

Date: 19 February 2020
Party: Claimants
Witness: SS Wortley
Number: 2nd
Exhibits: "SSW13" - "SSW18"

Claim Number: QB-2018-004437

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N

(1) TEIGHMORE LIMITED

(2) LBQ FIELDEN LIMITED

Claimants

and

(1) IAN DAVID BONE

**(2) PERSONS UNKNOWN ENTERING IN OR
REMAINING AT THE SHARD OR SHARD
PLACE WITHOUT THE CLAIMANTS' LICENCE
OR CONSENT**

Defendants

WITNESS STATEMENT OF

STUART SHERBROOKE WORTLEY

I, Stuart Sherbrooke Wortley of Eversheds Sutherland (International) LLP, One Wood Street, London EC2V 7WS SOLEMLY AND SINCERELY AFFIRM THAT:-

1. I am a partner with Eversheds Sutherland (International) LLP and have conduct of these proceedings on behalf of the Claimants.
2. On 8 February 2018, Ms Leigh-Ann Mulcahy QC sitting as a deputy High Court Judge made two orders in this action:

- 2.1 an interim injunction to restrain the Second Defendant from trespassing on The Shard and the neighbouring land on which Shard Place was being constructed ("the Interim Injunction");
 - 2.2 an order for directions providing (amongst other things) for the Interim Injunction against the Second Defendant to continue until trial or further order.
3. Copies of both orders are attached to this statement at pages 1-12 of exhibit **"SSW13"**.
4. Where the facts referred to in this witness statement are within my own knowledge they are true; where those facts are not within my own knowledge, I believe them to be true and I have provided the source of my information.
5. As referred to below, on 8 July 2019 George King-Thompson breached the Interim Injunction for which he was sentenced to 24 weeks imprisonment for contempt of court. The Claimants' committal application was supported by an affirmation from me dated 20 July 2019 and affirmations from my assistant Joanna Begaj (dated 25 July and 29 August 2019) and Kay Louise Harvey who was then and remains now Head of Property Management at Real Estate Management (UK) Ltd ("REM") (dated 26 July 2019).
6. I now make this witness statement (which I will treat as my second given my earlier affirmation) in support of the following applications on the part of the Claimants:-
 - 6.1 to substitute Plan 1 with Plan 1A;
 - 6.2 to convert the Interim Injunction to a final injunction in relation to:-
 - 6.2.1 The Shard; and
 - 6.2.2 Shard Place.
7. The Claimants also seek confirmation that the terms of the injunction automatically extend to the airspace immediately above The Shard and Shard Place. If the injunction does not automatically extend to the airspace immediately above The Shard and Shard Place, the Claimants seek an express order to that effect.
8. Before turning to the applications referred to above, I wish to update the Court concerning the parties to this action.

The First Defendant

9. In paragraph 13 of my affirmation, I referred to the fact that the Claimants' application for the Interim Injunction followed a specific threat by the First Defendant to occupy floors in The Shard in connection with a protest seeking to raise awareness about homelessness in London.
10. The First Defendant attended the hearing on 8 February 2018 and gave an undertaking to the Court "until further notice". A copy of this undertaking is attached to this statement at pages 9-12 of exhibit "**SSW13**".
11. Paragraph 4 of the Order for directions provided for the proceedings against the First Defendant to be stayed generally.
12. Mr Bone has complied with his undertaking for 2 years and has made no further threat to occupy The Shard. In those circumstances the claim against him has served its purpose. The Claimants do not therefore need to seek a final order against him and is content that his Undertaking until "further notice" now be discharged.

The Second Defendant - service

13. In paragraphs 4-12 of my affirmation, I described the activity known as "urban exploring" and explained that immediately before the First Defendant made his threats, the Claimants had been preparing to issue an application for an injunction to restrain trespass by urban explorers. The evidence relating to the threat of trespass by urban explorers was recorded in a witness statement of André Frank Baker (formerly head of security at REM) which I exhibited "**SSW2**". In paragraph 11 of my affirmation, I confirmed that the Mr Baker's draft witness statement accurately reflected his instructions to me.
14. In paragraphs 6-11 of her affirmation dated 26 July 2019, Ms Harvey provided evidence concerning service of the Interim Injunction upon the Second Defendant.
15. The First Claimant is satisfied that all of the requirements for injunctions against persons unknown recently repeated in paragraph 49 of *Cuadrilla v Persons Unknown [2020] EWCA Civ 9* are met. It is proposed that the final injunction should continue for 5 years.

Substituting Plan 1 with Plan 1A

16. The Interim Injunction applies to:-
 - 16.1 The Shard (excluding the Access Areas defined in paragraph 2 a. unless paragraph 2 b. applies) – shown in red on Plan 1; and
 - 16.2 the land on which Shard Place was / is being constructed – shown edged in red on Plan 2.

17. In preparing the current application, the Claimants have recognised that Plan 1 depicts the full extent of the Claimant's registered title TGL386845 and that the land included in the registered title extends beyond the physical structure of The Shard above ground level. In particular the registered title includes the following areas over which there are public rights of way at ground level:-
 - 17.1 to the south, part of the pavement adjacent to St Thomas Street; and
 - 17.2 to the north, part of the circulation area between The Shard and London Bridge Station at the level of Joiner Street and London Bridge Street (above the level of the platforms at London Bridge Station) and which is known as Railway Approach.

18. The Claimants therefore seek to replace Plan 1 with the plan marked "Plan 1A". Plan 1A shows the extent of the physical structure of The Shard at ground level (ie at the level of Joiner Street and London Bridge Street to the north and at the level of St Thomas Street to the south) and excludes areas over which there are public rights of way. A copy of Plan 1A is attached to this statement marked "**SSW14**".

Final Injunction – The Shard

19. As noted in paragraph 13 above, the evidence supporting an injunction based on the threat of trespass by urban explorers is recorded in the draft statement of André Frank Baker at exhibit "**SSW2**" to my affirmation.

20. In paragraph 18 of Mr Baker's statement, he recorded 16 fatal accidents around the world (including several in England) resulting from urban exploring activity. Since then there have been at least 2 more fatal accidents:-
 - 20.1 in July 2018, Jackson Coe (aged 25) died after falling from a building in New York; and

20.2 in September 2019, Jonny Turner – a London based urban explorer (aged 28) died after falling from scaffolding on a construction site in Waterloo. An article concerning this tragic incident was published in Vice magazine in January 2020 and a copy of this is attached to this statement marked **"SSW15"**.

21. In paragraphs 32-56, Mr Baker set out details of previous incidents involving urban explorers at The Shard including 2 incidents in July 2017 when urban explorers climbed from the viewing platform at level 72 up to level 87 at the very top of the structure.
22. In paragraphs 57-58, Mr Baker identified the reasons set out below for seeking an injunction to protect The Shard from trespass given that as the tallest building in western Europe it is an obvious target. I am informed by Ms Harvey and believe that each of these reasons remains relevant today.
23. In addition to the practical steps which the Claimants have taken to deter trespassers which Mr Baker describes, in paragraph 14 of her affirmation dated 26 July 2019, Ms Harvey explained that since the Interim Injunction, the Claimants had spent a further £226,000 plus fees and VAT on additional measures to discourage climbing on the structure of The Shard. This sum is in addition to the sum of around £500,000 plus fees and VAT spent in 2013/4.
24. The Shard has long been recognised as a trophy target for protestors and urban explorers. Although the Interim Injunction has been largely effective in deterring acts of trespass at The Shard, the threat remains as illustrated by the fact that on 8 July 2019, Mr King-Thompson climbed the exterior structure of The Shard after gaining access from the roof of London Bridge station. Mr King-Thompson avoided the anti-climb measures which the Claimants installed in 2013/4 by using suction cups.
25. The Claimants' experience of the Interim Injunction having a deterrent effect is consistent with that of other clients for whom Eversheds Sutherland has obtained interim and final injunctions to restrain trespass by urban explorers. Since 2018, my firm has obtained around 25 injunctions to restrain trespass on behalf of clients including the owners of high rise / high profile buildings, contractors (in respect of construction sites), a premiership football club and a film studio.

26. The following sub-paragraphs demonstrate that the community of urban explorers now understand (insofar as they did not understand before) the serious consequences of breaching an injunction to restrain:-

26.1 in 2018, Canary Wharf issued an application for committal against 5 individuals who breached an injunction by climbing Newfoundland Tower. The transcript of the decision in that case was exhibited to my affirmation marked "**SSW6**";

26.2 on 26 November 2018, immediately following the Canary Wharf committal hearing:-

26.2.1 Alex Farrell (one of the 5 contemnors) told a journalist:-

"We're just not going to breach any more injunctions." pp 9-11 of "**SSW6**";

26.2.2 Owen Kelly (another of the 5 contemnors) uploaded a message to Instagram in which he said:-

"Don't trespass at Canary Wharf!"

Copies of the news articles reporting on the Canary Wharf contempt hearing (including the one quoted above) and the Instagram message are now produced and shown to me at page 1 of "**SSW16**";

26.3 In November 2019, Construction News published a feature article about urban exploring in which an anonymous urban explorer was quoted as saying:-

"As soon as there's an injunction, then it's not worth literally breaking the law just to go on a construction site".

A copy of this article is now produced and shown to me at pages 2-5 of "**SSW16**";

26.4 In October 2019, George King-Thompson was sentenced to 24 weeks for contempt of Court following his climbing of The Shard. The transcript of the decision in that case is now produced and shown to me marked "**SSW17**";

26.5 Unsurprisingly, the sentence generated a lot of comments from urban explorers on social media platforms. By way of example, an urban explorer called Ben Gittings (who specialises in lift surfing) uploaded his comments

on the decision in a video which he uploaded to YouTube for which the URL is https://www.youtube.com/watch?v=P_4P-hxeh38. During this video he makes the following points:-

26.5.1 7 minutes and 53 seconds into the video:-

"These injunctions are serious stuff. If you break one, as it always says on the big injunction posters, you could be imprisoned or have your assets seized."

26.5.2 18 minutes and 40 seconds into the video referring to George King-Thompson:-

"Any future person that trespasses as persons unknown onto a site with an injunction, [can] now be put in prison [...] if you just go onto some building that's got an injunction and you didn't realise it, it's not been set by the Courts that you can now go to prison for doing that [...] the guy that climbed the Shard – this guy, who did absolute nothing that could hurt anyone, he literally climbed the shard for his own personal experience – and he's been sent to prison for it because the Shard had an injunction"

27. On 12 January 2020, shortly after his release from prison an article appeared in the Daily Mail which featured Mr King-Thompson and his climb of The Shard. The article included a number of photographs of The Shard (pages 6-16 of **"SSW16"**).

28. On 20 January 2020, shortly after his release from prison, George King-Thompson uploaded a message to Instagram (much of which refers to me and my firm's practice in obtaining injunctions to restrain trespass and my role in the committal proceedings). His post concluded with the following message:-

"continue hitting sites all around UK's and simply be careful with injunction based sites. Fuck Em!"

A copy of this message is now produced and shown to me at pages 17-18 of **"SSW16"**.

29. Mr King-Thompson has indicated that he is making a documentary for television and that he has agreed terms with Harper Collins for the publication of a book about the climb (page 28 of **"SSW16"**).

30. On 4 February 2020 my firm wrote to Mr King-Thompson and Harper Collins asking each of them to confirm that they will not publish any confidential information concerning The Shard (pages 19-26 of **"SSW16"**). Yesterday I received a

response from TLT Solicitors instructed by Mr King-Thompson seeking an extension of time in which to respond (page 26a of "**SSW16**").

31. Notwithstanding the deterrent effect which the Interim Injunction affords, the risk of trespass therefore remains.
32. By way of a further example, on 19 January 2020, Usama Quaraishi (also known as Usamalama – a well known urban explorer and one of the 5 contemnors at Canary Wharf) uploaded a video to his Instagram story which shows him approaching The Shard and includes a collage of 4 photographs taken outside The Shard (page 30 of "**SSW16**").
33. On 18 February 2020, Alexander James Tai, an urban explorer who my firm has previously dealt with uploaded a photograph of the top of the Shard to his Instagram account (page 31 of "**SSW16**").
34. For as long as urban exploring remains a relevant activity, The Shard will clearly be a target for those involved. On behalf of the Claimants, I respectfully request that the Interim Injunction be converted to a permanent injunction in order to minimise that risk.

Final Injunction – Shard Place

35. The Interim Injunction currently restrains Persons Unknown from trespassing on the land edged red without the Second Claimant's permission.
36. I am informed by Ms Harvey that construction work at Shard Place is now nearing completion and currently scheduled to achieve practical completion in or around May 2020.
37. Given the prominent location of Shard Place (and its proximity to The Shard), on behalf of the Second Claimant, I respectfully ask the Court for an Order that the injunction to restrain trespass continues on its current terms until such time as the hoardings are removed and that once the hoardings are removed the injunction is revised to prevent anyone from climbing on the roof or external structure of Shard Place without the Second Claimant's permission.

Airspace above The Shard

38. I am informed by Ed Lowcock, Senior Account Director of Good Relations Limited (which advises REM on public relations issues) that on 26 September 2019, Dylan

Wyn Pugh, Head of Commercial at Red Bull Company Limited sent a completed proforma application for permission to film at The Shard to Mr Lowcock.

39. The application included the following information:-

"The creation and celebration of Leap Day, a global news moment on 29 February 2020 which puts the UK's most iconic 21st Century landmark centre stage. Two Red Bull wingsuit athletes, will jump from a helicopter 2,500 m over Central London & fly through the gap at the top of The Shard before parachuting safely to the Thames. Footage will be captured & released across the Red Bull Media Network & distributed globally to third party news & media platforms. Note: with their years of experience and expertise, the challenge is well within the comfort zone of the wingsuit professionals."

40. Copies of Mr Wyn Pugh's email dated 26 September and the completed application form (together with further correspondence referred to below) are attached to this statement at pages 6 - 11 of the exhibit marked **"SSW18"**.

41. I am further informed by Mr Lowcock and believe that:-

41.1 on 27 September (the day following the application and following discussion with directors and senior employees of Real Estate Management Ltd the company which manages The Shard) Mr Lowcock replied to Mr Wyn Pugh refusing the application;

41.2 on 7 November 2019, Mr Wyn Pugh telephoned Mr Lowcock and during this conversation Mr Wyn Pugh:-

41.2.1 expressed the view that the proposed stunt would be safe (stressing the qualifications of their expert wingsuit athletes);

41.2.2 indicated that Red Bull would not necessarily need REM's permission to complete the stunt;

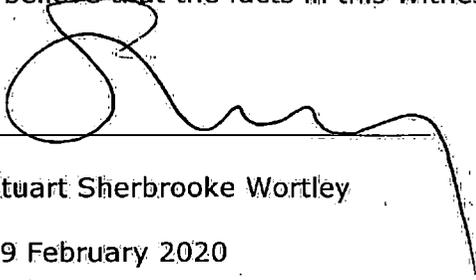
41.2.3 referred to the fact that he had already begun preparations for the stunt (by speaking to the authorities including the Civil Aviation Authority); and

41.2.4 asked to speak to the Claimants' shareholders directly (on the basis that Red Bull had previously worked with the State of Qatar);

41.3 having already refused the Red Bull application, Mr Lowcock did not reply;

- 41.4 on 8 January 2020, Mr Wyn Pugh sent a further request to Mr Lowcock asking whether Mr Lowcock had any further information (page 1 of "**SSW18**").
42. On 21 January 2020, I sent an email to Mr Pugh confirming that the application for consent to filming had already been rejected and seeking appropriate undertakings from Red Bull in a form to be agreed (page 12 of "**SSW18**").
43. Later the same day, Andrew Clark, Head of Legal at Red Bull responded to my email explaining that:-
- 43.1 Red Bull understood that it needed the Claimant's permission to perform the stunt;
- 43.2 any suggestion that Red Bull did not need the Claimant's permission was the result of a misunderstanding between Messrs Lowcock and Wyn Pugh;
- 43.3 Red Bull had merely sought clarification of the Claimants' refusal of the application; and
- 43.4 requiring that Red Bull provide any undertaking was unnecessary and disproportionate (page 14 of "**SSW18**").
44. I am informed by Ms Harvey that the Claimants:-
- 44.1 have been reassured by Mr Clark's message and have decided not to pursue the demand for an undertaking from Red Bull;
- 44.2 remain concerned (given the iconic status of The Shard as the tallest building in western Europe) about the potential for a stunt (whether involving a wingsuit or otherwise) involving the airspace immediately above The Shard and wish to extend the current injunction to cover the airspace above The Shard to a height of 100 metres above the structure.
45. The First Claimant understands that the terms of the Interim Injunction do (and the proposed final injunction would if granted) automatically extend to the airspace above The Shard. Should the Court considers it necessary or desirable, the First Claimant will seek a provision in the final Order which clarifies this to put the issue beyond any doubt.
46. For the reasons given above, on behalf of the Claimants I respectfully ask the Court to make an Order in the terms of the draft attached to the application notice.

I believe that the facts in this Witness Statement are true.

A handwritten signature in black ink, consisting of a large loop followed by several smaller, connected loops and a long, thin tail that extends downwards and to the right.

Stuart Sherbrooke Wortley

19 February 2020

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N

- (1) TEIGHMORE LIMITED
- (2) LBQ FIELDEN LIMITED

Claimants

and

- (1) IAN DAVID BONE
- (2) PERSONS UNKNOWN ENTERING IN OR
REMAINING AT THE SHARD OR SHARD
PLACE WITHOUT THE CLAIMANTS' LICENCE
OR CONSENT

Defendants

"SSW13"

This is the exhibit marked "SSW13" referred to in the witness statement of Stuart Sherbrooke Wortley dated 19 February 2020.

CLAIM NO: HQ18X00427

IN THE HIGH COURT OF JUSTICE

QUEENS BENCH DIVISION

ROYAL COURTS OF JUSTICE

B E T W E E N

**(1)TEIGHMORE LIMITED
(2)LBQ FIELDEN LIMITED**

Claimants

and

**(1)IAN DAVID BONE
(2) PERSONS UNKNOWN ENTERING IN OR REMAINING AT
THE SHARD OR SHARD PLACE WITHOUT THE CLAIMANTS'
LICENCE OR CONSENT**

Defendants

BEFORE LEIGH-ANN MULCAHY QC SITTING AS DEPUTY HIGH COURT JUDGE

8 FEBRUARY 2018



ORDER FOR AN INJUNCTION

PENAL NOTICE

IF YOU, THE SECOND DEFENDANT, DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS OR ANY OF THEM TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

IMPORTANT NOTICE TO SECOND DEFENDANT

This Order prohibits you from doing certain acts. If you disobey this Order you may be found guilty of contempt of court and you may be sent to prison or your assets seized.

You should read this Order very carefully. You are advised to consult a solicitor as soon as possible.

THE APPLICATION

An application was made on notice on 8 February 2018 by Counsel for Teighmore Limited and LBQ Fielden Limited against the Defendants to the Judge.

The Judge heard the application and read the witness statement referred to in Schedule 1 to this Order and accepted the undertakings in Schedule 2 to this Order.

THE INJUNCTION

IT IS ORDERED THAT:

1. Service of this Order and of the Proceedings on the Second Defendants may be effected by posting notice of the Proceedings and this Order; the effect of this Order and notice of where the full Order can be obtained at prominent locations at the Shard and Shard Place and/or by informing those potentially involved via social media platforms if possible.
2. The Second Defendant be restrained until trial or further order from entering or remaining upon:-
 - a. any part of the land shown edged red on Plan 1 appended hereto ("the Shard") except the entrances and lifts provided for access to the restaurants, bars, hotel and viewing platform ("the Access Areas") without the licence or consent of the First Claimant;
 - b. the Access Areas in the event of the licence to enter or remain in the Access Areas being withdrawn whether orally or in writing by the First Claimant or on its behalf; and
 - c. any part of the land shown edged red on Plan 2 appended hereto ("the Shard Place Site").

VARIATION OR DISCHARGE OF THIS ORDER

The Second Defendants may apply to vary or discharge this Order upon giving 48 hours' notice in writing to the Claimant's solicitors at Eversheds Sutherland (International) LLP, One Wood Street, London, EC2V 7WS (Ref: Stuart Wortley tel: 020 79190 9797, fax: 020 7919 4919, stuartwortley@eversheds-sutherland.com).

INTERPRETATION OF THIS ORDER

A Defendant who is ordered not to do something must not do it him/herself or in any other way. He/she must not do it through another acting on his/her behalf or on his/her instructions or with his/her encouragement.

COMMUNICATIONS WITH THE COURT

All communications to the Court about this Order should be sent to:

Queen's Bench Division, Royal Courts of Justice, Strand WC2A 2LL.

The offices are open between 10.00 a.m. and 4.30 p.m. Monday to Friday (except Bank Holidays).

The telephone number is 020 7947 6000.

