An Image of - HIS HONOUR JUDGE PAWLAK
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" Take a look at the Red writing!"

Ref. A**2015**0064
Woodall House
Lordship Lane
Wood Green
19th January **2017**

Before
HIS HONOUR JUDGE PAWLAK
IN THE CROWN COURT AT WOOD GREEN
REGINA
- v -
SIMON CORDELL
UNIDENTIFIED COUNSEL appeared on behalf of the respondent
There was no attendance by or on behalf of the appellant
JUDGE'S RULING
Transcribed from the official digital audio recording by:
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**This transcript has been prepared without the aid of documentation **

19th January 2017

JUDGE'S RULING

JUDGE PA WEAK: I should say at the outset that we are all agreed that the two-part test in **section 1(1)** of the **1998** Crime and Disorder Act has been satisfied and we're sure to the criminal standard that harassment or alarm or distress was caused on several occasions or was likely to be caused, that the appellant was in part responsible for such harassment, alarm or distress or likely harassment, alarm or distress by the provision of generators, or a generator, and sound system equipment for **section 63** illegal raves and that an order is necessary to protect the public from further antisocial acts.
On **4th August 2015** the District Judge at Highbury Corner Magistrates' Court made an antisocial behaviour order, an ASBO, against Simon Cordell. On **20th August 2015** Simon Cordell appealed to this court against the making of that order and he set out various grounds in support of his appeal in a document entitled Re Simon Cordell v The Commissioner of Police," which is to be found **at page 406** of the appellant's bundle, appeal against the imposition of an ASBO. These were elaborated upon in a document which is in the appellant's bundle **at pages 412 to 414, dated 14th October 2016.**
In **February 2016** I gave directions in the following terms, that the appellant should produce a document in which the following were addressed: what involvement in each event or rave relied on by the respondent the appellant admits to having had.
(b) whether the appellant contends that the involvement he admits

was in fact within the law and, if so, why.
(c) whether he agrees that any of the raves did or could have caused distress to local residents by way of noise or the movement of persons participating in the raves.
(d) whether he agrees that a premises' licence was required for each rave and whether he concedes that for any of the raves in which he was involved, whether by helping to arrange or providing sound equipment, he believed the event to be a licensed event and, therefore, was an innocent supplier of equipment and, if so, for which rave or raves in particular.
The appellant responded to that in an eight-page document, which is at **pages 397 to 404** of the appeal bundle.
It's necessary to make some general observations first. The ASBO was ordered by the District Judge to last for five years.
The relevant provisions of the **1998 Act** are in **section 1(1)** as follows:
"An application for an order under this section may be made by a relevant authority if it appears to the authority that the following conditions are fulfilled with respect to any person aged 10 or over, namely—
A. that the person has acted, since the commencement date, in an anti-social manner, that is to say, in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself; and
B. that such an order is necessary to protect relevant persons from further anti-social acts by him."
We remind ourselves that it's for the respondent to satisfy the court to the criminal standard that the appellant has acted in a manner that caused or was likely to cause harassment, alarm or distress.

The second limb of the test, as the authorities provide, does not involve the standard of proof. It is an exercise of judgment or evaluation.
Now, the Home Office has provided guidance to antisocial behaviour orders and that was included in the bundles placed before us by the respondent.
If it were not obvious already, the organisation of a large-scale rave, whether within or outside the scope or parameters of **section 6(3)** of the Criminal Justice and Public Order Act **1994,** and whether on private property or common land, falls within the definition of antisocial behaviour.
We accept that a person who helps, organises or supplies equipment for a rave where there is loud music late at night has obviously done an act in contravention of **section 1(1)(a)** of the **1998** Act.
It is obvious from the tenor of the statutory provisions as well as the guidance that the legislation encourages preventative action or is likely to plainly reflect that.
The purpose of making an ASBO is to discourage or inhibit a particular person from becoming involved in any way in such conduct. As is obvious, the respondent has to prove that there was antisocial behaviour which caused or was likely to cause harassment or distress and, more particularly, that the appellant was involved in organising such behaviour, or helping to organise it.
Now, the fact that an unoccupied or deserted building is taken over by squatters, who treat it or claim to be treating it as their home, is, in our view, irrelevant to the issue of whether an event which takes place there, whether it be a so-called rave or not, is or is not antisocial behaviour within the meaning of **section (1)** of the Crime and Disorder Act, or indeed whether it is a rave as defined by

section 63 of the Criminal Justice and Public Order Act 1994. **Section 63** relates to a gathering on land in the **open air** of twenty or more persons at which amplified music is played during the night 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. **Section 63(1 A)** extended this to buildings in which the same sort of gathering as in the open air was taking place.
The defendant in his arguments has referred in respect of various properties and occasions to what he described as **LASPO** notices, which were affixed to fences or doors.
The references as to **section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012**, in our view, that has no relevance whatsoever to the issues raised by this case and provides no sort of protection to the occupants of those buildings in the event of antisocial behaviour taking place.

The appellant has used it in order to justify an event taking place by describing it as a private party held by the squatters who were occupying the premises.
This is merely a smokescreen and not a defence of any sort whatsoever.
Now, it is quite obvious from the authorities that **hearsay evidence** is permitted to be given in what are essentially civil proceedings, although the standard of proof is the criminal standard. This is clearly demonstrated by the case *of **McCann and Others v Crown Court at Manchester [2003] 1 AC 787,*** to which we were referred by the respondent. **I read from the head note:**
"The use of **hearsay evidence** admissible under Civil Evidence Act **1995** in such proceedings..."

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These proceedings are proceedings relating to the making of antisocial behaviour orders.
"... was not unfair and involved no violation of Article 6 of the Convention. **Hearsay evidence** under the **1995 Act** and the **1999 Rules** was admissible on an application for an antisocial behaviour order under **section 1** of the **1998 Act.**"
But the head note adds that, given the seriousness of the matter involved, the court should be satisfied to the criminal standard of proof that a defendant had acted in an antisocial manner before making such an order.
I read from part of the judgment **at page 803** at **D**, a quotation from a **judgment of Schiemann LJ,** as he then was: "**Hearsay evidence** can be admitted.
If its weight is slight or it is not probative the judge can say so.
If he comes to an unlawful conclusion, his decision can be appealed.
In the light of this judgment, it is unnecessary for us to make any order and so on.
That obviously related to that particular case.
Now, I have referred to the authorities specifically because the appellant appears to be under the impression, and indeed his mother, who has made various submissions on his behalf in writing in this case, that **hearsay evidence** is not admissible.
That is obviously wrong.
Hearsay evidence is admissible, but the court has to assess the weight which is to be given to such evidence.
Also, a theme which appears from time to time in the documents submitted by the appellant is that he is accused of having committed some crime. As Lord Hutton pointed out **at page 829,** letter E, of the *McCann* judgments, the application for an antisocial behaviour order does not charge the defendant; with

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having committed a crime. The purpose of the application is to obtain an order prohibiting the defendant from doing antisocial acts in the future and its object is not the obtaining of a conviction against him resulting in the imposition of a punishment.
In another authority, ***R v Dean Boness*** [**2006**] 1 **Cr.App.R 120,** the court pointed out again, if it were necessary to make that observation, that the aim of an order - this is **at page 693,** HI 1 - was to prevent antisocial behaviour. What the police or other authorities needed was to be able to take action before the antisocial behaviour took place.
Now, the impact of raves generally can be judged from the appellant's own documents, as he has included a report of a rave in local newspapers **at page**s **279** and specifically **282** of his bundles at premises in or adjacent to Southbury Road, the so-called MAN Building.
This is not a rave in which he is alleged to have been involved and it took place **on a date other than the dates relied upon in evidence in this case**, but it demonstrates the sort of behaviour that a rave would generate.
We accept the proposition that an unlicensed rave is prima facie an antisocial event.
I want also to deal with another theme which surfaces repeatedly in the submissions made by or on behalf of the appellant in this case, namely that there are **errors in the police national computer record,** which was produced at some stage in these proceedings, or that the fact that he has previous convictions, in particular for drug offences, is something which seems to have some relevance in this case.
It certainly does not and we are totally disinterested in whether he has

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any previous convictions for any sort of offence.
What matters in this case is whether the respondent has made out the grounds for obtaining the ASBO.
The existence of previous convictions, whether correctly recorded or incorrectly recorded, is, I repeat again, totally irrelevant.
The record and surrounding documents can be found **at page 374** of the appellant's bundle.
Included in the bundle there was the transcript of a case heard by way of appeal at Kingston Crown Court, apparently on **5th March 2015.**
It appears **at page 204** onwards and it is given as an example of what the appellant believes to be victimisation by the police of the appellant. It was apparently a conviction for no insurance against which he appealed.
The prosecution was advanced not on the basis that he was not insured, but that he was not insured for work and therefore he had no insurance.
The court allowed the appeal, the prosecution itself plainly not having been justified in the first place, but the fact that such occasions have occurred in the life of the appellant of course gives rise to the belief, mistaken or otherwise, that the police are looking out for him.
Now, it is plain from the documentation which the appellant has himself produced that he does have generators and music or sound equipment, which he hires out.
If it were necessary to make good that proposition, one need only look at the following in the appellant's bundle, **pages 33 and 35** where he is providing generators for the Ponders End Festival, **page 62** and **page 66** where he is providing something for the Christmas Glow Festival.
On **page 68** there is a reference to his website and a quotation from him as follows. "We carry a large stock of sound

systems, rent lighting, staging."
On **page 89 and page 105** there is reference to what appears to be his company, Too Smooth Entertainment, operating from his address, 109 Bumcroft Avenue, Enfield.
There is a certificate of incorporation **at page 132. At page 139** one can see what the company offers to those who wish to purchase its services in one way or another, and also **at page 118** and **page 122.**
Divider 3 in the bundle deals with a very complex and detailed proposal for an entertainment event. From that document in particular one can see that the appellant is a man who is resourceful and able to present business propositions for licensed activities in a sensible and coherent way. Also, there is another document **at page 251.**
The respondent relies in particular on certain core incidents, as he put it, namely the event from 6th to 8lh **June 19th July and 9th to 10th August.** In relation to those occasions and some other occasions, evidence was presented in this case. Now, a lot of the evidence in this case is circumstantial evidence and of course we remind ourselves that drawing inferences from evidence is simply the process by which we find from evidence which we regard as reliable we are driven to a further conclusion of fact. Of course one has to be careful about that.
So I turn to the particular events or incidents relied on and make this observation, that if one were concerned with simply one occasion or perhaps two it may be that it would be perhaps difficult to reach the criminal standard of proof. It is the combination of the incidents and various pieces of other evidence which lead

us to the sure conclusion that the grounds on which the application for an ASBO were made were proved to the necessary criminal standard.

