

**IN THE HIGH COURT OF JUSTICE**

**Claim No.QB-2022-001952**

**KING'S BENCH DIVISION**

**BETWEEN:**

**(1) ALMACANTAR CENTRE POINT NOMINEE NO.1 LIMITED  
(2) ALMACANTAR CENTRE POINT NOMINEE NO.2 LIMITED**

**Claimants**

**– and –**

**(1) ALEXANDER FARRELL  
(2) [REDACTED] [DISCONTINUED]  
(3) OWEN REECE (AKA "TRIKKSTAR")  
(4) HARRY DAVIES  
(5) PERSONS UNKNOWN ENTERING OR REMAINING ON THE EXTERNAL  
ROOFS OR STRUCTURES (EXCLUDING BALCONIES) OF CENTRE POINT (AS  
DESCRIBED IN PARAGRAPHS 2-4 OF THE PARTICULARS OF CLAIM)  
WITHOUT THE CLAIMANTS' PERMISSION  
(6) PERSONS UNKNOWN ENTERING OR REMAINING AT CENTRE POINT (AS  
DESCRIBED IN PARAGRAPHS 2-4 OF THE PARTICULARS OF CLAIM) WITH THE  
INTENTION OF GAINING ACCESS TO THE ROOFS OR EXTERNAL STRUCTURES  
(EXCLUDING BALCONIES) AT CENTRE POINT WITHOUT THE CLAIMANTS'  
PERMISSION**

**Defendants**

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**SECOND WITNESS STATEMENT OF**

**JAMES DANIEL WAITE**

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**I, JAMES DANIEL WAITE** of 3 Quebec Mews, London W1J 7NX, **will say as follows:**

1 I am the same James Daniel Waite who gave a witness statement dated 1 June 2022 in the above case (the "**First Witness Statement**"), and I remain in the employ of Almacantar Limited in the same position, and the with the same responsibilities, as stated in the First Witness Statement. Unless otherwise defined in this witness

statement, I adopt the same definitions as used in the First Witness Statement.

2 This statement was prepared on my behalf through email exchanges with Bryan Cave Leighton Paisner LLP, the Claimants' legal advisers in relation to this case. The facts and matters to which I refer in this statement are either within my own knowledge and are true, or are derived from the sources to which I refer below, in which case they are true to the best of my knowledge and belief.

3 I am duly authorised to make this statement on behalf of the Claimants in support of the Claimants' application for injunctive relief to prevent the Defendants from trespassing at Centre Point.

4 There is annexed to this statement a bundle of true copy documents to which I shall refer marked as exhibit "JDW2". Numbers in square brackets in this statement refer to the page numbers in the exhibit.

### **BACKGROUND**

5 I do not intend to repeat the background to this claim in any detail here, and instead refer the Court to paragraphs 5 to 13 of the First Witness Statement for background.

### **FURTHER TRESPASS AT CENTRE POINT**

6 Since the First Witness Statement, there has been a further incident at Centre Point on 19 August 2022, which I would like to bring to the Court's attention. My team has not been able to identify the individuals involved. Based on the incident report [1-3] and discussions with my team after the incident, I understand the following:

- (i) At approximately 01:28, estate night staff situated in the Centre Point Tower reception at ground floor level heard a noise. They investigated inside and outside Centre Point Tower and found no damage, and on initial inspection found all the doors were secured. They returned to the reception and the doorman reported another noise that he thought had come from the lift area. Estate night staff then examined the CCTV footage and could not see that anyone was trapped in the lifts. They tried to call the lifts but only one lift car responded;
- (ii) At approximately 02:14, an estate security officer spotted intruders proceeding down the main southern access staircase, and he phoned the doorman at the reception to alert him;

- (iii) At some point after this, three young males entered the reception and responded in an aggressive manner when challenged by the estate staff, including through raised volume verbal exchanges and trying to force exit through the glass revolving door (which is shut off at night). Such behaviour from the intruders could have led to further damage (glass breakage) and harm to people close to the incident. They eventually all left through the automatic doors;

Following the incident, CCTV footage was reviewed to better understand what occurred. There is a discrepancy of a few minutes in the times recorded on camera and the incident logs. However, the CCTV allowed me to understand the bigger picture of the incident which (with all times being those on the CCTV footage not the incident report) I understand to be:

- (iv) At 01:22, the intruders forcibly entered the building by breaking the loading bay doors (and subsequent investigation by estate staff has shown that these doors were damaged);
- (v) An investigation by estate staff has also shown that the doors to office premises owned by Kajima were forcibly opened and that the intruders then entered the Tower building by unlocking the doors linking Kajima's unit to the Club area of the Tower by pressing an emergency door release button;
- (vi) At approximately 01:27, CCTV shows the intruders forcibly opening one of the lift shaft doors on the floor of the Club facility and they jumped into the lift shaft. An engineer employed by Otis Elevator Company has confirmed that this caused the lift failures referred to in paragraph (6)(i) above; and
- (vii) At approximately 01:27, CCTV shows that the intruders came to Level 3 and tried to open the lift doors of the same lift and another lift. They failed and then made their way up the emergency staircase. They were then spotted by estate security staff and then proceeded downstairs to the reception.

7 For clarity, I have illustrated the key locations described above on annotated floor plans [4-6].

8 In this case, I estimate the damage caused to the doors, locks and lifts will cost around £5,000 to fully remedy.

## **TRESPASS AT THE SHARD**

- 9 I do not propose to re-hash the previous background to Urban Exploring contained in the First Witness Statement. However, I would like to draw the Court's attention to a further notable instance of Urban Exploring which occurred in September 2022. Adam Lockwood (aged 21) climbed to the top of The Shard in London, an event which received widespread media coverage [7-10]. In 2019, he was given a three month suspended sentence for Urban Exploring activity [11-16]. I believe this shows this is not a problem which is going away.

## **POSTING OF NOTICE OF THE INJUNCTION**

- 10 The Claimants' solicitors have asked me to consider where notice of the injunction might be posted around Centre Point if an order is granted. I would suggest that the injunction could be posted in roughly 13-17 locations around the Centre Point estate, to provide visibility both internally and externally and to ensure that anyone entering the building would become aware of it. Those locations are:

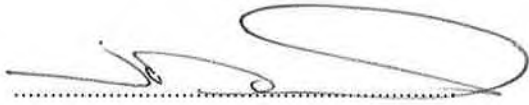
- (i) Placement of notice in the entrance to Centre Point House, residential areas;
- (ii) Placement of notice outside relevant lifts at basement level;
- (iii) Placement of a notice on the doors to the loading bay and the "service" personnel entrance on Earnshaw Street;
- (iv) Placement of a notice at level 2 in Centre Point House on the fire escape stairs where linkage between the residential element above and commercial areas below;
- (v) Placement of notices on top of lift carriages; and
- (vi) We will consider suitable location for placement of a notice in the ground floor reception near the stairs to the basement, though given the listed building finishes, we may not be able to affix to walls/glass. In addition, we will consider placing notices in each of the fire escape stairs in Centre Point Tower.

## **CONCLUSION**

- 11 I believe that the incidents in this statement give further evidence of the immediate risk posed by Urban Explorers, and further reason for the Court to order the relief sought.

**Statement of Truth**

I believe that the facts stated 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.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end, positioned above a dotted line.**James Daniel Waite**

28 September 2022

Made on behalf of the Claimants  
Witness: James Daniel Waite  
Number of Statement: Second  
Exhibit: JDW2  
Dated: 28 September 2022

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**Defendants**

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**SECOND WITNESS STATEMENT OF  
JAMES DANIEL WAITE**

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