

The ongoing story of Multrees Walk

✘ Following the flashmob protest which took place on Monday of this week, and which we wrote about [here](#), The Guardian Local has [reported](#) that an apology has been offered to Stefan Karpa and his colleague who were regarded by many as having been treated quite harshly by two Multrees Walk security guards last week.

Such a move was not really surprising, and was already anticipated by [Amateur Photographer](#) magazine on Tuesday.

You may have seen the [videos](#) of Stefan being stopped first of all and then [pursued](#) by the security guards who wanted him to delete the photographs he had apparently taken of a window display in Multrees Walk. The first video can also be seen here on [Youtube](#).

The Guardian reports that the apology has come from “Multrees Walk” and has led to the management company (Lasalle) reviewing their policy regarding photography by members of the public. They make a clear statement that the taking of photographs by members of the public is not banned, unless the photographs or filming are being carried out for professional purposes, in which case prior consent will be required. There are no signs prohibiting photography anyway, and that was part of the reason for the protest. But the owners of the street have employed security guards and put up bollards at either end of the street for a valid reason. In 2008, three handbags worth just under £4,000 were stolen from the Mulberry shop in December when a 4 x 4 drove into the window. You can read about that [here](#). And earlier in the year handbags worth £30,000 were stolen in a similar ‘ram raid’ incident. These incidents took place early in the morning when there were

presumably no pedestrians around.

So this is the photography side of things cleared up then. Although there have been many cases of police harassing photographers reported down south, there have actually not been so many reported cases in Scotland.

This does not however totally clear up the question about the status of Multrees Walk. Is it a public space or is it not?

Here is a copy of the title plan showing that Multrees Walk is owned as part of the larger area including Harvey Nichols. – Click the Full Screen button to see the larger version.

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On the City Council's list of public roads the street is also confirmed as private. Have a look at the copy of this list below. It shows that Multrees Walk is a private street (although we have no idea where St James Square is...we think they must mean St Andrew Square) Again Click Full Screen to make it bigger.

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So what does this mean? Well we have done a little digging. First Scottish Searching Services Limited is a company which Scottish solicitors use to check on the status of roads and footpaths, drains and water supplies when acting on behalf of purchasers of property in Scotland. These matters can be important and are often dealbreakers, more usually in rural properties. If you were buying a property on Multrees Walk, the position is that you might be responsible for the upkeep of the street, notwithstanding that others might have a right

of access across it.

A First Scottish spokesman explained the position thus:-

“The private status of the footpath means that the owners are responsible for the repair and maintenance of the footpath and would be liable for any loss or injury incurred due to any defects caused by their negligence.

Notwithstanding the private status of the footpath, it appears to be a public place, similar to any enclosed shopping mall, to which the public are actually encouraged to visit.

It might possibly even be considered a public right of way between St Andrews Square and St James Centre.

The owners would more than likely be able to restrict the activities of the public there, but one would expect the rules and restrictions to also be made public, i.e. signs at entrances etc.

Think along the lines of a enclosed shopping mall where the likes of skateboarding etc is prohibited.

The police could not be used to enforce any private policy that places a restriction on an otherwise legal activity, although they may be asked to assist in removing a person that does not comply with the policy.

Just quite what the powers of any private security guard are is open to debate, but they could leave themselves open to a charge of assault or similar if they were not careful.”

An interesting article on the same topic in [The Broughton Spurtle](#)

Photo by [Thomas Haywood](#)