SCHEDULE 1

Witness Statements

The Judge read the following Witness Statements before making this Order:

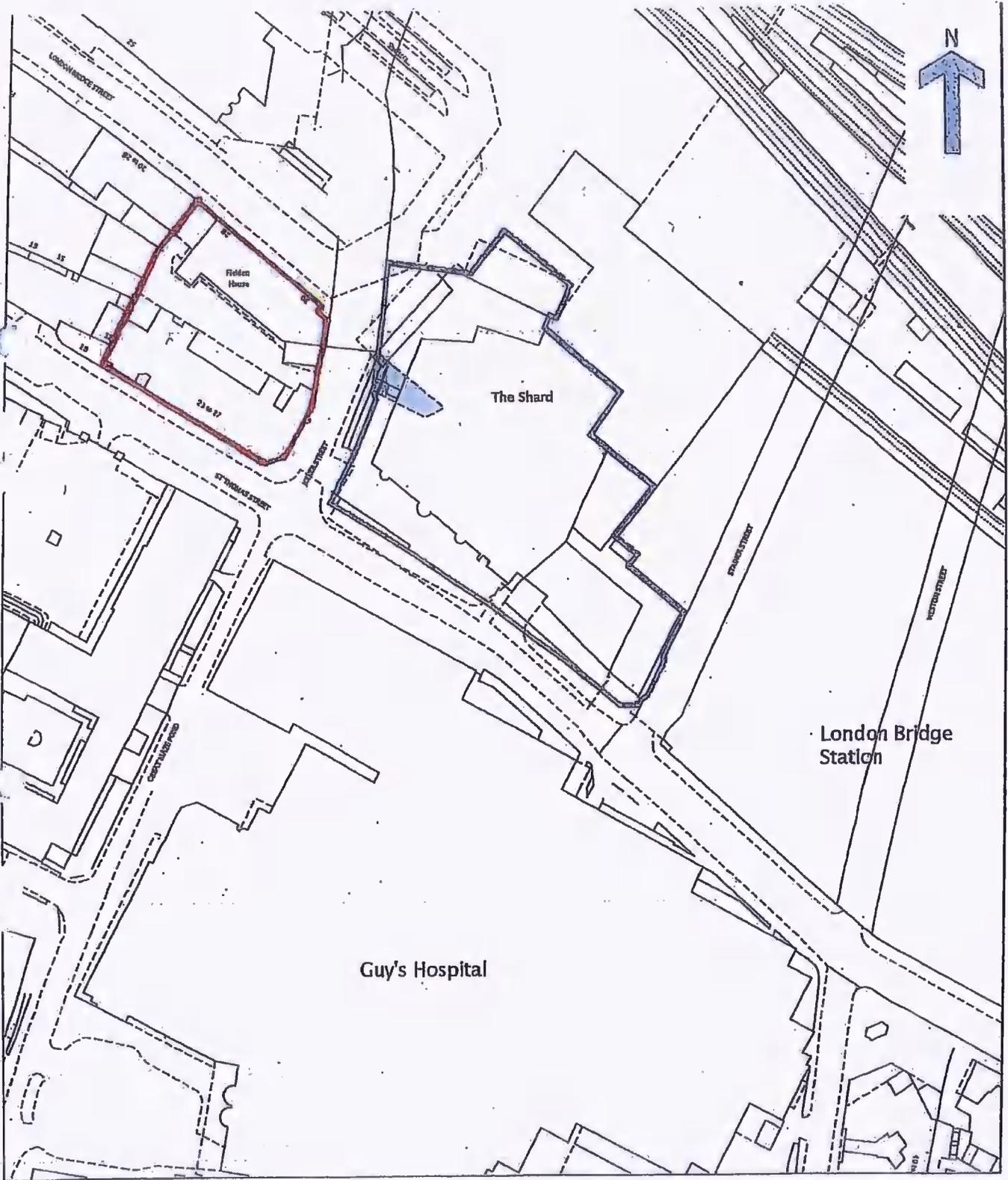
1. Witness Statement of Andre Frank Baker dated 1 February 2018 together with the Exhibits marked "AFB1" and "AFB2"
2. Witness Statement of Stuart Sherbrooke Wortley dated 6 February 2018 together with Exhibit "SSW1".

SCHEDULE 2

Undertakings given to the Court by the Claimants

1. To pay any damages which the Second Defendants shall sustain which the Court considers the Claimants should pay.

Dated: 8 February 2018



Plan 2

IN THE HIGH COURT OF JUSTICE

HQ18X00427

QUEEN'S BENCH DIVISION

BEFORE LEIGH-ANN MULCAHY QC (sitting as a Deputy Judge of the Queen's Bench Division)

BETWEEN:

**(1) TEIGHMORE LIMITED
(2) LBQ FIELDEN LIMITED**

Claimants

and

**(1) IAN DAVID BONE
(2) PERSONS UNKNOWN ENTERING IN OR REMAINING AT THE
SHARD OR SHARD PLACE WITHOUT THE CLAIMANTS' LICENCE OR
CONSENT**

Defendants

ORDER

Upon hearing leading counsel for the Claimants and Counsel for the First Defendant

And upon the Court explaining the effect of the attached Undertaking to the First Defendant and accepting the First Defendant's Undertaking

IT IS ORDERED THAT:

1. Plan 2 appended hereto be substituted for Plan 2 appended to the Particulars of Claim;
2. There be no order for costs on this application;
3. There be no further directions in the Claim against the First Defendant;
4. The Claim against the First Defendant be stayed generally;
5. The Injunction against the Second Defendants dated 1st February 2018 be continued until trial or further order in the amended terms of the Injunction Order of today's date;
6. There be no further directions in the Claimant against the Second Defendants and the Claim be adjourned generally with liberty to apply;
7. Service of this Order may be effected on the First Defendant by sending it to his representative and on the Second Defendants by posting notice of the Injunction and this Order at prominent locations at the Shard and Shard Place with details as to where to view the Orders and/or by giving notice to persons unknown through social media.

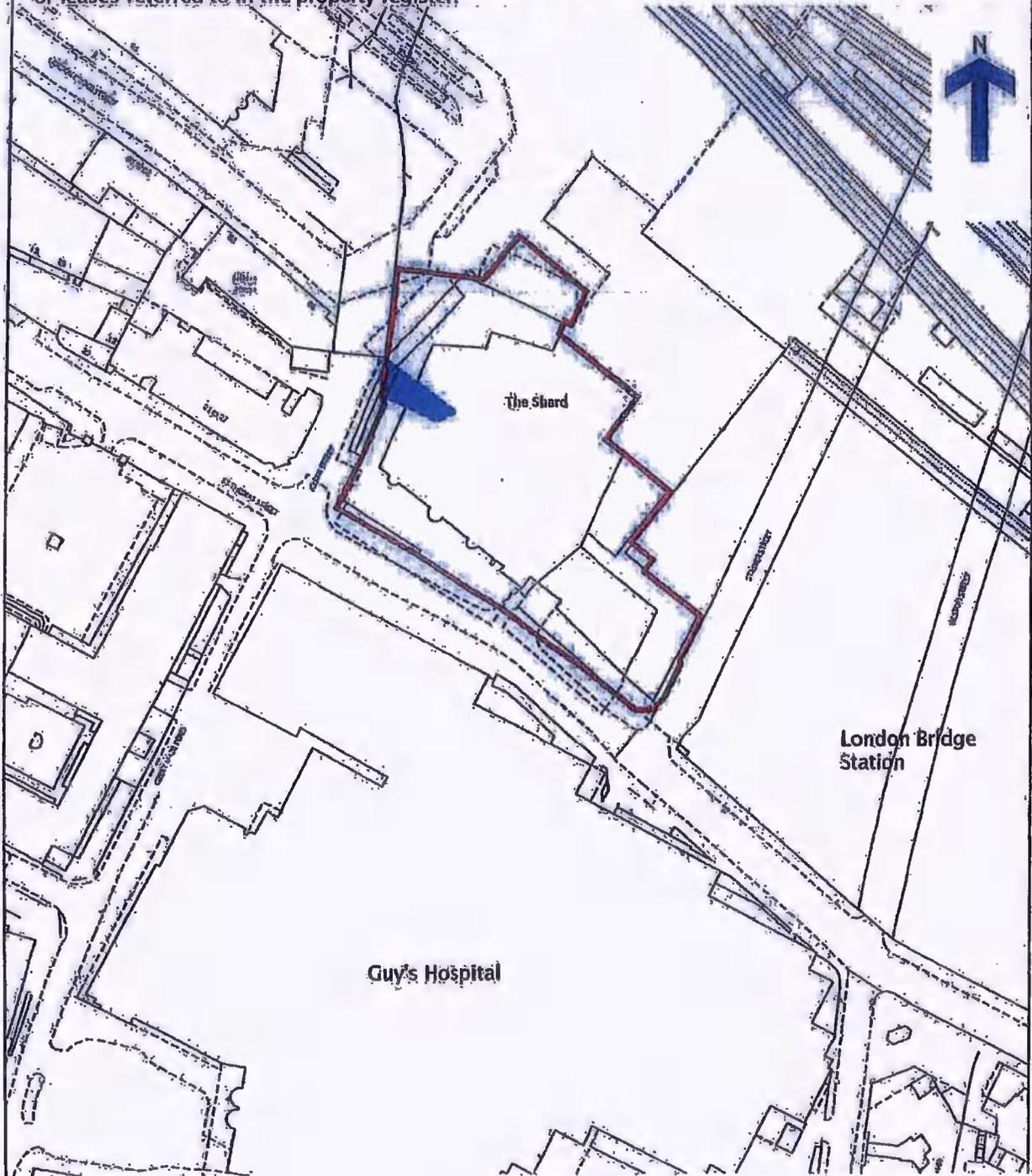
Dated the 8th Day of February 2018

Land Registry
Official copy of
title plan

Title number TGL386845
Ordnance Survey map reference TQ3280SE
Scale 1:1250
Administrative area Southwark



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The land in this title lies within the area edged red hereon and is more particularly described in the lease or leases referred to in the property register.



This official copy is incomplete without the preceding notes page.

Plan 1 7

The Court may direct that the party who gives the undertaking shall personally sign the statement below.

Statement

I understand the undertaking that I have given, and that if I break any of my promises to the Court I may be fined, my assets seized or I may be sent to prison for contempt of court.

Signed

J. D. Bone

To be completed by the Court

Delivered

- By posting on:
- By hand on:
- Through solicitor on:

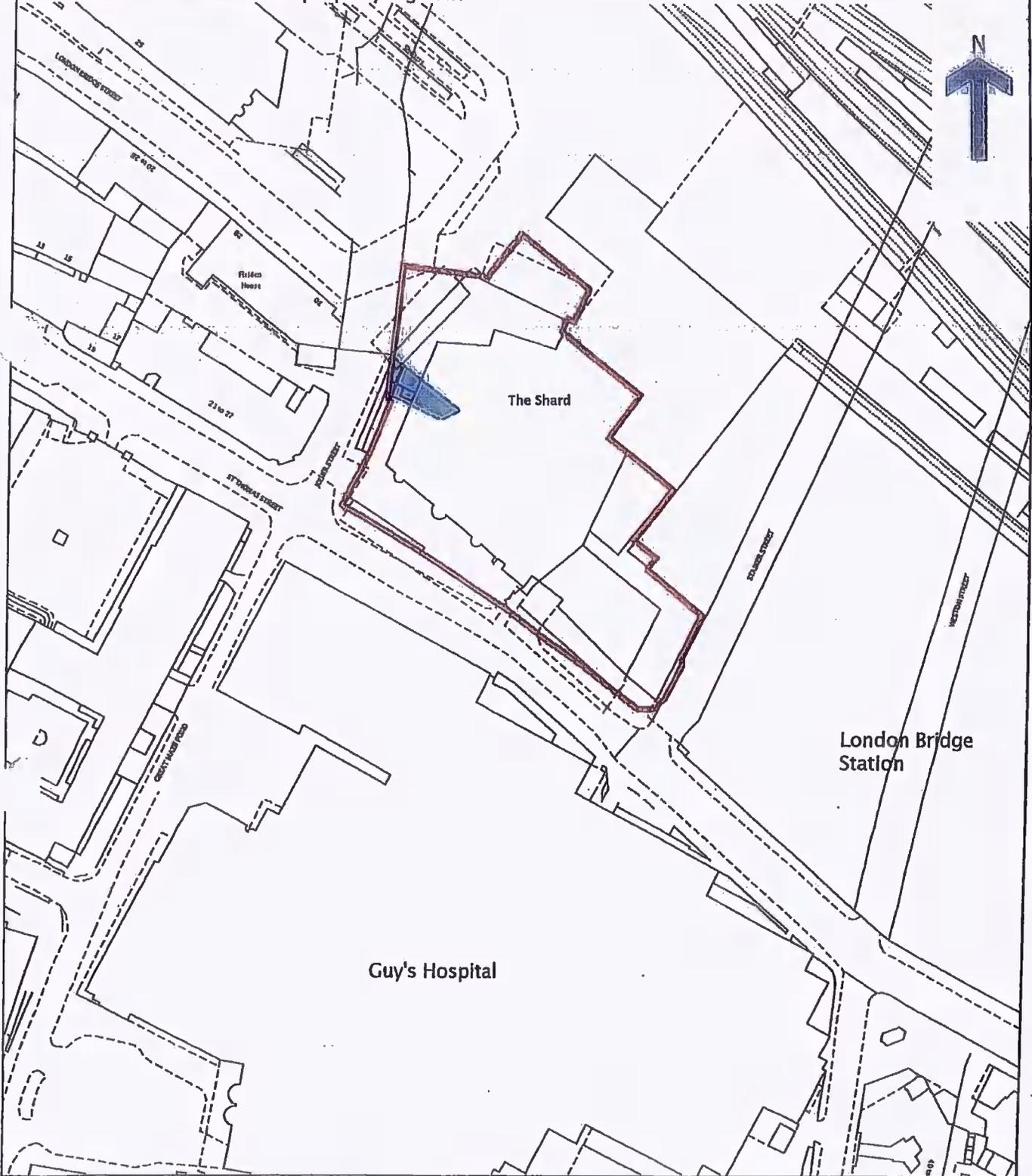
Officer:

HM Land Registry
Official copy of
title plan

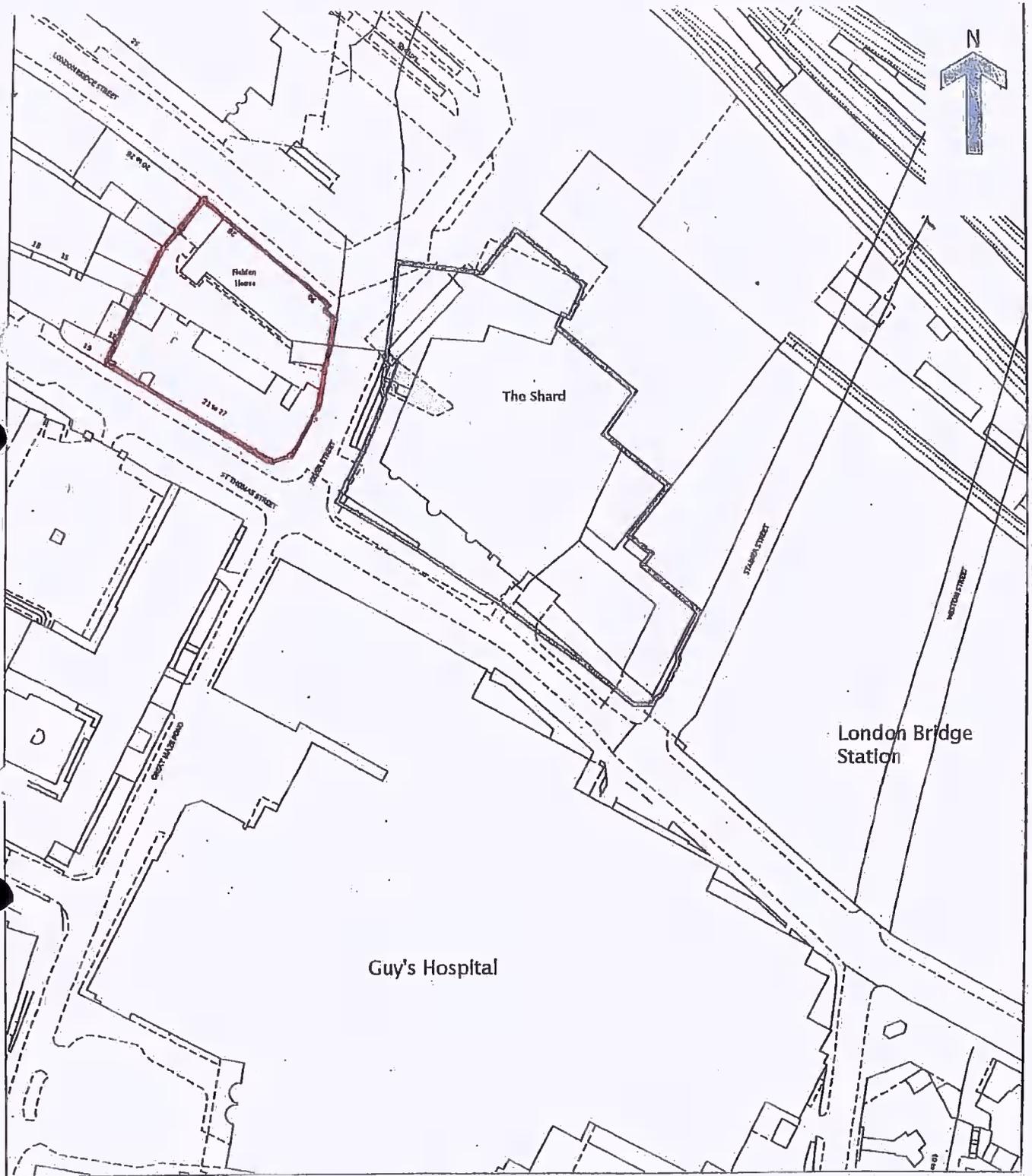
Title number TGL386845
Ordnance Survey map reference TQ3280SE
Scale 1:1250
Administrative area Southwark



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Plan 1



Plan 2

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N

- (1) TEIGHMORE LIMITED**
- (2) LBQ FIELDEN LIMITED**

Claimants

and

- (1) IAN DAVID BONE**
- (2) PERSONS UNKNOWN ENTERING IN OR
REMAINING AT THE SHARD OR SHARD
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OR CONSENT**

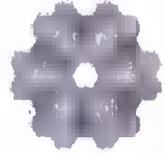
Defendants

"SSW14"

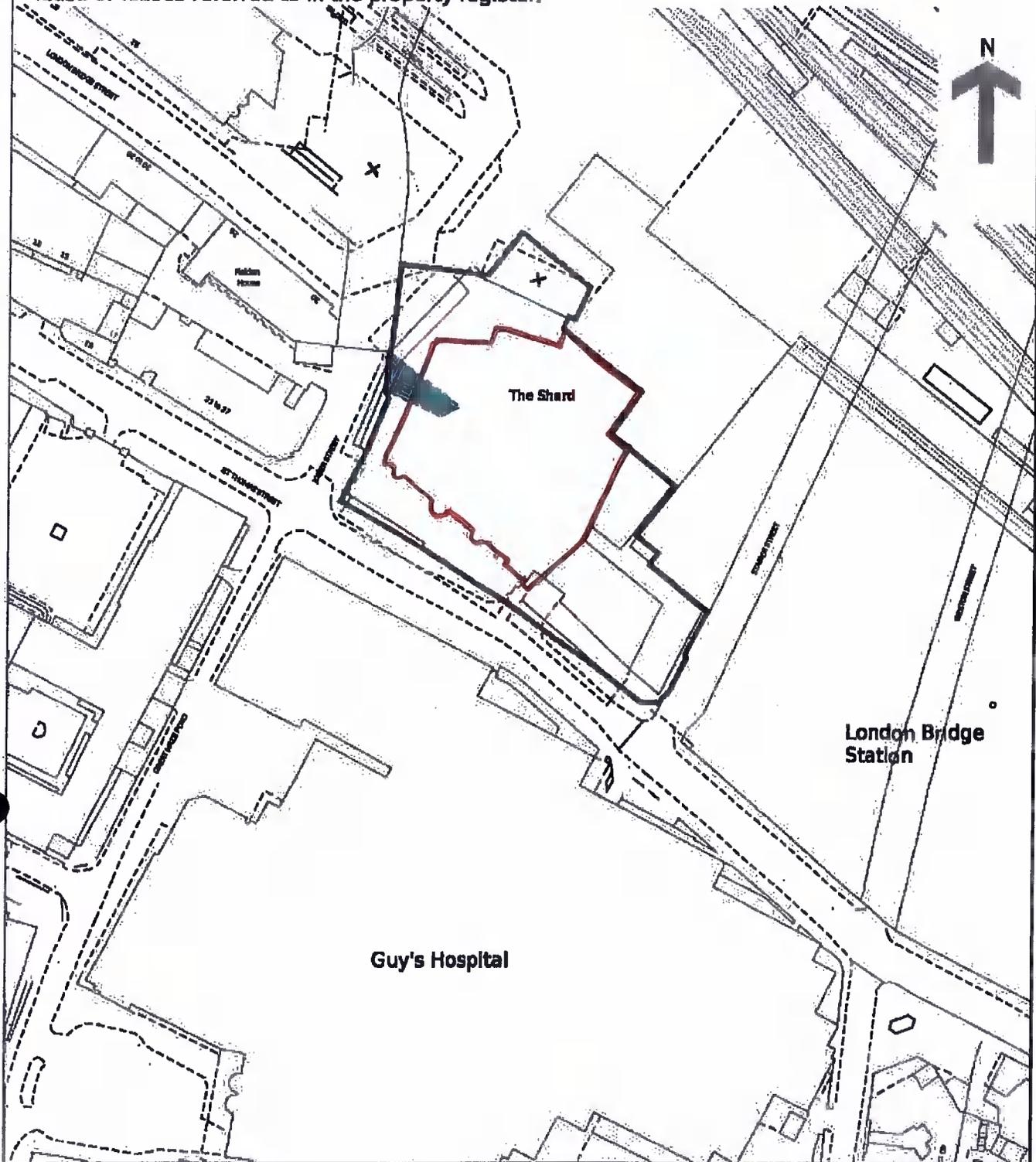
This is the exhibit marked "SSW14" referred to in the witness statement of Stuart Sherbrooke Wortley dated 19 February 2020.

