
Public Liability Insurance Claim Form: Guidance notes

It is important that you read and understand these Guidance Notes before completing the claim form.

If an incident occurs and you consider that it was caused as a result of Elmbridge Borough Council, you may be able to claim compensation. It is important to note that there is no automatic entitlement to compensation, and just because an incident has happened it does not necessarily mean the Council will be held liable. To successfully claim it will need to be proven that Elmbridge Borough Council has been at fault. Legally the onus is on you as the claimant to prove your claim. This includes providing full details of the incident (including accurate dates, location, and details of the incident) so that we can investigate the claim thoroughly. You will also need to provide evidence of the loss sustained by providing us with defect photographs and invoices or estimates for the damaged items.

Highway related claims

Surrey County Council is responsible for maintaining approximately 4,800 km (3,000 miles) of roads. Surrey County Council has a duty under the Highways Act 1980 to maintain the highways and any highways related claim will be assessed against that Act.

Please note, that if your claim involves a defect on the highway that results in subsequent repair, your claim should be directed to Surrey County Council.

Damaged items

In the case of damage claims, if an urgent repair or replacement is required to an item to ensure that it is safe, you are responsible as the owner of that property to ensure that it is made safe and does not pose a threat to you or others. The Council, and / or its contractors cannot arrange for any repairs to property that is not under our ownership and are unable to recommend contractors to carry out such work.

If liability is established, we will make an offer of settlement. When calculating this

offer, we will consider the age of the damaged item along with other factors such as wear and tear. We cannot offer settlement on a “new for old” basis. Your insurance company may offer this on your motor / household policy, but this is over and above the legal position.

Should you wish for damaged items to be replaced on a “new for old” basis, then you may wish to make a claim via your relevant motor / household insurer in the first instance. Your insurers may then seek to recover their costs from the Council if they feel the Council has been at fault. A successful recovery by your insurers may mean that your premiums and any no claim discounts are unlikely to be affected.

Information you must provide when you make a claim

1. A completed claims form (all relevant sections), containing:
 - A clear summary of the facts on which the claim is based including the time and date of the incident.
 - An indication of the nature and extent of your injury(ies) and/or details of any property damage.
 - Details of any financial loss suffered.
2. Enough other information to enable formal investigations to start e.g., photographs:
 - Any photographs of the incident location should clearly show the defect and surrounding area.
 - Please mark the exact defect with an ‘X’ and show your direction of travel.
 - If photographs are unavailable, you may wish to use online map services to provide the precise location.
 - The nearest house number or streetlamp column would also be of assistance.

Without all of the above information, it may not be possible to process your claim.

Once we have received your claim form

We will endeavour to acknowledge receipt of any property damage claims within ten working days. For injury claims, we endeavour to notify our insurer within seven days, and they will subsequently acknowledge your claim.

All claims will then be thoroughly investigated, and contact will be made if any further information is required. On completion of the investigation, a liability decision will be provided in writing. We will endeavour to communicate this decision within three months of our acknowledgement.

This form is to allow an investigation to be undertaken and liability determined. It therefore cannot, and should not, be taken as an admission of liability on behalf of the Council for any injury and/or property damage that has occurred.

Any information provided should be based on fact and be as complete as possible.

The final decision on your claim is likely to be delayed if you do not answer all relevant questions fully and you do not provide the additional information / documents / photographs requested.