

Mr Simon Cordell
109 Burncroft Avenue
Enfield
Middlesex
EN3 7JQ

30 January 2015

Dear Mr Cordell

RE: Letter of Indemnity - Policy Number MT3574694

We would confirm that the policy above was inception at 00.01 AM on the 23/2/13 and was in force until Midnight on the 22/2/14 when it lapsed.

The policy is a Road Risks Motor Trade only, cover was Comprehensive with the use permitted of Social Domestic and Pleasure and for Motor Trade purposes only. Drivers under this policy were restricted to Mr Simon Cordell only.

The vehicles covered at inception of the policy were –

- Ford Zetec registration MA47LDY
- Ford Transit registration CX52JRZ

On the 8/4/13 at 11.05am the following vehicle was added to the policy –

- Renault Clio registration NA57LDY.

We understand that Mr Cordell was subjected to a number of Police stops during the policy period whilst driving these vehicles. The stops were due to these vehicles not showing as insured on the Motor Insurers Database (MID). We would confirm that it's a requirement for Motor Insurers to upload details of all insured policies & vehicles to the MID, the targets set are 95% of policies to be on the MID within 14 days for Motor Trade policies and 95% of vehicles to be on the MID within 21 days for Motor Trade. Accordingly we can note that whilst this database is very effective, it's not real time and not 100% accurate.

We have carried out an investigation to understand why Mr Cordell's vehicles were not on the MID leading to these Police stops. It has been established that there is a "bug" in our system when copying and pasting a registration with a space in it into the policy record, that results in an unsuccessful upload to the MID. It does not happen when we receive



data electronically or when manually inputting data and was something we were unaware of until this case. We have of course changed our processes to prevent this occurring again.

The unfortunate outcome for Mr Cordell of course was that it appeared to the Police that he was driving uninsured and was subjected to unnecessary Police stops. This was not Mr Cordell's fault in any way as he had a valid Insurance policy in force and was fully insured to drive these vehicles for the purposes permitted under this policy during the policy period.

We trust this letter meets the requirements of the Police and the Courts. Should you require any further assistance please do not hesitate to contact us.

Yours sincerely,

Mr Peter Wood
UK Specialty Operations Manager

KGM Motor Insurance
KGM House
14 Eastwood Close
South Woodford
London E18 1RZ
UK

T +44 (0)20 8530 7351
F +44 (0)20 8530 8547
T +44 (0)844 412 6412 Claims
F +44 (0)20 8530 7037 Claims
www.kgminsurance.co.uk
www.canopus.com

Registered in England and Wales No 01514453
Registered Office: Gallery 9 One Lime Street London EC3M 7HA
KGM Motor Insurance is a brand name for business written by
Syndicate 260 which is managed by Canopus Managing Agents Limited
Authorised by the Prudential Regulation Authority and regulated by the
Financial Conduct Authority and the Prudential Regulation Authority

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Witness Statement

Statement of: Peter Wood

Occupation: Operations Manager, Motor Underwriting Department

This page consists of two pages and signed by me. It is true to the best of my knowledge and belief and I make it knowing that, if it is tendered evidence, I shall be liable to prosecution if I have wilfully stated anything in it that I know to be false, or do not believe to be true.

Signature: 

Date: 11/2/15

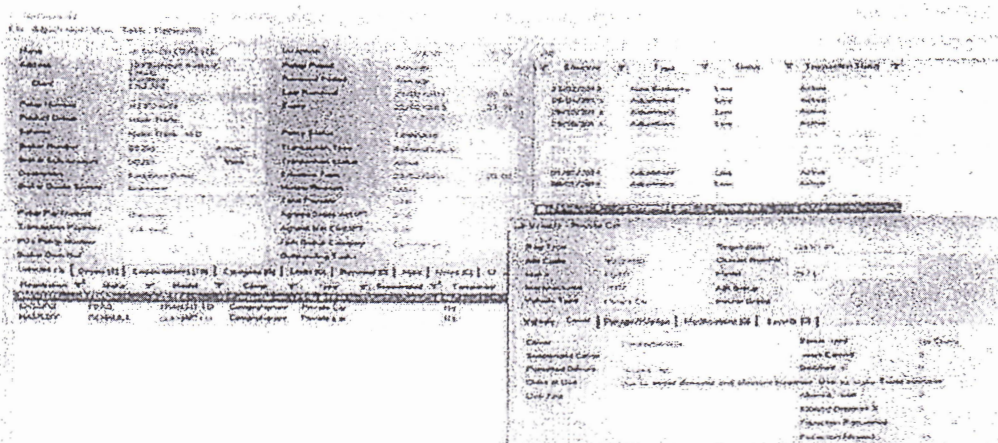
I work for KGM Motor Insurance, an Insurance Company based in London. I am an Operations Manager working for UK Specialty, Canopus. KGM is a member of the Canopus Group in the UK Specialty Division. I am responsible for managing the timely and accurate processing of all client records supplied to us via our Broker network.

Josephine Ward of Michael Carroll & Co (with Simon & Lorraine Cordell's permission) contacted me on the 8/2/2015 requesting a statement in respect of relevant recorded calls supplied plus a Letter of Indemnity pertaining to Mr Simone Cordell's policy number MT3574694. I understand the statement request is connected to an appeal against conviction for no insurance, Regina v. Simon Paul Cordell to be heard on the 5th March 2015 at Kingston Upon Thames Crown Court.

I would confirm that -

- The policy was inception on the 23/2/2013 allowing Mr Simon Cordell only to drive at Comprehensive cover.
- The vehicles covered at inception were -
 - Ford Zetec registration MA57LDY.
 - Ford Transit registration CX52JRZ.
 - Use allowed was Social Domestic & Pleasure & or Motor Trade purposes only.

Please see the policy screen shot below confirming this -



KGM Motor Insurance
KGM House
141 St. Vincent Street
Birmingham B2 4AP
0121 634 1000

T 0121 634 1000
F 0121 634 1000
E info@kgm.co.uk
www.kgm.co.uk

For further information contact 0121 634 1000
KGM Motor Insurance is a member of the Canopus Group
KGM Motor Insurance is a member of the Canopus Group
KGM Motor Insurance is a member of the Canopus Group



I have become involved in this matter following receipt of a Data Subject Access request and a complaint letter from Simon and Lorraine Cordell. During the course of my investigations to establish all the facts before responding to the letter of complaint it has been necessary for me to obtain and listen to various phone calls between the client and Underwriters, the Broker and Underwriters, Underwriters and the Police compound and the original call from the officer at the roadside and Underwriters.

I feel I have now reached a good understanding of the sequence of events and as a result have provided both a Letter of Indemnity and 2 relevant call recordings to Lorraine and Simon Cordell to support their appeal.

Josephine Ward has requested that in addition to this I provide a section 9 statement and confirm the following points –

- I have been able to search and locate, I believe, all of the relevant call recordings connected to this matter. I have located in total 8 call recordings but have provided the 2 relevant calls being the call from the officer at the roadside talking to Underwriters and the call from Underwriters to the Police compound. The fact that I have been able to search for and locate these calls proves to me that our call recording equipment was functioning correctly, certainly on the days in question, on the few occasions its not working the result is that you cannot locate any call recordings.
- I would confirm that the 2 calls I have provided to Simon and Lorraine are authentic and have come from KGM call recording systems. These 2 calls specifically are –
 - The call made to Underwriters by the Police officer on the 14/11/2013.
 - The call made by Kelly Tiller to the Police compound on the 26/11/2013
- I would confirm that I was searching for and located these call recordings on the 23/1/2015.
- I would confirm that I e-mailed these call recordings across along with the Letter of Indemnity to Simon & Lorraine Cordell on the 30/1/2015.

Signature: 

Date: 11/2/15

If I can be of any further assistance please do not hesitate to contact me.

These notes/documents were created or received by a person in the course of trade, business, profession or other occupation, or as the holder of a paid or unpaid office and the information contained in the notes/documents was supplied by a person (whether or not the maker of the statement) who had, or may reasonably be supposed to have had, personal knowledge of the matters dealt with and where the information contained in the notes/documents was supplied directly or indirectly each person through whom it was supplied received it in the course of a trade, business, profession or other occupation, or as the holder of a paid or unpaid office and the person who made the statement cannot reasonably be expected (having regard to the time which has elapsed since he made the statement and to all the circumstances) to have any recollection of the matters dealt with in the statement.

Signature: 

Signature witnessed by: 

KGM Motor Insurance
KGM Motor
14 Embury Close
Sutton Woodford
Sutton Woodford
Sutton Woodford

Tel: 01202 8531 7301
Fax: 01202 8531 7302
Email: info@kgm.co.uk
Website: www.kgm.co.uk

Registered in England & Wales No. 02071053
The company is a limited liability company registered in England & Wales
KGM Motor Insurance is a member of the Motor Insurers' Bureau (MIB)
The company is authorised by the Financial Conduct Authority (FCA) to provide motor insurance



MOTOR INSURANCE
A member of Canopus Group

data electronically or when manually inputting data and was something we were unaware of until this case. We have of course changed our processes to prevent this occurring again.

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Mr Peter Wood
UK Specialty Operations Manager

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T +44 (0)244 412 6412 Claims
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REGINA V. SIMON CORDELL

APPEAL AGAINST CONVICTION IN RELATION TO AN ALLEGATION OF NO INSURANCE AT WIMBLEDON MAGISTRATES COURT ON 26TH NOVEMBER 2014

PARTICULARS OF THE CHARGE – 14th November 2013 at Brixton Hill

Police approached and said enquiries re no insurance, SC explained problems insurance not showing up on the MOTOR INSURANCE DATABASE

Call made to SC insurance broker Broadshaw. Police not happy with this. He made phone calls to KGM stating that there were lots of tools in the vehicle. PC Geoghan Metropolitan Police. Clarify limitation on use MT3574694.

S Cordell call from police 141113 Recording

Thank you for calling KGM introduction.....select correct dept from the following:

Thank you for calling KGN accounts department

To speak to an account handler please press 1

Female: Hello KGM

PC G: Hi there it is PC Geoghan from the Met Polcie I need to speak to some one about a policy of insurance a gentleman claims to have with you

Female: Okay if you hold the line I will pass you through to our underwriting department

Carl KGM: Good afternoon Carl speaking how can I help

PC G: Hi there it's PC Geoghan from the Metropolitan Police I've got a gentleman stopped and he has produced a certificate of insurance from KGM and I just wanted to clarify some of the limitation on the use.

Carl: Okay do you have a policy number

PC G: Yeah I do it's MT3574694.

