

Wiltshire

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

NOTICE

WILTSHIRE COUNCIL

HIGHWAYS ACT 1980 - SECTION 143

TO: **Mr. Dino Maurice Jones**
Calcutt Travellers Park, Calcutt Park, Calcutt
CRICKLADE Wiltshire SN6 6JT

WILTSHIRE COUNCIL as highway authority for the highway adjacent to Calcutt Park, Calcutt, Wiltshire

HEREBY GIVE NOTICE in pursuance of the provisions of Section 143 of the Highways Act 1980 that they require you, being the person having control or possession of unauthorised structures on the above-mentioned street, including a wall and fence and any other obstructions whose location, for identification purposes, is shown shaded red on the attached plan, to remove the said structures **by 5 September 2011**.

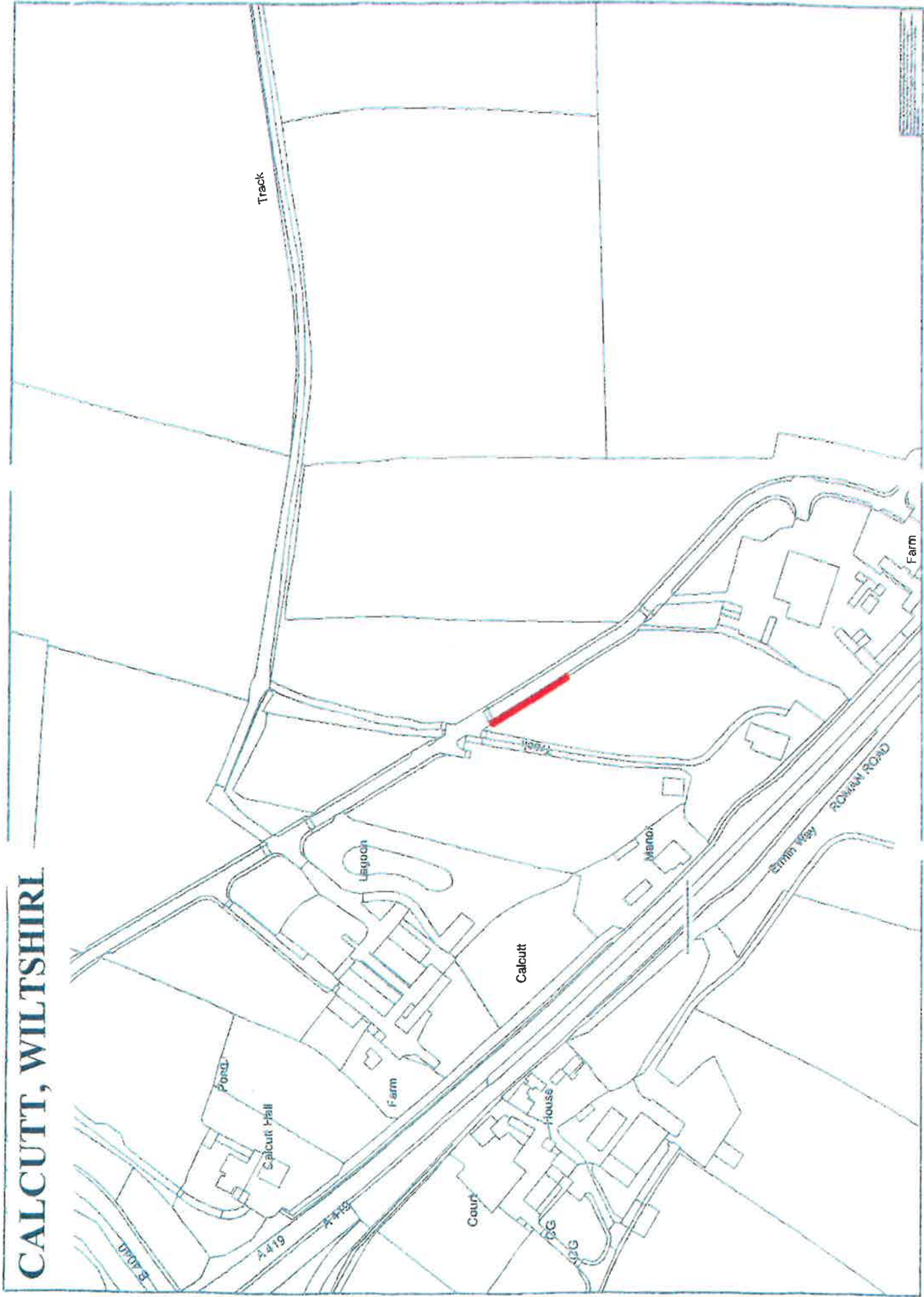
If the said structure is not removed within the time prescribed by this Notice, the Council may itself, in accordance with Section 143(2) and (3), remove the structures after the expiry of one month from the date of service of the notice and recover from you the expenses reasonably incurred in so doing.

