

Name: G Williams
Party: Claimant
Number: Second
Date: 25.01.21
Exhibits: none

Claim No: QB-2020-002631

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N

HAMMERSON (BRENT CROSS) LIMITED
AND OTHERS

Claimants

and

PERSONS UNKNOWN ENTERING IN OR REMAINING AT THE
CLAIMANTS' PROPERTIES WITHOUT LICENCE OF CONSENT

Defendants

WITNESS STATEMENT OF
GRAHAM WILLIAMS

I GRAHAM WILLIAMS of Aquis House, 49-51 Blagrove Street, Reading RG1 1BU WILL SAY as follows:-

1. I am employed by Hammerson plc as Portfolio Security Manager and I am duly authorised to make this statement - my second - on behalf of the Claimants.
2. On 30 July 2020, The Honourable Mr Justice Soole granted an interim injunction to restrain the Defendants from entering or remaining upon Bankside Yards ("the Injunction"). The Injunction is expressed to last until 4.00 pm 29 January 2021.
3. I make this Witness Statement in support of the Claimants' application to extend the duration of the Injunction.

4. Where the facts referred to in this witness statement are within my own knowledge they are true; where the facts are not within my own knowledge, I believe them to be true and I have provided the source of my information.

Service of the Injunction

5. On or around 5 August 2020, Hammerson:-
 - 5.1 uploaded copies of the Claim Form; the Particulars of Claim dated 27 July 2020; the application notice; my First Witness Statement dated 24 July 2020; and the Injunction dated 30 July 2020 to the following website <https://www.hammerson.com/about/urban-exploring-injunction/>; and
 - 5.2 delivered copies of each of the documents referred to in the previous paragraph to the information desk at each shopping centre.
6. In accordance with the Court requirements, on or around 5 August 2020, Hammerson erected warning notices at all points of public access, outside the main entrances and in no fewer than 5 prominent locations around the perimeter of each shopping centre in satisfaction of paragraph (5) and (6) of the Injunction.
7. The website referred to above remains live, copies of the relevant documents continue to be held at the information desks and the warning notices remain in place.

Extending the Duration of the Injunction

8. For all of the reasons given in my First Witness Statement (paragraphs 48-64), I believe that the risk remains.
9. I and the directors of Hammerson with responsibility for security believe that the Injunction provides an effective deterrent to urban exploring activity at the shopping centres. Whilst an injunction can clearly never be a guarantee that there will be no trespass, our collective experience is that shopping centres which are protected by injunctions to restrain trespass are materially less likely to be targeted by urban explorers.
10. I and the directors of Hammerson are concerned that unless the Injunction is extended beyond 29 January 2021, it is very much more likely that the shopping centres will be targeted by trespassers seeking to engage in urban exploring activity. Given the current lockdown, footfall in the shopping centres is significantly

reduced and therefore it is easier for our security to keep track on what is going on, however our concern is for when lockdown ends and the footfall in our shopping centres increases again.

11. I am informed by Mr Wortley that:-

11.1 prior to the decision of the Court of Appeal in *Canada Goose v Persons Unknown [2020] EWCA Civ 303*, he would ordinarily have advised the Claimants to apply for a final injunction to restrain trespass at the shopping centres until 31 December 2023;

11.2 the decision in the Canada Goose case indicates that the Courts do not have jurisdiction to grant a final injunction against unnamed Defendants; and

11.3 a number of local authorities intend to seek clarification of and / or to challenge the Canada Goose decision in an application which is to be considered by The Honourable Mr Justice Nicklin on 27 and 28 January 2021.

12. In those circumstances, I respectfully request that the Injunction be extended in accordance with the terms of the draft Order pending the decision of Mr Justice Nicklin and any subsequent appeal.

I believe that the facts in this Witness Statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

DocuSigned by:

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Graham Williams

25 January 2021