Carl: It's a Motor trade policy. Yeah I might have to forward you to another Department

PC G: Yeah sure

Jessica: Hi you have been passed through to Jessica from KGM how can I help

PC G: I have a gentleman here who has been stopped with an insurance certificate issued by KGM. I've got a policy number and other details

Jessica: Okay I can see that from my screen

PC G: Basically it says motor trade and SDWP and use motor trade purposes- Looking at vehicle its got a load of tools in and they appear to be workmen doing sort of work odd jobs here and there. Is that something motor trade would cover?

Jessica: No, he just covered for road trade, road risk only and SDWP and would not cover for any other occupation

PC G: Okay right, right. He's claimed he bought the vehicle today or yesterday and he's not able to produce any proof that he has done that

Jessica: Rights

PC G: Em does he have to notify you of any vehicles

Jessica: When a client purchases a vehicle they have 14 days to make us aware. If they didn't within 14 days they don't make us aware then they're not covered but anything like this happened we do need proof to show that he had only had it within the 14 days otherwise it would not cover it we need to obviously we would not ask for proof normally but say if he has like pulled over now we would ask because he could just say he bought it yesterday or a week ago and we would still cover him.

PC G So it definitely does not cover him on the if he literally going around with tools in the van doing jobs that is not something he is covered for

Jessica Certainly not

PC G: That's not something he is covered for

Jessica: No certainly not

PC G Can I just get your name obviously for my notes

Name: Jessica Kempton DOB 02.02.1992 Phone: 0208 530 1822

Underwriting Department

PC G Thanks very much for your help

22.11.2013 Emails:

vrescharlton@met.police.uk at 17.14 hrs – no reply

charltondocuments@met.police.uk – forwarded email of 22.11.2013. This email was sent on 24.11.2013 at 13.33 hrs

Email read on 24.11.2013 by Rob.Guy@met.pnn.police.uk read the email on 24.11.2013 at 17.02 hrs

Emailed broker on 25.11.2013 at 10.06 hrs email

martinjenkins@broadshawdirect.com – all emails sent to compound forwarded.

Spoke to PS complaint made on CAD6768/14NOV/13

Cost of recovering the van £190 Ref: 474782

**Details of search of van: KGM recording. (FROM RECORDING
26_11_2013_11_53_Kelly Tiller Kelly call to compound**

Thank you for calling KGM introduction hold whilst we connect you to our underwriters

Charlton Car pound: Good afternoon James speaking

James KMG: Hello James is Kelly there please. Whose calling please?

Charlton Car pound – Car pound Metropolitan police service

James KMG: Yeah one second please. Okay I will just put you through

Kelly Tiller – Hello Kelly speaking

Gareth: Hello Kelly my name is Gareth, Manager of Charlton Car Pound

Metropolitan Police Service I'm dealing with a Mr Simon Paul Cordell something about the tools in the back of his vehicle

Kelly: Correct yeah

Gareth: All I can do is I've looked at the seizure notice which would be given to Paul at the time and any property left was blank so if there was any tools in the back normally that would be registered as tools in the rear of the vehicle

Kelly: Right okay because we had a call from the police

Gareth: Yeah

Kelly: He advised that there was tools in the vehicle

Gareth: Do you want to speak to him a moment

Kelly: Who Sorry

5

Gareth: Paul cause I have got him in front of me
Kelly: Yeah that's fine
SC Hello
Kelly: Hello
SC: You alright Kelly
Kelly: Okay what have they given you there
SC: They have not given me anything but he did explain to you on the phone that there's no tools on the vehicle on their CADs and in any case they would write that down tools in the vehicle and so forth
Kelly: Right okay and has he given you a print out of this.
SC: No you will have to ask him yourself
Kelly: Right can you pass me back to him
Gareth: Hello Kelly
Kelly: Hello, right okay so if there was any kind of tools in the vehicle it would be stated on there
Gareth: Well yeah what happens on the roadside a police officer will issue a seizure notice and he will say do you want to take any property out of the vehicle, normally they take sat navs, wallets, money whatever
Kelly: He could have taken the tools out of the vehicle
Gareth: Well I do not know I am not going to comment on that to be perfectly frank with you all I can do is comment on the paperwork that I see in front of me
Right okay
Gareth: And there was nothing left in the vehicle
Kelly: At the time of when it came in but obviously
Yeah
Kelly: He's had the opportunity to take items out of that vehicle
Gareth: But then it would have been mentioned that he had done that and there is nothing there saying that he had and it would have also mentioned what was taken on the seizure notice yeah
Kelly: Is there any chance you can forward me a copy of this
Gareth: No we are not allowed to under the Police Act and God knows what else. All I can confirm is what I have seen on the seizure notice
Kelly: Can you confirm that in an email to me please
Gareth: Right what you do
Kelly: I have already emailed yourselves and
Right
You've replied to say you would not have anything like that on record and I just need you to pop me over an email to say that
Gareth: If you go to Charlton car Charlton documents and I can reply from there because we have firewalls and God knows what else
Kelly: So you don't use the vese one of whatever it is called
Gareth: No if you do charltondocuments@met.police.uk. What I am going to do I am going to bring up a copy of this seizure notice just double check that I have done everything right for you
Kelly: Are you a police officer
Gareth: No I work at the compound I am just one of the little plebs
Kelly: I have just forwarded you over a copy of the email and the reply that I got from the vres Charlton@met.pnn.police.co.uk
Gareth: What I will do I can only go on what we have got here and I'm just bringing it up now if you bear with me. I am looking at the copy of

Kelly: Is that from a PC Geoghan

Gareth: Bear with me at the end of the day it is just a signature

Kelly: Oh alright okay

Gareth: All I can say is property left in the vehicle there is nothing in there
Property removed from driver that is blank as well but obviously he did not remove
anything else as that would have been registered

Kelly: Yeah

Gareth: He would have told the officer there's tools in there be careful as they're part
of me trade

Kelly: Yeah

Gareth: Then that would have been registered they were within there. We take them
out and put them into our property store for safe-keeping and then when he comes to
collect them they get given back then

Kelly: Right okay that fine it is just when we got a call from the officer when he has
Mr Cordell at the road side he has advised us that he is carrying tools in his vehicle

Gareth: Well I can't comment on that I can only go on the information on that seizure
notice and there was nothing been entered that the gentleman removed anything or
there was anything left. That's all I can say

Kelly: That's fine no worries so if you can just reply to my email there and then that
will be great. Thanks for your help.

Email from Kelly Tiller to compound.

Case Number: 011401009802

REQUEST FROM MAGISTRATES COURT VIA EMAIL =
smglondonmc@hmcts.gsi.gov.uk

Summons reply sent in by email on 22nd May 2014 at 14.19 hours with not guilty plea
attached

Receipt from 23rd May 2014 GL-SWESTERNMCENQ
[smglondonmc@hmcts.gsi.gov.uk]

Phone call from Simon's mother who confirmed receipt of the email.

Convicted in absence on

Application to re-open case email sent on 11th September 2014

Email acknowledged from the court to

FW: Clerks Notes for Simon Cordell

From: Lorraine Cordell <lorraine32@blueyonder.co.uk>
To: 'Micheal McKee' <m.mckee@michaelcarrollandco.com>
Priority: Normal
Date: 23/02/2015 13:29

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

From: GL-SWESTERNMCENQ [mailto:swglondonmc@hmcts.gsi.gov.uk]
Sent: 16 February 2015 09:57
To: 'lorraine32@blueyonder.co.uk'
Subject: Clerks Notes for Simon Cordell

With reference to your e-mail of the 10th February please find attached clerks notes from the trial on the 26th November as requested.

Miss J Lee
Administration Officer
Lavender Hill Magistrates' Court
176a Lavender Hill, London, SW11 1JU

Tel: 020 7805 1470

Please note: As of June 2nd 2014 Our fax will be GOLDFAX No: 0870 324 0299

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26-11-14

R - V - CORDELL

PC GAVIN - Lombard Borough

14-11-13 - I made notes at the time of incident.
1pm - on duty - on Rye Hill. Traffic Operation
forgetting answered driver

CX 52TRZ - White Transit - stopped was pulled
over. PC Cordell was the driver.
Explained that stopping him as part of operation - he
replied "I'm busy, just off to do some work."

I explained requirement.

I'll give you my insurance but I am just going in there
to do some work - building undergoing refurbishment.

Another male in the passenger seat - Dean PARRIS.

Vehicle came back as registered to Adam PARRIS.

Insurance Act - covered him to drive any vehicle
- but did not cover business use.

I contacted Insurance Co. The insured vehicle -
looked white - general construction debris in there -
business cards in vehicle - Simon & Dean (Construction) Ltd
- doing - the detailed type of work.

no mention
of bus

Was a Thursday - HR Cordell - other van - wearing
clothes covered in paint & dirt. It was middle of work
day. Said he was going in there for work.

Explained that not covered for business use.

Pld to get off - C.

He said "I was trying to get a job here"
He became increasingly agitated - said he would find out
about me and everything has consequences.

I established his name - had difficulties with address.
In the end arrested him because he would not provide
address.

At Pardon custody he provided details - I issued
parole notice.

He pulled over of our account I was told
The Certificate covers Motor Trade Use.

He told me going into building to work. No Tools
in the car.

(No
Tools)

Look item - business cards. Old item
connected with details of steps nervous after

Simon CORDELL

I was with friend - asked her to come down to look at
of future census. Dean Reed was with me.

As Alan was building a nightclub

Going in to afternoon - opportunity to 2pm with a view to
taking a management position up there.

I got up working on building C².

Next part stop - search. I pulled over - a bit part
for friend to go into recent stop.

I was early and was were going to sit in the van.

When PC approached me. He said he was going to do a
check. He asked me why I was there. I explained.

I was there for future work when venue up and running.

He said he wanted to record vehicle. My Policy was
produced. He said not covered because full load
in van. He placed mirrors and I placed Butler.

This had happened on a number of occasions.
I have a number of other cases.

I explained no tool.

I was covered for social & domestic. I asked for
older to ride - allow me to sell cars from my drive.

I had not been working. Going to lots of places
to make enquiries about future work.

Had spoken to the idea previously.

OK - Brian Cooks - Simon & Dean also refer to your
TSH does refer to my C^o.

I will do it for Dean. I don't work with Dean
on his business. In my catalogue I put my number
as well so I can take a percentage.

I had an appointment with the idea - to discuss
future work & for community.

Already been agreed to.

I did not say I was going to work in its projects.

to's ?

Built a Management system - built a festival.
Exploring British parties business - have a number of community
hubs.

