

## Appendix 2

### Andrew Weavers

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**From:** Roger Buston <rbuston@apblaw.co.uk>  
**Sent:** 16 May 2016 17:36  
**To:** Andrew Weavers; Brian Jarvis - Cllr - own email  
**Subject:** P 25 31 18 25 Complaint

P 25 31 18 25

16 May 16

Good afternoon Andrew,

### Complaint

I wrote the item now complained about by Cllr Bourne , and thus I accept full responsibility for it - so please discount Cllr Jarvis from this witch hunt.

With respect to Councillor Bourne , I simply cannot see what she is complaining about ?

I can see nothing at all within in the content of the E Mail I wrote that could be remotely breaching any Equality Law , Protocol or indeed the Members Code of Conduct.

In fact , the contrary.

I would suggest the folk whose human rights have been breached here are the residents and Council Tax payers of Colchester , who have had crimes committed against them collectively , which appear to be being ignored by , particularly, the Police , for whatever reason , and , further now that the (Travellers ) - or whatever more respectful description Cllr Bourne wishes to attribute to these illegal occupants, have departed , the Residents are required , adding insult to injury, to have to pay for the privilege of clearing up the mess the (Travellers) have left behind them.

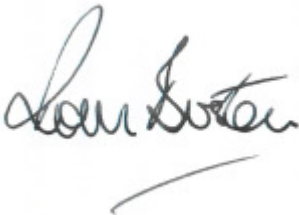
With respect I cannot see that I , acting on residents behalf, have anything to apologise for ?

If I am nonetheless required by Cllr Bourne to apologise for standing up for the Residents and Council Tax payers of Colchester against those who choose deliberately to commit wanton acts of vandalism and criminal damage against them and intimidate them ( whatever and whoever these persons for the sake of convenience and an artificial label currently applied to them may be) and at residents expense too , I will not .

.....in that that's what (at least I thought that) I was elected to do ?

I am very disturbed indeed if this is to be the measure of the Councils application of support for its residents and those as stand up for our residents under the current Administration.

Best wishes



**Roger Buston**  
TD LLB TEP FCMI VR  
Consultant Solicitor

Councillor Prettygate Ward Colchester Borough Council

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## Appendix 2

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**From:** Andrew Weavers [mailto:Andrew.Weavers@colchester.gov.uk]

**Sent:** 16 May 2016 14:49

**To:** Roger Buston <rbuston@apblaw.co.uk>; Brian Jarvis - Cllr - own email <brianjarvis08740@btinternet.com>

**Subject:** Complaint

Dear Councillors Buston and Jarvis

I have received a complaint from Councillor Bourne regarding the contents of the email below which, as you will recall relates to Travellers.

Under the Equalities Act, Travellers are a group with protected characteristics and accordingly the language used in your email may have potentially amounted to a breach of that part of the Members Code of Conduct which states "Members must not do anything to breach equalities laws".

I should be grateful if you would consider the contents of your email and whether you are prepared to make an apology otherwise I will have no alternative but to deal with this matter in accordance with the Council's Localism Act Arrangements.

I look forward to hearing from you.

Andrew

### Andrew Weavers

Strategic Governance Manager  
Corporate and Financial Management  
Colchester Borough Council  
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**From:** Roger Buston <[rbuston@apblaw.co.uk](mailto:rbuston@apblaw.co.uk)>

**Date:** 9 May 2016 at 21:55:30 BST

**To:** "[Beverley.Jones@colchester.gov.uk](mailto:Beverley.Jones@colchester.gov.uk)" <[Beverley.Jones@colchester.gov.uk](mailto:Beverley.Jones@colchester.gov.uk)>

**Cc:** Brian Jarvis - Cllr - own email <[brianjarvis08740@btinternet.com](mailto:brianjarvis08740@btinternet.com)>, "[tinajanebourne@gmail.com](mailto:tinajanebourne@gmail.com)" <[tinajanebourne@gmail.com](mailto:tinajanebourne@gmail.com)>, "[Belinda.Silkstone@colchester.gov.uk](mailto:Belinda.Silkstone@colchester.gov.uk)"

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<[Karen.Loweman@cbhomes.org.uk](mailto:Karen.Loweman@cbhomes.org.uk)>, Leonie Rathbone <[Leonie.Rathbone@colchester.gov.uk](mailto:Leonie.Rathbone@colchester.gov.uk)>

**Subject:** P 25 31 18 25 E Mail LR CBC 09 May 16 Hilly Fields Travellers encampment

## Appendix 2

From:

Councillors Roger Buston and Brian Jarvis



### Team Lexden & Prettygate Conservatives

Here to make a positive difference

P 25 31 18 25

09 May 16

Good evening Beverley ,

#### Crime Prevention / Environmental Protection

#### Hilly Fields LNR : Incursion by Travellers

I am obliged for your response.

I am very sorry indeed , both for our residents as well as personally, that we find ourselves put into this adversarial position.

#### Criminal damage report by residents.

I am absolutely sure, as perhaps you might imagine, that the residents who reported the Criminal Damage to both Padlock and subsequently to the Gate being ripped off its hinges to me, have no wish to “ come forward “ and report the matter publicly , for fear of intimidation by the Travellers.