HM Land Registry
Official copy of
title plan

Title number **TGL386845**
Ordnance Survey map reference **TQ3280SE**
Scale **1:1250**
Administrative area **Southwark**



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The land in this title lies within the area edged red hereon and is more particularly described in the lease or leases referred to in the property register.



IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N

- (1) TEIGHMORE LIMITED**
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Claimants

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OR CONSENT**

Defendants

"SSW15"

This is the exhibit marked "SSW15" referred to in the witness statement of Stuart Sherbrooke Wortley dated 19 February 2020.

ADVERTISEMENT

Culture

The Dizzying Final Photos Taken by a Free Runner Who Fell to His Death

Johnny Turner fell tragically while climbing a block of flats in central London. He was 23, and leaves behind an impressive body of photography.

By **Melissa Johnson**

23 January 2020, 9:00am   



ALL PHOTOS BY JOHNNY TURNER.

Johnny Turner was a talented free runner and photographer. He had a special “touch” when landing his jumps, balancing elegantly on thin rails or walls almost without making a sound. He also loved London’s architecture – from train lines to abandoned construction sites to tower blocks and housing estates – and photographed it obsessively. Johnny was able to combine these two passions in urban exploration, an activity that took him to parts of the capital most people never see.

ADVERTISEMENT

“He was the type of person who would just ride his bike and do parkour so naturally, he came across these environments from an early age,” says Will, a friend of Johnny’s. “He grew up in Balham in south London, so he’s always been around places like Stockwell, Brixton, Clapham. I think that’s why he drew a connection with this type of architecture.”

In September 2019, Johnny fell to his death when climbing a block of flats in Waterloo. He was 23 years old.



ALL PHOTOS BY JOHNNY TURNER.

Urban exploration, also referred to as “urbex”, is the practice of entering or climbing a city's uncharted buildings. It could be the top of a block of flats, an abandoned building site or in the case of Bradley L Garrett, who **scaled the Shard in 2012 and brought the often nocturnal activity into the spotlight**, one of its most iconic skyscrapers. Many “explorers” take photos of the views they encounter, often sharing on social media. London-based urban explorer Harry Gallagher, also known as **@night.scape**, has more than 240k followers on Instagram and posts shots from the **sides of buildings** and **inside tunnels**. Ally Law has earned over 3 million subscribers on Youtube with his urbex videos, and once **broke into the Big Brother house**. Viral videos of urban climbers like Vadim Makhorov and Vitaliy Raskalov, who run the YouTube channel **On The Roofs**, have also brought the activity to the mainstream. The hashtag “urbex” now has over 7.5 million entries on Instagram.

Like any extreme sport, urban exploration carries certain risks. Depending on the kind of building an explorer decides to climb, floors can be unsafe or even collapse, while bad weather conditions leave scaffolding wet and slippery. Abandoned buildings are littered with trip hazards that may be impossible to see in the dark, when many urban exploration missions take place. Entering a building without permission can also be considered trespassing, and in some cases punishable by law.

Roman, another of Johnny's friends, says that he knew the risks involved with urban exploration and was respected within the community. “If you do it [urban exploring], it's not necessarily dangerous, because with everything you do, there's always calculated risks,” he says. “You're not going to take a risk you know you're not ready for.”

TWO TOWER BLOCKS IN STOCKWELL, SOUTH WEST LONDON, NEAR WHERE JOHNNY GREW UP.

Johnny leaves behind a fascinating body of photography that shows London from a completely new perspective. One photo centres on two tower blocks in Stockwell, not far from where Johnny grew up. Another was taken on the Golden Lane housing estate, which he used to describe as the “hat” on top of the block. He also photographed the Wyndham and Comber estate in Camberwell, a popular training spot for parkour that featured in the music video for Goldie’s “Inner City Life” – his favourite song.

“Johnny found beauty in the grittiness of tower blocks,” says Will.

Johnny’s goal was to document these buildings before they disappeared. According to a study from the **London Assembly**, redevelopment projects between the years 2004 to 2014 led to a drop in social housing, and a huge increase in private housing. Many council estates and tower blocks that were not listed buildings were demolished. The most famous of these is the Heygate Estate, a housing estate in south London made up of more than 1,200 homes that was **demolished between 2011 and 2014** as a part of a **redevelopment plan for the Elephant and Castle area.**

THE "HAT" JOHNNY DESCRIBED ON THE TOP OF THE GOLDEN LANE HOUSING ESTATE.

"Johnny loved seeing the world from up there," Roman says. "Maybe not 24/7 but 23/6, he was out there [exploring]."

It wouldn't be unusual for Roman's phone to ring at 2 AM and for it to be Johnny's number. He would answer and listen to his friend enthuse about cycling to east London to "check out a new spot." Sometimes, though, it was a struggle for Roman to keep up with Johnny. "He was the king of the blocks," he says. Johnny's friends hope to one day show his photos in an exhibition.

Johnny loved urban exploration despite the risks. But what is it about seeing London from often dangerous viewpoints that can be so inspiring? "For different people, it's different reasons but the biggest one is simply that they are extremely beautiful and striking and carry a very powerful aesthetic experience," says Barnabas Calder, an architecture historian from the University of Liverpool and author of the book **Raw Concrete: The Beauty of Brutalism**.

Calder adds that London's council housing is also interesting from a social history point of view. "Its [aim] was to improve the housing of ordinary people, and bring up the lowest standard of housing to the highest quality, in terms of technical performance and quantity of housing available."

For Roman, urbex is about more than just a beautiful photo or even a building's purpose. "As much as it's about getting the view and sights it's also a mission," he says. "It's a journey."

Pedro, another friend of Johnny's, sums up why he thinks Johnny loved urban exploration.

"For Johnny, it wasn't about being on a roof and doing dangerous things – despite what people may think," he says. "It wasn't even close to that. His passion was to document the constantly changing city."

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IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N

- (1) TEIGHMORE LIMITED
- (2) LBQ FIELDEN LIMITED

Claimants

and

- (1) IAN DAVID BONE
- (2) PERSONS UNKNOWN ENTERING IN OR
REMAINING AT THE SHARD OR SHARD
PLACE WITHOUT THE CLAIMANTS' LICENCE
OR CONSENT

Defendants

"SSW16"

This is the exhibit marked "SSW16" referred to in the witness statement of Stuart Sherbrooke Wortley dated 19 February 2020.

EveningStandard. ☰

Five 'urban explorers' face jail in bid to halt Canary Wharf climbers

Don't trespass in Canary Wharf...





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Who goes there?

Recent years have seen an explosion in construction-site trespass incidents by so-called urban explorers. Miles Rowland investigates the problems these daredevils pose for contractors – and how they can be stopped



SECURITY
MILES ROWLAND

The idea of breaking into a construction site is unappealing and frightening to most people. But for a small network of thrill seekers who call themselves urban explorers, behind the hoardings lies a world of potential.

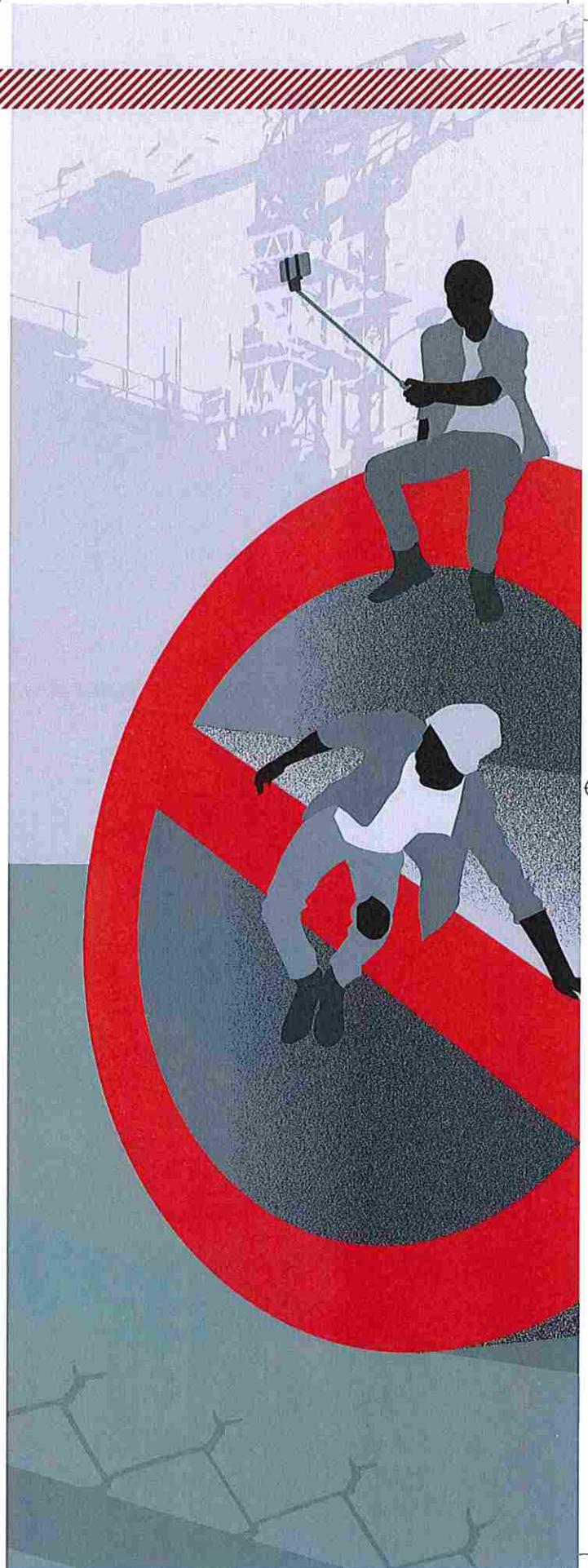
Urban explorers interviewed by *Construction News* speak fondly of nights spent trespassing on unmanned projects.

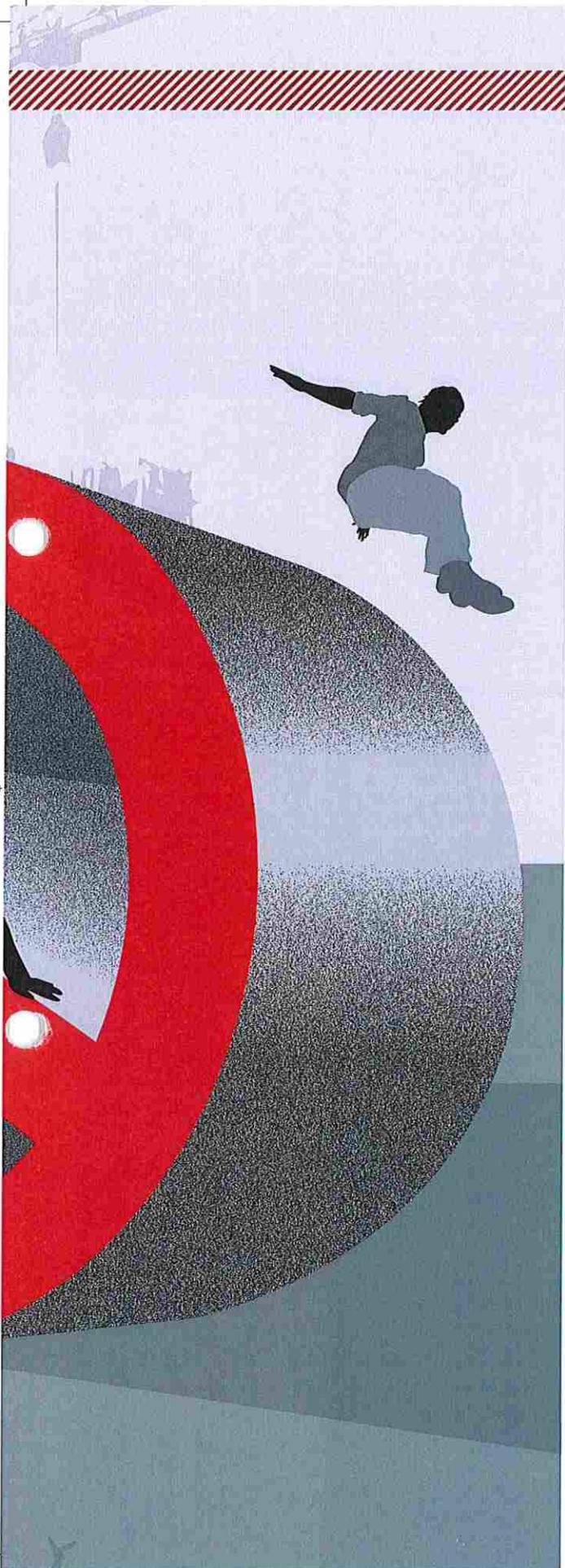
"We would be exploring London until 4am with our cameras, wearing gloves and black hoodies, wandering around,

finding construction sites. We would climb anything that looked like it was under construction," says a 21-year-old photographer who spoke to *CN* on the condition of anonymity. On social media platform Instagram, he showcases the exclusive angles of London's skyline that he captures from high-rise construction sites.

The 21-year-old's antics are on the more conservative side of the urban explorer spectrum. Another individual who spoke to *CN* on an anonymous basis specialises in free climbing – scaling buildings without ropes or harnesses. He says he regularly accesses high-rise sites in London and Birmingham.

He describes how construction sites offer opportunities for dangerous stunts, including parachuting from roofs and the jibs of tower cranes – an activity known as BASE jumping (the acronym stands for building, antenna, span and earth, from which participants will parachute). Contractors can be liable for any injuries sustained by these daredevils under English law. But the internet is enabling them to identify urban explorers that break into their sites, and to serve preventative legal injunctions. The result has been a





“We would scout out the security then jump over walls, and then you can climb up to the top of the structure – it adds to the excitement a lot because you’re on this unfinished construction site”

ANONYMOUS URBAN EXPLORER

cat-and-mouse game between site owners and trespassers that produces plenty of work for lawyers.

A common problem

As a prolific high-rise builder Multiplex has suffered its fair share of trespass incidents.

“When you build high-rise towers in the middle of a city, you create opportunities for individuals that want to get that adrenaline rush,” says its safety, health, environment and quality executive director for Europe, the Middle East and Canada, Stephen Smith. “[Trespassing has] been fairly common, not only within Multiplex, but throughout the whole sector for the past few years now.”

The more lax security on construction sites compared with that of completed buildings is another draw for the 21-year-old photographer. “There are the odd sites with security and dogs patrolling. But some have patrols that are quite inconsistent, and they have just one team covering the whole site – it’s so easy to get past them,” he says.

“We would scout out the security then jump over walls, and then you can climb up to the top

of the structure. You’re not going through any CCTV in lifts and lounges and stuff. It adds to the excitement a lot because you’re on this unfinished construction site, but also it’s easier to get up.”

Contractors are duty-bound to care for the safety of trespassers and account for any risks they might encounter, under the Occupiers’ Liability Act of 1984.

“We obviously have many different hazards that they will be subjected to,” says Mr Smith. “If they are climbing, particularly external structures, there is a risk of fall from height.”

“In addition to that, when you’re building you generally have temporary structures. These can hold materials and equipment that could be dislodged and lead to objects falling into a pedestrian thoroughfare or onto vehicles.”

These dangers are not just theoretical – there have been several recent fatalities involving urban explorers on construction sites (see box, page 24).

Trespassing for the masses

In recent times, internet platforms such as YouTube and Instagram have brought urban exploring to a much larger, more mainstream audience. Some of ▶

Tall buildings: Security

constructionnews.co.uk/special-reports

Urban explorer at Battersea Power Station construction site in 2016



SECURITY SAFETY

The risk is real

The urban explorers interviewed by *Construction News* were blasé about the potential risks of their activity. But there are some brutal examples of things going wrong. In the past two years alone, several well-documented cases have shown people dying after falls from height after trespassing on construction sites.

According to figures from law firm Eversheds Sutherland, at least six Britons have died from urban-exploring accidents since January 2017.

On New Year's Eve 2017, 19-year-old Sam Clarke got into Canary Wharf Contractors' One Bank Street site, fell 50 ft and was killed. The student's body was only discovered by site workers three days later.

In September, Johnny Turner fell to his death from an eight-storey scaffolding in Waterloo, London. The 28-year-old was a renowned free-runner in the city.

IMAGE COURTESY OF WILD STREET FOR CHANNEL 4

those filming themselves on construction sites have reached celebrity status with huge online followings. Videos of stunts amass millions of views, turning amateur adventurers into professional content creators who can make a living from the videos of their escapades. British YouTubers Ally Law and Night Scape have 4 million subscribers between them and regularly upload videos of themselves trespassing on construction sites.

The photographer/urban explorer who spoke to *CN* anonymously says he first took part in this type of activity in 2016, when such stunts were largely the domain of small communities who communicated over Instagram, but YouTube has changed that.

“Urban explorers are becoming more organised about it, making videos and taking photographs to try to build a profile, and in some instances, to make a living”

STUART WORTLEY,
EVERSHEDS SUTHERLAND

“Before, when it was mainly just photos, it was inaccessible because people thought it was too hard to do,” he recalls. “But YouTube shows videos of people actually [entering sites]; it shows more of the process, how easy it is. That’s what makes people realise anyone can do this, and I think that’s when it really started becoming a problem for the construction companies.”

The anonymous free climber echoes this view: “It used to be really underground, and only a certain type of person did it. But because YouTube [exposure] glorifies everything, and it’s been in the news so much, so many kids do it now.”

Legal loophole

Stuart Wortley, a partner at legal firm Eversheds Sutherland, is a real estate litigation specialist who is carving out a niche in helping contractors protect their sites from these internet stars.

“What we realised last year was that because of the growth [in activity], driven by social media, urban explorers [are] not simply trespassing for their own kicks,” he tells *CN*. “People [are] becoming more organised about

it, making videos and taking photographs that they upload to the internet to try to build a profile, and in some instances, to make a living. It started to become more prevalent – more and more buildings and construction sites started to be targeted.”

£30k
Potential cost of an injunction for a single site

The problem for contractors is made worse by the fact that, at present, the law around trespassing has something of a loophole. Mr Wortley continues: “Parliament doesn’t generally consider it appropriate for simple trespass to be a criminal offence. It’s considered that there should be something more serious at play in order for trespassing on somebody else’s property to be treated as criminal behaviour.”

As urban explorers only occupy the site briefly and are often willing to leave when asked by security staff, provided they don’t damage the site in a provable way, it’s difficult for a site owner to pursue them through the courts.

Fighting back

The lack of a statutory deterrent has led contractors to take pre-emptive legal action by obtaining injunctions against individuals at the High Court. These injunctions make the act of knowingly

trespassing a contempt of court, a much more serious offence that can result in hefty fines or prison sentences. This, Mr Wortley argues, is the only way to effectively prevent urban explorers from entering sites.

He says his firm began obtaining injunctions for contractors last year and that the method has quickly gained popularity. So much so, that Mr Wortley says he has a team at Eversheds Sutherland monitoring YouTube videos for evidence that certain urban explorers have accessed construction sites.

He says these individuals can be surprisingly open about their real identities and unlawful activity online: “Trespassing on a construction site where there’s no injunction, there’s no reason why they would disguise their identity. If they haven’t caused any damage, they’re not exposed to any risk at all – there’s no real civil or criminal liability.”

For Mr Wortley’s team, such a video presents an opportunity.

Tall buildings: Security

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Multiplex has taken out an injunction covering multiple sites including 22 Bishopsgate in the City of London (right)



"The other day, for example, there was a [trespass] incident at Battersea Power Station, so we're in touch with the security team there, and Mace is building that [scheme]. We say to them, 'People are up on your site again; do you want to get an injunction?'"

Cost of injunction

If the contractor wishes to proceed with an injunction, it must first gain the consent of the landowner. The process can be completed within a week once the proceedings and witness statement have been drafted. It costs the contractor between £20,000 and £30,000 for each site. This fee includes compiling evidence of past incidents of trespass on a site, taking the claim into court and advice on enforcing the injunction.

Contractors that decide to take this route will often include multiple sites in the same injunction. Multiplex obtained a multisite legal block in March, which covers seven of its London sites, including New Scotland Yard, Chelsea Barracks and Market Towers, the Nine Elms development in Battersea. Together with a previous injunction in September 2018, the contractor has taken legal action to protect a total of 10 developments in the capital – the majority of its major projects in the city.

