



Hampshire County Council

CHIEF EXECUTIVE'S

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Date

07 August 1998

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Dear Councillor Filer,

HEADLEY PARK PISTOL AND RIFLE CLUB

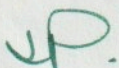
Thank you for your letter dated 22 July referring to the case of R -v- East Sussex County Council ex parte Tandy dealing with the issue of financial resources and duties imposed by statute.

With respect to Mrs. Comber, I do not think reference to the Tandy case (and the commentary in Byway and Bridleway) takes this matter any further.

The County Council does, indeed, have a duty to assert and protect the rights of the public to use and enjoy public highways; but that is not the kind of focused and specific duty owed to the child in the East Sussex County Council case. We have no doubt that Mrs. Comber has some cause for complaint, but her problem is not one that has attracted other complaint. The County Council is responsible for many thousands of rights of way and public highways and we have much greater priorities to address elsewhere. What we are saying is that this particular cause for complaint is regarded by the County Council as a low priority.

I do not have any problem in saying, also, that Mrs. Comber has served the interests of horseriding in the area very well and in the last few years the County Council has devoted many thousands of pounds in resources to addressing the issues raised by Mrs. Comber. Indeed, we are currently engaged in negotiating the compensation payable to Mr. Whitfield arising out of the making of a Bridleway Creation Order in connection with a footpath across Brockshead Common. The County Council has every reason, in all the circumstances here, to devote its scarce resources to problems with a higher priority.

Yours sincerely,


Ted Mason
Principal Solicitor

Chief Executive

Peter C B Robertson LLB Solicitor