

**EAST SUSSEX COUNTY COUNCIL  
LEAD MEMBER - TRANSPORT AND ENVIRONMENT  
POLICY SUMMARY**

## **Highway Claims**

### **Purpose of Policy**

East Sussex County Council (ESCC) recognises the vital role played by the local highway network.

The purpose of this policy is to set out the principles of how the County Council will manage, handle and validate claims arising from an event on the highway network.

East Sussex County Council has a duty of care to ensure that the highway maintainable at public expense is maintained to a standard which is safe for its ordinary users. This does not prevent the County Council from seeking indemnity from another party such as a Contractor or statutory undertaker.

### **Policy Statement**

This policy applies to third party claims by highway users.

1. East Sussex County Council will not settle claims for compensation automatically, but will investigate and assess each claim individually on the basis of its own facts and merits.
2. Where East Sussex County Council considers that there has not been a breach of its statutory duties under s41 Highways Act 1980; or that it is considered that the Section 58 statutory Defence can be relied upon (i.e. if the County Council has not been negligent in the inspection and maintenance of the highway) then claims shall be robustly defended.
3. Reasonable measures will be taken to ensure the safety of highway users and appropriate procedures for ensuring suitable design standards, inspections, defect categories and timescales for repair will be drawn up where appropriate.
4. Records will be kept of all activities on the highway, including safety and other inspections, including the time and nature of any responses to defects raised and customer notifications received.
5. Claims will be investigated and all relevant information will be provided to the claimant in a timely manner according to the current County Council Customer Care Charter and the Civil Procedure Rules relating to disclosure.
6. The details of all claims will be properly recorded and kept in accordance with appropriate archiving policy.
7. Damage as a direct result of third party operations, such as utility companies, is the responsibility of that organisation and claims must be taken up directly with them by the claimant.
8. The principles of this policy may be adopted for claims made by highways users for incidents which do not arise from s41 of the Highways Act.

## Supporting Information

Section 58 of the Highways Act, 1980 provides a defence against action relating to alleged failure to maintain on grounds that the authority has taken such care as in all the circumstances was reasonably required to secure that the part of the highway in question was not dangerous for traffic.

Civil Procedure Rules 1998 for England and Wales 1998 (88<sup>th</sup> Edition)

Well-managed Highway Infrastructure – A code of practice – UK Roads Liaison Group, October 2016

Highway Risk and Liability Claims - A practical guide to Appendix C of The UK Roads Board Report 'Well Maintained Highways: Code of Practice for Highway Maintenance Management', July 2009

Highway Risk and Liability Guide 2nd edition - Code of Practice, July 2009

Highway Asset and Inspection Guidance Document

### Version control

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### Date of last review: