

**Report into the Alleged Harassment and Illegal
Eviction of Squatters at Catherine Road,
Burngreave
(November 2006)**

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Table of Contents

1	Summary of Major Issues and Findings	3
2		
	2.1 Purpose of the Report	4
	2.2 The Investigation Team	4
	2.3 Background	4
	2.4 Issues	5
	2.5 Methodology	5
	2.6 Sequence of Events	7
	2.7 Note of Caution	8
3	Findings	
	3.1 Findings	9
	3.2 Primary Conclusions	9
	3.3 Secondary Conclusions	10
	3.4 Recommendations	11
4		
	4.1 The Development Process	12
	4.2 The Licence	13
5		
	5.1 The Squatters Situation	14
	5.2 Squatters First Occupation	14
	5.3 First Awareness of Squatters 3 rd October	15
	5.4 Eviction Process – Notice – Court	16
6		
	6.1 The Water Supply	18
	6.2 Events on 20 th October	19
	6.3 The Police Visit	21
	6.4 Standoff Period 26 th October to 27 th November	21
7		
	7.1 27 th November	23
	7.2 28 th November - Activity on site & at Arches Offices	24
	7.3 The Squatters Account	25
	7.4 Sheffield Homes - Redwall - Arches Conversation	27
	7.5 Reporting the 28 th November Incident	27
	7.6 29 th November	27
8		
	8.1 Area Panel	29
	8.2 Web Site	29
	8.3 Returning the Possessions	29
9	Conclusions	
	9.1 General	31
	9.2 Specific Conclusions	31
	9.3 Recommendations	34
	Appendices	35

1. Summary of Major Issues and Findings

- 1.1** Arches Housing Association were licensed by Sheffield City Council (SCC) to develop an Affordable Housing scheme on land at Earldom and Catherine Road, Burngreave. This included demolition of a block of flats on Catherine Road. Arches employed a contractor called Redwall to undertake the site preparation, demolition and construction work.
- 1.2** Part way through the works a group of destitute failed asylum seekers occupied some of the flats, supported by local friends and the organisation "ASSIST". SCC began legal proceedings to evict the squatters but before the case came to court the squatters left, allegedly illegally evicted by the site contractors following a period of harassment. ASSIST supporters raised these allegations publicly through SCC's Burngreave Area Panel and on an independent internet site.
- 1.3** This report is the result of an investigation undertaken for SCC. It concludes that the squatters probably were illegally evicted, though not in the manner suggested by ASSIST supporters. It also concludes that Arches could and should have managed the situation more effectively to dissipate the conflict and ensure the squatters were dealt with lawfully. However the report also concludes that ASSIST and its supporters exacerbated the situation by not complying with the eviction order and choosing instead to move more people into the squatted flats. The report finds that SCC had no liability for the mismanagement of these events.
- 1.4** SCC is disappointed that two key organisations it respects, Arches and ASSIST, both failed on this occasion to exercise appropriate standards. SCC recognises the valid role ASSIST plays in helping destitute people; it also acknowledges the important contribution Arches have made and continue to make in providing high quality social and Affordable Housing within Sheffield.
- 1.5** SCC recommends both organisations review aspects of their management approach to ensure similar situations do not arise in future.

2.1 Purpose of the Report

- 2.1.1** To investigate the circumstances surrounding an alleged illegal eviction of squatters from properties on Catherine Road.
- 2.1.2** To ascertain what, if any, instructions or advice were given to the site operatives in respect of managing the squatters' removal.
- 2.1.3** To determine what roles were played by respective parties during this process.
- 2.1.4** To advise whether the actions undertaken constitute any breach of protocols or guidelines.

2.2 The Investigation Team

- 2.2.1** The investigation team was led by Sam Sykes, Manager of East Regeneration Team in Housing Strategy, together with Dave Robinson, Housing Solutions Manager. They were assisted by Amy Wynne, a member of the East Regeneration Team.

2.3 Background

- 2.3.1** Arches HA were granted licence by SCC to develop two pieces of adjacent land in Burngreave, a cleared site at Earldom and a site bordering this on Catherine Road. The Catherine Road land contained a block of 24 maisonettes owned by SCC (Map and Photos of Catherine Road site at Appendix 1 and 2) and managed by Sheffield Homes (hereafter called SHomes) who are the Arms Length Management Organisation that manages all Council tenancies. This block was still partly occupied by 5 SCC tenants. Development of the whole site required demolition of the block and this could not proceed until the tenants were re-housed.
- 2.3.2** Agreement for the disposal of the Earldom site to Arches was reached in December 2005 and construction work started in February 2006. Arches sub-contracted the construction work to Redwall Construction.
- 2.3.3** The agreement for Catherine Road was more complicated. In addition to the re-housing issues, SCC Planners required significant amendments to the original design proposal. The combination of these factors caused significant delays to what was always a tight development timetable. Completion was due by March 2007 to comply with Housing Corporation funding deadlines. The original deadline had been set for a different scheme, due for completion in February 2006, but this had already been postponed due to technical difficulties. Housing Corporation had agreed to this allocation being carried over to the following year, but there was a strong possibility no further extensions would be granted.
- 2.3.4** The final SHomes tenant moved out on 11th October 2006, but prior to this, squatters occupied several of the flats, unbeknown to either SHomes or Arches. These squatters were discovered on 3rd October 2006 and served with notice to quit by SHomes. However they continued to occupy the premises after the expiry of notice date. SHomes then commenced legal proceedings against the squatters and a court

hearing was set for 7th December 2006. However it is alleged that whilst SHomes pursued a legal redress, on a number of occasions during October workmen from the site harassed and intimidated the squatters, trying to get them to leave before the legal proceedings had run their course. On the 28th November 2006, more than a week prior to the scheduled hearing, it is alleged that a number of workmen from the site entered the flats and illegally evicted the squatters.

- 2.3.5** Arches dispute the allegations and have made counter claims that the squatters' representatives have defamed Arches and Redwall.

2.4 Issues

The Allegations (Against Arches & Redwall)

- 2.4.1** Prior to 28th November 2006 Redwall workers had on several occasions illegally harassed and intimidated the squatters, including interfering with their water supply.
- 2.4.2** On 28th November 2006 a number of workers employed by Redwall Construction forced entry into flats numbers 146 and 148 Catherine Road and illegally evicted three squatters.
- 2.4.3** On 28th November 2006 Redwall workers intimidated and threatened two community volunteers who attempted to raise the squatters' case.
- 2.4.4** Following the alleged eviction, Arches and Redwall failed to return all of the squatters' property in reasonable condition.
- 2.4.5** Towards the end of the investigation Friends of Destitute Asylum Seekers (FODA) submitted a longer list of questions requiring answers or comment – see Appendix 3.

Counter Allegations

- 2.4.6** That an article published by an activist on the Sheffield Indymedia website contained defamatory allegations against Arches and Redwall.
- 2.4.7** That a named activist and another person made similar unsubstantiated allegations at a public Area Panel Meeting on 30th November 2006.
- 2.4.8** That the 2 community volunteers who entered Redwall's site at Earldom on 28th November 2006 were threatening to Redwall staff.

2.5 Methodology

- 2.5.1** The investigation team studied all the formal correspondence and written material available. Primary source materials included emails, however not all the events or communication exchanges are well documented. Many emails have been deleted; in

some instances only parts of an email chain have survived; in other cases an email may have stimulated a telephone call response rather than a written response.

- 2.5.2** Secondary accounts examined included Area Panel Minutes, Sheffield Indymedia website and the papers prepared for a court hearing on 7th & 8th December (although this hearing did not subsequently take place).
- 2.5.3** The team also interviewed two of the allegedly evicted squatters and witnesses from each of the key organisations or groups; Sheffield City Council; SHomes; Arches Housing Association; Redwall Construction and friends of the squatters' (who may or may not have been formal supporters of ASSIST). Interviews were restricted to people who had direct knowledge of the events either through participating in them, observing them or receiving reports from participants contemporary with these events taking place.
- 2.5.4** The squatters were interviewed through an interpreter in a place and setting arranged by their supporters. The contractors were interviewed on-site; all other interviews took place at the offices of the East Sheffield Regeneration Team. Much of the crucial evidence provided by the squatters' principal friend relates to events not directly witnessed, but relayed to the friend by the squatters a short-time after the alleged incidents occurred. In some of these instances the conversation would have been conducted without the aid of an interpreter.
- 2.5.5** Oral evidence was obtained from the Police.

