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Sent time: 03/04/2016 01:10:33 AM
To: too smooth <re_wired@ymail.com>
Subject: R v.Simon Cordell - for mention at Wood Green Crown Court on 4th April 2016
Attachments: RESPONSE TO HHJ PAWLAK.docx

Simon

Please see attached the document that I have drafted for Monday's hearing.

Can you indicate any amendments you want included.

The points that you take issue with will be put to the officers giving live evidence.

I will confirm the time of the hearing by separate email.

Regards

Josephine

RESPONSE TO HHJ PAWLAK'S LETTER DATED 22NDFEBRUARY 2016

(1) WHAT INVOLVEMENT IN EACH EVENT (RAVE) RELIED ON BY THE RESPONDENT, THE APPELLANT ADMITS TO HAVING HAD.

(A) 25.05.2014 – 5 ST GEORGES INDUSTRIAL ESTATE, WHITE HART LANE

The Appellant relies on his previous statement served.

The Appellant will state that he was delivering food to some homeless people.

The Appellant will state that there was no rave, no sound equipment, lights, generators etc in his van.

The Appellant will state that there was no rave in progress and no intention for any event to take place.

The Appellant will state that there was a section 144 LAPSO notice clearly displayed by the occupants who were treating the premises as their home.

The Appellant will state that he had empty speaker cases in his van. The van was used to store the speakers. The Appellant will state that he specifically requested that the officers who attended note down the fact that he had only speakers inside his van and no other component parts for a sound system.

The Appellant will state that he did not commit any criminal offences on 25th May 2014. The Appellant will state that the premises were not broken into as alleged but were being legally squatted. The Appellant will state that the occupation was legal by virtue of section 144 LAPSO notice being clearly displayed and this was within the law.

The Appellant will state that no Licensing authorisation was required as there was no music being played or intended to be played.

The Appellant will state that he did not engage in any acts of Anti-social behaviour as defined by section 1 of the Act.

The Appellant requests disclosure of the CCTV of the persons breaking in to the premises, the CRIS and details of any persons arrested for criminal damage / burglary.

The Appellant will state that he did not break any laws on 25th May 2014 nor did he engage in any acts of anti-social behaviour.

The Appellant will state that the description of events on this day has been altered and recorded in a biased way towards him.

The Appellant requests full details of the original intelligence report inputted on 25th May 2014 and also reasons why there was a need to update this report on 19th June 2014. The Intelligence report should not be allowed in evidence under the hearsay rules as it is prejudicial to him. The report has been amended.

(A) PROGRESS WAY 6TH, 7TH AND 8TH JUNE 2014

The Appellant disputes any involvement whatsoever in the event at Progress Way.

The Appellant accepts that he approached the gates with a view to dropping off house keys to a friend. The Appellant did not enter the premises / venue at Progress Way.

The Appellant did not provide any sound equipment, speakers, generators to any person inside Progress Way.

The Appellant will state that he is being wrongly accused of organising this rave/ event. The Appellant will state his brother is also wrongly named as being involved. The Appellant will state that his brother was severely disabled at the time and in a wheelchair following a very serious road traffic accident.

The Appellant questions the accuracy and truthfulness of the statements, CADS etc served in support of the above. The Appellant questions why some of the CAD reports have been redacted. The Appellant believes that the CAD's may well confirm the names of the real organisers, vehicle registrations etc that will confirm no vehicle belonging to the Appellant being inside the venue. The Appellant also questions the chronological sequence of the CAD messages.

The Appellant believes that some of the complainants are police officers and no civilians. The Appellant believes that some of the CADs may relate to completely different areas but are being added in to and wrongly linked to Progress Way.

In the interests of a fair hearing the Appellant requests all CAD's cross linked and referred to should be served in unedited. Any CAD's that refer to a different location should be removed from the Respondent's bundle as they are too prejudicial.

The Appellant will state that this is yet another example of the police manipulating the evidence to paint him in a bad light. The Appellant strongly believes that the police are presenting their evidence to persuade the court that he was an organiser of this event.

The statements presented are unreliable and prejudicial. The Appellant will state that he cannot possibly have a fair hearing and as a result his Human Right to having a fair hearing will be violated due to the way the Respondent is selecting and presenting CAD's. The Appellant specifically requests that the redacted CADs be served unedited or excluded from the Respondent's bundle as he cannot challenge the content.

The Appellant will state that he is being deliberately targeted by the police as is his younger brother. Neither organised or attended and participated in Progress Way.

The Appellant specifically asks the Respondent to confirm why the event was not closed down, if it was in fact a rave. The Appellant asks why were the sound systems not seized under section 63 of the CJPOA.

The Appellant seeks clarification as whether a section 144 LAPSO notice was on display. If it was then this event could not be classed as an illegal rave.

The Appellant also questions why the Respondent has not supplied any CADs from 6th June 2014, the date when this event started.

For the purposes of clarity the Appellant denies being an organiser. He denies providing any sound system equipment to the organisers of this event. He denies entering the venue but accepts that he approached to deliver keys. The Appellant did not commit any criminal offences. The Appellant did not engage in any anti-social behaviour.

(c) FALCON PARK 20TH JUNE 2014

The Appellant was not present at this event.

The Appellant accepts that he hired out his sound equipment in good faith for what he believed to be a house party.

The Appellant will state that he was at home when he was contacted by the hirer to come to collect his equipment which was then seized by police. The Appellant will state that his equipment was restored to him by the police.

The Appellant will state that he did not commit any criminal offences nor did he engage in any acts of anti-social behaviour.

The Appellant will state that he was not an organiser and merely hired out his equipment in good faith.

