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Dated: 14/10/2016

To whom it may concern

Issues of concern:

Local Authorities and Metropolitan Police Consultation that was in Regards to the Applicant

On the 13th of August 2014 the local authority and the police held a consultation meeting in regards to the Appellant and reached a decision to be taken in the matter of a stand alone Antisocial Behaviour Order (ASBO) order to be placed upon the Appellant Statue of Liberties.

An anti social behaviour order (ASBO) (2003) is / was a civil order made in the United Kingdom against a person who has been shown, on the balance of evidence, to have engaged in anti social behaviour.

The order was introduced by Tony Blair in 1998 with the legal frame work and protocols to create a successful Antisocial Behaviour Order (ASBO) application. Within the Antisocial Behaviour Order (ASBO) guidance it states Voluntary solutions and other remedies should be considered by the pursuant, prior to the multi agency working together in Co-Hurst at a statutory conference, regarding any application.

Any of the following voluntary solutions and alternative remedies should have been considered and then implemented, prior to an application for an Antisocial Behaviour Order (ASBO) being considered but was not;

1. Mediation: -
2. Verbal and written warnings from the relevant authorities including Police: -
3. Support Packages: -
4. Diversionary schemes and activities: -
5. Rehabilitation programs: -
6. Criminal investigation: -

The above list is not exhausted to its limits.

At no point of time has the applicant been given any of the above listed opportunities, neither has he been asked to attended any official meetings prior to this Antisocial Behaviour Order (ASBO) application and this should have been the opportunity to talk to him about a pre-warning or other actions that could have been taken.

Please also take note to page number 15 (taking a strategic approach) which clearly states: "The more serious the behaviour, the greater the likelihood that the court will grant a geographically wide order, order's that seek to operate in the whole of England and Wales will not be granted without evidence to the actual or potential geographical extent of the problem. Further detail about further effective prohibitions is given in Chapter 7."

For the applicant legally to have any conditions imposed, of such a wide scale of areas with out correct proof to that extent, is another breach of applicant's human rights. The Antisocial Behaviour Order (ASBO) that was granted in the lower court upon the applicant is wrongly executed for the whole of the UK.

Section 63 of the Criminal Justice (Raves) Bill and related Act: -

The Criminal Justice and Public Order Act 1994 is an amendment to the Raves Bill and states the following: -

Section 63 Powers to remove persons attending or preparing for a rave.

(1) This section applies to a gathering on land in the open air of 20 or more persons (whether or not trespassers) at which amplified music is played during the night (with or without intermissions) and is such as, by reason of

its loudness and duration and the time at which it is played, is likely to cause serious distress to the inhabitants of the locality; and for this purpose: -

- (a) Such a gathering continues during intermissions in the music and, where the gathering extends over several days, throughout the period during which amplified music is played at night (with or without intermissions); and
- (b) "Music" includes sounds wholly or predominantly characterised by the emission of a succession of repetitive beats.

(1A) this section also applies to a gathering if: -

- (a) It is a gathering on land of 20 or more persons who are trespassing on the land; and
- (b) It would be a gathering of a kind mentioned in subsection (1) above if it took place on land in the open air.

In Reference to Section 63: -

As noted in the highlighted copy of a Section 63 above and then in reference to take the correct notes about the fundamental basics of the building blocks of the Antisocial Behaviour Order (ASBO) application that has now been brought against the Appellant, will in fact reveal that all incidents that are sighted within the case bundle are of incidents when a person(s) personal living quarters, was or is contained in a building otherwise known as a place of residence, this key element mentioned and noted does play a vital factor in the on goings of the case at present, as for sure trespass must be present for a gathering to amerce in a building this must also be inclusive of 20 or more persons, so for any officer or official person(s) to be confident of there evidence supporting the incident's in question, so for them incidents to constitutes to the word rave.

Within the respondent's bundle, that is representing an Antisocial Behaviour Order (ASBO) order, no police officers chose to follow the true lines of investigation that is needed to fulfil the key elements to obtain such an act, against the Appellants statue of liberties when using section 63 of the criminal and justice act 1994 and therefore the word rave cannot and should not be met to the criminal standards needed to obtain a Proven verdict.

The investigating police officers had ample opportunity to achieve such goals, but never did and therefore it must be agreed to the quoted, this case does not meet the criteria for the incidents accused within its context and supported evidence.

This clearly leads to the Fraud Act 2006 by abuse of position: -

(1) A person is in breach of this section if he—

- (a) Occupies a position, in which he is expected to safeguard, or not to act against, the financial interests of another person,
- (b) Dishonestly abuses that position, and
- (c) Intends, by means of the abuse of that position—
 - (i) To make a gain for himself or another, or
 - (ii) To cause loss to another or to expose another to a risk of loss.

(2) A person may be regarded as having abused his position even though his conduct consisted of an omission rather than an act.

Issue of the Word "Illegal being Used: -

The second issue is the terminology regarding the word "illegal" the word Illegal also raises concerns of issues relating towards what the respondent's case has been brought in motion for, all of the accused incidents that the respondent has alleged I took an organisation (role / or supplied equipment in, do in fact relate to the entertainment industry, what is governed under the licensing act 2003.

As previously stated in this letter of concern, all incidents sighted in the Antisocial Behaviour Order (ASBO) application do in fact relate to indoor private events and trespass has not been investigated under any police

officer's codes of conduct, neither does the CPS challenge or dispute this fact, so there is no argument to the issue of illegality under the trespass grounds.

This only leaves the licensing act 2003 having to be found in breach to prove the word illegal in the entertainment industry when a police officer is in pursuit of a case relating to the investigation of the organisation of illegal raves, as the respondent and officers have pro claimed it to be.

When reading a copy of the licensing act 2003 as amended on the 7th January 2013 for the processes of creation of an investigation or defence towards a persons rights, any person doing so will have to take note to appendix four of that Act, which clearly states it is not illegal to provide any entertainment within a back garden or place of residence, in fact the only clause relating to in private air is that no person shall have the right to charge for money with a few of making a profit and if a profit is made without true intention then the licensing act 2003 has no breach, with this full and whole understanding I believe that any person will agree that the respondent does not have the right to base there case on the fact of organising an illegal rave as no illegal concept has been adduced to be proven.

Issue's of the Word "Illegal being Used: -

As a third concern regarding the issue of the word "illegal being used does also make me take reference to the following:

From the early stages of the application the Appellant felt the need to defend his legal right's, as any other member of united kingdom and associated treaties should also do, this being said to be leading towards the wrongful accusations against any illegal allegations off criminal nature that any person(s) find themselves in defence towards, that any person(s) know they have not committed, neither am I in the wrong for just simply not understanding the crime I am being accused of but still playing a role in such criminal activities in turn as a figure of speech being blind towards my own actions and there consequences, such as the incident that have clearly been contained within the Antisocial Behaviour Order (ASBO) application.

I know it would be morally wrong for me not to stand up and quire this matter myself as for I know the true facts, as I know this case should not be sitting in its civil capacity, when it clearly states an offence of an illegal natured concept this is a breach of a multitude of my human rights and should be managed under criminal legalisation and regulations in a criminal court, especially with out no previous history of similar natured offences being present and this is also inclusive of no pre remand warnings ever being issued. In the understanding of civil and criminal law, were some think is alleged to have taken place that is said to have been illegal the correct Police procedure in them circumstances is that a crime will be created under the crime and disorder act 1998, in pursuit from the police reforms act 1964, by way of a victim or witness making a report to police and then for members of the police to be allocated the incident in hand so for them to be able to start any needed investigations, this does also depend on the matter of relevance to the initial report and will be risk assessed and graded apriority to the listing to the resources available at the time.

The investigations may lead to an arrest what will lead the detainee to his or her statuary legal rights. In the early 1980's the police did have the power to take cases to court without the decision of any other governing body, but now in 2016 the burden relays solely on the CPS who are in collaboration with Revenue and Customs Prosecution Office and is headed by the Director of Public Prosecutions (DPP) who is independent but subject to the superintendence of the Attorney General that is accountable to members of Parliament that do work for the prosecution services. If charged any person's rights are gained under section 24 and 25 which does relate to the rights of any person charged and the minimum standards of criminal procedure.

An issue I raise is my case seems to sit in it civil capacity at court with none of the above regulations and my rights being carried out with accordance of the United Kingdom laws; as it clearly is stated as an illegal offence, I ask please can any person explain this to me? As I have no previous convictions of similar nature offence, neither was the Antisocial Behaviour Order (ASBO) application a CBO, Antisocial Behaviour Order (ASBO) on conviction, it is in fact a stand alone Antisocial Behaviour Order (ASBO) and the legal guidance is for the application not to be based upon criminal natured activities.

Before I continue with the principles of the respondent's case which has been educed with the title of "the organisation of illegal raves, so to highlight the true aspects of the legal definition needed to be met in reference

towards “the role need to be proved to the criminal standards so for a judge to impose a Proven verdict in relation to organising”

National Standards Incident Recording Regulations: -

I would first like any reader to have a full understanding of the knowledge needed to be addressed at this point of this complaint in reference to the “NSIR” what is the national standards incident recording regulations that are governed under the Regulation of Investigatory Powers Act 2000.

The NSIR does quote the following, when any state official is recording police information them procedures must comply in accordance with the national standards incident recording polices and them person(s) are to:

- Ensure that all police information is held in accordance with the law
- Support all correct decisions that are made through the intelligence process with utmost respect for “Vision and Purpose Statements for Crime Recording (NCRS & HOCR)” what are in respect to the Home Office Counting Rules for Recorded Crime.
- Provide a fair an auditable decision-making process.
- Corroborate all related and interlinked information.
- Allow all information to be shared in compliance with the data protection Act 1998 and Regulation of Investigatory Powers Act 2000.

