

From: Rewired Rewired <re_wired@ymail.com>
Sent time: 25/02/2016 10:51:37 AM
To: JOSEPHINE WARD <josephinewardsolicitor@gmail.com>
Subject: Si
Attachments: Legal definition of (Raves).pdf new 2003 7th jan 2013 licencing if profit is to be the right to a fair trial.doc

Please can you reply as what you have said has left me with concerns.

All i want is a fair trial and a professional good relationship with your self. i ask for legal guidance off your self. i have created a bundle with the relevant back bone points of law, relevant to my case and a shorter up dated statement, i have also made a skeleton argument out of the docs you have provided me with up to date. at this time i would like you to apply to the court so that i can have the ASBO conditions defined as trespass was not present for section 63 conditions to be imposed, neither was there any breach of the licencing act 2003 as amended Jan 7th 2013 and 2016, also proofing the fact that the applicants case of illegal raves, could not be correct in law. please see a copy of the licencing act 2003 attached that clearly states that all house partys or private partys are not regulated and do not need a licence and there for not illegal. I would also like the right under article 6 of my human rights to be called as i do not feel that it is possible with the only evidence the police rely on not only to be incorrect in law but that of a fabricated evidence by way of the time stamps and other relevant errors such as PC Elesmore stating under oath to the district judge that any location blocked out or within the applicants bundle, are that off progress way, when we have clearly proved otherwise. Please see a draft copy of my back bone points of law attached. The folder i have attached proves that illegal raves was not possible to be present, as the police have no power on private partys, until the local authority serves a noise abatement notice and then applies at the local court to give the police such powers as to be able to enter the premises, which has not been served within any of the dates in question contained within the applicants bundle, i believe this is why the local council never turns up to any of the court hearings which they are bound by law to do so, as i would like them to attended and answer such questions. please can you reply to my points in the last 3 emails in bullion points so i can understand your legal guidance.



Raves

Standard Note: SN/HA/1889
Last updated: 14 October 2008
Author: Pat Strickland and Philip Ward
Section: Home Affairs Section

Under the *Criminal Justice and Public Order Act 1994*, the police have the power to stop raves. Until January 2004, these were defined as unlicensed *open air* gatherings of 100 or more people at which loud music is played during the night. New provisions introduced into the *Anti-social Behaviour Act 2003*, which came into effect in January 2004, reduced the number of people who constitute a rave from 100 to 20, and removed the requirement for the gathering to be in the open air. It also introduced an offence of attending another trespassory rave within 24 hours of a police direction, to stop people simply moving the rave to another place. There have been press reports of police in some areas holding back from using their powers for health and safety reasons, either because of the dangers of dispersing large crowds in the dark or because of other dangerous local conditions. However, there have also been reports of successful police action to control raves in particular areas.

Gatherings for which an entertainment licence has been obtained are not counted as raves within the meaning of the legislation. However, there was some controversy about so-called licensed “raves” under provisions in the *Licensing Act 2003* which came into force in November 2005. These allow people to get temporary event notices for gatherings of up to 499 people for events lasting up to four days. The licensed events could involve the sale of alcohol, and while the police have to review the application and object if they consider that crime and disorder would result, there is no mechanism for the general public to object. The Government is keeping this area of law under review. These provisions would not apply to the kind of illegal raves covered by the 1994 Act, which by definition are unlicensed.

The Conservative MP Christopher Fraser has introduced a Ten Minute Rule bill in February 2008 designed to strengthen police powers, although it has yet to receive a second reading. In the debate, Mr Fraser argued that, although the police in his constituency of South West Norfolk were working hard to

This information is provided to Members of Parliament in support of their parliamentary duties and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as being up to date; the law or policies may have changed since it was last updated; and it should not be relied upon as legal or professional advice or as a substitute for it. A suitably qualified professional should be consulted if specific advice or information is required.

This information is provided subject to [our general terms and conditions](#) which are available online or may be provided on request in hard copy. Authors are available to discuss the content of this briefing with Members and their staff, but not with the general public.

Contents

1	Background	2
2	Powers in the <i>Criminal Justice and Public Order Act 1994</i>	2
3	The exercise of police powers in practice	4
4	The <i>Licensing Act 2003</i>	4
5	Recent debates	6

1 Background

Going onto another person's land to organise a rave or for any other purpose, without the owner's permission, amounts to a trespass. Trespass to land is a civil wrong, but trespass alone is not a criminal offence. Generally the police have no powers to intervene when a civil wrong is being or is about to be committed. If the landowner has advance warning of a threatened trespass, he or she can apply to the civil court for an injunction to restrain those threatening to commit the wrong from doing so. Also, when people are trespassing, the landowner can apply for an injunction ordering them to cease doing so. Breach of the terms of an injunction would be a contempt of court, which may be punished by imprisonment.

Although, in an emergency, an injunction can be obtained very quickly, there are practical difficulties when the problem is a rave. The landowner is unlikely to have much, if any, notice of the organisers' intentions, he will not be able to identify them, and the duration of the rave is likely to be hours or perhaps days, rather than a long term occupation. It would therefore be, at best, difficult, and often impossible to prevent a threatened rave, or remove raving trespassers, by action through the civil courts. Past governments were unwilling to criminalise trespass itself, but did bring in legislation aimed at dealing with mischiefs seen to be associated with particular kinds of trespass.