Dean Reed does gardening & general work.

Person

CLAUDE CORDELS, 23 Byron Terrace, Edinburg, London
W9 1DB

I was not present - but received a phone call from my
son. This was while he needed.

I knew he was going to see Mr. Khan
e was taking Dean down to see if he could be offered
work. ~~he was~~

I got a phone call from my son & I spoke to the
other Police Officer.

He explained to me about tools in the vehicle and the
motor policy involved.

Convicted

Exceptional Hardship

Mother suffers from bowel, bladder & spine & other problems.
I have every day at Mother's to clean her home.

I drive my mother to North Middlesex Hospital.

I live about 2 miles from your mother.

Mother lives in Edmonton.

Hooftield, Enfield & West Middlesex & other.

My brother was in a bike crash - been reported, then

Impact on work

I am helping friends. Will prevent me going to the
Hall.

I receive Family Support & MHA difficulties.

I am on benefits.

I do voluntary work.



Willesden Magistrates' Court

Code 2571

Correspondence Address: 448 High Road, London NW10 2DZ

Opening Hours: Monday to Friday 9.00am to 4.30pm

Telephone: 020 8955 0555 Fax: 0870 824 0240

Mr Simon Paul CORDELL
109 Burncroft Avenue
Enfield
Middlesex
EN3 7JQ

Case number: 011403134612
Born: 26 January 1981
Driver number: CORDE801261SP8LV

Notice of endorsement of driving record

Order

The court has ordered that your driving record be endorsed with the penalty points stated below.

Further Information

For more information about disqualification or endorsement see:

www.gov.uk/penalty-points-endorsements

J. Vantghem

Justices' Clerk

Date: 26 January 2015

Offences and orders

011403134612/2

VLA Code: RO42

1/01/2014 Original offence re-heard

Driving record endorsed with 6 points.

Mr Simon Paul CORDELL

28 January 2015/DRVLE_39_0/208620/1

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IN THE CROWN COURT AT KINGSTON-ON-THAMES

Ref. A20140377

6-8 Penrhyn Road
Kingston upon Thames

5th March 2015

Before

MR RECORDER ATCHLEY
(Sitting with Justices)

IN THE MATTER OF AN APPEAL AGAINST CONVICTION

BETWEEN:

SIMON CORDELL (Appellant)

- and -

THE CROWN (Respondent)

MR JAMES KENNEDY appeared on behalf of the Appellant

MR GAVIN POTTINGER appeared on behalf of the Respondent

TRANSCRIPT OF PROCEEDINGS

Transcribed from the official digital recording by
MARGARET WORT & CO
(Official Court Reporters)

Edial Farm Cottage, Edial, Burntwood, Staffordshire, WS7 0HZ

** This transcript has been prepared without the aid of documentation **

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A THE CLERK OF THE COURT: Are you Simon Cordell?

THE DEFENDANT: Yes, that's correct.

THE CLERK: Thanks. Take a seat.

B THE RECORDER: Mr Pottinger, yes?

MR POTTINGER: My learned friend Mr Kennedy is for the appellant. Your Honour, the -- this is a case of no insurance.

C THE RECORDER: Mm.

MR POTTINGER: The defendant was stopped on Brixton Hill in a Ford Transit with a colleague. There are some disputes as to facts but according to the officer he appeared to be working at the time. There is in place a valid policy of insurance for that vehicle, the vehicle covering social, domestic, pleasure and motor trade purposes but not work.

D THE RECORDER: Social, domestic...?

E MR POTTINGER: Pleasure and motor trade purposes. I've been -- I was looking at Archbold with my learned friend just to see as far as what issues -- who the burden is on. The prosecution have to prove that the defendant used a vehicle on a road. Once that is established, it's for the defendant to prove there was a valid policy of insurance in force at the time. There's no dispute the vehicle was being used on a road, there's no dispute there was a valid policy of insurance in force at the time. The dispute here is the nature of the use at the time and in the place. I just want to check before we start on whom that burden falls.

F THE RECORDER: Right.

G MR POTTINGER: Archbold is silent on the point. I was just reconsidering matters. I don't know if -- I really think it should be established before we start just by looking at a court copy of Wilkinson although the difficulty being -- or sometimes Blackstone is clearer than others. But I think it's something that really needs to just be checked before we start because.....

THE RECORDER: I agree. Because if you can't prove it.....

H MR POTTINGER: Well, the Crown have -- we have evidence that we say shows he was working at the time.

THE RECORDER: Working?

A MR POTTINGER: The defendant will say other -- but who's -- who's got to prove it and to what standard.

THE RECORDER: I understand. Exactly.

B MR POTTINGER: The -- I mean, it's -- it's clear that the Crown say he was in work clothes with a friend, covered in paint.

THE RECORDER: Yes.

C MR POTTINGER: On a weekday afternoon. And he was -- gives some kind of explanation.

THE RECORDER: So if I drove home in my robes that might indicate that I was working instead of commuting?

D MR POTTINGER: If -- well, that's the issue. Because there -- there is no dispute that there was in policy -- in force a valid policy.

THE RECORDER: Has -- has anyone got this policy?

E MR POTTINGER: There's some correspondence which has been obtained, yes. The officer at the time made enquiries with the insurance company.

THE RECORDER: Okay.

F MR POTTINGER: But whether it covers the use -- and I -- I do also have recollections that -- I just want to see if I can find a reference because I-----

THE RECORDER: Do you? Well, I think -- I think you need to find-----

MR POTTINGER: I think there are cases covering where there's a clause in the policy and what -- what exactly offence, if anything, committed.

G THE RECORDER: Yes.

MR POTTINGER: I just want to check that.

THE RECORDER: Yes, I think -- I think you need to.

H

MR POTTINGER: I was thinking -- just looking it up before that was fine but actually, thinking again, we're not ready because we just need to check this point of law.

A

THE RECORDER: Yes, you need to clarify that. My knee-jerk reaction is that it will be on the Crown to prove that-----

MR POTTINGER: That's my knee-jerk reaction as well.

B

THE RECORDER: -----but I-----

MR POTTINGER: But I just think we should clarify it.

THE RECORDER: I agree entirely. Mr Kennedy, any views?

C

MR KENNEDY: I agree with everything that's been said.

THE RECORDER: Okay.

MR KENNEDY: It's a single-issue case.

D

THE RECORDER: Yes.

MR KENNEDY: Whether he was using that vehicle for working that day.

THE RECORDER: Right.

E

MR KENNEDY: That's the issue.

THE RECORDER: Can you help me with this? Whose -- whose policy is it? Is it a work policy? Is it a domestic policy? What are we talking-----

F

MR KENNEDY: It's his -- it's his policy.

THE RECORDER: It's his policy. And has he got a copy of it?

MR KENNEDY: Yes. We've got a copy available.

G

THE RECORDER: Could -- could -- could we see a copy of it-----

MR KENNEDY: Sure.

H

THE RECORDER: -----whilst this is going on so that we can at least have a look at what's -- what's happening.

MR KENNEDY: Mm.

A THE RECORDER: If you'd like to hand it to the clerk, maybe she'd be good enough to copy it for us and bring it through to us. We'll rise until you've sorted it out.

MR POTTINGER: Yes.

B MR KENNEDY: I've got spare copies so.....

THE RECORDER: Oh thank you. That's even better. Good. Thank you very much. Let us know as soon as you're ready.

C MR POTTINGER: Yes.

(There followed a short adjournment)

THE RECORDER: How are you doing, Mr Pottinger?

D MR POTTINGER: Your Honour, I think gut-feeling is the right feeling so -- we didn't find a case directly on point but I think just looking at it very carefully and standing back, because the use has to be proved then it's the.....

THE RECORDER: Yes.

E MR POTTINGER: And that's the fairest way of dealing with it in any event.

THE RECORDER: So the issue as far as the Crown is concerned is whether or not he was working at the time? Is that it?

F MR POTTINGER: Yes.

THE RECORDER: Because-----

MR POTTINGER: Or whether he was -- well, whether he was using the vehicle for work purposes.

G THE RECORDER: Yes. What concerns me is -- is whether or not we in any event have enough information. Because this is merely the certificate of motor insurance. There should be a schedule of motor insurance. Is that available? The actual policy. Because it is the experience of those on the Bench that on occasions it is very difficult to ascertain the point that's being made here and that the policy itself may have a different specification to that set out on the certificate. In other
H

A words, if KGM were asked "In the circumstances that we, the defence, put before you, was this man insured?" and the answer is "Yes" then how can this court adjudicate on this matter now in the absence of that information? Do you have that information? There's a nodding going on from behind you.

MR KENNEDY: The information I have comes from the appellant himself regarding his version of the facts which is that -- his contention is that he was driving to go and see somebody about-----

B THE RECORDER: Yes.

MR KENNEDY: -----the possibility of future work.

THE RECORDER: Right. I appreciate that.

C MR KENNEDY: And -- and he spoke to his insurers-----

THE RECORDER: Yes.

D MR KENNEDY: -----and asked whether he would be covered if that were the position-----

THE RECORDER: Right.

MR KENNEDY: -----to which the answer was Yes.

E THE RECORDER: All right.

MR KENNEDY: I -- I don't believe he can contend that if he were using it as a tradesman for working - which is the Crown's position - that he would have been covered.

F THE RECORDER: Right. So he doesn't contend that. But you're saying that in fact he has evidence of or he has hearsay evidence of - I don't know which it is at the moment - the fact that KGM say he would have been covered for what he was doing at the time?

G MR KENNEDY: He does. And I don't -- and I don't think the Crown take issue with that.

THE RECORDER: All right.

H MR KENNEDY: Having discussed the matter briefly with the Crown, it really is a question (Inaudible).

THE RECORDER: Of what he was doing at the time. All right.

A MR KENNEDY: Yes.

THE RECORDER: I'm jumping the gun. Thank you.

MR POTTINGER: Well, I.....

B THE RECORDER: Over to you, Mr Pottinger.

MR POTTINGER: I don't -- the -- I don't -- I.....

C THE RECORDER: If you call your evidence to show us that he was not covered and then we'll take it from there.

MR POTTINGER: Well, we -- we -- we simply show what he was doing at the time and what he said to the officer.

D THE RECORDER: Yes. And so if you want to adduce your evidence that says that he was driving not in accordance with this policy, then we can get on with it, can't we?

MR POTTINGER: Yes. I don't know whether I'm being told I've been -- I've made a concession which I haven't necessarily made.

E THE RECORDER: All right.

MR POTTINGER: That -- that's the point.

