

32/17

MT

Confidential filing

The Cynon Valley Borough Council dispute
with the Welsh office over the allocation of funds
for highway maintenance.

CIVIL SERVICE

February 1981.

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
10-6-81							

PREM 19/405



File AH

Civil Service

10 DOWNING STREET

From the Principal Private Secretary

10 June 1981

MANAGEMENT AND SENIOR STAFF IN CONFIDENCE

Dear John,

CYNON VALLEY BOROUGH COUNCIL

As I told you on the telephone yesterday, the Prime Minister's response to your Secretary of State's minute of 4 June 1981 about the steps your Department intends to take following the inquiry into the Cynon Valley Borough Council case was that she feared that the same thing would inevitably happen again unless firmer action than that proposed was taken.

I subsequently spoke to Trevor Hughes, as we agreed I should, and he gave me a very helpful explanation of his reasons for believing that the disciplinary action he was suggesting was appropriate to the circumstances of the case.

I have now been able to consult the Prime Minister again, and she has concluded that your Secretary of State should proceed as he proposes. She has, however, commented:-

"The whole sorry tale reveals an appalling lack of management talent in the Civil Service system. It is astonishing that totally unsuitable people can be promoted to such responsible positions".

It was clear from what Trevor Hughes told me yesterday that he is already well aware of the weaknesses in management which this case has brought to light and of the need to deal with them as quickly as possible.

Yours ever,

Alun Williams.

J F Craig Esq.,
Welsh Office.

AH

PRIME MINISTER

Will now leave matters where they are. The whole sorry tale reveals an appalling lack of management talent in

CYNON VALLEY BOROUGH COUNCIL

the Civil Service system.

It is extraordinary that totally unworkable people can be promoted.

I have conveyed to the Welsh Office your reaction to Mr. Edwards' minute below about the disciplinary action which has been taken as a result of the enquiry into the Cynon Valley Borough Council affair; and I have had a long conversation with Mr. Hughes, ~~the~~ Permanent Secretary at the Welsh Office, about the case.

to such responsible positions

Mr. Hughes said that he had given a great deal of thought to the appropriate punishment for the Assistant Secretary, Principal and Higher Executive Officer involved in the affair. Until now they have all had good reputations and for each of them this was the first time they had been involved in an error of judgement of this kind. Mr. Hughes said that he did not believe that dismissal from the Civil Service would have been justified for any of them. Moreover, he did not believe that a decision to sack any of them would be upheld by an industrial tribunal. He had considered both the loss of a year's seniority and withholding of a salary increment as a fitting punishment. He did not think that the loss of seniority would make much impact. As far as possible, he believes in promoting on merit and not on seniority; and promotion prospects in the Welsh Office have in any case been considerably curtailed by the manpower run down. Nor did he believe that the withholding of an increment would of itself be much of a penalty to somebody at these levels. He had concluded that a more keenly felt punishment would be the real wiggling which a severe reprimand involves, not least because in a Department as small as the Welsh Office it would soon become known that the three officials had had a major dressing down.

Mr. Hughes said, however, that he agreed with you that reprimanding the three more junior officials involved in the affair would not necessarily prevent a repetition involving

/ other

other officials. And he was as anxious as you to prevent a recurrence. This raised issues of management, and highlighted the problem of the Under Secretary concerned with the Cynon Valley ~~chaos~~ ^{case}. The Under Secretary was a good engineer but he was not suited to his post. * He lacked both management skills and political judgement. He would be 60 next February, and Mr. Hughes said that he had considered whether to penalise him for his part in the affair by making him retire early. But he knew that he would not accept early retirement voluntarily. This meant following the formal procedures of setting up a Board, hearing the evidence and then dismissing him. But the existing arrangements require the individual to be given six months' notice in such circumstances. He could also appeal either to a Civil Service tribunal or to an industrial tribunal. Going through all these procedures would virtually take us up to the Under Secretary's retirement date. In the meantime he would be more or less a passenger in the Department, and nothing would be being done about improving the management of his area. Mr. Hughes said that he had concluded that the most effective way of proceeding was to leave the Under Secretary where he was until next February, after he had been severely reprimanded like the others, and for him and the Deputy Secretary concerned to keep the closest possible eye on the Under Secretary and his area of the Office for the period between now and his retirement.