Each site displays the injunction on signs around the perimeter (see

image, above) in an effort to demonstrate to would-be urban explorers that it is a no-go zone.

Another injunction for a large area was taken out by developer Quintain in December 2018 for its Wembley Park scheme, which covers 14 sites under construction by Wates, John Sisk, McLaren and McAleer & Rushe.

As well as preventing 'persons unknown' from entering the sites listed, the injunction specifically names George King-Thompson, the 20-year-old free climber who had accessed sites at Wembley Park and was given a six-month sentence in a young-offender institution last month for scaling the Shard in July. Mr King-Thompson's sentence set an important precedent for the industry because the climber's punishment was a result of him knowingly breaking an injunction.

His lawyer, Philip McGhee, also

"As soon as there's an injunction, then it's not worth literally breaking the law just to go on a construction site"

ANONYMOUS URBAN EXPLORER

issued a broadly worded apology following the sentence: "Mr King-Thompson will not climb another building in the UK. He very much regrets and is very sorry for doing what he did."

Stuart Wortley believes the growing trend for

injunctions has changed

the landscape for urban explorers, with 'protected' sites generally being left alone, while other sites are still considered fair game.

The free climber

agrees. "As soon as there's an injunction, and especially if they have proof of your name on it, then it's not worth literally breaking the law just to go on a construction site," he says.

Call for law change

Injunctions offer an effective and powerful deterrent for would-be urban explorers, not to mention a handy tool for a contractor to minimise its liability. If a tragic accident involving a trespasser were to occur on a site, a company would have a much stronger legal platform in a health and safety inquiry if it had already taken the proactive step of obtaining an injunction. That said, this form of legal action is not cheap. While £30,000 per site would not represent a prohibitive outlay for a large company such as Multiplex or Quintain, smaller

6 months in custody for free climber George King-Thompson

TIMELINE

Stuart Wortley of Eversheds Sutherland says about 30 injunctions have been taken out in the past year by a range of companies to protect existing buildings and construction sites in the UK. Below is a list of all construction companies and developers that are known to have taken out injunctions. Note that these injunctions may include multiple sites

Feb 18	Canary Wharf Group: all buildings and building sites in the Canary Wharf estate
Sep 18	Multiplex: three sites in London, including 22 Bishopsgate
Nov 18	Berkeley Group (three buildings and two building sites: 250 City Road and South Quay Plaza)
Dec 18	Quintain: Wembley Park, including 14 sites contracted by Wates, John Sisk, McLaren and McAleer Rushe
Mar 19	Multiplex: seven sites in London, including New Scotland Yard and Chelsea Barracks
Apr 19	Sir Robert McAlpine: four sites in Manchester

contractors would struggle to afford such an expense.

The growth of urban exploring has also highlighted the legal restrictions, and questions are beginning to be asked of the government about whether it should introduce new criminal offences to resolve the issue.

Last November, former Metropolitan Police commissioner Lord Stevens of Kirkwhelpington used a written question to ask the government what plans it had for combatting urban exploring.

The response from Baroness Williams of Trafford cited existing legislation and was non-committal about any changes other than to say "the Home Office keeps the available police powers under constant review".

Until this legal gap is addressed, urban explorers are likely to continue seeking thrills on the UK's building sites, giving little option to contractors other than to file injunctions in the High Court.

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Should teenager have been jailed with violent criminals for climbing up The Shard? Daredevil's parents slam

his 24-week sentence as 'wildly excessive' as he is released from Pentonville jail

- George was jailed at Pentonville Prison for 24 weeks for climbing The Shard
- His parents Clive and Hilary said he should have been given community service
- He was confined 23 hours a day and saw stabbings and attempted suicide
- Hilary and Clive say he is 'conscientious' and the sentence was 'wildly excessive'

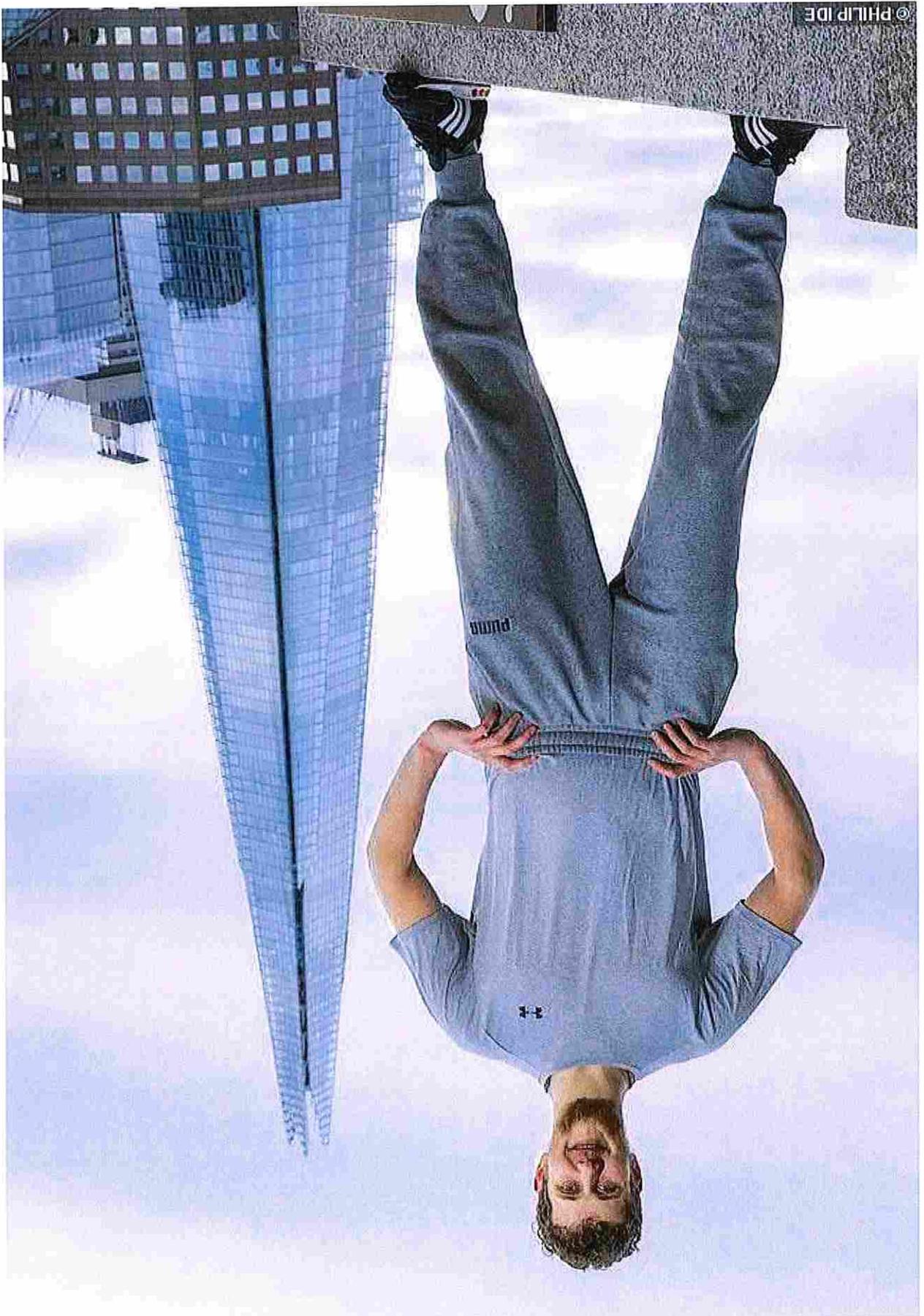
By [NICK CRAVEN FOR THE MAIL ON SUNDAY](#)

PUBLISHED: 01:51, 12 January 2020 | UPDATED: 01:57, 12 January 2020

Greeting a child as they are released from prison can elicit many emotions – relief, euphoria, anxiety, perhaps even anger. But for Hilary and Clive King-Thompson, the emergence of their son from Pentonville jail last week evoked only a sense of pride.

Indeed, as Hilary embraced 20-year-old George, she described him as 'extraordinary' and 'inspiring'.

So what did George do to earn such parental praise? He scaled the outside of The Shard, the 1,017ft [London](#) skyscraper and Europe's tallest building, without ropes or safety equipment.



George (pictured) was handed a 24-week jail term at Pentonville Prison in London for scaling the the outside of The Shard, the 1,017ft London skyscraper and Europe's tallest building, without ropes or safety equipment

George and his parents grudgingly accept that his meticulously planned ascent last July deserved to be punished but believe he should have been given a community service order rather than a 24-week jail term.

The so-called Spider Boy, who chronicles his daredevil exploits on Instagram and YouTube, has faced justified criticism for endangering the lives of others as well as his own. But his mum describes him as 'an old-fashioned adventurer pursuing his passion'.

Hilary, 54, a property company director, says: 'George managed to get a third of the way up The Shard before the authorities were alerted. This proves their security system isn't good enough. What if he'd been a terrorist? Instead of throwing him in jail, the building's owners should have talked to George about how things could be tightened up. He's actually done them a favour.'

George suffers with attention deficit hyperactivity disorder, and his mother adds: 'I don't know if it is connected to his ADHD but George is always trying to test himself.

'It's either running ultra-marathons, boxing or climbing. I'm all for him pushing himself to the limits, but I would rather it was something which didn't put his life at risk.



• His parents Clive and Hilary King-Thompson (pictured) say he should have been handed a community service order instead. The jail sentence was 'wildly excessive' particularly when so many violent criminals are not sent to prison, according to the parents

George is adamant – and repeats in all his online videos – that no one should be tempted to copy his example. He says: 'Of course there is a risk involved, but I go to great lengths to minimise those risks and I never undertake something without proper preparation and building myself up physically for the endurance needed.'

And it should be remembered that most, if not all, 'urban exploration' is illegal since it nearly always involves trespassing on private property.

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HILARY and her surveyor husband Clive, 58, describe George's jail sentence as 'wildly excessive', particularly when so many violent criminals are not sent to prison. The custodial sentence was for breaching a High Court injunction in place to prevent anyone scaling the building following a protest about the number of empty luxury apartments in The Shard. Criminal charges of public nuisance and trespass were dropped.

George's parents say his age – 19 when he was jailed in October – should have meant he was put in a young offenders' institution. Hilary added: 'They should also have taken George's ADHD into account before he was placed in a regime where he was locked up nearly all the time.'

Instead, the personal trainer ended up at Pentonville, a Category B adult prison in North London, where he shared a cell and a wing with drug-dealers and gang members.

He was confined to his cell for 23 hours a day and says he saw stabbings, an attempted suicide and numerous acts of violence and drug abuse. A recent inspection report described the Victorian jail as 'squalid and inhumane'.



• **George shows a thumbs up as he leaves the north London prison on January 10. He was confined to his cell for 23 hours a day and says he saw stabbings, an attempted suicide and numerous acts of violence and drug abuse**

'It would have been far more sensible to give him a community service sentence where he could have helped other people,' claims Hilary.

'George is no risk to anyone. He's a thoughtful, conscientious young man who volunteered at the Centrepoin charity to help the homeless during the eight months he was planning The Shard climb.'

Hilary became aware of her youngest son's passion for climbing when she stumbled across YouTube footage of the then 12-year-old perched on the roof of their five-bedroom home in Oxford. The video, called Climbing The House Roof, is not for the faint-hearted, especially the segment where George, with a GoPro mini camera strapped to his head, stands on the chimney with his arms held out wide.



The climbing-enthusiast's parents say his age, then 19, should have meant he was put in a young offenders' institution. He is a 'thoughtful, conscientious young man' who helped the homeless during the eight months of planning the Shard climb

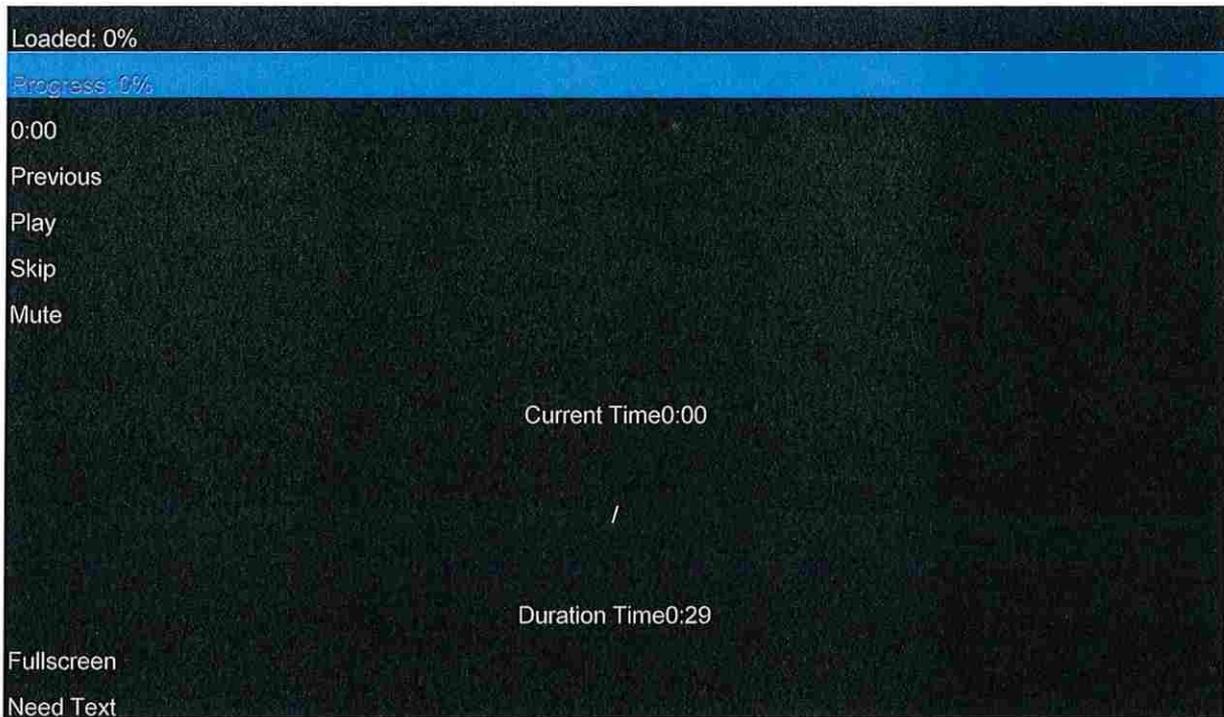
Hilary says: 'I didn't even know people climbed buildings, but when I saw videos of him jumping from one building to another or skateboarding along the arm of a crane, I thought, "I don't want that". But what can you do? He's an adult.'

Hilary points out that George's climbs require careful preparation. 'He plans his climbs in incredible detail and spent eight months on his preparations for The Shard, making sure that if he had fallen, he'd have hit the roof of London Bridge station, rather than the pavement.'

George says he began his climb at 5.09am, because it was light but as few people as possible would have been in the area or inconvenienced.

In the event, he scampered up the building's steel superstructure, which runs like railings between where the enormous sweeps of glass meet, in just 30 minutes. He recalls: 'Dust made the panels slippery so there wasn't that much traction. My feet started to slip a bit, which was quite worrying, but I just kept my composure, took a few deep breaths and carried on.'

Free climber scales 310-metre Shard skyscraper without ropes

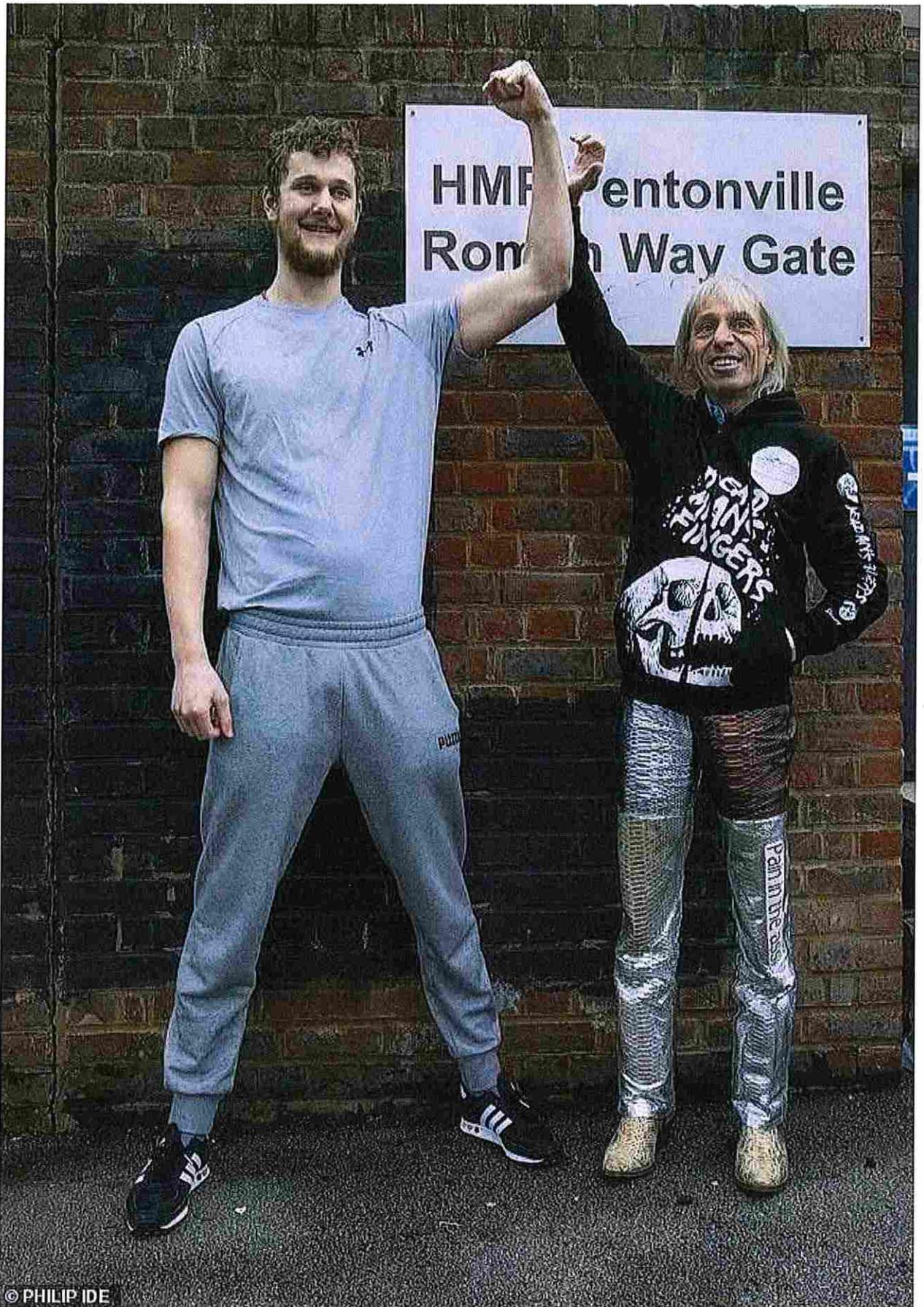


At 6.45am, following a brief interview with the police and his acceptance of a caution, he called his mother to ask for a lift home.

Many will rightly say his father is misguided and irresponsible but Clive believes George epitomises the zeal for adventure that helped to mould Britain. 'If people didn't take risks and there weren't pioneers around, we wouldn't have become the greatest nation on Earth at one stage,' says Clive. 'We need people like George who are prepared to take a risk, albeit a calculated one.'

George is philosophical about his time in jail: 'It gave me a chance to reflect and to write, and I came out stronger.'

But he says climbing The Shard 'was 100 times harder', adding: 'I was mentally prepared for prison. I was never scared, just hyper-aware most of the time. No one threatened me – it was about giving out respect and getting it back. Karma goes a long way in prison. Just letting someone have a small carton of milk is reciprocated when later you might need a stamp for an envelope.'