Policing Values:

The College of Policing “Code of Ethics” set out nine explicit values that are intended to ensure standards of professional behaviour for both police officers and police staff:

| | | | | |
|---|---|---|--|---|
| 1. | 2. | 3. | 4. | 5. |
| <i>Due responsibility with issues of Openness</i> | <i>Due responsibility with issues of Integrity</i> | <i>Due responsibility with issues of Accountability</i> | <i>Due responsibility with issues of Respect</i> | <i>Due responsibility with issues of Leadership</i> |
| 6. | 7. | 8. | 9. | |
| Due responsibility with issues of Fairness | Due responsibility with issues of Selflessness | Due responsibility with issues of Objectivity | Due responsibility with issues of Honesty | |

CPS REVIEWING OF CASE FILES: -

Duty Prosecutors must apply the Code for Crown Prosecutors when reviewing any case received from the police, and continue to do so during the life of a case, to be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each defendant for each offence and that it is in the public interest to proceed.

Crown Prosecutors must also consider any human rights issues that arise.

The Joint Performance Standards: -

Standard 1 – Police will undertake an effective, early investigation to reduce use of pre-charge bail: -

Standard 2 – Police will obtain ‘key evidence’ before referral to a prosecutor for a charging decision: -

Standard 3 – Police will themselves charge or NFA cases in accordance with the DPP’s Guidance on Charging: -

Standard 4 – CPS will provide an immediately accessible service for the telephone referral of cases: -

Standard 5 – CPS will ensure early face-to-face consultations are provided for serious, sensitive and complex cases: -

Standard 6 – CPS will ensure that charging decisions are consistent and in accordance with the Code for Crown Prosecutors and appropriate legal and policy guidance.

Police Personal Conduct: -

These values underpin all policing functions and in respect of police personal conduct and require all person(s) working for the police service to “behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing” (See Standard 9 – Conduct). The Code explicitly states that complying with the National Crime Recording Standard (NCRS), which is the central rules from the Home Office that do comply with the Counting Rules for Recorded Crime (HOCR), is an example of meeting the standards.

Regards to NSIR Standards: -

With further regards to NSIR standards that do define any communication from any person to be otherwise known as a “CFS a caller for services” a CFS is any person(s) by whatever means of contact, about a matter that comes to police attention and which is required by the NSIR to be recorded. There are a number of minimum data standards to be complied with when recording information on an incident record:

- An incident unique reference number (URN)
- The time and date the report was received.
- The method of reporting.
- A clear and accurate time and date the report was recorded.
- Details of the person making the report (name, address and telephone number)
- Sufficient information to describe the location and nature of the report.
- The opening and closing category.
- Also, the Time and date of initial and closing classification.

Contained within the respondent Antisocial Behaviour Order (ASBO) application I take a problem with there being no URN numbers to a vast amount of the official documents contained within the respondent’s bundle.

The Prosecution Team Manual of Guidance For the preparation, processing and submission of prosecution files 2011 (Incorporating National File Standard 2015) also states the importance to case files URN numbers and continues to quote the following: -

UNIQUE REFERENCE NUMBER (“URN”)

1.3.1

A URN must be allocated to a case file at the earliest opportunity to allow tracking and monitoring of the case where possible. This process should start at the CPS pre-charge advice stage where the URN will be recorded on the MG3/3A.

1.3.2

When completing a case file, the URN must be entered on all MG forms. The endorsement of the URN on each page of each form ensures that if material becomes separated from the file, it can be easily identified and maintains continuity.

1.3.4

Allocating a URN for case files involving multiple offences and/or offenders will need to be closely monitored to avoid duplication. Specific guidance on when and how these case files should be numbered is contained at 2.4 of Section 2. This includes obtaining guidance from the CPS regarding the splitting or merging of case files.

2.4.2

General Principles Charges for any offences may be included in the same file with the same Unique Reference Number (URN) if those charges:

- (i) Are founded on the same facts, or: -
- (ii) Form, or are a part of a series of, offences of the same or a similar character. As a result, case files containing charges which are not linked in either of the ways mentioned above will need to be split into separate files, each with a different URN.

Organisation: -

In dispute to the Organisation role in the respondent's pursuit for a conviction for organising illegal raves, the applicant has not adduced no evidence in support of such a claim, I submitted a plea of innocents as for sure I know that I am innocent and because of that reason, there is no truthful evidence relating to the wrongful accusations that I find my self defending my character towards, this case leaves me every day of my life knowing that I never organised any event sighted in the respondent bundle leaving me suffering the consequences and if the allegations were true I believe the police intelligence would be able to prove some of the following as they have not got the following:

- No evidence of flyers,
- No evidence of breaches of the licensing act.
- No evidence of promotion on Social Networking Sites
- No evidence of Sound equipment sited within the Antisocial Behaviour Order (ASBO) event dates being used for private reasons, neither seized under self commercial gain.
- No evidence of Video footage proving any origination or delegation roles.
- No evidence of forensics.
- No evidence of trespass.
- No evidence of Voice recordings.
- No evidence of a past duration of time, relating to any arrest of my person of a similar natured offence.
- No evidence of and therefore a complete absinth of first hand oral evidence of victims.
- This complete absinth also includes no police PNB note books, for all dates wrongfully accused and sited within the Antisocial Behaviour Order (ASBO) application.
- Not to forget the complete disappearance of all CAD related emergency 999 / 101 calls, that I am in pursuit of disclosure towards, that do relate to the audio voice recordings that have been said to have been destroyed by police, them emergency 999 / 101 call voice recordings are governed by United Kingdom and continental legalisation and Standard Functional Specifications for Law Enforcement Computer Aided Dispatch (CAD) Systems standards protected by communication standard operating procedures "SOP" and in all incidents should not be destroyed when they are part of an ongoing trial or appeal and this is to include, the commence of a Proven verdict otherwise known as a conviction as them files should remain intact for up to 50 years after.

Hearsay I challenge the following points of concern: -

The respondent when seeking pursuit of the Asbo application that was applied at the lower court in conjunction to their powers, so for the respondent to educe an application notice of (Hearsay Evidence under Civil Proceeding) Rule 1999.

The applicant took dispute to the legal factors of such a hearsay notice and declined the application.

The reason for the dispute was and is that the respondent is relying on the whole presedent of their case solely being based on hearsay evidence, with no substance of first hand evidence and a complete disappearance of civil person(s) under oath supplying oral evidence, in turn no VPS witness, this does also include any other support of key materials that would aid in any conviction as evidence.

The notice to rely solely on hearsay was put before the judge on the 11/09/2014 and 30/10/2014 to Highbury Corner Magistrates Court this was challenged but was allowed by the judge sitting at the lower court. How can anyone stand a fair trial when no witnesses can be called? And all of the civil witness statements, not being signed by the witness themselves.

Hearsay applications under the Magistrates Courts (Hearsay Evidence in Civil Proceedings) Rule 1999 to reply solely on hearsay within the Antisocial Behaviour Order (ASBO) application have been put in on the 23/02/2016, 17/08/2016 to Wood Green Crown Court for the appeal hearing, this was challenged, this also has been allowed by the Judge hearing the appeal case. How can anyone stand a fair trial when no witnesses can be called?

1. The truthiness and accuracy of the witness statements that are contained in the format of an MG11 witness statement form.
2. Also, the capacity the court sits in as for the Antisocial Behaviour Order (ASBO) proceeding sit in their civil capacity, but the respondent's application states an offence of a criminal nature such as the organisation of illegal rave, so for any person to understand what rules the case should really be imposed to so that the Appellant could stand a legal and justified fair trial cannot clearly be established, this is for the reasons as listed below.: -

Magistrates and Crown Courts have different regulations when the court houses are sitting in a true and fair civil capacity when at trial and appeal.

A criminal case as the respondent application clearly states it is, has a different views towards the rules of hearsay, than a civil case does and requires a section 9 or 10 to be educed into the case proceedings, if the section 9 or 10 requirements are not agreed by the Judge, or challenged by any applicant, due to a witness not given oral evidence in court, then the context of there statement holds less weight and may not be read out in court verbally aloud that is to say on its own, by any members of the prosecution and in turn becomes inadmissible in criminal cases, but under civil proceeding were there is no criminal element, then them hearsay rule do not comply and the Civil Evidence Act 1995 will in fact apply, in any ongoing proceedings that are in pursuit of an Anti-social Behaviour Order, the Civil Evidence Act 1995 rules should come into force and will allow the admissibility of hearsay without an exception other than a hearsay notice, because of the clear difference that is allowed in the proceeding of criminal and civil law relating to hearsay and the respondent's case being of a mixture of both laws, this leads me to the understanding that I could not stand, what must be a speedy and fair trial in respect to, The Universal Declaration of Human Rights (UDHR) 1948, the Human Rights Act 1998 (the Act or the HRA) and the European Convention on Human Rights (ECHR) 1953.

MG5: Police report

MG5 – CASE SUMMARY GUIDANCE NOTES

Any person being accused of an offence under the criminal justice public order act 1994 should be arrested and an mg5 case summery form should be filled out in accordance to code A of the pace codes of conduct.

The prosecutor, defence and court will then need to be informed about what happened when the defendant was interviewed and the guidance contained in the header to section 2 of the MG5 should be followed.

Where the suspect refuses to answer certain questions or to answer satisfactorily, after due warning, a court or jury may draw such inferences as appear proper under the Criminal Justice and Public Order Act 1994 sections 36 and 37.

In such circumstances section 2 on the MG5 should record that a no comment interview took place, special warnings were given (as set out in a - e below) and also record the questions that were asked following the warning. The exact words used should be recorded rather than paraphrasing.

For an inference to be drawn the suspect must be told, in ordinary language:

- a) What offence is being investigated?
- b) What fact they are being asked to account for;
- c) This fact may be due to them taking part in the commission of the offence;
- d) A court may draw a proper inference if they fail or refuse to account for this fact;
- e) A record is being made of the interview and it may be given in evidence if they are brought to trial.

Orders on Conviction: -

An order comes into effect on the day it is made.

Will be of a CBO nature the provisions relating to the CBO are in Part 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the "Act"). The provisions come into force on 20 October 2014.