The first incident occurred on 12th January 2013 at **Canary Wharf, specifically Wood Wharf.**
We had evidence in relation to that, read or referred to from a **PC** Purcell, which is to be found **at page 152 to 154**. **At page 153 PC** Purcell reports Canary Wharf reporting that they had a rave at Wood Wharf and supplying information relating to vehicles involved in gaining entry and carrying equipment. One of the

vehicles was MA57 LDY, a Ford Focus, which was registered to Simon Cordell at 109 Burncroft Avenue, Enfield, Middlesex.
Also, in relation to that, **Officer** Ellsmore **at page 317** of the respondent's bundle referred to an incident report from Canary Wharf relating to this date, **12th January 2013**, "Trespassers on site, illegal rave, forced entry, shed 4, police tasked, no action, group left site."
So insofar as that rave is concerned, the evidence simply obviously demonstrates that his car was there.

Ponders End Police Station,
The next relevant date is **24tn May 2013** when, as a result of I think possibly members of the public or at any rate someone reporting to the police that something suspicious was happening at what was the old Ponders End Police Station, a deserted, unoccupied, vacant building, the police went there and Simon Cordell was there. In the car park was another vehicle belonging to him, MA57 LDY. They suspected that a rave was being planned using that empty and deserted building.

There was an information report by **PC** Jackson, which is to be found **at page**s **118** to **120** in relation to that occasion. That report indicates **at page 119** that on arrival police contained the area and Simon Cordell was seen exiting an alleyway to the side of the police station at the rear of the **Kindergarten Centre**. There was another man there who climbed out of the premises and had nothing on him, but he said, when asked what he was doing there, "Squatter's rights. I haven't done anything wrong. You can speak to my lawyer, who's with your colleagues round the front." The lawyer turned out to be Simon Cordell.
Mr Cordell was spoken to and the record contained in this report says that he said that when he sets up raves, he attracts in excess of five thousand people over a three-day period and that he was planning to set up a rave and actively looking for premises to complete this.

Unit 5, St George's Industrial Estate,
The next relevant date is **25th May 2014** and concerns Unit 5, St George's Industrial Estate, White Hart Lane. There was a report that there were intruders on these premises and again the appellant's vehicle, CX52 JPZ, was in fact there.
He was the driver, Mr Cordell, and he tried to leave.
The van had speakers and music equipment in it, according to the police. When challenged, he said that he was there in order to give his friends, who were squatters, some food.
There is a report from a **PC Hoodlass at page 112** of the appellant's bundle which relates to this occasion. A security guard had called the police to it, to the location, and there were twenty young men and women there, who ran out. Some people remained inside, claiming to be squatters.
The remote viewing CCTV at the

venue was contacted, in other words the place where it's located. They said the alarms had just been activated and there was footage of several suspects causing damage to the security cameras and the door locks at the venue upon entering the premises. The police were called and attended very rapidly.
The reference to the vehicle attempting to exit is to the front shutter of the building opening and the vehicle driving out and, as I've said, Mr Cordell being the driver of it.
The rear of the Transit van contained a set of large speakers and music equipment, but Mr Cordell insisted he used the equipment for festival work and was not setting up for a rave. He produced his insurance documents.
The reason why I refer to all of that is because not only did the appellant tell the police at the time that he was delivering food to his friends, who were squatters, but also, in his appeal bundle **at page 397** he asserts that he was delivering food to homeless people and that there was no music. He also says, interestingly enough, that the speaker cases that he had in his van were in fact empty.
Now, two points emerge from that.
The first is that the squatters would not have had time to become squatters or friends who needed food, because they had only just entered the premises. Indeed, that was the reason why the police had been called

by the security guard, because of that.
So the explanation that he was simply there to deliver food to homeless people is patently absurd.

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The other curiosity in relation to his assertions **at page 397** is that **at page 4** of the same appellant's bundle he accepts that he had two speakers in the van, but not, as he says, a full sound system.
At page 278A of the appellant's bundle there is a reference again to the **MAN Building.** The reference has no relevance to any of the incidents with which we are concerned, but it is interesting to note that in relation to that incident at **278A,** when challenged in email correspondence by Lorraine Cordell, the mother of the appellant, as to why no noise abatement notice was served on squatters in that particular instance, Mr Ned Johnson, Principal **Officer** Pollution at Enfield Council, says, "A noise abatement notice was not served on the squatters, as we would not have been able to verify any names given, if indeed they would have given a name, and it would be unenforceable as it's extremely unlikely that we would have been able to take anybody to court who was squatting.
The line taken was to pursue the owners of the building, who then needed to evict the squatters and secure the premises, which they did. Serving a noise abatement notice would have had no effect on the owners, as they were already taking the necessary steps to stop the problem."
I've referred to that because on various occasions again in the documents submitted to us the appellant and/or his mother submit that if the noise was so bad, why weren't steps taken by serving such notices when in fact they weren't. The fact that they weren't demonstrates that there was no problem. The reality of the situation, to which one has to have regard, is that first of all those who come with

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such notices are very much in a minority, but the senselessness of serving such a notice is demonstrated by what Mr **Johnson** wrote to Mrs Cordell in the email exchange to which I have just referred.

I turn now to the rave in Progress Way.
A three-day event it appears to Have been, which took place from **6th** to **8th** June **2014**.
At various times there were, so the police say, two hundred people or up to five hundred people present. This is an area of the case where there is some direct evidence and a lot of **hearsay evidence**, which comes from the CADS, which recorded complaints made by various members of the public.
We were given a map of the area around Progress Way. It is quite obvious that the complaints which were made were coming from various roads in a cluster of roads mainly to the south side of the premises where the music was coming from. We make this observation, although it certainly doesn't undermine our conclusions, that it would have been helpful to have had any Environmental Officers who attended to give evidence as well as to the noise which was occurring.
The appellant's contention in relation to the CADS is that this is fabricated evidence. Either the police have been making calls from perhaps various locations, because we were told that if a call is made from a landline the CAD will actually report the grid reference from which the call is coming, or perhaps on mobile phones, in order to make false complaints about noise and other nuisances which were occurring in the area. **The proposition advanced by the appellant, if that is indeed his submission to the court that this material contained in the CADS**

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has been fabricated by the police, is, in our view, patently absurd for this reason. There is such a volume of material that this would require an extraordinary conspiracy on the part of the police to achieve.
It is a pity of course that none of the people whose sleep in particular was disturbed during this three-day or two-day event felt able to give evidence. They all wanted anonymity. They all refused to give evidence, but when one looks at the detail of the CADS it's quite plain that what was happening was causing distress to local residents. I refer in particular to the **page**s to which counsel for the respondent himself referred, **pages 161, 179, 184, 193, 200, 205, 216, 220, 235, 240, 274, 288 and 297.** "Quick Note; the timestamps are wrong"

The complaints were not only about the noise, which was preventing people from sleeping, but it was also about related activities which occur when events of this type take place. Some complaints were about young people, I quote, "peeing and pooing," "weeing and shitting," or, "climbing over fences." There were suggestions made also that antisocial activities such as the sale and taking of drugs were also taking place.
So although it would have made the case easier to resolve had there been direct evidence, we accept the CAD messages which were received, if only because of the volume and different types of complaints which were being made.
However, there is some direct evidence. Inspector Hamill went to the premises at 2 a.m. on 8th June with Acting Police Sergeant Miles and two Environmental Officers. This evidence relates not only to the loud noise, but also

to the involvement of the appellant, Mr Cordell, because when she arrived, she asked for the event organiser and the event organiser, or a man, came from within the venue. This is at odds with the assertion made by the appellant in the presentation of his case that he never went into the venue, and we accept that he did come from within the venue. She identified him as Simon Cordell from information which she had. As she said in her evidence, "I'd asked for the organiser," and that was who presented himself to her. No-one else did.
In her evidence she said there was a lack of resources and all that she Could organise was occasional visits to the venue.
Now, Mr Cordell refused to provide his name and it was explained that without a name the Environmental Officers would not be able to serve a noise abatement notice, for what it is worth I add in the light of Mr Johnson's email response to Mrs Cordell. "I asked him to turn the music down and it was turned down." So there again is a demonstration of the influence which Mr Cordell had on the event. The loud noise was, as she said, certainly not Kylie Minogue. Reports of police officers, because she didn't see into the building itself, were that the attendees varied from five hundred to three hundred.
There was evidence also in written form from Police Sergeant Miles in relation to **7th June.** That's to be found **at page 36,** a report **at page** 109 of the respondent's bundle, which runs to **page 111**.
Also, we had evidence from Sergeant Skinner, who attended Progress Way at 11 a.m. on **7th June.**
He said that loud music was coming from the area. The

music was getting a lot louder.
There was a white van inside the estate and he recognised Mr Cordell, whom he hadn't seen for many years, but whom he knew when he had been an **officer** in that area many years before.
They shook hands and laughed about it being so long since they had met. It may be that the pleasure of such a meeting with someone whom he had known many years before when he was very much younger loosened Mr Cordell's tongue and, as Sergeant Skinner said, he fully admitted that he was the organiser.
Sergeant Skinner had been tasked in fact to find the organiser and he told him that there had been complaints, sixty calls during the night, and that the music which he could hear was fast beat music, garage and not pop music.
The appellant's explanation for being there is given **at page 398** of his bundle, namely that he was dropping off house keys, but in fact he didn't say so to Sergeant Skinner, or rather I should say to Inspector Hamill at the time, the various times when they were there.
There is evidence in his bundle which I suppose could be described as alibi evidence **at page 23**, that on **7th June** he and his mother were at a party for a Dwayne Edwards, who was going abroad.
The times that party was taking place in Edmonton, N9 and the times that she gave as to when she was at the party would not affect his presence later at 2 a.m. when Inspector Hamill went there on **8th June 2014**. Nor would the evidence of a Jamie Duffy **at page 260** of the appellant's bundle affect that evidence, because he simply says that the party continued past midnight, but Simon Cordell left in the early hours.
If that evidence

was intended to demonstrate that he wasn't there to be seen by any police officer, it does not do so and, in any event, is contradicted by the police evidence.
Now, quite apart from the CAD reports, in **August 2014** the various police officers went to the makers of calls in order to obtain further evidence as to what they had been complaining about.
As I said before, none of the complainants wanted to or have given evidence, but the police took hearsay, as it were, evidence from them by way of more detail as to what had been going on. All of that is contained in **divider 20** of the respondent's bundle and again it paints an entirely convincing picture of what was going on during this rave.

