

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	5214
Author:	Katherine Wiggan
Department:	Finance and Resources
Contact:	Katherine Wiggan (Job Title: Team Leader - Litigation and Dispute Resolution, Email: katherine.wiggan@nottinghamcity.gov.uk, Phone: 01158764035)
Subject:	Housing Disrepair Claims Locum Support
Total Value:	£350,000.00 (Type: Revenue)
Decision Being Taken:	1. To extend the engagement of the Disrepair Legal Locum support to include the engagement of further locums if required, until 31 March 2025. All costs are to be met by Housing Revenue Account as these claims relate to social housing stock.
Reasons for the Decision(s)	<p><p class="TableParagraph" style="margin-right:14.35pt;text-align:justify;text-indent:-.05pt;line-height:108%">Disrepair numbers have increased in recent years and continue to rise over a short period of time. The area is the focus of 'volume' litigation from law firms nationally. A lack of a fixed fee costs regime for this area of work has exacerbated this. Fixed Costs for this area of work may be introduced towards the end of 2025 in accordance with Judicial process, however volumes are not likely to decrease until at least then.</p>
Other Options Considered:	1. Use of external law firms to deliver this work - this option is being considered, however locum legal support is required in the interim; 2. To increase permanent staff - increasing that further would not be appropriate because fixed fees may be introduced towards the end of 2025 which may result in a reduction in the number of claims potentially. This is also unrealistic due to recruitment challenges.
Background Papers:	Disrepair locum

Published Works: Delegated Decision 4986

Affected Wards: Citywide

Colleague / Councillor Interests:

Any Information Exempt from publication: Yes

Exempt Information:

Description of what is exempt: Background reasons, case details and numbers, and information regarding the types of claims received.

An appendix (or appendices) to this decision is exempt from publication under the following paragraph(s) of Schedule 12A of the Local Government Act 1972

5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. The public interest in maintaining the exemption outweighs the public interest in disclosing the information because it relates to current specific legal proceedings and tactics relating to housing disrepair.

Documents exempt from publication: Disrepair locum - for information not for publication 2024 PDF.pdf

Consultations: Those not consulted are not directly affected by the decision.

Crime and Disorder Implications: None

Equality: EIA not required. Reasons: The decision does not include any new or change in policy, service or function.

Social Value Considerations: Relates to staffing: Decision Type: Subject to Call In: Call In Expiry date: Advice Sought: Commissioner Comments: Legal Advice: Finance Advice:	<p>Housing Disrepair claims must be dealt with to protect the Council's finances allowing monies to be utilised for the benefit of residents and community on other matters. Reasonable timeframes for repairs to be negotiated so that the Council is able to prioritise repairs for the benefit of our residents.</p> <p>Yes</p> <p>Portfolio Holder</p> <p>Yes</p> <p>19/11/2024</p> <p>Legal, Finance, Procurement, Human Resources</p> <p>The Commissioners are content with this decision</p> <p>This DDM is for an extension to (and augmentation of) a previous decision regarding the appointment of of locum solicitors to respond to the rising volume of housing disrepair claims.</p> <p>The Council is required to follow the relevant pre-action protocol and court directions to deal with the claims, the failure to do so in a timely and compliant manner would otherwise expose the Council to adverse costs consequences.</p> <p>Litigation legal services are exempt from the Public Contract Regulations 2015 by virtue of Regulation 10, however the Council's standing orders still need to be complied with. It is clear that due consideration has been had in respect of achieving best value, in the latter regard.</p> <p>Employment law considerations have been already been raised, as has the funding source and proper use of HRA funds.</p> <p>Advice provided by Tom Button (Contracts and Commercial Team Leader) on 24/09/2024.</p> <p>The delegated decision seeks to extend the contract for the Disrepair Legal Locum to the 31st March 2025 at an additional cost to the HRA of £350.000. The number of disrepair claims is continuing to rise which inevitably will lead to additional litigation work. Legal Services currently do not have the capacity for this increased litigation in-house and therefore it is necessary to use the services of locum solicitors. The additional costs will be charged to the HRA but due to the large amount of Housing Disrepair claims expenditure has already exceeded the current budget. The on-going budget pressure is being reported in the Period 6 budget monitoring report with the request that the current projected overspend will be financed by a drawdown from HRA general reserves. Advice provided by Geetha Blood (Strategic Finance Business Partner) on 11/10/2024.</p>
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Procurement Advice:

Procurement colleagues will assist with the tender process, ensure compliance with our CPRS and seek a value for money outcome to the matters contained in this report. Advice provided by Paul Ritchie (Procurement Manager) on 10/10/2024.

HR Advice:

There are already locums (5.8 FTE) in place to deal with the increase in housing disrepair, to prioritise repairs for Nottingham City residents as described. This DDM requests an extension of the current arrangement, including permission to increase by one further locum (1 FTE) should that become necessary.

The current locums are in post via Sellick Recruitment agency and the proposal seeks to extend this arrangement. Any further increase in locums needed due to increased demand will also be sourced via Council recognised agencies.

The NCC policy and procedures on the hiring of Agency staff should be followed and adhered to, including the neutral vendor system, and the national Agency Worker Regulations.

Advice provided by Sheila Birch (HR Consultant) on 19/09/2024.

Signatures

Jay Hayes (Executive Member - Housing and Planning)
SIGNED and Dated: 12/11/2024
Nicki Jenkins (Corporate Director of Growth and City Development)
SIGNED and Dated: 12/11/2024