I think it is clear from what Mr. Hughes told me that he and the Secretary of State have considered very carefully what would be a fitting punishment for the four officials concerned and how best to stop a repetition of the affair. Mr. Hughes clearly believes that, as far as the three more junior officials are concerned, what will amount to public censure will be an exemplary punishment and that he can make suitable supervisory arrangements to keep an eye on the Under Secretary until he goes next February. In the light of this further information are you content to leave the matter as Mr. Edwards* has proposed? Or would you like me to ask him formally on your behalf to consider more severe action against the offenders?

9 June 1981

* He was put into it before
Mr Hughes became Permanent Secretary.

AW

2.



Prime Minister.

Not a happy story. But
the Welsh office seem to have
drawn the necessary lessons.

for
4 vi

MANAGEMENT AND SENIOR STAFF IN CONFIDENCE

PRIME MINISTER

CYNON VALLEY BOROUGH COUNCIL

— Roy A.

I sent you a minute on 9 March about this case and your Private Secretary's letter of 12 March indicated that you wanted a report from me when my enquiries into the way in which the matter was handled by my Department was complete.

... I attach a copy of a minute I have received from my Permanent Secretary. I agree with the action he has taken or proposes to take and I have instructed him to proceed accordingly.

R.

I fear that the same things
will inevitably happen again

RNE

unless we take firmer
action than this

4 June 1981

not

MANAGEMENT AND SENIOR STAFF
IN CONFIDENCE

SECRETARY OF STATE

Cc Mr R A Lloyd Jones
Mr J E King

CYNON VALLEY BOROUGH COUNCIL: HIGHWAY MAINTENANCE CASE

... I enclose the report of the formal inquiry into the handling of this case. You will see that fault is considered to lie at four levels; the Higher Executive Officer who personally dealt with the case, the Principal to whom he worked, the Assistant Secretary in charge of the Division and the Under-Secretary in charge of the Transport and Highways Group. I have discussed the report with my Principal Establishment Officer and agree with this assessment. The case officer is clearly seriously at fault since he was directly responsible for not carrying out the work but there are indications that he was both overloaded and badly managed in that he was diverted to other tasks requiring immediate attention without thought of the consequences for his normal work. The Principal and Assistant Secretary are also seriously at fault since they knew that the case was being delayed but did not take steps to ensure that it was progressed. They are also at fault in allowing the officer to be given other tasks without drawing the Under-Secretary's attention to the consequences. The Under-Secretary must take general responsibility for the state of affairs within his Group; specifically he contributed to the circumstances which led up to the failure by allocating additional tasks directly to the case officer, apparently without consultation with the latter's superiors to ensure that the officer was not being overloaded. All four officers showed serious lack of judgment regarding the relative importance and sensitivity of the case. But I am satisfied that there is no evidence of wilful misbehaviour or pursuit of self-interest. What is needed therefore is a punishment which will serve notice that neither you nor I are prepared to tolerate such slapdash handling of public business.

I have examined the files of the officers concerned. The Higher Executive Officer and the Principal have had consistently very good reports and the former has indeed been recommended for promotion. The Assistant Secretary's reports are average. You know the Under-Secretary; my assessment of him is that he is a good professional engineer and a hard worker but that he occupies a post which also requires administrative skills which he does not possess to the same degree. He is due to retire next February.

I propose to take, and in some instances have already taken, the following action:-

- (a) All four officers will be severely reprimanded. This will have obvious implications for the prospects of advancement for the three younger officers. As to the Under-Secretary, a severe reprimand at this late stage in his long career will be felt deeply and I do not consider that any more severe penalty is justified by this one case. His Deputy Secretary and I will

keep a close eye on his management during his remaining few months of service;

- (b) The Assistant Secretary and the Principal have already moved to different posts. They will be warned that their work in their new posts will be closely monitored and that any future similar occurrence will not be tolerated. The Higher Executive Officer will similarly be warned;
- (c) I have issued instructions to Under-Secretaries throughout the Department requiring them to ensure that all Heads of Divisions have and maintain systems which enable them to follow the progress of work through their Divisions. I have required them to confirm personally to me that adequate systems are now in operation. I have also issued instructions that any cases which are the subject of delay, for whatever reason, are brought to their attention so that they can alert you and me where necessary.

