

IN THE COUNTY COURT AT EDMONTON

CASE REF.: E00ED049

BETWEEN:

LONDON BOROUGH OF ENFIELD

(Claimant)

and

SIMON CORDELL

(Defendant)

HEARING DATE: 1 MAY 2018 at 10.00 am

WITNESS STATEMENT OF LORRAINE CORDELL

I am Lorraine Cordell and am the mother of the Defendant, Simon Cordell. I make this statement on behalf of Simon, due to his current state of health and what is contained in this statement is drawn from facts known to me and facts alluded to me by Simon and others named within the statement:

1. I am making this statement due to confusion concerning the case number E00ED049.
2. On 9 August 2017, the Claimant was granted an interim injunction order ("the interim order") under case reference D02ED073 against Simon Cordell. The interim order was disputed, due to the fact the Claimant did not comply with the court's directions. The interim order was subsequently discharged and struck out by the court on 17 November 2017.
3. On 9 January 2018, the Claimant attempted to get the interim order reinstated under case reference D02ED073, but this was refused by the judge hearing the attempt to reinstate the interim order. On that same day, the Claimant filed a new application for the issue of the same interim order which had been discharged and struck-out previously and whose reinstatement had been refused earlier in the day. This new application was allocated the case reference E00ED049.
4. The Claimant has stated the interim order of 9 January 2018 was served on Simon on 10 January 2018 and was served on him personally. This is disputed.
5. On 5 February 2018, Simon and I attended the court where a judge voiced concerns as to whether the interim order had, in fact, been served correctly, the fact the Claimant had failed to file an Affidavit of Service with the court and, also, that

the application made by the Claimant and supporting evidence and other documents had not been seen by Simon. This resulted in an order being made that:-

1. The Claimant filed and served an Affidavit of Service by 4pm on 9 February 2018;
 2. The Claimant serve on Simon Cordell its application of 5 February 2018, by First Class Post, by 4pm on 9 February 2018;
 3. The matter be listed for further consideration of the interim order of 9 January 2018 and the Claimant's application of 5 February 2018 on 30 May 2018 at 2pm with a time estimate of one hour;
 4. The Defendant's address for service is 109, Burncroft Avenue, Enfield EN3 7JQ.
6. Simon has received the new application and within the bundle of documents is a Statement of Affidavit of Service, which is disputed as to whether the order was served correctly.
7. Within the statement of Affidavit of Service, which is made by Andy Philippou, a Process Server of Global Investigation Services Limited, Earnscliff House, London N9 9AB, it is stated, by Andy Philippou:-

“1. That I am over sixteen years of age.

2. That I did on Wednesday 10 January 2018 at approximately 10.20am attend the offices of VLS Solicitors, Gibson House, 800, High Street, Tottenham, London N17 0DH in order to meet with the Defendant's solicitor. That I did at approximately 10.30am meet and personally serve Suzanne Ozdemir (Receptionist) of VLS Solicitors with the following:

An Injunction Order date 9 January 2018 with Notice of Hearing on OS/02no18 at 2pm

A General Form of Judgement or Order dated 9 January 2018

A Power of Arrest dated 9 January 2018

An N244 Application Notice

A Statement of Lemmy Nwabusi dated 8 January 2018, with exhibits

A Court Order

A Statement of Ludmilla Iyavoo dated 3 January 2018, with exhibits

3. That I did on the same date at approximately 11.30am and in the absence of a response from the Defendant's address of 109, Burncroft Avenue, Enfield, Middlesex EN3 7JQ post through the letterbox of 109, Burncroft Avenue, Enfield, Middlesex EN3 7JQ copies of the aforementioned documents in a sealed plastic wallet for the attention of the Defendant.
4. That I did on the same date having had notification from the Claimant's Solicitor of the Defendant's arrest the previous evening

attend at Wood Green Police Station in order to meet and personally serve the Defendant with the aforementioned documents. That I did after having had to wait post interview and having the matter referred to the Duty Sergeant by Officer Tahir Razzaq; meet and serve the above-named defendant with the aforementioned documentation in the presence of five officers in the doorway of holding cell 9.