The dates of the on goings of the Antisocial Behaviour Order (ASBO) proceedings are listed below: -

| | |
|------------|--|
| 12/09/2014 | A bundle is said too have been served by police on the Appellant at 109 Burncroft Avenue, to which he disputes. This Bundle is said to be for the Antisocial Behaviour Order (ASBO) Case, a letter of complaint was made and served to the police in regards to not being served with the full true details and the bundle still remains in Edmonton police stations lost property the receipt is in my mother's name as she found it out side my front door. |
| 06/10/2014 | The Appellant was meant to have a hearing for an interim Order but legal aid had not been granted. Michael Carroll acting solicitor came to court the judge overturned and granted legal aid. The application for the Interim hearing the judge would not hear due to my solicitors not having time to go over the case papers as legal aid was not granted at this point. The CPS and police were not happy about this. Hearing was put off until the 22/10/2014 |
| 22/10/2014 | 22/10/2014 Interim hearing could not go ahead due to Andy Locke Acting Barrister had a flood at his home address. CPS and Police were not happy about this and wanted it to go ahead. Judge told them it is not down to the Appellant he has attended court and rightfully he should have a barrister. Interim hearing was put off until the 05/11/2014 |

As can be seen from the details above the Antisocial Behaviour Order (ASBO) was not put before a Judge until the 22/10/2014 due to no fault of the Appellant and should still fall within the commence date of the CBO being legal jurisdiction.

Where an order on conviction is sought, police must supply sufficient details to the Prosecutor to justify application for the order sought and any documentation must be attached to the file. Such orders include:

- An exclusion order, such as being banned from licensed premises or sporting grounds.
- Anti-Social Behaviour Order.
- Protection from Harassment Act restraining order.
- Compensation order – may be made on conviction, where there has been some personal injury, loss or damage to any person, for the offence charged or taken into consideration.

Courts often award compensation at the first hearing so it is important that, where known, an estimate of the cost of loss or damage is included on the MG5 form. Additionally, full details of any victim likely to be awarded compensation should be shown on an MG6 form.

Issues with the Independent Members of the Public's Witness Statements: -

I continue to raise even larger concerns of issue with regards towards the Independent members of the public's witness statements, not being signed by the witness them self but by active police officers on duty. I am also further concerned and raise issue with there being no statement of truth attached to all of the mg11 witness statement forms, both issues are a criminal offence of the Fraud Act 2006 as follows: -

1. Fraud

(1) A person is guilty of fraud if he is in breach of any of the sections listed in subsection

(2) (Which provide for different ways of committing the offence).

(2) The sections are: -

(a) Section 2 (fraud by false representation): -

(b) Section 3 (fraud by failing to disclose information), and: -

(c) Section 4 (fraud by abuse of position).

(3) A person who is guilty of fraud is liable: -

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or to both);

(b) On conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine (or to both).

All MG Forms are Managed under Guidance From: -

All mg forms are managed under guidance from the home office, so for the evidential and authenticity standards to be complied with, so for all associated tools required to create, transport and store a Digital Witness Statement (DWS) is completed with sufficient evidential authenticity and integrity.

The Key Requirements of Digital Witness Statements are: -

1. The witness must be fully aware of the implications of signing.
2. The mechanism for proving a document must be agreed by the National Prosecution Team.
3. Where vector representations of signatures are used, these shall use open standards and must also include a simple image of the signature.

Criminal Procedure and Investigations Act 1996, places a duty on investigators to pursue all reasonable lines of enquiry and to record and retain all relevant material.

Supervisors must check that the file complies with the National File Standard content as per the Director's Guidance.

All cases charged by police will be notified to the CPS through an amended MG5, to be known as the 'Police Report'. It is crucial that the content of the MG5, including the case and interview summaries, are objective, fair and balanced and are of the highest quality. This is because all the stakeholders (e.g. prosecutors, court and defence) rely upon its contents. A poor quality MG5 is likely to lead to wasted time, increased costs and delayed proceedings. In all cases the supervisor must complete the 'Supervisor's Certification'. This certifies that the information in parts 1 to 7 of the Police Report is an accurate summary of the available evidence in the case. It also ensures that the file has been built to the required standard. If it has not been possible to obtain all necessary information to ensure the file has reached the required standard, an MG6 must be completed to indicate why and when missing information/evidence will be available.

The MG6 should also record the information necessary for common law disclosure in accordance with R v DPP, ex parte LEE. It should also take account of all reasonable lines of enquiry and confirm that relevant agreed targets for the capture/submission of evidence have been identified correctly.

R v DPP, ex parte LEE (1999) 2 Cr App. R 304, DC 2.2.11

Following the decision in LEE, the prosecutor should consider disclosing the following, at pre-committal stage, in the interests of justice:

- (i) Previous convictions of the victim, or any material that might assist an application for bail;
- (ii) Anything that may assist the defence to argue that there should be no committal at all, or committal on a lesser charge;
- (iii) Anything that may assist an argument for abuse of process;
- (iv) Information that may assist the defence to prepare for trial where delay may affect such preparation (i.e. witnesses police officers have spoken to that they do not intend to rely upon).
- (v) This information is not always going to be disclosed to the defence since Justice Kennedy said this would depend very much on what the defendant chose to reveal about the nature of his case.

These are only examples and must not be construed as a definitive list of categories.

In all cases the prosecutor must consider disclosing in the interests of justice any material that is relevant to sentence (e.g. information that might mitigate the seriousness of the offence or assist the accused to lay blame in whole or in part upon a co-accused or another person).

There are Three Types of Witness Statement: -

Narrative statements: -

- Made by the people who have played a part in the event at issue?

Production statements: -

- made by people who are employees, who have access to computer systems or documents, but: -
- Cannot testify as to how the information was entered on to the systems, as it may have been done by other people in the organisation.

Statements by expert witnesses:

- Include analysis and comment and can include personal opinion within their professional remit.

What is a VPS Witness Statement?

This is a statement made by the victim of a criminal offence. It is recorded on form MG11 and the content relates to the effect the offence has on them.

The Purpose of VPS forms are: -

These statements provide the victim with an opportunity to state how the offence has affected them:

- Physically
- Emotionally
- Psychologically
- financially, or
- in any other way victim an opportunity to say if they require further support, or wish to claim compensation.
- To provide the Home Office and the courts with information on these matters and allow them to take an account of the consequences of the offence on the victim. These statements are voluntary and are separate to other statements. They are disclosed to the defence.

Victim Personal Statements: -

When a VPS is used in court the VPS is put before the court after conviction in the sentencing bundle. **(Impact Statement)**

If a police officer takes a witness statement in England, Wales or Northern Ireland, they must record it on an MG11 form.

All investigating police officer's must keep the original copies of all witness statements in the case file and send copies to the Crown Prosecution Service.

Before a witness signs a witness statement the investigating police officer's must always explain to whom ever is filling out the form: the perjury clause before they make the statement.

- A statement taken in this form meets the legal requirements, and so they may not have needed to attend court:
- But you must make it clear the Home Office cannot guarantee they will not have to attend the court because the court and the defendant have the right to call any witness to attend and give oral evidence.

When any police officer questions the witness they must make sure of the following: ask all relevant questions to satisfy their duty under the Criminal Procedure and Investigations Act 1996, so to be able to pursue all reasonable lines of enquiry whether they point towards or away from the suspect.

The Antisocial Behaviour Order (ASBO) Witness Statements Do Not Contain Signature of Truth: -

PRACTICE DIRECTION 22 – STATEMENTS OF TRUTH

Documents to be verified by a Statement of Truth are: -

1.1

Rule 22.1(1) set's out the documents which must be verified by a statement of truth. The documents include: -

- (1) A statement of case,
- (2) A response complying with an order under rule 18.1 to provide further information,
- (3) A witness statement,

1.2

If an applicant wishes to rely on matters set out in his application notice as evidence, the application notice must be verified by a statement of truth.

1.5

The statement of truth may be contained in the document it verifies or it may be in a separate document served subsequently, in which case it must identify the document to which it relates.

Form of the Statement of Truth: -

2.1

The form of the statement of truth verifying a statement of case, a response, an application notice or a notice of objections should be as follows:

‘[I believe] [the (claimant or as may be) believes] that the facts stated in this [name document being verified] are true.’

2.2

The form of the statement of truth verifying a witness statement should be as follows:

‘I believe that the facts stated in this witness statement are true.’

2.3

Where the statement of truth is contained in a separate document, the document containing the statement of truth must be headed with the title of the proceedings and the claim number. The document being verified should be identified in the statement of truth as follows:

(3) Statement of case: ‘the [defence or as may be] served on the [name of party] on [date]’,

(4) Application notice: ‘the application notice issued on [date] for [set out the remedy sought]’,

(5) Witness statement: ‘the witness statement filed on [date] or served on [party] on [date]’.

Who may Sign the Statement of Truth?

3.1

In a statement of case, a response or an application notice, the statement of truth must be signed by:

(1) The party or his litigation friend, or

(2) The legal representative of the party or litigation friend.

3.2

A statement of truth verifying a witness statement must be signed by the witness.

In-house legal representatives: -

Legal representative is defined in rule 2.3(1). A legal representative employed by a party may sign a statement of truth. However, a person who is not a solicitor, barrister or other authorised litigator, but who is employed by the company and is managed by such a person is not employed by that person and so cannot sign a statement of truth. (This is unlike the employee of a solicitor in private practice that would come within the definition of legal representative.)

However, such a person, may be a manager and able to sign the statement on behalf of the company in that capacity.

Inability to persons to read or sign documents to be verified by a statement of truth: -

3A.1

Where a document containing a statement of truth is to be signed by a person who is unable to read or sign the document, it must contain a certificate made by an authorised person.

Consequences of failure to verify: -

4.1

If a statement of case is not verified by a statement of truth, the statement of case will remain effective unless it is struck out, but a party may not rely on the contents of a statement of case as evidence until it has been verified by a statement of truth.

4.2

Any party may apply to the court for an order that unless within such period as the court may specify the statement of case is verified by the service of a statement of truth, the statement of case will be struck out.

4.3

The usual order for the costs of an application referred to in paragraph 4.2 will be that the costs be paid by the party who had failed to verify in any event and forthwith.

Penalty: -

5

Attention is drawn to rule 32.14 which sets out the consequences of verifying a statement of case containing a false statement without an honest belief in its truth, and to the procedures set out in rule 81.18 and paragraphs 5.1 to 5.7 of Practice Direction 81 – Applications and proceedings in relation to contempt of court.

Possession etc. of articles for use in frauds, Fraud Act 2006: -

(1) A person is guilty of an offence if he has in his possession or under his control any article for use in the course of or in connection with any fraud.