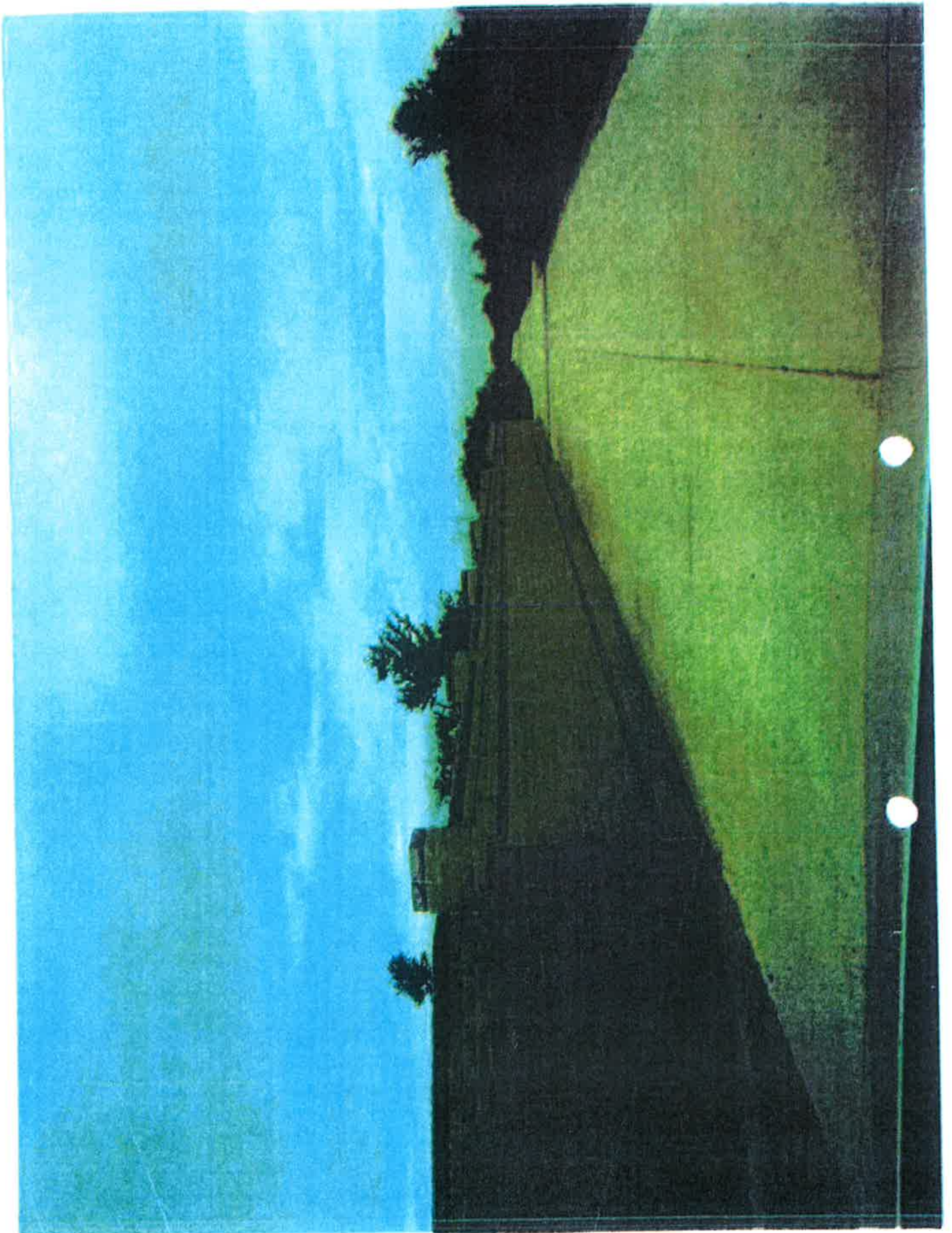
DATED this 28TH day of JULY 2011

I.R. Gibbons
.....
Authorised Officer

I.R. Gibbons,
Solicitor to the Council,
Wiltshire Council,
County Hall,
Trowbridge,
Wiltshire BA14 8JN