2 Powers in the *Criminal Justice and Public Order Act 1994*

It was in recognition of those difficulties that new powers were introduced in the 1990s to deal with the developing problems of squatting and unlicensed *open air* gatherings at which loud music was played in the night.

Sections 63-66 of *the Criminal Justice and Public Order Act 1994* created new police powers to stop or prevent raves, i.e. unlicensed gatherings at which loud music is played during the night. Originally, the provisions applied only to open air gatherings of 100 or more people. However, the *Anti-social Behaviour Act 2003* extended them to gatherings of 20 or more and to raves held in buildings as well. It also made it an offence to attend another trespassory rave within 24 hours of the police giving a direction to leave land, in order to deal with the problem of rave organisers just moving to another area.¹

Section 63(1) of the Act (as amended) defines the gatherings which are caught by the provisions as follows:

¹ Section 58 *Anti-social Behaviour Act 2003*

(1) This section applies to a gathering on land in the open air of 20 or more persons (whether or not trespassers) at which amplified music is played during the night (with or without intermissions) and is such as, by reason of its loudness and duration and the time at which it is played, is likely to cause serious distress to the inhabitants of the locality; and for this purpose

(a) such a gathering continues during intermissions in the music and, where the gathering extends over several days, throughout the period during which amplified music is played at night (with or without intermissions); and

(b) "music" includes sounds wholly or predominantly characterised by the emission of a succession of repetitive beats.

[(1A) This section also applies to a gathering if—

(a) it is a gathering on land of 20 or more persons who are trespassing on the land; and

(b) it would be a gathering of a kind mentioned in subsection (1) above if it took place on land in the open air.]

Section 63(2) gives a police officer of at least the rank of superintendent the power to direct people to leave land and remove vehicles if he reasonably believes that:

- two or more persons are making preparations for the holding there of a gathering to which this section applies,
- ten or more persons are waiting for such a gathering to begin there, or
- ten or more persons are attending such a gathering which is in progress.

The direction may be communicated to the people concerned by any constable at the scene and people are to be treated as having had a direction communicated to them if reasonable steps have been taken to bring it to their attention. The direction does not apply to "exempted persons", who are the occupier of the land, any member of his family and any employee or agent of his and any person whose home is situated on the land.

A person who knows that a direction has been given which applies to him and fails to leave the land as soon as reasonably practicable, or having left re-enters the land within a period of 24 hours of the direction being given, commits an offence punishable by up to 3 months' imprisonment (which would increase to 51 weeks when provisions in the *Criminal Justice Act 2003* come into force) and a £2,500 fine. He or she may be arrested by a constable in uniform without a warrant. It is a defence for a person to show that he had a reasonable excuse for failing to leave the land as soon as reasonably practicable or for re-entering the land.

Section 63 does not apply to gatherings licensed by an entertainment licence in England and Wales.

Section 64 of the 1994 Act gives the police powers to enter land in relation to which a direction may be given under section 63, in order to exercise powers under that section or to seize and remove any vehicle or sound equipment where a direction under section 63 has not been complied with. Police constables exercising powers under this section may enter land without a warrant. Section 67 of the 1994 Act enables the Home Secretary to make regulations providing for the retention and safe-keeping of vehicles or their disposal and destruction in prescribed circumstances. Section 67 also gives the police powers to retain sound equipment seized under section 64, which may be kept until the conclusion of proceedings against the person from whom it was seized. Section 66 gives the courts

powers to order the forfeiture of sound equipment seized under section 64(4) from a person convicted of an offence under section 63 of the 1994 Act.

Section 65 of the 1994 Act gives police constables powers to stop people proceeding to raves. It provides that if a constable in uniform reasonably believes that a person is on his way to a gathering in respect of which a direction given under section 63 is in force, he may stop that person and direct him not to proceed in the direction of the gathering. The power may only be exercised within 5 miles of the boundary of the site of the gathering. It does not apply to "exempted persons", i.e. the occupier of the land in respect of which the gathering has been given, any member of his family and any employee or agent of his and any person whose home is situated on the land.

3 The exercise of police powers in practice

In May 2008 there was some controversy over press reports that Kent police were refusing to break up illegal raves until daylight for health and safety reasons.² There have been other examples where, because of the location of the rave or other circumstances, the police have reportedly taken the decision that it would be unsafe to use their powers to disperse the crowd.³ However, there were also a considerable number of stories in local and regional papers throughout the summer of 2008 reporting successful police operations to stop raves.⁴

4 The *Licensing Act 2003*

Section 100 of the *Licensing Act 2003* provides for a Temporary Event Notice (TEN) to be issued for events involving "licensable activities" to be held in premises for up to 96 hours and for up to 499 people. The provision came into force on 24 November 2005. Licensable activities include selling alcohol, providing "regulated entertainment" (including live music) and providing late night refreshment.⁵ As well as notifying the local authority, the premises user has to give a copy of any notice to the chief constable of the local police force. If the chief constable is satisfied that the event would result in crime or disorder, he or she must, within 48 hours of receiving the TEN, give an objection notice stating reasons. The local authority must hold a hearing to consider this, and make a decision at least 24 hours before the beginning of the event. However, there is no provision to allow others to object – a situation which contrasts with applications for premises licences, for example, where "interested parties" (including people living nearby) can make representations to object to the licence being granted.