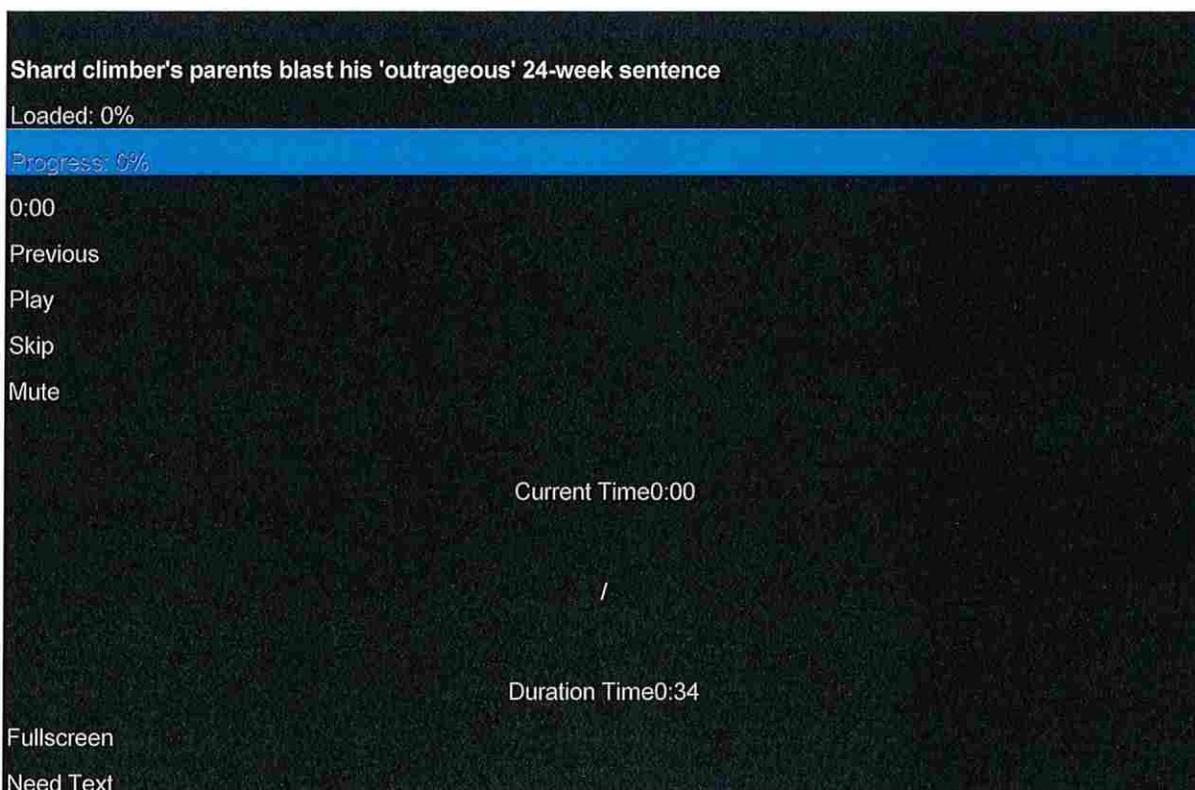
© PHILIP IDE

• **He holds his hand in the air with French free climber Alain Robert**

George admits he gets as much satisfaction from the intricate planning ahead of his climbs as for the ascents themselves. The Shard 'adventure', as he calls it, involved more than 200 scouting trips in and around the building.

'I wore disguises, including sports kit and crutches, to analyse the building from all angles, taking photos while lying on a bench pretending to be drunk but taking note of every security patrol.'

Controversially, he claims: 'Reaching the top was magical. Seeing how much our bodies and minds are really capable of doing when everything is firing at once – the endorphins, the adrenaline, the serotonin – to optimise your survival. That feeling is truly profound. It has to all be intuition and it has to all be second nature.'

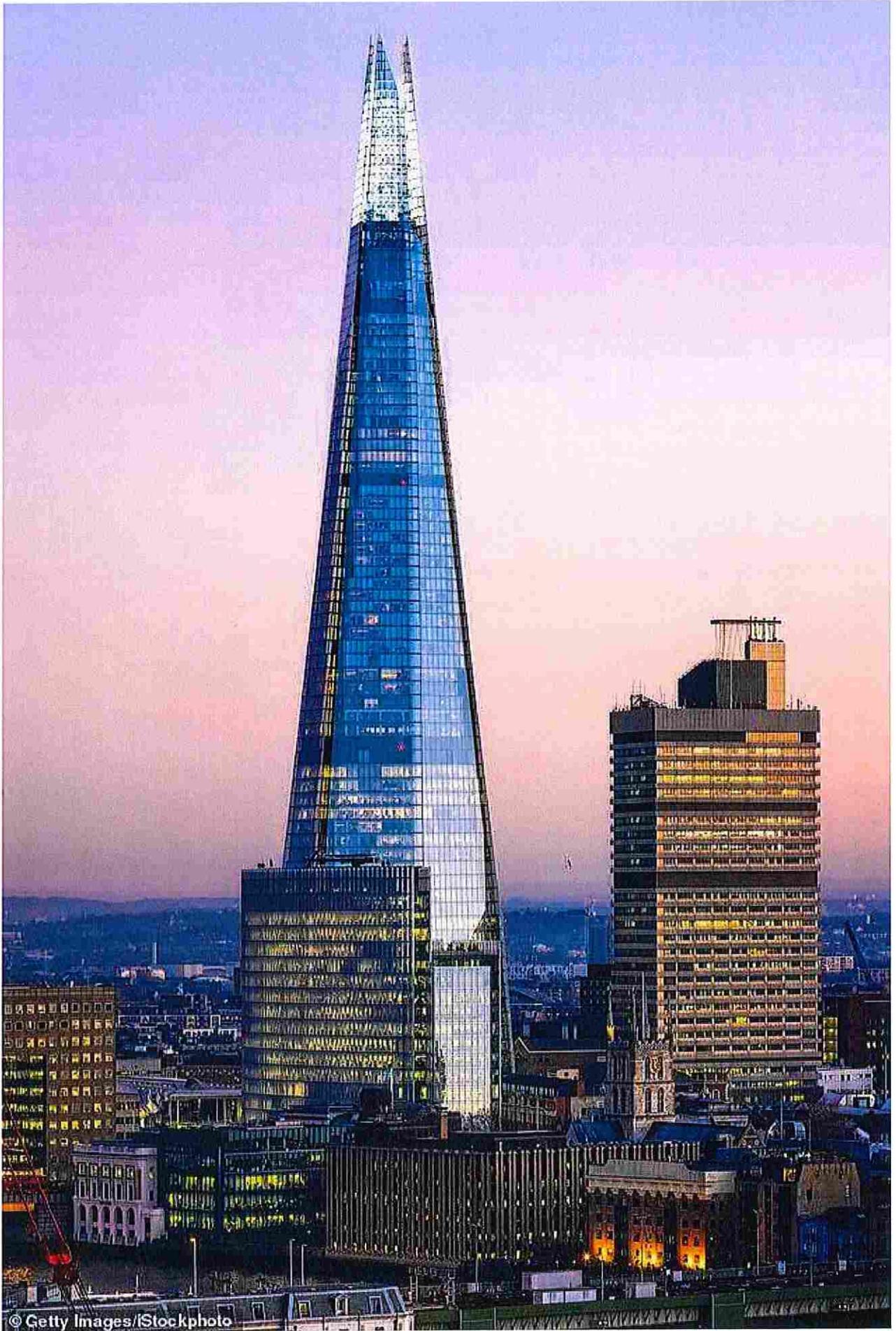


'When you're in the moment, it is far more beneficial to have zero fear and zero thoughts.'

He brushes aside right-minded suggestions that the police have better things to do than escort down young daredevils.

'No one says that about people going out for a drink and having too much,' he argues.

George has no firm plans to scale other buildings in Britain (although he probably doesn't want to alert the authorities). But for a young man who refuses to keep his feet on the ground, base jumping and bare-knuckle boxing are safer options for the time being – when his parents are out of earshot.



© Getty Images/Stockphoto

- The Shard 'adventure', as he calls it, involved more than 200 scouting trips in and around the building (pictured)
-



Liked by **fxckexplore** and **556 others**

shardclimber This post is mainly for those in the urbex, Base and urban climbing community. You all no doubt know who this man is: Mr Stuart Wortley.

This man will relentlessly go out of his way to pursue young adults who partake in extremely adventurous and freeing passions for his own financial gain. He has a market share for people like us and he simply enjoys making money out

17

doubt know who this man is: Mr Stuart Wortley.

This man will relentlessly go out of his way to pursue young adults who partake in extremely adventurous and freeing passions for his own financial gain. He has a market share for people like us and he simply enjoys making money out of financially crippling and imprisoning unconventional people.

This is the sort of man who had the audacity to smile whilst I was getting cuffed in court to serve a 6 month sentence but didn't have the minerals to look me in the eye before we stepped into the court room.

He did absolutely everything in his power to build case which could get me sent down, for example, as seen in my court papers: "Mr King knew of the serious implications of climbing the shard, and recognised it was illegal, by using the hashtag rooftopillegal in an Instagram post."

Unfortunately, For an older judge who doesn't know anything about social media- this statement has validity.

Pentonville is a fucking dangerous place with constant violence and some cases rape. It happens that I was able to survive in prison, but let's say someone else were to climb a building who couldn't firm it and were to get

seriously affected by the hardships (PTSD, serious injury etc) it bears the question does the offence correlate with the punishment given....the simple answer is no. But hey, Mr Wortley manages to make a lot of money from these cases.

Mr Wortley is an evil sinister coward. Urbex/urban climbing, BASE is more than just a passion or hobby.... it's a lifestyle. It's freedom manifested in a physical form. The beauty of seeing the city at a completely unique angle and to express yourself in ways which others won't dare go. Never let authority hold you back from this, especially when there name is Stuart Wortley. Continue hitting sites all around UK's and simply be careful with injunction based sites. Fuck Em!

George King-Thompson
Hilcote House
The Ridgeway
Boars Hill
Oxford
OX1 5EZ

Date: 4 February 2020
Your ref:
Our ref: WORTLES\176956.000187
Direct: 0207 919 0969
Email: stuartwortley@eversheds-sutherland.com

Dear Sir

Shard Book

As you know, we act for Teighmore Limited the registered leasehold owner of The Shard.

On 21 October 2019 you were committed to prison for 24 weeks by Murray J for your contempt of court in climbing The Shard in breach of a previous Order of the High Court. You were released from prison on 10 January 2020.

It has come to our client's attention that you have claimed that you have a 'book deal', with Harper Collins, with the book due out at the end of this year. A Guardian article dated 20 October 2019 entitled "*Shard freeclimber faces court case over breach of injunction*" records you claiming that you have "*accepted a book deal with HarperCollins*"

<https://www.theguardian.com/uk-news/2019/oct/20/shard-freeclimber-faces-court-case-over-breach-of-injunction>

There has been further reference to a book deal in the publicity which you have secured since your release from prison, for example in an article in the Sunday Times for 19 January 2020 entitled "*Prison was easy after climbing the Shard*"

<https://www.thetimes.co.uk/article/prison-was-easy-after-climbing-the-shard-nlsfwr5db>

A further interview with you was posted on the Facebook page for LADbible on 30 January 2020 (and promoted by you the following day on Instagram) which also refers to a book being published "... at the end of 2020."

<https://www.facebook.com/LADbible/videos/475371780063827/?vh=e&d=n>

Please confirm, in accordance with the information sharing provisions in the Pre-Action Protocol for Media and Communications Claims (which we attach) whether it is correct that you are intending to publish a book, and if so whether the publisher is Harper Collins, or another publisher.

Given your age and the notoriety of your climb of The Shard, there can be little doubt but that the climb would form the central part of any such book, and that the publicity for the book would be built on this event. You have of course recently changed your highly popular Instagram account to the name "@shardclimber". You describe yourself there as "*Great British Daredevil*" and "*The Shard climber who went to prison*". The Sunday Times article referred to above (which pictures you balancing on a handrail with the Shard in the background) records you saying that you intend to "*formulate a career*" built in large part on the back of your unlawful activities.

cam_1b\6712045\1\parkerch

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Our client has serious concerns about your conduct since you have left prison and the continued threat to publish a book concerning your unlawful climb of The Shard, both in relation to the damage which it would cause to the public interest, and also to the rights and interests of our client.

You are of course aware of the judgment of Murray J dated 21 October 2019 finding you in contempt of Court (**Teighmore Ltd v Bone & others** [2019] EWHC 2962). We attach a further copy for your attention. In setting out the harm caused by your conduct the Judge expressly referred to the risk of death to which you had subjected yourself and:-

"... by his example and the publicity given to his breach in which he actively participated, the increased risk that others, perhaps less skilful, will attempt the same or similar illegal and dangerous climbs" – paragraph 39(ii)

The Judge referred to the fact that buildings such as The Shard can be the target of terrorists and the fact that as a result of your activities *"the safety and security of those who live in, work and visit such buildings is potentially at risk"*.

The Judge referred to *"the publicity which Mr King-Thompson has given to his climb"* stating that such publicity *"would appear to have increased that risk in relation to The Shard"* – paragraph 40.

The High Court has clearly recognised that publicity for your unlawful conduct is directly contrary to the public interest. Indeed the Judge found as an aggravating factor in your contempt:-

"... the fact that Mr King-Thompson has actively and widely publicised the contempt through social media and interviews with traditional media" – paragraph 41(iii)

As we indicate above, since your release from prison you have continued to publicise your unlawful activity. It has become quite plain that the submission which your counsel made to the Court, on your instructions, that you had *"merely went along with much of the publicity that has accompanied his climb"* – paragraph 49 no longer holds true, if indeed it ever did.

It also now quite plain from what you have said publicly since your release, that your expressions of remorse to the Judge were dishonestly made. The Judge took into account the undated letter which you had sent him, stating (at paragraph 53) that in considering your sentence he had taken into account that you have *"expressed remorse and contrition"*. In that letter you said twice that you were *"truly sorry"* for your conduct, you said you took *"full responsibility for flouting the law"* which you realised was *"wrong"*.

Yet on Good Morning Britain on 13 January 2020 you said that you regard your time in prison as merely a:-

"... success fee for achieving my dreams"

<https://www.youtube.com/watch?v=CGRjW9T184Y>.

In your very first Instagram posting on leaving prison you wrote:-

*"If I knew this was outcome of climbing the shard, would I of still done it? 100%!
I knew that prison was on the table the day I choose to commit to it"*

<https://www.instagram.com/p/B7JcwmEh-60/>.

The seriousness of misleading the Court in this way cannot be underestimated. There can be little doubt that had you told the Judge the truth, you would still be in prison.

It seems clear that in any book about your unlawful climb you would inevitably include information which would encourage and assist others to attempt the same or similar unlawful

conduct. It seems highly likely that such information will include information concerning our client's premises, particularly the layout, structure and means of access to non-public areas and the security arrangements concerning such areas. It seems likely the book which include sketches or photographs which contain or consist of such information. You have repeatedly referred to the numerous "reconnaissance" trips which you made to The Shard before your climb and the notes which you took. One example of the way in which you have seen fit to publicise such information can be seen from the Instagram posting which shows notes and images created in preparation for the climb:

https://www.instagram.com/p/Bz6Jm9rB9_H/

All information of this nature is highly likely to be information in relation to which you owe our client a legal duty of confidence, arising from the nature of the information and the unlawful way in which and purpose for which it was obtained. As such the publication of that information in any book by or concerning you would be an unlawful breach of confidence, entitling our client to an award of damages against you and to a permanent injunction restraining publication of the book.

Further, insofar as you (or any of your associates) have in your or their possession filmed or still images taken whilst trespassing on our client's premises, the equitable copyright in that footage is held by our client (see e.g. **Lincoln Hunt Australia Pty Limited v Willesee** (1986) 4 NSWLR 457 and **ABC v Lenah Game Meats Pty Limited** (2001) 208 CLR 199).

It is clear that you intend to glamorise your dangerous and unlawful behaviour in your proposed book. In addition to being ethically objectionable, that carries with it the very real risk of other young people being incited by your bravado to emulate your activities. Indeed such incitement is precisely what you have already been guilty of on your Instagram feed since your release from prison. We note in particular the posting (which we attach as it now appears to have been removed) in which you say the following:

"Never let authority hold you back ... Continue hitting sites all around the UK's and simply be careful with injunction based sites. Fuck Em!"

You have a clear duty of care to those who might read your proposed book (or indeed any other of your public statements) not to encourage them to engage in activity which may cause them otherwise avoidable death or serious injury. If they read your book and injury results, then you could expect justifiable complaint and request for legal redress, from the grieving families.

In light of the above, we trust that you will now confirm to us that you do not have any plans to publish any book which concerns, or draws upon the notoriety created by, your unlawful climb of The Shard.

If you remain intent on proceeding with any book of this nature, and the risk to the lives of young people which would that would create, then our client is entitled to undertakings from you that no information in relation to which it is owed a duty of confidence (including but not limited to any information concerning non-public areas of our client's premises, access to or from those areas and security measures in and around our client's premises) and no copyright works created during the trespass of you or any of your associates on its premises will be included in the book.

Should appropriate assurances not be forthcoming, our client will not hesitate to protect its interests by means of seeking injunctive relief from the Court. The costs of any such application will be sought from you.

Date: 4 February 2020

Your ref:

Page: 4

We look forward to hearing from you without delay, and in any event within 14 days of the date of this letter.

Yours faithfully

Eversheds Sutherland (International) LLP

Eversheds Sutherland (International) LLP

TLT LLP

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Our ref 1011/NF04/KC/110421/000003

Eversheds Sutherland (International) LLP
One Wood Street
London
EC2V 7WS

Direct tel 0333 006 1416
Direct fax 0333 006 0311

Date 18 February 2020
Email Nick.Fenner@TLTsolicitors.com

Dear Sirs

George King Thompson

We have recently been instructed by George King-Thompson in relation to this matter and we have been passed a copy of your letter dated 4 February 2020.

We are taking instructions and expect to be in a position to respond more fully on the issues raised by 10 March 2020.

Your letter threatens proceedings for breach of confidence and copyright infringement. Your letter does not comply with the Practice Direction-pre-action conduct and protocols because it fails to identify the legal basis your clients would be entitled to the relief sought.

If any action is taken before your client complies with its obligations under the Practice Direction-pre-action conduct and protocols, and without giving our client the opportunity to respond to the threatened action, we will seek our client's costs of responding to such action against your client.

Yours faithfully

TLT LLP

TLT LLP

The Editor
Harper Collins
The News Building
1 London Bridge Street
London
SE1 9GF

Date: 4 February 2020
Your ref:
Our ref: WORTLES\176956.000187
Direct: 0207 919 0969
Email: stuartwortley@eversheds-sutherland.com

Dear Sir

George King-Thompson

We act for Teighmore Limited, which is the registered leasehold owner of The Shard.

On 21 October 2019, Mr George King-Thompson was committed to prison for 24 weeks by Murray J for his contempt of court in climbing The Shard in breach of a previous Order of the High Court. He was released from prison on 10 January 2020.

It has come to our client's attention that Mr King-Thompson has claimed that he has a 'book deal' with Harper Collins, with the book due out at the end of this year. A Guardian article dated 20 October 2019 entitled "*Shard freeclimber faces court case over breach of injunction*" records Mr King-Thompson claiming that "... he has accepted a book deal with HarperCollins":

<https://www.theguardian.com/uk-news/2019/oct/20/shard-freeclimber-faces-court-case-over-breach-of-injunction>

There has been further reference to a book deal in the publicity which Mr King-Thompson has secured since his release, for example in an article in the Sunday Times for 19 January 2020 entitled "*Prison was easy after climbing the Shard*":

<https://www.thetimes.co.uk/article/prison-was-easy-after-climbing-the-shard-nlsfwr5db>.

A further interview was posted on the Facebook page for LADbible on 30 January 2020 which also refers to a book being published "... at the end of 2020."

<https://www.facebook.com/LADbible/videos/475371780063827/?vh=e&d=n>

Please confirm, in accordance with the information sharing provisions in the Pre-Action Protocol for Media and Communications Claims (which we attach), whether the information in the Guardian article that Harper Collins (or any associated imprints) intends to publish a book by, featuring or concerning Mr King-Thompson is correct.

Given Mr King-Thompson's young age and the notoriety of his climb of The Shard, there can be little doubt but that the climb would form the central part of any such book, and that the publicity for the book would be built on this event. If further indications were needed, the fact that Mr King-Thompson has recently changed his highly popular Instagram account to the name "@shardclimber" is but one. The Sunday Times article referred to above (which pictures Mr King-Thompson balancing on a handrail with the Shard in the background) records Mr King-Thompson saying that he intends to "*formulate a career*" built in large part on the back of his unlawful activities.

cam_1b\6711900\1\parkerch

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Our client has deep and well-founded concerns about the publication of any such book, both in relation to the damage which it would cause to the public interest, and also to the rights and interests of our client.

We attach the judgment of Murray J dated 21 October 2019 finding Mr King-Thompson in contempt: **Teighmore Ltd v Bone & others** [2019] EWHC 2962. In setting out the harm caused by Mr King-Thompson's conduct the Judge expressly referred to the risk of death to which Mr King-Thompson subjected himself and:-

"by his example and the publicity given to his breach in which he actively participated, the increased risk that others, perhaps less skilful, will attempt the same or similar illegal and dangerous climbs" - paragraph 39(ii)

The Judge referred to the fact that buildings such as The Shard can be the target of terrorists and the fact that as a result of Mr King-Thompson's activities *"the safety and security of those who live in, work and visit such buildings is potentially at risk"*.

The Judge also referred to *"the publicity which Mr King-Thompson has given to his climb"* stating that such publicity *"would appear to have increased that risk in relation to The Shard"* - paragraph 40.

The High Court has clearly recognised that publicity for Mr King-Thompson's unlawful conduct is directly contrary to the public interest. Indeed the Judge found as an aggravating factor in his offence

"... the fact that Mr King-Thompson has actively and widely publicised the contempt through social media and interviews with traditional media" - paragraph 41(iii)

As we indicate above, since his release from prison Mr King-Thompson has continued to publicise his unlawful activity. It has become quite plain that the submission which Mr King-Thompson's counsel made to the Court that Mr King-Thompson had *"merely went along with much of the publicity that has accompanied his climb"* - paragraph 49 no longer holds true, if indeed it ever did.