2.6 Sequence of Events

14/12/2005	Cabinet Report gives permission to dispose of Earldom site to Arches for an Affordable Housing development of 24 units (50% rent, 50% shared ownership).
30/01/2006	Planning permission granted for Arches Earldom phase.
08/02/2006	Second Cabinet Report recommend demolishing the block of flats at 122-168 Catherine Road and adding this land area to the Earldom site to give optimum development opportunity.
21/02/2006	Licence for Arches to enter Catherine Road is issued.
June/ July 2006	Squatters first occupy the Catherine Road properties.
Summer 2006	Arches in protracted negotiations with SCC Planners regarding site density, layout and design; delays full planning permission for extended site.
03/10/2006	Developers first aware of the squatters - Arches & SHomes informed.
04/10/2006 and 05/10/2006	Eviction process begins – Notices to vacate the properties within one week are issued.
11/10/2006	Relocation of the last remaining SHomes tenant at Catherine Road is completed.
12/10/2006	The squatters should have vacated the properties by this date, but have not.
20/10/2006	Alleged harassment of squatters by Redwall. Police visit the squatters.
23-27/10/2006	Problems regarding the supply of water.
Late October	First group of squatters leave. Apparently quickly replaced by a second group.
Late Oct – late Nov	Standoff period – period of preparation for the legal case. A court date of 07/12/2006 is given. Focus on 27/11/2006 as Vacant Possession date.
27/11/2006	Redwall visit properties anticipating vacant possession, enter flats and confront squatters. Squatters apparently leave.
28/11/2006	Flats empty. Redwall brick up access points. Squatters' supporters challenge Redwall and Arches, alleging illegal eviction.
30/11/2006	Incident reported at Burngreave Area Panel
01/12/2006	An account appears on the Indymedia website
07/12/06	Date set for Court Hearing (did not take place because squatters' already left).
14/12/2006	Possessions are returned to the squatters' friends.
28/12/2006	Planning permission granted for Catherine Road phase.

2.7 Note of Caution

- 2.7.1** Much of the evidence in this case is second-hand or highly contested by other parties. The complaints giving rise to the investigation were made by friends of the alleged victims. The alleged victims are anonymous and untraceable. Amongst those people we interviewed were two men who were presented to us as some of the former squatters' and whilst we took this in good faith, we have no way of verifying their identity or their accounts.
- 2.7.2** We faced an additional problem in that many of the incidents referred to are historic, if albeit only by a couple of months. Whilst some of the evidence is documented in emails or formal correspondence much of it is recollection and as such the precision of times, dates and specific words is often suspect. In at least one critical instance we believe two separate days have been merged or transposed in the memories of witnesses.
- 2.7.3** In short, while some of our findings are clear, others are necessarily tentative. It may not be possible to be certain about the veracity of some accounts. Our analysis therefore represents what we believe to be the balance of probabilities.

3.1 Findings

3.1.1 As a result of our investigation we have reached the following conclusions.

3.2 Primary Conclusions

- 3.2.1** The investigation team are employed by SCC, but approached their task with an open mind s to whether there was any liability upon Sheffield City Council for any of the actions investigated. We have found none on this occasion. SCC licensed Arches to develop the site and the terms of this licence indemnified SCC “against all costs actions losses claims and demands in any way arising”.
- 3.2.2** We believe the three men squatting in 146 and 148 Catherine Road did not leave voluntarily. However we do not believe they were forcibly evicted on the 28th November 2006 as described in the allegations that were raised at Burngreave Area Panel on 30th November and that appeared on the Sheffield Indymedia Website on 1st December.
- 3.2.3** We find the squatters were visited by Redwall staff on the 27th November and almost certainly had good reason to feel intimidated. We believe in making this visit Redwall were at best ill-advised and at worst provocative. Their actions could be construed as amounting to an illegal eviction.
- 3.2.4** The squatters’ spoke little English. Redwall banged loudly upon the doors to raise the residents, but eventually gained entry to the flats without resistance. They then used non-verbal gestures to communicate with the men, indicating the men should leave immediately and “waved” court papers that had been delivered to the flats and said that the Court had ruled that they had to leave. These actions would have been intimidating to the men even though they had little understanding of the words being spoken. We think it likely the men vacated the premises shortly afterwards. We also note that the Court papers were only notice of action and did not represent any order of a Court.
- 3.2.5** We find less compelling evidence that construction workers intimidated or harassed squatters on several previous occasions in October and November 2006. Whilst there is some prima-facia evidence of damage to the flats, disturbance to the water supply and a visit by the police to check immigration status, there are either plausible reasons for these occurrences or insufficient evidence to support the allegations that these were deliberate intimidatory actions by Redwall. In this context we believe the squatters did experience several incidents that disrupted their occupation of the flats, but we are unable to attribute the cause of these incidents to either Redwall or Arches.
- 3.2.6** We do not believe that Arches deliberately instructed, advised or encouraged Redwall to harass or intimidate the squatters. However we have no doubts that both Arches and Redwall management were keen the squat should be brought to the earliest possible end so as to minimise disruption to the development timetable. We believe this may have created a climate of tension and anxiety for both Arches management and Redwall. Arches were conscious that they might not only lose Housing Corporation funding for the proposed development, but could also prejudice their chances of obtaining future funding from Housing Corporation. We understand the

contractual arrangements between Arches and Redwall meant that Redwall would have had no or limited redress if the development had not proceeded. For Redwall management and workers the prospect of lay-offs or loss of contract must have seemed likely and this had the potential to erupt into conflict between Redwall and the squatters. It is our view that both Arches and Redwall could have managed this situation more effectively to dissipate these tensions.

- 3.2.7** We are also clear that this squat was not a random act by desperate individuals, but an organised political act by friends and supporters of destitute asylum seekers - notwithstanding the fact that there was a genuine concern also for the well being of the squatters even if some of the acts were misguided. We believe these friends were complicit in enabling the squat to continue after notices to vacate had been served and when they knew the site was in the process of being actively developed. In this respect their actions exacerbated a sensitive and difficult situation. Had they not enabled a second wave of squatting after the original occupants had left voluntarily in or about late October, the events of 27th and 28th November 2006 would not have occurred.
- 3.2.8** We are not convinced the men left in such a hurry they were unable to take their own possessions. We believe Redwall and Arches did give opportunity for possessions to be recovered. Any possessions left behind were not considered significant or personal to the former squatters.
- 3.2.9** We believe the allegations made at Area Panel on 30th November 2006 and repeated and expanded upon in a report on the Sheffield Indymedia website on 1st December 2006 were inflammatory. They were compiled from a series of second hand accounts that confused both real time and actual events.

3.3 Secondary Conclusions

- 3.3.1** The development process on this site was unusual, being borne out of difficult circumstances that imposed extremely tight deadlines beyond the control of the developing partners, SCC or SHomes. To meet this demanding timetable delivery expediency seems to have taken priority over clear project management arrangements. This situation allowed for too many ambiguities in the decision making line. Had the squatting issue not arisen it is likely these matters would not have been highlighted and the whole development might well have been receiving accolades as an exemplary exercise in delivering Affordable Housing against a challenging timetable. Unfortunately however the emergence of the squatting issue has exposed inadequate risk management preparations, unclear communications and perhaps a willingness to “turn a blind eye” when expediency should have been tempered by principle. In this respect whilst the principal liability for events on site rests with Arches and Redwall, SCC and SHomes have lessons to learn. SCC have recently adopted a new corporate approach to project management, had this been in place at the time it is feasible clearer instructions would have been issued to Arches and thence to Redwall. SHomes may in retrospect also feel they should have been more explicit in instructing Arches to take no action that interfered with the squatters’ occupation without SHomes direct authorisation. By the time this instruction finally came it appears that Arches and Redwall were already of a mind that they could and should respond immediately if situations or opportunities arose.

3.4 Recommendations

- 3.4.1** Although we believe an illegal eviction may have taken place, if any party wish to pursue this matter it would need to be tested in court. We believe this will be of no benefit to the allegedly evicted squatters (who have now moved on) and could not result in any respite from the demolition programme as the block has now been demolished. We are not therefore recommending any further action in this respect but think it important lessons are learned from this affair and applied to prevent similar occurrences in future.
- 3.4.2** SCC review project management on similar developments to ensure optimum communications between all parties.
- 3.4.3** Arches are asked to review their project management approach on this occurrence and apply the lessons in future. In particular they need to consider the management of contractors and the resolution of disputes. We recommend Arches consider this matter at Board level and report back to SCC and the Housing Corporation, explaining how they intend to apply the lessons to their future development work.
- 3.4.4** Redwall are given clear instructions as to the limits of their role as site contractors and the need to operate within clear parameters of responsibility.
- 3.4.5** SCC ensure that all development partners and sub-contractors area aware of the legal procedures for dealing with squatting on development sites.
- 3.4.6** SCC enter into a meaningful dialogue with ASSIST and other supporters of destitute squatters'. This should aim to establish a clear mutual understanding of the development process and the tensions between the community benefits of regeneration against the short-term needs of desperate individuals.
- 3.4.7** ASSIST be encouraged to acknowledge that in some instances regeneration needs should be paramount over individual solutions and in these circumstances squatting should not be encouraged or assisted.
- 3.4.8** Arches may wish to consider a without prejudice modest contribution to a suitable charity in recognition of the items allegedly lost or damaged.