The Prime Minister has asked you for a report on the results of this inquiry and you may care to send her a copy of this minute. In doing so I should be grateful if you would convey the sincere apologies of the Department. I am of course available to discuss if you wish.

Handwritten mark

Trevor Hughes

TREVOR HUGHES
3 June 1981

VB

Chase again



*CYNON Valley
Borough Council*

10 DOWNING STREET

*13/4
6/5*

From the Private Secretary

12 March 1981

Report with the Perm Sec at present - here in a couple of days
Chasing up 13/5
Yes Mr Wm 6/5
Engine about progress?

Dear John,

13/5
Ringling Back 11/6
BF 4/5 MAF
4/11
og

The Prime Minister was grateful for your Secretary of State's minute of 9 March, about correspondence with Cynon Valley Borough Council.

She has now written as he suggested.

She would be grateful for a report on the outcome of Mr. Edwards's enquiries when these are complete.

Yours ever,

M. A. PATTISON

John Craig, Esq.,
Welsh Office.

John



10 DOWNING STREET

THE PRIME MINISTER

12 March 1981

Dear Mr. Hosgood,

You wrote to me on 9 February about the way in which your Council's request for a determination into highway legislation, which has now been given to your Council by the Welsh Office, has been handled.

I have discussed your letter with the Secretary of State for Wales. Some delay was caused, as you know, by the need for consultations with the County Council. But I have found that the greater part of the delay was indeed attributable to failure by the Welsh Office to give sufficient and proper priority to your representations.

In short, the matter has not been handled in the Welsh Office in accordance with the standards of public administration which the Secretary of State and I require, and which your Council are fully entitled to expect. Appropriate action is being taken within the Welsh Office. I would like to tender an unreserved apology to the Council for the delay, and the Secretary of State for Wales wishes to be fully associated with it.

Yours sincerely,

MT

G.W. Hosgood, Esq.

VB

C. W. O.

Jan



10 DOWNING STREET

PRIME MINISTER

You agreed to sign this letter to the Cynon Valley Borough Council. We will get a report from the Welsh Office when Mr. Edwards's enquiries are complete.

MA

11 March 1981

A

PRIME MINISTER

Here is a minute from Nicholas Edwards,
about the Welsh Office foul-up in their dealings
with the Cynon Valley Borough Council.

The note from Mr. Edwards, and the enclosed
one from his Permanent Secretary, do seem to
make it clear that they are taking this matter
seriously, pursuing those responsible and doing
what they can to ensure no recurrence. Now
that you have engaged their personal attention,
are you content to sign the attached draft and
let the matter rest?

MA

*Yes - but may I know
the result of Mr. Edwards
enquiries.*

not.

10 March 1981



PRIME MINISTER

CYNON VALLEY BOROUGH COUNCIL

I have seen your Private Secretary's letter of 4 March about a case referred to you by the Cynon Valley Borough Council. I fully understand your well justified concern. I first saw a copy of the Council's letter of complaint to you a day or two before I left for Japan and I immediately asked for an explanation and report, and instructed Michael Roberts to look into the case in my absence. Michael received the papers while I was away and took a decision on them on 3 March. In the meantime my Permanent Secretary had begun his own enquiries and I don't think I can do better than enclose a copy of his report to me. I would add that as he himself has only just taken up his duties no blame can attach to him. I have myself now looked at the files which reveal that at a number of points in this sad saga officials realised that things were amiss and appeared to initiate action but as yet I have no explanation as to why on each occasion nothing effective was done.

The difficulty in such cases is that Ministers and senior officials do not become aware of them until the damage has been done, but I am consulting urgently with the Permanent Secretary about measures to be taken to avoid such events in the future. It will be made clear to all concerned that maladministration of this kind is simply not acceptable and I can only convey my regrets that such a case has occurred in my Department and that the systems in operation have proved inadequate to prevent it.

R.

RNE
9 March 1981



MANAGEMENT IN CONFIDENCE

SECRETARY OF STATE

CYNON VALLEY BOROUGH COUNCIL

... The Prime Minister has expressed deep concern about the handling of this case. I am very sorry to say that it appears to be fully justified. The substance is dealt with in CT 1021/81 and a brief diary of events ^{is} attached. The Borough Council have now been told that you would ^{not} uphold their appeal, and so it is urgent that the Prime Minister should reply as soon as possible.