5. That at the time of service the aforementioned defendant admitted his identity as Simon Cordell, namely, an adult male of mixed race, possibly in his mid 20s, approximately 5'10" tall and slim build.
6. This statement is true to the best of my knowledge and belief and I make it knowing that, if it were tendered in evidence, I would be liable to prosecution if I wilfully stated anything which I know to be false or did not believe to be true"
8. As stated, this is a new interim order dated 9 January 2018. The question arises as to why the Claimant has served the order to a solicitor who, in fact, was not dealing with and knew nothing about the Claimant's application and are not, in fact, representing Simon in this new case.
9. It is averred that posting an order through someone's door, knowing it is required, by law, to be personally served on a defendant, does not constitute proper service and that the order has not been correctly or properly served.
10. It is also averred that the police allowing Andy Philippou into the custody suite at the police station where Simon was being held in a cell and then allowing him to attempt to personally serve the order on him whilst he was in police custody was unlawful. Andy Philippou has also stated he has personally served Simon with the documents, listed in Item 7, in the cell and that Simon gave his name.
11. Andy Philippou is mistaken. As Simon stated to the judge at the hearing on 5 February 2018, he would not allow Andy Philippou to serve the documents on him whilst he was in police custody, even though five police officers came into the cell with him. Simon stood by the CCTV camera within the cell with his hands over his ears and started shouting so he could not hear what was being said. Due to Simon doing this, the police officers were forced to close the cell door and ask Andy Philippou to leave the police station. The documents were not served on Simon at the police station on that day which will be confirmed by the CCTV within the cell and the footage has been requested from the police.
12. There is also the fact the police had told Simon they were going to allow Andy Philippou to try and serve the documents on him at the police station. Simon's mother and solicitor were also told this. Simon told the police he would not allow them to let it happen. His solicitor also informed the police Simon would not let it happen. Simon's mother spoke to the officer in charge of the police station at that time and told him that she was of the understanding it was unlawful for the police to allow a process server involved in a civil matter into the police station for the purposes of serving civil process on someone in custody. As such, the police were getting involved in a civil matter over which Simon would have no control as he was classed as a person in custody and the police, effectively, had total control over him. As such, the interim order should only be served on him, personally, at his home

address or place of business or work. The officer in charge said he would talk to the Custody Officer and let her know what he said. When he asked the Custody Officer, he told the officer in charge he was going to allow this. This was passed to myself and Simon's solicitor. We both pointed out the actions of the police in this respect were unlawful and that Simon had the right to refuse service of the documents personally.

13. At this point in time, I have made a Subject Access Request (SAR) to the police for CCTV footage of Simon whilst he was in custody on 9 January 2018 and 10 January 2018. Simon's mother sent the SAR to the police under the ambit of Section 7, Data Protection Act 1998 on 14 February 2018 after Simon received the documents the judge at Edmonton County Court ordered the Claimant to serve by post on 5 February 2018. The police have 40 calendar days from their receipt of the SAR in which to comply with it. The statutory 40-day time-limit expired on 25 March 2018, in time for the hearing listed for 30 May 2018. All emails sent to the police are included with this letter. As of today's date, 30 April 2018, no documents, CCTV footage, etc., requested in the SAR have been received from the police and Simon's mother has been forced to contact the Information Commissioner's Office (ICO) regarding the police's non-compliance and further emails have been sent to the police as a result.
14. Simon disputes the interim order was served on him personally at the police station. The statement of Andy Philippou contains claims which are not borne out by what he says happened. His statement is, at best, unreliable. Its tendering as evidence, by the Claimant, at the hearing is objected to and the court is asked to take note of this and, if the court sees fits, not admit Andy Philippou's statement into evidence.
15. The claims made by the Claimant in the interim order are disputed. Since 2014, Simon has been left in his home with no help from the Claimant, even though the Claimant is aware Simon is a vulnerable adult, and despite many telephone calls and emails, as well as complaints to the Claimant, by Simon, the Claimant has, apparently, seen fit not to address Simon's concerns and to ignore him, preferring to take notice of his neighbours. Due to vexatious allegations and complaints being made to the Claimant by Simon's neighbours, he has been forced to install CCTV in every room in his home in order that his movements are recorded and which are then available to rebut the vexatious allegations and complaints being made by neighbours. To say Simon's life has been made difficult by his neighbours' actions and the actions and inaction of the Claimant, he is, effectively, a prisoner in his own home and it is apparent he is being used as a scapegoat for everything which goes wrong within the block of flats his home is located within.
16. There are many emails which evidence Simon asked the Claimant for help with regard to the treatment he is being subjected to and, despite inviting the Claimant to attend his home and view the CCTV footage obtained by the system installed in his home, the Claimant has refused to do so and has refused to receive complaints from Simon. Not only this, the Claimant has told Simon to attend their offices to report his concerns to them, but the Claimant is aware of the fact Simon does not cope well when outside and has been told to bring the police with them to view CCTV footage if they are that concerned about Simon's general actions, but the Claimant has no hesitation in attending neighbours' homes at the block of flats when they make complaints or allegations against Simon.