4.1 The Development Process

- 4.1.1** This was in many ways an untypical development in both conception and gestation. Earldom was a cleared site (previous property demolished under the stock reduction scheme in 2002) that belonged to SCC and was designated for housing development in the planning guidance. However it was considered too small for a major development within the Burngreave Masterplan and initially efforts were put into identifying other, larger scale alternatives. One of these new sites was at Catherine *Street*, a short distance away from Catherine *Road*. The Housing Corporation agreed to fund a scheme at Catherine *Street* for Arches Housing Association to build 28 units of Affordable Housing as part of a larger mixed development. To draw down this funding, Arches needed to start the development by February 2006. Unfortunately complex legal and technical issues prevented finalisation of a development plan for Catherine *Street* and in the autumn of 2005 it became evident that Arches would be unable to start on site in time to meet the Housing Corporation's deadline. Rather than lose the £1.35m Housing Corporation allocation SCC and Arches then searched for other suitable sites where it might be possible to quickly bring forward a suitable scheme that could be started before the February deadline. The nearby Earldom / Catherine *Road* site was deemed to be a suitable alternative.
- 4.1.2** Because the new site was wholly social and affordable housing it was not project managed by the East Sheffield Regeneration Team, but was developed under an arrangement between Arches HA and SCC's Strategic Initiatives Section (who handle Housing Association matters). Effectively this meant that SCC had little involvement in the site other than in its formal role as planning authority.
- 4.1.2** The February 2006 start date and March 2007 finish was always an ambitious timetable, but given the Earldom site was already in SCC ownership and designated for housing development it seemed an appropriate opportunity. When Arches brought forward their first proposals for the site (assisted by SCC's Strategic Initiatives section) it was widely greeted with enthusiasm by relevant parties, including the local community newspaper, The Burngreave Messenger. Sheffield City Council's Cabinet agreed to dispose of the site to Arches in December 2005 and Arches successfully gained outline planning permission in January 2006. A start on site was made by February 2006 and initial Housing Corporation funding secured. This rate of progress was spectacular by normal standards, but all concerned were delighted with the achievement which allowed Sheffield to retain £1.35m of Affordable Housing subsidy that would otherwise have been lost to the City.
- 4.1.3** Making the start on site allowed Arches to access 50% of the funding. Payment of the remainder was subject to completing the development by March 2007. This presented a challenge every bit as great as the earlier phase, but Arches and SCC were confident it could be delivered. Unfortunately complex planning requirements not only slowed progress but also, because of green space and design requirements, reduced the density of the development so that it could not be accommodated on this single site. Fortunately SCC decided that the adjacent block of flats at Catherine Road were now surplus to requirements and could be included within the Earldom development site. Arches then produced amended designs and submitted alternative planning applications to incorporate the Catherine Road site. This allowed Arches to develop sufficient properties to meet the Housing Corporation's requirements.

4.1.4 Full Planning Permission for the extended scheme was problematic. Throughout spring and summer 2006 whilst their contractor Redwall progressed the Earldom site, Arches were involved in lengthy negotiations with SCC Planning to work up the details of the scheme. Final full permission for the Catherine Road development was not obtained until December 2006. Parallel to the planning discussions SHomes were rehousing the remaining tenants from the Catherine Road flats. This block was already largely empty by December 2005 with just 5 of the 24 flats still tenanted. They had been hard to let for some time because they required significant investment and were of a design considered obsolete. Some of them had recently been used to house asylum seekers under the Government's dispersal scheme but as this demand changed SHomes decided to release the flats from their portfolio. The remaining tenants were rehoused in a slow drip process, the final one leaving on 11th October 2006 when he relocated into a bungalow owned by Arches. By this time Arches and their contractor partners, Redwall, were anxious to secure possession of the block so that demolition could begin to facilitate the final development phase in accordance with the Housing Corporation's timetable. As each day passed all parties were aware that the margin for achieving this timetable decreased.

4.2 The Licence

4.2.1 Sheffield City Council granted Arches a licence to enter the site on 21st February 2006. The terms of this licence allowed Arches Housing "its contractors or agents the right to enter the land adjacent to Catherine Road... with all necessary plants vehicle and equipment for the purpose only of carrying out site preparation works". This licence also indemnified the Council "from and against all costs actions losses claims and demands in any way arising" and obliges Arches "to take (and ensure its contractors or agents take) all necessary precautions to ensure the safety of all persons and property on or in the vicinity of the premises".

5.1 The Squatters Situation

- 5.1.1** The flats were squatted by destitute men who were apparently either asylum seekers or asylum seekers some of whose cases were still in the appeals process. This status is further explained in Appendix 4. There were believed to be approximately 300 people in this situation across Sheffield at the end of 2006. Some of these individuals have received support from ASSIST, an organisation dedicated to helping destitute people to find accommodation and support.
- 5.1.2** In addition to the formal organisation ASSIST, there is also a network of informal supporters who offer befriending support to the destitute asylum seekers. Some of these “friends” have formal links to ASSIST; others operate in more local networks and provide some support services as “community volunteers”.
- 5.1.3** In this report we refer to “ASSIST” where there is evidence of the formal organisation being involved and to “friends”, “supporters” or “community volunteers” where it appears to have been less formal or more local involvement.
- 5.1.4** Both the formal organisation and the informal networks believe there is a moral case to support squatting in unoccupied properties by people who have no alternative accommodation and little means of support. They work actively with squatters on a number of sites across the city, providing them with material and emotional support.
- 5.1.5** One of the “friends” we interviewed said they preferred to use properties owned by the City Council and managed by SHomes to squat in because, unlike some private owners, the Council will always work through the legal eviction process. One of the Sheffield Homes staff interviewed also offered the view that ASSIST are usually compliant when served with legal proceedings.

5.2 Squatters First Occupation

- 5.2.1** According to “friends” who assisted the squatters they first occupied empty flats in June or July of 2006. They did not however come to the attention of SHomes staff who visited the remaining legitimate tenants on a weekly basis, or to the notice of Redwall workers whose site cabins and car parking area were immediately adjacent to the block.
- 5.2.2** It is believed the flats first squatted were 162 and 166 on the upper floor of the block. It is not known how they gained entry. This investigation has not sought to establish whether their original entry was unlawful. However, given the degree of vandalism Redwall report was a frequent occurrence on the site, it is feasible they gained access through entry points that had already been forced. At approximately the same time another individual also squatted briefly in one of the vacant garages beneath the block. No one suggested any link with the squatters in the flats and we need make no further mention of the garage squatter.
- 5.2.3** A second group of squatters subsequently began occupying numbers 146 and 148 on the middle floor, sometime in September 2006. Both groups received support from ASSIST and subsequent testimony from men who were in occupation on 28th November confirms that ASSIST controlled the occupation to some extent, in as much

as they directed the men to these premises and let them into the individual flats with keys. These were not the original keys but belonged to new locks that had been substituted for the originals. Kier, SCC maintenance contractor, reported most of the original keys lost or stolen.

5.2.4 ASSIST supporters continued to play a befriending role to the squatters throughout their occupation, providing them with both material and moral support. The role of ASSIST and their friends is not always clear. The two “friends” who publicly raised this issue claim not to be members or representatives of ASSIST, but acknowledge working closely with them.

5.2.5 ASSIST have also formally (in writing) distanced themselves from at least one of these witnesses, although on other occasions this person has presented himself to SHomes as an ASSIST representative and the squatters’ we interviewed identified the other person as being from ASSIST. Whatever their status, the principal friend, acknowledges paying daily or twice daily visits to the squatters and providing both physical and befriending support. It is likely he was the conduit for information between the squatters and ASSIST.

5.2.6 The actual persons who were squatting were not constant throughout this period. Some appear to have left individually but there was apparently a wholesale change in late October when the original squatters complied with SHomes requests to vacate only to be replaced by another group of men, at least in the flats on the middle storey (146, 148). It appears that the upper storey flats, 162, 166 were not re-occupied at this time because there was rain coming in through the roof. ASSIST appear to have aided the second group although the principal “friend” testifies he personally thought this was unwise due to both the condition of the properties and the fact that SHomes were taking legal action to regain possession of the block.

5.3 First Awareness of Squatters 3rd October

5.3.1 The first time either Arches or SHomes became aware of the squatters presence was on 3rd October when the contractors, Redwall, informed Arches that squatters were present.