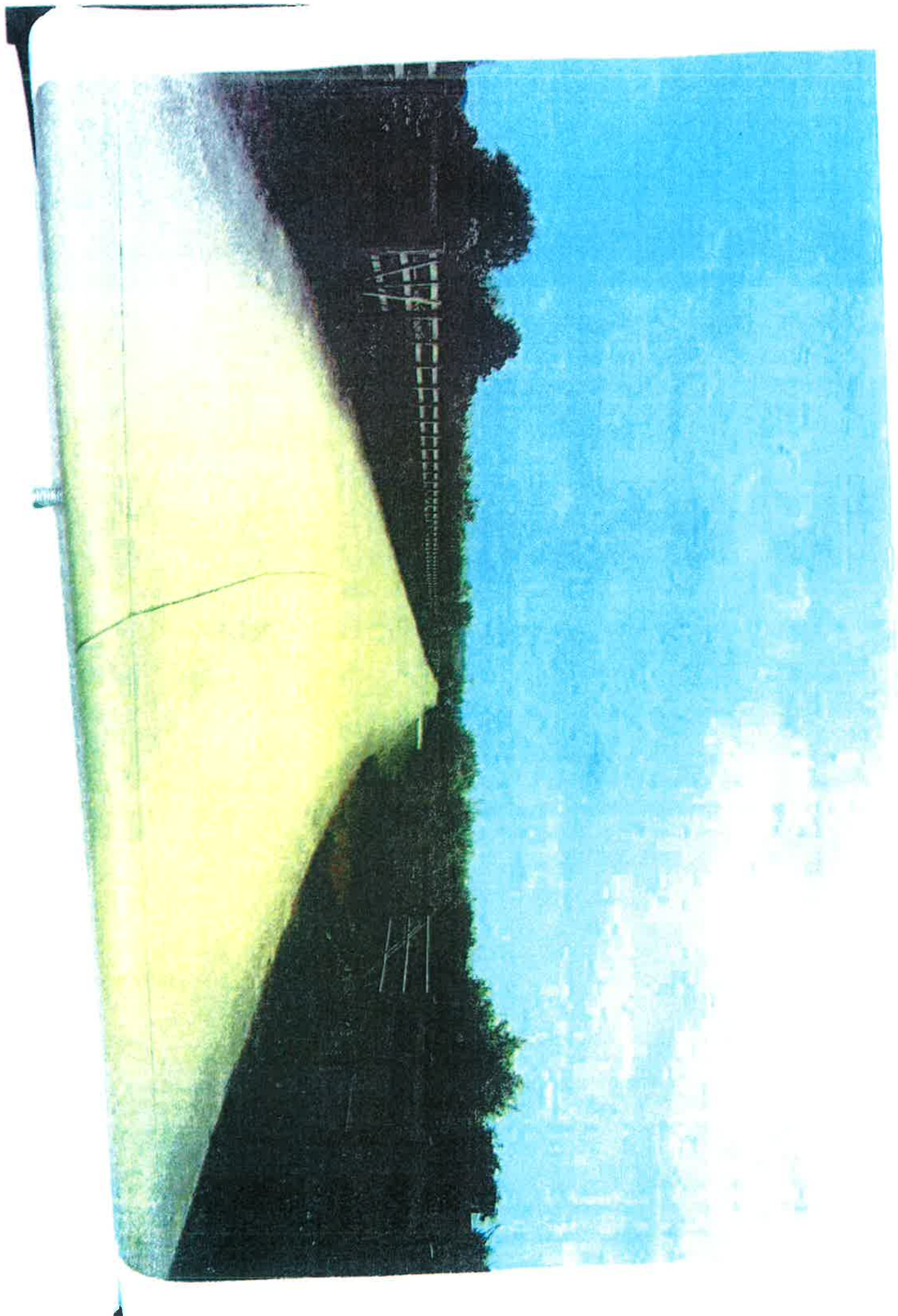
CALCUTT, WILTSHIRE











Gale, Kevin

From: Phillips, Tony
Sent: 23 June 2010 07:37
To: Colmer, Peter; Perrott, Matt
Cc: Cross, Steve; Smith, Tracy
Subject: RE: Gypsy & Traveller site @ Calcutt farm

Peter, although more of a highway issue than one for planning by the sounds of it, I also had a call from one of the neighbours. It sounds as if they may have blocked off the pedestrian access in front of the site forcing people to walk over the cattle grids. I shall try and pop up over the next few days as despite an initial somewhat aggressive approach last year when he first turned up, I get on OK with Maurice. That was him being aggressive, not me in case you wondered.

Regards
 Tony.