The next event was 20th/21st June 2014 at 1 Falcon Park, Neasden Lane, NW10.
On this occasion the defendant's vehicle, CX52 JRZ, was seized. He was not there himself, but **at page 399** of the appellant's bundle he agrees he provided sound systems for the event.
The sound system was seized, but on some subsequent date it was returned to him. **At page 5** of his bundle he states that he agreed to hire out a sound system for a party, although he asserts that he did not know that it was a rave.

On 19th July 2014, at the Carpetright showroom off the A10

Added

1ST FOLDER

28	CAD 10635 19JUL Martin bridge Trading Estate	19/07/2014	778	22:07	Mag – 84,85,86,87,88,89, 90,91,92,93,94. Appeal - 301,302,303,304, 305,306,307,308,309,310, 311
29	CAD 11822 19JUL Southbury Station	19/07/2014	778	23:44	Mag – 95,96,97. Appeal - 312,313,314
27	CAD 9804 19 JUL 198 Great Cambridge Rd /	19/07/2014	778	20:51	Mag – 80,81,82,83 Appeal - 297,298,299,300

2ND FOLDER

82	CAD 10**63**5 19 JUL Martin bridge Trading Estate	19/07/**2014**	778	22:07	301, 302, Redacted 303, Redacted 304, 1. Caller states 20 people pulling into the Estate Time:22:11:31

					2. Caller states he can see them bring in boxes into the building 22:11:31 3. Caller states they are all males and females and are all white people 22:13:45 4 305, 306, 307, 308, 309, 310, 311

1ST CALLER BUT TIME STAMP STATES SECOND CALL!

83	CAD 11822 19 JUL Southbury Station	19/07/**2014**	778	23:44	312, 313, 314

81	CAD 9804 19 JUL 198 Great Cambridge Rd / Carpetright	19/07/**2014**	778	20:51	297, 298, 299, 300

'2 X PEOPLE"

On 19th July 2014, at the Carpetright showroom off the A10, the police went there and Sergeant Skinner also dealt with this event. There had been a 999 call that people were setting up a rave in the Carpetright building, which was empty. The defendant was not there, but there was a Mr Laidler who was there. The music system was loaded into a vehicle which does not belong to the appellant, PE52 UHW, but what Mr Laidler said to Sergeant Skinner was inevitably of

interest due to its content and relevant to this appeal, because Mr Laidler said that he was working for Mr Cordell.
Said Sergeant Skinner, "We could have confiscated the equipment, but we didn't have reason to do so." He said that he was working for Mr Cordell. This is Mr Laidler.
Mr Cordell was there and, as the report **at page 91** records, "The main organiser was spoken to by the police. This male was Simon Cordell. He admitted to organising the party and said that he was expecting several hundred people. Whilst dealing with Cordell, police were told that crowds were gathering outside Southbury Road Train Station waiting to be told where the rave was. After a long conversation with Cordell, he was arrested to prevent a breach of the peace and taken to Edmonton Police Station. As a result of his arrest, the people inside the venue all left. The music system was loaded into a white van, PE52 UHW. The owner and driver of this vehicle was Elliot Laidler. He stated it was the first time he had worked for Cordell. The van could not leave the car park as the key for the padlocked gates could not be found. However, after two hours the vehicle was able to leave by driving over the pavement." So that was an event which was prevented from

occurring.
When he gave evidence, Mr Skinner was asked whether Mr Cordell had said anything about homeless persons. His evidence was that Cordell did not mention assistance for homeless persons.
The appellant says in relation to this event **at page 6** that he just happened to be passing and he saw a homeless man, who he knew, whom the police were

detaining. He got out of his vehicle and went over to intervene. **At page 400** he says that he never entered the premises.
At page 258 there is a statement of a M Ho, apparently a director of Every Decibel Matters, in which he asserts that he had hired out his sound System to the people who were going to have a party at Carpetright Showroom.
Whoever he may be, Mr M.Ho,
we were told that he did not attend the hearing in the lower court and he has not attended this hearing either in order to give evidence, So the evidence has no weight whatsoever of course.
There is a CAD which relates to the disturbance at the railway station where people were gathering in order to receive further instructions. That is **at page 315.**
The next event of relevance is **24th July 2014** and this concerns the evidence of **PC** Edgoose. He was required to attend but was unable for good reason to do so and so we were referred to his evidence, which is to be found **at page 48** of the respondent's bundle. In that statement he records that he and other officers stopped the appellant's Ford Focus, MA57 LDY, due to the manner of driving. Mr Cordell was the driver and there was a conversation in which Mr Cordell spoke about four brand new speakers at home, which are suitable for use at raves, but he does not use them. He says he gets inundated with requests to run raves all the time, but he doesn't get involved now. He claims to have 20,000 followers on one social media site and 70,000 on another. He said he could organise a rave and get 20,000 people at it with no problems whatsoever. He gets requests to run raves. Quite frankly, all of this is no more than boasting on the part of the appellant and, even if he said all

that **PC** Edgoose recorded - and there is no reason to suppose that he didn't - again it is quite possible that he was saying this to **PC** Edgoose just to wind him up. We ignore this evidence as, in our view, it amounts to nothing.
It is referred to in the appellant's documents **at page 6** and **page 400** of his bundle. **At page 400** in relation to Alma Road, 24th July, he disputes the conversation with **PC** Edgoose regarding raves, but did discuss with him his entertainment company and his dream of hosting a local festival at Picketts
Lock for the benefit of the community, and so on. It is asserted there that the admission of this disputed conversation is extremely prejudicial to the appellant. As I've said, we reject it and consider that it has no relevance whatsoever to the issues which we have to decide.

The 27th July 2014 is the next event at Millmarsh Lane, Enfield.
What is noteworthy about this event is that there was a stack of speakers at the event which were powered by the appellant's van, which he was also seen to drive. His assertion was that this was a twentieth birthday party. **At page 401** he asserted that he was there as a guest. It was a private house party. On **page 7** of his bundle he asserted this was a twentieth birthday party. "I did not have a sound system. There was no event. The owners of the equipment were the occupiers. I had no hand in it."
In the respondent's bundle **at page 83** there is a report by **PC** Chandler in relation to this incident. The police had received information that a rave would be taking place that evening and it appeared to be on a piece of land between Greggs'

factory and Pugh Charles Glass. The police were let in and, on open land, there was a stack of speakers being

powered by a van belonging to Simon Cordell. The police saw the van drive out with Simon Cordell driving it.
Again, we are satisfied so as to be sure that Mr Cordell was involved in the organisation of what clearly was a rave or to be a rave.

The final date relevant to this case relates to an event again at Millmarsh Lane, next to the Gregg's factory.
This is another event which was nipped in the bud, but then followed by general disorder, which took the police about three hours to clear. The appellant was on the gate.
His Ford Focus, MA57 LDY, was there. Inside the Ford Focus there were three nitrous oxide canisters.
There was a sound system there.
In relation to that event, we had evidence from **Officer King,** who went on **9th August** to Millmarsh Lane, because intelligence had been received, probably in the form of advertisements by Every Decibel Matters. He went there with Sergeant Ames, whose evidence we also had given to us. When they arrived in uniform and in a marked police car, the gate suddenly closed. "The music was audible, but not what I would expect," he said, "coming from a plot of land. I saw Simon Cordell, whom I'd seen at another event. He was only a few feet behind the gate expressed concern, Simon Cordell, that the squatters would be evicted and I reassured him that we wouldn't be doing so. He then showed me around the site.
Once I'd seen a rave had not started, I took the decision I could close it down. He tried to convince me it wasn't a rave, that it was a birthday party, or a conference."

He then in his evidence refers to the three large, industrial-sized gas cylinders containing nitrous oxide.
At page 7 of the appellant's bundle he refers to that as "three empty C02 gas canisters I had in my vehicle."
At page 401 he describes this as a private house party. **At page 258,** again there is a statement from the same Moses Howe asserting that he had hired out "my sound system" to a party.
In fact, said **Officer** King, the people on the premises became agitated and aggressive — rather, the people who came to the premises were agitated and aggressive. There were shouts of, "Let's storm them. Let's get in." These were the people who were coming to the rave. The evidence of this **officer** is that Simon Cordell, who was initially inside, shouted out, "Come on. There's more of you than there is of them," encouraging those who were outside to in fact storm the premises. This was quite a major incident in the end and, despite limited resources, the **officer** called for the Territorial Support Group to attend and for dog units to attend, which they did. In the event, thirty to forty officers turned up and he said that they were able ultimately to push the attendees, hopeful of attending the rave, back to the railway station, or back on to trains.
Mr Ames, another police officer, gave evidence in relation to that. He said that he had dealt with Simon Cordell a number of times before. "Simon Cordell was trying to say we couldn't shut his rave down and he started arguing the toss as to what is a rave and what isn't a rave, but eventually he decided whether we would

be allowed access and he gave the orders and everyone seemed to respond to what he told them to do."
All of that evidence we accept. We have endeavoured to test it by reference to the appellant's bundle and his assertions as to what he says was in fact going on. We have rejected his explanations as advanced in his documents, mindful of the fact that he has not been here as a matter of his own choice to present his case to this court.
Having been satisfied so as to be sure of the first part of the test, the second part of the test is whether an order is necessary to protect relevant persons from further antisocial acts by Mr Cordell. That is the ASBO notice, which was made by the District Judge and which is to be found **at page 13** of the respondent's bundle.
We have concluded that the making of the antisocial behaviour order was necessary and our only concern is as to the language of the antisocial behaviour order as to the prohibitions contained in it. Now, so far as the following are concerned there can be no objection to them. They do not in any way interfere with the running of a business supplying sound equipment by Mr Cordell, or generators, to organisations that wish to hold licensed or legitimate events.
These are **as follows:**