5.3.2 According to Redwall’s management they became aware of the squatters through workmen observing people coming and going to the flats and using the balconies that overlooked the construction site. The site workers were well aware that only a few of the flats were tenanted and also noticed the new occupants were visibly different, i.e. the tenants we are told were all white whereas the new occupants were black or middle eastern in appearance. If this is correct it is a little at odds with the “friends” assertion that squatters had been present since June or July. Either the original squatters had kept a very low profile, or they were not occupying the properties at that stage, or else Redwall must have discovered the occupation through other means. Our inspection of the site convinces us that Redwall workers would have seen people using the flats and it is likely therefore either that squatters had not been present much earlier than this date or that they were not of concern at that stage

5.3.3 According to one of the squatters’ friends, on 3rd October Redwall “kicked in the door” of one of the squatted flats. They claim that in a subsequent discussion (around the

water issues – see below) Redwall's Assistant Foreman (AF) acknowledged this action but claimed it to be a mistake, saying they were trying to enter each of the flats to complete their pre-demolition asbestos survey. Apparently the AF was conciliatory but guarded about this action and added words to the effect "I hope you are not inferring the men felt intimidated". The squatter friend accepted this version of events.

- 5.3.4** Redwall acknowledge they did force entry into the unoccupied flats to undertake asbestos surveys and this frequently involved "tearing off" screens and busting locks because there were no keys available.
- 5.3.5** It seems likely to us that Redwall became aware of the squatters through casual observation but confirmed this during their asbestos surveys. There is no evidence or allegation that they sought at that stage to disrupt or evict the squatters.
- 5.3.6** On being made aware of these new occupants Redwall informed Arches they believed the premises were being squatted. Redwall also offered to undertake emergency boarding up to the properties but SHomes never accepted this offer as they had their own standing contract with a security firm, Pioneer, that was managed through Kier.
- 5.3.7** From this notification Arches informed SHomes who arranged to visit the flats the following day, 4th October. SHomes officers confirmed occupation of both those flats noticed by Redwall (162, 166 on the top floor) and two others (146, 148 on the middle floor). SHomes only managed to speak to one occupant (of 146) but by peering through letterboxes and observing possessions and clothing they formed an impression the other flats were occupied. The officers served notices to vacate the flats within one week. These were pre-prepared for 162 & 166 and expired on the 11th October they returned to the office and prepared additional notices for 146 & 148 that were served on the following day and expired on the 12th October.
- 5.3.8** Throughout this phase SHomes and Arches were in constant dialogue, usually by telephone, to keep each other informed of any progress. SHomes did not communicate directly with Redwall, this task was left to Arches. Neither SHomes nor Arches sought to actively involve SCC's Regeneration Team or Strategic Initiatives at this stage. SHomes later commented that this was an unusual project management process but accepted it had emerged as an expedient in the specific circumstances of this development.

5.4 Eviction Process – Notice – Court

- 5.4.1** The squatters did not vacate by the requested dates and SHomes then began to pursue legal proceedings. SHomes were then contacted by ASSIST who asked for more time to arrange a move because the men had no alternative accommodation. ASSIST meanwhile undertook to rehouse the squatters when alternative accommodation became available.
- 5.4.2** ASSIST attempted to negotiate with SHomes to find an agreed date for vacant possession. Various telephone calls and emails were exchanged between 5th October and 1st November but no leaving date was agreed, although on 26th October a date of 24th November was proposed by SHomes. ASSIST made clear they would vacate the premises if alternative accommodation could be found for the occupants. Sheffield

Homes were legally advised not to negotiate with ASSIST, but to request them to vacate the properties and inform them of SHomes intention to continue with legal action for removal of the squatters. Both ASSIST and Arches were informed of this action. Arches understood they were not to take any independent action against the squatters and should await the legal process.

- 5.4.3** At this point there is clearly an ambiguity creeping into the various parties understanding of the “agreement”. Perhaps because they were driven by wishful thinking, SHomes and Arches were looking for, and believed they would get vacant possession by the end of November. ASSIST meanwhile seem happy to maintain this aspiration without giving commitment it could be achieved voluntarily.
- 5.4.4** In a letter to court dated 28th December 2006 (we are unclear why ASSIST felt the need to write this letter given that by then the court action was no longer proceeding) the Chair of ASSIST stated they “did not feel it was morally right to persuade the occupants to leave, when it would be likely that they would end up sleeping rough”. This letter did not acknowledge that ASSIST had helped a second group of squatters to occupy the flats after the first group had left in late October.

6.1 The Water Supply

- 6.1.1** Around 18th or 19th October friends of the squatters' approached the site contractors complaining the water supply had been cut off to the men's flats. Redwall claimed no knowledge of this act. The friends then approached Arches who also claimed no knowledge or responsibility. However the squatters' supporters continued to believe that Redwall, SHomes, SCC or their associates deliberately interfered with the water supply to put pressure on the squatters to leave. Over the next two weeks there were a series of claims and counter claims resulting in a press statement from SHomes issued 30th October explaining that the water had been cut off to prevent waste from a leaking pipe. The statement further explained that the block was being prepared for demolition and SHomes were legally entitled to cut off the water supply.
- 6.1.2** In a statement for court made on 7th November 2006 a Sheffield Homes Officer acknowledges the water supply had being cut off and comments "this was believed to be the work of the developer". We note the squatters' friends subsequently used this statement as definitive evidence, however it was clearly only a personal opinion. It is not consistent with the SHomes press statement issued on 30th October, or with SHomes own internal maintenance records or with the contextual evidence we examine below.
- 6.1.3** Although ASSIST protested about the legality of cutting off water supplies, SHomes legal advice was clear that they had the right to do this because the block was already in a planned demolition programme and they did not need to enter the individual flats to cut off the supply.
- 6.1.4** We can find no documentary evidence to substantiate the allegation of disruption to water supply before Monday 23rd October. However from that date there is a clear trail because a nearby resident contacted SHomes to report a leak from a flat on the ground floor. The SHomes Maintenance Officer (MO) visited towards the end of that same working day but could not locate the stop-tap to stop the leak. He was actually shown by a local resident where to find the external stop-cock (it was on Catherine Road and was not the one being used by Redwall which was on Earldom). The MO then contacted Kier's (the service contractors) out of hours service to come and turn the water off and if possible affect an emergency repair.
- 6.1.5** On the following day (24th) SHomes got another call from the resident to say the water had been switched off but was back on and leaking again. This time the Maintenance Officer contacted Kier and met two of their plumbers on site. Over the next two days (25th & 26th) they managed to cap off the water supply to the leaking property but before this leak had finally been capped the squatters' supporters had contacted Yorkshire Water who had visited the site and after initially turning off the supply, appear to have later rescinded and turned it back on again.
- 6.1.6** Contemporaneously with this Redwall reported to Arches on 26th October that they had observed "water cascading down the walls of several flats from the upper floors". They speculated the squatters may have observed Kier or their agents or Yorkshire Water turning off the supply and then turned it back on themselves. Redwall say they were concerned about health and safety risks because there was still a live electricity supply to the squatted flats. Arches passed this information to SHomes who in turn informed Kier. The leak appears to have been resolved late in the day on 26th October

but because of the plumbing layout this also took out the supply to those flats immediately above this one, including one of the squatted flats, 162. The Maintenance Officer visited the site again on the 27th to ensure no further leakage had occurred.

6.1.7 Although the evidence from the squatters' friend does not accord exactly with these dates, he was not absolutely certain about all dates and given some margin of error the pattern and actions he reports is not inconsistent with the sequence described above. According to him the following incidents occurred:

- 18th October, water goes off. At a similar time builders from the site are seen "messing with a stop-tap".
- 19th October, 4 friends try to locate stop-tap to restore water supply. Somehow a low pressure supply is restored.
- 22nd October, water off again. Kier van seen in vicinity but not actually seen doing anything to water supply.
- 24th October; squatters complain to YW who visit, say pipe damaged and supply must be turned off, but after negotiation agree to leave some supply running.
- 25th October, water back on to all the occupied flats except number 162. Two Kier men have been seen "fixing it".

6.1.8 We believe this catalogue of incidents does not amount to a conspiracy. It is clear there were leaks in the block, these would have affected water pressure and supply to individual flats; it is clear the squatters and their friends attempted to switch the water supply on and in doing so may have caused further disruption; it is documented that SHomes, Kier and Yorkshire Water were called out, made inspections and turned water on and off; it is accepted that the eventual solution did cut off supply to some individual flats, of which apparently 162 was one. Further we accept Redwall's rationalisation that they were being blamed because they were frequently seen using a standpipe in the road. However this was their own independent legitimate water supply and not the cause of disruption to the squatters supply. To a bystander it could look as if they were turning the water off, since this is exactly what happens with a standpipe.