Of course, technically speaking, such events, being licensed, would not count as "raves" under the terms of the *Criminal Justice and Public Order Act 1994*. In addition, under common law, the event organisers would need to obtain the consent of the owner of the land to avoid being sued for trespass. In addition, health and safety legislation and environmental protection legislation would apply in the normal way.

In 2005 the Department for Culture, Media and Sport (DCMS) conducted a consultation exercise on draft regulations on temporary event notices under the Act. This set out why the Government felt that a "light touch" regime is appropriate:

² See for example ["Police can't break up 'too dark' raves"](#), *Daily Telegraph*, 9 May 2008 (site accessed 14 October 2008) and ["Why the party police are afraid of the dark"](#), *Daily Mail*, 9 May 2008

³ See for example ["200 revellers at illegal town rave"](#), *Leighton Buzzard Observer*, 30 June 2008, (site accessed 14 October 2008)

⁴ See for example ["Police crackdown on illegal raves"](#), *BBC News*, 8 March 2008 (relating to Norfolk police) and ["Extra police thwart illegal raves"](#), *Western Morning News*, 26 August 2008 (sites accessed 14 October 2008)

⁵ section 1

The most important aspect of the system of permitted temporary activities is that no authorisation as such is required for these events from the licensing authority. The system involves notification of an event to the licensing authority and the police, subject to fulfilling certain conditions.

2.2 In general, only the police may intervene on crime prevention grounds to prevent such an event taking place or to agree a modification of the arrangements for such an event; and it is characterised by an exceptionally light touch bureaucracy. The licensing authority may only ever intervene of its own volition if the limits set out in the Act on the number of temporary event notices that may be given in various circumstances would be exceeded. Otherwise, the licensing authority is only required to issue a timely acknowledgement.

2.3 Such a light touch is possible because of the limitations directly imposed on the use of the system by the Act itself. The limitations apply to:

- the number of times a person (the “premises user”) may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (96 hours);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (15 days); and
- the scale of the event in terms of the maximum number of people attending at any one time (less than 500).

2.4 In any other circumstances, a premises licence or club premises certificate would be required for the period of the event involved (...).⁶

However, an article in the *Daily Telegraph* in October 2005 described the provisions as “a licence for raves with no chance to object”:

Rave parties or festivals lasting up to four days and involving as many as 500 people able to drink round the clock will be allowed without the public having any right to object under the new Licensing Act, it emerged yesterday.

Council leaders called on ministers to rethink proposals that would allow temporary licences to be issued without taking into account the concerns of residents about noise or nuisance.

Only the police would be able to lodge formal objections - and then only on crime and disorder grounds.

At the same time, ministers are still resisting pressure from village halls and other small venues to remove restrictions on running occasional events without having to apply for full alcohol licences.⁷

The regulations were approved and came into force on 10 November 2005.⁸

Further information on Temporary Event Notices is available from Frequently Asked Questions on the DCMS website.⁹ These make it clear that only the police can object:

⁶ DCMS, [Consultation on draft regulations made under the licensing Act 2003 Permitted Temporary Activities and Temporary Event Notices](#), August 2005, site accessed 14 October 2008

⁷ “A licence for raves with no chance to object”, *Telegraph*, 5 October 2005, site accessed 14 October 2008

⁸ [The Licensing Act 2003 \(Permitted Temporary Activities\) \(Notices\) Regulations 2005](#), SI 2005/2918,

⁹ Available at: http://www.culture.gov.uk/what_we_do/beer_and_entertainment/4056.aspx#11, accessed 14 October 2008

Can I object to a TEN if I believe it could lead to public nuisance or crime?

No. Only the police can intervene to prevent an event covered by a TEN taking place or agree a modification of the arrangements for such an event and then only on crime prevention grounds. However only a limited number of TENs can be given in respect of any particular premises each year, and the powers given in the Act to the police to close premises in certain cases of disorder or noise nuisance extend to premises in respect of which a TEN has effect.

In November 2005, DCMS launched the “Scrutiny Council Initiative”, inviting a small, representative group of 10 licensing authorities to help monitor and evaluate the new licensing regime. A final report was published on 24 July 2006.¹⁰ Two of the suggestions on TENS could have a bearing on raves:

- 1) Some Scrutiny Councils thought that the 48 hour period during which the policy may make objections was not long enough, particularly if notices were served on unmanned police stations on a Friday.
- 2) The Scrutiny Councils raised the issue of whether all “responsible authorities” should be able to object as well as the police and whether these authorities should be able to make objections around other licensing objectives, such as public safety.

