

Liability advice note

If you wish to put in a **negligence claim** against the Council, then please provide a **letter of claim** containing the following basic and relevant information in the first instance. The burden of proving Council's wrong-doing is yours. Please ensure that all information you provide is complete and accurate. There are ELEVEN main points that you need to include in your letter. You may find that you might not be able to include all eleven points shown below. Please do not worry about that.

We recommend that you seek professional legal advice, if you are not sure about how to structure your **letter of claim** to us.

The provision of this information does not constitute an admission of liability on behalf of the Council.

It does not suggest that that you will automatically receive compensation.

The primary aim of providing this advice note is to identify the problem complained of with a view to taking reasonable steps to rectify defects or identify what we can do to correct them.

- 1. Your details** – Please give us your full name, full address and postcode, occupation, daytime contact number (landline number is more preferred). Also tell us whether you are a Council Tenant, Council leaseholder, or normal resident or business.
- 2. The incident** – Describe precisely, the day, the date, the time, the exact location, the weather conditions at the time, full and proper explanation of the incident.
- 3. Contractors/witnesses.**- Mention fully if the incident was caused as a result of road works. Give details (name and address) of contractors and independent witnesses.
- 4. Sketch plan-** Please **provide a sketch** of the incident scene. This should include, the name/number of the nearest house, position of any street lighting, trees, any road signs/ markings, your position, the position of the witness(es), the whereabouts of any alleged defect marked with an "X", your direction of travel, the direction of travel and position of any other vehicles (if relevant). PLEASE ENSURE THAT YOUR SKETCH PLAN IS ACCOMPANIED WITH PHOTOGRAPHS.
- 5. The defect** - Describe the defect, e.g. trip, pothole, disturbance of the footpath, kerb stone, Tree roots, etc, measurements of the defect, if applicable, should also be stated
- 6. Your local knowledge** - Do you use the area regularly? Have you noticed the defect previously? Did you ever report it, if so when and to whom? Please state as fully and accurately as you can.

7. Previous contact with the Council- Please state if you have already contacted any Council Officer about this incident. Please state the date, time and whether this contact was by a Personal call / Telephone call / Letter / Other

8. Police notification – If theft or vandalism - Have you informed the police of the incident? If yes, give name /number of officer and station:

9. General - Please provide full particulars of your claim, which should include details of any damage suffered to property and/or personal injury. Please state **if you have legal expenses insurance**, for example, under your personal insurance like car, contents, buildings or other, like through Union or Professional memberships.

10. Future steps – State what action would you ideally like the Council to take?

IMPORTANT!

11. Declaration – Please provide the following declaration in your letter to us. It is a good idea to copy the declaration to suit your circumstance. **Your matter could be delayed if you do not provide the declaration in exact format.**

I declare that the information supplied in this letter is true to the best of my knowledge and belief and understand that you may ask for information from other insurers and internal sources to check the answers I have provided.

Please sign and date your letter. Please send your letter to Insurance Team, London Borough of Hounslow, Hounslow House, 7 Bath Road, Hounslow TW3 3EB. Our direct telephone number is **020 8583 2347/8** if you wish to discuss your matter with us.

Warning – Fraud

A fraudulent claim will result in the loss of right to claim and may lead to institution of criminal proceedings.

Our Insurers pass information to the Claims and Underwriting Exchange Register, run by Insurance Database Services Ltd (IDS Ltd). The aim is to help them to check information provided and also prevent fraudulent claims. When you tell us about an incident which may or may not give rise to a claim, we may pass information relating to it to the register.