It also quite plain from what Mr King-Thompson has now said publicly, that his expressions of remorse to the Judge were also dishonestly made. For example, Mr King-Thompson said on Good Morning Britain on 13 January 2020 that he regarded his time in prison as merely a

"... success fee for achieving my dreams"

<https://www.youtube.com/watch?v=CGRjW9T184Y>

In his very first Instagram posting on leaving prison Mr King-Thompson wrote:-

"If I knew this was outcome of climbing the shard, would I of still done it? 100%! I knew that prison was on the table the day I choose to commit to it"

<https://www.instagram.com/p/B7JcwmEh-60/>

It seems clear that in any book about his unlawful climb Mr King-Thompson would inevitably include information which would encourage and assist others to attempt the same or similar unlawful conduct. It seems highly likely that such information will include information concerning our client's premises, particularly the layout, structure and means of access to non-public areas and the security arrangements concerning such areas including sketches or photographs which contain or consist of such information.

Mr King-Thompson has repeatedly referred to the numerous "reconnaissance" trips which he made to the Shard before his climb and the notes which he took. One example of the way in which Mr King-Thompson sees fit to publicise such information can be seen from the Instagram posting which shows notes and images created in the preparation for the climb:

https://www.instagram.com/p/Bz6Jm9rB9_H/

All information of this nature is highly likely to be information in relation to which Mr King-Thompson owes our client a duty of confidence, arising from the nature of the information and the unlawful way in which and purpose for which it was obtained. As such the publication of that information by Harper Collins in any book by or concerning Mr King-Thompson would be an unlawful breach of confidence, entitling our client to damages and to a permanent injunction restraining publication of the book.

Further, insofar as Mr King-Thompson (or any of his associates) have in their possession filmed or still images taken whilst trespassing on our client's premises, the equitable copyright in that footage is held by our client (see e.g. **Lincoln Hunt Australia Pty Limited v Willesee** (1986) 4 NSWLR 457 and **ABC v Lenah Game Meats Pty Limited** (2001) 208 CLR 199).

As a book publisher Harper Collins is not of course a member of the Independent Press Standards Organisation (IPSO) (although other bodies within the News Corp group are members). Nevertheless the IPSO Editors' Code of Practice reflects accepted standards of ethical behaviour in publishing, standards to which no doubt Harper Collins ascribes and aspires. Clause 16 of the IPSO Code provides that payments or offers of payment for stories or information "*which seek to exploit a particular crime or to glorify or glamorise crime in general*" must not be made to convicted criminals or their associates.

There is no doubt that Mr King-Thompson wishes to exploit his unlawful behaviour and that any book by or about him would inevitably glamorise that behaviour, and the unlawful world of urban climbing generally. There could be no public interest in the publication of such material, indeed, for the reasons given by Murray J, any additional publicity given to Mr King-Thompson would be directly contrary to the public interest, and would carry with it the very real risk of causing the otherwise avoidable death or serious injury of young men and women. If Mr King-Thompson's claim to have a deal with Harper Collins is correct, we would invite you to reflect very carefully on the ethical propriety of giving any further publicity to it.

Further and in any event, in circumstances such as these where the risks of Mr King-Thompson's intended course of action are so evident and so serious, Harper Collins owes a clear duty of care to the readers of its output, and particularly the impressionable young men and women who are in danger of being incited by Mr King-Thompson's bravado to emulate his dangerous and unlawful activities. The evidence before Murray J in the hearing in October last year referred to several instances where young urban climbers had fallen to their deaths. You should note the express encouragement with Mr King-Thompson has already given to those considering copying his behaviour. In a posting which we attach dated 14 January 2020 which has since been deleted Mr King-Thompson said:-

"Never let authority hold you back ... Continue hitting sites all around the UK's and simply be careful with injunction based sites. Fuck Em!"

In light of the above, we trust that Harper Collins will carefully review and withdraw from any 'book deal' with Mr King-Thompson.

If in fact Harper Collins is intent on proceeding with any book of this nature, and the risk to the lives of young people which would that would create, our client is entitled to undertakings from Harper Collins that no information in relation to which it is owed a duty of confidence (including but not limited to any information concerning non-public areas of our client's premises, access to or from those areas and security measures in and around our client's premises) and no copyright works created during the trespass of Mr King-Thompson or any of his associates on its premises will be included in the book.

Should appropriate assurances not be forthcoming our client will not hesitate to protect its interests by issuing proceedings for appropriate injunctive relief.

Date: 4 February 2020
Your ref:
Our ref: WORTLES\176956.000187
Page: 4

We look forward to hearing from you without delay and in any event within 14 days of the date of this letter.

Yours faithfully

Eversheds Sutherland (International) LLP

Eversheds Sutherland (International) LLP

The Guardian



This article is more than **3 months old**

Shard freeclimber faces court case over breach of injunction

George King to appear at Royal Courts of Justice after scaling the 72-storey skyscraper in July

Amy Walker

Sun 20 Oct 2019 16.02 BST

The freeclimber who scaled the Shard in July is being taken to court by the skyscraper's owners for breaching an injunction.

George King, 20, who climbed the 72-storey building without ropes or suction cups, will appear at the Royal Courts of Justice in London on Monday.

Although a criminal charge for public nuisance has been dropped against King, he could face a fine or a short prison sentence if the civil proceedings turn out in Teighmore Ltd's favour.

The injunction on climbing the Shard was put in place in 2018 to prevent Ian Bone, a veteran campaigner and founder of the anarchist newspaper Class War, from leading a protest about the number of empty luxury apartments within the building.

In the same year, the Shard secured a high court injunction against Alain Robert, the urban climber nicknamed the French Spiderman to stop him from climbing the building.

King added that as he scaled the tallest building in Europe, he had seen a sign on a door of the viewing deck which stated going beyond that point would be in breach of the court order.

However, King said he was concerned about the case against him as the lack of other people being prosecuted for breaching the injunction meant there was no precedent set for the harshness of any potential punishment. "I'll just have to take what comes," he added.

The Crown Prosecution Service has previously refused to comment on the legal status of climbing high-rise structures such as cranes and skyscrapers, but there are other ways to prosecute people for taking such risks.

In 2016, four climbers from Suffolk were charged with the offence of threatening behaviour for causing alarm and distress to residents in Lowestoft.

At the time, a spokesperson for the force said they feared the men "may have fallen and not only killed themselves but innocent passersby on the ground."

When King scaled the 310-metre (1,017ft) building on 8 July, he nearly slipped when generators on the building began pumping dust on to the metal bars he was climbing.

He was met by officers from the Metropolitan police after reaching the Shard's summit in about 45 minutes, but was not arrested.

The unaided climb was the first the then 19-year-old, who frequently posts Instagram videos of himself climbing cranes, had attempted on a high-rise building. But King has said he will not be attempting any similar feats in the UK.

He added that life had been "pretty crazy" since news of his climb blew up and that he had quit his job as a personal trainer at a gym.

So far, said King, he has accepted a book deal with HarperCollins, begun filming for a documentary about the event and has been in talks to host his own TV series - on top of interest from two brands who have asked him to promote their merchandise.

King's manager Bryan Yeubrey, who also manages Robert, suggested the Shard's owners could rescind their complaint.

The Shard's management team have been contacted for comment.

As 2020 begins...

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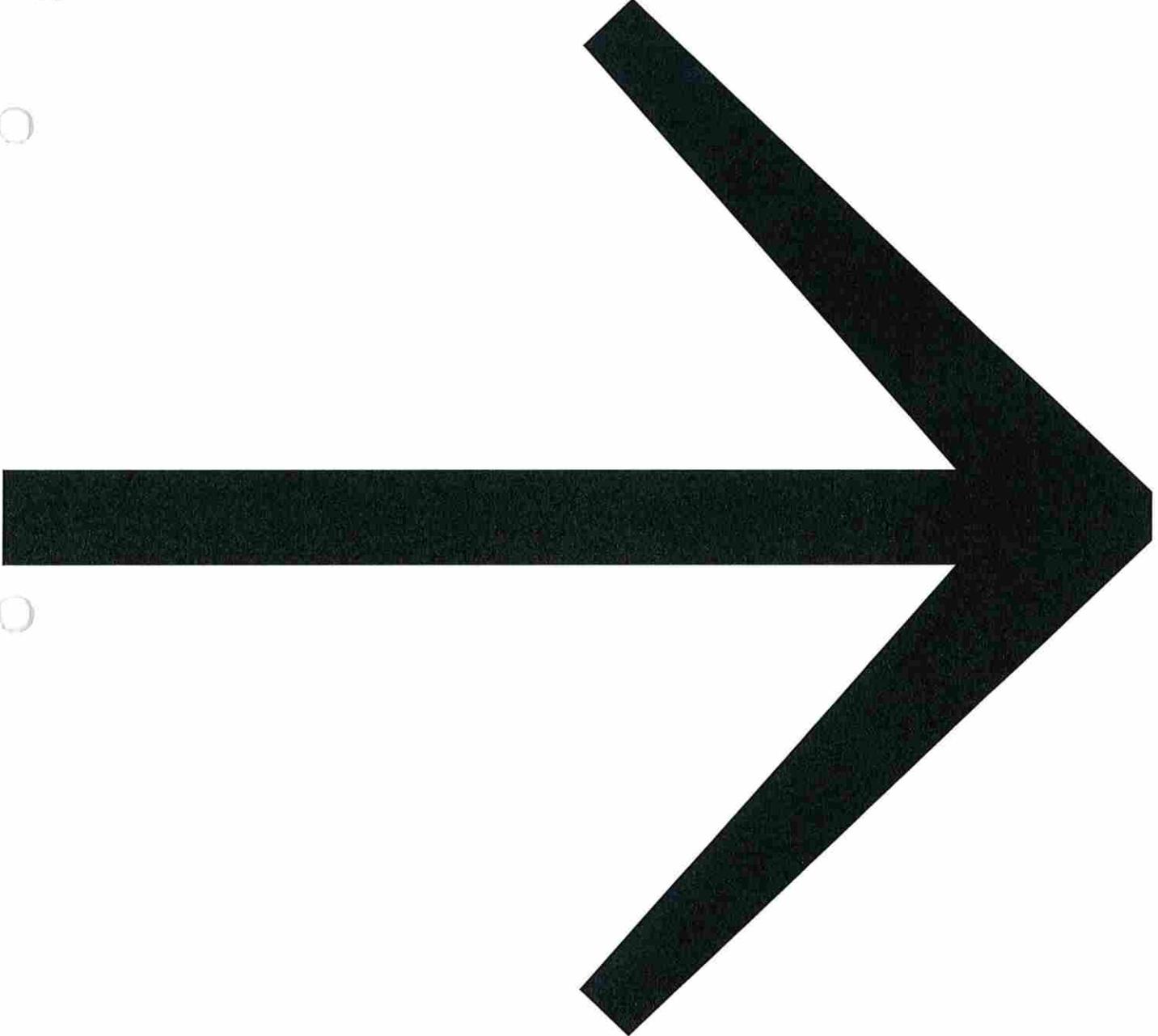
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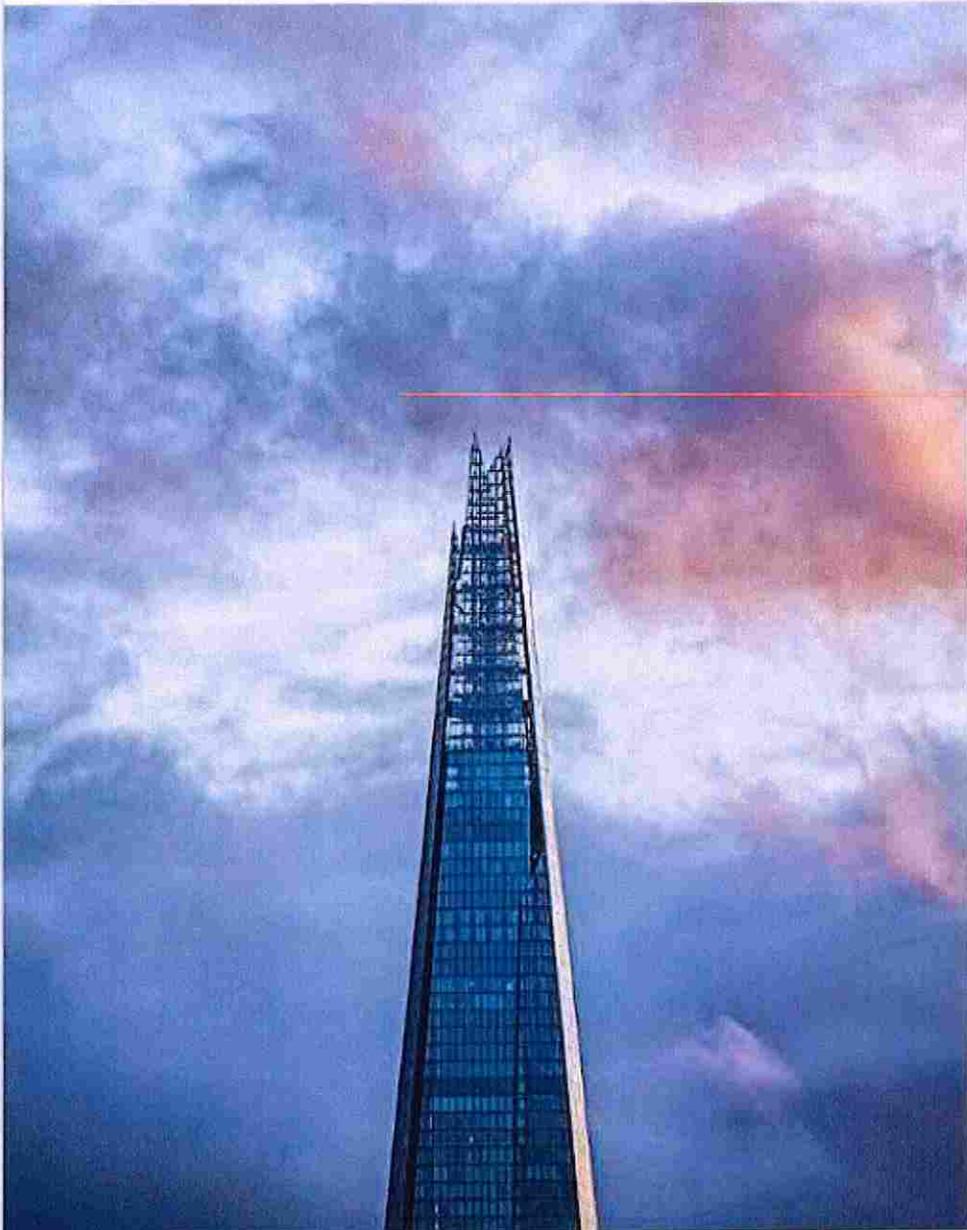


usamalama_ 27m





alexanderjamestai
London, United Kingdom



Liked by theurbexperson and 365 others

alexanderjamestai Pastel backdrops 🗨️

[View all 6 comments](#)

mattjneale This weather is producing some wonderfully complex skies. Nice photo mate 🍷🍷

vespermay 🍷🍷🍷🍷🍷🍷🍷🍷

18 HOURS AGO

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N

- (1) TEIGHMORE LIMITED
- (2) LBQ FIELDEN LIMITED

Claimants

and

- (1) IAN DAVID BONE
- (2) PERSONS UNKNOWN ENTERING IN OR
REMAINING AT THE SHARD OR SHARD
PLACE WITHOUT THE CLAIMANTS' LICENCE
OR CONSENT

Defendants

"SSW17"

This is the exhibit marked "SSW17" referred to in the witness statement of Stuart Sherbrooke Wortley dated 19 February 2020.



Neutral Citation Number: [2019] EWHC 2962 (QB)

Case No. HQ 18 X 00427

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION

Royal Courts of Justice
Strand, London WC2A 2LL

Date: 21st October 2019

Start Time: 14:00 Finish Time: 14:30

Page Count: 12

Word Count: 5,426

Number of Folios: 76

Before:

THE HONOURABLE MR JUSTICE MURRAY

Between:

(1) TEIGHMORE LIMITED
(2) LBQ FIELDEN LIMITED

**Claimants/
Applicants**

- and -

(1) IAN DAVID BONE
(2) PERSONS UNKNOWN ENTERING IN OR
REMAINING AT THE SHARD OR SHARD
PLACE WITHOUT THE CLAIMANTS'
LICENCE OR CONSENT

Defendants

- and -

GEORGE HENRY KING-THOMPSON

Respondent

MR DAVID FORSDICK QC (instructed by **Eversheds Sutherland (International) LLP**) for
the **Claimants/Applicants**.

MR PHILIP McGHEE (instructed by **Reeds Solicitors**) for the **Respondent**.

The **First Defendant** did not attend and was not represented.

APPROVED JUDGMENT

If this Transcript is to be reported or published, there is a requirement to ensure that no reporting restriction will be breached. This is particularly important in relation to any case involving a sexual offence, where the victim is guaranteed lifetime anonymity (Sexual Offences (Amendment) Act 1992), or where an order has been made in relation to a young person.

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MR JUSTICE MURRAY:

1. This is an application by the applicants, Teighmore Limited and LBQ Fielden Limited, seeking the committal of the respondent, Mr George King-Thompson, for breaching an order made on 8 February 2018 by Ms. Leigh-Ann Mulcahy QC, sitting as a judge of the High Court (“the Injunction”). The applicants seek an order against Mr King-Thompson under CPR r.81.4(1)(b) for his committal on the grounds that he knowingly and/or deliberately acted in breach of the Injunction.

The parties

2. The first applicant owns a leasehold interest in the development known as “The Shard”, which is situated on land registered at the Land Registry with title number TGL386845. It is in possession of all the common parts of The Shard (including all of the stairwells and elevators).
3. The second applicant owns a leasehold interest in the site previously known as Fielden House. That building has now been demolished and the land is a site on which The Shard apartments are being (or have been) built, the land being registered at the Land Registry with title number TGL144345.
4. Mr King-Thompson is a 20-year-old man, who is a member of the urban exploring community. On Monday 8 July 2019, when he was 19 years old, he climbed the exterior of The Shard from ground level to near the top in breach of the Injunction, which restrained persons unknown from entering or remaining upon any part of The Shard without the licence or consent of the first applicant. Mr King-Thompson, of course, did not have such licence or consent.

Background

5. Urban exploring is an activity which involves the exploration of buildings and manmade structures within the urban environment. The activity often involves trespassing on parts of buildings to which public access is prohibited, which the public have no licence to access and which are intended to be secure. The term “urban exploration” is commonly abbreviated to “urbex”, “UE”, “bexing” and “urbexing”. One particular feature of urban exploration is known as “rooftopping”. This is an activity in which individuals gain access to the roof of a building, generally without the consent of the building owner, in order to take photographs and/or videos. Urban explorers see the tallest buildings as trophy targets.
6. Many urban explorers use social media and other forms of media to promote their activities, with a view to building their social media profile through platforms including YouTube, Facebook, Instagram and Snapchat. Some generate income this way. Some urban explorers have their own channels on YouTube.
7. The risks involved in urban exploring are apparent from the number of deaths that have occurred in various places around the world. A list of such deaths, running to 16, is attached to the affirmation dated 20 July 2019 of Mr Stuart Wortley, a Partner at Eversheds Sutherland (International) LLP, the applicants’ solicitors. It is unlikely to be controversial to note that urban exploring is potentially a dangerous activity. That, no doubt, is an important part of its appeal to those who undertake it.

8. The Shard is the tallest building in Western Europe and is therefore a trophy target for trespassers and, in particular, urban explorers. It has been the target of numerous actual and threatened acts of trespass. Anti-climbing measures have been installed at The Shard, but they are obviously not entirely effective. The Shard is located next to London Bridge station, which is the fourth busiest railway station in the UK, serving the south and the southeast of England.

Procedural history

9. These proceedings were served on Mr King-Thompson's solicitors, who were authorised to accept service on his behalf, on 9 September 2019, along with the four affirmations provided by the applicants as evidence in support of their committal application against Mr King-Thompson.

Terms of the Injunction

10. The Injunction included a penal notice, making it clear to anyone with sight of the Injunction that among the possible sanctions for breach of the Injunction is imprisonment. In addition, a warning notice regarding the Injunction itself ("the Warning Notice") was posted at various points around The Shard. The Warning Notice reads as follows:

"THE SHARD

IMPORTANT NOTICE

HIGH COURT OF JUSTICE - CLAIM NO. HQ18X00427

On 8th February 2018, an order was made in the High Court of Justice prohibiting anyone from trespassing on these premises.

The area beyond these doors is private and you will be trespassing and in breach of this injunction if you enter.

Anyone in breach of this injunction will be in contempt of court and may be imprisoned, fined or have their assets seized.