Under the 2003 Act, “responsible authorities” are (in addition to the police) any of the following:

- The fire authority for the area in which the premises are situated
- The health and safety authority for the area in which the premises are situated
- The local planning authority for the area in which the premises are situated
- The environmental health authority for the area in which the premises are situated
- The body recognised as being responsible for protection of children from harm for the area in which the premises are situated
- Inspectors of Weights and Measures (trading standards officers).¹¹

In its progress report on the Scrutiny Council Initiative, published in 2007, the Government gave its response to these suggestions:

All these issues were considered by DCMS as part of a review of the TENs regulations during 2006 and the Minister specifically asked SCs for their views on the issues relating to village halls and the TEN limitations. At the time, the Government did not consider that there were convincing arguments for making significant changes to the TENs process. However, DCMS will continue to monitor this area and will make any adjustments that prove necessary in the future. In addition, the commitment to look at possible improvements to the application process under the DCMS simplification plan includes the requirements for giving a temporary event notice process, such as the notice form and time limits.¹²

5 Recent debates

Christopher Fraser MP introduced the *Criminal Justice (Raves) Bill*¹³ under the Ten Minute Rule on 20 February 2008, aiming to strengthen police powers. Currently, as set out above, police can direct people to leave a rave, stop people on their way to one, and seize vehicles

¹⁰ <http://www.culture.gov.uk/images/publications/ScrutinyCouncilFinalreport0706.pdf>

¹¹ *Licensing Act 2003* s13

¹² <http://www.culture.gov.uk/images/publications/AppendixBScrutinyCouncilInitiativeProgressReport2007.pdf>

¹³ Bill 69, 2007-08

and sound equipment. The powers apply to gatherings of 20 or more where amplified music is played at night which “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.” The Bill would:

- apply the powers to music likely to cause distress by its loudness *or* duration *or* the time it was played (rather than all three)
- create new offences of organising a rave and transporting equipment for one
- widen police powers to seize sound equipment and court powers to forfeit it

The Bill has yet to have a second reading and is most unlikely to pass into law this session. Further information on the progress of this bill can be found on the Public Bill List on the Parliament website.¹⁴

Introducing the Bill, Mr Fraser explained why, in his view, the existing powers were insufficient:

The Government have talked tough on antisocial behaviour, and we have seen the introduction of numerous initiatives designed to tackle antisocial behaviour on our streets and in our towns, but what about our rural communities? Farmers in the country have to endure hundreds of trespassers entering their land in convoys of 50 or more vehicles, rubbish strewn over their fields and drug use on their land. There is huge damage to the environment and property. The clean-up and repair costs reach into the thousands. That cannot be a fair way to treat people who are trying to make an honest living. The countryside is not a theme park, and its residents have every right to protection under the law.

I want to make it clear that I and other Members have not been raising this issue in such a persistent way in order to be killjoys, or to deny others pleasure and fun just for the sake of it. I am sure that those who attend these unlicensed events enjoy themselves enormously, but that enjoyment comes at a very high cost to those living in the area. This is not a victimless crime.

There are excellent venues for licensed live music events—High Lodge in Thetford forest, for example—where people can enjoy concerts that are properly and safely organised. Unlicensed music events have nothing to do with the altruistic values of young people. They are hugely profitable to the organisers, who employ a get-rich-quick formula that tramples on the rural economy. Costs are minimised, no tax is paid and there is no regard for anyone, or for anything but profit. Even if no charge is made for people attending a rave, money changes hands for drugs and alcohol. Rural communities must deal with the terrible repercussions, week in, week out. Last week, it was the village of Weeting in my constituency that suffered. This is simply not fair.

The problem lies in the inadequacy of current police powers. The police in Norfolk are working extremely hard to tackle raves. They are gathering intelligence on organisers, and collaborating with neighbouring forces in order to pool resources. However, the police are looking to the Government to allow them to be more proactive. The Criminal Justice and Public Order Act 1994 gives the police powers to direct those preparing for a rave away from a site, and to remove any vehicles or property that they may have with them. These powers are not enough.

Despite the distress that an unlicensed music event might cause to local residents, or the damage that it might do in rural areas, the existing definition of a “gathering” stands

¹⁴ Bills before Parliament 2007-08, [Criminal Justice \(Raves\) Bill 2007-08](#), accessed 14 October 2008

in the way of appropriate policing in rural areas. The law seems to suggest that because loud, continuous music is disturbing only a relatively small number of people in a rural community, it is acceptable. If successful, my Bill would expand the definition of a rave to address that issue. It would create two new offences: of organising a rave, and of transporting sound equipment for use at a rave. People convicted of organising such events would face a tough penalty, providing a strong deterrent. In short, my Bill would make it much easier to prevent raves from happening in the first place.

The police have told me that they have the necessary intelligence on regular organisers, but that can be frustrating because it is not an offence to organise a rave. I shall illustrate that point. Last week, riot police were called out to disperse more than 1,000 revellers as they congregated in my constituency. More than 100 police officers, with dogs and a police helicopter, were used. The operation was, to Norfolk constabulary's credit, successful. However, I dread to think how much it cost. Norfolk police are already struggling with a tight financial settlement, without needing to spend an exorbitant percentage of police funds on stopping raves. Under the Bill, the police could have used the intelligence that they clearly have in order to arrest organisers and seize equipment before the event happened.¹⁵

Mr Fraser had previously secured an adjournment debate on the subject on 19 July 2007, and raised with the minister the question of creating a new offence, and the logistical difficulties for the police:

It often seems to the public that the police are not doing all they can to prevent a rave, but the site of the party is often revealed only a few hours or minutes beforehand, specifically so that the police have no time to act. That means that the law relating to the prohibition of "trespass assemblies", which requires an application to the district council for a prohibition order, cannot be applied. The police have the power to direct people away from a rave in a 5 mile radius of the site, but in the maze of country lanes that criss-cross Norfolk, that would demand huge numbers of police and is not workable.

In practice, the principal offence is:

"Failing to leave the site of a rave as soon as reasonable, once directed to do so."