To suggest otherwise would, I suggest, be disingenuous.

Would you come forward in such circumstances ?

With respect, I suggest , probably not.....

The reputation of our “friendly” travellers precedes them, doesn't it .....?

Nonetheless I am sure you will agree that intimidation of this nature this should not mean , as appears to be the case here, for our residents that the Police will pretend that nothing of this nature has ever happened here , and that no criminal damage occurred.

Please look again at the evidence attached.

At the very least surely we should be entitled to reasonably expect the Police to conduct a thorough forensic examination , and fingerprints being taken both of and at the site, as well as of all the likely suspects : if only , perhaps as they say in the films, to rule out those who are innocent ?

Dramatic perhaps, and indeed perhaps I have been watching too many detective films, but residents will demand why this has not been done , and why are our - their - Police so reluctant to Act ?

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By ignoring the issue, what sort of message does this give out ?

“Commit crime in Colchester and we’ll take no notice ? “ ....” Criminals and intimidators welcome here “ : I do hope not.

At the moment the policy both from CBC as well as the Police seems to be not to do anything at all in regard to the wanton damage committed , which I suggest is

(1) unacceptable to both residents and Council Tax payers alike

and

(2) sets an extremely bad example.....unless of course you are a traveller, in which case it is very encouraging and supportive indeed : “ Welcome to Colchester “ – we’ll let you do as you like.

The way this matter is being presented at the moment, with respect, both by CBC Officers as well as the Police is that it is our residents who are being cast as the ones who at fault by daring to report the matter and by being intimidated (!)

Perhaps it is about time this position were reversed, and a bit of empathy was shown towards our residents ?

.....this quite apart from the rather obvious fact as has been suggested to me by a number of angry residents that it is “us the Residents that pay the wages of the Officers both of CBC and the Police so why are you taking their side etc etc “. Sadly as a CBC Councillor, and thus seemingly to them at least representing “officialdom” here, I find myself being tarred with the same brush, which I find singularly inappropriate and most uncomfortable.

Residents feel that they have the right to be accorded the duty of care and support from the Members and the Officers they employ , rather than seemingly every excuse be put forward not to take firm action against the , I suggest, rather obvious perpetrators of these various and deliberate crimes ?

Perhaps we might be better served by inviting Inspectors from HM Revenue and Customs to visit the site ? From my recollections of erring clients in the past , over the last 40 + years I have been in practice , HMRC have few, if any, scruples or reservations in acting precipitously and without warning whenever the opportunity presents itself.....those brand new vans lorries and caravans have to come from somewhere.....?

### ECTU Notice.

Please confirm that the ECTU notice will be backed up by immediate s. 61 Action if the Travellers do not “ move on “ directly : and if they do move on will it also be made clear that a similar reaction will be forthcoming if they decide to Trespass on any other land in Colchester ?

### The Police

In regard to the above, I have to again note that you indicate that the Police claim that no crime has been committed.

I have evidenced at last 4 in my earlier correspondence.

Can CBC please formally requisition the Police to identify why none of the items I so far identified constitutes a crime , and therefore why they should do nothing about it , where the evidence adduced clearly indicates the exact opposite ?

I have to suggest that our Residents have the right to expect more of their Public servants than this.

Best wishes



## Appendix 2

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**Councillor, ( fmr Lexden) Prettygate Ward, Colchester Borough Council**

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**From:** "Beverley Jones" <[Beverley.Jones@colchester.gov.uk](mailto:Beverley.Jones@colchester.gov.uk)>  
**Subject:** RE: P 25 31 18 25 E Mail LR CBC 09 May 16 Hilly Fields Travellers encampment  
**Date:** 9 May 2016 16:41:26 BST  
**To:** "Roger Buston - Cllr - own email" <[rbuston@apblaw.co.uk](mailto:rbuston@apblaw.co.uk)> ,

Dear Cllr Buston

I know that Belinda has copied you into her latest update regarding the action we are taking to deal with the unauthorised encampment at Hilly Fields.

As you will have seen, the Essex-wide County Traveller Unit have attended to serve the "Direction to Leave" the site and will be taking the necessary action to secure compliance with the notice. As explained in the update, if they do not leave after the 24 hours has expired then we will be required to take further legal action which will require us securing a court date. Clearly we will do this as quickly as possible and I would like to assure you that we are working with ECTU to take all the appropriate steps to secure their removal.

I note your questions in relation to the decision not to use s61 and would like to confirm that the potential use of s61 has been discussed between both ECTU and the Police at each review point in the process to ensure that the most appropriate legal recourse is used at the time. Clearly, I will leave our Police colleagues to respond to your detailed questions, but they have confirmed to us that there is currently no evidence to support them using these powers.

In relation to the points you have raised concerning the access gates – if you are able to provide us with the details of witnesses who directly observed the travellers either removing the padlock or damaging the gate then we will be more than happy to work with the Police to obtain witness statements and take further action. Whilst I understand that residents will naturally come to a conclusion as to who is responsible, without clear proof as to the perpetrator we are unable to take any further action.

I will ask Belinda to ensure that you are included in the updates that she will continue to send.

I look forward to hearing from you with any information you are able to provide in relation to the damage to the access gates.

Kind regards  
Beverley



## Appendix 2

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