

Magistrates Hearing Dates

12/09/2014

ASBO

The police attended Mr Cordell's home address of 109 Burncroft Avenue, Enfield, EN3 7JQ on the 12/09/2014, they knocked on the door, Mr Cordell was not expecting anyone and when he looked through his spy hole and called out who is it, the police stated we need to hand you some paperwork. Mr Cordell has never accepted paperwork due to his learning difficulties, and said I will not accept anything. The police at this posted some paperwork through the front door; they had an A4 size folder which they placed on the floor outside Mr Cordell's front door.

Mr Cordell made a phone call to his mother Miss Lorraine Cordell and told her what happened Miss Cordell could not get to her sons address right away. Later that day when Miss Cordell went to Mr Cordell's address there was a large blue folder on the floor outside Mr Cordell's front door, Miss Cordell knocked on Mr Cordell's door and shouted its mum open the door, Mr Cordell open the door and Miss Cordell picked the paperwork that the police had posted through the letterbox, it was still on the floor, she spoke briefly to Mr Cordell but was in a hurry, then picked the blue folder which was outside on the floor in front of Mr Cordell's front door. Miss Cordell was shocked when she got home and looked in the folder and saw what was within it.

This was meant to have been served on Mr. Cordell. They left the A4 size folder bundle on the door step in view of anyone to see and look at which had a great deal of personal information within the folder. This is a breach of data protection. Complaint letter submitted to Edmonton police station on the 13/09/2014 and the A4 size bundle was handed back to police at the same time. Nothing was done with this complaint. The CAD number for this seems to have been lost is when you call and give the information to the police station they cannot find anything in regards to this. But I clearly have the CAD information and receipt for this when it was handed in.

See below

06/10/2014

Mr Simon Cordell was due to appear in court this day, Mr Cordell had solicitors in place, Michael Carroll and Co Solicitors, legal aid had been applied for but the legal aid had been refused, the Judge sitting overturned this and granted legal aid. The reason for the judge overturning and granting Legal Aid was due to Mr Cordell having known learning difficulties, Health problems and due to the complexity of the case. Disclosure was asked for, but no disclosure ever came. The case was relisted for the 22/10/2014, for an interim antisocial behaviour order to be put in place, all police officers were due to attend for the interim hearing.

22/10/2014

Mr Cordell was due in court for the interim ASBO order to be heard, due to Mr Cordell Barrister having a burst water pipe and his home being flooded he could not attend, The Applicant still wanted the case to be heard which the Judge would not allow. Interim ASBO order hearing was then set for the 05/11/2014. On this date all officers were due to attend the interim ASBO hearing. (They did) Disclosure was again asked for and no disclosure was ever given.

05/11/2014

On this date the interim ASBO order was granted by the District Judge Newham.

Mr. Cordell's human rights were considered by the Judge, and comment was made by the Judge regarding the engagement of Mr Cordell's human rights in her ruling in regards to the interim ASBO order.

But District Judge Newham, would not define the conditions even though they were disproportionate, The conditions did breach Mr Cordell human rights.

Upon delivering her Judgment, the Judge ruled that it is just to impose a Interim Anti Social Behaviour Order, and that regard had been taken of Mr. Cordell's Article 6 and 8 Rights, as well as Mr. Cordell's business. The Judge ruled that there are no provisions contained within the (amended) proposed Interim Anti Social Behaviour Order which would prevent Mr. Cordell from conducting legitimate business.

This is also untrue as we have since contacted council and police and told he would not be granted a licence to hold any events as long as this ASBO was in place.

(Mr Cordell acting Barrister had not been given any paperwork for this day in court from Mr Cordell's solicitors)

On this date all police officers were due to attend. (They did not attend their excuse was they were not told to attend, this was untrue as the application from 22/10/14 should still stand as the case had only been adjourned until this date for the interim hearing)

In the days prior to this hearing Mr Cordell was rushed into hospital due to Kidney problems while he was still in hospital he was informed by his solicitor on the 04/11/2014 that if he did not attend court on the 05/11/2014 the case would go ahead without his presence. Mr Cordell then discharged himself from hospital, because he had no choice. (He was extremely unwell)

The Court bundle included a skeleton argument, submitted on behalf of Mr. Cordell, to Strike-Out the application for an Anti Social Behaviour Order. Arguments advanced in this respect, and those which rely upon the Civil Procedure Rules, are not applicable to these proceedings. The Civil Procedure Rules only apply to proceedings in the County Court, the High Court and the Civil Division of the Court of Appeal. As a result, the Magistrates Court had no jurisdiction to consider an application to Strike-Out.