(2) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or to both);

(b) On conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine (or to both).

7. Fraud act

Making or supplying articles for use in frauds

(1) A person is guilty of an offence if he makes, adapts, supplies or offers to supply any article—

(a) knowing that it is designed or adapted for use in the course of or in connection with fraud, or

(b) Intending it to be used to commit, or assist in the commission of, fraud.

(2) A person guilty of an offence under this section is liable— (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or to both);

(b) On conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine (or to both).

8. Fraud Act

“Article” (1) For the purposes of— (a) sections 6 and 7, and (b) the provisions listed in subsection (2), so far as they relate to articles for use in the course of or in connection with fraud, “article” includes any program or data held in electronic form.

All Impact statements are also signed by police, but second third hand information

PNBs are requested as disclosure: -

The official pocket book is a most important document which, when properly used, provides the greatest support in court, and constitutes protection against false or mistaken attack upon the character of an officer or a member of staff.

It is a basic principle of police procedure that police officers and appropriate police staff will keep notes of their day to day duties to which they may later refer.

Every operational Police Officer, including Police Community Support Officers (PCSOs), members of the Special Constabulary, & Firearms Enquiry Officers shall carry an official PNB when on duty, and will ensure that is maintained.

It is fundamental that these notes should be made at the time of the incident which is being recorded or, where circumstances prevent this, as soon as practicable after the event.

The pocket notebook must always be carried by officers and staff engaged on operational patrol, response and beat duties. Staff engaged in all other types of duty will carry their pocket notebook when performing duties where they are likely to encounter a scenario where a pocket notebook record is required.

The PNB is an official document, which is subject to disclosure in connection with any criminal investigation. The PNB is maintained by an individual, but ultimately belongs to the Metropolitan Constabulary.

Pocket Notebook records will be made in the following circumstances: -

- a. Where the Police and Criminal Evidence Act 1984 require a record and none exists.
- b. Details of audio recording interviews as highlighted in paragraph 5.1 of Code E.
- c. Unsolicited comments made by a suspect outside the context of a formal interview, which may be relevant to an offence.
- d. Evidential matters, civil and criminal where not recorded in another original document.
- e. PNC and other police information database checks.
- f. Critical, domestic and hate crime incidents.
- g. Property found or handed to officers.
- h. Under Section 170 of the Road Traffic Act 1988, where any party insists that the accident is recorded.
- I. Arrests and incidents which may give rise to evidence in a criminal offence.
- j. Incidents where the officer thinks a complaint will be made (bring to a supervisor notice as soon as possible.)
- k. Observations / surveillance where no official log exists.
- l. Any information that an officer regards as relevant to any aspect of police work should be recorded. If in doubt, record everything.

The information, which should be recorded at any scene, will vary. The following is a guide to the minimum information required: -

- a. Time.
- b. Exact location.
- c. Occurrence or offence.
- d. Name, age (DOB), occupation, address, self defined ethnicity and telephone number of person involved.
- e. Name, age (DOB), occupation, address, self defined ethnicity and telephone number of witness/informant.
- f. Details of action by police officers and others. 'Direct speech' should be recorded in the pocket book.

Where a suspect makes any comment, which might be relevant to an offence, (including a reply after caution) the comments must be recorded in the PNB, and where practicable the person shall be given the opportunity to read the record and to certify and sign it as accurate, or indicate the respects in which that person considers it inaccurate. Any refusal to sign should be recorded.

Even when there is collaboration, unless the circumstances are for some reason exceptional, each officer should make a note in their own book and not rely on a note in another officer's book. If one officer has no recollection of a point observed or of a remark remembered by a colleague, they should not incorporate such a matter into their book. An entry, whether made in consultation with a colleague or otherwise, must reflect only genuine personal observation and recollection.

It is the responsibility of all officers to keep their PNBs updated. Supervisors are to ensure compliance by inspecting officers' PNBs on a regular basis, and endorsing the PNB accordingly.

Officers will retain their current and last two completed PNBs (if less than two years old). All other PNBs should be submitted to District Administration, where they will be stored until two years old. PNBs that are over two years old will be stored in alphabetical order at the Central Archive Facility. Once the PNBs are over seven years old, they will be destroyed as confidential waste.

Overview of the role of CCC: -

1. CCC was formed in January 2008 upon completion of the C3i programme. This saw public telephone contact and control of the deployment of MPS uniform policing assets move from a central Information Room (IR) located at New Scotland Yard; 32 local control rooms (known within the MPS as CAD (Computer Aided Despatch) Rooms); and three independent Telephone Operator Centres (TOC), to three purpose-built contact and deployment centres located at Lambeth, Hendon and Bow.

2. CCC now operates within the Public Contact Portfolio of Territorial Policing (TP) as a single Operational Command Unit (OCU). CCC handles all emergency and non-emergency telephony for the MPS, co-ordinates the despatch of initial response to incidents for Borough Operational Command Units (BOCUs), provides command and control infrastructure for major incident and event policing through the Special Operations Room (SOR) and command and control for critical incidents.

On 6 October 1998, BT introduced a new system whereby all the information about the location of the calling telephone was transmitted electronically to the relevant service rather than having to read it out (with the possibility of errors). This system is called EISEC (Enhanced Information Service for Emergency Calls).

"The Communications Provider shall, to the extent technically feasible, make accurate and reliable Caller Location Information available for all calls to the emergency call numbers '112' and '999', at no charge to the Emergency Organisations handling those calls, until the time the call is answered by those organisations."

When a person(s), provide Open reach with a customer's name and address they pass it to BT's 999 Call Handling Service. BT in turn uses that information to route 999 calls and passes the location on to the Emergency Authority (EA). Then the emergency services allocate the order of importance, the information they need is:

- Postcode - this route the call to the EA serving that geography and is used by the EA to locate the caller.
- End User Name for: Consumer -the person most likely to make the call (not always the bill payer).

The End User Name recorded and listed on the Emergency Services Database may be different to the Directory Listing and the two details are separate entries on the input xml provided by a CP when placing an order with Openreach.

The separate End User Name provided is only used to populate the details held on the Emergency Services Database and assist the emergency services with handling 112 and 999 calls effectively.

- For WLR3, Openreach takes responsibility only for passing the address information to the Emergency Services Database.
- For MPF, it is the CP's responsibility to pass the address information to the Emergency Services Database.

In a short summary the first CFS caller for services, person that calls any emergency 999 handler will speak to is a Bcom operator, Bcom accept responsibility for passing the callers location and telephone number on to British Telecom who, then route the incident with the same intelligence all ready gained to the emergency services desired.

Another issue of concern that I raise within this letter, is in regards to a vast majority of incidents, otherwise known as Cads that have been inter Linked with unrelated incidents and information, that is to say from what I am being accused of at court and that information being supported as hearsay evidence, which has a true outcome of containing incorrect geological address information relating to the Antisocial Behaviour Order (ASBO) application, where on the dates that I do take reference towards, was on the 08th June 2014 at Progress Way Enfield London, where in any sense it would have been impossible for the incident the applicant has been accused of to have played a role that had a negative effect on any other persons way of life. Due to them locations distance being so far apart from one another, as can be seen by the Distance as the Crow Flies and Distance by Land Transport, which does in fact show that the distance between progress way and the initial location of the CFS emergency 999 callers, are to far apart for the respondent accusations for truth to be found upon, so because of this reason they have now been calculated into miles of distance as detailed below and them places are as follows, with geological markers supplied from:-
<https://www.freemaptools.com/how-far-is-it-between.htm>

| <i>Num</i> | <i>Name of 999 CFS Location Grid X to Y</i> | <i>Accused Location of Event Grid X to Y</i> | <i>Distance Between Both Locations in Miles</i> |
|------------|---|--|--|
| 1. | Hardy Way Enfield X. 531438 Y. 197711 | Progress way X. 534380 Y. 195513 | Distance as the Crow Flies: 2.280 Miles Distance by Land Transport: 2.788 Miles |
| 2. | Tynemouth Dr, Enfield X. 534375 Y. 198125 | Progress way X. 534380 Y. 195513 | Distance as the Crow Flies: 1.700 Miles Distance by Land Transport: 1.808 Miles |
| 3. | 899 Great Cambridge Road, Enfield X. 534396, Y. 197692 | Progress way X. 534380 Y. 195513 | Distance as the Crow Flies: 1.354 Miles Distance by Land Transport: 1.450 Miles |
| 4. | Albury Walk X. 535375 Y. 202125 | Progress way X. 534380 Y. 195513 | Distance as the Crow Flies: 4.105 Miles Distance by Land Transport: 4.619 Miles |
| 5. | Crown Road Enfield X. 534960 Y. 196240 | Progress way X. 534380 Y. 195513 | Distance as the Crow Flies: 0.751 Miles Distance by Land Transport: 1.021 Miles |
| 6. | 93 Broadlands Ave, Enfield X. 534981 Y. 196790 | Progress way X. 534380 Y. 195513 | Distance as the Crow Flies: 0.874 Miles Distance by Land Transport: 1.537 Miles |
| 7. | Lincoln Road, Enfield X. 534152 Y. 195940 | Progress way X. 534380 Y. 195513 | Distance as the Crow Flies: 0.302 Miles Distance by Land Transport 0.372 Miles |
| 8. | Woodstock Crescent, Enfield X. 534657 Y. 195453 | Progress way X. 534380 Y. 195513 | Distance as the Crow Flies: 0.201 Miles Distance by Land Transport 0.795 Miles |
| 9. | Leighton Road, Enfield X. 534144 Y. 195627 | Progress way X. 534380 Y. 195513 | Distance as the Crow Flies: 0.231 Miles Distance by Land Transport 0.641 Miles |
| 10. | Mayfield Crescent, Enfield X. Y. | Progress way X. 534380 Y. 195513 | Distance as the Crow Flies: 0.239 Miles Distance by Land Transport 0.692 Miles |

The above table lists some of the locations from the CADs giving mileage,

There are CADs that have all of the MAP ref blocked out, so these can not be researched and them Cads incident numbers are as follows: -

1. 1722:7JUN14: -
2. 5206:7JUN14: -
3. 340:8JUN14: -
4. 793:8JUN14: -
5. 2410JUN14.

