

## SPSO decision report

**Case:** 201104093, The Moray Council  
**Sector:** local government  
**Subject:** maintenance and repair of roads  
**Outcome:** not upheld, no recommendations

### Summary

Mr C was concerned that the council decided not to fund repairs to his local private road (also known as an unadopted road). He complained that the predecessor council had, in 1988, entered into an agreement with residents to carry out surface repairs to these roads. He was of the view that the current council should honour this earlier agreement. The council responded that they had no legal duty to maintain private unadopted roads and advised that, due to budgetary pressures, they had decided to reduce the budget for the maintenance of private unadopted roads to zero for year 2011/12.

Our investigation considered Mr C's concerns and confirmed that the council does not have a duty to maintain these private roads in terms of their responsibilities under the Roads (Scotland) Act 1984. We also took the view that, although a policy statement was produced in 1988 detailing how any budget for maintenance of unadopted roads would be distributed, the council were entitled to make decisions in terms of their overall budget. They were, therefore, within their rights in deciding to reduce this maintenance budget to zero.