

CYNGOR SIR POWYS COUNTY COUNCIL

County Council
16th July 2014

REPORT AUTHOR: County Councillor John Powell, Portfolio Holder for Highways and Environmental Health

SUBJECT: Question from County Councillor Gareth Ratcliffe

Can the portfolio holder for Highways please provide the number of claims against the council for pothole and drain damages to members of the public vehicles over the last 2 years. Please can the cost to the council be included also the number that were rejected by the authority?

The number of claims for the period 1st July 2012 to 1st July 2014 is as follows:

	Number	Percent	Value £	Comment
Claims Received	191	-----	-----	
Claims Settled	13	7%	£4,229.91	
Claims Repudiated	110	57%	-----	
Claims Open	68	36%	£121,818.57	Estimate

In relation to drain damages it is presumed that this relates to incidents of damage arising from vehicles hitting faulty manhole, gully covers etc. rather than claims arising from flooding of the highway. These claims are not recorded as a separate category. Some will be included as potholes e.g. where there is a failure of the tarmac around the frame. Others will be classed as general highway defects or drainage problems arising from flooding.

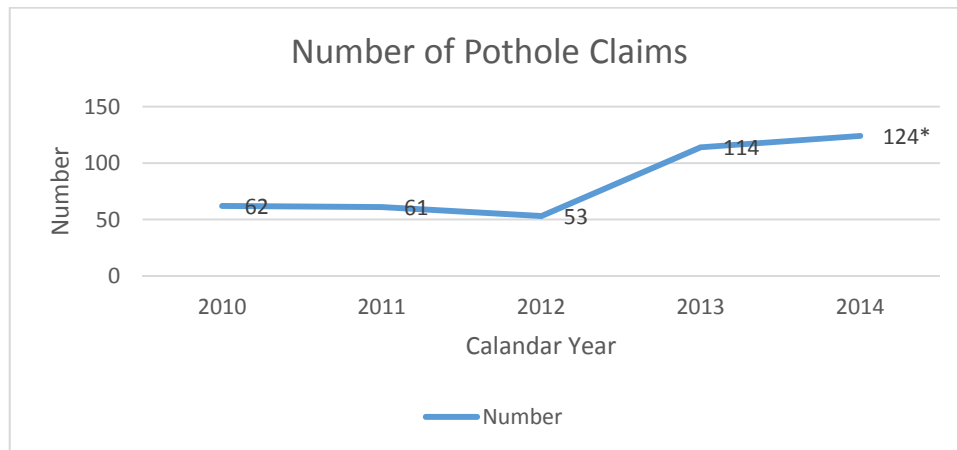
The processing of claims can take time and therefore there will always be a high number of open claims at any one time. Some of these will be straightforward claims whilst others will be longer term disputed claims. In general claims have to be submitted within three years although for minors this does not commence until they are 18 years of age. A claim can therefore be received up to 21 years after the event. This is unlikely however in the event of claims relating to pothole damage.

The settled value represents the total paid to claimants. The value against open claims is based on either the sum claimed or an assessment of likely settlement value. This is not an assessment of claims that are likely to be paid.

In addition to any settled claim costs there will also be staff charges for dealing with the claim. Costs for these are not recorded separately. Under the terms &

conditions of our public liability insurance policy it is a requirement that all claims or potential claims are notified as soon as practicable to the Loss Adjustors appointed by the insurer to handle our claims. Standard charges are applied for these of £105 for damage for property and £255 for personal injury claims.

The trend for the last five years is shown below.



Note: 2014 figure based on first 6 months claims