A copy of the court order is available from

enquiries@shardquarter.com

Teighmore Limited"

The applicable legal principles

11. The procedural requirements governing a committal application are set out in CPR Part 81.
12. The law that applies to establish if there has been a contempt of court by virtue of the breach of a court order is summarised in numerous recent cases. One helpful example of such a summary is in the judgment of Marcus Smith J in *Absolute Living Developments Limited v DS7 Limited* [2018] EWHC 1717 (Ch) at [30]. That case

concerned breaches of a freezing order, but the same principles apply to the Injunction. The key principles are:

- i) The order must bear a penal notice.
 - ii) There has to have been effective service on the respondent, either by personal service or, as in this case, by substituted service where that has been permitted.
 - iii) The order must be capable of being complied with (in the sense that the time for compliance is in the future), and it must be clear and unambiguous.
 - iv) The breach of the order must have been deliberate, which includes acting in a manner calculated to frustrate the purpose of the order. It is not necessary, however, that the respondent intended to breach the order in the sense that he or she knew the terms of the order and knew that his or her relevant conduct was in breach of the order. It is sufficient that the respondent knew of the order and that his or her conduct was intentional as opposed to inadvertent: *Spectravest v Aperknit* [1988] FSR 161 at 173).
 - v) A deliberate breach of an order is very significant. It is clearly in the public interest that court orders be obeyed.
 - vi) The standard of proof in relation to any allegation that an order has been breached is the criminal standard. The burden of proof is on the applicant or applicants to establish an allegation of breach to the criminal standard.
13. In this case, I must, in other words, be sure beyond reasonable doubt that Mr King-Thompson has committed a deliberate breach of the Injunction. The burden of proof is on the applicants to establish to the criminal standard that he has committed the alleged breach.
14. Because of the consequences of breaching an injunction order with a penal notice attached, the terms of the order must be clear and unequivocal and should be strictly construed. This was emphasised by Lord Clarke in the Supreme Court in the case of *JSC BTA Bank v Ablyazov (No 10)* [2015] UKSC 64, [2015] WLR 4754 at [19], where Lord Clarke approved a statement to this effect in the judgment of Beatson LJ at [37] of the Court of Appeal's decision in the same case ([2013] EWCA Civ 928).
15. Mr David Forsdick QC, who represents the applicants, drew my attention to passages in the reference work *Arlidge, Eady & Smith on Contempt* (5th Edition), that highlights the importance placed by the court in civil contempt proceedings on the public interest in seeing that court orders are upheld. I was referred to paras 3-73 and 3-74 of *Arlidge, Eady & Smith*, and my attention was drawn in particular to the observation made by Lord Woolf MR in *Nicolls v Nicholls* [1997] 1WLR 314 at 326B-C:

“Today it is no longer appropriate to regard an order for committal as being no more than a form of execution available to another party against an alleged contemnor. The court itself has a very substantial interest in seeing that its orders are upheld.”

16. *Arlidge, Eady & Smith* goes on to discuss the judgment of Lord Phillips MR in *Mid-Bedfordshire District Council v Thomas Brown* [2004] EWCA Civ 1709 at [26]-[27], where the Master of Rolls emphasised the importance of court orders being obeyed and the necessity for sanctions in circumstances where they are deliberately disobeyed:

“26. The practical effect of suspending the injunction has been to allow the defendants to change the use of the land and to retain the benefit of occupation of the land with caravans for residential purposes. This was in defiance of a court order properly served on them and correctly explained to them. In those circumstances there is a real risk that the suspension of the injunction would be perceived as condoning the breach. This would send out the wrong signal, both to others tempted to do the same and to law-abiding members of the public. The message would be that the court is prepared to tolerate contempt of its orders and to permit those who break them to profit from their contempt.”

27. The effect of that message would be to diminish respect for court orders, to undermine the authority of the court and to subvert the rule of law. In our judgment, those overarching public interest considerations far outweigh the factors which favour a suspension of the injunction so as to allow the defendants to keep their caravans on the land and to continue to reside there in breach of planning control.”

17. I also bear in mind that:

- i) the sanction of custody on a committal application is the “court’s ultimate weapon”, as noted by Mrs Justice Proudman in *JSC BTA Bank v Solodchenko* [2010] EWHC 2404 (Comm), and must be sparingly used and only invoked when truly needed;
- ii) the sanction of committing a person to prison for contempt can only be justified where the terms of the order allegedly breached are unambiguous and the breach is clear beyond all question: see, for example, *Redwing Ltd v Redwing Forest Products Ltd* [1947] 64 RPC 67 at 71 (Jenkins J).

Evidence of alleged breaches

18. In support of the committal application the applicants have submitted evidence in the form of four affirmations, each accompanied by one or more exhibits.
19. The first affirmation is dated 20 July 2019 and is the affirmation made by Mr Wortley to which I have already referred. In his affirmation Mr Wortley gives evidence about the activity of urban exploring and some of the well-known individuals who are involved in urban exploring beyond Mr King-Thompson, who has become well-known since his climb of The Shard.

20. Mr Wortley describes the circumstances in which the Injunction in this case was obtained. He also describes the circumstances in which Mr King-Thompson first came to the attention of his firm in November 2018 after he had uploaded photograph and video footage showing him climbing a tower crane at one of the 15 construction sites at Wembley Park on Bonfire Night, using the firework display at Wembley Stadium as a backdrop to his images. In relation to that, Mr Wortley referred to a witness statement prepared in relation to that incident by Mr Matt Voyce, a construction director at Quintain Limited, one of the companies involved with the Wembley Park development. At para 39 of Mr Voyce's witness statement, Mr Voyce referred to an incident in which five well-known urban explorers had deliberately breached an injunction to restrain trespass at Newfoundland, a construction site at Canary Wharf which was protected by an injunction obtained in February 2018. At para 50 of that statement he referred to committal proceedings that occurred before HHJ Freedman, sitting as a Judge of the High Court, on 26 November 2018. It is reasonable to suppose that Mr King-Thompson would have read Mr Voyce's witness statement and by that means would have become aware, if he was not already, of the serious implications of breach a court injunction.
21. Mr Forsdick took me to the judgment of HHJ Freedman in the proceedings to which Mr Voyce had referred, where the judge indicated that he had seriously considered sending the five young men, who were of roughly similar age to Mr King-Thompson, to prison for breach of that injunction, but where he ultimately decided that it was not necessary, for reasons given in his judgment. The judge very clearly warned those respondents that on a future occasion imprisonment might be inevitable.
22. Mr Wortley also gives evidence as to the events of 8 July 2019. The climb started at 5:00 am. Mr King-Thompson climbed up the external structure of The Shard. Mr Wortley also deals with media coverage of the climb as well as various videos uploaded by Mr King-Thompson himself or by others. There was a significant amount of coverage of the climb in the days and weeks that followed it.
23. I also have the affirmation dated 25 July 2019 of Ms Joanna Begaj, an associate at Eversheds Sutherland, in which she:
 - i) notes that Mr King-Thompson has acquired a manager since his climb of The Shard, who happens to be the same manager as represents Mr Alain Robert, a famous urban explorer known as "the French Spiderman";
 - ii) refers to an Instagram post made by Mr King-Thompson on 21 July 2019 in which he referred to his ascent as illegal and to which he also appended the hashtag #rooftopilegal [sic]; and
 - iii) refers to an interview with Mr Piers Morgan and Ms Susanna Reid on the television programme *Good Morning Breakfast* on 10 July 2019, during which Mr King-Thompson refers to having been helped in his preparations by seven other individuals.
24. I also have the affirmation dated 26 July 2019 of Ms Kay Harvey, Head of Property Management at Real Estate Management (UK) Limited, in which she deals with:
 - i) the posting of the Warning Notice at various locations at The Shard;

- ii) the anti-climbing measures at The Shard;
 - iii) visitors to the public viewing gallery at The Shard and the visit of Mr King-Thompson himself to the public viewing gallery at The Shard on 30 November 2018;
 - iv) the climb itself on 8 July 2019; and
 - v) the questioning of Mr King-Thompson by the Metropolitan Police on 18 July 2019 in connection with possible offences of criminal damage, aggravated trespass, public nuisance and trespass on the railway, at the end of which, Ms Harvey understands, he was issued with a caution for trespassing on the railway.
25. Regarding Mr King-Thompson's visit to the public viewing gallery on 30 November 2018, Ms Harvey notes that he had bought his ticket on-line the day before and made his visit at about 1:00 pm. She says that during that visit he would have had to walk past at least 10 copies of the Warning Notice regarding the Injunction on level 1 (5 locations), level 33 (3 locations), level 68 (one location) and level 72 (one location).
26. Regarding the events of 8 July 2019, Ms Harvey stated that Mr King-Thompson had accessed The Shard from next to platform 9 at London Bridge Station, climbing on to the glazed roof above London Bridge Station and from there accessed the bottom of The Shard structure using suction cups to get over the lower part of the climb in order to circumvent anti-climbing measures. She said that he then was able to abandon the suction cups after level 5 and eventually reached level 73, the floor immediately above the public viewing gallery, to which there was no public access at the time, where he stopped climbing. The police and two ambulances were called to the site, but Mr King-Thompson was not arrested at that time.
27. Finally, I have a second affirmation, this one dated 29 August 2019, from Ms Begaj of Eversheds Sutherland, in which she gives evidence as to a video podcast uploaded on 27 July 2019 between Mr King-Thompson and Ms Ally Law, a well-known urban explorer, in which Mr King-Thompson talks about months spent planning the climb, the speed and aggression needed for the climb and the closure of London Bridge Station as a result of his climb. Regarding that last point, he appears to minimise the disruption he caused, saying during the podcast:
- “Yes, I may have closed down a little bit of the station, but you know, like, at 5 o'clock there's not many training running anyway, so ...”
28. Ms Begaj also notes in her second affirmation that during the podcast Mr King-Thompson described his many nights of reconnaissance, including in disguise, up to a year of preparation, getting help from seven unnamed associates, the various routes up The Shard that he considered, and the creation of his brand as a result of his climb.
29. Ms. Begaj also gives evidence as to the appearance of Mr King-Thompson and his mother on the BBC *One Show* to discuss the climb. He apparently talked in that interview about taking his mother to dinner at The Shard before climbing it, the visit

being one of around 200 he made as part of his planning, in various disguises and so on.

Findings

30. Mr King-Thompson has made full admissions in these proceedings, although only belatedly. He has admitted he has been aware of the Injunction since the Spring of this year. He has described his meticulous preparation for the climb in social media posts and interviews, and I have referred to some of that in my review of the evidence. He would have passed numerous copies of the Warning Notice, particularly during his visit to the public viewing gallery of The Shard, and he has admitted he was aware of the Injunction and its contents since last Spring, substantially before his climb. In the circumstances I am satisfied to the criminal standard that Mr King-Thompson's breach of the Injunction was knowing, deliberate and contumacious.

Legal framework for sentencing

31. Section 14 of the Contempt of Court Act 1981 provides that a committal must be for a fixed term and that the term shall not on any occasion exceed two years. If the committal is ordered to take effect immediately, the contemnor is entitled to automatic release without conditions after serving half of that committal.
32. There are two functions of sentencing for civil contempt. The first is to uphold the authority of the court and to vindicate the public interest that court orders should be obeyed. The second is to provide some incentive for belated compliance. These dual purposes are discussed in various authorities, one being *JSC BTA Bank v Solodchenko (No. 2)* [2012] 1 WLR 350 (CA) (Jackson LJ) at [45].
33. In all cases, it is necessary to consider whether committal to prison is necessary and, if so, what the shortest time necessary for such imprisonment would be and whether a sentence of imprisonment can be suspended.
34. Lawrence Collins J in the case of *Crystal Mews Limited v Metterick* [2006] EWHC 3087 (Ch) set out a number of principles that apply to sentencing for civil contempt. At [13] he notes various factors to be taken into account when considering the appropriate penalty:

“13. The matters which I may take into account include these. First, whether the claimant has been prejudiced by virtue of the contempt and whether the prejudice is capable of remedy. Second, the extent to which the contemnor has acted under pressure. Third, whether the breach of the order was deliberate or unintentional. Fourth, the degree of culpability. Fifth, whether the contemnor has been placed in breach of the order by reason of the conduct of others. Sixth, whether the contemnor appreciates the seriousness of the deliberate breach. Seventh, whether the contemnor has co-operated.”

35. In a subsequent case, *Asia Islamic Trade Finance Fund Ltd v Drum Risk Management Ltd* [2015] EWHC 3748 (Comm) at [7] Popplewell J added to the foregoing list the following factor:

“... whether there has been any acceptance of responsibility, any apology, any remorse or any reasonable excuse put forward.”

36. Finally, Popplewell J in the *Asia Islamic Trade Finance Fund Ltd* case (affirmed by the Court of Appeal) made the point that if it is determined that a term of committal is inevitable, then where there have been admissions it is appropriate to make some form of reduction in the term. By analogy with the Sentencing Council Guidelines, a maximum reduction of one third might be appropriate where the admissions are made at the outset of proceedings for contempt, and thereafter a sliding scale down to about 10 per cent where admissions are made at trial.
37. In this case Mr King-Thompson was 19 years old at the time of the breach of the Injunction, and he is 20 years old now. Mr Forsdick has drawn my attention to sections of *Arlidge, Eady & Smith* dealing with the sentencing of defendants between the ages of 18 and 21, namely, paras 14-74 to 14-78 and 14-81 to 14-82, the key points being that (i) where a custodial sentence is passed, rather than going to adult prison, the custodial sentence will be served as detention in a Young Offenders' Institution and (ii) the court is not required to obtain a pre-sentence report before passing sentence.

Culpability

38. Considering Mr King-Thompson's culpability for this breach, I have already indicated that I consider the breach to have been deliberate, knowing and contumacious. His culpability is, therefore, high.

Harm

39. In terms of the harm caused by his contempt, it seems to me there are a number of heads of harm:
- i) most seriously, the harm to the public interest caused by a serious breach of an injunction such as the one at issue in this case;
 - ii) the risk of death to which Mr King-Thompson subjected himself and, by his example and the publicity given to his breach in which he actively participated, the increased risk that others, perhaps less skilful, will attempt the same or similar illegal and dangerous climbs;
 - iii) his compromising of the security of The Shard; and
 - iv) the disruption at London Bridge Station (not the most serious harm occasioned by his breach, but he did cause disruption to operations there, inconveniencing members of the public).
40. Regarding compromising the security of The Shard, I note that ionic buildings are sometimes the target of terrorists. If such a building is targeted by urban explorers and information regarding ways into and around the building are posted online, the safety and security of those who live in, work in and visit such buildings is potentially at risk.

Some of the publicity that Mr King-Thompson has given to his climb would appear to have increased that risk in relation to The Shard.

Aggravating factors

41. In my view, the aggravating factors in this case are:
- i) despite being aware of the Injunction and its penal consequences, Mr King-Thompson's meticulous planning and preparation over a lengthy period, including numerous visits to the site, including the use of disguises;
 - ii) the involvement of up to seven accomplices (which also makes it all the more unlikely that Mr King-Thompson would not have been fully aware of the consequences of breaching the injunctions, since there is likely to have been discussion between them concerning the possible consequences of the climb);
 - iii) the fact that Mr King-Thompson has actively and widely publicised the contempt through social media and interviews with traditional media.
42. Regarding that last point, I take into account the submission made on his behalf by Mr Philip McGhee that to some extent he has just gone along with that publicity rather than actively courted it, but nonetheless Mr King-Thompson had the choice not to go along with that publicity and/or to take the opportunity of the publicity to express contrition for breaching a court order, which he does not appear to have done.

Mitigating factors

43. In his letter to the court, to which I will revert in a moment, Mr King-Thompson says he chose a time and a route to minimise public possible disruption. He was therefore clearly aware that there could be some disruption of the public. In his letter, Mr King-Thompson says the following:
- i) he climbed at 5:00 am to minimise potential adverse effect on the travelling public;
 - ii) he chose a route where, if he fell, he would land on a roof, rather than directly on to a pedestrian concourse (although there is no evidence that he made any assessment as to whether, if he had fallen, the roof would have held up under the impact of his fall); and
 - iii) he did not wear a head camera because the climb was not about publicity (although he has given interviews and made various social media postings about the climb).

Personal mitigation

44. In relation to personal mitigation, Mr King-Thompson's age, 19 at the time of the climb and 20 now, is obviously very important, and I accept that there must have been a degree of immaturity in his approach to this breach.
45. I also take into account his previous good character. He received a caution for trespass as a result of this incident, but other than that he has had no involvement with the police.

Indeed, I have had a couple of character references that speak of his positive good character.

46. This morning I was handed a bundle of documents, which I have read carefully. The bundle includes the following documents:
- i) various letters, documents and medical records dealing with Mr King-Thompson's early history of learning difficulties and his diagnosis of Attention Deficit Hyperactivity Disorder (ADHD), for which he was prescribed medication;
 - ii) a report dated 16 October 2019 by Dr David Oyewole, a consultant psychiatrist;
 - iii) an undated letter by Mr King-Thompson to the court;
 - iv) a letter dated 16 October 2019 (so, just five days before this hearing) from Mr King-Thompson's solicitors confirming that Mr King-Thompson accepts liability and that he does not intend to contest the committal proceedings;
 - v) a letter dated 16 October 2019 from a family friend of the King-Thompson family, Mr Kent Rowey, who talks of Mr King-Thompson's high personal integrity and genuine desire to help others; and
 - vi) an e-mail dated 4 October 2019 from JP Hassett of R.E.A.L Fundraising, who talks about Mr King-Thompson's passion for fundraising for the young homeless, his high work rate and his attention to detail.
47. Regarding Dr Oyewole's report, at para 7.6 Dr Oyewole notes that ADHD is not a direct factor in the decision to climb, but at para 7.7 he suggests that it is an indirect effect, noting that, in his view, there is a subset of individuals with ADHD who find that ultra-exercise has a significant beneficial effect. I accept that Mr King-Thompson's ADHD may have played a factor in his breach of the Injunction, but that is merely explanatory, not exculpatory.
48. Regarding Mr King-Thompson's letter to the court, I presume that it was written recently. I accept that he is now sorry and takes full responsibility for his actions. He talks about his aim in life to inspire individuals and to spread his philosophy of following one's passion. He also talks about his having made a number of conscious decisions to minimise the impact of his climb on others, as I have already mentioned.

Credit for admissions/remorse

49. Mr King-Thompson has made a late admission for liability, but the extensive publicity that has been given to his climb undermines the credibility of his claim that he is now remorseful. His counsel suggested that he merely went along with much of the publicity that has accompanied his climb, but even taking that view, the fact that he did so and did not take the opportunity to express remorse in my view undermines his claim of remorse. I note that he expressed some contrition for causing a degree of disruption to commuters, but no apparent contrition for breaching a court order until his letter was handed up to me this morning.

The sentence

50. I have had regard to the eloquent and forceful submissions of Mr McGhee, who has said to the court all that could be said in mitigation on Mr King-Thompson's behalf.
51. Given the clearly deliberate and knowing nature of the breach in this case, which involved meticulous planning over an extended period, involvement of at least one other person (and, on Mr King-Thompson's own account, advice and assistance of up to seven other people), Mr King-Thompson's lack of remorse until really very recently, and the giving of publicity to the contempt through social and traditional media, this matter crosses the custody threshold.
52. In the circumstances, given the high culpability and number of aggravating factors, which involve a deliberate and knowing flouting of the Injunction, despite Mr King-Thompson's age and previous good character, I am not able to suspend the sentence. Therefore, the sentence will be one of immediate custody.
53. I have mentioned that sentencing for contempt typically has a dual purpose; punishment and coercion. In this case, however, it is not possible for Mr King-Thompson to purge his contempt. The order has been breached, and that breach cannot be cured.
54. Had Mr King-Thompson been older, the starting point would have been at least 39 weeks (or nine months). However, in light of his age and apparent immaturity I have taken a starting point of 26 weeks (or six months). There are a number of aggravating factors which I have already mentioned, but I balance against that that he has made an admission, albeit late, and has expressed remorse and contrition, although he appears to have done so principally in the shadow of this hearing and the imposition of sanction, rather than due to any real contrition for deliberately breaching a court order.
55. I have taken his previous good character, and indeed positive good character as evidenced by the character references, into account.
56. Accordingly, overall the sentence that I consider to be just and proportionate, in light of Mr King-Thompson's deliberate and knowing breach of the Injunction, having regard to the aggravating and mitigating factors, is a total sentence of 24 weeks' detention in a Young Offenders' Institution.
57. Mr King-Thompson will be released after serving one behalf of that sentence.
58. I now commit Mr King-Thompson into the hands of the Tipstaff to be taken into detention.

This transcript has been approved by Mr Justice Murray

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

B E T W E E N

(3) TEIGHMORE LIMITED

(4) LBQ FIELDEN LIMITED

Claimants

and

(3) IAN DAVID BONE

**(4) PERSONS UNKNOWN ENTERING IN OR
REMAINING AT THE SHARD OR SHARD
PLACE WITHOUT THE CLAIMANTS' LICENCE
OR CONSENT**

Defendants

"SSW18"

This is the exhibit marked "SSW18" referred to in the witness statement of Stuart Sherbrooke Wortley dated 19 February 2020.

----- Forwarded message -----

From: **Dylan Wyn Pugh** <Dylan.WynPugh@redbull.com>

Date: Wed, 8 Jan 2020 at 09:35

Subject: Re: The Shard - filming application form

To: Ed Lowcock <elowcock@goodrelations.co.uk>

Cc: Toby Parfitt van Pallandt <toby.parfitt@redbull.com>

Hi Ed,

Happy new year. Did you have any feedback regarding this conversation? We are still keen to progress with this project and would love to pitch to the board if possible?