The appellant requests, the reply to why would there be a need to block out any cad/ Map data? And for such redactions to be fully disclosed served in a non-edited format.

I find it hard to understand with reason, with reference to why police officer(s) would be sent to a location that the person was not at, as it seems PC Steve Elsmore is trying to imply in his statement dated the 24/09/2016 pages 327 to 332.

Also, there is the matter regarding data blocked out in a multitude of CFS Emergency calls relating to: -

1. CAD 3151
2. 2410 to list a few more, I can understand some Names and some Addresses but clearly not what I request as disclosure so that I can read what is needed to stand a fair defence, there is clearly a lot more data being blocked out that is vital to the on goings of this case.

There is a problem with Cads missing like linked CAD 2456 /7 shown on many pages as shown on page 290.

The reason given by the respondent in court about explicitly linked to and implicitly linked to CADs seems very unreliable, and could easy be proved by showing the judge these missing CADs are not linked in any way.

In statement of PC Jason Ames dated the 15/08/2014 it states CAD 9717 which related to intelligence, why has this been withheld also?

Using the jurisdictional GIS information and the law enforcement map layers, the dispatcher has a tactical view of the city and/or dispatch area. The map can be controlled by specific CAD commands, such as zoom-and-pan, or preset commands, such as zooming to the address of a selected call for service.

The dispatcher can map/view all units and open calls for service for an area or the city. Units and calls are labelled on the map.

Locational Systems Interfaces Locational systems provide automated access to address, geographic, and mapping information for law enforcements. The primary locational systems include AVL, GIS, and Mobile and Real-Time Mapping:

Geofile Maintenance: -

The creation of a comprehensive Geofile is a significant undertaking. The system should support the creation and maintenance of the Geofile using an available mapping/GIS

The Geofile contains the geographic information that is the basis for many decisions in a communications centre. The system needs to provide the ability for an agency to enter and update all Geofile data, including the physical address and the X/Y/Z coordinates.

The Geofile is used to validate and standardize location and address information. It is also used to cross-reference addresses and locations with law enforcement-defined reporting areas, X/Y/Z coordinates, ZIP codes, and other identifiers. The Geofile contains sufficient information to ensure that an address is valid. Furthermore, it provides cross-references to addresses and locations using common place names (e.g., business names, parks, hospitals, and schools) and street aliases.

It includes information such as direction of travel on particular streets and can identify the side of a street for a specific address. It is assumed that all addresses in the RMS are validated using the system Geofile.

The Time stamps are inaccurate relating to police CAD's Information: -

Inaccuracy's leading to incorrect time stamps contained within the applicant's bundle created by Steve Elsmore on the 13/8/2014.

| <i>CAD</i> | <i>Num</i> | <i>Date</i> | <i>Time</i> | <i>Page</i> |
|------------|------------|-------------|-------------|-----------------|
| CAD | 2637 | 07/06/2014 | 08:18 | Page 191 to 195 |
| CAD | 2672 | 07/06/2014 | 08:16 | Page 196 to 198 |
| CAD | 3005 | 07/06/2014 | 09:22 | Page 203 to 205 |
| CAD | 3037 | 07/06/2014 | 09:20 | Page 179 to 183 |
| CAD | 10481 | 07/06/2014 | 22:47 | Page 233 to 237 |

Clock Synchronization Interface and synchronize all servers and CAD workstations work in Co-Hurst with the Master Time Clock (Net clock). This ensures that each workstation and server provide an accurate time stamp.

Time Protocol (NTP): -

A Network Time Protocol (NTP) server is a reference time server used in a network for the management of precise time to various system devices. The server recognizes all Ethernet devices that request a time source and ensures that the time is distributed properly from machine to machine. In this way every piece of equipment over the network infrastructure with a time display and Ethernet connection will remain uniform and match each other. These servers are internal to a facility and require no breach of a firewall to receive time. When used alone without a master clock, an NTP server solely conveys time to Ethernet devices.

A Master Clock: -

A master clock, on the other hand, does more than convey time to Ethernet devices. It also has the ability to distribute time to multiple different clock systems or retrofit with existing clocks systems through its programmable relays. In addition, a master clock is capable of scheduling various incorporated systems to shut on and off at desired times automatically. All settings of the master clock can easily be configured through an easy-to-use web interface via an internet capable device. Additional functions not present in an NTP server include Daylight Saving Time changes, 12 or 24-hour formats, and the possibility of adding a countdown feature.

When you put them together?

Aside from their differences, a master clock and NTP server actually have the ability to work with each other to provide an even better timing solution for a given facility. When the two are paired together, the master clock will receive accurate time from the NTP server to distribute to all clocks in its system, while the NTP server will sync all networked devices to the same time it provides for the master clock. Combining both the capabilities of a master clock and an NTP server ensures that every clock, computer, printer, and any other device with an Ethernet connection will display the exact same time, all while having the added features of a master clock.

Real-Time Mapping: -

All aspects of a CAD system must be optimized for rapid response time and system reliability. Since time is of the essence, the CAD system must accurately provide a data and time stamp for every activity. CAD systems collect the initial information for an incident and then provide the information to one or more RMS systems.

Logging: -

CAD will log all actions including security violations and attempted breaches, errors, changes, and updates. Logs should be viewable and searchable by the system administrator.

No CAD voice recordings of the original 999 / 101 calls being made: -

Communications Data Standard Operating Procedure: -

In this document the definition of (CD) will mean Communications Data: -

This Standard Operating Procedure (SOP) establishes procedures that ensures the Police Service of (hereinafter 'Police') manages its acquisition and use of communications data (CD) in accordance with legislation, and the Home Office 'Acquisition and Disclosure of Communications Data' Codes of Practice.

The procedures described in this SOP are founded on the provisions of the Regulation of Investigatory Powers Act 2000, (RIPA) Part 1, Chapter 2 (the Act) which provides a legal basis for the lawful access to CD by public authorities including police forces.

The main purpose of the Act is to ensure that the relevant investigatory powers are used in accordance with ECHR.

The Act requires that human rights principles are followed. Officers must ask themselves the following questions before utilising any of the powers under this Act:

- Is the proposed action lawful?
- Is the proposed action necessary (for a legitimate aim)?
- Is the proposed action proportionate to the crime or incident being investigated (not a sledgehammer to crack a nut)?
- Is the proposed action non-discriminatory?

In 2014, the Data Retention and Investigatory Powers Act 2014 (DRIPA) was introduced. This was in response to the European Court of Justice (ECJ) judgment of 8th April 2014 which declared a previous Data Retention Directive (2006/24/EC) invalid. DRIPA makes clear that anyone providing a communications service to customers in the UK, regardless of where that service is provided from, should comply with lawful requests made under the Act and requires relevant companies to retain certain types of CD for up to 12 months, so this may later be acquired by law enforcement and used in evidence.

The Acquisition and Disclosure of Communications Data Code of Practice (CoP) was issued by the Home Office and approved by Parliament on 1 October 2007 and subsequently amended on 25 March 2015. The CoP provides guidance to public authorities on the correct procedures for accessing CD under the provision of the Act. The CoP is deemed admissible in evidence in both criminal and civil proceedings.

Part 1, Chapter 2 Regulation of Investigatory Powers Act 2000 (RIPA) (the Act) defines communication data into three separate types. Number three of three being:

Traffic Data (section 21(4)(a)) – data comprised in or attached to a communication for the purpose of the postal or communication service – incoming call data, cell site / location information, call line identity, and other records. Authorisation

CD may only be sought if a DP believes it is necessary for one or more of the following statutory purposes to which I do ob-claim disclosure towards:

- For the purpose of preventing or detecting crime or of preventing disorder (S22(2) b);
- For the purpose, in an emergency, of preventing death or injury or any damage to a person’s physical or mental health, or of mitigating any injury or damage to a person’s physical or mental health (S22(2) g);
- To assist investigations into alleged miscarriages of justice (Article 2(a));

Repeat CFS Caller’s: -

There is a clear issue contained within the respondent’s application for an Antisocial Behaviour Order (ASBO) order in regards to repeat callers CFS, there is a huge number of instances where a duplicate call in the Antisocial Behaviour Order (ASBO) can be identified, the call handler on the dates of the incidents in question must cross-reference the CAD to the original CFS. The calls must be correctly linked for future retrievability but are not and have still been added to the case file by the developing and investigating police officer in such a way that it is hard for any person to be able to clearly define the difference from each suspected victim and I do not understand how this is fair or correct to display evidence in such away to gain a Proven plea against any citizen of the state.

Disclosure with Regards to the Communications Data Bill: -

Communications Data Bill is the Bill that provides an updated framework for ensuring the availability of communications data and its obtaining by public authorities. It contains standard provisions in respect of, amongst other things, orders and regulations, commencement and extent. The new regime replaces Part 1 Chapter 2 of the Regulation of Investigatory Powers Act 2000 (“RIPA”) and Part 11 of the Anti-Terrorism Crime and Security Act 2001 (“ACTSA”) and sits alongside the Data Retention (EC Directive) Regulations 2009. The Bill is in three Parts.

Under the Data Protection Act 1988 the Met police are to also obliged to release to the any person information it holds about them or their address on any system including the CAD system and Therefore I request all information requested within this official document of complaint.

For Criminal Cases to Request a Witness: -

(Criminal Procedure Rules, err. 28.3 and 28.4. This form is NOT for use where rule 28.5 (confidential information) applies.)

For Civil Cases to Request a Witness: -

N20 Witness Summons (05.14)

We Request Full Disclosure: -

We request full disclosure of the contents contained in MG6: Case file evidence/information.

We request full disclosure of the contents contained in MG6B: Police officer/staff misconduct records.

We request full disclosure of the contents contained in MG6C: Disclosure schedule – non-sensitive unused material.

We request full disclosure of the contents contained in MG6D: Disclosure schedule – sensitive unused material.

We request full disclosure of the contents contained in MG6E: Disclosure officer's reports.

All Cads and any Missing Cads, in Unedited Format: -

The Appellant requests copies from the local council authority environmental teams under the environmental act 1990 this is to disclose any CD relating to a section 80 abatement notice of noise nuisance from amplified music, sighted within the Antisocial Behaviour Order (ASBO) application in pursuit of the respondent.