The applicant's case also relied solely on hearsay, Magistrates' Courts (Hearsay Evidence in Civil Proceeding) Rules 1999.

These are the conditions Mr Cordell was placed under and are for the whole of the UK: (When this case went to Appeal stage at the Crown Court the judge sitting stated the conditions were disproportionate)

The defendant is prohibited from:

- a. Attending a rave as defined by s.63(1) of the Criminal Justice and Public Order Act 1994;
- b. Being concerned in the organisation of a rave as defined by s.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 by s.63(1) of the Criminal Justice and Public Order Act 1994;

- d. Entering or remaining in any disused or abandoned building unless invited to do so in writing by a registered charitable organisation;
- e. Entering or remaining on non-residential private property on an industrial estate between the hours of 10pm and 7am without written permission from the owner and/or leaseholder of the property; and
- f. Engaging in any licensable activity in an unlicensed premises.

For the sake of clarity, nothing in this order prevents the Defendant from assisting, preparing for, or engaging in licensed licensable activities.

(This is also untrue as we have since contacted council and police and told he would not be granted a licence to hold any events as long as this ASBO was in place)

The following Directions were made:

The Parties to exchange any additional evidence on which they seek to rely by 20th January 2015. This is to include any witness statements from any witness, including the Defendant himself; and

The Parties are prohibited from relying on any evidence not already served, or served in accordance with paragraph 1 of these Directions, without the permission of the Court.

Although not a formal direction, should any witnesses no longer be required, the Judge requested written confirmation of this to be given to all parties speedily.

At present, the following witnesses are required to attend the Full Hearing:

Inspector Douglas Skinner;
Police Constable Miles;
Acting Police Sergeant Edgoose;
Police Constable Elsmore;
Sergeant King;
Police Constable Ames; and
Inspector Hamill.

The Interim Order is to continue until 10th March 2015 when the full hearing would be heard this was listed for two full days.

Disclosure was asked for this was meant to be given by 20/01/2015 this never happened and no disclosure was given.

20/01/2015

No disclosure was served on us by the 20/01/2015 that was asked for; this went on throughout this case. Never were we given any disclosure we asked for.

10/03/2015

This date was due to be the full ASBO hearing but the court had made a mistake and only listed it for a one day hearing.

District Judge Williams Sitting, apologised for the error, and said that a part hearing could take place, or the full hearing be adjourned to a later date so that the full hearing could be dealt with over two days.

Mr Cordell was upset as he wanted this to be dealt with and only agreed that the case be adjourned until the 03/08/2014 and the 04/08/2014 if District Judge Williams heard the case, she cleared her diary and promised that she would be the judge that would reside over the case.

District Judge Williams also stated that this was the 1st time she had ever seen a case in which the commissioner of the metropolitan police had brought an ASBO in front of her in this way in a civil capacity.

Disclosure was asked for and this was again never given.

03/08/2014 / 04/08/2014

Mr Cordell attended court on the 03/08/2014 only to find the stipulation and reasons he had allowed the case to be adjourned to these dates had not been adhered to, the residing judge was not District Judge Williams, it fact it was District Judge D Pigot who would be residing over the full hearing.

Non Disclosure was again spoke about but nothing came of this and the case went forward.

We understand this is only our opinion but we believe this judge had already found that she was going to proven the case before it even started for the full ASBO in favour of the applicants.

Before the hearing started I informed the judge my son Mr Cordell was very ill and I did not think he would cope due to health problems. She continued with the case none the less and did not ask me to elaborate further.

Continually through cross examination by Mr Cordell's barrister (Andrew Locke) toward the police, District Judge D Pigot kept interrupting and telling the Barrister he could not ask the questions he was asking even though what he was asking corresponded with what the police had put in their statements. Andrew Locke even commented to the Judge Pigot "I am only asking questions pertaining to what the police have put in their statements" Also he said to the judge "I hope you are going to have as much due-diligence with my client on cross examination as you are with me" to which the judge replied she would. This was certainly not the case and in fact the Judge allowed Mr Cordell to be cross examined extremely harshly even knowing Mr Cordell had health problems and also did not even have his own bundle which he had never had from his solicitors, with learning problems the judge expected Mr Cordell to be able to read from a bundle that she (Judge Pigot) passed to Mt Cordell from time to time. Mr Cordell did not understand what he was being asked so wanted to refer to the bundle and that was why it was having to be passed to him, but with the line of questioning, his learning problems and his health this was totally inappropriate but was allowed by the Judge.

