

From: Lorraine Cordell <lorraine32@blueyonder.co.uk>
Sent time: 24/05/2017 10:49:53 AM
To: re_wired@ymail.com
Subject: FW: Mr Simon Paul Cordell -v- The Commisssioner of Police of the Metropolis
Attachments: c100781_240520171324_001.pdf.pdf

simon please see attached

-----Original Message-----

From: Sally.Gilchrist@met.pnn.police.uk
[mailto:Sally.Gilchrist@met.pnn.police.uk]
Sent: 24 May 2017 10:26
To: lorraine32@blueyonder.co.uk
Subject: Mr Simon Paul Cordell -v- The Commisssioner of Police of the Metropolis

Dear Ms Cordell,

I attach my client's acknowledgement of service, together with summary grounds.

I confirm a hard copy has been sent to you in the post.

Yours sincerely
Sally Gilchrist
Chartered Legal Executive
Directorate of Legal Services
Metropolitan Police Service

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

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Judicial Review Acknowledgment of Service

Name and address of person to be served

name Miss Lorraine Cordell
address 23 Byron Terrace Edmonton London N9 7DG

In the High Court of Justice Planning Court in the Administrative Court	
Claim No.	CO/2171/2017
Claimant(s) <i>(including ref.)</i>	Mr Simon Paul Cordell
Defendant(s)	The Commissioner of Police of the Metropolis L/132811/SAG
Interested Parties	(1) Wood Green Crown Court (2) Highbury Corner Magistrates Court

SECTION A

Tick the appropriate box

- 1. I intend to contest all of the claim } complete sections B, C, D and F
- 2. I intend to contest part of the claim }
- 3. I do not intend to contest the claim complete section F
- 4. The defendant (interested party) is a court or tribunal and **intends** to make a submission. complete sections B, C and F
- 5. The defendant (interested party) is a court or tribunal and **does not intend** to make a submission. complete sections B and F
- 6. The applicant has indicated that this is a claim to which the Aarhus Convention applies. complete sections E and F

Note: If the application seeks to judicially review the decision of a court or tribunal, the court or tribunal need only provide the Administrative Court with as much evidence as it can about the decision to help the Administrative Court perform its judicial function.

SECTION B

Insert the name and address of any person you consider should be added as an interested party.

name Wood Green Crown Court (First Interested Party)	
address Woodall House Lordship Lane Wood Green London N22 5LF DX: 130346 Wood Green 3	
Telephone no. 0208 826 4100	Fax no. 0870 324 0159
E-mail address woodgreencrowncourts@hmcts.gsi.gov.uk	

name Highbury Corner Magistrates Court (Second Interested Party)	
address Admin Centre North London Admin Centre PO Box 52693 London N7 1 AF	
Telephone no. 0207 506 3100	Fax no. 0870 739 5768
E-mail address londonnorthmc@hmcts.gsi.gov.uk	

SECTION D

Give details of any directions you will be asking the court to make, or tick the box to indicate that a separate application notice is attached.

[Empty box for directions]

If you are seeking a direction that this matter be heard at an Administrative Court venue other than that at which this claim was issued, you should complete, lodge and serve on all other parties Form N464PC with this acknowledgment of service.

SECTION E

Response to the claimant's contention that the claim is an Aarhus claim

Do you deny that the claim is an Aarhus Convention claim? Yes No

If Yes, please set out your grounds for denial in the box below.

[Empty box for grounds for denial]

SECTION F

delete as appropriate* ~~He~~ **believes (The defendant believes) that the facts stated in this form are true. (if signing on behalf of firm or company, court or tribunal) **Position or office held**

***I am duly authorised by the defendant to sign this statement.**

(To be signed by you or by your solicitor or litigation friend) **Signed**  **Date** 24 May 2017

Give an address to which notices about this case can be sent to you

If you have instructed counsel, please give their name address and contact details below.

name
Directorate of Legal Services, Metropolitan Police Service
address
10 Lamb's Conduit Street
London
WC1N 3NR
DX: 320101 Bloomsbury 12
Telephone no.
0207 230 3879
Fax no.
0207 404 7089
E-mail address
sally.gilchrist@met.pnn.police.uk

name
Robert Talalay
address
5 Essex Court
Temple
London
EC4Y 9AH
LDE:1048 Chancery Lane
Telephone no.
0207 410 2000
Fax no.
0207 129 8606
E-mail address
Talalay@5essexcourt.co.uk

Completed forms, together with a copy, should be lodged with the Administrative Court Office (court address, over the page), at which this claim was issued within 21 days of service of the claim upon you, and further copies should be served on the Claimant(s), any other Defendant(s) and any interested parties within 7 days of lodgement with the Court.

