

REQUEST FOR DEPUTY MAYOR FOR FIRE AND RESILIENCE DECISION – DMFD227

Title: Legal Costs

Executive summary:

This report requests the approval of the Deputy Mayor for Fire and Resilience to authorise the London Fire Commissioner (LFC) to commit expenditure up to the amount set out in part 2 of the report for the purposes of incurring legal costs on a particular matter.

The London Fire Commissioner Governance Direction 2018 sets out a requirement for the London Fire Commissioner to seek the prior approval of the Deputy Mayor before “[a] commitment to expenditure (capital or revenue) of £150,000 or above as identified in accordance with normal accounting practices...”.

Decision:

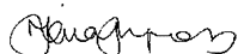
That the Deputy Mayor for Fire and Resilience authorises the London Fire Commissioner (LFC) to commit expenditure in respect of legal costs in a matter up to for the amount set out in Part Two of the report in the financial years 2023/24 and 2024/25 provided: (i) spend is contained within the total funding for 2023/24 and 2024/25 as identified in part 2 of this decision; (ii) the LFC provides the Deputy Mayor with a monthly financial update on spend that occurred within the terms of this authority.

Deputy Mayor for Fire and Resilience

I confirm that I do not have any disclosable pecuniary interests in the proposed decision.

The above request has my approval.

Signature:



Date:

05/02/2024

PART I – NON-CONFIDENTIAL FACTS AND ADVICE TO THE DEPUTY MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 Report LFC-23-125 to the London Fire Commissioner (LFC) explains that authority is sought to incur legal costs on a particular matter up to an amount set out in part 2 of this report for the financial years 2023/24 and 2024/25.
- 1.2 Under the 2018 Mayoral Direction decisions to incur expenditure over £150,000 or over requires the LFC to seek the prior approval of the Deputy Mayor ; “[a] commitment to expenditure (capital or revenue) of £150,000 or above as identified in accordance with normal accounting practices...”. In the legal matter explained in Part 2, external lawyers are appointed and it is considered likely that the legal costs of advice and representation will exceed this threshold.

2. Objectives and expected outcomes

- 2.1 The objective of this decision is to enable LFC to meet anticipated legal costs on a confidential matter, without incurring any delay that would create the risk of negative financial, legal or reputational consequences for the LFC and potentially the GLA.
- 2.2 It is difficult to establish the exact legal cost of the matter since the direction of the matter is not within the control of the LFC. Nor is it possible to provide details of when costs may arise. For those reasons a threshold of spend is sought, which would give prior approval to LFC to incur costs as and when the need arises without further Deputy Mayor approval. This prior approval is subject to reporting requirements to the Deputy Mayor, with monthly updates requested by the Deputy Mayor.

3. Equality comments

- 3.1 The LFC and the Deputy Mayor for Fire and Resilience are required to have due regard to the Public Sector Equality Duty (section 149 of the Equality Act 2010) when taking decisions. This in broad terms involves understanding the potential impact of policy and decisions on different people, taking this into account and then evidencing how decisions were reached.
- 3.2 It is important to note that consideration of the Public Sector Equality Duty is not a one-off task. The duty must be fulfilled before taking a decision, at the time of taking a decision, and after the decision has been taken.
- 3.3 The protected characteristics are: – age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership (but only in respect of the requirements to have due regard to the need to eliminate discrimination), race (ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex, and sexual orientation.
- 3.4 The Public Sector Equality Duty requires decision-takers in the exercise of all their functions, to have due regard to the need to:
 - eliminate discrimination, harassment and victimisation and other prohibited conduct.
 - advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it.
 - foster good relations between people who share a relevant protected characteristic and persons who do not share it.

- 3.5 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic where those disadvantages are connected to that characteristic.
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
 - encourage persons who share a relevant protected characteristic to participate in public life in any other activity in which participation by such persons is disproportionately low.
- 3.6 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 3.7 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard to the need to:
- tackle prejudice
 - promote understanding.
- 3.8 There are no specific equality implications arising from this report.

4. Other considerations

Conflicts of interest

- 4.1 There are no conflicts of interest to declare from those involved in the drafting or clearance of this decision.

5. Financial comments

- 5.1 The report sets out a recommendation that authority is delegated to incur legal costs up to a maximum specified amount as contained in part 2 of this report.
- 5.2 For 2023/24 any costs will need to be covered by Budget Flexibility Reserve. For 2024/25 an update will need to be made to the LFC budget submission.

6. Legal comments

- 6.1 Under section 9 of the Policing and Crime Act 2017, the LFC is established as a corporation sole with the Mayor appointing the occupant of that office. Under section 327D of the GLA Act 1999, as amended by the Policing and Crime Act 2017, the Mayor may issue to the LFC specific or general directions as to the manner in which the holder of that office is to exercise his or her functions.
- 6.2 By direction dated 1 April 2018, the Mayor set out those matters, for which the LFC would require the prior approval of either the Mayor or the Deputy Mayor for Fire and Resilience (the "Deputy Mayor") Paragraph (b) of Part 2 of the said direction requires the Commissioner to seek the prior approval of

the Deputy Mayor before “[a] commitment to expenditure (capital or revenue) of £150,000 or above as identified in accordance with normal accounting practices...”.

- 6.3 The proposals in this report seek to provide delegated authority to General Counsel to incur legal costs on a particular matter, and accordingly the expenditure falls within those matters set out in the 2018 Directions and,, therefore requires prior approval of the Deputy Mayor.
- 6.4 These comments have been adopted from those provided by the LFC’s General Counsel Department in report LFC-23-125 to the LFC.

Appendices and supporting papers:

Part 1 - Appendix 1 - LFC-23-125 - Legal costs

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – YES

ORIGINATING OFFICER DECLARATION:

Drafting officer to confirm the following (✓)

Drafting officer

Richard Berry has drafted this report with input from the LFC and in accordance with GLA procedures and confirms the following:

✓

Assistant Director/Head of Service

Niran Mothada has reviewed the documentation and is satisfied for it to be referred to the Deputy Mayor for Fire and Resilience for approval.

✓

Advice

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

A summary of this decision was reviewed by the Corporate Investment Board on 5 February 2024.

✓

INTERIM CHIEF FINANCE OFFICER:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature:



Date:

05/02/2024