F THE RECORDER: Well, listen. I think I'm -- I'm -- I'm sort of jumping the gun here. We're -- we're concerned about the civil aspect of this.

MR POTTINGER: Yes.

G THE RECORDER: And it may be that it will come to a position when in fact we can't carry on. But from what I've heard from the two of you at the moment, let's get on with it. And if it gets to that point and we think there's been an injustice done because it needs more input from KGM, then we'll say so. My concern is this - I'm quite frank - that I think this would be the simplest thing in the world to sort out, that somebody ought to get a letter from KGM and say "In the circumstances as told to us by Mr Cordell he is..." or "...isn't covered." If the Crown then say, "Well, what he's telling them is a load of porky pies" then you have a case.

H

MR POTTINGER: Yes.

THE RECORDER: But without knowing the first part-----

A

MR POTTINGER: Well, I've not seen anything and I -- because I know the officer rang the company and said he's -- he's using it for work but -- but clearly the -- touting for work or whatever. I don't know what the -- what the position is as far as that's concerned. That's -- that's a matter for the defence to prove and at the moment they.....

B

MR KENNEDY: Well, I'm getting slightly lost here and it's probably my fault. My understanding of this case is this, that he has an insurance policy for that vehicle. It wouldn't cover him if he were working. The Crown say that he was working. They're -- they're about to call evidence to say so. His -- he says he wasn't. He says that he was going to see somebody about future work and I don't -- as I understand it, I don't think the Crown suggest that if his position is correct or cannot be disproven that they -- that his insurance was invalid.

C

THE RECORDER: That's -- that's the point.

D

MR POTTINGER: Yes.

THE RECORDER: Are the -- are the Crown taking that stance or not? Or are you saying, irrespective of what he says about it on that date now, and the Crown have the advantage of hearing what he said about it, presumably, at the court below, if your position is "We say, irrespective of what he said, he wasn't insured" then we need to sort that out. If you say -- if you accept his version of events, "We accept he was insured" then we can bat on. Or we can bat on anyway.

E

MR POTTINGER: Yes.

F

THE RECORDER: But the point about it is all I'm trying to do is pre-empt-----

MR POTTINGER: Yes.

THE RECORDER: -----a situation where we suddenly have to start making enquiries from an insurance company. But all we're doing in fact is chewing the breeze and wasting time.

G

MR POTTINGER: Yes.

THE RECORDER: So let's get on with it.

H

MR POTTINGER: Well, let's just carry on.

THE RECORDER: Yes. Fine.

A MR KENNEDY: Well, sorry. Can I establish whether the Crown -- it's set out in one line following caution - "You don't know nothing. I was trying to get a job here. You don't understand, man." That in a nutshell is his position.

THE RECORDER: Thank you.

B MR KENNEDY: That he was going to see somebody-----

THE RECORDER: Right.

MR KENNEDY: -----about obtaining future work. My-----

C THE RECORDER: I've got it. Mr Pottinger, is that accepted? So that in other words what -- what we're asking the Crown is do you accept that if in fact he was only going to look for work, as he asserts, that he was covered?

D MR POTTINGER: (After a long pause) I just (Inaudible). Not necessarily. I'm just thinking whether -- whether that -- because obviously it's social, domestic, pleasure and motor trade purposes. If -- if a man is driving round in rounds touting for work with a van and cards for work-----

THE RECORDER: Well, this is what concerned me.

E MR POTTINGER: And there are cards in the van. I am concerned. I'm not sure that necessarily is.....

THE RECORDER: I have my cards in the car. It doesn't mean I'm driving round touting for work.

F MR KENNEDY: Can I -- can I expand then. Not touting around looking for tradesman work or -- or the like but was going to see somebody at a building that was going to be turned into a club, looking for a management role in the club.

THE RECORDER: Yes.

G MR KENNEDY: That's what we would say clearly. So it's not -- it's not driving around looking for handiwork. The Crown's evidence seems -- they're -- they're obviously not constrained by what's simply in the one witness statement but it does seem geared very much towards saying that he is a tradesman going about his daily work.

H

THE RECORDER: Does the Crown know what its case is?

MR POTTINGER: Well.....

A

THE RECORDER: I -- I -- I -- I'm really concerned about this because I'm concerned just taking it off one piece of paper, the certificate.

MR POTTINGER: Yes.

B

THE RECORDER: There is a policy in existence. There must be.

MR POTTINGER: Yes.

C

THE RECORDER: And the policy should set out the details of this certificate. And the Crown should be able to look at that policy and say Yes or No to the proposition that's being put forward or "We will make enquiries". Let's say, for the sake of example, Mr Cordell had run into the back of a police car and dented it and the insurance company had said "You weren't covered because of what you were or weren't doing" then we know where we are. What we don't know at the moment is what the insurance company say about what he was doing at the time on his version of events. And without knowing that, how can we know whether he was covered or not just on the basis of a certificate of motor insurance which is not the full policy which may say or may explain whether or not he is? That -- that's my real concern about this. I -- I think this -- this situation is -- is-----

D

E

MR KENNEDY: I can't take an unfair advantage and I wouldn't seek to. The Crown -- well, they had the advantage at the lower -- at the lower court-----

THE RECORDER: Exactly, yes.

F

MR KENNEDY: -----of knowing what the position is. But it's the Crown to -- it's the Crown to prove the -- that the -- well, (Inaudible), I suppose.

THE RECORDER: I -- I am unhappy about proceeding without input, proper input, from KGM. That's the bottom line. You need it and you need it and it should have been done.

G

MR KENNEDY: Well, I have the hearsay evidence. I'm not sure that I do-----

THE RECORDER: Yes.

H

MR KENNEDY: -----need it for -- for this reason. If it's -- the burden is on the Crown. Once you've got a prima facie valid insurance document, which we have

here, then it was conceded by the Crown a moment ago that the burden lies upon them to show the driving was outwith that.

A THE RECORDER: Well, if -- if -- I -- that's as I understood it but Mr Pottinger seems to be wavering on that and that's why we're revisiting this ground for about the third time. Mr Pottinger, simply put, do you accept it or not? If the answer is not, then we're back to square one. If the answer is Yes, we can get on with this hearing.

B MR POTTINGER: We accept that there's -- there's no doubt that that policy was in place and the officer made an enquiry with the insurers that day saying "Does it cover this use?" He didn't make an enquiry "Does it cover....."

THE RECORDER: Well, you call your evidence. We'll see.

C MR POTTINGER: Yes.

THE RECORDER: That's enough of this.

MR POTTINGER: I'll call PC Gairigan, please.

D PC RORY GAIRIGAN, Affirmed
Examined by MR POTTINGER

Q And, you are - is that right? - PC Rory Gairigan?

E A Yes. Police Constable Rory Gairigan of the Metropolitan Police Service attached to Cavendish Road police station.

Q And you were responsible for stopping Mr Cordell's vehicle - is that right? - on 14th November 2013? Is that right?

A Yes, that's correct.

F Q Did you make notes of your duties that day?

A Yes, I did.

Q And was your memory of events better when you made those notes than it is today?

G A Yes.

THE RECORDER: Any objection?

MR KENNEDY: No, thank you.

H THE RECORDER: Thank you, officer. Look at those notes if you need to.

A Thank you.

A MR POTTINGER: It was -- (To Mr Kennedy) I can lead on the date and time? Is that right?

MR KENNEDY: Yes.

MR POTTINGER: Yes. It was 14th November. That's a Thursday? Is that right?

B A Yes, that's correct.

Q 1300 hours? Is that right? And you were in Brixton Hill? Is that right?

A Yes, Brixton Hill.

Q And what was the nature of your duty, please?

C A It was a traffic operation.

Q And what -- what -- were you monitoring the traffic flow and stopping various vehicles for checks?

A Yes.

D Q Is that right?

A Yes, there were officers up and down Brixton Hill and I believe there were also a couple of officers who were sort of spotting vehicles further up the road.

Q Right. And were you given a registration number to -- to stop?

E A Yes. Over the radio I received a message relating to a vehicle and that vehicle -- actually I expected my colleagues to pull it over further up the road and for whatever reasons they didn't.

Q But you stopped it further down? Is that right?

A Yes. Well, Mr Cordell was pulling over anyway.

F Q And so you walked up to the vehicle and -- and who was the driver, please?

A Mr Cordell.

Q And was there anybody -- what conversation did you have with him, please?

G A So I walked over and explained to him that I was obviously stopping him - granted he'd already stopped - and that I was wanting to check his driving documents, specifically obviously driving licence and insurance.

Q And what did he say to that?

H A He said that he's -- "I'm busy. I'm just off to do some work" and as part of that he sort of gestured towards what -- a building that used to be the South Beach nightclub or bar on Brixton Hill.

Q Just before you go any further, the vehicle itself -- what kind of vehicle was it?

A It was a white Ford transit van and the vehicle registration mark was Charlie X-ray 52 Juliet Romeo Zulu.

Q So he said "I'm busy. I'm just off to do some work." What did you then say to him?

A Obviously I explained to him that I needed to check his documents.

Q And what else did he say?

A "Well, I'll give you my insurance but I'm just going to be there to do some work."

Q And what was he pointing to, please?

A Towards the South Beach nightclub or bar on Brixton Hill.

Q And what did you then explain to him?

A I explained that he'd have to sort of wait with me whilst I obviously checked the documents that he was producing.

Q I think he gave you his name and date of birth, 26th January 81? Is that right?

A Yes, that's correct.

Q Was there anybody else in the vehicle?

A Yes, there was a passenger in the vehicle, in the front cab of the van, and that gentleman was a male, Dean Reid, with a date of birth of 11th February 1992.

Q And he showed you an insurance certificate? Is that right?

A Yes, that's correct.

Q And what was the cover shown on the insurance certificate, please?

A So it showed that Mr Cordell could drive any vehicle he owned or had possession of for social, domestic, pleasure and motor trade purposes.

Q And given that, did you make any enquiries as far as the cover that was on his policy, please?

A Yes, that's correct. I did so. And obviously given what he'd said to me at the time, I contacted a Jessica Kempton in the Underwriting Department at KGM Motor Insurance by telephone.

THE RECORDER: Is there a hearsay notice, please?

MR POTTINGER: No. Well, I -- I was -- I was not going to -- as far as you were -- I don't want you to give the answers concerned, but did you -- what did you tell

the insurers as far as you were concerned was the use that the vehicle was being used for?

A I suspected the vehicle was being used for business purposes rather than any of the social, domestic, pleasure or motor trade purposes and for that reason obviously I contacted them to see if it was covered, obviously suspecting that Mr Cordell wasn't actually covered to drive the vehicle on his policy that he produced.

