

## REQUEST FOR DEPUTY MAYOR FOR PLANNING, REGENERATION AND THE FIRE SERVICE DECISION – DMFD261

### Personal injury claims 2025-26

#### Executive summary:

This report requests the approval of the Deputy Mayor for Planning, Regeneration and the Fire Service (the Deputy Mayor) to authorise the London Fire Commissioner (LFC) to commit revenue expenditure of the amount set out in Part 2. This is for the purpose of settling personal injury claims in 2025-26, subject to the following conditions:

- the LFC obtains and follows the advice of specialist counsel on settlement, and the advice of a costs lawyer on costs claimed
- spend is contained within the total funding for 2025-26, as identified in Part 2 of this decision
- spend per claim is contained within the limit identified in Part 2 of the decision
- the LFC's General Counsel notifies the Deputy Mayor when a claim is received, which is anticipated to exceed £150,000, and upon final settlement of such cases
- the LFC provides the Deputy Mayor with a year-end financial update on spend that occurred within the terms of this authority.

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 of this decision, for the purpose of settling injury claims in the 2025-26 financial year.

#### 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:**

17/02/2025

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

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1. Report LFC-24-121 to the London Fire Commissioner (LFC) sets out that prior approval to settle high-value personal injury (PI) claims has been sought each financial year, with the last decision (DMFD218) approved in December 2023.
- 1.2. The report notes that the majority of PI claims against the LFC are for amounts below the £150,000 scheme of delegation threshold. However, for claims involving diagnoses of mesothelioma, other asbestos-related illnesses (asbestosis, lung cancer), cancer-related claims, psychiatric injuries, and any claim that results in a medical retirement, the value is likely to exceed £150,000.

#### **2. Objectives and expected outcomes**

- 2.1. The purpose of the request is to ensure that PI claims over £150,000, and up to the amount set out in Part 2, can be settled quickly and without the requirement for additional decision-making by the GLA.
- 2.2. The paper notes that the Deputy Mayor for Planning, Regeneration, and the Fire Service (the Deputy Mayor) will continue to be notified by the LFC's General Counsel upon receipt of claims anticipated to exceed £150,000. The LFC will continue to provide a year-end financial update on the spend that occurs in relation to this decision.

#### **3. Equality comments**

- 3.1. The public sector equality duty requires that both the LFC and the Deputy Mayor have due regard to the identification and elimination of unlawful discrimination, harassment, and victimisation; and to advance equality of opportunity, and foster good relations, between people who have a 'protected characteristic' as defined under section 149 of the Equality Act 2010 and those who do not.
- 3.2. There are no specific equality implications arising from this decision.

#### **4. Other considerations**

- 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. It is recommended that authority is delegated to settle all PI claims up to the maximum amount specified in part 2 of this decision.
- 5.2. The LFC's 2025-26 budget submission includes an amount contained in part 2 of this report as base funding. This budget is based on the previous year's spend and future anticipated expenditure. It is currently estimated it will be sufficient to meet the costs arising in 2025-26.
- 5.3. A reserve held to supplement the base budget for unexpected circumstances is forecast to be fully used by March 2025. Any expenditure above base budget will therefore be a draw on the General Fund reserve.

## **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.
- 6.2. Under section 327D of the Greater London Authority Act 1999, as amended, 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.
- 6.3. 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. In particular, 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 is identified in accordance with normal accounting practices”. The proposed expenditure exceeds this financial threshold, accordingly, prior approval from the Deputy Mayor will be required.

### **Appendices and supporting papers:**

LFC-24-121 Personal Injury claims 2025-2026

## 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

Rachael Hickman 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.

✓

#### Mayoral Delivery Board

A summary of this decision was reviewed by the Mayoral Delivery Board on 17 February 2025.

✓

### CHIEF FINANCE OFFICER:

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

**Signature:**



**Date:**

19/02/2025