Best,

Dylan

DYLAN WYN PUGH

Head of Commercial



Red Bull Company Ltd. • Seven Dials Warehouse • 42-56 Earlam Street • London • WC2H 9LA

T: +44 7870 150899

dylan.wynpugh@redbull.com • www.redbull.com

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From: Dylan Wyn Pugh <Dylan.WynPugh@redbull.com>
Date: Tuesday, 29 October 2019 at 12:28
To: Ed Lowcock <elowcock@goodrelations.co.uk>
Cc: Jessica Schon <jschon@goodrelations.co.uk>, Toby Parfitt van Pallandt <toby.parfitt@redbull.com>
Subject: Re: The Shard - filming application form

Ed,

Good to talk to you earlier. I have selected some relevant Red Bull examples for your consideration to show at your meeting tomorrow.

The Jokke Sommer clip flying under the Aiguille du midi is a similar size space to the top of the Shard. The door in the sky is much smaller space (albeit under different circumstances) and the human meteor skydive in LA is very similar to what we envisage of the Shard opportunity which is proximity flying (over the viewing balcony) with lots of opportunity to pull out if required.

A door in the sky: 2 wingsuit flyers base jump into a plane in mid-air (particular footage from 1:30)

<https://www.redbull.com/int-en/videos/AP-1TT2QFUHS2111>

Human meteor skydives through skyscrapers (particular footage from 1:49)

<https://www.redbull.com/int-en/videos/AP-1YRRNMPV12111>

Jokke Sommer flies under the Aiguille du Midi bridge (particular footage from 9:34)

<https://www.redbull.com/int-en/jokke-sommer-flies-under-aiguille-du-midi-bridge>

The one point I would like to emphasize is that our projects are incomparable to other examples due to the rigour and expertise we employ having been doing these kind of projects for 30 years. Again we would welcome the opportunity to make our case in person to convince the REM that in our expert view, this project does not represent a significant health and safety threat.

We look forward to your response,

Kind regards,

Dylan Wyn Pugh



DYLAN WYN PUGH

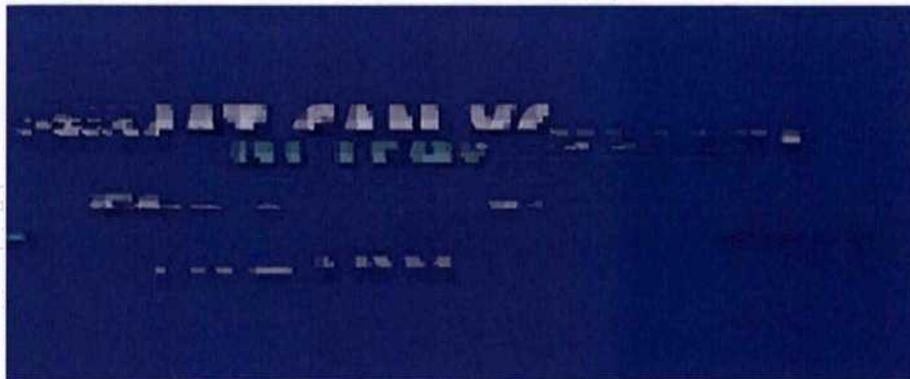
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From: Ed Lowcock <elowcock@goodrelations.co.uk>
Date: Friday, 4 October 2019 at 14:04
To: Dylan Wyn Pugh <Dylan.WynPugh@redbull.com>
Cc: Jessica Schon <jschon@goodrelations.co.uk>, Toby Parfitt van Pallandt <toby.parfitt@redbull.com>
Subject: EXT: Re: The Shard - filming application form

Hi Dylan,

Apologies for the delayed response - I've been away.

I'm available on 0207 9323619 if you'd still like a call on this.

Best,
Ed

On Fri, 27 Sep 2019 at 17:16, Dylan Wyn Pugh <Dylan.WynPugh@redbull.com> wrote:

Hi Ed,

Thank you for your email. Would you be available for a call. I would just like to fully understand where REM sits in the Shard eco system so that I can feed back at my end and prevent us from wasting anyone's time further,

Kind regards,

Dylan Wyn Pugh

DYLAN WYN PUGH

Head of Commercial



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From: Ed Lowcock <elowcock@goodrelations.co.uk>
Date: Friday, 27 September 2019 at 15:00
To: Dylan Wyn Pugh <Dylan.WynPugh@redbull.com>
Cc: Jessica Schon <jschon@goodrelations.co.uk>, Toby Parfitt van Pallandt
<toby.parfitt@redbull.com>
Subject: EXT: Re: The Shard - filming application form

Hi Dylan,

Many thanks for sending these documents through.

Having put it to REM, I'm afraid they are unable to accommodate your request, largely due to health and safety protocols.

Apologies that we couldn't be of more help on this occasion.

Best,

Ed

On Thu, 26 Sep 2019 at 17:23, Dylan Wyn Pugh <Dylan.WynPugh@redbull.com> wrote:

Jess/Ed,

Further to our conversation earlier, please find attached:

- Completed filming application form
- Letter detailing further project details and required permissions
- Red Bull Project Co-ordinator Dave Emerson CV (including London Olympics 2012)

As discussed, we would welcome the opportunity of presenting directly to the relevant stakeholder to promote this exciting opportunity and to allay any concerns about risks or safety associated with the project. It is a straightforward project but with a disproportionate positive potential gain for both The Shard and Red Bull.

We sincerely hope that we can progress this project with you and your client,

Kind regards,

Dylan Wyn Pugh



DYLAN WYN PUGH

Head of Commercial

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6

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From: Ed Lowcock <elowcock@goodrelations.co.uk>
Date: Thursday, 26 September 2019 at 11:03
To: Dylan Wyn Pugh <Dylan.WynPugh@redbull.com>
Cc: Jessica Schon <jschon@goodrelations.co.uk>
Subject: EXT: The Shard - filming application form

Hi Dylan,

As discussed on your call with Jess, please find attached the filming application form for The Shard.

Best,

Ed

--

Ed Lowcock
Account Director

Error! Filename not specified.

THE SHARD

APPLICATION FOR FILMING

NB This is not a permit to film

Contact name and position	James Milnes (Head Of Red Bull Mediahouse)
Contact email and telephone	Point of Contact: Dylan Wyn-Pugh dylan.wynpugh@redbull.com 07870150899
Address of company applying for approval	Red Bull UK, Seven Dials Warehouse, 42-56 Earlham St, London, WC2H 9LA
Filming objective (Please detail content to be filmed and the context of the wider piece)	The creation & celebration of 'Leap Day', a global news moment on 29th February 2020 which puts the UK's most iconic 21st century landmark centre stage. Two Red Bull wingsuit athletes, will jump from a helicopter 2,500m over central London & fly through the gap at the top of The Shard before parachuting safely to the Thames. Footage will be captured & released across the Red Bull Media Network & distributed globally to third party news & media platforms. Note: with their years of experience and expertise, the challenge is well within the comfort zone of the wingsuit professionals.
What do you want to film? (Interiors, exteriors, views etc)	Exterior of the building from afar and the rooftop of the Shard
Intended use of footage (Where and how will it be distributed?)	Intended use of footage: The resulting film will be distributed to tens of millions across Red Bull's social channels (YouTube, Facebook, Instagram, Twitter, TikTok), as well as packaged up and distributed to global news and lifestyle media across broadcast, print, online and social, reaching exponentially more consumers.
Date of broadcast (If applicable)	Between Monday 24th February 2020 & Saturday 29th February 2020 (5 day window for weather contingency with preference on 29th)
Anticipated viewing figures/audience (If known)	Anticipated viewing figures/audience: By way of comparison, In January 2019 Red Bull BMX athlete Kris Kyle leapt from a helicopter and landed his bike on the rooftop of the Burj Khalifa. The resulting content has been viewed nearly seven million times to date via Red Bull's YouTube channel, and generated over 1,500 pieces of editorial news coverage across 41 countries. We would expect the 'Leap Day' film to perform similarly. Further examples of comparable activations are available as needed.
Name and address of production company on site	Red Bull UK, Seven Dials Warehouse, 42-56 Earlham St, London, WC2H 9LA
Proposed filming location/s	The Shard and its Rooftop
Proposed filming date(s) and times (Please specify access time required, including set-up and de-rig)	The proposed filming date (February 24th - 29th) is to bring as much media attention around the 'Leap Year' day, a hook for high viewership post event. The project requires Civil Aviation Authority approval which is already said to be achievable if the right documentation is presented. As part of the application we would need to demonstrate The Shard has been made aware and is onboard with project happening. There is a 3 month lead time to get the Aviation approval. The execution on the day will only be 24 hours access to the Shard rooftop.
Live broadcast or pre-record? (Please specify)	Pre-recorded and then released within 24 hours
Do you require an interview with staff/a spokesperson for The Shard?	Yes, a key decision maker that we can present the Project face-to-face and share all credentials and expertise to support the execution.
Total number of crew (Including	2x Wingsuit Jumpers 1x pilot helicopter (CAA approval) 10x Crew on event day and filming

THE SHARD

presenter/talent/guests - names & titles will be required prior to access)	
Please detail all equipment including cameras, lighting, tracking and props	Minimal equipment required on-site. Three persons on the Shard viewing platform with 2x go-pros/Canon DSLR camera set ups.
Do you need access to any specific facilities? (Please specify)	We require a written letter of consent to be included in the application to the civil aviation authority stating the shard has been made aware of the project.

When you have completed this form please return it to the press office by email: theshard@goodrelations.co.uk and we will be in touch to discuss your application.

Please note that the following information will also be required before access is granted:

- Evidence of the crew's Public Liability Insurance (to the minimum value of £10m with an insurer acceptable to REM; actual value to be determined by REM once filming application received).
- Enquirer may need to sign a REM filming/location agreement and NDA.
- REM may need to make amends/additions to third party filming/location agreements.

Please note that all filming agreements will be subject to the below conditions:

- All cast and crew must comply with full health and safety regulations and requirements for the duration of filming.
- Any and all statistics, names or other factual information referenced on camera pertaining to The Shard or its tenants, owners, location, construction or any affiliated party must be pre-approved for use by Real Estate Management (UK) Limited on behalf of The Shard's owners.

2x Wingsuit Jumpers 1x pilot helicopter (CAA approval)
10x Crew on event day and filming



Red Bull UK • Seven Dials Warehouse •
42-56 Earlham Street, London • WC2H 9LA

25th September 2019

D. EMERSON
25 kingfisher rd
Brackley
Northants
NN13 6PP

Letter on behalf of Dave Emerson...

The proposed event will consist of 2 Wingsuit jumpers exiting a helicopter at approximately 2,500feet above the shard, flying towards the shard and then flying between the two upright pillars at the top. The wingsuiters would then fly forward, open their parachutes and land in a designated area.

The stunt will be promoted and co-ordinated by Red Bull. I will be the stunt co-ordinator and will oversee all the planning, any CAA clearances, risk assessments and be in control of all aspects of the jump and landing.

My qualifications for undertaking this are attached with my CV.

I personally have done over 13,000 jumps and have worked on many high profile stunts for major films, commercials, and special events including the skydiving planning and execution of the Olympic opening ceremony in 2012 with the Queen and James Bond.

The stunt will not actually involve the jumpers being in the shard, but as this will be aired in different media formats, we feel it only courteous to request your approval to use any images in this publicity. There will also be an opportunity for yourselves to take advantage of this in terms of a spectacular spectator experience for anyone actually in the shard during the attempt.

Dave Emerson
British Parachute Examiner D5022

Dave Emerson

One of the most experienced, well known, and highly-qualified free fall parachute experts in the UK. Based on a history of 12,700 descents he is also one of the British Military and British Parachute Association's most respected international instructors and examiners.

A popular skydiving stunt planner, safety expert, organizer and performer for TV programmes and major films (eg: Warner Bros' Kingsman Secret Service), and for special events such as the Queen Elizabeth and James Bond sequence during the opening ceremony of the 2012 Olympic Games – a scene that will be long remembered by hundreds of millions of people, worldwide.

An accomplished career as a sport professional playing County Rugby and International canoeing as well as many other sports, starting in 1969 when he joined the Royal Air Force as a Physical Training Instructor, culminating in him becoming one of the most accomplished high and low altitude, advanced and pioneering parachute professionals in Britain's Military Forces.

Freelance Skydive Consultant, 1994 – to date, recent sample engagements

- Stunt supervisor for Channel 4 series Lady Chatterley's Lover, Casualty, The Coroner
- Lewis Hamilton's jump into the British F1 Grand Prix at Silverstone
- Aerial safety supervisor for a Nissan Wingsuit and Base Jumping TV commercial filmed in Switzerland, Base The Movie, Corvette Commercial.
- Safety Supervisor, Technical Advisor and Jumpmaster for the Queen Elizabeth and James Bond sequence during the opening of the 2012 Olympic Games
- Stunt performer in films including: Jonny English, The Escapist, Band of Brothers, Bridget Jones, Batman the Dark Knight Rises, also TV programmes and advertisements
- Safety Supervisor and Organiser of the world record Wingsuit landing by Gary Connery
- Aerial Safety Supervisor, Top Gear, Korea

Manager, Prince Hamzah's Royal Aerosport Club, Jordan, 2009

Freelance Skydive Consultant, UK and USA, 1994- present

Chief Instructor, Hinton Skydiving Centre, 1998 - 2006

Chief Instructor, 4 Para Parachute Centre 1996 - 1998

PTI and Parachute Jumping Instructor, Royal Air Force, 1969 - 1993

Key Parachute Qualifications & Professional Experience

- British Parachute Association Council, Safety and Training Committee
- BPA Instructor Examiner – Licence Number D5022
- High Altitude Low opening and High Altitude High opening instructor
- Ex Joint services Parachute Test Team Member
- Tandem Instructor Examiner
- Accelerated Free Fall Instructor Examiner
- Free Fall Video and Cameraman
- Free Fall Display Team Manger
- Qualified to pack all main and reserve parachutes
- 1995 Qualified as survival instructor
- St John Ambulance, First Aid Certificate

Health and Safety Certificate
for Events and Event Management

From: "Wortley, Stuart" <StuartWortley@eversheds-sutherland.com>

Date: Tuesday, 21 January 2020 at 13:14

To: Dylan Wyn Pugh <Dylan.WynPugh@redbull.com>

Cc: "Begaj, Joanna" <JoannaBegaj@eversheds-sutherland.com>

Subject: EXT: The Shard - filming application form

Dear Sir

We act for Teighmore Limited which is the owner of The Shard (and the airspace immediately above The Shard).

Your email message to Mr Lowcock dated 8 January 2020 (copy attached) has been referred to us.

In October 2019, you made an identical request for permission to perform this wingsuit stunt in our client's airspace and our client refused.

Whilst we recognise that this refusal was unwelcome, our client's position on this is not going to change - please do not therefore make further applications.

During a conversation between Mr Wyn Pugh and Mr Lowcock on 7 November, Mr Wyn Pugh suggested that Red Bull (a) did not need our client's agreement; and (b) might proceed with the wingsuit stunt without our client's permission. If that is your position, we disagree. Our client owns the airspace immediately above The Shard and any entry into that airspace without our client's permission will constitute an act of trespass.

We attach a copy of an interim injunction which was granted on 1 February 2018 (and extended on 8 February 2018) to prevent trespass by any party (note that the Defendant is described as "Persons Unknown") at The Shard.

As you may know, breaching an injunction constitutes contempt of court for which individuals may be imprisoned or fined. You may also be aware that in October 2019, George King-Thompson was imprisoned for 24 weeks for deliberately breaching the February 2018 injunction and climbing the exterior of The Shard in July 2019.

On behalf of our client, we are currently preparing an application to have the February 2018 interim injunction converted to a final injunction.

It is very important to our client to know that having refused permission, Red Bull will not proceed with the wingsuit stunt in our client's airspace or encourage anyone else to do so.

Given that Mr Wyn Pugh has previously expressed the view that your company does not need our client's permission to perform the stunt (which, as noted above, we disagree with), we require an undertaking from your company not to do so. To be effective, such an undertaking must be addressed to the Court on Court Form N117.

Please confirm by return that you are willing to provide such an undertaking and we will let you have some wording to consider.

Please note that unless such an undertaking is in a form which we have agreed by Wednesday 29 January 2020, we will have no alternative other than to add Red Bull Company Ltd as a named Defendant to the action and pursue a claim for an injunction to restrain you from arranging, sponsoring or encouraging individuals to attempt the wingsuit stunt or otherwise trespassing in our client's airspace.

We suggest that you seek independent legal advice in connection with this matter.

Yours faithfully

Stuart Wortley | Partner – Real Estate Dispute Resolution | Eversheds Sutherland

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M: + 44 771 288 1393

www.eversheds-sutherland.com

Eversheds Sutherland

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From: Andrew Clark <Andrew.Clark@redbull.com>
Sent: 21 January 2020 16:55
To: Wortley, Stuart <StuartWortley@eversheds-sutherland.com>
Cc: Begaj, Joanna <JoannaBegaj@eversheds-sutherland.com>; Dylan Wyn Pugh <Dylan.WynPugh@redbull.com>; Dominique Octave <Dominique.Octave@redbull.com>
Subject: FW: The Shard - filming application form

Dear Mr. Wortley,

My name is Andrew Clark and I am the Head of Legal, Red Bull Media House UK.

Your email was forwarded to me by my colleague Dylan Wyn Pugh. He was surprised by the nature of your email and having just read it, so am I.

I am struggling to understand what has happened to justify such a heavy handed reaction in light of our team following all of the proper clearance channels and adhering to your client's instructions at every step.

The only justification I can glean from your email is that your client believes – albeit mistakenly - that our team thought they would not need permission to enter property and/or air space owned by your client. They know that they would require permission. That is the only reason why the team originally contacted your client.

Knowing that permission would be required, the team at Red Bull adopted what I would consider to be a textbook workflow for a clearance request:

1. they contacted your client to request permission;
2. one of your client's representative directed them to an application form;
3. they completed the application form;
4. they were made aware that the application had been rejected due to health and safety concerns;
5. they requested more information on why the application had been rejected and based on that feedback, they supplied additional information in the form of examples that your client's representative asked them to provide; and
6. they courteously contacted your client's representative two months later to follow up on the matter.

I understand your client may have dealt with historic issues with third parties but, assuming that the below email is not sent out to all unsuccessful applicants, we would have appreciated a final response that maintained the cooperative and amicable approach that your client's representative adopted throughout the application process.

I hope that this email serves to resolve any misunderstanding but please let me know if our position remains unclear.

We will not be providing a formal undertaking. In light of this response, we hope that you and your client agree that such an undertaking is unnecessary and disproportionate.

Your sincerely,

Andrew Clark



Andrew Clark

Head of Legal

Red Bull Media House UK • Seven Dials Warehouse 42 – 56 Earlham Street • London • WC2H 9LA • UK
+44 7971765561

andrew.clark@redbull.com • www.redbull.com

From: Wortley, Stuart

Sent: 21 January 2020 17:30

To: Andrew Clark <Andrew.Clark@redbull.com>

Cc: Begaj, Joanna <JoannaBegaj@eversheds-sutherland.com>; Dylan Wyn Pugh <Dylan.WynPugh@redbull.com>; Dominique Octave <Dominique.Octave@redbull.com>

Subject: RE: The Shard - filming application form

Dear Mr Clark

Thank you for your prompt reply.

There is sensitivity around this issue and the reasons for that include the fact that:-

- (1) the application for permission for the stunt had been renewed (despite being having been clearly rejected);
- (2) there had been a suggestion (contrary to what you have said in your message) that permission was not necessarily required;
- (3) the renewed application was received when, coincidentally, my team was preparing an application to convert an interim injunction to a final injunction; and
- (4) last year there was a breach of an injunction not to climb on The Shard.

I note what you say and will take instructions.

Yours sincerely

Stuart Wortley | Partner – Real Estate Dispute Resolution | Eversheds Sutherland

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Eversheds Sutherland

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From: Andrew Clark <Andrew.Clark@redbull.com>
Sent: 21 January 2020 19:24
To: Wortley, Stuart <StuartWortley@eversheds-sutherland.com>
Cc: Begaj, Joanna <JoannaBegaj@eversheds-sutherland.com>; Dylan Wyn Pugh <Dylan.WynPugh@redbull.com>; Dominique Octave <Dominique.Octave@redbull.com>
Subject: Re: EXT: RE: The Shard - filming application form

Dear Mr Wortley,

Likewise, thank you for your quick response and for providing some further background.

Dealing with each of your points (using your numbering):

1. My understanding is that during a telephone conversation after the initial rejection, your client's representative encouraged, or at least indicated he was happy to receive, further information from our team. The email thread attached to your original email is consistent with this explanation.

2. To the extent there was any misunderstanding on this point, I hope that my earlier response clarifies our position.

3 and 4. I appreciate you sharing this background but I hope that the details I have summarised clearly demonstrate that Red Bull has acted properly and in good faith throughout.

I look forward to hearing back from you when you have had the opportunity to speak to your client.

Your sincerely,

Andrew