

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 to prove the application case in part but with no legality being proven, 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 London and 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. Yet in the application papers themselves and on trial at the lower court no police officer had said Mr Simon acted in an anti social manner, nor did any of the hearsay witnesses give an ID of any person's.

Other points of concern are;

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