6.2 Events on 20th October

6.2.1 This is a busy and critical day with a number of actions and a complex exchange of information and views, only part of which is documented. Several emails appear unanswered because, we are told, some of the responses were made by telephone. Unravelling this trail has not been easy but the essence and sequence appears to be as set out below. Unfortunately it raises as many questions as it answers:

6.2.2 Early in the day Arches enquire of SHomes for an update in respect of vacant possession. Although at this stage they had still not received full planning permission they were keen to prepare the block for demolition by arranging for the cutting off of utilities.

6.2.3 SHomes do not appear to have responded directly (in writing) to this enquiry but in a parallel line of correspondence they ask Arches to suggest a date by which Arches require vacant possession, the implication being that SHomes solicitors will then work towards this date.

6.2.4 Although Arches do not appear to receive an answer from SHomes the developer orally informs them that the squatters have now left. Arches pass this information to SHomes.

- 6.2.5** We understand that Redwall believed the squatters had left because their workers observed men they thought to be the squatters “walking down the road carrying their stuff in black bin bags”. This observation is made retrospectively and we are not convinced the chronology is exact. However we do know from the evidence of the squatters’ friend that one or more of the squatters did leave on or about this date, and all had left by the end of October. It is evident however in retrospect that even if some left on the 20th, not all did.
- 6.2.6** On receiving the information from Arches, SHomes sent out two officers to visit the flats and confirm the squatters had actually left. What transpired next is unclear but the one SHomes officer formed a view the squatters had not left. This was based on limited evidence of possessions still being visible in the flat and is not in our view definitive.
- 6.2.7** At this point there is a clear breakdown in communications between SHomes and Arches. Having notified SHomes that the squatters had apparently left, Arches instruct Redwall to arrange for disconnection of services. This instruction is issued at 14.34, around the same time as two SHomes officers visited the site and one of them concluded the squatters had not actually left. Within the hour (15.34) the SHomes officers have reported back to one of their managers who immediately contacted Arches and questioned their instruction to Redwall, stating emphatically “The squatters have not left the properties. Anyway we have not yet handed over the block...Please talk to me before instructing anyone”.
- 6.2.8** It is highly likely that having received Arches instruction Redwall staff immediately went about securing the block in the belief it was vacant. This could explain what SHomes officers witnessed when they made the site visit that afternoon.
- 6.2.9** At approximately 3pm the two SHomes officers visited the site and observed some Redwall workers in the vicinity of the squatted flats. Exactly how many people they saw, where those people were and what they were doing is subject to dispute. It is accepted by both parties that some Redwall operatives were on the landing outside the occupied flats and handling the doors or windows of these or adjacent flats. We cannot with certainty ascertain whether they were attempting to break-in to the occupied flats, break-in to un-occupied flats or to re-secure some flats they had previously broken into for asbestos checks. In any event Redwall’s actions could be consistent with having just been instructed by Arches to secure the properties.
- 6.2.10** One of the SHomes officers is convinced the Redwall staff were attempting to break into the occupied flats and informed the manager, who in turn issued the rebuke to Arches quoted above, that instructed Arches they had no right to enter the flats.
- 6.2.11** During the exchange between SHomes officers and Redwall operatives, one of the latter is alleged to have expressed concern that workers would be “laid off by Christmas” unless the squatters were removed soon. This statement implies that Redwall workers were aware of the pressures of the development timetable and the potential consequences of any delays that may result from the continued occupation. Arches believe Redwall workers were probably beginning to make these assumptions although there is no evidence this was a direct message from their management. Neither is there any evidence that their management, if aware of the under-current, did anything to deflate the tension.
- 6.2.12** There is a clear conflict of views between one SHomes officer and Redwall. The second SHomes officer is ambivalent, but neither supportive nor dismissive of the confident assertions made by his colleague.
- 6.2.13** If squatters were in occupation at the time of SHomes visit there was no contemporary complaint about Redwall’s alleged activities from the squatters or their supporters. However subsequent to the alleged illegal eviction on 28th November, ASSIST

supporters cited a catalogue of previous harassment that included reference to this day. They claim that four Redwall workers visited and told the squatters “to be out by the weekend” (20th October was a Friday) but there is no assertion even in this retrospective claim that Redwall attempted to force entry.

6.2.14 This whole sequence leaves several questions unsatisfactorily answered:

6.2.15 Were the squatters present or had they left?

6.2.16 Did the original squatters leave but were immediately replaced by a second group?

6.2.17 Were Redwall encouraged by Arches to enter and secure the flats?

6.2.18 Did any Redwall employees encounter any of the squatters and try to “persuade” them to leave?

6.2.19 Did the management of Arches and Redwall try to dissipate the evident tension developing amongst the site workers or did they allow a climate of fear and antagonism to develop by “turning a blind eye”?

6.3 The Police Visit

6.3.1 One of the squatters’ friends told us that on the evening of 20th October police called unexpectedly at flat 166. They did not explain why they had called but seemed mainly interested in the occupant’s immigration status. When asked what had stimulated their call the officer said they were responding to a report “someone had kicked a door in”. The squatters’ friend conjectured that the timing of this visit was more than a coincidence and suspected it was part of an organised harassment of the squatters.

6.3.2 We have checked with the Police who confirm that a visit was made to the flats in response to a call that someone was stealing lead from the roof. This call was not made by the site contractors. Whilst there they undertook a routine check of the asylum seekers they came across. The Police are clear this was not a pre-meditated or orchestrated action, but just routine policing.

6.4 Standoff Period 26th October to 27th November – Preparing legal case, change of personnel amongst squatters

6.4.1 Although the allegations and investigations about water disruption continued for another week, in other respects after 26th October there appears to have been a sort of standoff whilst SSC prepared the legal case, ASSIST looked for alternative accommodation for the squatters and Arches were primarily focussed upon negotiations with SCC’s planners. Arches asked Redwall to keep a watch on comings and goings in the flats and ASSIST supporters stepped up their visiting programme to twice a day, plus at least one local resident regularly walked around the area and “kept an eye out” even though he didn’t work directly with the squatters.

6.4.2 The apparent calm may however mask some underlying tensions. One of the ASSIST supporters alleges that during this period whilst he was making twice-daily visits to the flats, damage was caused to his bicycle as it was parked outside the flats. He did not report this to the police. Conversely Redwall and Arches claim an unprecedented rise in vandalism around this site and others in Burngreave amounting to tens of

thousands of pounds. These incidents were apparently reported to the Police. None of these incidents surfaced as a complaint about either party at the time, however it seems undeniable there was an undercurrent of mistrust and antagonism that were reflected in a message from SHomes to Arches at the time of the water incidents, "I'm worried that the tension does not get out of hand and that whoever is on site treats the squatters with respect". Arches agreed, but acknowledged it was harder for Redwall who were in the front line. We also have several reports, none of which quite tally, of exchanges between the squatters and Redwall workers. The site layout is such that the balconies of these flats overlooked the Redwall site cabins and parking area and it seems likely given the circumstances described there is truth in the suggestions that squatters shouted insults from above and workers taunts from below. Redwall management are however at pains to point out that they would not tolerate such behaviour and their staff would have known this.

- 6.4.3** Perhaps the most serious breach of the unofficial standoff came from ASSIST. The testaments given to us show clearly that the original five squatters did comply with the requests to leave and departed from these flats sometime in late October. However they were replaced, perhaps even by immediate hand-over, with another group of three men. One squatters supporter we spoke to said he did not support this second occupation, both because of the condition of the flats and because they had agreed to leave. However at a subsequent interview with men from the second group of squatters we were clearly told they were taken to the flats by a "gentleman from ASSIST" who let them in with a key. Arches, Redwall and SHomes were unaware the personnel had changed and knew only that the flats continued to be occupied.
- 6.4.4** During this period as the legal process edged forward there were frequent communications between Arches and SHomes, principally around technical issues relating to the legal process and the cutting off of services prior to demolition. During these exchanges one date came into sharp focus – as early as 26th October, the date of 27th November was set as the target for achieving vacant possession. This would allow Redwall to proceed with the pre-demolition work in preparation for making an immediate start on new build once full planning permission had been achieved.
- 6.4.5** To this end much of the discussion between Arches and SHomes concerned the intricacies of cutting off the electricity and water supplies. On 24th November SHomes advised Arches a court date had been set for 7th and 8th December. This note adds "It will still be up to the judge when we get possession and then we have to apply to the bailiff for a date". From this it should have been clear to Arches that vacant possession on 27th November was unlikely, although this message was not spelled out unambiguously.
- 6.4.6** According to the squatters friend, on Friday 24th November four builders called at the flats and told the men they had to be "out by the weekend". Although we cannot substantiate this claim it sits in uneasy alliance with the known focus upon 27th November - the following Monday. It also demonstrates a further breakdown in communications between Arches and Redwall. We are certain that Redwall were still firmly convinced they would be handed over the block on 27th November and were preparing their work schedules accordingly.