17. It is apparent Simon has made many pleas for help to the Claimant, including telephone calls and emails, before the complaints and allegations started to be made against him. He has, effectively, had to cope with this on his own, despite asking the Claimant for help. However, as soon as a complaint is made by a neighbour, the Claimant acts upon it. There appears to be no logical or lawful reason for this behaviour by the Claimant.
18. Simon has made many calls to the police for which he holds all CAD numbers, begging them for help, only to be told they won't get involved, but as soon as the neighbours put a complaint in, the police are there to arrest Simon. However, when the police are shown CCTV footage which shows them Simon has not left his home and what neighbours have alleged is untrue, they withdraw and say they will "talk to the neighbours".
19. The abuse to which Simon is being subjected is ongoing and the Claimant will not take details of reports of abuse from Simon or do anything to help him, despite them knowing he is vulnerable. The Claimant has told him he can only have contact with the acting solicitors. Until 20 April 2018, calls were made to myself and Lemmy Nwasbuisi of London Borough of Enfield ("the Claimant") by the police in an attempt to resolve issues. Police Constable YE310 Anthony ("PC Anthony") has spent a lot of time speaking to me about the issues involved and what will be included in the statement I am writing for the court. PC Anthony has alluded to me the police have received over 200 calls for help from Simon relating to abuse from neighbours. However, PC Anthony has disclosed that Lemmy Nwabuisi has alluded to him the Claimant is involved in this in order they can justify seeking possession of Simon's home. Not only is it clear the Claimant is taking what can be described as a one-sided view of the matter with many untruths being alluded to them by Simon's neighbours, the Claimant has apparently chosen not to listen to anything Simon or Lorraine has to say. PC Anthony has voiced concerns about this and made no secret of the fact he considers what the Claimant is doing in respect of Simon to be wrong.
20. The abuse by neighbours towards Simon and failure by the Claimant to address this has had a significant and negative impact on Simon's health. So much so, that he has had to ask me to write this statement for the court.
21. It is not certain whether the order dated 9 January 2018 is effective or not. However, when a call was made to the police in the course of the last few days, the police stated they do not believe the order has been served correctly and, consequently, it is not effective, but it will be for the court to decide whether or not the order is effective.
22. On 25 April 2018, Simon received some documents from the court regarding an application for committal proceedings dated 24 April 2018. This is to commit Simon to prison for allegedly breaching the interim order dated 9 January 2018. A hearing is listed for 1 May 2018 at 10am. It is not clear how the Claimant has been able to make this application for committal proceedings when there is a question as to whether the interim order was served correctly, if at all, with a date set for hearing of 30 May 2018 of which the Claimant would be aware.
23. The alleged facts contained in the application by the Claimant for committal, dated 24 April 2018, are disputed. What Mr and Mrs Mathiyalagan have claimed in their

witness statements and the veracity of what they say in those statements is in question as it was they who assaulted Simon with a metal pole, not what they claim in the statements.

24. At this point in time, on 25 April 2018, I have changed the SAR to the police of 14 February 2018 to a request under Section 35, Data Protection Act 1998, requesting full details of the service of the interim order (including CCTV footage of the cell in which Andy Philippou claims he served the interim order and accompanying documents on Simon personally) and full information regarding the assault on Simon has been requested. I have also sent emails to the officer in charge of the case and am awaiting a reply. I refer the court to the emails to the police and emails specifically dealing with the request under Section 35, Data Protection Act 1998.
25. The reason the court has not been contacted sooner regarding the requests for data is that I am awaiting notification as to whether the request in time for the hearing on 30 May 2018 and if the request did not arrive by the beginning of May 2018, to seek an order from the court to require the police to release the requested data to me. The request under Section 35, Data Protection Act 1998 was submitted to the police on 25 April 2018 when I received the documents for the application for committal proceedings dated 24 April 2018. The police have confirmed, by email, they are processing the request.
26. It is averred that the information from the police will confirm the veracity and reliability of what Mr and Mrs Mathiyalagan say in their witness statements is in question and, accordingly, should not be admitted into evidence.
27. I have also asked, in my email to the police officer in charge of the assault case, to make time so the police can study the witness statements Mr and Mrs Mathiyalagan have made in support of the application for committal proceedings, dated 24 April 2018 and laid before the court. It is averred the veracity and reliability of the claims made by Mr and Mrs Mathiyalagan in their witness statements that Simon breached the interim order is in question and, accordingly, no credence or weight should be placed on their claims.
28. It is averred the Claimant's applications for the interim order and committal proceedings are both vexatious and totally without merit. The Claimant has failed to properly investigate and address Simon's concerns, if at all, knowing he is a vulnerable adult and has been informed by Simon of the abuse he is being subjected to by his neighbours on many occasions, but has chosen to accept the unsubstantiated and questionable claims of Simon's neighbours to the exclusion of Simon's right to have his concerns heard and addressed.
29. The conditions of the interim order are draconian by their very nature and any reasonable person in possession of all relevant information would consider them to be not only totally lacking in any logic and fairness whatsoever, but a direct attack on Simon's human rights under the European Convention on Human Rights (ECHR) and the Human Rights Act 1998 (HRA).
30. It is averred Simon's Convention rights have been breached as follows:-
 - a. Article 3 – Prohibition of Torture, Inhuman or Degrading Treatment