In regards to MG9: we request the following Witness to attended court

1. The applicant Needs a Solicitor to help
- 2.
- 3.
- 4.

In regards to MG10: Witness non-availability the applicant requests full disclosure.

We request full disclosure of the police PNB books to all officers sited in events contained in the incidents within the Antisocial Behaviour Order (ASBO) application inclusive of all officers who attended Crown Road and other sited CFS location's addresses.

The Disclosure Process: -

For the purposes of disclosure, "document" means anything on which information of any description is recorded. This includes written material as well as photographs, plans, drawings, and video and sound recordings. Importantly, it also includes any electronic records such as e-mails.

The disclosure process is a statutory duty under the Criminal Procedure and Investigations Act 1996 including Codes of Practice (CPIA). The general rule in English litigation is that the parties should have access to all relevant documents, including those of their adversary. This "cards on the table" approach is also enshrined in the Civil Procedure Rules relating to disclosure.

There is also a Common Law duty on the prosecutor to disclose material before the duty arises under the Act, where it is significant, e.g. a victim's previous convictions or information that might affect a bail decision.

There is also a duty on the police to provide the CPS with information that may mitigate the seriousness of an offence. The investigator must inform the prosecutor as early as possible whether any material weakens the case against the accused.

A party must disclose documents that are, or were in the past, in its control. This means that in addition to having to disclose any documents that are in the actual physical possession of a party, a party must also disclose documents that have been lost or have been disposed prior to litigation. Those documents must be described and an explanation given of the circumstances in which they were lost or disposed of.

In practical terms, a reasonable search will often involve the retrieval of any relevant files held in a central filing system, by individual staff or from archives or storage, the retrieval of any relevant electronic records and the retrieval of diaries if they are likely to be relevant to any of the issues. The extent of the search which must be made will depend on the circumstances of the case and has to be proportionate to the value of the claim.

When Does the Duty to Disclosure Arise?

Giving disclosure is normally done by each party preparing a list of the documents it is disclosing and serving it on the opposing party. The list of documents must be in a prescribed form and will include the disclosure statement (see below). The list is in three parts:

1. Documents presently in the disclosing party's control which that party does not object to being inspected.
2. Documents presently in the disclosing party's control which that party objects to being inspected.
3. Documents that have been in the disclosing party's control but are no longer the list will give each document a reference number, will specify its date and will give a concise description.

Not everything that is revealed to the CPS will be disclosed to the defence. Generally, a Prosecutor's duty to disclose unused material to the defence is triggered by: A not guilty plea in the magistrates' court, or: -

- A committal, i.e. the service of evidence in an indictable only case sent to the Crown Court under section 51(1) Crime and Disorder Act 1998 or on transfer of a case for trial to the Crown Court.

A person making a false disclosure statement without an honest belief in its truth faces the prospect of contempt of court proceedings. Therefore, it is important that the duty of disclosure is fully understood and complied with.

1.14.4

The duty of disclosure continues as long as proceedings remain, whether at first instance or on appeal.

1.14.5

All of the unused material is revealed to the prosecutor by way of schedules on forms MG6B, C, D, and E

There is an agreement between the CPS and ACPO that crime reports and incident logs will be revealed to the CPS as a matter of routine.

Information must be recorded at the time it is obtained / seized, or as soon as is practicable after that, material must be recorded in a durable or retrievable form.

If it is not practicable to retain the original record, e.g. because it forms part of a larger record which is to be destroyed, the information must be transferred accurately to a durable and easily retrievable form. Photocopies are acceptable. Details of relevant phone calls concerning a case must also be recorded.

Continuing Duty: -

The duty of disclosure continues until the proceedings are concluded. If after serving its list a party becomes aware of further documents that should have been disclosed, it must notify the opposing party by preparing and serving a supplemental list of those documents.

Disclosure Forms: -

1.14.8

There are four different types of disclosure forms as follows: -

1. MG6B – This gives details of the discipline record and convictions (if any) of any police officer/member of police staff that is involved in the case. It also includes Penalty Notices for disorder. If no officer/member of police staff has a disciplinary consideration (or conviction) there is no need to put the form on the file, an entry on the MG6 to this effect will suffice. This form can also be used to declare the convictions/disciplinary matters of employees of other investigative agencies on behalf of whom the CPS prosecutes e.g. UK Border Agency.
2. MG6C – The schedule of relevant non-sensitive material will be disclosed to the defence and any material described on it may also be disclosed to the defence on instruction from the CPS. Material that must be listed on the schedule covers all relevant unused non-sensitive material recorded, retained or generated during the course of an investigation. The exception to this is material seized during the course of a major investigation which has not been examined due to its lack of immediate and apparent relevance to the investigation. This falls outside the CPIA and is not ‘unused material’ but its existence must be recorded on form MG11 with the appropriate caption, i.e. ‘the following material has not been examined by the investigator or disclosure officer and is considered not to fall within the CPIA definition of prosecution material’. If an item of unused material contains both sensitive and non-sensitive material, it must be listed on the MG6C as being an ‘edited version’ or ‘edited’ e.g. a pocket notebook entry containing both the personal details of a witness and the circumstances of the arrest. Block out the sensitive part (witness details) on a copy of the original with a dark marker pen (never white correcting fluid). The original must never be marked. Do not list the unedited version on the MG6D.
3. MG6D – The schedule of relevant sensitive material will not be disclosed to the defence because it is not in the public interest to do so. You must state the reason why the item should not be disclosed to the defence. For example, details that identify an observation post must not be disclosed to the defence. If there is no sensitive material in a case, endorse form MG6D to that effect and submit it with the MG6C and MG6E. Where you think you have material that is very sensitive, such as information from a covert human intelligence source (CHIS), make contact with the prosecutor who will refer you, as necessary, to the appropriate person for advice.
4. MG6E – Disclosure Officer’s Report. On the MG6E the following information must be brought to the attention of the CPS: Material which contains a first description of an offender (Para 7.3 CPIA Code of Practice); or Material which might undermine the prosecution case or assist the defence. The disclosure officer must record on the form the following: Whether the undermining or descriptive information was originally listed on the MG6C or MG6D the original item number from the MG6C or D. Briefly, the reason for it being recorded on the MG6E, e.g. ‘Contains first description of suspect’, or ‘May cast doubt on reliability of witness’.

The prosecutor must always inspect, view or listen to any material that could reasonably be considered capable of undermining the prosecution case against the accused or of assisting the case for the accused. The Disclosure officer may need to consult with and allow the prosecutor to inspect the retained material.

Failure to Disclose: -

Any party’s disclosure obligations are governed under the Civil Procedure Rules require it to disclose documents which could be very detrimental to its chances of success, but which the opponent may not know exists until disclosure. This is an onerous obligation, much stricter than that in many other jurisdictions and the extent of these obligations often takes litigants by surprise. In order to ensure that parties comply fully and honestly with their disclosure obligations, the rules provide for very serious consequences where a party fails to comply with those obligations.

Firstly, making a false disclosure statement can potentially put the person making the statement in contempt of court. Secondly, a party’s credibility will be seriously weakened if it transpires that it has destroyed or failed to disclose a relevant document, whether or not this omission was deliberate. Thirdly, where a party fails to disclose a document which is damaging to its case and a fair trial is no longer possible, its case may be struck out altogether. Fourthly, deliberate destruction of relevant documents is likely to be a contempt of court and may constitute the offence of attempting to pervert the course of justice. Documents damaging a

party's case should not be withheld or destroyed under any circumstances. Finally, where a document was not disclosed, it cannot later be relied on in court except with the court's permission.

It has all ready been proven and concluded that Steven Elsmore has deleted emails sent to Val Tanner, asking for information as this was stated in the lower court at trial. The applicant knows that for a fact discloser is being held and that disclosure would give credibility to the Appellant innocent.

Preservation of Documents: -

Because of the potential sanctions outlined above, it is important to preserve intact all relevant documents from the time litigation is contemplated. If a party has a routine procedure for destruction of documents, such as the deletion of computer backup files or e-mail, this should be stopped until the documents have been examined by lawyers and confirmed not to be potentially disclosable.

Documents of possible relevance to the pending action must not be destroyed. All persons within an organisation who have responsibility for documents should be made aware of these obligations.

Fraud Act 2006: -

Fraud by failing to disclose information a person is in breach of this section if he: -

- (a) Dishonestly fails to disclose to another person the information which he is under a legal duty to disclose, and:
-
- (b) Intends, by failing to disclose the information: -
 - (i) To make a gain for himself or another, or: -
 - (ii) To cause loss to another or to expose another to a risk of loss

The right to Fair Trial: -

Appellant is asking for a Former Judge to examine the role of police officers, who present the applicant cases of an Antisocial Behaviour Order (ASBO) against him self.

The Appellant is asking for this case to be terminated or dismissed under the grounds of Article 6 of the European Convention of Human Rights, with regards to the Right to a Fair Trial Act 1998.

Which in legal terms, should be the best means of separating the guilty from the innocent and protecting against injustice. Without this right, the rule of law and public faith in the justice system collapse. The Right to a Fair Trial is one of the cornerstones of a just society.

Article 6 the Right to a Speedy and Fair Hearing: -

The applicant declares the right to a speedy a fair trial what is fundamental to the rule of law and to democracy itself.

The right applies to both criminal and civil cases, although certain specific minimum rights that are set out in Article 6 applies only in criminal cases.

The right to a fair trial is absolute and cannot be limited. It requires a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. The procedural requirements of a fair hearing might differ according to the circumstances of the accused.

The right to a fair hearing, which applies to any criminal charge as well as to the determination of civil rights and obligations, contains a number of requirements and I believe the causes below full within them requirements.

The concept of a fair trial involves fairness to the prosecution and to the public as well as to the defendant: DPP v Makin [2006] EWHC 1067.

Data protection Act 1998: -

<http://www.legislation.gov.uk/ukpga/1998/29/data.pdf>

The Information contained and held on the police Nation computers is not accurate to its information.

Statements of police in the Antisocial Behaviour Order (ASBO) have incorrect information that is being held on the police systems.