Q Just tell us what Mr Cordell's appearance was, please, that day? What was he wearing?

B A In essence both Mr Cordell but also his -- his colleague or his partner, the passenger in the vehicle, they were both sort of wearing working clothes covered in sort of paint and dirt which again gave me sort of cause to suspect that they were out to do some work for business.

C Q What was the -- what was in the vehicle? What was the condition of the vehicle?

D A It was, I suppose, what I might describe as just an average kind of builder's sort of transit van, loose sort of debris, loose items and general dirt in the footwell area and over the dashboard. In the front of the van also was quite a number of business cards and those business cards had the names Simon and Dean on there, a sort of company name or a trading name of TS Enterprise and it also on that card offered a range of services including general repairs, painting and decorating, man & van, removals, cleaning and property maintenance services.

Q And so it's Simon Cordell, Dean Reid? That was the names of the two?

E A Yes.

Q I think you then pointed -- is that right? You then took the view that they were driving without valid insurance for -- for the purpose? Is that right?

A Yes. That's the view I formed. I obviously suspected it already but kind of at that point I was -- yes, I pointed out the offence of driving without insurance.

F Q And you cautioned him? Is that right?

A Yes, I did.

Q And what did he say in reply to the caution?

G A He said, "Nah, you don't know nothing. I was trying to get a job here. You don't understand me."

Q What -- what had you proposed to do as far as the offence was concerned?

A Basically I would have issued a fixed penalty notice and obviously seized the vehicle also.

H

Q Without going into detail, were you -- were you able to issue the ticket at the time?

A Not initially, no.

Q But were you able to establish a satisfactory address at the scene of him?

A Not at the scene, no, but subsequently we were able to issue a fixed penalty notice.

Q Again in general terms was Mr Cordell being co-operative?

A No.

Q What was his demeanour and how did that develop?

A I would say unco-operative. I personally found some of the language he was using towards me quite offensive, some of the comments he was making.

Q Did you call for assistance from -- from a senior officer at one stage?

A Mr Cordell insisted at one point that -- that an Inspector attend. Fortunately as it was, as I mentioned, a traffic operation, there was an Inspector within the sort of immediate area and an Inspector did come down and speak to Mr Cordell.

Q After the Inspector had left, were you still able -- were you then able to issue the fixed penalty notice?

A No, I was not.

Q I think you eventually - is that right? - arrested him? Is that right?

A Yes. Unfortunately, I was inevitably having to deal with it by that way because, you know, he was so unco-operative.

Q But I think at the police station - is that right? - with the help of the custody sergeant you were then able to issue the fixed penalty notice?

A Yes, yes.

Q Is that right?

A Yes.

Q And I think you -- you made a further check on the policy back at the police station to check it was social, domestic, and pleasure and -- and motor trade? Is that right?

A Yes. I contacted MIB, the Motor Insurance Bureau.

MR POTTINGER: Yes. If you'd just like to wait there.

Cross-examined by MR KENNEDY

A Q Officer, you compiled your notes shortly after this incident, did you?
A Yes, that's correct.

Q And they're -- it's a pretty detailed note you took, isn't it, of this incident?
A Sort of the standard I like to try-----

B Q Yes.
A -----and adhere to, yes.

Q Comprehensive, isn't it?
A Yes, I -- as -- as best I can say, yes.

C Q All the relevant details that you could remember at the time of the writing of the notes?
A Yes.

D Q Now my questions really are geared towards a single issue here. It's whether this man was working that day in his van. Whether Mr Cordell was working. He wasn't stopped in the initial -- what happens in these operations, isn't it, is that vehicles drive along and there's police at usually two different spots in the road and cars are stopped if you want to check their documents, cars and vehicles? Is that right?
A Obviously different operations will be organised differently but, yes, in general that -- that sounds about right.

E Q And on this occasion Mr Cordell -- he wasn't actually stopped, he pulled up of his own accord close to where this operation was taking place?
A Yes.

F Q And then you went and approached him? Is that right?
A Yes, that's correct.

Q And you formed the impression, you have told us in as many words, that he was working that day?
A Yes.

G Q Working as a -- as some sort of tradesman that day?
A Yes.

H Q Just to cover quick points, you didn't see him working?
A No.

Q You did not speak to anyone he was working for?

A No.

A Q You did not seize or view any paperwork pertaining to him working that day?

A No.

Q When he was cautioned, he said "Nah, you don't know nothing. I was trying to get a job here. You don't understand, man"? That's what you've noted?

A Yes.

B

Q Isn't it the case that before he made that comment following arrest that he was explaining to you that he wasn't working and that he was actually going to see someone about getting future work?

A The only comment I've made in my notes is -- is that initial one which stated -- where he stated "I'll give you my insurance but I'm just going in there to do some work".

C

Q Forget your notes for a moment. Let's concentrate on this phrase, this agreed phrase - "Nah, you don't know nothing. I was trying to get a job here. You don't understand, man." Okay? Before he said that, isn't it the position that he was explaining "I was trying to get a job here"?

D

A I don't recall that. My -- my recollection is that he was there to try and get some work.

Q All right -- sorry?

A He was there to try and get some work. So whether it -- I don't know whether you're asking me about a job or work. It's-----

E

Q That was -- that was what he said? "I'm there to try and get some work"?

A Yes.

Q Now we know he said that after arrest. Yes? You've noted that.

A I don't believe it was after arrest.

F

Q Sorry. After caution.

A Yes, after caution.

Q Yes. He'd said that earlier before that, hadn't he?

A Sorry, can I ask you just to go over that again?

G

Q Yes. Right. You've said how you cautioned him. And you reasonably suspected Mr Cordell was driving the vehicle for business purposes. You pointed out the offence of no insurance and then you cautioned him to which the response

H

was "Nah, you don't know nothing. I was trying to get a job here. You don't understand, man." Okay?

A Yes, that's correct.

A

Q So after the caution he said to you that you weren't understanding him and that he was trying to get a job?

A Yes, that's correct.

B

Q Okay. Now what I'm suggesting to you is before the caution there was a conversation in which he was trying to get you to understand that he was looking -- he had an appointment to see someone about future work.

A I don't recall that, unfortunately.

C

Q The -- it might just be a turn of phrase but you said that he was wearing working clothes in paint -- covered in paint and dirt. That caused you to suspect he was working? Yes?

A Yes.

D

Q The -- there was a dispute by the roadside, wasn't there, about whether he was working?

A Yes, yes. That is fair to say.

E

Q And he was saying he wasn't and you were saying he was?

A Yes.

Q Right. The initial conversation with him or the initial interaction with him you have said that he said "I'm busy. I'm just off to do some work. I'll give you my insurance. I'm just going in there to do some work." He never said that, did he?

A Well, I believe he did, yes.

F

Q You've just said a moment ago that he was disputing that he was working?

A Yes. He subsequently did dispute that.

G

Q Right. So you're saying there was this change of tack? Is that your evidence?

A Yes. My evidence is that Mr Cordell when he realised that the trader's policy wasn't going to sort of pull any wool over my eyes, he actually became -- that's what caused him to become unco-operative towards me, when he realised that actually he wasn't going to be successful in fobbing me off.

H

Q Well, I suggest to you -- I'll make it plain. His case is that you are either being untruthful or mistaken when you say that he said that he was off to do some work?

A Well, I certainly am being truthful.

Q So we've got in terms of your -- obviously informing your thinking of why he -- why you thought he was working, you've got -- it was a -- it was a week day and it was during working hours? Yes?

A Yes.

Q That's equally consistent with going to see someone about future work? Would you agree?

A Yes, it's -- in and of itself it's not enough, no.

B Q You make the point about his what you say were working clothes covered in paint and dirt?

A Yes.

C Q I suggest to you you're wrong about that and in fact he had on maybe scruffy jeans but he wasn't in workmen's clothing?

A (No audible reply)

Q You're wrong, aren't you? He had scruffy jeans on but he didn't have workmen's clothing?

D A Well, I -- I can't recall the exact clothing but he looked to me like a builder from the paint, the -- the dirt on his clothes.

Q But we've got no description of the clothing really, have we?

A If I just refer to my notes. Yes. In my statement all I -- all I say is that they were dressed in clothing covered with paint and other dirt.

E Q Jeans, overalls, colour?

A I don't recall.

Q This was a point you raised with him by the roadside and he explained to you that these weren't his -- these weren't working clothes. Do you recall that?

F A No, I don't recall that, no.

Q The cards that you rely on to -- that informed your thinking. Did you seize any of these cards?

A Yes, I did seize one of those business cards.

G Q Have you got it?

A No. Unfortunately I do not have it with me.

Q Why not?

A I was unable to obtain it from the property store at Kennington police station.

H

Q Again this was a point that you raised with Mr Cordell by the roadside and he explained how the card wasn't for him working as a tradesman, rather that he has a company which acts as a middleman for tradesmen and that's why his name was on the card. Do you remember that?

A No, I do not recall that.

Q So we've got the time of the day, you've got his clothing, you've got the cards. Anything else?

A And his initial comment of course.

Q Workmen often, tradesmen, will carry tools around in a van, won't they?

A Yes. Often.

Q Any tools?

A Not that I recall, no.

Q There's no reference to tools in your statement, is there?

A No.

Q I think you were asked about this at the Magistrates' Court. There's no secret. This matter has been before the Magistrates' Court. And I think it's right you gave the same answer you've just given, you don't recall there being any tools?

A Yes. I don't recall.

Q You would have noted them?

A I would like to think so.

Q If you're noting factors which suggest that he is working as a tradesman that day, there's no way you'd have left that out, is there?

A Well, never say never, I suppose. Obviously Mr Cordell was unco-operative, you know, throughout this sort of encounter from the moment he realised I was going to be looking -- dealing with the offence that I had before me. But, no, I don't recall any tools.

Q Okay. I've got a -- you spoke to the insurance company when you were by the roadside, didn't you?

A Yes, I did.

MR KENNEDY: I've got the -- what I suggest is the tape of -- CD recording of this call. I just want to play an excerpt of it.

THE RECORDER: Well, is this the call that the officer makes?

MR KENNEDY: Yes.

THE RECORDER: Thank you.

A (An excerpt from the recording of the telephone call was played)

MR KENNEDY: That's -- that's you, yes?

A Yes, it certainly sounds like me.

B (The recording continued)

Q You said to the insurance company there "Looking at the van, it's got a load of tools in"?

A Yes, yes. That does sound like that's what I said, yes.

