



## Statement of Witness

Statement of Stephen Edward Wood

Age if under 18

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This statement consisting of Five pages 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 this the 16<sup>th</sup> September 2013

Signature

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I am Stephen Edward Wood a Private Investigator, & Certificated Bailiff, along with a member of the Chartered Institute of Legal Executives; I am also an Ex-Avon & Somerset Police Constable, and Managing Director of Able Investigations & Enforcements. Of 1 Riverside, St Annes Road, Bristol, BS4 4ED, I will STATE and say as follows:-

1. That I am over 18 years of age.
2. I am a Certificated Bailiff with twenty years' experience in Bailiff Law, I also trained Avon and Somerset Constabulary Officers on bailiff law, I have also written two books on the powers of rent and distress which have been published, these therefore are my credential in this matter.
3. I make this statement in relation to an incident that occurred on the 31<sup>st</sup> July 2013 & the 5<sup>th</sup> August 2013
4. I was first instructed by the owner of 175 Cowbridge Road, Cardiff in relation to non-payment of rent by the tenant. The owner being Belinda Kirk on the 24<sup>th</sup> July 2013. I was informed that the tenant Mr Mark Davenport had a lease on the property in which he had failed to pay rent or service charges since approximately March 2013. I am also aware that the tenant Mr Davenport had breached a number of conditions within the lease but note that no Section 144 have been served on him. I therefore advised Miss Kirk that the best way to reclaim the property was by forfeiture of lease for non-payment of rent, a self-remedy action under common law.

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5. Having received the signed documentation from Miss Belinda Kirk we attended the property on 31st July 2013, taking peaceful possession, changing the locks and making the property secure again in line with the law of rent and distress under Common Law.
  6. 24 Hours after taking peaceful possession of the property, the ex-tenant, Mr Davenport contacted this office requesting that he be allowed to attend at the property to remove his goods. We requested from Miss Kirk that this be allowed, which was agreed.
  7. We therefore sent a bailiff to meet with the ex-tenant at the property on the 2<sup>nd</sup> August 2013; the tenant did not remove anything from the premises and disappeared for an hour, then reappeared. After approx. A further 2 hours, three other males attended at the shop. Mr Davenport and the three male then approached the Bailiff man handling him out of the premises and refusing to allow him back into the shop, thereby allowing Mr Davenport to re-take possession of the property, becoming a trespasser in the building where the leasing had been forfeiture.
  8. The Bailiff called for assistance from South Wales police were called, despite attending at the property and the bailiff explaining the circumstances they refused to take action as Mr Davenport was making unfounded allegations of assault against the bailiff. The police did not pursue this matter, but decided to believe Mr Davenport rather than a court appointed bailiff.
  9. On 5<sup>th</sup> August 2013, at 22:00 hrs myself and team of three bailiffs returned to the property to remove the trespassers from illegally being in the premises, as is the right under common law. On attending at the property we met with police officers with whom we had previously informed of our arrival and explained the situation along with the full legal redress we were about to apply. As we approached the property Mr Davenport opened the main front door.
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10. We spoke to Mr Davenport and explained the situation to him. He stated that he would not be leaving the property and nothing was going to move him from property, threatening to assault anyone who attempted to remove him. It became clear that Mr Davenport had moved his entire family into the property and they were now temporally residing there.

Signed \_\_\_\_\_



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11. Whilst outside the property I was approached by an unknown adult male who made threats of violence to me, thereby putting me in fear for my safety, and as an officer of the court I expected to receive the protection from the Police, at the time of the incident the male was one inch from my face, his comments were so forceful that as he was speaking to me, he was spitting.
  12. I requested that the police arrest the male whom I now know to be the son of Mr Davenport, and was alleging that he is a qualified solicitor which I have since discovered is not the case.
  13. However a female Police Sgt in attendance questioned my attendance and the reasons for me attempting to evict the occupants. I explained the situation and provided proof of my Bailiff Certificate.
  14. However the female Sgt refused to look at my identification stating that they did not believe that I was a Certificated Bailiff the quote was "you can get anything off the internet these days". Despite producing my Bailiff Certificate and offering to show the police the government website where a list of Certificated Bailiffs is held they refused to assist us, and continued to disbelieve me. I then requested that she clarify her remarks to which she replied "take it as you will" I then stated that she was accusing me of being a liar to which she replied that she had, but I could read into what I liked.
  15. Therefore two of the bailiffs entered the premises and tried to remove Mr Davenport, however the scene soon became violent on Mr Davenports side with his family assisting him, in defecting the bailiffs whilst the police stood by and watched. One of the Bailiffs was injured receiving gouging to his skin causing bleeding by two females within the property, he still has the scars to this day,
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16. Mr Davenport & his son were extremely intimidating and physically violent to me and the bailiffs but the police refused to assist in arresting them. After two hours the police informed us that we were to stand down and if we did not there was a possibility that we would be arrested. I did point out that we were acting lawfully and as Certificated Bailiffs we had a right to re-enter the property and evict the trespassers. The police in their infinite wisdom refused to acknowledge this fact, even when I pointed out case law Chief Constable of Essex –v- Bibby [2000]. Should a bailiff be arrested whilst in the execution of his lawful duty.



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17. It was clear that the Female Police Sgt In attendance had a personal grievance against Bailiffs or knew the illegal occupants of the property, which I am uncertain of. However it was clear that she was siding with the tenants and having accused me of being a liar, ignoring crimes that were committed in clear sight of them, they were not going to support our lawful action.
18. As the Davenport family were extremely aggressive and the police clearly failing in their action to protect us, I was left with no alternative but to stand down, taking further instructions.
19. I truly believe that South Wales Police have failed in their lawful duty in protecting not only a member of public, but have also inferred that I as a court appointed Bailiff was a liar. They also ignored a serious offence of Grievous Bodily Harm-With Intent, contrary to Offence against the Persons Act 1861 s18. The victim was wounded, therefore the actions of the other party were deliberate, and it intended to cause serious bodily harm. R v Belfon [1976] 3 ALL ER 46 CR.
20. As a Civil Enforcement Officer with over twenty years' experience I have never been treated as badly as I was by the female Sgt that evening, due to her lack of action, and the inaction of the officers around her, not only did a member of my staff receive injuries, which were totally ignored, but I was put in fear of my safety in clear sight and hearing of at least twelve officers and again no action was taken.
21. I am currently seeking further legal advice on this action through my Profession Association

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Signed \_\_\_\_\_



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22. Therefore in my final statement I must state that I find the inaction of South Wales Police officers in this incident, less than professional. They willingly and openly refused to accept the word of a Court appointed bailiff, even after showing official identification, they ignored offences which were committed in full line of sight and within hearing of the said police officers contrary to UK Law.

Signed

A handwritten signature in cursive script, appearing to read 'SE Wood', is written over a horizontal line.