

REQUEST FOR DEPUTY MAYOR FOR FIRE DECISION – DMFD254

Settlement of civil claims and costs claims arising from the Grenfell Tower fire

Executive summary:

This report requests the approval of the Deputy Mayor for Planning, Regeneration and the Fire Service to authorise the London Fire Commissioner (LFC) to commit expenditure up to the amount set out in Part 2 of this decision, to settle civil claims and costs relating to the Grenfell Tower fire.

Paragraph b of Part 2 of the London Fire Commissioner Governance Direction 2018 sets out a requirement for the LFC 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 Planning, Regeneration and the Fire Service authorises the London Fire Commissioner to commit revenue expenditure up to the amount set out in Part 2, for the purposes of settling civil claims, and costs relating to the Grenfell Tower fire.

Deputy Mayor for Planning, Regeneration and the Fire Service

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

The above request has my approval.

Signature:



Date:

09/12/2024

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

Decision required – supporting report

1. Introduction and background

- 1.1. Part 1 of the LFC-24-116 Report to the London Fire Commissioner (LFC) explains that, following the Grenfell Tower fire on 14 June 2017, the LFC received a significant number of civil claims. This decision seeks approval from the Deputy Mayor for Planning, Regeneration and the Fire Service (the Deputy Mayor) for the LFC to commit expenditure for the purposes of settling the claims set out in Part 2 of this decision.
- 1.2. Deputy Mayor for Fire and Resilience Decision (DMFD) 225 authorised the LFC to commit expenditure to settle several civil claims by firefighters and control room officers.
- 1.3. DMFD191 authorised the LFC to commit expenditure to settle a significant number of civil claims by the bereaved and survivors.

2. Objectives and expected outcomes

- 2.1. The expected outcome is that the LFC can settle these civil claims arising from the Grenfell Tower fire.

3. Equality comments

- 3.1. The LFC and the Deputy Mayor must comply with the Public Sector Equality Duty under 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 this 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-makers, 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 or 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, in particular, to the need to:
- tackle prejudice
 - promote understanding.
- 3.8. The decision relates to civil claims and is reached on legal principles relating to such matters and accordingly the section 149 of the Equality Act duty is not relevant to those matters.

4. Other considerations

Workforce comments

- 4.1. This report relates to the settlement of civil claims. As such, it is not suitable for workforce consultation.

Sustainability comments

- 4.2. Sustainability comments do not apply to the settlement of civil claims.

Procurement comments

- 4.3. There are no procurement comments arising from this decision.

Conflicts of interest

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

5. Financial comments

- 5.1. This report seeks approval to settle civil claims received following the Grenfell Tower fire in 2017. Further details of the settlement are provided in Part 2 of this report.

6. Legal comments

- 6.1. Under section 327A of the Greater London Authority Act 1999 (GLA Act), the LFC is established as a corporation sole with the Mayor appointing the occupant of that office. Under section 327D of the GLA Act, 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.

- 6.3. Paragraph (b) of Part 2 of that direction requires the LFC 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”.
- 6.4. The LFC may, under section 222 of the Local Government Act 1972 (1972 Act), where it is considered “expedient for the promotion or protection of the interests of the inhabitants of their area ... prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them in their own name, and ... they may, in their own name, make representations in the interests of the inhabitants at any public inquiry held by or on behalf of any Minister or public body under any enactment.” It is implicit that such power would include settlement of such actions.
- 6.5. In addition, section 5A (1) of the Fire Rescue and Services Act 2004 (2004 Act) states a relevant fire and rescue authority may do anything it considers appropriate for the carrying out of any of its functions; or anything that it considers appropriate for purposes incidental, whether directly or not, in relation to its functional purposes. This includes incurring spending in furtherance of the powers under section 222 of the 1972 Act.
- 6.6. Settlement of litigation arising from the Grenfell Tower fire falls within section 222 of the 1972 Act and section 5A(1) of the 2004 Act.
- 6.7. These comments have been adopted from those provided by the LFC’s General Counsel Department in Part 1 report LFC-24-116 to the LFC.

Appendices and supporting papers:

Appendix 1 - Part 1 of London Fire Commissioner report LFC-24-116 - Settlement of Civil Claims and Costs Claims Arising from the Grenfell Tower Fire

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 be published either 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

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

✓

Assistant Director/Head of Service

Ross Jardine has reviewed the documentation and is satisfied for it to be referred to the Deputy Mayor for Planning, Regeneration and the Fire Service for approval.

✓

Advice

The Finance and Legal teams have commented on this proposal.

✓

Mayoral Delivery Board

A summary of this decision was reviewed by the Mayoral Delivery Board on 9 December 2024.

✓

CHIEF FINANCE OFFICER:

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

Signature:

Fay Hammond

Date:

11/12/2024