**Freedom of Information Act / Environmental Information Regulations Request**

Reference: ECC17010615 07 24
Response: 25 July 2024

I can confirm that Essex County Council does hold this information, and where we are able to release this, our response is listed below.

**This FOI relates to claim - M23TP002429 - being both proportionate and legitimate for the purpose of potential legal proceedings against Essex County Council (ECC). The information is required to show the disproportionality / disposition of Essex County Council of pothole claims being declined on first application.**

**Question 1 - Please provide the statistics of the number of claims made against Essex County Council for damage caused to motor vehicles / other property (including motorcycles and cycles) due to potholes on carriageways / roads which fall under the statutory maintenance duty of the council between January 2022 - July 2024.**

5391 claims received.

**Question 2 - Please provide the statistics of the number of claims paid out on first application for damages by Essex County Council for damage caused to motor vehicles / other property (including motorcycles and cycles) due to potholes on carriageways / roads which fall under the statutory maintenance duty of the council between January 2022 - July 2024.**

I can confirm that Essex County Council does hold this information, however from our preliminary assessment, we estimate that compliance with your request would exceed the appropriate costs limit under section 12 of the Freedom of Information Act 2000. This is currently £450. This limit is calculated 18 hours of work at a cost of £25 per hour.

The information you have requested is not available because in order to identify if a claim was paid ‘on first application’ all accepted claims would have to be reviewed manually. There are 247 accepted claims to date and it would take 5 minutes to review each claim. This equates to over 20 hours of work which exceeds the cost limit laid out in the Act.

This letter acts as a Refusal Notice in respect of your request.

Under section 16 of the Act, our duty to assist those requesting information we advise that you should consider reframing your request to bring it under the cost limit. The only way to reframe this request would be to reduce the date range. If you would like to resubmit a reframed request which falls below the cost limit, or if you would like advice and assistance then please do not hesitate to contact us and we will provide further support.

**Question 3 - Please provide the statistics of the number of claims settled by Essex County Council pending civil litigation or prior to county court hearings in connection with damage caused to motor vehicles / other property (including motorcycles and cycles) due to potholes on carriageways / roads which fall under the statutory maintenance duty of the council between January 2022 - July 2024**

168 have litigated to date, of which 49 have been settled prior to trial.

**Your Right to Know**

Democracy and Transparency

Essex County Council

Telephone: 033301 38989

Email: YourRight.ToKnow@essex.gov.uk | [www.essex.gov.uk](http://www.essex.gov.uk)