Regarding Previous Convictions that should be in respect of the Data Protection Act 1998: -

MG16: Bad character: -

As has: as if to say in a past occurrence of an duration of time and can still: as if in to be explaining to day as present in accordance to the date at the top of this official letter, any person(s) of interest can look inside the case files and openly read a copy of the applicants criminal record otherwise known and named as a “PNC” record, this confederal and official document, Should not be available and is an Abuse of Process as no official MG16 form supporting a Bad character reference has been abused into the Asbo case files.

For this reason, the applicant also reverses his rights of the Rehabilitation of Offenders Act 1974 and states time spent to any convection's.

Any pervious offences contained within do not relate to a similar natured offence such as the respondent has based their case upon.

There is all so an ongoing investigation in relation to errors on his PNC record which are slowly being rectified, there is evidence supplied from the court house in response to the stated ad this will be supplied on request to the relevant persons of interest and there for the applicant does not agree with any records of his criminal record.

MG16: Bad character: -

As has and can also still be seen, is a copy of the applicant's criminal record otherwise known and named as a “PNC” record, this confederal and official document being openly present for any person to read in the Asbo case files is an Abuse of Process as no official MG16 form regarding Bad character supporting a bad character reference has been abused into the case files.

Abuse of Process: -

Abuse of process is defined as something that is so unfair and wrong with the prosecution that the court should not allow a prosecutor to proceed with what is, in all other respects, a perfectly supportable case (Hui Chi-Ming v R [1992] 1 A.C. 34, PC). 'Unfair and wrong' is for the court to determine on the individual facts of each case.

The inherent jurisdiction for the correct to agree to so for them to stop a prosecution to prevent an abuse of process is to be exercised only in exceptional circumstances: Attorney General's Reference (No 1 of 1990) [1992] Q.B. 630, CA; Attorney General's Reference (No 2 of 2001) [2004] 2 A.C. 72, HL.

The essential focus of the doctrine is on preventing unfairness at trial through which applicant is prejudiced in the presentation of his or her case.

As contained in a copy of the lower court transcripts on the day of trial, while under oath PC Steve Elsmore stated to the district Judge that “Intel would be by open source and checked by an officer but was not done by him.” When in fact it is his login that created and printed the applicants bundle, this can be proved by his signature and also by the computer ID log that must be used to print the data and use the (CD) that is contained within the Police National Computer and now has been submitted and is contained with the applicants bundle and is verified at the top of most of the pages or within the Antisocial Behaviour Order (ASBO) application.

PC Elsmore continued to state under oath that he did not carry out any further investigations in regards to speaking to the owners of any premises to fix that of a notice of trespass or conviction or of two as the codes of practice say the main investigating officer must. He stated “I have not personal spoken to the owners of the venue”

PC Elsmore states under oath "There was a rave on an adjoining Road but not on that day." (Please Take Note Here of inspector Hamill stating under oath that he was sure all locations were to do with progress way on this date.)

"Phone calls received were not relating to Crown Rd Rave on that day.

On the day in question phone calls related to this particular rave. (Progress Way)"

Witness 1 – Inspector Hamill –R. O – 11.15 Am

Statement contained in tab 9-lead

DEF XEX

Intel would be by open source, checked by an officer but was not done by me.

The rave was taking place indoors.

I have not personally spoken to the owners of the venue. (No true line of investigation to prove trespass)

I only see the D on the Saturday on the evening of the 7th Saturday. (This was in fact early Hours of the 8th at around 1:00am.)

I did not go inside; the gates were closed.

I did not see any vehicles.

D'S Van registration is known to the police but I would not personally know.

There were vehicles parked but I did not notice whether defendant's van was there.

He was not aware of people squatting in that building at that time.

(Hearsay of officers continues D @ venue but (unreadable text)

Officer (unreadable text) but is Not present here today.)

There was a rave on an adjoining RD but not on that day. (Please Take Note Here of inspector Hamill stating under oath that he was sure all locations were to do with progress way on this date I believe a copy of his PNB book will prove he attended Crown Road on the same date.)

Phone calls received were not relating to Crown Rd Rave on that day. (But are contained within the respondent's bundle)

On the day in question phone calls related to this particular rave. (Progress Way) (A clear example of abuse of power)

A vast number of CADs that are contained within the respondent bundle representing an Asbo application are printed in Pc Steve Elsmore name and as the leading investigator he would know the truth to what has been concealed and how he compiled such intelligence to present any case files.

Contained within them CADs printed out by Pc Steve Elsmore is a huge majority of the locations that are retracted in other words (blocked out so no person can see the true locations) This leads to concerns regarding important and relevant aspects of disclosure so for the applicant to be represented at appeal with a fair hearing?)

In fact, crown road is 2 miles away, so quite a far distance from progress way.

Also from research that was gained, from news paper articles and freedom of information requests made to the local council, that were put in pursuit of a search for the truth, about the true on goings for the dates that the applicant stands wrongfully accused of by way of incidents that are compiled in the respondents bundle and that surely do relate to Crown Road and not progress way, determines the right truth by explaining that there was a completely different incidents reported by CFS callers to a house / ware house party or maybe even a rave that took place and police attendance was requested by them members of the public. The freedom of information request applied to and in receipt from the local council, inclusive of additional evidence such as the local news paper report/ articles have since been adduced into the applicant's defence bundle and served on the prosecution.

to the on goings another house party a five-minute drive from progress way and if not for the grid numbers being not blocked out inclusive of other landmarks such as A&J cars based in Enfield I would not have been able to prove my innocents in the on-going application leading to an un fair trial.

CAD number 2410 date 08th June 2014 Page number 288 states different CFS callers reporting incidents with the attached land mark of a well-known building next doors to the initial reason for the emergency CFS call, that land mark produces a running company what is named A& J cars Crown Road, Enfield what is a taxi services and is next doors to the crown road party. "The applicants would not have been able to prove his innocence in this case, CAD if it was not for A & J cars being left in the context of the emergency 999 / 101 call, CAD, as for sure the developers of the Antisocial Behaviour Order (ASBO) application, when using such information

retracted the true location, giving the intelligence in the cad a fake pretence to be progress way, this is the same for many of the other Cads retracted and contained within the ASBO application.

Termination and a Stay of Proceedings: -

The applicant requests termination of proceedings or a stay of proceedings to be ruled by the court in the ongoing civil proceeding, with immediate effect and in turn terminating or halting further legal process in the Antisocial Behaviour Order (ASBO) appeal. I again ask for the court to subsequently terminate the case or apply a stay and resume proceedings based on events taking place after the stay is ordered.

The Harassment Act 1997: -

The Protection from Harassment Act 1997

The Act was originally introduced to deal with stalking. However, since 1997 it also covers the aspects of conduct, including:

- Harassment motivated by race or religion: -
- Some types of anti-social behaviour: -
- Some forms of protest.

The Act gives both criminal and civil remedies such as two different criminal offences: -

- Pursuing a course of conduct amounting to harassment: -
- A more serious offence where the conduct puts the victim in fear of violence.

Harassing any person(s) includes any of the following: -

- Alarming a person(s) or: -
- Causing a person(s) distress.

The key element to be contained within an incident is a negative “course of conduct”, which can include speech, should normally involve conduct on at least two occasions, although there are exceptions to this.

In addition to the criminal offences, a civil court can impose civil injunctions in harassment cases as well as awarding damages to the victim for the harassment.

Section 1 of the 1997 Act states: - that a person must not pursue a course of conduct which “amounts to harassment of another” and which “he knows or ought to know” amounts to such harassment. Such conduct should lead to a criminal penalty (under section 2).

Section 7(2) of the Harassment Act 1997 states, that, “harassing a person includes alarming the person or causing the person distress”. A “course of conduct” is defined in section 7(3) creating an understanding that conduct should be made on at least two occasions.

The definition of a “course of conduct”

Is defined in section 7 of the 1997 harassment Act and makes it clear that the Act protects an individual from collective harassment by two or more people.

The Act provides three possible defences to a charge or allegation of harassment. Where harassment has been proved, the defendant would have to show one of the following: -

1. That the conduct was for the purposes of preventing or detecting crime: -
2. It was pursued under an enactment or rule of law; or: -
3. In the particular circumstances the conduct was reasonable; it is for the courts to decide whether the conduct was in fact reasonable in the circumstances.

Section 2 of the 1997 Act states the following: -

“A person who pursues a course of conduct that is in breach of section 1 is guilty of an offence”.

The offence is subject to a maximum penalty of six months’ imprisonment, or a fine of up to £5,000, or both, and is arrestable. Conduct includes Speech relating towards verbal harassment.

There are three elements of the offence:

- i. There must be a “course of conduct”, not just a single act
- ii. It has to amount to harassment.
- iii. The person must know, or ought to know, that the conduct amounts to harassment.

For the last point, section 1(2) makes it clear that the person should know that the conduct amounts to harassment “if a reasonable person(s) in possession of the same information” would think that it did as well.

Harassment Civil Provisions Section 3 of the 1997 Act: -

Permit’s for a person(s) to take civil proceedings in respect of any on goings of harassment. This includes “apprehended” harassment as well as actual harassment.

In such civil proceedings the applicant can or should seek a “non-harassment” order, and/or damages.

Section 3(2) of the Harassment Act provides for damages to be available for (among other things) ‘any anxiety caused by the harassment and any financial loss resulting from the harassment’.

Section 3(3) makes the breach of a non-harassment order a criminal offence, punishable in the magistrates’ court with up to 6 months’ imprisonment, and/or a £5000 fine, or in the crown court with up to 5 years’ imprisonment and an unlimited fine.

Noise Abetment Notice Section 80: -

The Councils Environmental Protection Team (EPT) are there to investigate complaints about noise made from certain commercial and licensed premises and events within the Councils boroughs, such as some of the following

- Noise from factories: -
- Industrial units: -
- Construction sites: -
- Shops: -
- Pubs: -
- Clubs: -
- Restaurants and takeaways: -
- Noise from residential student blocks/halls of residence, would generally be referred to the university who own the property: -
- Low level/minor noise problems and/or a one off/isolated report suggesting there is not a persistent problem emanating from Housing or social landlord providers property may be referred to Housing or the appropriate landlord for investigation as a possible tenancy breach.