Again, Norfolk constabulary simply does not have the resources to round up and arrest hundreds of young people who have no intention of leaving. Does the Minister agree that it would be helpful to make attendance at a rave an offence? What about an offence of organising, or being involved in organising, an event?

I am also concerned that the law focuses on single events. It does not pave the way to prosecuting persistent organisers or serial rave-goers. Power to confiscate equipment relates only to the failure to leave today's event, and is not retrospective. Norfolk constabulary told me:

"Because the legislation is aimed at stopping an event, interrogating and possibly arresting people leaving a site at the end of a rave is not within the spirit of the law."

Does the Minister agree that the ability to gather vital intelligence about regular rave-goers, the identity of the organisers or plans for future raves would be hugely helpful to the policing process? Would not it give the police a fighting chance of making progress?¹⁶

¹⁵ [HC Deb 20 February 2008 c365-6](#)

¹⁶ [HC Deb 19 July 2007 cc536-542](#)

The Home Office minister, Vernon Coaker, gave the following response:

The use of legislation in an operational context is entirely a matter for the strategic direction that a chief officer provides for his or her force. Whether it be in an urban or rural area, this is an extremely important issue, which this debate helps to reinforce. Tactics on how individual raves should be policed are at the discretion of the officers deployed at the scene of an event and involve difficult judgments on minimising disturbance to local communities and residents, preventing any escalation in public disorder and ensuring the safety of police officers and rave-goers.

Although the detail of operational decisions is not necessarily a matter for ministerial interference, Ministers are keen—and I am certainly keen—to see best practice in policing raves disseminated across the police service, including in Norfolk. In that regard, a workshop on policing raves was hosted in June by the recently established National Policing Improvement Agency, which was attended by 100-plus police officers from around the country, including officers from Norfolk. I understand that police tactics, the sharing of intelligence, partnership working, national guidance and current legislation—issues also raised by the hon. Gentleman this evening—were all discussed, and that the feedback from the workshop will be collated and used both to promote short-term steps that forces can take further to improve their response to raves, and to inform longer-term strategic work, including whether any changes to legislation are required.

That should be of help to the hon. Gentleman, because, clearly, such a workshop will consider issues such as the policing of raves in remote rural areas, and the sharing of good practice between police forces, especially when one force has found a particular way of operating to be effective. I take his point that there is a big difference between policing a rave in a remote part of Norfolk and policing a rave in a field on the edge of London, for example.

The sub-group on raves, which was set up by the Association of Chief Police Officers working group on public order, provides an appropriate forum to take work forward, and further underlines police commitment to work nationally to improve policing of illegal raves. ACPO has recognised that the problem is growing, and the sub-group is building on work done in an earlier forum. I shall ask my officials to read the record of the debate, and to send the relevant points made by the hon. Gentleman to that working group for consideration. That might benefit him and perhaps other Members across the country who have had such problems. He asked, if I remember rightly, whether it would be possible for attendance at a rave, or organising a rave, to be made a criminal offence. The group will be able to consider whether that is appropriate, whether other legislation covers that, or whether something could be done.¹⁷

¹⁷ [Ibid, c541-2](#). At the time of the debate Mr Coaker was Parliamentary Under Secretary of State for the Home Office.

I have taken time to listen to my solicitors advice in regards to the applicants proposal of an asbo order that was on the

13th August 2014	Was created by Steve Elesmore
13th August 2014	A meeting was held with Steve Hodgson who is a representative for Enfield Local Authority Council and Jane Johnson on behalf of the Metropolitan police along side others.
12th September 2014	A bundle is said too have been served on Mr Simon Cordell at 109 Burncroft Avenue, to which he disputes.

06/10/2014 Mr Simon Cordell was meant to have a hearing for an interim Order but legal aid had not been granted. Michael Carroll acting solicitor came to court, the judge overturned and granted legal aid. The application for the Interim hearing the judge would not hear.

22/10/2014 Interim hearing but could not go ahead due to Andy Locke Acting Barrister had a flood at his home address.

05/11/2014 Interim hearing and the order was granted.

02/12/2014 Mr Simon Cordell's mother has a note on her mobile phone, stating he was in court at Highbury Corner not sure what they was for.

09th 10th 11th 03/2015 Meant to have been set for trial but the court only booked 1 day hearing, this was then put off until the 03rd and 04th Aug 2015

03rd 4th 08/2015 Highbury Corner trial case part proven on the 04th 08/2015

26/10/2015 1st hearing at Wood Green Crown to see if case was ready for appeal on the

09/11/2015 Was 1st appeal date which was set for an 1 hour hearing

22nd 23rd and 24th 02/2016 Set for appeal at the crown court.
 It is said that Mr Cordell had been found guilty on the 3rd 4th August 2015, to which he disputes to be correct.
 An appeal date has been set for Feb 22nd 23rd 24th 2016
 Legal aid was re granted on the 00/00/2015

In understanding that Mr Simon Cordell's acting solicitor has explained to him that she can not arrange a barrister till April 2016, due to him being on leave, if granted by the Judge this would in fact set the new appeal date to be two months after the all ready agreed appeal date of Feb 22nd, if the court agrees to such a date, contained within the time scale of April 2016 and not any time after, due to the court diary all ready being pre booked.

Mr Simon Paul Cordell is asking for a Former judge to examine the role of police officers, who present the applicant cases of an ASBO order against him self.