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

CO/2171/2017

BETWEEN:

REGINA
on the application of
SIMON PAUL CORDELL

Claimant

-and-

THE COMMISSIONER OF POLICE OF THE METROPOLIS

Defendant

DEFENDANT'S SUMMARY GROUNDS FOR CONTESTING THE CLAIM

INTRODUCTION

1. As a result of the Claimant's role in the organisation of, and provision of sound equipment to, unlicensed music events and raves in the London Borough of Enfield, the Defendant applied to the courts for an Anti-social Behaviour Order (ASBO) to protect the public from the harassment alarm and distress caused by the Claimant's actions. An ASBO was granted by Highbury Corner Magistrates' Court on 4 August 2015, pursuant to s.1 of the Crime and Disorder Act 1998 ("the 1998 Act"), to last for 5 years. The Claimant utilised his statutory right of appeal and appealed to the Crown Court pursuant to s.4 of the 1998 Act. The Crown Court at Wood Green heard the appeal and, other than amending the ASBO in certain respects, dismissed the appeal on 19 January 2017.
2. In the N461 Form at section 3, the Claimant sets out the decisions he is seeking to have judicially reviewed:
 - (i) The order of HHJ Pawlak at the Crown Court at Wood Green on 19 January 2017 to dismiss his appeal against the making of the ASBO;
 - (ii) The order of DJ Pigot at Highbury Corner Magistrates' Court on 4 August 2015 to make the ASBO; and

(iii) The order of DJ Newman at Highbury Corner Magistrates' Court on 5 November 2014 to make the interim ASBO.

3. The Claimant has not provided a statement of facts and grounds so as to particularise his claim. It is intimated in the N461 Form that a Skeleton Argument is to follow but, at the time of filing these Summary Grounds, the Defendant is not in possession of such a document or any supporting evidence. Apart from reference to the articles of the European Convention on Human Rights that are said to have been breached, the Defendant is unclear as to the basis on which the Claimant alleges these decisions were unlawful.
4. The claim is resisted on two grounds and it is respectfully submitted that permission should be refused as the claim is unarguable and/or an abuse of the court's process as:
 - (i) The Defendant is not the proper defendant to this claim and the proper process to state a case has not been followed; and
 - (ii) Further or in the alternative, the Claim is insufficiently particularised to permit the Defendant to respond to it in substance.
5. For the avoidance of doubt, and if it becomes necessary to do so, the Defendant will robustly defend the actions of his officers, agents and employees as lawful. But for the purposes of these Summary Grounds, it is submitted that the claim is unarguable on the grounds set out above.
6. These proceedings were filed on 3 May 2017 and issued by the Court on 8 May 2017. The claim was served on the Defendant by the Claimant's mother by email on 12 May 2017.

THE WRONG DEFENDANT / PROCESS

7. The Claimant does not seek to challenge any decision made by the Defendant or any of his officers, agents or employees. This claim for judicial review as made against the Defendant is, therefore, wholly misconceived.
8. The Claimant seeks to challenge the decisions of Highbury Corner Magistrates' Court and the Crown Court at Wood Green.

- (i) The appropriate avenue to challenge the final ASBO made by the Magistrates' Court is by way of appeal to the Crown Court. This was the Claimant's statutory right, and an avenue he pursued by appealing the order.
 - (ii) The appropriate avenue to challenge an order (and any interim order or directions) of the Crown Court where there is no right of appeal - or the Magistrates' Court if the right of appeal is not pursued - is by way of case stated.
9. The correct procedure for seeking to state a case to the High Court is to apply to the court that made the order (i.e. the Magistrates' Court or Crown Court in this case). The powers and procedure for doing so are as follows:
- (i) The power to state a case from the Magistrates' Court emanates from s.111 of the Magistrates Court Act 1980 (MCA).
 - (ii) The power to state a case from the Crown Court emanates from s.28 of the Senior Courts Act 1981 (SCA).
 - (iii) The language used in both s.111(1) of the MCA and s.28(1) of the SCA are very similar in limiting the appeal jurisdiction in respect of orders, judgments and decisions of the court to requests to state a case. The jurisdiction to state a case is subject to any right of appeal. There is no right of appeal in respect of the making of an ASBO or the interim orders made by either court in this case.
 - (iv) The procedure for stating a case is practically identical as provided for in s.111 of the MCA and regulation 26 of the Crown Court Rules 1982. In short, the aggrieved party has 21 days to apply to the court that made the order to state the case, after which a procedure is set in train to allow that court to consider whether to state a case to the High Court and for the other party or parties to make representations.
10. There is, therefore, no avenue to challenge the decisions of the Magistrates' Court or Crown Court other than to have those courts respectively state the case to the High Court. The Defendant is not aware of any application by the Claimant to the Crown Court to have his case stated. In any event, pursuant to, the Claimant is now time barred from doing so as any such application must be made within 21 days of the