On to our next point, perjury by the Applicants barrister and subsequent police officers.

Simon Cordell's Barrister questioned the Applicants barrister about the legitimacy and the fact if every CAD being used in their application case was linked to Progress Way and if there was an illegal rave taking place at the same time on Crown Road.

He stated every CAD related to Progress Way and there was not an illegal rave taking place on Crown Road, and the police also said this was the case under cross examination, to further this the judge then

asked the same question was every CAD linked to the applications Case, and was given the exact same answer yes.

Now I show you the freedom of information act which was obtained from Enfield Council. (See attached)

Here are two CAD's which clearly do not relate to Progress Way. (See attached). In point of fact there are multiple inconsistencies pertained within the CADS.

We know the police knew about the illegal rave at Crown Road because police were deployed there.

Our next point is the decision that was made by DJ Pigot regarding this case.

I refer to Simon Cordell's Barristers notes.

Part of my submissions had been that the allegations were that D was involved in organising illegal raves but the applicant hadn't adduced evidence of trespass which is a requirement for proving that an indoor rave (which all but one were) (incorrect all of said illegal raves were indoors) was illegal. The DJ ruled that the applicant did not need to prove illegality - all the needed to prove was D had acted in an anti social manner. In my view this is a very questionable decision: firstly, the applicant based their case on the illegality of the raves rather than the fact of the raves themselves and secondly, without proof of illegality the presumption of innocence leads to the conclusion that the raves were legal, and thus D being prohibited from engaging in an ostensibly lawful activity requires more careful consideration on issues of proportionality. D could JR/case state this decision but I think there is little merit in doing so because he would then lose his right to appeal to the Crown Court and even if he succeeded in the High/Div Court, they would merely remit it back to the lower court who would then probably go through the motions of considering proportionality before coming to the same conclusion.

To summarise the judge stated she did not need to prove illegality, but she proved he had acted in an anti social manner, how can this be the case?

Since this case started we knew the police and the public order investigation unit held information on their systems, that proved Mr Cordell was not the organiser of these illegal raves. In fact the police knowingly went around to the known organiser's homes and also spoke with them on the telephone. This proves they have the information we were asking for in disclosure. (This was found out via social media by Miss Cordell)

Mr Cordell had not been coping throughout this case, and walked out of the court, Miss Cordell Mr Cordell mother said to the Judge you can clearly see he is not well and is not coping, which the judge confirmed she could clearly see that Mr Cordell was not well. But continued to ask the usher to get Mr Cordell back in court and she also informed that if Mr Cordell re entered the court room and was disruptive she would hold him in contempt of court. Mr Cordell never re-entered the court room.

Because of this Mr Cordell was not there to have the ASBO served on him and the ASBO was served to Miss Cordell on his behalf.

Upon proving the case DJ Pigot granted all the applicants conditions. The Applicants wanted to make this a lifetime ASBO, which DJ Pigot did not allow and granted it for 5 years within the whole of the UK. With the stipulation that it could be reapplied for when the 5 years were concluded. She started the 5 years from the 04/08/2015, she did not count the time Mr Cordell had been on the interim ASBO order.

Miss Cordell and Mr A Locke (Mr Cordell's barrister) then asked the judge if the conditions of the ASBO could be defined as there were some points of concern. The judge was asked if Mr Cordell went to a Tesco or Tesco petrol station between the hours of 10pm and 7am would he be in breach of the conditions and subsequently arrested, the response from DJ Pigot was dumbfounding she said" yes he

would be arrested, taken to court and would have to prove he was going to get petrol” .I am guessing the same could be said for food etc. On hearing this Miss Cordell and Andy Locke questioned this and said “so you think this is in accordance with the law?” she replied to this “the conditions are precise and plain.

DJ Pigot then left the courtroom with her clerk to get the Memorandum of an Entry made up as soon as possible due to the lateness in the day and the department who dealt with this would be closed, on her return the judge asked why Andy Locke was not in court, Miss Cordell said that he had left because he because he was not told that he needed to stay, she handed the Memorandum of an Entry to Miss Cordell and to the applicants barrister, on reviewing this the applicants barrister said there were multiple spelling mistakes and the dates from 2013 should not be entered and needed to be removed. She said this would be amended and a new copy would be sent in the post, and until this day this has never happened. We have since found out we should have also been handed a map showing all areas which the ASBO conditions encompassed which we have also never been given but this map would have shown the whole of the UK.