I would need more time to consider the merits of the answer we have given the Borough Council, (though I am not aware of anything amiss), and certainly to consider the implications for management. Prima facie, however, I must conclude that we stand convicted of gross delay, amounting to maladministration, in handling the case and that the only course is indeed for an unreserved apology to go from No 10.

The story is contained in File R28/39/5. No action was taken between June 1978 and January 1979. No excuse for this can be offered. It would appear that the Mid Glamorgan County Council made little serious effort to play their part. Eventually my senior officers became anxious (rightly) that despite frequent reminders from Transport and Highways Group (the one bright spot in this story), the County Council's dilatoriness would lead to criticism of the Welsh Office. But when the County replied, two months were wasted before the Borough Council were asked to comment, and eight more months went by before serious consideration was at last given to the merits of the case.

... Delay of this kind simply cannot be condoned. Indeed, it is quite inexplicable. Nevertheless, a full explanation must be obtained before I can report to you about management or disciplinary action as appropriate. Meanwhile, it would be unfair to deduce, merely from the sketchy evidence of the papers, exactly where the blame lies as between the levels of management in T & H Group and what should be done to put things right. I know that you will wish to discuss, but my present thinking is that you should write as soon as possible to the Prime Minister on the lines of the attached draft and remit the papers to me so that I can immediately set in hand an inquiry, the purpose of which would be to establish how so severe a lapse from acceptable standards of public administration came about; where the responsibility lies; and whether disciplinary action is appropriate.

Trevor Hughes

TREVOR HUGHES
6 March 1981



DRAFT LETTER FROM THE PRIME MINISTER
TO THE CHIEF EXECUTIVE, CYNON VALLEY BOROUGH COUNCIL

You wrote to me on 9 February about the way in which your Council's request for a determination into highway legislation, which has now been given to your Council by the Welsh Office, has been handled.

I have discussed your letter with the Secretary of State for Wales. Some delay was caused, as you know, by the need for consultations with the County Council. But I have found that the greater part of the delay was indeed attributable to failure by the Welsh Office to give sufficient and proper priority to your representations.

In short, the matter has not been handled in the Welsh Office in accordance with the standards of public administration which the Secretary of State and I require, and which your Council are fully entitled to expect. Appropriate action is being taken within the Welsh Office. I would like to tender an unreserved apology to the Council for the delay, and the Secretary of State for Wales wishes to be fully associated with it.



10 DOWNING STREET

CYNON Valley B.C.

11/3

From the Private Secretary

4 March 1981

I wrote to John Craig on 16 February requesting a draft Private Secretary reply to Cynon valley Borough Council. Chris Burdett yesterday sent me a draft reply, and a background note, although the latter was originally omitted from the papers.

The Prime Minister was disturbed at the inexcusable delays in handling this case, at a time when the Government is placing much emphasis on its attempts to speed up procedures of this kind. She has commented: "This must not happen again. A full apology is required and I will give it over my own signature. Perhaps the Welsh Secretary and the relevant staff will come and see me about it".

I hope that a meeting will not prove necessary, but I should be grateful if you could arrange for a suitable draft to be submitted to the Prime Minister, perhaps under cover of a minute from your Secretary of State recording what steps he has taken to prevent a recurrence.

M. A. PATTISON

Martin Rolph, Esq.,
Welsh Office.

8K

PRIME MINISTER

Here is a case of delay in the Welsh Office, concerning a relatively small item, but showing ~~the~~ Government at its worst.

The draft reply suggested by the Welsh Office to me includes the phrase "I have received a report from the Welsh Office on this matter". The draft arrived without the report in question. When it (Flag A) reached me, I could understand why somebody had "accidentally" omitted it from the papers.

With your approval I should like to send the papers back to the Welsh Office, saying that you wish the Secretary of State to reply personally on your behalf. This will ensure that the incompetence with which it has been handled comes to his personal attention. I trust that he will do something to discourage any repetition.

MP

This must not happen
again - perhaps Welsh Secretary
& the relevant staff will

come & see me about it

A full apology is required
and I will give it. Over my own

signature.

