MOPAC | MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

DMPC Decision – PCD 1803

Title: Request for authorisation to settle a portion of legal costs in relation to a judicial review claim against MOPAC.

Executive Summary:

This paper seeks the approval of the Deputy Mayor for Policing and Crime to settle legal costs relating to a judicial review claim against MOPAC in accordance with the terms set out in Part 2 of this decision form. The claim for judicial review is in relation to MOPAC's decision to extend it's GPS tagging programme for a further two years and was issued against MOPAC and the Ministry of Justice.

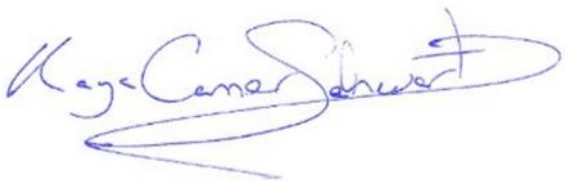
Recommendation:

That the Deputy Mayor for Policing and Crime approves settlement of legal costs in accordance with the terms set out in Part 2 of this decision form relating to the judicial review claim against MOPAC.

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.



Signature

Date 07/02/2025

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE CEO

1. Introduction and background

1.1. In March 2024, DMPC Decision (PCD 1604) was made to extend MOPAC's GPS tagging provision until March 2026. This included a two year extension to the GPS knife crime programme and a short extension to the domestic abuse GPS tagging pilot. A judicial review claim was issued against both

MOPAC and the Ministry of Justice ('MoJ') in relation to DMPC Decision (PCD 1604). The claim was stayed and the parties agreed to participate in settlement discussions which have now concluded.

1.2. The parties have reached agreement as to costs in accordance with the terms set out in Part 2 of this decision form which requires the approval of the Deputy Mayor for Policing and Crime.

2. Issues for Consideration

2.1. These are covered within Part 2 of this decision form.

3. Financial Comments

3.1. MOPAC's contribution to the legal costs is unbudgeted and subject to DMPC approval will be met from the budget resilience reserve.

4. Legal Comments

4.1. MOPAC's general powers are set out in the Police Reform and Social Responsibility Act 2011 (the 2011 Act). Section 3(6) of the 2011 Act provides that MOPAC must "secure the maintenance of the metropolitan police service and secure that the metropolitan police service is efficient and effective." In addition, under paragraph 7 of Schedule 3 of the 2011 Act, MOPAC has wide incidental powers to "do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office." Paragraph 7(2) (a) provides that this includes entering into contracts and other agreements.

4.2. Paragraph 1.4 of the MOPAC Scheme of Consent and Delegation (the Scheme) dated October 2016, provides that there will always be operational decisions which are significant either in terms of financial expenditure or public interest or which are in some other way novel or contentious. These have either been expressly reserved to the DMPC by the Scheme or, where the decision would otherwise, be taken by staff/officers, will be referred to the DMPC for decision.

4.3. The proposed settlement of legal costs for this claim is considered to be 'novel or contentious' and therefore, in accordance with the Scheme, subject to a DMPC decision.

5. Equality Comments

5.1. MOPAC is required to comply with the public sector equality duty set out in section 149(1) of the Equality Act 2010. This requires MOPAC 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.

5.2. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

5.3. 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.

5.4. There are no equalities issues relating to the settlement of legal costs in these legal proceedings.

6. Background/supporting papers

8.1 DMPC Decision – PCD 1604 Title: Extension of GPS Tagging 2024-26

Public access to information
Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval. If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.
Part 1 Deferral: Is the publication of Part 1 of this approval to be deferred? NO If yes, for what reason: Until what date: [Insert date]
Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA 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	*Tick to confirm statement (✓)*
Financial Advice The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
Legal Advice The TfL legal team has been consulted on the proposal.	✓
Commercial Issues The Contracts and Procurement Management Team has been consulted on this proposal.	✓
Equalities Advice Equality and diversity issues are covered in the body of the report.	✓
Public Health Approach Due diligence has been given to determine whether the programme sits within the Violence Reduction Unit's public approach to reducing violence. This has been reviewed and supported by a senior manger within the VRU.	**N/A**
Commercial Issues The Contract Management Team has been consulted on the commercial issues within this report. The proposal is in keeping with the GLA Group Responsible Procurement Policy.	✓
GDPR and Data Privacy • GDPR compliance issues are covered in the body of the report and the GDPR Project Manager has been consulted on the GDPR issues within this report. • A DPIA is not required.	✓
Drafting Officer Tom Burnham has drafted this report in accordance with MOPAC procedures.	✓

Director/Head of Service The Commissioning and Partnership Director has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