(b) being concerned in the organisation of a rave, as defined by **section 63(1)** of the Criminal Justice and Public Order Act 1994.
(c) knowingly using or supplying property, personal or otherwise, for use in a rave as defined in **section 63(1)** of the Criminal Justice and Public Order Act 1994.
(d) entering or

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remaining in any disused or abandoned building unless invited to do so in writing by a registered charitable organisation or local authority. Unless some charitable organisation or local authority is planning some event and he is invited to help in the organisation of it,
There is no reason why he or indeed anyone else should be inside a disused or abandoned building.
The caveat that one might impose there in relation to that - and this is for discussion after hearing submissions from **counsel for the respondent** - is whether that should say a commercial factory or some other qualification of the word "building," because otherwise this could also relate to residential property.
If it remains as it is, the appellant would not be able to enter a disused or abandoned residential property unless invited to do so in writing by a registered charitable organisation or local authority. So, it might be necessary to widen the scope of the potential invitros.
(E) Enter or remain on non-residential private property on an industrial estate between the hours of 10p.m. and 7a.m. without written permission from the owner and/or leaseholder of the property.
This does require some qualification and more than what was originally ordered, because, as the appellant himself rightly said when **he was here on the first day of the appeal,** or his mother may have said, and has been said on his behalf on previous occasions, this provision would prevent him from, for example, taking petrol or diesel from a service station which is on an industrial estate, or indeed going to an all-night food supplier, or alcohol suppliers, for example such as McDonald's, who may be open all through the night. So it requires more attention.

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Then, finally,
(f), engage in any licensable activity in any unlicensed premises. Self-evidently, that is appropriate and there is nothing wrong with that.
Finally, the antisocial behaviour order provides, for the sake of clarity, nothing in this order prevents the defendant from assisting, preparing or engaging in licensed/licensable activities and it's obvious that that, as we have already said, is what the situation is to be.
There are amendments which were proposed **by the respondent** to this order. At paragraph 21 of the respondent's skeleton argument the amendment which the respondent seeks is that the words "or **section 63**(1 A)" be added after the words "**63(1)**" in prohibitions **(a)**, **(b)** and **(c)** of the ASBO.
Speaking for myself, I can see no reason why that should not be done. As the skeleton rightly points out, the terms of the ASBO need to be necessary and proportionate, so that they have minimal impact on the appellant's life and legitimate business activities. So I would now invite submissions by counsel for the respondent as to what changes should be made to the antisocial behaviour order and then we will retire in order to address that in discussion.

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End:

(There followed further submissions)
(The Bench retired)

JUDGE PAWLAK:	We have to have regard to the order being necessary to protect relevant persons and we have discussed it extensively. I'm afraid our conclusion is that

	(a) should go altogether, **(b)** obviously becomes **(a)** and that can stand as it is, subject to adding the amendment that you wanted to. **(C)** Again, subject to the amendment, can stand as it is. **(D)** Enter or remain in any disused or abandoned building unless invited to do so in writing by a registered charitable organisation or local authority, "or the owners of the property" should be added, or the owners of the property. **(E)** Enter or remain on non-residential private property on an industrial estate between the hours of 10p.m. and 7a.m. without written permission from the owner and/or leaseholder of the property, unless the purpose of his entry on such property is to purchase goods or services from any shop or garage premises which are open to the public at such times. Then (f): we don't like "engage in." It's a very broad, meaningless word, so we would like to change it to "provide any service in respect of any licensable activity in unlicensed premises." It's more specific. "Engage" is such a nebulous word.
COUNSEL FOR THE RESPONDENT:	Yes, your Honour.
JUDGE PA WEEK:	You wouldn't be able to prove a breach probably, because the court would say –
COUNSEL FOR THE RESPONDENT:	Lack of clarity, yes. Your Honour, may I just address you? You've made your decision. I don't seek to try to —
JUDGE PAWLAK:	Go behind it, yes.
COUNSEL FOR THE RESPONDENT:	Seek you to make it again. Just in respect of the amendment to (e), "Unless the purpose of his entry on such property," can I make two submissions as to that?
JUDGE PAWLAK:	Yes.
COUNSEL FOR THE RESPONDENT:	The first is as to the word "services." I don't think there was ever any suggestion that he would need a service; it would be goods. Also —
JUDGE PAWLAK:	What if his car has broken down?
COUNSEL FOR THE RESPONDENT:	Yes, okay. The second submission I would make is in respect of that is "garage premises" is perhaps again a little undefined. If it's petrol station, then that's one thing, but garage premises is much wider than that.
JUDGE PAWLAK:	I think we all know what a garage is and it has to be open and providing a service. If you like, "garage or petrol, shop or garage or petrol premises," but I don't see why "garage" should come out, "shop or garage or petrol premises."

COUNSEL FOR THE RESPONDENT:	The only other submission I would make in respect of (e) —
JUDGE PAWLAK:	Actually, we ought to change it to "fuel."
COUNSEL FOR THE RESPONDENT:	Yes, in case he drives a diesel. The only other submission I would make in respect of (e) —
JUDGE PAWLAK:	Can we say, "shop or garage or fuel supplying premises."
COUNSEL FOR THE RESPONDENT:	In terms of its practicability, I would submit this perhaps gives Mr Cordell an ace in the hole if this were ever to come up again and he says, "Oh, no, no, no, I was just on this estate because three hundred yards that way is a comer shop that happens to be open."
JUDGE PAWLAK:	Well, no-one would believe him.
COUNSEL FOR THE RESPONDENT:	Your Honour, yes, that may well be the case, but in terms again of the practicability of the order, if every time he had an open-ended excuse such as that we'd have to go to court and it would have to be proven, he would offer this excuse. I wonder whether it is necessary to give him such a wide and open-ended opportunity.
JUDGE PAWLAK:	He would have to find an industrial estate which, between10 p.m. and 7 a.m., has a shop or a garage or a petrol station open.
COUNSEL FOR THE RESPONDENT:	Yes, but, as I said earlier, your Honour, Mr Cordell is a clever man and so, were he to find one, set up a rave at one comer and his excuse was, "No, I'm just passing through. I'm going to the other comer to buy a burger," then that is an excuse which would plainly undermine the efficacy of the order. That's my concern.
JUDGE PA WEEK:	It might be true.
COUNSEL FOR THE RESPONDENT:	It might be, your Honour, but then one has to balance, in my submission, the —
JUDGE PAWLAK:	The purpose of providing this let-out is so that his ordinary life, his permissible life, is not inhibited unreasonably.
COUNSEL FOR THE RESPONDENT:	Your Honour, quiet, but that does not necessarily mean that every potential, hypothetical scenario might have to be catered for by the terms of the order. An ASBO will by definition restrict someone's rights often.
JUDGE PAWLAK:	Yes, I can see that.

COUNSEL FOR THE RESPONDENT:	It will restrict their rights under Article 8, or whatever it might be, but that doesn't make it inappropriate or unnecessary. I would submit that —
JUDGE PAWLAK: Well	, what about "unless he can demonstrate that the purpose of his entry on such property is to purchase goods or services"?
COUNSEL FOR THE RESPONDENT:	That's certainly tighter, your Honour. My primary submission still stands.
JUDGE PAWLAK:	Yes.
A MEMBER OF THE BENCH:	Well, it does contain the two elements, "enter" and "remain."
JUDGE PAWLAK:	Yes.
A MEMBER OF THE BENCH:	Maybe they should be separated out if the issue is whether he's going to remain there.
JUDGE PAWLAK:	Yes.
A MEMBER OF THE BENCH:	You can enter for the purpose of purchasing, but you cannot remain there for an extended period of time.
JUDGE PAWLAK:	Right. Actually, what is the point of "remain"? It's "enter," isn't it?
COUNSEL FOR THE RESPONDENT:	Well, you put "enter" and "remain" to belt and brace it. Sometimes you only see him when he's there.
JUDGE PAWLAK:	I know, but in fact it's suggesting that he could remain there. "Enter or be present on."
COUNSEL FOR THE RESPONDENT:	Yes.
JUDGE PAWLAK:	Is that better?
COUNSEL FOR THE RESPONDENT:	I'm not sure, your Honour. Your learned colleague was suggesting breaking it down, so that you have him entering solely for the purpose, demonstrably the purpose, of X, Y or Z,
JUDGE PAWLAK:	Yes.
COUNSEL FOR THE RESPONDENT:	And remaining for no longer than. In any event, he shall remain on for no longer than a period of time. That perhaps would deal with it. One doesn't need more than fifteen minutes to buy a burger or fill up your car.
JUDGE PAWLAK:	Look, can I ask you - we agree with that.
COUNSEL FOR	Yes.

THE RESPONDENT:	
JUDGE PAWLAK:	Could I ask you to draw up the antisocial behaviour order in the way that we've accepted it or indicated it should be drawn and to provide a copy for me tomorrow?
COUNSEL FOR THE RESPONDENT:	Yes.
JUDGE PAWLAK:	I'll check it to make sure that it fits in with what we have agreed and assume that, if it does, I can then tell the court to seal it.
JUDGE PAWLAK:	Is that alright?
COUNSEL FOR THE RESPONDENT:	Yes, your Honour. Can I get an email address to send it to, please?
JUDGE PAWLAK:	Yes, the court clerk will give you an email address.
COUNSEL FOR THE RESPONDENT:	Yes. I can do that this evening or tomorrow morning.
JUDGE PAWLAK:	I don't want to give you mine.
COUNSEL FOR THE RESPONDENT:	No, of course.
JUDGE PAWLAK:	Because if Mr Cordell gets mine somehow, then gets my address and I start receiving post —
COUNSEL FOR THE RESPONDENT:	Yes, your Honour. I'll have that done for you.
JUDGE PAWLAK:	Yes. Is there anything else?
COUNSEL FOR THE RESPONDENT:	Nothing further, your Honour, thank you.
JUDGE PAWLAK:	Nothing at all?
COUNSEL FOR THE RESPONDENT:	No. He is legally aided and there is no other issue that we would seek to bring to the court's attention. Thank you for your patience and your colleagues.
JUDGE PAWLAK:	Not at all. I'm going to stay here to tidy up. You're free to go, as is everyone else.
COUNSEL FOR THE RESPONDENT:	Your Honour, I do apologise. There was one other issue.
JUDGE PAWLAK:	Yes.

