

Road and Pavement Defects

A guide to Stockport Council's responsibility under highways legislation for loss or damage caused by defects.

Stockport Council is responsible for over 1037 km of roads and 2005 km of pavements within the Borough of Stockport.

Personal injury or damage to property caused by defects is always regrettable, and Stockport Council works to minimise the likelihood of these as far as possible.

As the Highway Authority, the Council is required by law to maintain the roads and pavements of Stockport to a standard appropriate to the traffic volumes and use. Unfortunately, this standard may not always meet the high levels some may expect.

Section 41 of the Highways Act imposes upon the Council the duty to maintain roads and pavements. To ensure that this duty is met the Council regularly inspects all roads and pavements.

The frequency of inspections varies, depending on the type and use of each road and pavement. We employ a team of specially trained personnel whose job it is to drive and walk the roads and pavements, checking and recording any defects considered dangerous. When such a defect is identified at an inspection, or otherwise reported, the appropriate action will be taken. However, the law does not demand that roads and pavements are always in a perfect state and unfortunately, the available budgets for highway maintenance do not permit us to aim to repair every defect arises.

If you feel that you can prove we have failed in our duty, and you have suffered a personal injury or damage to your property as a result of this failure, you can make a claim for compensation.

Before deciding to claim please carefully consider the following:

In law, for a claim against the Council to succeed, it is necessary for a claimant to prove that:

The road or pavement in question has not been maintained appropriately and was therefore dangerous;

and

This was the direct cause of the accident.

In practice, this means that the inspections and repairs we carry out form the basis of our defence against claims.

Please think carefully before making a claim. The network of roads and pavements must be managed and maintained as cost effectively as possible. The majority of claims are paid for by the Council from Council Tax receipts.

The cost of processing unsuccessful claims is a drain on staff time and diverts resources from frontline services.

If you decide to claim you may wish to seek independent legal representation, but in every case, you will need to complete the supplied form and answer all the questions.

You are required to keep your losses to a minimum in relation to claims involving your property, which means you should arrange any repairs required as soon as possible. Original repair documents and receipts should always be submitted to support your claim. When submitting your claim form please ensure any estimates or invoices are attached. You are advised to keep copies of any original invoices submitted.

For vehicle claims you will also need to provide, with the form:-

- Proof of vehicle ownership - in the form of a V5 document
- Copy of current MOT and Insurance Certificate;
- Any other relevant details.

For personal injury claims, you will need to supply your National Insurance number, date of birth and also earnings' details if your claim involves loss of income.

Our Claims Handlers will carry out thorough enquiries into the incident, using information supplied by you and the Council, (for example the circumstances surrounding the incident and the inspection and maintenance records for its location).

The Claims Handler will decide whether the Council is liable and will contact you with their decision and the reasons for it. For all claims we will aim to provide you with a decision on liability within 3 months.

If we deny liability, we will explain why and provide you with supporting evidence. If you do not accept our decision, it is suggested that you put your reasons in writing and seek legal advice.

Stockport Council is committed to preventing and detecting any fraudulent practices. Any information you provide may be used to assist in this process and may also be shared, subject to the Data Protection Act 1998, with other organisations for the same purposes.

If the incident has occurred as a result of works carried out by a Utility Company or Contractor, then your claim may be against them and not the Council.

Please tell us about defects or potential hazards by using the contact details below:

Stockport Metropolitan Borough Council

Website: www.stockport.gov.uk

Email: stockportdirect@stockport.gov.uk

Or by telephone: 0161 217 6111

Trunk Roads and Motorways are the responsibility of the Highway Agency who may be contacted via

Email: ha_info@highways.gsi.gov.uk

Or by telephone: 0300 123 5000

A free interpreting service is available if you need help with this information. Please telephone Stockport Interpreting Unit on 0161 477 9000 or email: eds.admin@stockport.gov.uk