Positive full draft please.
MB

3 March 1981

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Oddi wrth yr Is-Ysgrifennydd Seneddol



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From The Parliamentary Under-Secretary

BF 5. 2. 81

2 March 1981

*I have asked the Welsh Office
for the "report" mentioned in
Dear Mike, the draft. Sddawwi within 2 days.*

In John Craig's absence in Japan, I enclose
a draft Private Secretary reply to Cynon
Valley Borough Council as requested in your
letter of 16 February.

*MJD
3/3*

yours,

Chris Burdett

C J BURDETT
Private Secretary

M Pattison Esq
10 Downing Street
LONDON SW1



A

BACKGROUND NOTE ON DISPUTE BETWEEN CYNON VALLEY BOROUGH COUNCIL AND MID GLAMORGAN COUNTY COUNCIL

The Cynon Valley Borough Council wrote to the Welsh Office on 12 June 1978 enclosing a formal request for a determination under part II of schedule 20 to the Local Government Act 1972 (now repealed and re-enacted by schedule 7 of the Highways Act 1980). The Mid Glamorgan County Council have refused to approve supplementary expenditure by the Borough Council in respect of highway maintenance for the years 1975/6 and 1976/7; the sums in question are £9761.36 and £9388.29 respectively.

The letter was acknowledged on 15 June 1978 but the papers were mislaid and only came to light again in January 1979.

After seeking legal advice on the procedure to be adopted in this case, the Welsh Office wrote to the Borough Council for permission to forward their case to the County Council for comments; approval was received in February 1979 and the papers were passed to the County Council with a request for their comments and their agreement to their comments being sent to the Borough Council for their further observations.

Despite a number of reminders, the County Council's comments were not received until November 1979 and then did not convey their agreement to them being passed on to the Borough Council.

This agreement was finally received and the County Council's letter was passed to the Borough Council in March 1980.

The final observations of the Borough Council were received in May 1980; no further correspondence has been received from them since that date.

All the observations and comments were then collated and engineering and legal advice has been sought.

Whilst the more substantial delays have been the fault of the County Council some delays have occurred in the Welsh Office due to pressure of work and the allocation of staff to other duties.

Recent legal advice on another similar case has now enabled a submission and draft decision letter to be prepared and this was issued on 3 March.



DRAFT REPLY FOR PRIME MINISTER'S SECRETARY TO SEND TO
CYNON VALLEY BOROUGH COUNCIL

The Prime Minister has asked me to thank you for your letter of 9 February about your Council's request to the Secretary of State for Wales to determine a dispute between your Council and the Mid Glamorgan County Council.

I have received a report from the Welsh Office on this matter. The Welsh Office very much regrets that some part of the delay in dealing with this case is attributable to them. They have asked me to pass on to your Council their apologies for the time that it has taken to reach a decision in this matter but I understand that a letter conveying the Secretary of State's determination has now been sent.

Mr. HOSGOOD
CYNON Valley B.C.

16 February 1981

I enclose a copy of a letter to the Prime Minister from Cynon Valley Borough Council, about a long-running issue of expenditure on highways maintenance.

The Prime Minister is always concerned to hear of cases such as this which seem to have got stuck in the machine, even though she recognises that her correspondents are likely to present a somewhat unbalanced view of events.

I should be grateful if you would let me have a draft Private Secretary reply to this letter by Monday, 2 March.

M A PATTISON

J. F. Craig, Esq.,
Welsh Office.

bc

FILE

VLB

16 February 1981

I am writing on behalf of the Prime Minister to thank you for your letter of 9 February, about the allocation of funds for highway maintenance.

Your letter is receiving attention, and a reply will be sent to you as soon as possible.

M A PATTISON

G. W. Hosgood, Esq.

24

G. W. Hosgood, LL.B., (Wales) Solicitor
Chief Executive
Prif Weithredwr

Local Registration Officer for the
Aberdare Parliamentary Borough Constituency
Clerk of the Llwydcoed Crematorium Joint Committee

pps. Relevant? NO
Cyngor Bwrdeistref Cwm Cynon
Cynon Valley Borough Council

Rock Grounds, High Street, Aberdare,
Mid Glamorgan, CF44 7AE

Tel. Aberdare 875161(5 Lines) STD Code 0685

Our ref. 1/SM/57

Date 9th February, 1981.