C Q And when you said that to the insurance company, you were lying, weren't you?

A I don't recall lying. I'm faced with two -- obviously I've got my recollection and my notes and then I've obviously got that recording.

Q We went through that your notes were comprehensive. Yes? Didn't we? Officer?

D A Yes, you asked me, yes.

Q Yes. And we went through that you had outlined the factors informing your view that these people were working? Yes?

A Yes.

E Q Obviously tools in the van would be an obvious indicator of that? Yes?

A Yes.

Q No reference in your statement to tools?

A No. No reference to tools.

F Q No reference to tools in the Magistrates' Court? Yes?

A No. Yes, correct.

Q On the scene there you're ringing up the insurance company saying there's a load of tools in there - "It's got a load of tools in"?

G A (No audible reply)

Q You -- you were dishonest in your dealings with Mr Cordell, weren't you?

A Well, I don't believe I was, no.

H

Q And it's not true that he said he was going to do some work. He said he was going to speak to someone about work? You had quite a conversation with him on the roadside. He was explaining to you?

A (No audible reply)

Q Yes?

A I don't recall the conversation we had, obviously the specifics of it, no.

Q You've told us about -- do you remember that Mr Cordell spoke to the insurance company first?

A No, I don't recall that.

Q By the roadside what happens -- see if this jogs your memory. Mr Cordell spoke to the insurance company about the insurance, yes? And then you -- and then you rang subsequently. You were there when he rang them and then he was there when you rang them there? Yes?

A I -- I'm sure he probably was with me when I called them.

Q Yes. And you've gone about -- on about him being unco-operative and so on. What actually happened is he took affront to you ringing the insurance company and lying to them about there being a load of tools in the van? Do you remember that?

A No. Unfortunately I do not recall that, no.

Q And he was saying "Why are you lying to the insurance company? Why are you saying there's tools in the van? There isn't." Do you remember that?

A No, I -- I do not recall that, no.

Q That's the exchange, I'd suggest, that you're characterising as him being uncooperative?

A (No audible reply)

Q Mm?

A Sorry, I'm -- is there a question?

Q That's the position, isn't it?

A No. I don't recall that. My -- my -- I suppose my position would be that obviously on stopping the van I -- I don't recall exactly when in the sequence I've -- I've contacted the insurance company. You see, I hadn't searched the van, I suppose. I -- I -- you know, I'd seen from a glance sort of loose items and debris in the -- in the front of the van.

Q So you hadn't searched the van?

A No, I don't believe I had by the -- when I was phoning the insurance company.

Q You hadn't searched the van-----

A I was basing -- I was basing-----

A

Q -----but you were telling them there was a load of tools in there?

A The conversation I will have had with the insurance company - obviously we've got the recording-----

B

Q Mm.

A -----will have been based on my interaction at the scene and from my notes and my recollection it was based on that front of the cab, that front area where obviously the driver and passenger were.

C

Q But what tools were in the front of the van then?

A So -- so what I -- I would suggest is that the loose items I refer to in my notes -- perhaps some of those items were tools but I -- I don't recall.

Q Have you got your handwritten notes or the typed-up statement?

A I've got my-----

D

Q It doesn't really matter.

A I've got my typed statement. I don't know if.....

MR KENNEDY: Is it the same as the notebook?

E

THE RECORDER: I'd like to see a copy. Have you got your actual notebook, officer? Have you got your actual notebook?

A Not from the time, no.

MR KENNEDY: The statement was.....

F

THE RECORDER: Mr Kennedy, do you have a copy of the actual notebook?

MR KENNEDY: No, I don't. Was -- was there actually a notebook or is it.....

A I believe it will have been original notes on the fixed penalty notice if -- if that's what's being referred to.

G

MR KENNEDY: Right.

THE RECORDER: I'm slightly confused because at the outset of this officer's evidence it was put to him that he'd made notes and now it seems that we're not talking about notes, we're talking about a statement or a proforma.

H

MR KENNEDY: Were -- were your notes actually in a statement format?

A Yes, a statement format so there -- I have a copy of that. MG11.

MR POTTINGER: The statement's dated 14th November.

A

THE RECORDER: I'd like to see a copy of it, please. Thank you. When did you make this statement?

A (No audible reply)

B

THE RECORDER: I can't see a time or date-stamp on it.

MR KENNEDY: Yes, I know. That's -- well.....

A It will have been 4.30 pm in the writing room at Peckham.

C

THE RECORDER: How do you know that?

A It's on the rear of the -- the sheet.

MR KENNEDY: Well, what do you have there? Oh sorry. That's the -- is that the originals?

A No, this isn't an original, no.

D

THE RECORDER: Well, let's carry on. And I'd like to see, after the short adjournment, all the documents that this officer has been referring to. I'll hand this back now. And I want to see the originals that this officer is relying upon.

MR POTTINGER: Yes, the -- it's the -- just-----

E

THE RECORDER: Not now.

MR POTTINGER: No. I'll just-----

THE RECORDER: Let Mr Kennedy finish.

F

MR POTTINGER: Certainly, your Honour. What the -- what the document was that he -- he relied on.

THE RECORDER: Thank you. Mr Kennedy, forgive me for interrupting. We'll deal with it later on.

G

MR KENNEDY: So he was arrested, wasn't he?

A Yes.

Q The van was seized? Is that right?

H

A Yes, the van was seized.

Q When you seize a van, you produce a seizure notice? Is that right?

A Yes, that's correct.

A Q That would note -- I haven't got it to hand. Have you got that?

A I don't have it here at the stand with me, no.

Q No. But in general terms a seizure notice would note what the vehicle -- who -- who the vehicle's been seized from? Yes?

A Yes.

B

Q What the vehicle is?

A Yes.

Q Contents of the vehicle?

A Yes.

C

Q And so if there were tools in the vehicle then they would be noted, wouldn't they?

A I believe that the particular interest is around the value so if it's something of value then it's recorded. So if tools are of a value to the individual then, yes, they are, they will be recorded, yes.

D

Q Well, I mean, let's use your -- let's use your phrase, "a load of tools". If you seize someone you believe to be a workman's vehicle and it's got a load of tools in it, i.e. their livelihood, part of their livelihood, a seizure notice would be obliged to cover the fact that a load of tools had been seized, wouldn't it?

E

A Again I -- again I would come back to -- to what extent they're of value. Certainly if it was sort of large machinery then, yes. If it's maybe a couple of screwdrivers on the dashboard then I can see why that might get overlooked. But, yes, in general you do record what's -- what's in the vehicle, yes.

F

Q Tools of the trade from a trade -- you can't just go about taking a tradesman's van with a load of tools in it without giving them a receipt telling them what you've told -- showing them what you're taking (Inaudible)?

A Correct.

G

Q I don't know if you -- did you draft the seizure notice in this case?

A I do not recall.

Q No. There's no reference on the seizure notice in this case -- I think it will be agreed in due course. No reference to tools on the seizure notice. Are you able to explain that?

H

A No, I'm -- I'm not able to explain. I -- I don't recall whether it was myself or another colleague that completed the seizure notice.

Q All right. Just to make Mr Cordell's position plain, I accept you formed the impression that he was working. But he told you he wasn't. Yes?

A Yes. Ultimately over the course of that interaction he did dispute that, yes.

Q And when you say that at the outset of the conversation he told you he was working, I suggest you're being dishonest?

A No. I would reject that.

Q And the reason he was arrested and the van seized rather than a fixed penalty notice -- you say it's because he was being unco-operative? Yes?

A In terms of the seizure?

Q In terms of why this wasn't dealt with by way of a fixed penalty notice, why it was dealt with in terms of him being arrested and then the van needing to be seized.

A Yes. He was being unco-operative.

Q Because you say he was being unco-operative. I suggest to you he was standing his ground saying "I haven't been working here" and was saying "Why are you lying to my insurance company?"

A I don't -- I don't recall him saying that I'd lied to the insurance company.

THE RECORDER: You certainly hadn't told them the truth, had you, on the face of it?

A I certainly acknowledge there's a discrepancy there, your Honour.

THE RECORDER: Yes.

MR KENNEDY: Thank you. Nothing further.

Re-examined by MR POTTINGER

Q Did you -- you said he became unco-operative and at a later stage claimed that he was looking for work rather than working? Is that right?

A Yes.

Q Had you mentioned the insurance before he -- in terms of him saying that he was actually looking for work rather than working, can you help us when that change happened?

A As soon as -- for me anyway, as soon as I'd asked -- as soon as I'd asked for his documents initially and he'd said "Oh, you know, I'm busy. I'm just going to go in there and do some work" for me the -- the suspicion was there, "Well, I need to make sure on the insurance that it covers him for..." -- "...for business" and then of

course over the process of saying "Can I see your insurance certificate?" and so on, yes, it's become clear that I'm digging into his insurance.

A Q Can you actually recall seeing anything in the vehicle apart from loose items and debris?

A No. Loose items-----

Q And the cards?

A -----the business cards and debris, yes.

B

MR POTTINGER: I've got no further questions. Does your Honour have any questions?

THE RECORDER: Yes. Was it a solid van or an open transit?

C

A My apologies, your Honour. Can you repeat-----

Q Was it a solid van or was it an open-backed-----

A It was a closed-----

Q Closed.

D

A -----panel van.

Q Did you look in it?

A No, not initially, no. I don't believe I did.

E

Q Did you see any ladders?

A No, I don't recall any ladders.

Q Paint pots?

A No, I don't recall any paint pots.

F

Q Tools?

A I don't recall any tools.

Q Thank you. You rang the insurers having been given the certificate of motor insurance? Is that right?

A Yes, that's correct.

G

Q Where did you get the phone number from?

A (No audible reply)

Q I can't see it on this certificate. Perhaps it's just my eyesight but.....

H

A I don't recall where I got the number from.

Q Right. I think somebody knows but we can deal with that later on. You don't recall anyway?

A No.

Q Thank you. Anything else? No. Thank you, officer. That's all. I would like you to remain at court, please, and I would like you to produce all the notes that you've relied upon this morning and hand them to Mr Pottinger. Thank you.

A Yes, your Honour. Thank you.

Q You may leave the courtroom but don't leave the building, please.

A Yes, your Honour. Thank you.

(The witness withdrew)

THE RECORDER: Anything else, Mr Pottinger, you wish to call?

MR POTTINGER: No.

THE RECORDER: Any other evidence?

MR POTTINGER: No.

THE RECORDER: That's it, is it?

MR KENNEDY: There's five minutes before lunch. I've got a submission. It's a very short one. I can fit it in the five minutes.

