

[DdF: well over £1m compensation so far, and many cases presumably unresolved so far]

Tim Kerby [17 August 2022](#)  
[Delivered](#)

Dear City of Edinburgh Council,

I understand that you hold a central database of incidents involving cyclists interacting with the tram network including claims made against the council and injuries sustained. This has previously been made available for the junction leading from Princes St to St Andrew's Square.

1) Could you please make this full data set available for the entire tram network since it's construction.

Ideally your full data set would be made available and this may be easier to provide, however as a minimum the following data is expected.

- Location
- Dates of incidents (to month level is fine)
- Cause
- Whether other vehicles were involved
- Any injuries or property damage sustained
- Whether a claim was made against the council or their insurers
- Value or estimated value of any claims
- Whether the claim was successful and at what cost to the council/insurer

2) I'd also like to understand the costs (or potential costs) to the council and ultimately local taxpayers from claims. Could you please describe the impact of claims and where the finances come from? E.g.

- is the council fully insured against claims?
- have claims increased insurance premiums and if so by what amount?
- is the council passing any liability to firms involved in the design and construction of the tram network?
- what burden have claims made on council administration (eg cost of time spent)?
- are there any impacts in terms of how council tax or government funding is used?

Yours faithfully,

Tim Kerby

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*Information Rights Officer 2, City of Edinburgh Council* [13 September 2022](#)

## **1 Attachment**



TRAM INCIDENTS 38439.xlsx

47K [Download](#) [View as HTML](#)

Tim Kerby

[1][FOI #887695 email]

Our ref: 38439

Dear Tim Kerby

*Environmental Information (Scotland) Regulations 2004 - Release of Information*

*Subject: Incidents involving cyclists interacting with tram network*

*Thank you for your request for information of 17/08/2022 which has been processed and considered under the Environmental Information (Scotland) Regulations 2004 (EIRs). The information is provided below.*

1) Could you please make this full data set available for the entire tram network since it's construction.

Ideally your full data set would be made available and this may be easier to provide, however as a minimum the following data is expected.

- Location
- Dates of incidents (to month level is fine)
- Cause
- Whether other vehicles were involved
- Any injuries or property damage sustained
- Whether a claim was made against the council or their insurers

*Please see the spreadsheet attached.*

- Value or estimated value of any claims

*The Council is relying on the exception under regulation 10(4)(a) as we do not hold this information. Please note that this constitutes a formal refusal notice under regulation 13 of the EIRs.*

- Whether the claim was successful and at what cost to the council/insurer

*This information is provided in the attached spreadsheet. Please note, the amount quoted includes solatium, solicitor/investigation costs for all parties, any other costs.*

2) I'd also like to understand the costs (or potential costs) to the council and ultimately local taxpayers from claims. Could you please describe the impact of claims and where the finances come from? E.g.

- is the council fully insured against claims?

*The City of Edinburgh Council has an insurance programme covering all of its activities, of which responsibility for the road network is one. The insurance programme is subject to varying levels of self-insured retention (SIR) or deductible. Claims within the deductible are paid by the Council and claims that exceed the deductible level are funded by the insurers.*

- have claims increased insurance premiums and if so by what amount?

*The total claims experience of the Council is one of the factors that influence insurance premiums annually, however this is a whole Council approach and could not be itemised for any specific types of claims*

- is the council passing any liability to firms involved in the design and construction of the tram network?

*Where insurers can identify recovery prospects, then these are explored*

- what burden have claims made on council administration (eg cost of time spent)?

*The Council has a dedicated insurance team to administer claims received however time spent on claims is not recorded*

- are there any impacts in terms of how council tax or government funding is used?

*The costs of the insurance programme and any claims within the deductible are provided for as part of the Council's approved budget.*

*To promote transparency and accountability, it is the Council's policy to publish all request details and responses made under the freedom of information legislation. This information is available at the following link:*

[2]<https://www.edinburgh.gov.uk/homepage/10...>

*Your right to seek a review*

*If you are unhappy with the way we have dealt with your request, you can ask us to review our actions and decisions by writing to the:*

*Information Compliance*

*The City of Edinburgh Council*

*Waverley Court Business Centre 2:1*

*4, East Market Street*

*Edinburgh*

*EH8 8BG or;*

*Email: [3][\[email address\]](#)*

*Please note that your request must be in a recordable format (email, letter, audio tape etc.), and that you have 40 working days upon receipt of this letter to ask for a review. You will receive a full response to your review request within 20 working days of its receipt. Please remember to quote the reference number above in any future communications.*

*If you are not content with the outcome of the review, you can ask the Scottish Information Commissioner to review our decision. You must submit your complaint to the Commissioner within 6 months of receiving our review response. The Commissioner can be contacted at:*

*The Office of the Scottish Information Commissioner*

*Kinburn Castle*

*Doubledykes Road*

*St Andrews*

*Fife*

*KY16 9DS*

*Telephone: 01334 464610*

*Fax: 01334 464611*

*Website: [4][www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal)*

*Email: [5][\[email address\]](#)*

*Yours sincerely*

*Sue Brown*

*Information Rights Officer*