Mr S. Cordell is asking for this to be assessed and agreed under the grounds of Article 6 of the European Convention on Human Rights, the Right to a Fair Trial Act 1998, Legislation.

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

Article 6 the Right to a fair hearing

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

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

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

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

An ASBO order has been appealed against after the magistrates court decided a decision of guilt, the decision had been made against Mr Simon Cordell, this was at Highbury Corner, Magistrates Court, on the 4th August 2015 in pursuant to s.1 of the Crime and Disorder Act 1998 it was agreed to make him subject to an Anti Social behaviour order. This was in pursuit for the Commissioner of Police of the Metropolis.

The respondent's case is that Mr Simon Cordell has been accused of being integrally involved in the organisation of illegal raves in Enfield.

Part of the Barrister submissions that represented Simon Cordell, had been that the allegations were that he was involved in the organizing of illegal raves, but the applicant hadn't adduced evidence, of trespass or evidence of breach of the licensing Act 2003 which is a requirement for proving, that an indoor rave was illegal. The Deputy District Judge ruled that the applicant did not need to prove illegality, - all the needed to prove was he had acted in an anti social manner. In the view of the barrister this was 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,

Simon being prohibited from engaging in an ostensibly lawful activity requires more careful consideration on issues of proportionality.

It should be agreed with the barrister statement as when dealing with this case Mr Simon Cordell was addressing the applicant's case to prove that he had not been involved in organizing illegal raves, as this is what the application against him was.

Other points of concern are;

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

CAD numbers 10471 / 10481 / 10506 of the 7th June 2014 = Please take note every day the 999 call centre starts at CAD 01 and goes up to the average of 10,742 to 15,000 callers per day. (We can tell this by the number of cads incident numbers supplied, within the applicants bundle supporting the evidence supplied, for a stand alone ASBO order to be gained against Mr Simon Cordell.

On the average the 999 call centre will receive on the average of 300 callers per hour as marked and time stamped below.

Every half hour is 150 callers

And every 15 mins is 75 callers

Every 7 half mins is 33 callers

And 3 half mins 17 callers

Please take note to **(CAD number / Incident Number 10481 7th June 14)** this is the 10,481 emergency Met police call of the 7th June 2014 time stamped 22:47

So it is incorrect for **(CAD 10506 7th June 14)** externally inputted 25 calls later, to have an earlier time stamp of the 7th June 2014 at 22:44 hours.

In fact the time should have been 22:49 hours.

Please take note to **(CAD number / Incident Number 4323 7th June 2014 at 12:25)**
(CAD numbers 7th June 2014 at 08:16)

Date	Incident no	number	Time
7th June 2014	1012	01	01:53
7th June 2014	1047	02	01:59
7th June 2014	1323	03	02:41
7th June 2014	1608	04	03:34
7th June 2014	1722	05	03:58
7th June 2014	1816	06	04:15
7th June 2014	2141	07	05:50
7th June 2014	2255	08	06:24
7th June 2014	2271	09	06:27
7th June 2014	2601	10	08:09
7th June 2014	2637:p187 to 190:	11 (Error)	08:18
7th June 2014	2672:p196 to 198:	12 (Error)	08:16

7th June 2014	2854	13	08:56
7th June 2014	3005:p203 to 205:	14 (Error)	09:22
7th June 2014	3037:p179 to 183:	15 (Error)	09:20
7th June 2014	3252	16	10:07
7th June 2014	3986	17	11:47
7th June 2014	4323	18	12:25
7th June 2014	4325	19	Missing
7th June 2014	5206	20	13:57
7th June 2014	8841	21	20:07
7th June 2014	10393	22	22:38
7th June 2014	10462	23	Missing
7th June 2014	10471	24	22:45
7th June 2014	10481:p233 to 237:	25 (Error)	22:47
7th June 2014	10506:p238 to 241:	26 (Error)	22:44
7th June 2014	10742	27	23:01
7th June 2014	10844	28	Missing
7th June 2014	10967	29	23:25

Time Scales between calls below;

- 35 people cads 1012 to 1047 time 6 mins **(In Progress Way grid ref 534380,195513)**
- 276 people cads 1047 to 1323 time 42 mins **(In Progress Way grid ref 534380,195513 main cad police Insp Hillmill sent to location progress way)**
- 285 people cads 1323 to 1608 time 53 mins **(Lincoln Way grid 534657,195453)**
- 114 people cads 1608 to 1722 time 24 mins **(In Progress Way grid ref 534380,195513)**
- 94 people cads 1722 to 1816 time 17 mins **(Orchard Terrance Progress Way grid ref 534380,195513)**
- 325 people cads 1816 to 2141 time 1:35 mins **(In Progress Way grid ref 534380,195513)**
- 114 people cads 2141 to 2255 time 34 mins **(Hardy Way Grid Ref 531438, 197711 miles away Gorden Hill)**
- 16 people cads 2255 to 2271 time 3 mins **(Leighton Road Grid Ref 534144,195627 Bush Hill Park)**
- 330 people cads 2271 to 2601 time 42 mins **(In Progress Way grid ref 534380,195513)**
- 36 people cads 2601 to 2637 time 1 hour 9 mins **(Ayley Croft Grid Ref 534219,195697)**
- 35 people cads 2637 to 2672 time 58 mins **(1st Time Laps 08:18) (In Progress Way grid ref 534380,195513)**
- 182 people cads 2672 to 2854 time 1 hour 10 mins **(1st Time Laps 08:16) (In Progress Way grid ref 534380,195513)**
- 151 people cads 2854 to 3005 time 26 mins **(In Progress Way grid ref 534380,195513)**
- 32 people cads 3005 to 3037 time 58 mins **(2nd Time Laps 09:22) (In Progress Way grid ref 534380,195513)**

