

Question Number:	Question asked by:	Subject:
CABINET MEMBER FOR HOMES Councillor Patricia Hay-Justice		
CQ015-21	Clive Fraser	Housing Legal Disrepair Cases

CQ015-21 from Councillor Clive Fraser

Councillor Patricia Hay-Justice

"I write to ask the following formal Councillor question to the Cabinet Member.

- (1) *Can the Cabinet member confirm the number of Housing Legal Disrepair Case's between residents and Housing, including individual addresses by ward across the Council*
 - *In 2000/21*
 - *2001/22 – up to 18 June*
- (2) *The length of time these individual "Legal Dispute Cases" have been existing, and average time to resolve.*
- (3) *Planned and/or required repair works that has been put on hold as a result of a "Legal Dispute cases"*
- (4) *Outcomes of "Legal Dispute Cases over the above time period, in terms of court action, and settlement between the Council and Tenant/Leaseholder*
- (5) *Any legal justification in terms of Primary Legislation, Regulations, Case Law, and/or Legal Guidance which prevents elected ward representatives being updated on Legal Dispute Cases."*

Reply

Please note the Constitution at Part 4A prohibits questions which relate to anticipated or on going litigation. However, general information has been provided to assist.

- (1) Case numbers for 2020/2021 are 121 and case numbers for 2021/2022 up to 18 June are 38. Addresses cannot be provided publically as the provision of this location information would be a breach of tenant privacy and data protection. A breakdown of case numbers by Ward is however being prepared and will be provided by 20 July.
- (2) There are a range of different legal routes available for tenants to use when issuing proceedings against the Council alleging disrepair. Failure to comply with the council's repairing obligations can result in a civil claim in the County Court for damages and specific performance which may also be coupled with a claim for compensation. However, some legal disrepair claims received are pleaded in the Magistrates' Court in common law nuisance or negligence. A housing conditions claim may also include a personal injury element.

As a result the length of time taken to resolve each case will depend upon the nature of the complaint made, the work required to remedy the complaint and also the type of litigation issued against the Council.

- (3) I am not aware that planned or required works are 'put on hold' as a result of legal dispute litigation as it is imperative for the works to be carried out as soon as possible where the claim is made out to remedy the complaint and reduce the amount of compensation payable to the tenant.
- (4) Few cases end up at trial. Where cases are made out then attempts to settle the matter before trial will always be explored.
- (5) As with any disclosure of information any request would need to be considered in the context of the nature and purpose of the request and the potential impacts of disclosure. These assessments are undertaken on a case by case basis. As well as legal duties around confidentiality, legal professional privilege, contractual obligations, court orders or pending legal proceedings which are covered by the sub judice rule the Council must comply with obligations arising as a result of the litigation process itself such as requirements imposed in the civil procedure rules and pre-action protocols.

The Council is also required to ensure that it does not process personal data other than in compliance with the Data Protection Act 2018 and the General Data Protection Regulation.

Ward Members are therefore requested to contact relevant housing/legal officers for any updates required so that requests can be assessed in the usual way.