(d) CARPET RIGHT 19TH JULY 2014

The Appellant denies organising or supplying equipment for the above event.

The Appellant never entered the premises Carpet Right. The Appellant will state that the true organisers were inside the premises and the police ought to be in possession of their details. This has never been disclosed to the Appellant.

The Appellant will state that none of his vehicles were inside the premises.

The Appellant notes from the Respondent's bundle there was no rave /event, no sound recording equipment inside the premises and therefore no rave was taking place.

(e) ALMA ROAD – 24TH JULY 2014

The Appellant disputes the conversation with PC Edgoose regarding raves.

The Appellant will state that he did discuss with PC Edgoose his entertainment company and his dream of hosting a local festival at Picketts Lock for the benefit of the community. He will also say that he discussed other charitable events that he had participated in and events in the pipeline.

The Appellant will state that this date should be struck from the Respondent's bundle as there was no rave. The Appellant did not supply any sound recording equipment.

The admission of this disputed conversation is extremely prejudicial to the Appellant. The Appellant finds it bizarre that he was not arrested for any criminal offences bearing in mind the manner of driving described. The Appellant will state that he did not engage in any anti-social behaviour on this date. The Appellant will also state that he was in his private motor vehicle.

(f) MILLMARSH LANE- 9th AUGUST 2014

The Appellant will state that he was invited to a private birthday party by one of the persons occupying the premises at Millmarsh Lane.

The Appellant will state that there was a section 144 LAPSO notice displayed and the building was being treated as a home. The Appellant will state that he was an invited guest and not a trespasser.

The Appellant will state that there was no rave as the location was not open air and by virtue of him being invited by one of the occupiers who had established a section 144 LAPSO notice he was not a trespasser so the legal definition of a rave could not be made out.

The Appellant was a guest at the location and not an organiser. He attended the location in his private motor vehicle. He did not provide any audio or sound equipment.

The second event at Millmarsh Lane the Appellant disputes that he was an organiser. He disputes that he was operating the gate.

The Appellant will state that this was not an illegal rave but a private party that he attended as a guest and not as an organiser.

The Appellant will state that there were no residential areas close by.

- (2) WHETHER THE APPLICANT CONTENDS THAT THE INVOLVEMENT HE ADMITS, WAS IN FACT WITHIN THE LAW, IF SO WHY

Please see above.

- (3) WHETHER THE APPELLANT AGREES THAT ANY OF THE RAVES DID OR COULD HAVE CAUSED DISTRESS TO LOCAL RESIDENTS BY WAY OF NOISE OR MOVEMENT OF PERSONS PARTICIPATING IN RAVES

The Appellant can only comment on his own behaviour and he refers the court to the fact that he himself has not acted in an anti-social manner. He has not been arrested for any criminal offences.

The Appellant accepts that such events could cause noise nuisance but he is adamant that he did not organise or supply equipment for any of the events cited in the Respondent's application.

- (4) WHETHER THE APPELLANT AGREES THAT A PREMISES LICENCE WAS REQUIRED FOR EACH RAVE

The Appellant will state that he believes that no licence was required for Millmarsh Lane as the premises were being occupied and treated as a home due to a section 144 LAPSO notice being displayed. The building was being used as a home and not as a commercial building. The Appellant will also state that as the building was being occupied as a home then no licence was required for a private house party and also no money was charged for persons entering.

- (5) WHETHER THE APPELLANT CONCEDES THAT FOR ANY OF THE RAVES IN WHICH HE WAS INVOLVED, WHETHER BY HELPING TO ARRANGE OR BY PROVIDING SOUND EQUIPMENT HE BELIEVED THE EVENT TO BE A LICENSED EVENT AND THEREFORE WAS AN INNOCENT SUPPLIER OF EQUIPMENT, AND IF SO FOR WHICH RAVE OR RAVES IN PARTICULAR.

The Appellant will state that he supplied equipment on one occasion only, in good faith to what he believed to be a private party. He did not attend the premises beforehand and therefore did not know the equipment would be used at a different place. The Appellant will state that his equipment was restored to him by police after they concluded he had no part in the event and had innocently hired out his equipment. The event the Appellant is referring to is Falcon Road.

The Appellant on no occasions cited in the Respondent's bundle hired out any sound equipment, audio equipment or organised any rave in the London Borough of Enfield on the dates cited in the original application.

PROPORTIONALITY:

The Appellant will state that the current ASBO was imposed by the District Judge after the police had failed to establish that the Appellant had engaged in any acts of anti-social behaviour.

The Appellant will also argue that the Respondent could not establish that the Appellant engaged in any illegal acts. The Appellant will state that the Respondent could not establish that any of the events cited came within the definition of an illegal rave as defined under section 63 of the CJPOA 1994.

The Appellant will state that the ASBO has significantly impacted his ability to run his Entertainment Company and also his future plans to hold an open air festival. The ASBO would significantly prevent his ability to apply for licences to run out-door festival events. No other entertainments company is subject to the same due diligence when hiring out equipment.

The Appellant will argue that the terms of the ASBO are too restrictive and the geographical restriction too broad.

The Court did not take into consideration the fact that the Appellant was made subject an interim ASBO and the duration was not reduced accordingly.

The Appellant will argue that the court was wrong in principle in granting the original ASBO application as the Respondent made the original application based on the Applicant being involved in illegal raves. The Respondent did not establish this at the initial hearing and the District Judge erred in granting this ASBO.

The Appellant will state that he has attempted to engage in legitimate business activities and he has been spurned at all attempts by the Police.

The Appellant has designed a business plan, created a website, researched and developed a proposal for an open air licensed festival.