order of the court (subject to the Crown Court's power to extend time for applications to state a case as per regulation 26(14) of the Crown Court Rule 1982).

11. Accordingly, the Claimant has:

- (i) Issued a claim in judicial review against the Defendant whereas he is in fact seeking to challenge the decisions of the Highbury Corner Magistrates' Court and the Crown Court at Wood Green. In short, he has issued against the wrong party; and
- (ii) Even if he had issued this claim against the Magistrates' Court and/or the Crown Court, he has used entirely the wrong procedure as he has failed to apply to those lower courts to state his case to the High Court.

12. Accordingly, the claim against the Defendant is unarguable and an abuse of the court's process.

INSUFFICIENTLY PARTICULARISED

13. In his N461 Form, the Claimant states that a Skeleton Argument is to follow. No Skeleton Argument, or any similar document setting out the particulars of the Claimant's case, has been received. As such, the Defendant simply does not know the basis on which the Claimant intends to allege that the decisions of the Crown Court at Wood Green and the Highbury Corner Magistrates' Court were unlawful.

14. The Claim Form is, notwithstanding the explanation provided on its face, in clear breach of the Practice Direction in Part 54 of the CPR at §§5.6-5.8, which provide:

5.6 The claim form must include or be accompanied by –

- (1) a detailed statement of the claimant's grounds for bringing the claim for judicial review;
- (2) a statement of the facts relied on;
- (3) any application to extend the time limit for filing the claim form;
- (4) any application for directions.

5.7 In addition, the claim form must be accompanied by

- (1) any written evidence in support of the claim or application to extend time;
- (2) a copy of any order that the claimant seeks to have quashed;
- (3) where the claim for judicial review relates to a decision of a court or tribunal, an approved copy of the reasons for reaching that decision;
- (4) copies of any documents on which the claimant proposes to rely;
- (5) copies of any relevant statutory material; and
- (6) a list of essential documents for advance reading by the court (with page references to the passages relied on).

5.8 Where it is not possible to file all the above documents, the claimant must indicate which documents have not been filed and the reasons why they are not currently available. [emphasis added]

- 15. For the avoidance of doubt, and if it becomes necessary to do so, the Defendant will submit that the orders of both courts were lawful, as was the process that led to those orders being made. However, in light of the lack of particularity of the claim, the Defendant is simply unable to assist the court with any detailed analysis in response to the grounds of review.
- 16. As it stands, the claim form is wholly unarticulated and, it follows, is both unarguable and an abuse of the court's process.

CONCLUSION

- 17. The court is respectfully requested to refuse this claim permission, alternatively, the claim should be dismissed, on the bases set out above.
- 18. If the matter is to proceed further, it is respectfully submitted that the Crown Court at Wood Green and Highbury Corner Magistrates' Court both be made Interested Parties to this claim.
- 19. To assist the court, appended to this document are the three orders under challenge and referred to at paragraph 2 above.
- 20. The Commissioner will seek his costs in responding to this claim. A costs schedule also appended to this this document.

ROBERT TALALAY

Dated this 23rd day of May 2017

**Directorate of Legal Services,
Metropolitan Police Service, 10 Lamb's
Conduit Street, London, WC1N 3NR**

Solicitor for the Defendant

CO/2171/2017

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

BETWEEN:

REGINA
on the application of
SIMON PAUL CORDELL

Claimant

-and-

THE COMMISSIONER OF POLICE OF THE
METROPOLIS

Defendant

DEFENDANT'S SUMMARY GROUNDS FOR
CONTESTING THE CLAIM

 Essex Court

Hugh Giles (Director)
Directorate of Legal Services
Metropolitan Police Service
10 Lamb's Conduit Street
London
WC1N 3NR

In the Crown Court
at **WOOD GREEN CROWN COURT**



Case Number A20150064

Court Code 469

PTI URN

Order on conviction relating to anti-social behaviour

The defendant

SIMON PAUL CORDELL

Date of birth 26 January 1981

of 109 Burncroft Avenue Enfield Middlesex EN3 7JQ

was convicted on 19 January 2017

at the Crown Court

sitting at Wood Green

of "complaint in regard to an anti social behavior order"

and this court imposed a sentence of:

Dismissed the appellants appeal and amending the appellants anti social behaviour order imposed by Highbury Corner Magistrates Court.

