises for extended periods).
- Given the nature of the relationships, the accommodation being provided, the type of people permitted to be guardians, their lifestyle and circumstances, it might be that their interest in keeping the premises free of deteriorations and everyday hazards (allowing water to leak, dangerous use of heating appliances etc) cannot be compared with a typical private tenant.
- There may be a serious risk to the building and occupants if it is unclear who is responsible for the fire risk assessment required by virtue of the Regulatory Reform Order (although the guardian service may assume this duty and employ a specialist consultant). Guardians will be at potential risk if fire prevention measures do not operate correctly when required or the fire brigade are unaware that the ostensibly vacant premises actually contain persons in residence.
- According to the terms of the contract with the guardian service, the owner may face the prospect of having to meet costs and expenses that might not otherwise have arisen had the building been "mothballed" – for example running repairs, maintaining the premises to a decent, habitable standard, maintaining services that could otherwise have been dispensed with.

Note

Guardian services as described above should not be confused with a 'live-in custodian' service whereby fully trained, SIA registered security guard employees (usually at least two) live at the location in especially arranged accommodation, tailored to the particular contract and provided by a commercial manned guarding security service. In such cases any ambiguity as to whether such individuals are providing a security service is removed and the provider usually undertakes that the premises will be manned 24/7.



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