- 215 people cads 3037 to 3252 time 47 mins (**2nd Time Laps 09:20**) (**Tynemouth Drive miles away Grid Ref 534375,198125**)
- 734 people cads 3252 to 3986 time 1 hour 39 mins (**In Progress Way grid ref 534380,195513**)
- 337 people cads 3986 to 4323 time 38 mins (**In Progress Way grid ref 534380,195513**)
- missing people cads 4323 to 4325 time missing (**In Progress Way grid ref 534380,195513**)

So:-

- 883 people cads 4323 to 5206 time 1 hour 32 mins (**In Progress Way grid ref 534380,195513**)
- 3,635 people cads 5206 to 8841 time 6 hour 13 mins (no grid or att location)
- 1,552 people cads 8841 to 10393 time 2 hours 31 mins (**In Progress Way grid ref 534380,195513**)
- missing people cad 10393 to 10462 time missing

So:-

- 78 people cads 10393 to 10471 time 7 mins (**Great Cambridge road miles away Grid Ref 534396, 197692 Carter hatch Lane but states behind tops tiles**)
- 10 people cads 10471 to 10481 time 2 mins (**In Progress Way grid ref 534380,195513**)
- 25 People Cads 10481 to 10506 time mins (**3rd Time Laps 22:47 to 22:44**) (**Wood stock Cres grid Ref 534657,195453**)
- 236 People Cads 10506 to 10742 time 17 mins (**In Progress Way grid ref 534380,195513**)
- Missing People Cads 10742 to 10844 time missing

So:-

- 225 People Cads 10742 to 10967 time 26 mins (**Lincoln Way grid 534657,195453**)
- Cad 10967 (**In Albury Walk Miles Away grid ref 535375. 202125 Cheshunt**)

The time stamps go back for the 3rd time, so to even be able to work the true format is impossible.

There are 37 CAD/ Incident numbers for the 8th June 2014, to which there is only 7 in the ASBO application and only Cad Number 47 represents Progress Way, the rest represent 32 Crown RD another premises being occupied under section 144 lazppo 10 minutes away from progress way.

By the statistics, the call centre receives on the 8th June 2014, 300 people call per hour. Cads 2410 and 3151 should equal 741 callers the same as Cads 793 to Cad 2410 Cad 3151 Caller is 3 HOURS: 25 Minutes, Please can this be explained.

Date	Incident no	number	Time	
8 th June14	47	01	00:00	Progress Way
8 th June14	340	02	00:29	Crown Road
8 th June14	625	03	00:54	Crown Road
8 th June14	793	04	01:10	Crown Road

8 th June14	2410	05	05:35	Crown Road
8 th June14	3151	06	09:08	Crown Road
8 th June14	3319	07	09:39	Crown Road

- 293 people cads 47 to 340 time 29 mins **(In Progress Way grid ref 534380,195513)**
- 285 people cads 340 to 625 time 24 mins **(In Crown Road grid ref 534960,196240)**
- 168 people cads 625 to 793 time 16 mins **(In Crown Road grid ref 534960,196240)**
- 1617 people cads 793 to 2410 time 4 hours 25 mins **(In Crown Road grid ref 534960,196240)**
- 741 people cads 2410 to 3151 time 3 hours 33 mins **(In Crown Road grid ref 534960,196240) (450 people missing)**
- 168 people cads 3151 to 3319 time 31 mins **(In Crown Road grid ref 534960,196240)**

Supported Evidence, supporting the fact that the CAD's supporting the applicant ASBO should not be time stamped wrong, this evidence does include;

- Standard Operational Guidelines - East of England.
<http://www.eastamb.nhs.uk/FOI%20Docs/Disclosure%20Log/Emergency%20Ops/July%202013/F15152h%20-%20attachment.pdf>
- National Standards for Incident Recording (NSIR) Collection and recording of police;
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/116658/count-nsir11.pdf
- Understanding Control Command; http://www.dodccrp.org/files/Alberts_UC2.pdf
- police Central Communications Command incident procedure;
https://books.google.co.uk/books?id=lkd4sarsfdMC&pg=PA28&lpg=PA28&dq=police+Central+Communications+Command+incident+procedure&source=bl&ots=663ZhaKX9_&sig=Z7DgHlgJncwLNUam0g8EBcCja-8&hl=en&sa=X&ved=0ahUKEwif39iYsMbKAhWI8A4KHdnMAoQQ6AEIMzAE#v=onepage&q=police%20Central%20Communications%20Command%20incident%20procedure&f=false

Point 2

Blocked out Inc locations and other relevant information that should be contained within the cads that have been presented in the applicants bundle. Only in serious circumstances in cases such as were it is absolutely nessery to aid in the prevention of witness or victim intimidation should a officer be trusted to block out such information.