COUNSEL FOR THE RESPONDENT:	In fairness to Mr Cordell, he raises the question of the duration of the order as well.
JUDGE PAWLAK:	We have discussed this and our conclusion was that, since the order is non-restrictive except for the sort of activities he ought not to be A undertaking anyway, we thought five years was acceptable.
COUNSEL FOR THE RESPONDENT:	Erm grateful.
JUDGE PAWLAK:	We did discuss it.
COUNSEL FOR THE RESPONDENT:	Yes.
End:	

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An Image of - HIS HONOUR JUDGE PAWLAK
https://southeastcircuit.org.uk/images/uploads/CIRCUITEER%20final.pdf
" Take a look at the Red writing!"

Ref. A**2015**0064
Woodall House
Lordship Lane
Wood Green
19th January **2017**

Before
HIS HONOUR JUDGE PAWLAK
IN THE CROWN COURT AT WOOD GREEN
REGINA
- v -
SIMON CORDELL
UNIDENTIFIED COUNSEL appeared on behalf of the respondent
There was no attendance by or on behalf of the appellant
JUDGE'S RULING
Transcribed from the official digital audio recording by:
MARGARET WORT & CO.
(Official Court Reporters)

Edial Farm Cottage, Edial, Bumtwood, Staffordshire, WS7 OHZ
**This transcript has been prepared without the aid of documentation **

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19th January 2017

JUDGE'S RULING

JUDGE PA WEAK: I should say at the outset that we are all agreed that the two-part test in **section 1(1)** of the **1998** Crime and Disorder Act has been satisfied and we're sure to the criminal standard that harassment or alarm or distress was caused on several occasions or was likely to be caused, that the appellant was in part responsible for such harassment, alarm or distress or likely harassment, alarm or distress by the provision of generators, or a generator, and sound system equipment for **section 63** illegal raves and that an order is necessary to protect the public from further antisocial acts.
On **4th August 2015** the District Judge at Highbury Corner Magistrates' Court made an antisocial behaviour order, an ASBO, against Simon Cordell. On **20th August 2015** Simon Cordell appealed to this court against the making of that order and he set out various grounds in support of his appeal in a document entitled Re Simon Cordell v The Commissioner of Police," which is to be found **at page 406** of the appellant's bundle, appeal against the imposition of an ASBO. These were elaborated upon in a document which is in the appellant's bundle **at pages 412 to 414, dated 14th October 2016.**
In **February 2016** I gave directions in the following terms, that the appellant should produce a document in which the following were addressed: what involvement in each event or rave relied on by the respondent the appellant admits to having had.
(b) whether the appellant contends that the involvement he admits
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was in fact within the law and, if so, why.
(c) whether he agrees that any of the raves did or could have caused distress to local residents by way of noise or the movement of persons participating in the raves.
(d) whether he agrees that a premises' licence was required for each rave and whether he concedes that for any of the raves in which he was involved, whether by helping to arrange or providing sound equipment, he believed the event to be a licensed event and, therefore, was an innocent supplier of equipment and, if so, for which rave or raves in particular.
The appellant responded to that in an eight-**page** document, which is **at pages 397 to 404** of the appeal bundle.
It's necessary to make some general observations first. The ASBO was ordered by the District Judge to last for five years.
The relevant provisions of the **1998** Act are in **section 1(1) as follows:**
"An application for an order under this **section** may be made by a relevant authority if it appears to the authority that the following conditions are fulfilled with respect to any person aged 10 or over, namely—
(a) that the person has acted, since the commencement date, in an anti-social manner, that is to say, in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself; and
(b) that such an order is necessary to protect relevant persons from further anti-social acts by him."

We remind ourselves that it's for the respondent to satisfy the court to the criminal standard that the appellant has acted in a manner that caused or was likely to cause harassment, alarm or distress.

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The second limb of the test, as the authorities provide, does not involve the standard of proof. It is an exercise of judgment or evaluation.

Now, the Home Office has provided guidance to antisocial behaviour orders and that was included in the bundles placed before us by the respondent.

If it were not obvious already, the organisation of a large-scale rave, whether within or outside the scope or parameters of **section 6(3)** of the Criminal Justice and Public Order Act **1994,** and whether on private property or common land, falls within the definition of antisocial behaviour.

We accept that a person who helps, organises or supplies equipment for a rave where there is loud music late at night has obviously done an act in contravention of **section 1(1)(a)** of the **1998** Act.

It is obvious from the tenor of the statutory provisions as well as the guidance that the legislation encourages preventative action or is likely to plainly reflect that.

The purpose of making an ASBO is to discourage or inhibit a particular person from becoming involved in any way in such conduct. As is obvious, the respondent has to prove that there was antisocial behaviour which caused or was likely to cause harassment or distress and, more particularly, that the appellant was involved in organising such behaviour, or helping to organise it.

Now, the fact that an unoccupied or deserted building is taken over by squatters, who treat it or claim to be treating it as their home, is, in our view, irrelevant to the issue of whether an event which takes place there, whether it be a so-called rave or not, is or is not antisocial behaviour within the meaning of **section (1)** of the Crime and Disorder Act, or indeed whether it is a rave as defined by

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section 63 of the Criminal Justice and Public Order Act 1994. **Section 63** relates to a gathering on land in the **open air** of twenty or more persons at which amplified music is played during the night 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. **Section 63(1 A)** extended this to buildings in which the same sort of gathering as in the open air was taking place.

The defendant in his arguments has referred in respect of various properties and occasions to what he described as **LASPO** notices, which were affixed to fences or doors.

The references as to **section 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012**, in our view, that has no relevance whatsoever to the issues raised by this case and provides no sort of protection to the occupants of those buildings in the event of antisocial behaviour taking place.

The appellant has used it in order to justify an event taking place by describing it as a private party held by the squatters who were occupying the premises.

This is merely a smokescreen and not a defence of any sort whatsoever.

Now, it is quite obvious from the authorities that **hearsay evidence** is permitted to be given in what are essentially civil proceedings, although the standard of proof is the criminal standard. This is clearly demonstrated by the case *of **McCann and Others v Crown Court at Manchester [2003] 1 AC 787,*** to which we were referred by the respondent.

I read from the head note:

"The use of **hearsay evidence** admissible under Civil Evidence Act **1995** in such proceedings..."

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These proceedings are proceedings relating to the making of antisocial behaviour orders.

"... was not unfair and involved no violation of Article 6 of the Convention. **Hearsay evidence** under the **1995 Act** and the **1999 Rules** was admissible on an application for an antisocial behaviour order under **section 1** of the **1998 Act.**"

But the head note adds that, given the seriousness of the matter involved, the court should be satisfied to the criminal standard of proof that a defendant had acted in an antisocial manner before making such an order.

I read from part of the judgment **at page 803** at **D**, a quotation from a **judgment of Schiemann LJ,** as he then was:

"**Hearsay evidence** can be admitted.

If its weight is slight or it is not probative the judge can say so.

If he comes to an unlawful conclusion, his decision can be appealed.

In the light of this judgment, it is unnecessary for us to make any order and so on.

That obviously related to that particular case.

Now, I have referred to the authorities specifically because the appellant appears to be under the impression, and

indeed his mother, who has made various submissions on his behalf in writing in this case, that **hearsay evidence** is not admissible.
That is obviously wrong.
Hearsay evidence is admissible, but the court has to assess the weight which is to be given to such evidence.
Also, a theme which appears from time to time in the documents submitted by the appellant is that he is accused of having committed some crime. As Lord Hutton pointed out **at page 829,** letter E, of the *McCann* judgments, the application for an antisocial behaviour order does not charge the defendant; with

having committed a crime. The purpose of the application is to obtain an order prohibiting the defendant from doing antisocial acts in the future and its object is not the obtaining of a conviction against him resulting in the imposition of a punishment.
In another authority, ***R v Dean Boness*** [**2006**] 1 **Cr.App.R 120,** the court pointed out again, if it were necessary to make that observation, that the aim of an order - this is **at page 693,** HI 1 - was to prevent antisocial behaviour. What the police or other authorities needed was to be able to take action before the antisocial behaviour took place.
Now, the impact of raves generally can be judged from the appellant's own documents, as he has included a report of a rave in local newspapers **at page**s **279** and specifically **282** of his bundles at premises in or adjacent to Southbury Road, the so-called MAN Building.
This is not a rave in which he is alleged to have been involved and it took place **on a date other than the dates relied upon in evidence in this case**, but it demonstrates the sort of behaviour that a rave would generate.
We accept the proposition that an unlicensed rave is prima facie an antisocial event.
I want also to deal with another theme which surfaces repeatedly in the submissions made by or on behalf of the appellant in this case, namely that there are **errors in the police national computer record,** which was produced at some stage in these proceedings, or that the fact that he has previous convictions, in particular for drug offences, is something which seems to have some relevance in this case.
It certainly does not and we are totally disinterested in whether he has

any previous convictions for any sort of offence.
What matters in this case is whether the respondent has made out the grounds for obtaining the ASBO.
The existence of previous convictions, whether correctly recorded or incorrectly recorded, is, I repeat again, totally irrelevant.
The record and surrounding documents can be found **at page 374** of the appellant's bundle.
Included in the bundle there was the transcript of a case heard by way of appeal at Kingston Crown Court, apparently on **5th March 2015.**
It appears **at page 204** onwards and it is given as an example of what the appellant believes to be victimisation by the police of the appellant. It was apparently a conviction for no insurance against which he appealed.
The prosecution was advanced not on the basis that he was not insured, but that he was not insured for work and therefore he had no insurance.
The court allowed the appeal, the prosecution itself plainly not having been justified in the first place, but the fact that such occasions have occurred in the life of the appellant of course gives rise to the belief, mistaken or otherwise, that the police are looking out for him.
Now, it is plain from the documentation which the appellant has himself produced that he does have generators and music or sound equipment, which he hires out.
If it were necessary to make good that proposition, one need only look at the following in the appellant's bundle, **page**s **33 and 35** where he is providing generators for the Ponders End Festival, **page 62** and **page 66** where he is providing something for the Christmas Glow Festival.
On **page 68** there is a reference to his website and a quotation from him as follows. "We carry a large stock of sound

systems, rent lighting, staging."
On **page 89 and page 105** there is reference to what appears to be his company, Too Smooth Entertainment, operating from his address, 109 Bumcroft Avenue, Enfield.
There is a certificate of incorporation **at page 132. At page 139** one can see what the company offers to those who wish to purchase its services in one way or another, and also **at page 118** and **page 122.**
Divider 3 in the bundle deals with a very complex and detailed proposal for an entertainment event. From that document in particular one can see that the appellant is a man who is resourceful and able to present business propositions for licensed activities in a sensible and coherent way. Also, there is another document **at page 251.**

The respondent relies in particular on certain core incidents, as he put it, namely the event from 6th to 8lh **June 19th July and 9th to 10th August.** In relation to those occasions and some other occasions, evidence was presented in this case. Now, a lot of the evidence in this case is circumstantial evidence and of course we remind ourselves that drawing inferences from evidence is simply the process by which we find from evidence which we regard as reliable we are driven to a further conclusion of fact. Of course one has to be careful about that.
So I turn to the particular events or incidents relied on and make this observation, that if one were concerned with simply one occasion or perhaps two it may be that it would be perhaps difficult to reach the criminal standard of proof. It is the combination of the incidents and various pieces of other evidence which lead
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us to the sure conclusion that the grounds on which the application for an ASBO were made were proved to the necessary criminal standard.

