

BACKGROUND

Over the winter months, damage caused to property by the escape of water from frozen pipes and other equipment can be extensive. With heavy snowfall already affecting much of the U.K., and temperatures expected to reach as low as -20°C , many properties may have experienced damage to their property that these adverse weather conditions can bring. In this newsletter, we highlight the practical steps that can be taken to minimise these common issues.

PREVENT FREEZING

- Ensure that all areas containing pipes and water storage tanks are heated to prevent freezing. Heating methods should be prioritised as follows:
 - Generalised heat in the building (essential where there are pipes throughout).
 - A warm boxed-in zone around pipes.
 - Trace heating (electrical heating tapes wrapped around pipes) with lagging over.
 - Immersion heaters within storage tanks.
 - Heat from flowing water within the pipes.
- Heating should be thermostatically controlled to maintain a minimum temperature even when buildings are unoccupied such as overnight, holiday periods or when otherwise empty (even if still tenanted). This should cover the entire building.
- Heating systems should be regularly maintained, preferably in the summer.
- Any standby fuel supplies and the associated equipment should be periodically tested and maintained. This is particularly critical where 'interruptible' gas supplies are used.
- Pipes should be lagged to delay the temperature drop. Use 32mm thick good quality, non-combustible lagging securely fixed to all piping including expansion pipes. Pipes above an insulated ceiling are at extra risk, so should be specifically protected.
- Tanks should be lagged around and over, but not underneath so that heat from below can reach them. This is critical as tanks are often located in unheated areas.
- Consider installing temperature sensors (frost-stats) outside the building to activate heating methods before interior temperatures drop too far.
- Minimise pipe-runs outside, or in areas exposed to winds.
- Drain the water system when the building will be unoccupied for a prolonged period. Willis should be consulted before sprinkler systems are drained or otherwise isolated.
- Wet pipe sprinkler systems should be avoided where the temperature cannot be kept above 4°C , the use of alternate or dry pipe systems should be considered.

COMMON OR UNOCCUPIED AREAS

The precautions described above apply equally to common and unoccupied areas, which can be particularly vulnerable as problems may not be identified until after damage has occurred.

- Regular inspections of these areas should be carried out before and during cold weather.
- If a tenant is still responsible for an unoccupied area ensure that they are inspecting them and taking the precautions described above.
- Consider provision of heating to any unheated portions of the building if they may be vulnerable. The use of minimum and maximum thermometers can give an indication of potential problems.



- Ensure fire hydrant markers are kept clear of snow drifts.
- Assess risks of slips on access platforms and suspend any work at height if necessary.
- Ensure staff are provided with warm weatherproof clothing if appropriate.

DUTY OF CARE

As property owners, the Health and Safety at Work Act 1974 and the Occupiers Liability Act place a responsibility on you to make sure all reasonable steps are taken to ensure that any visitors to your property, including employees, are safe. What is considered 'reasonable' would be based on a number of factors which have an impact on any interpretation such as the size of the site, the level of footfall and any specific risks. Where possible, make certain that salting and gritting procedures take place in walkways and parking areas to avoid slips and trips, and that at least one safe access route to the building is available.

ACTION

Weather monitoring, gritting and snow and ice removal systems should be implemented by business to address the risk; lack of knowledge or delay will not be a defence. Signage, warning visitors that snow and ice is a hazard maybe utilised but in isolation is unlikely to be sufficient to discharge the duty on occupiers.

The HSE recently issued guidance for business for snow and ice stating to reduce the risk of slips on ice, frost or snow, the business needs to assess the risk and put in a system to manage it by:

- identifying the outdoor areas used by pedestrians most likely to be affected by ice
- monitoring the temperature, as prevention is key
- put a procedure in place to prevent any icy surface forming and/or keep pedestrians off the slippery surface; and
- if warning cones are used, remember to remove them once the hazard has passed or they will eventually be ignored.

ACTION TO MINIMISE DAMAGE

- Tenants, managers and agents should know the location of all stopcocks inside the premises as well as the main incoming valve in the street. The stopcocks should be periodically exercised to ensure that they are in working order.
- They should also know how to drain down all systems, including sprinklers.
- Make someone responsible for any sprinkler system, its water supply and pump room.
- Ensure that buildings are inspected to identify frozen or leaking pipes etc. at an early stage.
- Review and update emergency contact lists.
- Retain insurance company/intermediary details and ensure emergency contact staff have copies.
- Responsible staff should know how to thaw pipes etc. safely:
 - Isolate the pipe by closing the stopcock on the feed from the tank or main.
 - Expect a thawed pipe to leak water, so protect items beneath it.
 - Don't use blow torches, hot air paint strippers or naked flames.
 - Use hot water bottles or a hair dryer.

FURTHER ASSISTANCE

For further assistance or specific help please contact your usual advisor at Willis Property Investors Division, or any of the personnel listed below:

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Should you require further copies of this newsletter, wish to receive future editions by email or notify us of any changes to your address please contact Kirstie Blyth on +44 (0)20 3124 6656 or by email: blythk@willis.com

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'TIS THE SEASON...TO SECURE EMPTY PREMISES

With our high streets and shopping centres rather more empty of tenants than in previous years, and an increased interest in squatters' rights, landlords could be faced with the prospect of unwelcome visitors, in the form of 'pop-up shops', in the run up to Christmas.

Vacant, inadequately secured shop units are often a magnet for unlawful traders. Landlords will no doubt want to take action rather than await the inevitable voluntary vacation after the festive season. We outline some steps you may wish to consider:

As a starting point you could just ask the unwelcome visitors to leave voluntarily as they have no rights to be there. This is unlikely to have the desired effect, however, it is worth a try and perhaps a notice served by a process server may encourage the less experienced squatter to vacate.

There is also the Criminal Justice and Public Order Act 1994 which gives the police powers to remove squatters although they are very often uninterested in getting involved. However, using your powers of persuasion on the police might encourage the police to use theirs on your squatters.

From a practical point of view premises left unattended at night are easily repossessed by changing the locks. Be aware, though, that you cannot take such action if anyone remains in the premises. Practiced occupiers will camp out in the premises to thwart repossession attempts. Common law allows you to use 'reasonable force' to remove trespassers but this is best undertaken by bailiffs. There are risks involved as 'reasonable force' is difficult to predict and will depend on the circumstances. Bailiffs exceeding reasonable force will be your responsibility which could lead to civil and criminal sanctions against you. That said, bailiffs can be a cost effective solution; hire a professional, experienced bailiff and results can be swift.

Finally there is the option of court proceedings. These are a more costly and time-consuming but low risk strategy. Obtaining a summary possession order from a County Court in respect of commercial premises can take between five to seven days. Proceedings or enforcement action can be expedited in the High Court for faster results. There are inevitable legal costs with this type of action, however, a court order will be enforced by court appointed bailiffs who can use force to remove trespassers and their actions will not be your responsibility.

How you choose to deal with squatters will depend on numerous factors such as: where the occupiers are, whether they are causing damage, if they are a danger to themselves or others and how many of them there are. The best course of action is obviously to secure your premises effectively and keep the squatters at bay.

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