Under oath pc Steve Elsmore state to the district Jude that “Intel would be by open source, checked by an officer but was not done by me.” When in fact it is his login that created and printed the applicants bundle this can be proved by his signature and also by the computer id log that must be used to print the data contained within the Police National Computer and now has been submitted and is contained with the applicants bundle and is verified at the top of most of the pages or within.

Pc Elsmore states under oath that he did not carry out any further investigations in regards to speaking to the owners of any premises to fix that of a notice of trespass or conviction of twok as the main investigating officer. He states “I have not personal spoken to the owners of the venue”

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

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

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

CADS CONTAINED WITHIN THE BUNDIL THAT ARE PRINTED IN Pc Steve Elsmore name and as the leading investigator he would have known the truth to the locations blocked out that are in fact crown road another house party a five minute drive from progress way and if not for the grid numbers being not blocked out inclusive of other landmarks such as A&J cars based in Enfield I would not have been able to prove my innocents in the on going application leading to an un fair trial.

- Cad Page 276 == A& J cars Enfield ===Crown rd ==I would not have been able to prove my innocence in this case if it was not for A & J CARS being left in text, and no this is the same fro many of the other Cads contained within the ASBO application.

Cad 340 8th June 2014 blocked out page 260

Cad 793 8th June 2014 blocked out page 268

Cad 2410 8th June 2014 blocked out A&J cars Crown Road page 276

Cad 3151 8th June 2014 Southbury Road Crown Road page 278

Cad 3319 8th June 2014 Southbury Road / Crown Road page 283

Cad 11822 19th Jul 2014 Southbury Road / Crown Road page 302

In Insp Hamill statements of facts. that are incorrect he lead the district Jude into believing the manufactured and engineered evidence that he had fabricated to aid him to leading the District Jude to making a guilty verdict.

-

Please see a copy of the court transcripts as listed below.

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

Statement contained in tab 9-lead

DEF XEX

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

The rave was taking place indoors.

I have not personal spoken to the owners of the venue.

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

I did not go inside, the gates were closed.

I did not see any vehicles.

D’S Van reg is known to the police but I would not personally know.

There were vehicles parked but I did not notice whether defendants van was there.
He was not aware of people squatting in that building at that time.
(Hearsay of officers continues D @ venue but (unreadable text) Officer (unreadable text) Not present here today.)

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

Phone calls received were not relating to Crown Rd Rave on that day.
On the day in question phone calls related to this particular rave. **(Progress Way)**

Witness – Pc Elsmore – R.O – 14;10 EIC

Tab 6 – pg ?14?

DEF XEX

Council **(unreadable text)** curfews **(unreadable text)** that PNC info on statement adds no **(unreadable text)** plobatory **(unreadable text)** value of info re: Witness being “afraid of D” What he puts down to the way he worded, but he meant that people actually are afraid of possibly giving evidence in court.

R V CORDELL

4

DEF

Counsel argues that officers statement is designed to cause on evidence reaction of this of no value and speculatory in nature.

DJ

How many calls from public did police receive?

Witness

In excess of 15 calls – how many to the same venue and not other address.
Doe’s not know the number of callers that are in relation to each of these occasions.
On page 15 – Allegations re: Millmarsh Lane, evidence from officer not first hand – relied on cads and other Intel.

Query Re: “3 massive nitrous tanks”

DJ

Were did you get such info officer.

Witness

From Page 65 – sergeant King – Crimits Re reports, other Intel but not from people at the venue.

COUNSEL

Officer you signed a statement of truth (unreadable text) to other witness statements.

DJ

We all know that on ASBO apps hearsay is allowed.

R V CORDELL

5

Counsel

Why did officer no and rely on Pc Kings Statements later than on the Crimits reported.
Officer no and involved in taking info from Pc King.
(Confesses he did it.)

He did not notice the discrepancy regarding official statements.

Have heard of Every Decibel Matters – They were advertising and I believe the D knows a member of the above company.

No evidence D is involved in running there operations.

No attempt has been made to speak to directors of company.

No reason to why you didn't /contact the company.

I think from memory have met D once @ Edmonton police station.

(At Page 16 1st paragraph – not consistent to fact that he met him on the 7/6/2014)

All notes with cad number were listed from reports not officers own words – same applies from Cads that had no input.

Has not made attempts too contact owners of premises.

Officers unable to assist courts in relation to why statements were not signed on note books profiles.

Another example of doings put in statements to blacken Mr Cordell's evidence in statement @ point 12, No convictions that of class A drugs unlike what's written in Statements – another example of untrue cut and past.

DJ

Ill ignore because no convections of class A drugs or supplying is present on the criminal record.

Counsel

You can not assist with witness reliability of info contained, can you?

Can Intel be wrongfully inaccurate? No

Officer

On that particular re post, it appears to be right.

I did not speak to Parcell he is force @ seven boroughs.

I believe he was not included in the email, because Intel (**unreadable text**) Email sent to LDE only.

Searched (**unreadable text**) for info on Cordell's convections.

Moving on to statement on Page 30

Does PO investigating unit have more info than it is letting on?

Officer

No

Are you aware that Miss Cordell has spoken to other officers Re: Rave?

This suggests that you do not want DS Tanner to be examined on these proceedings because she has information Re knowledge of raves and them not being connected to W/D.

Spoke to Pc Tanner but not written what – spoke to (**unreadable text**) this year

You have no recorded that you emailed her but then spoken to her.

Emails have been deleted and no copies keep on record.