

Dangerous potholes ‘must

Judges rule in favour of jogger who hurt his ankle when highways repair team waited until after weekend

By Rozina Sabur

COUNCILS should fix serious potholes immediately, the Court of Appeal ruled yesterday after judges found in favour of a jogger who hurt his ankle.

Judges decided that a highway au-

thority should have responded more quickly to repair “deep potholes” after being notified of the problem the day before the accident.

The case was brought by Lee Crawley, who tripped on a pothole while jogging and as a result could not put weight on his ankle for 10 days.

He claimed that Barnsley Metropolitan Borough Council’s negligence and breach of duty had caused his injury, but the authority denied liability.

Yesterday, by a majority, the Court of Appeal dismissed the council’s chal-

lenge against a prior ruling in Mr Crawley’s favour.

Mr Crawley, of Barnsley, is to receive compensation for his injury in 2012.

Barnsley council had argued that it was not to blame because it took care to follow all the provisions reasonably required to ensure the highway was not dangerous.

The appeal judges heard that a member of the public phoned the council to report “deep potholes” at 4.20pm on a Friday, the day before the accident.

The call was logged and forwarded

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t be fixed immediately’

to highway inspectors but the council took no further action that day.

On Monday morning, a highway inspector switched on his computer, read the message and immediately set off to inspect the pothole. He reported the defect and said it must be repaired within 24 hours, which was done.

Under the council’s system, if the emergency services reported a serious defect in a road that was in a sensitive location, the call centre staff would refer the matter to the emergency standby team, which would take any neces-

sary action. With any other reported defect, an inspector would go to the site the day after the phone call or three days later if a weekend intervened.

Mr Crawley’s lawyers told the Court of Appeal that it was unacceptable for the council to do nothing until the Monday and that the weekend did not justify any delay in inspection.

Lord Justice Briggs said the council’s system suffered from the built-in flaw that reports of potentially serious defects would not be evaluated at all by someone with the requisite skill out of

working hours, unless they came from members of the emergency services.

Lord Justice Irwin said that it may be perfectly reasonable to have a reduced staff and activity over a weekend, but there must be some means of responding quickly to complaints from the public of serious and dangerous defects in the road.

Lord Justice Jackson, who dissented, said the report clearly called for action but not for an overnight response or urgent attendance by the emergency standby team during the weekend.