

Councillor's Monthly Report June2021

The leadership of Shropshire Council has now been established with the election of Lezley Picton as the first woman Leader of the Council – Lezley represents the Term Division for the Conservative Party. Lezley has formed her Cabinet, with Steve Charmley as her Deputy - and he also has responsibility for Highways.

Huge congratulations are due to Cllr Gwilym Butler who has been appointed to the Cabinet with responsibility for Resources – which among other duties includes the Council's finances. The south of Shropshire is further represented in the Cabinet through appointments to the Communities and Child Support portfolios. Moreover Richard Marshall, who represents Chirbury & Wothern (ie south Shropshire) is the Highways deputy – which hopefully will assist as we look for support for improvement to our rural roads. Richard has a transport business, so will be acutely aware of the challenges.

There does seem to be a determination to address the poor state of the roads; while this is no comfort, I understand that Shropshire's roads are no worse than those managed by other Local Authorities. South Shropshire's roads are a particular challenge as 2/3rds of the County's minor roads can be found in our locality. The relevance of this is that nearly 13% of B and C roads are considered to be in a poor condition while a whopping 21% of the ungraded roads are regarded as poor. Clearly there is much work to do to get this right.

I have been asked by 2 Parishes how much the Council and its insurers has had to pay out for claims to damaged cars as the result of the poor state of the roads. I hope to circulate these figures to the Parish Clerks next week; I have asked for a 5year trend. In the meantime I have attached the Council's process for making claims – and the explanation as to why claims may not be successful.

For the record Shropshire is in the early stages of its next strategic Transport Plan – and it is clear that this will range from public transport, decarbonisation, the health benefits of walking / cycling as well as the future of the road network.

Finally on roads – if you have ever wondered what those white lines around potholes actually mean. Well that shows that the Council has recorded them as needing attention. Personally I'd like to see a date as to when the attention will be given written next to the pothole!

The Council is determined to digitalise as many of its services as possible e.g. access to the blue badges for parking. This will not be easy if you don't have access to the internet – but if you know someone that does then they can request your blue badge for you and failing that the libraries are there to assist.

Simon Harris
Councillor Cleobury Mortimer Division

Shropshire Council – Pothole Claims

All claims are assessed based on whether we have been legally at fault for the incident. Often events occur which, whilst they are unfortunate, are not the fault of any party's negligence. For this reason, there is no guarantee that entering a Public Liability claim will automatically result in compensation and in many cases it does not.

Letters of claim can be submitted by the claimant or by a solicitor acting on the claimant's behalf. We will treat all claims equally, regardless of how they are received.

Shropshire Council, as a Highways Authority, has a duty under Section 41 of the Highways Act to maintain roads and pavements within its area of responsibility. It is recognised that the resources available to undertake this task are limited and in order to make best use of these limited resources we have in place a system of regularly inspecting our roads and pavements so that defects can be identified and necessary repairs carried out. The frequency of these inspections will depend on the importance of the road or pavement and considers national guidelines. In addition to these inspections we will respond to reports of road and pavement defects from other bodies and the public. However, it is obviously impossible for us to be aware of every defect on every road and pavement, given that defects may occur literally overnight, particularly in adverse weather conditions.

Provided we have adhered to our inspection programme and responded in adequate time to any other damage reports, Shropshire Council is legally considered to have acted 'reasonably' and therefore claims of negligence will be

denied based on a Section 58 Defence. A section 41 Defence may be used when the alleged defect has been inspected pre-accident and categorised as not dangerous or "below intervention level". In law, we and our appointed Insurers, having responded to the notification of a claim, are allowed three months to investigate the circumstances and reach a decision.

We accept claim forms in the post or via email and can arrange for Claim Forms to be emailed directly to claimants.

We have downloadable copies of the forms on the shropshire.gov website in both Word Document and PDF Formats

Once we receive the completed claim form the following will happen:

- We will acknowledge receipt of the claim and advise the claimant of their unique claim number and details of our Insurers.
- We will forward details of the claim to our Insurers who will then deal with the matter on our behalf.
- We will investigate the claim, obtain all relevant documentation and forward this to our Insurers in order that they may make a decision with regard to liability.
- Our Insurers will then contact the claimant with their decision on liability and where applicable, the amount of compensation they are prepared to offer.
- If our Insurers advise that there is no claim to be met, the claimant will be advised of their right to discuss the decision with them or seek independent legal advice.

Where the council is found to be liable then a prompt payment will be made to the claimant. However, where there is no liability to be found against the council, we will defend any claim robustly. The council has a large deductible (excess) so any payments made are normally from public money, so we have a duty to ensure payments are only made where liability attaches.