THE RECORDER: Yes. Thank you. Fire away.

MR KENNEDY: Well, the burden is on the Crown to establish beyond reasonable doubt that Mr Cordell was working that day. They've only called one witness. I suggest to you that he was a problematic witness and that in terms of the factors that he records that would suggest that he was working, they don't reach the threshold of beyond reasonable doubt. You've got that it was a work day during working hours but that doesn't really take the case anywhere. We've got a suggestion of paint on clothing. Well, you've heard that it's been challenged. It's a matter for you how much credibility you give that witness, but it doesn't take the case to the threshold, I suggest. The same for cards. And there is -- there's an absence -- aside from that there's an absence of -- of the sort of thing that you might expect to be produced to prove somebody was working. Your Honour just raised a couple but the list is long, isn't it? There's ladders, paint pots, tools, any paraphernalia. Not even a search of the van and no enquiries, it appears, made with -- at the scene of the person he -- it's -- with anybody, no -- no enquiries at the scene to establish that he was working.

A What you do have -- the height of the Crown's case would be the admission that the -- by Mr Cordell that he said at the start "I'm just going to work". That's the height of the Crown's case. In my submission, you cannot rely on that being an accurate and truthful note of the conversation that he -- because of the credibility issues concerning the one witness who gives that evidence.

B So taking a step back, can the Crown prove beyond reasonable doubt on the evidence we've heard already that -- I know that's not the test at this stage but applying the correct test at this stage, the half-time test, could a reasonable -- could a reasonable tribunal properly directed convict on the evidence that they've heard?

THE RECORDER: It's Galbraith (Inaudible), isn't it?

C MR KENNEDY: Yes. I would suggest the answer is No.

THE RECORDER: Thank you. Mr Pottinger?

D MR POTTINGER: The evidence is that the defendant was there with Dean Reid, according to the officer in clothing consistent with work in a vehicle in a condition although without tools consistent with being used for work, with a number of business cards containing the names Dean and Simon, the two persons in that van, advertising a business in provision of general repairs, painting decorating, man and van removals, cleaning, property maintenance services. So the Crown say that there's an obvious inference there. Simon and Dean were in a van together, there's a card saying Simon and Dean, general jobs - nothing to do with the motor trade because that would be covered by the use - in a van, consistent with it being used for odd jobs, in clothing consistent with being used with odd jobs and -- and an admission at the start.

E THE RECORDER: What do you say about the burden of proof in relation to this offence not for the half-time submission but for the end of the day?

F MR POTTINGER: (Inaudible).

THE RECORDER: On the Crown to prove beyond reasonable doubt that there was no policy in force?

G MR POTTINGER: Well, no. No, it's not. It's for the defendant to prove on the balance of probabilities there was no policy in force for the use of that vehicle.

THE RECORDER: Sorry, for the defendant to prove.....

H MR POTTINGER: It's for the defendant -- sorry, for the defendant to prove on

the balance of probabilities. It's really a question of the use of the vehicle and the nature of the use. So the.....

A THE RECORDER: It all comes down to the use, doesn't it?

MR POTTINGER: Yes.

THE RECORDER: Thank you.

B MR POTTINGER: That was the -- the grey area which I was seeking just to think about briefly.

THE RECORDER: Well, I understand. But I just wanted to clarify-----

C MR POTTINGER: Yes. No, you can -- the -- it's an absolute offence. I think the -- and the burden of proof section is at 32-179. The prosecution have to prove the vehicle -- used a vehicle on the road. Once that is established it's for the defendant to prove there was a valid policy in force at the time. But the slight grey area here is the -- it's the nature of the use that's being contested.

D THE RECORDER: Yes. Thank you. Anything else?

MR POTTINGER: No.

E THE RECORDER: Thank you. Although it's after one o'clock, we're going to rise and we're going to come back within the next five or ten minutes and deal with this submission. I apologise to all those whose luncheon it will interfere with but it may take less time in the end. Thank you very much.

(There followed a short adjournment)

F THE RECORDER: We've considered this case very carefully and we're very unhappy with it. In essence, we are going to take a robust approach and we are going to dismiss this case now thereby allowing the appeal. I don't propose to give any further grounds or reasons. We are not satisfied that the Crown have shown sufficient cause that this man wasn't covered by this policy, if you'll forgive the double negatives, and in the circumstances we allow the appeal.

G MR KENNEDY: I'm very grateful. Costs follow the event.

THE RECORDER: Yes, they do.

H MR KENNEDY: (Inaudible) for costs.

THE RECORDER: Application for costs granted.

MR KENNEDY: Thank you.

A

THE RECORDER: I would like to see the officer's notebooks, please, Mr Pottinger, and I'd like them handed to the clerk, the original ones, so that I can view them and they will be returned in due course.

B

MR POTTINGER: What -- what he gave me was -- was in fact the same statement you have.

THE RECORDER: Right. He said -- he referred to some -- there was -- as though there was a date-stamp on the back of something.

C

MR POTTINGER: There's a -- that's the....

THE RECORDER: Can I see that now? That'll be fine.

MR POTTINGER: Yes, certainly.

D

THE RECORDER: Thank you very much.

MR POTTINGER: I just mention matters outside -- I think there was a -- the fixed penalty notice, the original fixed penalty notice, isn't in the file and I'm afraid that is what happens these days. In the old days-----

E

THE RECORDER: Yes.

MR POTTINGER: -----the original file would come through on appeal. The way the system works now, you don't get the-----

F

THE RECORDER: No, no. I -- I understand. I understand.

MR POTTINGER: And I can only.....

THE RECORDER: No, no. It's not your fault at all.

G

MR POTTINGER: It may be on the back of that, the original handwritten.....

THE RECORDER: One of the problems with non-paper cases is that very often it's the paper that shows where things have gone wrong and-----

H

MR POTTINGER: Yes. No, I....

THE RECORDER: And that's the problem in this case. Well, I won't take it any further but may I tell you now that I'm very unhappy with this officer's evidence.

A MR POTTINGER: I'll pass that on.

THE RECORDER: I say "I" - we.

MR POTTINGER: "We". Yes. No-----

B THE RECORDER: We. And I'll say no more.

MR POTTINGER: No. It's -- it's obvious.

C THE RECORDER: Mr Cordell, I hope you've heard and understood, sir, what's happened. Your disc is still in the machine. Somebody needs to recover that. But I would like it to remain as an exhibit in these papers should it be needed in due course.

MR POTTINGER: Your Honour the -- I think there's that case of Baker which is at the end of the list.

D THE RECORDER: Baker? Oh yes.

THE CLERK: Do you want me to call him?

E THE RECORDER: Yes. Thank you very much. You're free to go. Thank you very much.

MR POTTINGER: I was thinking rather than coming back for five minutes. (Inaudible).

F THE RECORDER: I know. That's -- I don't know -- is there anything we can do about it?

MR POTTINGER: Well-----

G THE CLERK: Can I just, sorry, formally just quickly click over, sorry, for the recording.

THE RECORDER: Sorry.

THE CLERK: The case of Baker.

H

THE RECORDER: No need to wait. Thank you very much, Mr Cordell. You're free to go.

A

B

C

D

E

F

G

H

STATEMENT OF WITNESS

(C.J. Act 1967, S2,9.M.C. Rules 1968 R58)

STATEMENT OF: Simon Cordell

AGE OF WITNESS (if over 21): 34

OCCUPATION OF WITNESS: Unemployed

ADDRESS: 109 Burncroft Avenue, Enfield, Middlesex, EN3 7JQ

TELEPHONE:

This statement consisting of 5 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 29 day of April 2015

Signed 

Signature Witnessed by

I am providing this statement to the Metropolitan Police Department of Professional Standards to outline my complaint regarding an incident that took place on 14th November 2013 at Brixton Hill SW2.

Throughout this statement I will refer to my vehicle which is a Ford Transit van registration CX52 JRZ. My insurance for this van is held through a broker of KGM insurance called Broadsure Direct and the following people were spoken to at some stage during this whole incident; Martin Jenkins, Jessica and Kelly Tiller along with a lot of emails to other people and calls.

My insurance policy is a Motor Trade; cover was Comprehensive with the use permitted of Social Domestic and Pleasure and for Motor Trade purposes. For clarity I would advise that Motor Trade use would allow the carriage of tools required specifically for use in connection with Motor Trade activities. I would not be insured to use my van for the carriage of goods for any company.

On the day in question I was in possession of my insurance documents.

On 14th November 2013 I was driving my van in order to attend a meeting with the owner of an up and coming night club for a prospective future job.

On driving along Brixton Hill I noticed some police on the side of the road stopping cars, I passed the 1st set of police and was not stopped, I then passed a 2nd set of police on the roadside and was not stopped, as I passed the 2nd set of police at the roadside I was around 200 yards to the place I was going to the meeting, I then pulled over parked my vehicle up just in front of them and waited in my van, while my friend got out to get something to eat and drink for us, we had got there around 13:00 hours and the meeting was set for 14:00 hours.

A police officer approached my van and said he wanted to conduct some checks on the vehicle under the Road Traffic Act. I now know this officer to be PC Geoghegan.

PC Geoghegan asked why I had stopped and I explained to him I had a meeting in the night club that we were outside, as it was due to open to the public in around 1 month time for a prospective future job as a manager of the night club. While I was there I was also planning on asking if there were any jobs for Dean and that was the reason Dean had come with me, I explained all this to PC Geoghegan.

I knew there was an issue with the Motor Insurance Bureau and showing my vehicles as uninsured as I have encountered this problem before and this is why I carry my insurance documents with me. I passed the police officer my insurance documents for him to check.

Signed 

Witnessed By

I then called my insurance company as I keep there number on me as it is not shown on my insurance documents. So that PC Geoghegan could check I was insured to drive, He spoke to Martin Jerkins from Broadsure Direct and was told I was insured PC Geoghegan did not say anything about any tools in my van to Martin Jerkins from Broadsure Direct.

PC Geoghegan did not seem happy with this; it was at this point PC Geoghegan called my insurance company again directly I over heard PC Geoghegan say I had tools in my van. Which I was upset about as I knew there were no tools in the van; PC Geoghegan had not searched my van so would not have known anything that was in my van.

By this time a second officer had now joined us and I started talking to him and explaining the situation as to what was going on PC Geoghegan was still on the phone to the insurance company. I asked the second officer to check my van to see if there were tools in there, the second officer did this and saw my van had nothing in there.

I believe it was the 2nd officer that saw the business card at the front of my van but it is a very long time ago so I am not 100% sure, I know I spoke to the officer about the business card and told him they were made up for Dean to try and get him some work. The police officer I am sure put the business card into his own wallet to keep for himself.