The court found that

the defendant had acted in an anti-social manner which caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the defendant. The defendant had been concerned in the organisation of a rave as defined s63(1) of the Criminal Justice and Public Order Act 1994.

and that an order was necessary to protect persons in England and Wales from further anti-social acts by the defendant.

The court ordered

The order was made under section 1C of the Crime and Disorder Act 1998.

on 19 January 2017

that the defendant is prohibited from the following

Notice to defendants

- You must not do any of the things given opposite. If you do, and you do not have a reasonable excuse for doing it, you may be:
 - (1) sent to prison or a young offender institution for up to 5 years, or detained under a Detention and Training Order for up to 24 months
 - or (2) ordered to pay a fine
 - or both (1) and (2).
- You have the right to apply to this court for the order to be changed. After 2 years you have the right to apply for the order to end.

This order remains in force for five years which means until 3 August 2020

Signed

Mr R Kemp

Date 19/01/2017

An Officer of the Crown Court

In the Crown Court
at **WOOD GREEN CROWN COURT**



Case Number: A20150064

Date of birth: 26 January 1981

Defendant: SIMON PAUL CORDELL

Date of order: 19 January 2017

Schedule of prohibitions

You must not:

1. Be concerned in the organisation of a rave as defined by s.63(1) or s63(1A) of the Criminal Justice and Public Order Act 1994.
2. Knowingly use or supply property, personal or otherwise, for use in a rave as defined by s.63 (1) of the Criminal Justice and Public Order Act 1994.
3. 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 owner of the premises.
4. Enter any non-residential private property (by which words buildings and an open enclosed and are intended to be individual) or an industrial estate between the hours of 22:00 and 07:00 without written permissions from the owner and an leaseholder of such property. If you can demonstrate that the purpose of your entry of such property is to purchase goods or services from any shop or garage or fuel supplier which is open to the public at such times. Then in such event, you may enter but you must not remain on such property for longer than 30 minutes and you may do so on only one occasion during each separate nine hour period between 22:00 and 07:00 daily.
5. Provide any service in respect of any licensable activity in an unlicensed premises.

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

This order expires on the 3 August 2020

This order and its requirements amends a previous order imposed by Highbury Corner Magistrates Court.

In the Crown Court
at **WOOD GREEN CROWN COURT**



Case Number A20150064

Service of an order on conviction relating to anti-social behaviour

Service of the order on
the defendant

I certify that the order on conviction relating to anti-social behaviour which was made at this Crown Court
on 19 January 2017

was served today, by me in person, on the defendant: **SIMON PAUL CORDELL**

Date of birth 26 January 1981

Signed

Mr R Kemp

Date 19/01/2017

An Officer of the Crown Court

Acknowledgement of
service by defendant

I have today received a copy of the order on conviction relating to anti-social behaviour made at this Crown Court
on 19 January 2017

Signed

Date 19/01/2017

Additional service on
a parent, guardian or
other person

When the defendant is under 18 years

I certify that the order on conviction relating to anti-social behaviour which was made at this Crown Court
on 19 January 2017

was served today, by me in person, on _____ namely _____

Signed

Mr R Kemp

Date 19/01/2017

An Officer of the Crown Court

Acknowledgement of
service by parent, guardian
or other person served

Signed

I have today received a copy of the order on conviction relating to anti-social behaviour made at this Crown Court
on 19 January 2017

Date 19/01/2017



Highbury Corner Magistrates' Court

Code 2572

North London Admin Centre

PO BOX 52693 London N7 1AF

Telephone 020 7506 3100 Fax 0870 739 5768

Mr Simon CORDELL
109 Burncroft Avenue
Enfield
Middlesex
EN3 7JQ

Case number: **011402490741**
Born: 26 January 1981

Anti-social behaviour order on application

Order

You must not

- a. Attended a rave as defined by s.63(1) of the Criminal Justice and Public Order Act 1994;
 - b. Be 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 the use in a rave as defined in s.63(1) of the Criminal Justice and Public Order Act 1994;
 - d. Enter or remain in any discussed or abandoned building unless invited to do so in writing by a registered charitable organisation or Local Authority
 - e. Enter or remain 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. Engage 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 order lasts for **5 years**.