The first incident occurred on 12th January 2013 at **Canary Wharf, specifically Wood Wharf.**
We had evidence in relation to that, read or referred to from a **PC** Purcell, which is to be found **at page 152 to 154**. **At page 153 PC** Purcell reports Canary Wharf reporting that they had a rave at Wood Wharf and supplying information relating to vehicles involved in gaining entry and carrying equipment. One of the vehicles was MA57 LDY, a Ford Focus, which was registered to Simon Cordell at 109 Burncroft Avenue, Enfield, Middlesex.
Also, in relation to that, **Officer** Ellsmore **at page 317** of the respondent's bundle referred to an incident report from Canary Wharf relating to this date, **12th January 2013**, "Trespassers on site, illegal rave, forced entry, shed 4, police tasked, no action, group left site."
So insofar as that rave is concerned, the evidence simply obviously demonstrates that his car was there.

Ponders End Police Station,
The next relevant date is **24tn May 2013** when, as a result of I think possibly members of the public or at any rate someone reporting to the police that something suspicious was happening at what was the old Ponders End Police Station, a deserted, unoccupied, vacant building, the police went there and Simon Cordell was there. In the car park was another vehicle belonging to him, MA57 LDY. They suspected that a rave was being planned using that empty and deserted building.
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There was an information report by **PC** Jackson, which is to be found **at pages 118** to **120** in relation to that occasion. That report indicates **at page 119** that on arrival police contained the area and Simon Cordell was seen exiting an alleyway to the side of the police station at the rear of the **Kindergarten Centre**. There was another man there who climbed out of the premises and had nothing on him, but he said, when asked what he was doing there, "Squatter's rights. I haven't done anything wrong. You can speak to my lawyer, who's with your colleagues round the front." The lawyer turned out to be Simon Cordell.
Mr Cordell was spoken to and the record contained in this report says that he said that when he sets up raves, he attracts in excess of five thousand people over a three-day period and that he was planning to set up a rave and actively looking for premises to complete this.

Unit 5, St George's Industrial Estate,
The next relevant date is **25th May 2014** and concerns Unit 5, St George's Industrial Estate, White Hart Lane. There was a report that there were intruders on these premises and again the appellant's vehicle, CX52 JPZ, was in fact there.
He was the driver, Mr Cordell, and he tried to leave.
The van had speakers and music equipment in it, according to the police. When challenged, he said that he was there in order to give his friends, who were squatters, some food.
There is a report from a **PC Hoodlass at page 112** of the appellant's bundle which relates to this occasion. A security guard had called the police to it, to the location, and there were twenty young men and women there, who ran out. Some people remained inside, claiming to be squatters.
The remote viewing CCTV at the
Page 10

venue was contacted, in other words the place where it's located. They said the alarms had just been activated and there was footage of several suspects causing damage to the security cameras and the door locks at the venue upon entering the premises. The police were called and attended very rapidly.
The reference to the vehicle attempting to exit is to the front shutter of the building opening and the vehicle driving

out and, as I've said, Mr Cordell being the driver of it.
The rear of the Transit van contained a set of large speakers and music equipment, but Mr Cordell insisted he used the equipment for festival work and was not setting up for a rave. He produced his insurance documents.
The reason why I refer to all of that is because not only did the appellant tell the police at the time that he was delivering food to his friends, who were squatters, but also, in his appeal bundle **at page 397** he asserts that he was delivering food to homeless people and that there was no music. He also says, interestingly enough, that the speaker cases that he had in his van were in fact empty.
Now, two points emerge from that.
The first is that the squatters would not have had time to become squatters or friends who needed food, because they had only just entered the premises. Indeed, that was the reason why the police had been called by the security guard, because of that.
So the explanation that he was simply there to deliver food to homeless people is patently absurd.
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The other curiosity in relation to his assertions **at page 397** is that **at page 4** of the same appellant's bundle he accepts that he had two speakers in the van, but not, as he says, a full sound system.
At page 278A of the appellant's bundle there is a reference again to the **MAN Building.** The reference has no relevance to any of the incidents with which we are concerned, but it is interesting to note that in relation to that incident at **278A,** when challenged in email correspondence by Lorraine Cordell, the mother of the appellant, as to why no noise abatement notice was served on squatters in that particular instance, Mr Ned Johnson, Principal **Officer** Pollution at Enfield Council, says, "A noise abatement notice was not served on the squatters, as we would not have been able to verify any names given, if indeed they would have given a name, and it would be unenforceable as it's extremely unlikely that we would have been able to take anybody to court who was squatting.
The line taken was to pursue the owners of the building, who then needed to evict the squatters and secure the premises, which they did. Serving a noise abatement notice would have had no effect on the owners, as they were already taking the necessary steps to stop the problem."
I've referred to that because on various occasions again in the documents submitted to us the appellant and/or his mother submit that if the noise was so bad, why weren't steps taken by serving such notices when in fact they weren't. The fact that they weren't demonstrates that there was no problem. The reality of the situation, to which one has to have regard, is that first of all those who come with
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such notices are very much in a minority, but the senselessness of serving such a notice is demonstrated by what Mr **Johnson** wrote to Mrs Cordell in the email exchange to which I have just referred.

I turn now to the rave in Progress Way.
A three-day event it appears to Have been, which took place from **6th** to **8th** June **2014**.
At various times there were, so the police say, two hundred people or up to five hundred people present. This is an area of the case where there is some direct evidence and a lot of **hearsay evidence**, which comes from the CADS, which recorded complaints made by various members of the public.
We were given a map of the area around Progress Way. It is quite obvious that the complaints which were made were coming from various roads in a cluster of roads mainly to the south side of the premises where the music was coming from. We make this observation, although it certainly doesn't undermine our conclusions, that it would have been helpful to have had any Environmental Officers who attended to give evidence as well as to the noise which was occurring.
The appellant's contention in relation to the CADS is that this is fabricated evidence. Either the police have been making calls from perhaps various locations, because we were told that if a call is made from a landline the CAD will actually report the grid reference from which the call is coming, or perhaps on mobile phones, in order to make false complaints about noise and other nuisances which were occurring in the area. **The proposition advanced by the appellant, if that is indeed his submission to the court that this material contained in the CADS**
Page 13

has been fabricated by the police, is, in our view, patently absurd for this reason. There is such a volume of material that this would require an extraordinary conspiracy on the part of the police to achieve.
It is a pity of course that none of the people whose sleep in particular was disturbed during this three-day or two-day event felt able to give evidence. They all wanted anonymity. They all refused to give evidence, but when one looks

at the detail of the CADS it's quite plain that what was happening was causing distress to local residents. I refer in particular to the **page**s to which counsel for the respondent himself referred, **pages 161, 179, 184, 193, 200, 205, 216, 220, 235, 240, 274, 288 and 297.** "Quick Note; the timestamps are wrong"
The complaints were not only about the noise, which was preventing people from sleeping, but it was also about related activities which occur when events of this type take place. Some complaints were about young people, I quote, "peeing and pooing," "weeing and shitting," or, "climbing over fences." There were suggestions made also that antisocial activities such as the sale and taking of drugs were also taking place.
So although it would have made the case easier to resolve had there been direct evidence, we accept the CAD messages which were received, if only because of the volume and different types of complaints which were being made.
However, there is some direct evidence. Inspector Hamill went to the premises at 2 a.m. on 8th June with Acting Police Sergeant Miles and two Environmental Officers. This evidence relates not only to the loud noise, but also
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to the involvement of the appellant, Mr Cordell, because when she arrived, she asked for the event organiser and the event organiser, or a man, came from within the venue. This is at odds with the assertion made by the appellant in the presentation of his case that he never went into the venue, and we accept that he did come from within the venue. She identified him as Simon Cordell from information which she had. As she said in her evidence, "I'd asked for the organiser," and that was who presented himself to her. No-one else did.
In her evidence she said there was a lack of resources and all that she Could organise was occasional visits to the venue.
Now, Mr Cordell refused to provide his name and it was explained that without a name the Environmental Officers would not be able to serve a noise abatement notice, for what it is worth I add in the light of Mr Johnson's email response to Mrs Cordell. "I asked him to turn the music down and it was turned down." So there again is a demonstration of the influence which Mr Cordell had on the event. The loud noise was, as she said, certainly not Kylie Minogue. Reports of police officers, because she didn't see into the building itself, were that the attendees varied from five hundred to three hundred.
There was evidence also in written form from Police Sergeant Miles in relation to **7th June.** That's to be found **at page 36,** a report **at page** 109 of the respondent's bundle, which runs to **page 111**.
Also, we had evidence from Sergeant Skinner, who attended Progress Way at 11 a.m. on **7th June.**
He said that loud music was coming from the area. The
Page 15