PC Geoghegan then came back to me and told me I was not insured and due to this was going to seize my Van due to me using it for business use. PC Geoghegan also must have overheard me and the other police officer talking and made a comment about the business card, I told him they were made up for Dean to try and find him work.

I was upset and called my mother to ask her to call my insurance company, Martin Jerkins called me back and again confirmed I was insured and confirmed that with the PC Geoghegan which he took no notice of.

My mother also called me back and she asked to speak to the police officer. PC Geoghegan would not speak to her, but the other police officer there spoke to my mother. This police officer did confirm there were no tools in the van to my mother. There was more then one call my mother made that day to me and spoke with the other police officer as each time PC Geoghegan would not talk to her, each time she was told by the other police officer there were no tools in my van.

PC Geoghegan did not appear to be satisfied with the fact I was insured from the start, and wanted to use anything he could think of to say I was not insured, to made up I had tools in my van knowing this would void my insurance by saying there were tools in my van when there was not, he would have known what my insurance coved as he had my insurance documents. All PC Geoghegan was saying that I was using my van for work purposes but he new this was not the case. I told him this was not the case and I was in the location for a meeting prospective future job as a manager of the night club.

I told PC Geoghegan to look inside the van to check for any working tools which he did not do, the van was empty.

PC Geoghegan asked why I had paint on my jeans and I explained to him that I did not have the money to buy a new pair and this is why I was looking for work. I asked the officer to go into the building where I was due to have a meeting and confirm that I was not there to work but the officer refused.

I am aware that my insurance allows me to drive to a meeting as long as I am not carrying any goods for a company which I was not and this could clearly be seen as my van was empty.

PC Geoghegan did not listen to anything I had to say and I believe he was looking for any reason to either arrest me or seize my van from the start.

I asked PC Geoghegan to call an inspector to the road side as I was really not happy with what was going on. The inspector turned up very fast and also did not listen to what I had to say and only believe what PC Geoghegan had to say. The inspector did not check the van for any tools, and told me if I did not agree with what PC Geoghegan had said then I could have my say and take it to court. I believe if the inspector had addressed the issues at the road side he would have seen there was something clearly wrong. This is his duty to do this but he done nothing and allowed PC Geoghegan to do what he wanted knowing he did not have facts to do what he was doing, the inspector then left.

PC Geoghegan asked me to sign a ticket in order to give me 6 points on my driving licence, a £300 fine and for my van to be seized. I refused to sign the ticket as I knew I was insured so I told the officer to arrest me. I was subsequently arrested and taken to Southwark Police Station.

I was on the phone to my mother throughout this incident and the second officer, PC Smith I believe his name is, spoke to my mother and confirmed to her the van was empty.

Once at the Police Station I was told to sign the ticket or I would be taken directly to court the next morning. I told them I was willing to attend court as I had done nothing wrong. I was forced to sign the ticket and made to leave the station. I asked to speak to an Inspector as I wished to complain about the incident but the Inspector told me as the officers were from Brixton there was

Signed

[Signature]

Witnessed By

.....

240

little he could do but he would get an Inspector from Brixton to call me so I could make a formal complaint. I have not been contacted by an Inspector and I do not feel as though my situation has been taken seriously by the police.

The seizure of my van has caused me a number of problems and cost me a lot of money.

Due to PC Geoghegan informing my insurance company I had tools in my van and was doing odd jobs I received a letter to say they were cancelling my insurance policy. I was told I would need proof there were no tools in the van.

My mother and I were making a lot of calls to the police and later my mother spoke to Inspector Sally Browne, my mother was told that the police officers were now off duty until next week and I would not be able to speak to them anyway. She said that she was going to look into the matter and get back to my mother the next day which she did. It was at this point Inspector Sally Browne told my mother as we were taking the matter to court it would be for the Judge to decide on an outcome.

There were many calls to try and find the proof I needed to stop my insurance company cancelling my insurance policy. On the last call made to 101 my mother spoke to a lady that did give her some information that could help me that the police compound my van was taken to would hold a list of any items that was in my van when it was seized by the police.

Over that weekend my mother sent emails to the police compound trying to find out the information. She got read replies back but no reply to what was being asked these emails were also forwarded to my insurance company.

On the 25 November 2013 my mother called Broadsure Direct to ask for the emails to be forwarded to Kelly Tiller at KGM and ask her if she could try and get hold of the compound and get the information. My insurance was due to be cancelled at 12:00 on the 25 November 2013, again KGM had to extend my insurance as she also could not get the information from the police compound, and in an email I was asked to go to the police compound and get them to call Kelly Tiller and if they could not do this put a subject access request in for the information for my insurance company.

On 26th November 2013 I attended the police compound and the manager placed a call to Kelly Tiller at KGM confirming there were no tools in the van. He said if there had been any in the van when it arrived they would have been locked away securely. Kelly Tiller requested a copy of the item list but the manager told her she would need to request this in the correct way.

I had to pay £190.00 to recover my van along with travel costs to and from the car police compound more than once to address this issue.

My mother was also trying to get all the information from KGM including the audio of the calls, she put subject access requests into KGM, but KGM was not getting back to her, there were a lot of emails sent back and forward.

In April 2014 I got a summons to go to court for this case I sent the plea form by email on the 22/05/2014 pleading not guilty for this case. Case number 011401009802 it said in the letter if I was pleading not guilty I would get a letter with a date for me to go to court.

I was waiting for the letter with the date which I did not get and later found out I had been found guilty due to me not attending. Emails were sent to get the case re opened which did happen.

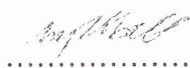
In this time my mother was still trying to get the information from KGM and the audio for the court hearing but was not having any luck with KGM doing what they should have done.

On the 26th November 2014 at Wimbledon magistrates court, the case was heard, PC Geoghegan was there and under oath told the court false information, even when the judge asked about tools being in the Van PC Geoghegan lied and said he could not remember, why could he not remember because he had not written this in his statement the true facts so in his statement were lies. I did not at this stage have the information from KGM that would prove that PC Geoghegan was lying and was found guilty given a ban from driving, points on my driving license and a fine. The judge did say as he knew I was going to appeal if I was found guilty, that he would wait until I filled the appeal form so I went out of court filled in the appeal then went back into court and the judge granted the appeal, The judge also gave me some advice that if I did not have the information I needed by the time the appeal date came from my insurance company, to go to the crown court and ask them to do a summons on the people I needed from my insurance company.

I was very upset over the way the police officer had lied under oath to the judge and the next day my mother called Broadsure Direct and spoke to Martin Jenkins he wrote an email to KGM and got a reply back that an Andrew Austin was going to deal with this matter directly. My mother sent over to Martin Jenkins what was needed including again the subject access request from KGM.

My mother also put a complaint into Financial Ombudsman about what had been going on and the way in which the insurance company had been dealing with this.

Signed



Witnessed By

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On the 30/01/2015 my mother got by email from KGM Peter Wood the audio files for the 14/11/2013 and the 26/11/2013, an email that was sent from the police compound to Kelly Tiller, and a Letter of Indemnity. The Letter of Indemnity had to be corrected as my mother wanted all the facts covered correctly the new Letter of Indemnity was sent on the 02/02/2015 by Peter Wood. We got the full subject access request from KGM at a later date. And on the 09/01/2015 we got a witness statement from Peter Wood.

I had to get a barrister also as this time I did not want anything to go wrong and for me to be found guilty again when I had done nothing wrong.

The appeal hearing was on the 05/03/2015 at Kingston Upon Thames Crown Court where PC Geoghegan again lied to the judge in court. But this time we had the Audio and a barrister. The judge was not happy with what PC Geoghegan did, it was also noted by the court that there was no note book, PC Geoghegan statement was not correct and was only a copy and not dated and also the seizure ticket had been lost. The judge ordered the police officer out of his court room and not to leave the court building.

I won my appeal Upon Thames Crown Court on the 05/03/2015, this case has caused me a lot of problems that took over 1 year to address and correct due to what the PC Geoghegan did that day. He should never had lied and put me under the stress this case has caused me, if KGM did not record the phone calls I could be on a ban from driving and points on my license and had a fine to deal with this should never had happened.

There are a number of issues I wish to be addressed for my complaint as follows:

- **Areas of complaint.**

1. PC G blatantly lied to the insurance company resulting in his van being seized with a cost of £190.00 to get it out of the police compound and having to go up and down the compound to proof to his insurance he did not have any tools in the van, his insurance company was going to cancel his insurance policy that a lot of money had been paid PC G tried to void his insurance which I believe is corrupt and improper practice of any police officer.
2. Unlawful seizure of van which cost £190.00 to get it out.
3. Unlawful arrest I should never have been arrested as I had not done anything wrong I believe this is Unlawful Imprisonment as he used false information knowing it to be false to arrest me.
4. Forced to sign a ticket for 6 penalty points on driving license and £300 fine, on top of this I was later found guilty in a court and banned from driving I believe over a £700.00 fine and points on his driving license all because PC G lied.
5. The inspector that came to road side due to my son asking did not do his job as if he did he would have seen there were in fact no tools in the van and this issue could have then been addressed. But the inspector failed in his duties to do his job, as he only wanted to hear what PC G had to say and not the real facts of the case about what his PC G did.
6. PC G blatantly lied in his statement he wrote about the events of that day he knew what he had told the insurance company yet failed to put this in his statement as he new he had blatantly lied this is not a thing he could have forgot to add in his statement a few hours after the fact when he was meant to have written the statement, which he later used in court knowing they were not true facts.
7. I have never seen PC G notebook but do believe he wrote in a book at the roadside. I would like a copy of his notebook where he recorded the name and information when he spoke to my insurance KGM.
8. PC G blatantly lied in the magistrate's court to the judge with the intention of gaining a conviction and perverting the Course of Justice regarding contents of the van and also Perjury, which Simon was then found guilty, banned from driving, fined and points added to his license.
9. PC G blatantly lied in the Crown court to the judge at the appeal hearing with the intention of keeping the conviction the magistrate's court judge had passed, and perverting the Course of Justice, and also Perjury but was found out due to us having the audio from KGM which in fact showed the judge what the police officer had done; my son won his appeal due to this.
10. No one recorded a formal complaint at the time of the original incident when Simon waited at the police station and filed one after he was arrested and released from the police station.

Signed


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Witnessed By

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I want my complaint to be fully investigated and taken seriously and I am willing to cooperate with the police throughout this investigation.

Signed

[Signature]
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Witnessed By

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