



*Neuadd y Sir / County Hall, Llandrindod, Powys, LD1 5LG*

## **QUESTIONS AT ANY TIME TO CABINET PORTFOLIO HOLDERS**

Response from Portfolio Holder:

My resident has an outstanding claim for an incident in December 2019. Initially the papers were believed to be misplaced by PCC prior to being sent on to the Company.

- This incident date was 26<sup>th</sup> December and, following a phone call from the claimant, a paper copy of an insurance claim form was posted out. The claimant subsequently rang the Insurance section to query his claim and said that he had returned the form but the claim form had not been received by the Insurance section. As such, another claim form was sent out and the claimant delivered this to Reception at County Hall as a result of which the claim was lodged on the insurance system on 27<sup>th</sup> January.
- The claim was lodged by Gallagher Bassett on 10<sup>th</sup> February resulting in the claimant having an acknowledgement letter from them which stated they were looking into the claim. The industry guidelines state 90 days as the timescale for Gallaghers to investigate and advise on the outcome of a claim following it being lodged by them and they always try to adhere to that and, in the vast majority of cases, do so.

Since then I have made contact three times to no avail. There seems to be no skeleton staff available to respond.

- I understand from your clarification that this is you contacting Gallagher Bassett on behalf of the claimant. Gallagher Bassett had to furlough some staff due to the lockdown. However, claims on behalf of the Council have been being dealt with all through lockdown, albeit this has understandably taken slightly longer than usual in a few cases.
- The Insurance team have not encountered any problems in contacting Gallagher Bassett and would have been able to do this in respect of this claim had they been contacted by the claimant or yourself. The team made contact with Gallagher Bassett as a matter of course following this portfolio query and I understand you are aware that Gallagher Bassett made contact with the claimant to advise that liability had been agreed and settlement would be made.

How many Powys claims are currently outstanding with Gallagher Bassett.

- The Council has 66 "open" pothole claims. However, many of these are not recent claims. This is because e.g. claims where liability has been denied are left open for a period of 6 months in case the claimant wishes to take legal advice and dispute the decision or claims are still open because further information has been requested from the claimant to substantiate their claim and this has not been received.

Given the current understandable delay are you aware of how long these claims will be outstanding.

- There is no current delay – claims are being dealt with.

What arrangement has been agreed with the company to inform claimants when their claims may now be dealt with.

- No arrangement has been necessary.

What is the approximate cost to our residents of these outstanding claims.

- The estimated cost to the Council of the 66 open claims is £49,385. However this is an estimate and could increase or decrease depending on the defensibility of the claims. Gallaghers' ability to defend claims successfully is obviously based on the Council's inspection regime, adherence to this regime, robust inspection information from the Highways Inspectors, the Inspection records being made available within the specified time limit and timely repairing of any issues highlighted as a result of the inspections.