music was getting a lot louder.
There was a white van inside the estate and he recognised Mr Cordell, whom he hadn't seen for many years, but whom he knew when he had been an **officer** in that area many years before.
They shook hands and laughed about it being so long since they had met. It may be that the pleasure of such a meeting with someone whom he had known many years before when he was very much younger loosened Mr Cordell's tongue and, as Sergeant Skinner said, he fully admitted that he was the organiser.
Sergeant Skinner had been tasked in fact to find the organiser and he told him that there had been complaints, sixty calls during the night, and that the music which he could hear was fast beat music, garage and not pop music.
The appellant's explanation for being there is given **at page 398** of his bundle, namely that he was dropping off house keys, but in fact he didn't say so to Sergeant Skinner, or rather I should say to Inspector Hamill at the time, the various times when they were there.
There is evidence in his bundle which I suppose could be described as alibi evidence **at page 23**, that on **7th June** he and his mother were at a party for a Dwayne Edwards, who was going abroad.
The times that party was taking place in Edmonton, N9 and the times that she gave as to when she was at the party would not affect his presence later at 2 a.m. when Inspector Hamill went there on **8th June 2014**. Nor would the evidence of a Jamie Duffy **at page 260** of the appellant's bundle affect that evidence, because he simply says that the party continued past midnight, but Simon Cordell left in the early hours.
If that evidence
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was intended to demonstrate that he wasn't there to be seen by any police officer, it does not do so and, in any event, is contradicted by the police evidence.
Now, quite apart from the CAD reports, in **August 2014** the various police officers went to the makers of calls in order to obtain further evidence as to what they had been complaining about.
As I said before, none of the complainants wanted to or have given evidence, but the police took hearsay, as it

were, evidence from them by way of more detail as to what had been going on. All of that is contained in **divider 20** of the respondent's bundle and again it paints an entirely convincing picture of what was going on during this rave.

The next event was 20th/21st June 2014 at 1 Falcon Park, Neasden Lane, NW10.
On this occasion the defendant's vehicle, CX52 JRZ, was seized. He was not there himself, but **at page 399** of the appellant's bundle he agrees he provided sound systems for the event.
The sound system was seized, but on some subsequent date it was returned to him. **At page 5** of his bundle he states that he agreed to hire out a sound system for a party, although he asserts that he did not know that it was a rave.

On 19th July 2014, at the Carpetright showroom off the A10, the police went there and Sergeant Skinner also dealt with this event. There had been a 999 call that people were setting up a rave in the Carpetright building, which was empty. The defendant was not there, but there was a Mr Laidler who was there. The music system was loaded into a vehicle which does not belong to the appellant, PE52 UHW, but what Mr Laidler said to Sergeant Skinner was inevitably of
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interest due to its content and relevant to this appeal, because Mr Laidler said that he was working for Mr Cordell.
Said Sergeant Skinner, "We could have confiscated the equipment, but we didn't have reason to do so." He said that he was working for Mr Cordell. This is Mr Laidler.
Mr Cordell was there and, as the report **at page 91** records, "The main organiser was spoken to by the police. This male was Simon Cordell. He admitted to organising the party and said that he was expecting several hundred people. Whilst dealing with Cordell, police were told that crowds were gathering outside Southbury Road Train Station waiting to be told where the rave was. After a long conversation with Cordell, he was arrested to prevent a breach of the peace and taken to Edmonton Police Station. As a result of his arrest, the people inside the venue all left. The music system was loaded into a white van, PE52 UHW. The owner and driver of this vehicle was Elliot Laidler. He stated it was the first time he had worked for Cordell. The van could not leave the car park as the key for the padlocked gates could not be found. However, after two hours the vehicle was able to leave by driving over the pavement." So that was an event which was prevented from occurring.
When he gave evidence, Mr Skinner was asked whether Mr Cordell had said anything about homeless persons. His evidence was that Cordell did not mention assistance for homeless persons.
The appellant says in relation to this event **at page 6** that he just happened to be passing and he saw a homeless man, who he knew, whom the police were
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detaining. He got out of his vehicle and went over to intervene. **At page 400** he says that he never entered the premises. **At page 258** there is a statement of a M Ho, apparently a director of Every Decibel Matters, in which he asserts that he had hired out his sound System to the people who were going to have a party at Carpetright Showroom.
Whoever he may be, Mr M.Ho,
we were told that he did not attend the hearing in the lower court and he has not attended this hearing either in order to give evidence, So the evidence has no weight whatsoever of course.
There is a CAD which relates to the disturbance at the railway station where people were gathering in order to receive further instructions. That is **at page 315.**
The next event of relevance is **24th July 2014** and this concerns the evidence of **PC** Edgoose. He was required to attend but was unable for good reason to do so and so we were referred to his evidence, which is to be found **at page 48** of the respondent's bundle. In that statement he records that he and other officers stopped the appellant's Ford Focus, MA57 LDY, due to the manner of driving. Mr Cordell was the driver and there was a conversation in which Mr Cordell spoke about four brand new speakers at home, which are suitable for use at raves, but he does not use them. He says he gets inundated with requests to run raves all the time, but he doesn't get involved now. He claims to have 20,000 followers on one social media site and 70,000 on another. He said he could organise a rave and get 20,000 people at it with no problems whatsoever. He gets requests to run raves. Quite frankly, all of this is no more than boasting on the part of the appellant and, even if he said all
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that **PC** Edgoose recorded - and there is no reason to suppose that he didn't - again it is quite possible that he was saying this to **PC** Edgoose just to wind him up. We ignore this evidence as, in our view, it amounts to nothing.
It is referred to in the appellant's documents **at page 6** and **page 400** of his bundle. **At page 400** in relation to Alma Road, 24th July, he disputes the conversation with **PC** Edgoose regarding raves, but did discuss with him his

entertainment company and his dream of hosting a local festival at Picketts
Lock for the benefit of the community, and so on. It is asserted there that the admission of this disputed conversation is extremely prejudicial to the appellant. As I've said, we reject it and consider that it has no relevance whatsoever to the issues which we have to decide.

The 27th July 2014 is the next event at Millmarsh Lane, Enfield.
What is noteworthy about this event is that there was a stack of speakers at the event which were powered by the appellant's van, which he was also seen to drive. His assertion was that this was a twentieth birthday party. **At page 401** he asserted that he was there as a guest. It was a private house party. On **page 7** of his bundle he asserted this was a twentieth birthday party. "I did not have a sound system. There was no event. The owners of the equipment were the occupiers. I had no hand in it."
In the respondent's bundle **at page 83** there is a report by **PC** Chandler in relation to this incident. The police had received information that a rave would be taking place that evening and it appeared to be on a piece of land between Greggs'
Page 20

factory and Pugh Charles Glass. The police were let in and, on open land, there was a stack of speakers being powered by a van belonging to Simon Cordell. The police saw the van drive out with Simon Cordell driving it.
Again, we are satisfied so as to be sure that Mr Cordell was involved in the organisation of what clearly was a rave or to be a rave.

The final date relevant to this case relates to an event again at Millmarsh Lane, next to the Gregg's factory.
This is another event which was nipped in the bud, but then followed by general disorder, which took the police about three hours to clear. The appellant was on the gate.
His Ford Focus, MA57 LDY, was there. Inside the Ford Focus there were three nitrous oxide canisters.
There was a sound system there.
In relation to that event, we had evidence from **Officer King,** who went on **9th August** to Millmarsh Lane, because intelligence had been received, probably in the form of advertisements by Every Decibel Matters. He went there with Sergeant Ames, whose evidence we also had given to us. When they arrived in uniform and in a marked police car, the gate suddenly closed. "The music was audible, but not what I would expect," he said, "coming from a plot of land. I saw Simon Cordell, whom I'd seen at another event. He was only a few feet behind the gate expressed concern, Simon Cordell, that the squatters would be evicted and I reassured him that we wouldn't be doing so. He then showed me around the site.
Once I'd seen a rave had not started, I took the decision I could close it down. He tried to convince me it wasn't a rave, that it was a birthday party, or a conference."
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He then in his evidence refers to the three large, industrial-sized gas cylinders containing nitrous oxide.
At page 7 of the appellant's bundle he refers to that as "three empty C02 gas canisters I had in my vehicle." **At page 401** he describes this as a private house party. **At page 258,** again there is a statement from the same Moses Howe asserting that he had hired out "my sound system" to a party.
In fact, said **Officer** King, the people on the premises became agitated and aggressive — rather, the people who came to the premises were agitated and aggressive. There were shouts of, "Let's storm them. Let's get in." These were the people who were coming to the rave. The evidence of this **officer** is that Simon Cordell, who was initially inside, shouted out, "Come on. There's more of you than there is of them," encouraging those who were outside to in fact storm the premises. This was quite a major incident in the end and, despite limited resources, the **officer** called for the Territorial Support Group to attend and for dog units to attend, which they did. In the event, thirty to forty officers turned up and he said that they were able ultimately to push the attendees, hopeful of attending the rave, back to the railway station, or back on to trains.
Mr Ames, another police officer, gave evidence in relation to that. He said that he had dealt with Simon Cordell a number of times before. "Simon Cordell was trying to say we couldn't shut his rave down and he started arguing the toss as to what is a rave and what isn't a rave, but eventually he decided whether we would
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be allowed access and he gave the orders and everyone seemed to respond to what he told them to do."
All of that evidence we accept. We have endeavoured to test it by reference to the appellant's bundle and his assertions as to what he says was in fact going on. We have rejected his explanations as advanced in his documents, mindful of the fact that he has not been here as a matter of his own choice to present his case to this court.