7.1 27th November

- 7.1.1** We have seen that, notwithstanding SHomes note of the 24th, both Arches and Redwall were focussed upon this date as the day they would get vacant possession and be able to fully enact their licence to enter the properties. Although they were aware SHomes had by now got a date for a court hearing on 7th/8th December, Arches persisted in the belief that SHomes and ASSIST had reached an agreement for the squatters to leave voluntarily by the 27th. Around 10.00 am on the morning of the 27th Arches asked SHomes whether they now had vacant possession and permission to cut off the water supplies. Arches were clearly anxious to enact this phase of work and, unable to get an immediate response from SHomes (the officer concerned was out of the building), Arches asked the same question of SCC's Strategic Initiatives (SI) section. Although SI had not been directly involved in the project management they were aware of the urgency surrounding this development and sought to help. At 11.45am SI obliged and confirmed the previous legal advice, i.e. that SHomes were entitled to cut off the water supply if this could be done without entering occupied flats. At 12.00 mid-day Arches reported back to SHomes that they were taking action to cut off services. At this stage SHomes had neither confirmed nor denied that vacant possession had been achieved. Despite Arches saying they were taking action to cut off services it would appear that both water and electric were still connected the following day.
- 7.1.2** Meanwhile in parallel to this exchange, on-site Redwall were taking action of their own. Apparently still in the belief they were about to be given vacant possession that day, at around 9am they visited the squatted flats to check whether these had been vacated. They found all four of the squatted flats locked and were unable to gain any response from three of them. At the fourth (they are unclear which flat this was but believe it was one on the middle floor) they admit to banging and kicking the door loud "enough to waken the dead" to raise anyone who may be inside. When someone opened the door (described as of black African appearance) Redwall say they showed him the court notice (posted on the door) and gesticulated that he should leave. They acknowledge the man had little English but he let them into the kitchen where they met another man (described as Middle Eastern appearance) who had slightly better English language skills. An unsatisfactory exchange occurred with Redwall continuing to gesticulate and direct the men to leave whilst the Middle Eastern man apparently responded with some invective. Redwall say they then left the premises in the hope their message had got through.
- 7.1.3** At some time later on this day one of the squatter's friends visited the flats and took away the notice of a court hearing date that had been delivered to the flat. It seems to us consistent that this visit took place after Redwall's 9.00am intervention and that the squatters had probably tried to describe the earlier visit. The squatters' friend claims to have advised the occupants to contact SCC in respect of this notice, but from our subsequent conversation with the occupants it is evident they had either not seen or not understood this document. They did not contact SCC.
- 7.1.4** We believe the men probably vacated the flats later that day, as described below, but that this act has been confused with events on 28th November.

7.2 28th November - Activity on site & at Arches Offices

- 7.2.1** The following account is, as far as we are able to ascertain, the factual circumstances. We also note below some of the significant differences in interpretation between the main parties.
- 7.2.2** At 9.26 in the morning SHomes responded to the Arches enquiries of the previous day. SHomes informed Arches they had not been able to reach a voluntary end to the squat and were continuing with the legal action. They also responded to the water query by saying they thought it had already been switched off! It seems clear at this stage SHomes believed the flats to be still occupied.
- 7.2.3** About 1 hour later (10.39) Arches informed SHomes “Good News. The squatters have left”. Their informants were the site developers who told Arches they had made a follow up inspection and found the flats were vacated with the doors left open. Redwall presumed the men had left as a result of the previous day’s exchange. Redwall immediately began to brick up the deck access points in the belief they had the pre-agreement to do this according to the terms of the licence to enter, despite Arches having been told not to do anything without SHomes agreement.
- 7.2.4** SHomes had only a report “the squatters have left” and were not aware of the specific details of Redwall’s two site visits on the mornings of 27th and 28th November. They dispatched two officers to check the situation. These two officers met Arches and Redwall on site around mid-day and were satisfied the squatters had left. At this stage Redwall were already bricking up the communal deck access points and all SHomes knew of the circumstances in which the squatters left, was the information provided by Redwall and Arches during this visit. There are some discrepancies in the accounts of what was actually said, but SHomes heard nothing that led them to believe anything other than that the squatters had left voluntarily.
- 7.2.5** At 12.54 Arches sent an email to Redwall stating that vacant possession had been obtained and instructing them to secure the block. It appears this was written confirmation of an instruction already issued and carried out. At 15.58 SHomes staff confirmed to SCC’s legal advisors that vacant possession had been obtained and the properties secured.
- 7.2.6** In parallel to the above, one of the friends of the squatters’ was undertaking his daily observation of the site at around mid-day when he observed Redwall workers bricking up the deck access. At this stage he was unaware of what had happened to the occupants and presumed Redwall had seen the squatters leaving the flats for the day and opportunistically seized the chance to move in. He had not been in contact with the squatters and was not aware of any allegations of illegal or forcible eviction. He was however concerned the men were being excluded from the flats even though they were still in occupation and had nowhere else to live. He then rallied friends and he and another supporter returned to the site to ascertain what had happened to the men.
- 7.2.7** It is clear that these two friends entered the construction site and spoke to a number of workmen. That much is agreed by Redwall. Whether they were invited onto the site by workmen who directed them to the site foreman, or whether they aggressively trespassed is a matter of dispute. Eventually the friends left the site after what all

parties accept was a disagreement. Both parties accuse the other of using threatening behaviour.

7.2.8 The friends claim to have been surrounded by an angry mob of workmen and felt “we were going to get our heads kicked in”; Redwall claim the friends approached the site foreman in an aggressive manner and other workmen gathered around to offer support to their colleague. Redwall also describe the second friend in uncomplimentary terms, suggesting his appearance may have been intended to provide “muscle”. We gave both Redwall and the friend the opportunity to provide corroborative witnesses but none have come forward from either perspective. We can only say therefore that we can reach no conclusion as to who may have been at fault or more at fault.

7.2.9 By the time they visited the site the friends appear to have formed a view that an illegal eviction had taken place, although they had still not spoken to the former occupants and were not aware of any allegations of workers entering the flats whilst the men were still present. Having left the site these two friends visited Arches offices to ascertain whether Arches were involved in the alleged eviction. A discussion took place in the public reception of Arches offices between the friends and two members of Arches staff. During this time the friends were joined by a third supporter who they had called on a mobile phone. All parties agree the discussion was not physically aggressive, but was fraught and did not produce a satisfactory resolution. The third supporter was known to Arches but the original two friends refused to disclose their identity to Arches, they say for fear of reprisals. This meeting ended with the friends asserting that they would raise the matter at the SCC’s Burngreave Area Panel meeting scheduled for 30th November.

7.2.10 Arches did not report this exchange to SHomes, but did inform Redwall. We note that the two senior officers from Arches did no more than ask Redwall if there was anything wrong about the events, but in the words of one of them, they “chose” not to pursue the detail of the allegations with Redwall. We are deeply concerned about the fact that in most responsible services it would be normal to ask for a clear and detailed account of what had transpired so that the head organisation could satisfy itself and not just rely on general assurances.

7.3 The Squatters Account

7.3.1 We interviewed two men who were presented to us as two of the three occupants allegedly illegally evicted on the 28th November. Neither of them spoke English, we used a Kurdish interpreter but one of the men (we shall call him “Mr A”) did almost all of the talking, the other (“Mr B”) contributed very little other than to confirm some of his colleague’s statements. At times the interpreter had some difficulty in translating specific comments or precise descriptions.

7.3.2 These two men claim to have been occupying the middle floor flats (146 and 148) although they could not be certain of the numbers. They said a third man was also in occupation, sharing one of these flats. We were not offered the chance to interview this third person. The squatters said there was no-one else occupying any flats within this block. They had been there for about six weeks and were shown to the flats by “a gentleman from ASSIST” who let them in with a key. They did have a water supply,

but this was cold water only. They did not experience harassment or intimidation up until the day they left.

