

REQUEST FOR DEPUTY MAYOR FOR FIRE DECISION – DMFD259

Legal costs related to matters arising out of the Grenfell Tower fire Inquiry

Executive summary:

This report requests the approval of the Deputy Mayor for Planning, Regeneration and the Fire Service (Deputy Mayor) to authorise the London Fire Commissioner (LFC) to commit revenue expenditure of £1,711,150 for 2025-26 (£1,487,956 plus a 15 per cent margin), to secure legal advice and representation where necessary for the LFC and appropriate individuals in relation to matters arising out of the Grenfell Tower fire. This includes any consequent or related legal action in respect of the Grenfell Tower fire.

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 of £1,711,150 for 2025-26 (£1,487,956 plus a 15 per cent margin), to secure legal advice and representation where necessary for the LFC and appropriate individuals in relation to matters arising out of the Grenfell Tower Fire. This includes any consequent or related legal action in respect of 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:

12/02/2025

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

Decision required – supporting report

1. Introduction and background

- 1.1. The Chair of the Grenfell Tower Inquiry, Sir Martin Moore-Bick, published his final report in September 2024. This related to Phase 2 of the Inquiry, which examined the circumstances leading up to and surrounding the fire.
- 1.2. There has been subsequent work arising out of the Inquiry's findings and recommendations. There also remains ancillary litigation related to the Grenfell Tower fire. Some of those claims have been settled, and others are ongoing.

External legal resource

- 1.3. It has been necessary for the London Fire Commissioner (LFC) to engage external legal resource to assist the General Counsel's department in relation to work arising out of the Inquiry's findings and recommendations, as well as the ancillary litigation.
- 1.4. The nature of the work, and the ancillary litigation, means that it is extremely difficult to accurately predict the cost for legal resource and when that resource will be needed.
- 1.5. This decision is the latest in a series of decisions, published over the past five years, seeking authority to incur costs in respect of legal costs arising from the Grenfell Tower fire.
- 1.6. The commitment of expenditure on legal costs related to the Grenfell Tower fire has previously been approved through Deputy Mayor for Fire and Resilience Decisions DMFD89, DMFD103, DMFD190 and DMFD219.

2. Objectives and expected outcomes

- 2.1. The objective of this decision form is to seek authority to incur expenditure in 2025-26.
- 2.2. The expected outcome is that the LFC can properly resource the work arising out of the Grenfell Tower Inquiry's findings and recommendations, as well as the ancillary litigation.

3. Equality comments

- 3.1. The LFC and the Deputy Mayor for Planning, Regeneration and the Fire Service (Deputy Mayor) are required to comply with 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 conduct prohibited by or under the Equality Act 2010
 - 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. An Equality Impact Assessment (EIA) was undertaken on 27 July 2020 in relation to the legal costs related to the Grenfell Tower fire. The EIA found that there is likely to be negligible impact on those with protected characteristics in relation to decisions about legal costs. The EIA has been reviewed and the position is unchanged for the purposes of this decision form. This is on the basis that the decision form does not propose anything that will impact on either the public or service users; but seeks authority to incur additional expenditure in respect of legal costs in relation to the LFC's response to the Inquiry and ancillary litigation.

4. Other considerations

Workforce comments

- 4.1. The Fire Brigades Union was a core participant in the Grenfell Tower Inquiry and had its own legal representation.

Sustainability comments

- 4.2. There are no sustainability implications arising from this report.

Procurement comments

- 4.3. There are no procurement implications arising from this report.

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 recommends that revenue expenditure of £1,487,956 is agreed for 2025-26, plus a 15 per cent margin, making a total of £1,711,150. This is to secure legal advice and representation for the LFC and appropriate individuals in relation to the Grenfell Tower fire.
- 5.2. If this decision is agreed the legal costs incurred, and anticipated, to date are as follows:

Table 1 – Grenfell legal costs 2021-26

Financial year	Costs
2021-22	£3,228,043
2022-23	£1,758,135
2023-24	£950,400
2024-25	£1,467,189
2025-26	£1,711,150
Total	£9,114,917

- 5.3. LFC's annual budget includes an amount of £693,581 for legal costs associated with the Grenfell Tower Inquiry. It is anticipated that the majority of any additional costs incurred over and above the budgeted sum of these costs will be recovered from the insurers. Part 2 of this report provides further information on anticipated expenditure.
- 5.4. If it is found that the costs recovered from insurers does not cover all future liabilities, LFC will be required to reduce its expenditure and/or find compensatory savings to meet any funding gap.

6. Legal comments

- 6.1. Section 327A of the Greater London Authority Act 1999 (GLA Act) established the LFC 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 s222 Local Government Act 1972, 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.*"
- 6.5. The powers granted by Section 222 of the 1972 Act constitute a function of the LFC and 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.

Appendices and supporting papers:

Appendix 1: LFC-24-115 – Legal Costs Related to Grenfell Tower Fire – Part One

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

Niran Mothada 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 10 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