From: Colmer, Peter
Sent: 23 June 2010 06:32
To: Perrott, Matt
Cc: Cross, Steve; Smith, Tracy; Phillips, Tony
Subject: Gypsy & Traveller site @ Calcutt farm

Hi Matt,

Following our telephone conversation yesterday, as a result of a complaint by a neighbour, I visited the site and can confirm that part of the 'encampment' have encroached on to land which I understand to be owned and maintained by Wiltshire Council (highways), without the appropriate permissions. I understand from previous conversations that although they have (i.e. Maurice Jones) approached Wiltshire Council to access the area in question, no formal permission has been given.

During the whole planning process with regard to this site, I have tried to keep a 'balanced' view of the situation and indeed supported the Planning Officers recommendation to give temporary planning permission for 2 years to the applicants. However, we are now in a situation that having given 'an inch', they are 'taking a mile'. Whilst what they have developed is 'pleasing to the eye', I think we need to adopt an approach that we will only approve this encroachment, if they obtain the necessary permissions. The neighbour who raised the issue has said to me if its ok for the gypsies, then I can assume its ok for me!

I was going to take a photo for you to view, but Mr. Jones was 'patrolling' the area, he gets very aggressive if photo's of his property are taken and he is somewhat bigger than me!

Can I urge Wiltshire Council to take a strong line on this issue from an enforcement perspective, we need to send a message that we will not tolerate situations of this nature as a larger encroachment could follow within the area

Regards.

*Peter Colmer
 Wiltshire Councillor,
 Cricklade, Latton & Marston Meysey.
 Tel;01793-750245 (home), 07855-419598(mobile)*

From: Tony Phillips [mailto:thurdleigh1@hotmail.com]

Sent: 20 October 2011 09:09

To: Hampton, Adrian

Cc: Gale, Kevin; Smith, Mark; Hewitt, Ashley; Cross, Steve; Beaven, Malcolm; Tonge, Richard

Subject: RE: Urgent response required.

Dear Adrian,

Thank you for your e-mail but unfortunately you still have not answered the points raised previously. Even if the documents that Kevin supplies makes it clear that this is an area of land over which the Council have highway powers, I have asked that you provide me with clear advice as to what happened between a senior highway officer taking the view that *'the obstruction does not have a huge impact'* and the Council's decision to seek the removal of the wall.

Noting my concern regarding the Council having no record of Cllr Tonge's involvement however failing to address this point is not acceptable and I again request that you answer my question. I would also like to know if the full facts were given to Cllr Tonge, namely that:

the wall was not built on land owned by the Council,
the track only serves a very small number of properties,
the track is totally adequate for there not to be pedestrian / vehicle conflict as it is 6m wide and does have a verge on one side,
the track is used by very few vehicles which always travel slowly (as a result of cattle grids),

May I remind you Adrian that I worked for the Authority for a number of years and I had a good working relationship with Members and Council Officers. I am also aware that your own Highway officers used to bring highway obstruction concerns to a joint Highway and planning enforcement meeting that I often chaired (attended also by Kevin). Those same officers raised on a number of occasions frustration with the inconsistent approach by senior officers who on occasions refused to take action when highway obstruction were evident. Decisions sometimes taken as a result of political pressure. I'm sure Kevin can confirm the discussions that took place.

I must also remind you that the decision to pursue an obstruction is a discretionary function and to date you have provided no evidence to support the expediency argument of taking action other than the fact that the wall is built on a highway and you must act.

Once you have address ALL the points raised and I am satisfied that the Council is taking a consistent and fair approach, I will be better placed to discuss this matter with my client in the hope that we can arrive at a satisfactory conclusion.

Should you believe it appropriate to pursue direct action in the meantime, please be advised that as previously stated, I will be discussing with my clients the need to seek judicial review, submit an application to the courts for an injunction and to submit a formal complaint against the Council under the Discrimination Act, not to mention a complaint to the Local Government Ombudsman.

I trust you will now provide me with the answers to the questions I have sought.

Kind regards
Tony.

Equality Act 2010

Section 149 - Public sector equality duty

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) tackle prejudice, and
 - (b) promote understanding.
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are—

- **age;**
- **disability;**
- **gender reassignment;**
- **pregnancy and maternity;**
- **race;**
- **religion or belief;**
- **sex;**
- **sexual orientation.**

(8) A reference to conduct that is prohibited by or under this Act includes a reference to—

- (a) a breach of an equality clause or rule;**
 - (b) a breach of a non-discrimination rule.**
- (9) Schedule 18 (exceptions) has effect.**