Having been satisfied so as to be sure of the first part of the test, the second part of the test is whether an order is necessary to protect relevant persons from further antisocial acts by Mr Cordell. That is the ASBO notice, which was made by the District Judge and which is to be found **at page 13** of the respondent's bundle.
We have concluded that the making of the antisocial behaviour order was necessary and our only concern is as to the language of the antisocial behaviour order as to the prohibitions contained in it. Now, so far as the following are concerned there can be no objection to them. They do not in any way interfere with the running of a business supplying sound equipment by Mr Cordell, or generators, to organisations that wish to hold licensed or legitimate events.
These are **as follows:**
(b) being concerned in the organisation of a rave, as defined by **section 63(1)** of the Criminal Justice and Public Order Act 1994.
(c) knowingly using or supplying property, personal or otherwise, for use in a rave as defined in **section 63(1)** of the Criminal Justice and Public Order Act 1994.
(d) entering or
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remaining in any disused or abandoned building unless invited to do so in writing by a registered charitable organisation or local authority. Unless some charitable organisation or local authority is planning some event and he is invited to help in the organisation of it,
There is no reason why he or indeed anyone else should be inside a disused or abandoned building.
The caveat that one might impose there in relation to that - and this is for discussion after hearing submissions from **counsel for the respondent** - is whether that should say a commercial factory or some other qualification of the word "building," because otherwise this could also relate to residential property.
If it remains as it is, the appellant would not be able to enter a disused or abandoned residential property unless invited to do so in writing by a registered charitable organisation or local authority. So, it might be necessary to widen the scope of the potential invitros.
(E) Enter or remain on non-residential private property on an industrial estate between the hours of 10p.m. and 7a.m. without written permission from the owner and/or leaseholder of the property.
This does require some qualification and more than what was originally ordered, because, as the
appellant himself rightly said when **he was here on the first day of the appeal,** or his mother may have said, and has been said on his behalf on previous occasions, this provision would prevent him from, for example, taking petrol or diesel from a service station which is on an industrial estate, or indeed going to an all-night food supplier, or alcohol suppliers, for example such as McDonald's, who may be open all through the night. So it requires more attention.
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Then, finally,
(f), engage in any licensable activity in any unlicensed premises. Self-evidently, that is appropriate and there is nothing wrong with that.
Finally, the antisocial behaviour order provides, for the sake of clarity, nothing in this order prevents the defendant from assisting, preparing or engaging in licensed/licensable activities and it's obvious that that, as we have already said, is what the situation is to be.
There are amendments which were proposed **by the respondent** to this order. At paragraph 21 of the respondent's skeleton argument the amendment which the respondent seeks is that the words "or **section 63**(1 A)" be added after the words "**63(1)**" in prohibitions **(a)**, **(b)** and **(c)** of the ASBO.
Speaking for myself, I can see no reason why that should not be done. As the skeleton rightly points out, the terms of the ASBO need to be necessary and proportionate, so that they have minimal impact on the appellant's life and legitimate business activities. So I would now invite submissions by counsel for the respondent as to what changes should be made to the antisocial behaviour order and then we will retire in order to address that in discussion.
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(There followed further submissions)
(The Bench retired)

JUDGE PAWLAK: We have to have regard to the order being necessary to protect relevant persons and we have discussed it extensively. I'm afraid our conclusion is that
(a) should go altogether,
(b) obviously becomes

(a) and that can stand as it is, subject to adding the amendment that you wanted to.
(C) Again, subject to the

amendment can stand as it is.
(D) Enter or remain in any disused or abandoned building unless invited to do so in writing by a registered charitable organisation or local authority, "or the owners of the property" should be added, or the owners of the property.
(E) Enter or remain on non-residential private property on an industrial estate between the hours of 10p.m. and 7a.m. without written permission from the owner and/or leaseholder of the property, unless the purpose of his entry on such property is to purchase goods or services from any shop or garage premises which are open to the public at such times.
Then
(f): we don't like "engage in." It's a very broad, meaningless word, so we would like to change it to "provide any service in respect of any licensable activity in unlicensed premises." It's more specific. "Engage" is such a nebulous word.
COUNSEL FOR THE RESPONDENT: Yes, your Honour.
JUDGE PA WEEK: You wouldn't be able to prove a breach probably, because the court would say –
COUNSEL FOR THE RESPONDENT: Lack of clarity, yes. Your Honour, may I just address you? You've made your decision. I don't seek to try to —
JUDGE PAWLAK: Go behind it, yes.
COUNSEL FOR THE RESPONDENT: Seek you to make it again. Just in respect of the amendment to (e), "Unless the purpose of his entry on such property," can I make two submissions as to that?
JUDGE PAWLAK: Yes.
COUNSEL FOR THE RESPONDENT: The first is as to the word "services." I don't think there was ever any suggestion that he would need a service; it would be goods. Also —
JUDGE PAWLAK: What if his car has broken down?
COUNSEL FOR THE RESPONDENT: Yes, okay. The second submission I would make is in respect of that is "garage premises" is perhaps again a little undefined. If it's petrol station, then that's one thing, but garage premises is much wider than that.
JUDGE PAWLAK: I think we all know what a garage is and it has to be open and providing a service. If you like, "garage or petrol, shop or garage or petrol premises," but I don't see why "garage" should come out, "shop or garage or petrol premises."
COUNSEL FOR THE RESPONDENT: The only other submission I would make in respect of (e) —
JUDGE PAWLAK: Actually, we ought to change it to "fuel."
COUNSEL FOR THE RESPONDENT: Yes, in case he drives a diesel. The only other submission I would make in respect of (e) —
JUDGE PAWLAK: Can we say, "shop or garage or fuel supplying premises."
COUNSEL FOR THE RESPONDENT: In terms of its practicability, I would submit this perhaps gives Mr Cordell an ace in the hole if this were ever to come up again and he says, "Oh, no, no, no, I was just on this estate because three hundred yards that way is a comer shop that happens to be open."
JUDGE PAWLAK: Well, no-one would believe him.
COUNSEL FOR THE RESPONDENT: Your Honour, yes, that may well be the case, but in terms again of the practicability of the order, if every time he had an open-ended excuse such as that we'd have to go to court and it would have to be proven, he would offer this excuse. I wonder whether it is necessary to give him such a wide and open-ended opportunity.
JUDGE PAWLAK: He would have to find an industrial estate which, between10 p.m. and 7 a.m., has a shop or a garage or a petrol station open.
COUNSEL FOR THE RESPONDENT: Yes, but, as I said earlier, your Honour, Mr Cordell is a clever man and so, were he to find one, set up a rave at one comer and his excuse was, "No, I'm just passing through. I'm going to the other comer to buy a burger," then that is an excuse which would plainly undermine the efficacy of the order. That's my concern.
JUDGE PA WEEK: It might be true.

COUNSEL FOR THE RESPONDENT: It might be, your Honour, but then one has to balance, in my submission, the —
JUDGE PAWLAK: The purpose of providing this let-out is so that his ordinary life, his permissible life, is not inhibited unreasonably.
COUNSEL FOR THE RESPONDENT: Your Honour, quiet, but that does not necessarily mean that every potential, hypothetical scenario might have to be catered for by the terms of the order. An ASBO will by definition restrict someone's rights often.
JUDGE PAWLAK: Yes, I can see that.
COUNSEL FOR THE RESPONDENT: It will restrict their rights under Article 8, or whatever it might be, but that doesn't make it inappropriate or unnecessary. I would submit that —
JUDGE PAWLAK: Well, what about "unless he can demonstrate that the purpose of his entry on such property is to purchase goods or services"?
COUNSEL FOR THE RESPONDENT: That's certainly tighter, your Honour. My primary submission still stands.
JUDGE PAWLAK: Yes.
A MEMBER OF THE BENCH: Well, it does contain the two elements, "enter" and "remain."
JUDGE PAWLAK: Yes.
A MEMBER OF THE BENCH: Maybe they should be separated out if the issue is whether he's going to remain there.
JUDGE PAWLAK: Yes.
A MEMBER OF THE BENCH: You can enter for the purpose of purchasing, but you cannot remain there for an extended period of time.
JUDGE PAWLAK: Right. Actually, what is the point of "remain"? It's "enter," isn't it?
COUNSEL FOR THE RESPONDENT: Well, you put "enter" and "remain" to belt and brace it. Sometimes you only see him when he's there.
JUDGE PAWLAK: I know, but in fact it's suggesting that he could remain there. "Enter or be present on."
COUNSEL FOR THE RESPONDENT: Yes.
JUDGE PAWLAK: Is that better?
COUNSEL FOR THE RESPONDENT: I'm not sure, your Honour. Your learned colleague was suggesting breaking it down, so that you have him entering solely for the purpose, demonstrably the purpose, of X, Y or Z,
JUDGE PAWLAK: Yes.
COUNSEL FOR THE RESPONDENT: And remaining for no longer than. In any event, he shall remain on for no longer than a period of time. That perhaps would deal with it. One doesn't need more than fifteen minutes to buy a burger or fill up your car.
JUDGE PAWLAK: Look, can I ask you - we agree with that.
COUNSEL FOR THE RESPONDENT: Yes.
JUDGE PAWLAK: Could I ask you to draw up the antisocial behaviour order in the way that we've accepted it or indicated it should be drawn and to provide a copy for me tomorrow?
COUNSEL FOR THE RESPONDENT: Yes.
JUDGE PAWLAK: I'll check it to make sure that it fits in with what we have agreed and assume that, if it does, I can then tell the court to seal it.
JUDGE PAWLAK: Is that alright?
COUNSEL FOR THE RESPONDENT: Yes, your Honour. Can I get an email address to send it to, please?
JUDGE PAWLAK: Yes, the court clerk will give you an email address.
COUNSEL FOR THE RESPONDENT: Yes. I can do that this evening or tomorrow morning.
JUDGE PAWLAK: I don't want to give you mine.
COUNSEL FOR THE RESPONDENT: No, of course.
JUDGE PAWLAK: Because if Mr Cordell gets mine somehow, then gets my address and I start receiving post —
COUNSEL FOR THE RESPONDENT: Yes, your Honour. I'll have that done for you.
JUDGE PAWLAK: Yes. Is there anything else?
COUNSEL FOR THE RESPONDENT: Nothing further, your Honour, thank you.
JUDGE PAWLAK: Nothing at all?
COUNSEL FOR THE RESPONDENT: No. He is legally aided and there is no other issue that we would seek to bring to the court's attention. Thank you for your patience and your colleagues.

JUDGE PAWLAK: Not at all. I'm going to stay here to tidy up. You're free to go, as is everyone else.
COUNSEL FOR THE RESPONDENT: Your Honour, I do apologise. There was one other issue.
JUDGE PAWLAK: Yes.
COUNSEL FOR THE RESPONDENT: In fairness to Mr Cordell, he raises the question of the duration of the order as well.
JUDGE PAWLAK: We have discussed this and our conclusion was that, since the order is non-restrictive except for the sort of activities he ought not to be A undertaking anyway, we thought
five years was acceptable.
COUNSEL FOR THE RESPONDENT: Erm grateful.
JUDGE PAWLAK: We did discuss it.
COUNSEL FOR THE RESPONDENT: Yes.

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