

3rd August 2015: ASBO Hearing Day 1

Coram: DJ Pigot

Contra: Robert Talalay

**IN THE Highbury Corner Magistrates  
Court**

**POLICE**

- v -

**SIMON CORDELL**

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**BACKSHEET**

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1. I met with D and his mother. He confirmed he wanted to contest the matter. I took such further instructions as were necessary. I was informed by D's mother that she had a folder of evidence suggesting others were the organisers of the Progress Way rave, and a further folder of evidence purportedly containing FOI responses. Clearly this evidence was extremely late and I had no time in which to properly assess it. Nevertheless, I was instructed to apply to adduce it.
2. Called on. I made the application. Predictably this was opposed and equally as predictably it did not succeed.
3. The applicant called A/insp Howell, A/PS Ames, Insp Skinner, PC Edgoose, APC King and DC Elsmore (OIC). As my IS is aware, D disputed the evidence of all the eyewitness and denied the truth of much of the material parts of their statements. XX of the OIC was able to demonstrate flaws in the investigation and inaccuracies and errors in the information held on police files about D. The applicant closed their case at around 3pm.
4. Lorraine Cordell gave evidence for D.

**Andrew Locke**

**n e x u s  
C H A M B E R S**

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4th August 2015: Hearing Day 2

5. Conference. D's mother presented me with evidence of a further rave which occurred after D was on the interim ASBO. This didn't take things any further forward in my view as the OIC had already stated in xx that there had been 3 illegal raves in Enfield since the interim ASBO.
6. Called on. On instructions I made an application to adduce an unredacted CAD concerning calls about Crown Road on the same night as the Progress Way rave. This was of little import in the end, because it became clear on a full reading of the CAD that it probably related to calls about crowds of people arriving for the rave at the nearby train station and did not (as D and his mother contended) relate to calls about a separate rave.
7. D gave evidence.
8. Despite the DJ giving us until 130pm for Jamie Duffy and Moses Howe to arrive at court to give evidence for D, neither turned up and so I closed my case at around 140pm.
9. Submissions on the factual allegations and whether the test of necessity had been met were made by myself and counsel for the applicant.
10. After retiring for an hour the DJ ruled all the allegations in the application had been proved. She ruled that an order was necessary.

11. Part of my submissions had been that the allegations were that D was involved in organising illegal raves but the applicant hadn't adduced evidence of trespass which is a requirement for proving that an indoor rave (which all but one were) was illegal. The DJ ruled that the applicant did not need to prove illegality - all the needed to prove was D had acted in an anti social manner. In my view this is a very questionable decision: firstly, the applicant based their case on the illegality of the raves rather than the fact of the raves themselves and secondly, without proof of illegality the presumption of innocence leads to the conclusion that the raves were legal, and thus D being prohibited from engaging in an ostensibly lawful activity requires more careful consideration on issues of proportionality. D could JR/case state this decision but I think there is little merit in doing so because he would then lose his right to appeal to the Crown Court and even if he succeeded in the High/Div Court, they would merely remit it back to the lower court who would then probably go through the motions of considering proportionality before coming to the same conclusion.
12. There were submissions on the terms themselves and these were approved, Asher the terms of the interim ASBO dated 5t Nov 2014 save for the addition of "or the local authority" in #4. The term of the ASBO is 5 years.
13. D had become disruptive and left court so he wasn't present to hear the terms or have the order served on him. However, his mother was present and she remained in court to have the ASBO served on her on his behalf.
14. I had at various times advised D of his right to appeal to the Crown Court and the timescales and deadlines. My understanding is he will wish to appeal. Please could my IS take his instructions and take the necessary steps if so instructed.

If I can assist my instructing solicitor further, please do not hesitate to contact me on 07949 485605

Andrew Locke

Times

Prep: Day 1: 5 hrs. Day 2: 3 hrs. **TOTAL: 8 hrs**

Wait: **None**

Cons: Day 1: 55 mins Day 2: 40 mins. **TOTAL: 95 mins**

Adv: Day 1: 5hrs 30 mins. Day 2: 5hrs 20 mins. **TOTAL: 10 hrs 50 mins**

Travel: 1hr x 2: **TOTAL: 2hrs**

Exps: £7 x 2: **£14**