Warning

If you do not obey any part of this order you will commit an offence and may be fined or sent to prison for up to five years.

Date: 4 August 2015

J. Vantghem
007

J.Vantghem

Justices' Clerk

Offences

011402490741/1

Complaint for an anti-social behaviour order. The conduct alleged in support of the application is That the defendant has acted on dates between January 2013 to date (the last such incident being 10 August 2014) in the London Borough of Enfield 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 that an anti-social behaviour order is necessary to protect relevant persons from further anti-social acts by him. In accordance with section 1 of the Crime and Disorder Act 1998.

Interim Anti Social Behaviour Order upon complaint
section 1D Crime and Disorder Act 1998

In the Highbury Corner Magistrates' Court
Code []

Date: 5 November 2014
Defendant: Simon Cordell
DOB: 26.01.1981
Address: 109 Burncroft Avenue, Enfield, Middlesex, EN3 7JQ

ON THE COMPLAINT of PC Steve Elsmore on behalf of the Commissioner of Police of the Metropolis.

THE REASONS for making the Order are that it is said:

- (i) that the defendant has acted on dates between 1 January 2013 to date in the London Borough of Enfield and elsewhere 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
- (ii) that an anti-social behaviour order is necessary to protect persons in the London Borough of Enfield local government area and elsewhere in which the harassment, alarm or distress was caused, or was likely to be caused from further anti-social acts by him.

AND THE COURT FINDS that it is just to make this Order pending the determination of the application for an anti-social behaviour order, which application is attached to this Order.

AND IT IS ORDERED that 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;
↳ or local authority.
- 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 order does continue until **10 March 2015**. If without reasonable excuse the defendant does anything which he is prohibited from doing by this order, he shall be liable on conviction to a term of imprisonment not exceeding five years or to a fine or both.

Jehan B. Do
 By Order of the Court
 Justice of the Peace
District Judge
(MC)

IN THE HIGH COURT OF JUSTICE

ADMINISTRATIVE COURT

CASE NO: CO/2171/2017

BETWEEN:

REGINA

ON THE APPLICATION OF

SIMON PAUL CORDELL

Claimant

and

THE COMMISSIONER OF POLICE OF THE METROPOLIS

Respondent

SCHEDULE OF COSTS

Description of fee earners:

Name: Sally Gilchrist

Band: A

Hourly Rate: £317

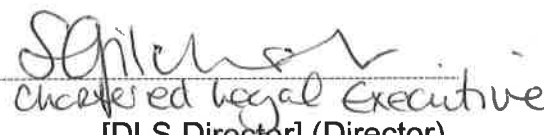
Units of Correspondence	£190.20
Number: 6 at £31.70	
Attendances on clients (including witnesses)	
Hours at £	
Attendance on opponents	
Hours at £	
Attendance on opponents (Counsel)	
Hours at £	

Work done on documents (perusing & collating) 1½ Hours at £317	£475.50
Attendance at hearing Hours at £ Hours travel and waiting at £	
Counsel's fees (Robert Talalay) and (Year of Call – 2010) Fee for (advice etc)	£120
Other Expenses (e.g. Court fees)	
Total	
Amount of VAT claimed on other expenses	
Grand Total	£785.70

The costs estimated above do not exceed the costs which the Respondent is liable to pay in respect of the work which this estimate covers.

Date: 24th May 2017

Signed:



[DLS.Director] (Director)
Directorate of Legal Services
Metropolitan Police Service
10 Lamb's Conduit Street
London
WC1N 3NR

DX: 320101 Bloomsbury 12

Solicitor for the Respondent

Ref: 132811/SAG
Tel: 020 7230 3879
Fax: 020 7230 7516

There are four grades of fee-earner: (A) Solicitors and Legal Executives with over eight years post qualification experience including at least eight years litigation experience (B) Solicitors and legal executives with over four years post qualification experience including at least four years litigation experience (C) Other solicitors and legal executives and fee-earners of equivalent experience (D) Trainee solicitors, para-legals and fee-earners of equivalent experience. "Legal Executive" means a Fellow of the Institute of Chartered Legal Executives. Those who are not Fellows of the Institute are not entitled to call themselves legal executives and in principle are therefore not entitled to the same hourly rate as a legal executive. In respect of each fee earner communications should be treated as

attendances and routine communications should be claimed at one tenth of the hourly rate.