- 7.3.3** These squatters were very vague about the dates and to some extent about the times of incidents referred to. We asked them to concentrate on the day they vacated the flats. They (mainly Mr A) described how one morning several men wearing hats and yellow sleeveless jackets woke them up by beating loudly upon the door. It appears the visitors went first to the flat of Mr B, and secondly to that of Mr A. Mr A was not specific about how many of these men were present. He did not know who the men were and could neither confirm nor deny they were workmen from the adjacent construction site, but they were carrying what appeared to be a hammer. The squatters opened the door and did not resist the men in yellow jackets entering the flat. The men in yellow jackets were saying things the squatters could not understand and they also gestured towards the door and indicated the squatters should leave. The men in yellow jackets were not violent or shouting but were forceful. One of them put a hand on the squatters arm and guided him towards the door indicating he should leave. At this time, whilst the men in yellow jackets were in the flats a window was broken in the kitchen, apparently from the outside because the glass fell inwards towards Mr A. They do not know who broke the window. The squatters were scared and in no doubt that the men in yellow jackets were telling them to leave. The men in yellow jackets left and the squatters from both flats met together. They hastily gathered some possessions (a sleeping bag was mentioned) and left the flats.
- 7.3.4** The main witness then described how he walked around for a bit and went to a park, intending to stay the night there. He considered contacting the Police who he thought may help, but in the meantime he met another man whom he did not know, but recognised from his physical appearance as Kurdish. This man befriended him and offered him a place to sleep for a few days in the man's home. He went there. He did not contact ASSIST or any of their supporters for several days.
- 7.3.5** We asked the squatters about their possessions. They indicated that most of the contents of the flat were not theirs but had been provided by ASSIST. They had not sought to recover these at the time and were not intent on recovering them retrospectively.
- 7.3.6** There is nothing in this account that pinpoints the events described to the 28th November. It is entirely possible the incident described occurred on the previous day and would therefore accord with the sequence of events described by Redwall.
- 7.3.7** The general description of this incident is close to that given to us by Redwall in their account of 27th November, albeit somewhat different in emphasis. If it does relate to the 27th, and not 28th, then both of these accounts would be consistent with Redwall returning to the flats on the morning of 28th November to find they had been vacated.
- 7.3.8** There are two inconsistencies. Redwall do not acknowledge that any glass was broken whilst they were there. They do however say their local sites had suffered considerable and continuous vandalism, and they implied that any broken glass could have been caused by vandals. It is possible, but not very probable, that vandals would have been breaking windows at the very time Redwall were visiting the men. It is also possible that if Redwall were "trying to waken the dead" they may have broken windows with the force of their banging. However given the vagaries of the squatters

recollection around dates and times, plus some imprecision of translation, we cannot be certain the glass incident was contemporary with Redwall's visit on the morning of 27th November. In this respect the photographs taken two weeks later (see below) are inconclusive.

- 7.3.9** The one remaining inconsistency is that according to Redwall on 27th November all four of the squatted flats were found to be locked, whereas on 28th November all four were found to be open. As the men claim to have only occupied the two middle floor flats, it remains a mystery by whom, why or how the upper flats were opened.

7.4 Sheffield Homes - Redwall - Arches Conversation

- 7.4.1** When SHomes visited the site on 28th November they toured the site with Arches and at one point got into a general discussion with staff from Arches and Redwall. There appears to have been about five or six people in this group. According to one SHomes officer during this conversation a Redwall worker gave an account of the squatters leaving according to which Redwall staff engaged with the squatters and told them it was dangerous to continue living in the flats because of the fire risk from leaking water coming into contact with electricity. Redwall then helped the squatters to move out with their belongings. This officer also understood the flats being occupied were those on the upper floor, not the middle floor.
- 7.4.2** The SHomes officer did not report this version at the time and the account above was not given until six weeks had elapsed. The SHomes officer is the only one of the group to recall this conversation; the others (including the other SHomes officer) either deny hearing it or deny it took place. Given the importance of the alleged statements, the officer's previous contact with Redwall and the lack of contemporary records to support it, we cannot be confident this is an accurate report. If it does accurately depict comments made at the time, those comments may themselves be a confused collection of bits from different incidents rationalised together. We think it likely some conversations about safety risks did take place around the time of the water incidents and these have been merged with the events of 27th November. This could also account for the confusion in this account as to which flats were occupied at the time, given that we know the upper floors flats were most affected by the water issues and were apparently vacated by the end of October.

7.5 Reporting the 28th November Incident

- 7.5.1** We have already noted the squatters did not report this incident themselves. The accounts that subsequently became public were second hand and retrospective.

7.6 29th November

- 7.6.1** On the following day the SHomes officers who had undertaken the Catherine Road site visits of 20th October and 28th November were visiting another squatted site in the vicinity (at Earl Marshal) and got into conversation with a squatters' supporter at that location. This supporter gave a verbal account of events he had been told happened on the previous day at Catherine Road. According to this version "one man was inside

one of the flats and Redwall kicked his door in and physically removed him from the property and threw some of their belongings out...others returned to find that their belongings had been thrown out by Redwall". This supporter went on to say they had evidence of an email from Redwall to Arches in which Redwall had previously offered to break-in and undertake this action. The informant said they intended to raise the issue at the next Area Panel.

- 7.6.2** It is unclear where this account originated. If, as the squatters told us, they had not personally made contact with ASSIST or their supporters at this stage, it seems likely that as with other evidence this account may be a pastiche of several incidents glued together with conjecture.
- 7.6.3** The reference to a Redwall – Arches email cannot be substantiated. A subsequent correspondence from the squatters' friends appears to suggest the email referred to is probably that of 3rd October, reproduced in the court papers, when Redwall first alerted Arches to the presence of squatters. This short email is actually from Arches to SHomes and is quoted in full below:
- "Our developer on site reports squatters in 162 and 166!!!
Can you confirm – do you wish us to block off deck access's (apart from
[names the remaining legally tenanted flat])"*
- We do not believe this email constitutes a threat to break-in or disrupt the squat, rather it suggests prudent action to prevent further problems.

8.1 Area Panel

8.1.1 Burngreave Area Panel had a scheduled meeting arranged for 30th November. During the open questions section squatter supporters raised the issue of an alleged illegal eviction at Catherine Road on 28th November. The full draft minute is appended at Appendix 5. Area Panel agreed to investigate and report back on the matter and in the meantime that its chair and a number of community members should visit the flats and attempt to regain any missing possessions. This visit subsequently took place on 14th December.

8.2 Web Site

8.2.1 On 1st December Sheffield Indymedia (www.indymedia.org.uk, an independent news website) carried a report of the alleged illegal eviction, graphically stating that Redwall had forcibly evicted destitute asylum seekers. These allegations built upon the conversation between ASSIST supporters and SHomes officers on 29th November, and claim to be based upon an interview, through an interpreter, with the allegedly evicted squatters.

8.2.2 The information supplied to Indymedia carried the name of one of the squatters' friends who had been active throughout their occupation of Catherine Road and was also involved in the Earl Marshal campaign and who had raised the issue at the previous night's Area Panel meeting. However this person subsequently claimed to us the account was a personal one intended only for circulation to a few friends and not for public airing. He claimed not to know how it had been made public and could not verify its accuracy. This however is the main account in the public domain that has set the tone of the complaints to SCC.

8.3 Returning the Possessions

8.3.1 On 14th December the Area Panel Chair and several community representatives met Arches and Redwall on site to reclaim allegedly missing possessions. Photographs were taken showing the condition of the flats and remaining belongings (Appendix 6). The community reps gathered together some of the possessions but later claimed others were still missing or had been damaged beyond usefulness. A list of these possessions is appended at Appendix 7.

8.3.2 The community reps were concerned about the amount of damage to the flats and were "shocked" to see holes in the ceilings of 162 and 166 that went through the flat roof of the building and exposed the interior and contents to the elements. They considered this damage to be consistent with forced entry and deliberate vandalism intended to disrupt the squat.

8.3.3 The photographic evidence is not conclusive on these points. The amount of damage to the flats, other than the holes in the roof, is not considerable and less than may have been expected if someone were deliberately "trashing" a place. The drilled out door lock shown in photographs could have happened at any time, including when the squatters first gained entry. Whilst some items of crockery, a TV, settee and a few other items were left in the flats, there was no evidence of a hurried departure (i.e. half-eaten meals or disturbed bedding). Redwall claim the amount of possessions left

behind was in their experience entirely consistent with that in emptied tenanted flats both on this and other sites.

- 8.3.4** As noted above, the men we interviewed had no interest in regaining any of the property left in the flats, but it seems likely to be of greater concern to ASSIST and the supporters who supply such items to destitute squatters.
- 8.3.5** Redwall further claim that other damage including the roof holes, was likely the work of vandals who had regularly been active on and around the site (Redwall estimate that over a period of some months £25,000 of damage has been caused to their new development or plant through vandalism on this and nearby sites), including upon the flat roof of this block. Contrary to the impression gained by some community reps, Redwall tell us that the flat roof was not of solid concrete construction, but of concrete beams supporting compressed fibreboards. These boards are easily damaged and the holes could have been created using a hammer, bar or other sharp, heavy object.