The fact Simon is, effectively, a prisoner in his own home, due to the fact he is subjected to abuse by neighbours and the Claimant has repeatedly failed to properly investigate and address, if at all, Simon's concerns, given he is a vulnerable adult, it is averred the Claimant's actions in causing this situation to develop through its inaction amounts to degrading treatment;

b. Article 8 – Respect for Family and Private Life

Simon has a right to respect for his privacy, to peaceful enjoyment of his home, to play and take an active part in the community and be able to freely come and go from his home. By effectively making him a prisoner in his own home through its failure to investigate and address the abuse Simon is being subjected to by his neighbours, the Claimant has breached its obligations to respect his Convention right to family and private life;

c. Article 14 – Prohibition of Discrimination

Simon is a single man of mixed race and has a number of health issues which affect his ability to lead a normal everyday life. The Claimant has demonstrated no lawful reason or justification for treating Simon differently from his neighbours when he complains about abuse to which he is subjected, namely, the Claimant ignores his concerns, and acts on what are vexatious complaints against Simon from his neighbours. It is averred the Claimant's behaviour towards Simon in this respect is discriminatory and breaches his Convention rights under Article 14.

31. It should be noted that the Claimant is a public authority for the purposes of the Human Rights Act 1998. Section 6(1) of the Act states:-

“it is unlawful for a public authority to act in a way which is incompatible with a person's Convention rights.”

It is averred the Claimant's behaviour towards Simon is incompatible with his Convention rights under the Articles referred to above.

32. Simon has made no secret of the fact he is fearful of his neighbours making vexatious complaints against him to the Claimant when he ventures out of his flat to place domestic refuse in the bins provided by the Claimant.
33. Simon has been a tenant of the Claimant since 2006, meaning he is a secure tenant, and is entitled to peaceful enjoyment of his tenancy without interference from the Claimant. However, the manner in which the Claimant has treated him indicates the Claimant is breaching its landlord covenants by allowing other tenants to harass Simon, in that they are making vexatious allegations and complaints against him to the police and the Claimant. However, it is Lemmy Nwasbuisi's disclosure to PC Anthony which is of concern and indicates the Claimant is attempting to evict Simon from his home without lawful reason and at all costs without consideration for Simon's legal and statutory rights under Housing Law. Any reasonable person in possession of all relevant information would consider the Claimant's actions in this respect to be unlawful, if not, illegal. Section 1, Protection from Eviction Act 1977, in particular, falls to mind.

34. The situation that currently exists where Simon is concerned is that he is now afraid to come out of his flat in case a neighbour makes a vexatious complaint against him and the police turn up on his doorstep to arrest him, only to leave having viewed CCTV footage showing they have been called out on the basis of what is, effectively, a hoax call.
35. On 15 March 2018, after being assaulted by Mr and Mrs Mathiyalagan, Simon was taken to the police station. During an interview at the police station, one of the police officers conducting the interview spoke to me about the interim order and commented the conditions of the interim order are a breach of Simon's human rights. I told them I was aware of this. However, the same police officer then explained to me that under the conditions within the interim order, Simon was effectively prevented from defending himself against physical attack. The police officer expressed they were shocked a court had allowed such conditions to be granted. This was stated, by the police officer, in my presence and hearing and also that of Simon's solicitor and another police officer who was present in the interview room.
36. It is my genuinely-held belief the information requested from the police under the terms of Section 35, Data Protection Act 1998 will confirm the Claimant's application for the interim order and committal to prison are vexatious and totally without merit.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Signed:..... Date:.....