This includes noise from businesses carrying out construction work on domestic property i.e. Noise from businesses carrying out sandblasting on a domestic property.

Where a reporting person(s) or victim submits a noise report for the first time, the noise and nuisance team will endeavour to contact them to acknowledge their report and provide advice to prevent further nuisance. A noise information pack will be sent to them together with a noise nuisance diary. If consent has been provided by the reporting person or victim a letter will be sent to the accused to advise them an allegation has been received. Highlighting to the accused, a problem they may not have been aware they were causing, may be sufficient to resolve the issue at an early stage.

The noise report will be logged as an enquiry within the services customer relations management system (Siebel) if not already done so, updated and closed until either the noise diary is returned, or further reports/evidence are received. Copies of any correspondence sent/received will be uploaded on to the enquiry.

Where noise has been witnessed and deemed unreasonable by an Out of Hours team response officer, for the first time, the noise and nuisance team will endeavour to contact the reporting person or victim to discuss the issue and offer advice. (If not previously provided) and consent sought to send a warning letter to the occupier/s at the address where the noise was witnessed.

Reports where noise has been witnessed are always considered on their merits, and a case may be opened and further enforcement action taken as appropriate.

Cases will be opened where noise is deemed a statutory nuisance that could warrant a Section 80 Noise Abatement Notice being served or where noise is witnessed on a second occasion and is deemed a potentially persistent problem.

The following evidence may be used to support a noise nuisance investigation, however, does not solely determine what constitutes a statutory noise nuisance. Professional judgement is necessary to decide if the complaint can be considered a statutory nuisance. Evidence, which may be used to support an investigation, includes;

- Noise diaries: -
- Calls to the Council and the Out of Hours service to report that the noise is Ongoing: -
- Visits by officers and Out of Hours service to witness the noise: -
- Witness statements from officers/Out of Hours officers and the reporting Person/victim: -
- Evidence from noise monitoring equipment.

Noise Diaries: -

Noise diaries completed by the reporting person or victim(s) can assist the noise and nuisance team in deciding whether the problem is actionable or reasonable by providing details of;

- The nature of the problem: -
- The frequency, time of day and nature of the noise.

Where an abatement notice is to be served, this should be drafted and served within 7 days, starting with the day on which the relevant officer was first satisfied that the nuisance existed, or was likely to occur or recur.

Where an abatement notice is to be served, this should be drafted and served within 7 days, starting with the day on which the relevant officer was first satisfied that the nuisance existed, or was likely to occur or recur.

MOTIVE – deliberately using noise to cause annoyance or distress, the noise and nuisance team will consider the circumstances under which the noise was witnessed.

- Is the behaviour reasonable?
- Is it intentional?
- Can it be controlled?
- Has the accused failed to comply with a previous request to abate the nuisance?

THE NOISE AND NUISANCE TEAM recognises that there is no set decibel limit that needs to be exceeded for noise to be categorised as a 'statutory nuisance'. Noise that could potentially be a statutory nuisance includes;

- Loud music: -
- Loud TV: -
- Loud parties: -
- Playing musical instruments: -
- D.I.Y at unreasonable hours: -
- Dogs barking for prolonged periods: -
- Cockerels crowing: -
- Alarms: -

By way of example, loud music which occurs every other day for a few hours after midnight is likely to be a nuisance, a cockerel crowing in an urban garden at 5am most summer mornings could be a nuisance and deliberate banging which occurs solely to cause irritation could also be a nuisance.

If the noise and nuisance team need to gain entry to a property to carry out a seizure of noise making equipment or for the silencing of an internal alarm, an application will be made to the Magistrates Court for a warrant to do so.

Where an internal alarm is sounding and a breach of the notice has been witnessed a warrant is required to gain access to the property in order to silence the alarm and abate the nuisance.

Where it is intended that the noise and nuisance team will be undertaking a seizure of noise making equipment from a property, it is likely that entry would be refused if attending at the property without a warrant. Such action would then make the occupiers aware of the intention to seize noise making equipment, with the potential for items to be removed from the property before officers are able to return with a warrant.

The officer should attend at the court number given or if not given a court number go to the listings office to find the relevant court number. Once in court the officer should present only the application and the 3 warrants to the court clerk. The officer should have the abatement notice, OOH reports, witness statements and any other relevant information in case they are requested by the court. Proceedings will be as follows;

The officer will be sworn in and will then present the application.

- The magistrate will then ask any questions they feel are relevant.
- If the warrant is granted all 3 copies of the warrant will be signed.
- The noise and nuisance team keep the applicant's copy.
- The occupier's copy is left at the seizure/alarm address once the works have been carried out.

The court's copy is returned to the court after the seizure/alarm silencing has taken place with the second page of the warrant completed.

Seizing Noise Equipment (Seizures): -

The Council's principal power to seize noise equipment is contained in section 81(3) of the Environmental Protection Act 1990. The Act states: 'Where an abatement notice has not been complied with the local authority may, whether or not they take proceedings for an offence under section 80(4), abate the nuisance and do whatever may be necessary in execution of the notice'

Following a breach of an Abatement Notice the case officer will discuss with the noise and nuisance team Supervisors/Managers as to whether it is appropriate to send a PACE letter (refer to section 10.0) to the person on whom the notice was served or a letter of intention to prosecute advising that legal proceedings are being considered.

The applicant is now left with the understanding that the Antisocial Behaviour Order (ASBO) application was created in the understanding that by pc Steve Elsmore and other officers acting in such a manner of the claims listed within this document and or by allowing other officers to use his id logging to gain such wrongful and illegal convictions they did do so upon oath to the legal services, new Scotland yard London sw1h bog Reference number L/107087/sag and stated that they was sure that the defendant was responsible for the acts to which particulars had been given, in respect to the complaints made and developed by them self's which are all concealed within the Antisocial Behaviour Order (ASBO) application, in turn knowingly and deliberately while intentionally misusing his or hers and their powers of conduct, while and with complete disregard for law and associated regulations, to aid in a manner to which was reckless and caused extreme disregard for the applicants and other human life's, creating a breach of many human rights as some are listed within this document in accordance towards the relevant issues of concern in regards to accountably breaches. The rights to respect for each person(s) Human rights "Articles" are of fundamental importance. Any invasion of the rights must be strongly justified.

All "public authorities" for the purposes of the Human Rights Act 1998, are directly subject to the legal obligation imposed by section 6 of that Act to act compatibly with Convention rights, the state can not discharge its obligations under ECHR Article 8 in relation to the retention and storage of data.

ASBO is disproportionate: -

The applicant states that the Antisocial Behaviour Order (ASBO) is disproportionate and it prevents him from engaging in lawful business. The Antisocial Behaviour Order (ASBO) prevents the applicant from applying for licences to hold events within each local council's boroughs, without alerting each individual council of the

offence imposed upon him self, named “The organising of illegal raves” being present as a conviction, as this is relevant to the information required by the local councils as for the nature of the offence.

Any other person(s) would be treated different and would not have to sit on an official special committee at a board room meeting in relation to each different ward licensing that is being applied for due to this conviction, as the applicant now has to do because of the similarity of the offence that is being put towards the application for event licensing.

An Antisocial Behaviour Order (ASBO) order must not be classed as a criminal record as procedure rules and the guidance applied states, but due to the description of the respondent’s accusations all rules do not legally comply.

And due to this the applicant has emailed each individual council; ward and was put in receipt information by each relevant department, their official documents raise the issue of concern regarding a statement dated 10/02/2016 what was written by Miss Lorraine Cordell, which is a no fault of the applicants own, does not seem to be in the Appellant’s Bundle and clearly should have been, which proves the fact that a mutable amount of calls was made by Miss Lorraine Cordell in seeking a response from Local councils and police forces licensing teams, so to obtain information stating whether the Appellant would be able to get licensing for events he wanted to manage, the reply back (please read enclosed statement as exhibit sc1)

The Appellant who is in receipt of the official documents received will state that it has been explained by all councils that whilst he is subject to an ASBO order relating to the entertainment industry he will be prohibited from applying for any entertainment licence and any licence application will automatically fail and therefore this is disproportionate.

The applicants mother did an updated statement that is dated 10/02/2016 the reason being due to what was written within the **Skeleton Argument for the Respondent: Page 5 section 20:**

“As to the particular prohibitions endorsed upon the applicant and the respondent stating; significant effort was made by the Respondent and by the court to ensure that any legitimate business activities that the Appellant wished to undertake would in no way be inhibited by this order. For the Appellant to provide recorded music to a gathering of people he would either need to have a licence for that event or to provide the music on a licensed premise for fewer than 500 people with a general licence to play recorded music (sec s.1 and Sch. 1 of the Licensing Act 2003). This order specifically does not preclude him from providing regulated entertainment under the auspices of a valid licence.”

This is a breach of the applicant’s human right as he should not need a licence to play music in private air unless he is charging money with a view of making a profit.

Corruption is an enormous obstacle to the realization of all human rights — civil, political, economic, social and cultural, as well as the right to development.

The core human rights principles of transparency, accountability, non-discrimination and meaningful participation, when upheld and implemented, are the most effective means to fight corruption.

In 2013, the Human Rights Council requested its expert Advisory Committee to submit a research-based report to the Council at its twenty-sixth session in June 2014 on the issue of the negative impact of corruption on the enjoyment of human rights, and to make recommendations on how the Council and its subsidiary bodies should consider this issue (resolution [23/9](#)). The Advisory Committee submitted its final report on the issue of the negative impact of corruption on the enjoyment of human rights in 2015 ([A/HRC/28/73](#)).

The applicant has designed a business plan, this creates community events leading to an international festival and that sets out clearly the plans for events including marketing, safety, stalls etc and also specifically refers to co-operating with the police. The ASBO prevents such applications from being successful.

The applicant will state that he was never involved in the organisation of any illegal raves as sighted in the respondents bundle and as defined under section 63 of the CJPOA 1994.

The applicant will state “that he was not rude to police, but does feel like he can not even go out for the day, with some of his friends, without getting stopped and searched by members of the police.

Kind Regards:

Signed:

Dated: J4 14/10/2016