9 Conclusions

9.1 General

- 9.1.1** This whole catalogue of events graphically illustrates the tensions that can arise between physical regeneration and the plight of vulnerable people. We should not lose sight that the aim of this Arches development was to provide much needed Affordable family homes in Burngreave. However, as with any construction development, the delivery timescale is at best medium term and thus always potentially likely to create frustrations amongst those seeking shorter term solutions. In this case the acute short term needs of one group of desperate failed asylum seekers came into some conflict with a scheme intended to regenerate the area and provide housing for others with housing needs.
- 9.1.2** Ironically in this instance the development has proceeded at a far quicker pace than many comparable schemes. Both Arches and SCC were conscious of the need to deliver an ambitious timetable, albeit driven by the Housing Corporation's externally imposed financial deadlines. There is no evidence that any party cut procedural corners or failed to comply with statutory guidelines in respect of planning regulations, but it is equally certain that all the development parties were focussed upon the end game and this unquestionably created a climate which sought to minimise or eliminate any potential delays. It may well be that such a climate also created a myopia in which some indiscretions may have failed to register.
- 9.1.3** The squatters' supporters openly admit they prefer to squat in SCC properties rather than private ones because they know SCC and SHomes will normally play a lawful and patient game to remove them. We considered a suggestion that SCC and ASSIST could gain mutual benefits if both were prepared to agree some form of temporary arrangements that would allow controlled squatting in properties earmarked for demolition. This could be limited to the period between the properties being cleared of legitimate tenants and the start of demolition. We are legally advised that such an arrangement, however laudable, would not be possible under current legislation. Notwithstanding the current legal position this may be an idea worthy of investigation in future cases, however if applied to the Catherine Road situation it is clear that SCC would not have agreed to a temporary squat because of the urgency of the development timetable. In this context it is evident that the squatters occupation of Catherine Road was ill chosen and likely to lead to conflict. Further if any such arrangements were to be agreed in future both parties would need to trust the other's willingness and ability to deliver their side of the bargain. In this case that patently was not the case; the developers were happy to see maximum disruption to the squatters occupation and ASSIST were prepared to breach the agreement to vacate by introducing a new set of squatters even after the original eviction notices had been served.

9.2 Specific Conclusions

- 9.2.1** We believe the construction programme at Catherine Road was being undertaken against a very tight time schedule and both the client (Arches Housing) and their contractors (Redwall) were conscious that any delays in the programme could result in financial and reputational losses. This created a climate in which both these parties

were keen to minimise or eliminate any problems that could cause delay. In this context we believe both the construction workers on site and the Arches project team would have considered fortuitous any circumstances that made the squatters occupation uncomfortable and likely to come to an early end.

- 9.2.2** Arches email of 3rd October does not demonstrate an aggressive attitude towards squatters but does show a determination to limit the potential for further squats and is indicative of a strong desire to resolve the issue quickly. In retrospect it can be seen that this approach permeated the whole sequence of events over the next two months. An unambiguous instruction from SHomes to Arches at that stage, telling them to stand down until legal eviction had been concluded, might have reduced the flash points that subsequently arose. It is our view this instruction was not forthcoming because the project management for this development was not clear, reflecting the rushed and unorthodox manner in which the scheme had been brought forward.
- 9.2.3** It is clear there was an interruption to the water supply but this was more co-incidence than conspiracy. We believe it started with an accidental leak which was not unsurprising in a building partly derelict. Actions on the part of the squatters, fuelled by mistrust, then exacerbated an already technically difficult situation. As SHomes attempted to resolve leaks other parties were switching the supply back on. We do not believe that Arches, Redwall or SHomes deliberately used the water supply as a means of inconveniencing the squatters, though we note they were trying to get utilities cut off through a legal and transparent process.
- 9.2.4** On two occasions (20th October and 24th November) there is an uncomfortable correlation between Arches seeking an end date for vacant possession and the squatters allegedly receiving a visit telling them to leave the property. It is possible that these alleged incidents were unsanctioned visits or opportunist comments during the exchanges between workers and squatters. We think this reflects the eagerness of Redwall and Arches to get on with the development and we believe both managements must have been aware of the high state of alert around the site. As such they could have done more to actively manage the situation and ensure minimal confrontation between squatters and Redwall staff.
- 9.2.5** ASSIST and their local supporters knew this was an active development site and by the time the eviction notices were issued must have been aware from their conversations with Arches and SHomes that the squatting was potentially holding up development. Although no formal agreement had been reached ASSIST had given a commitment to move the squatters out when alternative accommodation became available. However, having moved the original group out around the end of October they then replaced them with a second group of individuals. It is evident this move was not universally welcomed by ASSIST supporters and in our view it was a breach of the tentative agreement. Had this second squat not been organised by ASSIST the alleged illegal eviction of 28th November could not have taken place, though this does not exonerate any other party who may have engaged in excessive or illegal actions.
- 9.2.6** November 27th had become a commonly known date for the expected vacant possession and both Redwall and Arches took for granted this would materialise. On the 27th Redwall were poised ready to enter the properties. SHomes could have been more direct in informing Arches that vacant possession would not be achieved on this date, but their communication of 24th November made assumptions rather than bold

statements. Equally Arches could and should have been absolutely categorical with Redwall that they must not enter the flats until specifically authorised to do so by SHomes.

- 9.2.7** We are fairly confident, but not 100% certain, that 27th November is the key date and not 28th November. Given the failure of communications above we believe Redwall began that day fully expecting to be in vacant possession by the end of it. Although he was on site on many other occasions, we note the Managing Director specifically arranged to be there for this purpose and led the visit to the flats. Whether they anticipated encountering squatters in the flats remains a matter of conjecture, but it is clear their reaction upon finding the squatters still present was to confront the squatters with the intention of gaining the vacant possession they believed had been agreed. It is likely their patience was tested and the approach they presented towards the squatters was intimidating. We think the men left later that day as a direct result of the visit from Redwall, but we do not believe Redwall employees “kicked in the doors” or escorted the squatters off the premises - though no doubt they were shown the door in the literal meaning. We cannot be sure whether windows were broken at the time of this visit.
- 9.2.8** We believe Redwall did find the flats empty on the morning of 28th November and immediately assumed they were in order to commence bricking up the access points. It is our opinion that Arches had not effectively communicated the line from SHomes (telling them not to do so without specific authorisation) and had therefore effectively sanctioned Redwall’s unilateral action without prior approval from SHomes.
- 9.2.9** We do not feel able to pass judgement as to what exactly happened when the squatters’ supporters visited the site on the afternoon of 28th November. We believe this would have been a highly charged meeting with both parties agitated. We do not think it likely the squatters’ friends addressed Redwall in a spirit of conciliatory concern and we think it equally unlikely that the site workers would have passively responded. Frankly; as the friends declined our offer to interview the other person from their side; and Redwall did the same, neither party should be surprised that we form no opinion as to fault.
- 9.2.10** We think it probable that the squatters did not remove all the possessions they had been given during their occupation of the flats, however we think they probably took what they considered to be essential and were not too concerned about the rest. They did not attempt to return to collect missing items. It is likely that some of the equipment and artefacts supplied by ASSIST supporters were abandoned or damaged during the incidents but we feel sufficient efforts were made to allow these goods to be recovered.
- 9.2.11** We believe the accounts of these occurrences that were reported to Burngreave Area Panel on 30th November and that appeared on the Indymedia website on 1st December were not accurate portrayals of what actually occurred, but were a pastiche of second hand and sketchily interpreted accounts beyond the direct knowledge of the authors.

9.3 Recommendations

- 9.3.1** Although we believe an illegal eviction may have taken place, if any party wish to pursue this matter it would need to be tested in court. We believe this will be of no benefit to the allegedly evicted squatters (who have now moved on) and could not result in any respite from the demolition programme as the block has now been demolished. We are not therefore recommending any further action in this respect but think it important lessons are learned from this affair and applied to prevent similar occurrences in future:
- 9.3.2** SCC review project management on similar developments to ensure optimum communications between all parties.
- 9.3.3** Arches are asked to review their project management approach on this occurrence and apply the lessons in future. In particular they need to consider the management of contractors and the resolution of disputes. We recommend Arches consider this matter at Board level and report back to SCC and the Housing Corporation, explaining how they intend to apply the lessons to their future development work.
- 9.3.4** Redwall are given clear instructions as to the limits of their role as site contractors and the need to operate within clear parameters of responsibility.
- 9.3.5** SCC ensure that all development partners and sub-contractors are aware of the legal procedures for dealing with squatting on development sites.
- 9.3.6** SCC enter into a meaningful dialogue with ASSIST and other supporters of destitute squatters. This should aim to establish a clear mutual understanding of the development process and the tensions between the community benefits of regeneration against the short-term needs of desperate individuals.
- 9.3.7** ASSIST be encouraged to acknowledge that in some instances regeneration needs are paramount to individual solutions and in these circumstances squatting should not be encouraged.
- 9.3.8** Arches may wish to consider a without prejudice modest contribution to a suitable charity in recognition of the items allegedly lost or damaged.