Your ref.

Dear Prime Minister,

C13/2
Allocation of Funds for Highway Maintenance

The purpose of this letter is to express the concern and disgust of my Council at the inexcusable delay of the Welsh Office in determining a matter which was put to them some considerable time ago in pursuance of Schedule 20 (Part II) of the Local Government Act, 1972.

You will know that this Schedule covers the circumstances in which District Councils exercising highway powers under Section 187(2) of the 1972 Act have the right to require the Secretary of State to determine the question of reimbursement by County Councils, as highway authorities, of certain expenses incurred by them. Clause 12 of the Schedule indicates that "A County Council shall not unreasonably withhold approval of an estimate submitted to them under this Part of this Schedule and any question whether their approval has been unreasonably withheld, or whether any works of maintenance are being or have been properly executed, or as to the liability of a county council to make a payment under section 187(4) of this Act, shall be determined by the Secretary of State."

In view of the fact that my Council had, despite discussions and correspondence, been in dispute with the Mid Glamorgan County Council over highway maintenance expenditure in relation to 1975/76, 1976/77, I submitted an Appeal under the provisions of the aforesaid Schedule, to the Secretary of State for Wales on 12th June, 1978. It was felt that in view of a complete failure to agree, the request for a determination under the Act was the only possible step which could be taken. Obviously the present Secretary of State is in possession of the Appeal which is presented in some detail. The letter was duly acknowledged but despite further reminders over a period of months I received no further correspondence from the Welsh Office until 12th January, 1979 when there was an apology for the delay in replying and absence of acknowledgement of subsequent letters. It was indicated that the file had been mislaid and this had held up consideration of the matter.

There was then a further pause during which time I again sent reminders to the Welsh Office without success. Eventually I wrote on the 25th June, 1979 to the Secretary of State for Wales reminding him of the continual pressure for an adjudication under the Act. I also wrote to Mr. I.L. Evans, M.P. I received a letter in July, 1979 from Mr. Michael Roberts, M.P., Parliamentary Under-Secretary indicating (inter alia) that the County Council would shortly be submitting their comments to the Department following which the matter would be dealt with as swiftly as possible.

In the meantime I had received a letter from the Welsh Office indicating that the matter had been delayed because the County Council, who had been asked for comments on the Council's Case had still not responded. The Welsh Office indicated that they would continue to press the County Council. I

/replied

replied indicating that there was anⁱⁿexcusable delay on the part of the County Council in a matter which was absolutely crucial to the District. I suggested that in the absence of any response my Council's Case should be considered without the benefit of any County comment.

Yet again there was a pause of many months despite requests, both by myself and by Mr. I.L. Evans for some expedition in the matter.

Eventually I heard on the 28th March, 1980 from the Welsh Office (Transport and Highways Group) stating that although the County Council comments had been received in November, 1979 it was only in March that the County Council had agreed to their comments being forwarded to my Council for their observations. I informed the Welsh Office that my Council were appalled at the length of the delay and the attitude both of the Welsh Office and the County Council. I stated that this denoted a complete disregard for the desire of my Council to exercise their statutory rights of appeal.

No time was lost in preparing my Council's observations on the County Council comments and I duly forwarded a formal Case in response to the County observations on 2nd May, 1980.

Again despite further reminders to the Welsh Office no further response has been made and we are now in the completely farcical situation of having reached February, 1981 without having had a determination on matters relating to highway maintenance expenditure in 1975/76 and 1976/77. I feel that I need hardly add any further comment as surely the facts speak for themselves. Local Government has been frequently criticised by Central Government for alleged defects in efficiency and speed of action but I feel that the attitude, both of the Welsh Office and to a lesser extent, the County Council, in this matter has been reprehensible. I must insist that my Council receive an early determination of the delayed and I believe, convincing Case put forward and would ask you, most sincerely, to use your good offices, as Prime Minister to ensure a speedy response. I feel also that the whole question of the attitude of the parties here should be closely investigated.

Yours sincerely,


Chief Executive.

The Rt. Hon. M. Thatcher,
Prime Minister,
10 Downing Street,
London, S.W.1.

