

HIGH PEAK BOROUGH COUNCIL

Individual Executive Decision

5 November 2024

TITLE:	Housing Disrepair and Homeless Prevention Partnership with Derbyshire Law Centre
EXECUTIVE COUNCILLOR	Cllr Fiona Sloman – Executive Councillor for Housing & Licensing
CONTACT OFFICERS:	Helen Core – Head of Housing Services Nicola de Bruin - Solicitor
WARDS INVOLVED:	All

1. Reason for the Report

- 1.1 The purpose of the report is to request that Members approve the use of £100,985 Homeless Prevention Grant funding currently held in reserves to support a Housing Disrepair and Homeless Prevention Partnership with Derbyshire Law Centre (DLC).

2. Recommendations

- 2.1 That the Executive Councillors approve a partnership for two years between High Peak Borough Council (HPBC) and Derbyshire Law Centre as set out in the body of this report.

3. Executive Summary

- 3.1 The Council is seeing an increase in disrepair cases at an average settlement of c. £4500 plus survey costs of £750 at current rates. Increased awareness and publicity nationally around damp and mould, possibly linked to the tragic case of Ishak, has increased the number of issues being reported within the private sector. A homeless case costs on average £5000 to the Council (source: Shelter).
- 3.2 This project seeks to reduce the number of claims of disrepair to private solicitors and support those within the private sector with the aim of reducing homeless presentations and preventing demand pressures on social housing stock.
- 3.3 This service will be available to all residents within in the High Peak.

4. How this Report Links to Corporate Priorities

- 4.1 Two of the Corporate Plan aims 'Supporting our communities to create a healthier, safer, cleaner High Peak' and 'Future Proof housing' are supported by this proposal.

4.2 In entering into this partnership the Council will be safeguarding vulnerable tenants and residents, ensuring improved living standards in rental accommodation across all tenure types and prevent homelessness.

5. Options and analysis

5.1 There are two options:

- **Proceed (RECOMMENDED)** – Proceed with our trusted partner Derbyshire Law Centre to improve living conditions for renters across the Borough and reduce homeless presentations
- **Not Proceed (NOT RECOMMENDED)** – Continue to incur substantial costs through increased disrepair claims made through private firms of solicitors

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998) - No implications.

6.2 Workforce – This will impact positively on the workload of the Head of Housing, the Councils Solicitor and the Homeless Team

6.3 Equality and Diversity/Equality Impact Assessment – The service is open to all residents of the High Peak

6.4 Financial Considerations – The cost of this project will be covered in full by Homeless Prevention Grant reserves which have accrued historically

6.5 Legal – The Council has statutory duties as a landlord and under Homeless legislation; this project proactively supports the execution of these duties

6.6 Climate Change – No implications

6.7 Consultation - Not required.

6.8 Risk Assessment - See detail in main body of report.

ANNA EASTGATE **Executive Director (Communities)**

Web Links and **Background Papers**

[Pre-Action Protocol for Housing Conditions Claims \(England\) – Civil Procedure Rules](#)

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6. Introduction & Background

6.1 Under Civil Procedure rules, tenants experiencing difficulties with their Landlord completing repairs may gain assistance with this using the Pre-Action Protocol for Housing Conditions Claims (England) by submitting a claim for disrepair. If successful the tenant receives damages, and their legal representative costs. These often far exceed the damages paid.

6.2 There is a growing trend amongst private firms of Solicitors (known as “Claims Farmers” to actively market their services to tenants on a “no win no fee basis” but taking a significant proportion of any damages awarded and incurring considerable costs which the Landlord becomes liable for. Commonly, these solicitors encourage tenants to enter into a credit agreement obligating them to pay the firm anything up to 40% of any damages they receive.

6.3 Since 2021 the Council has received 71 such claims:-

Year	Claims	Damages	Costs	Surveys	Total
2020	12	16673	62733	6500	85950
2021	9	6097	27592	4550	38239
2022	20	24750	60200	11700	96650
2023	13	7391	17948	5850	31189
2024	16 (to date)	Cases Open	Cases Open	6000	

Please note one costs case from 2022 and two damages/costs cases from 2023 remain unsettled

6.4 The Council has seen an increase in disrepair claims in past months, with an average settlement figure of £1000 in damages to the tenants together with average costs of £3500. In order to defend the claim an independent survey is required at a current cost of £750. This is exclusive of the considerable staff resource required to manage such claims which can be significant.

6.4 It is not advisable to advertise/tender for partners for such an initiative as to do so may attract an increase in claims. There is no-one else locally offering such a service.

6.5 DLC have run a similar initiatives in partnership with Bolsover, Chesterfield and North East Derbyshire Councils which has been very successful. This has resulted in assistance to 187 clients and financial gains directly to the resident of £25,532. DLC do not seek costs for any successful claim, in addition to which the tenant retains the full sum of any damages they may receive.

6.6 DLC are already a trusted partner and have recently prevented two highly complex cases from reaching a formal disrepair claim. This alone has saved the Council a minimum of £10,500 based on average figures as discussed in paragraph 6.34. In addition a recent illegal eviction case resulted in them attaining £21,000 in damages for a High Peak resident and preventing a homeless presentation, at an average cost of £5000 per case.

7. Costs & Project Scope

7.1 For the year 1st January 2025 to 31st December 2025 HPBC will pay to DLC the sum of £49,695 and for the year 1st January 2026 to 31st December 2026 HPBC will pay DLC the sum of £50,290 to deliver the following services (second year slightly higher as volumes will inevitably increase as project progresses):

- to provide a dedicated caseworker (21 hours each week) to provide support and advice relating to disrepair to social tenants living within the Council area
- to work with tenants to secure appropriate and timely repairs to public sector housing in the Council's area with the aim of avoiding the risk of excessive costs and claims which may result when disrepair cases are acted on by private sector solicitors
- to work in partnership with the Council and other local agencies to seek the best outcomes for tenants to maintain a house 'fit for human habitation' and prevent tenants going to private sector solicitors and/or presenting to the Council as homeless
- to work in partnership with the Council and other agencies focusing on early intervention and preventative work
- to actively seek referrals from tenants by marketing campaigns
- to liaise with the Council's housing departments to improve the take up of support by tenants
- to work with other staff at DLC to provide holistic support to tenants. Such support to include direct access to:
 - debt caseworkers,
 - employment specialists and
 - immigration solicitors

- where appropriate to jointly instruct an independent surveyor to inspect a client's property, with DLC instructing the surveyor and the Council paying for the cost of the inspection.

- to maintain contact and liaise closely on an ongoing basis

- to adapt delivery methods to meet the needs of clients of the Council and DLC clients

- to record data, monitor and report on outcomes to the Councils on a 6 monthly basis in a format and containing such information as the Council reasonably request in advance

- to take part in regular reviews to assess the impact of the project with a full review at 18 months to determine any future commitments from the Councils, including:
 - To review and apportion the Councils respective contributions for additional year(s) based on referrals for the Council area.
 - To agree targets and outcomes.
 - Subject to any procurement considerations, to consider whether or not to extend the project by a further one or two years.