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pps. Relevant? NO
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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 an ⁱⁿexcusable 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.