

REQUEST FOR DMPC DECISION – DMPCD 2015-127**Title: Riot Damages Act – Settlement of Claim****Executive Summary:**

The MPS is seeking approval to make offers to settle a case in respect of claims and legal costs made under the Riot (Damages) Act from a site damaged during the August 2011 disturbances. Owing to the nature of the information contained in the report some of the information has been submitted as a Part 2 report.

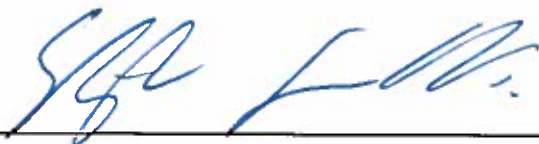
Recommendation:

To settle up to the amounts set out in Part 2 through interim and final payments as agreed between MPS and the relevant parties, subject to Home Office confirming they will meet all the costs in full.

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 for elected Members of the Authority. Any such interests are recorded below.

The above request has my approval.

Signature**Date**

12/11/2015

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

Decision required – supporting report

1. Introduction and background

- 1.1 DMPC approved on 3 February 2012 (ref DMPC 2012 03) the delegation to DLS for the management of RDA claims arising from the August 2011 disturbances. The vast majority of the straightforward claims have been resolved, this paper addresses one of the more complex claims, and proposes offers to settle and to offer interim payments.
- 1.2 In July and October DMPC approved offers to settle and the making of interim payments in respect of this case. This request updates the position.

2. Issues for consideration

- 2.1 See Part 2

3. Financial Comments

- 3.1 There is no net effect on the MOPAC budget as any payment made will be recovered from the Home Office. The detail of the financial implications is set out in Part 2.

4. Legal Comments

- 4.1 The MOPAC, as compensation authority, has the power to deal with any claims brought under the Riot Damages Act 1886, including the settlement of such claims from the police fund under section 2(1) of that Act.
- 4.2 Pursuant to the MOPAC Scheme of Delegation and Consent, 2014, MOPAC must authorise the settlement because it fulfills the criteria set out in section 4.10 of the Scheme including the financial level.

5. Equality Comments

- 5.1 To continue policing with the consent of the population it serves, the police will always seek to treat everyone fairly and openly. Race or equality issues do not appear to have an impact in this matter.

6. Background/supporting papers

- 6.1 DMPC Decision 2015 70
- 6.2 DMPC Decision 2015 95
- 6.3 Appendix 1

Public access to information

Information in this form is subject to the Freedom of Information Act 2000 (FOIA) and other legislation. Part 1 of this form will be made available on the MOPAC website within 1 working day of approval. Any facts/advice/recommendations that should not be made automatically available on request should not be included in Part 1 but instead on the separate Part 2 form. Deferment is only applicable where release before that date would compromise the implementation of the decision being approved.

Is the publication of **this** form to be deferred? NO

If yes, for what reason:

Until what date (if known):

Is there a **part 2** form – Yes

If yes, for what reason: FOIA Exemptions: Data Protection Section 40, Commercial Interest Section 43 and Legal Professional Privilege Section 42

ORIGINATING OFFICER DECLARATION:

	<i>Tick to confirm statement (✓)</i>
Head of Unit: Annabel Cowell has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓
Legal Advice: The Legal team have been consulted on this proposal.	✓
Financial Advice: The Chief Finance Officer has been consulted on this proposal.	✓
Equalities Advice: Equality and Diversity issues are covered in the body of the report.	✓

OFFICER APPROVAL**Chief Operating Officer**

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

Signature 

Date 12 | 11 | 2015

REPORT ON SETTLEMENT OF CLAIM OPEN REPORT

Report by Directorate of Legal Services on behalf of the Commissioner

EXECUTIVE SUMMARY

The Directorate of Legal Services (DLS) is requesting MOPAC to give authority to take action in respect of a legal claim against the MOPAC. There is an open and exempt report as some of the information relates to data protection, is commercially sensitive and is legal professional privileged.

A. RECOMMENDATIONS - That

1. DLS be authorised to offer to take the action identified in the exempt part of this report.

B. SUPPORTING INFORMATION

Introduction and Background Facts

1. This claim arises following riots that occurred in numerous areas of London between 8th and 11th August 2011. The property was entered by rioters and set on fire during the August 2011 Disturbances. The significant fire that followed completely gutted the building as a whole resulting in the loss of the building and its contents.

C. OTHER ORGANISATIONAL & COMMUNITY IMPLICATIONS

Equality and Diversity Impact

1. To continue policing with the consent of the population it serves, the police will always seek to treat everyone fairly and openly. Race or equality issues do not appear to have an impact in this matter.

Financial Implications

2. This request will have a nil impact on overall MPS budgets as the Home Office have agreed to fund all Riot (Damages) Act Claims relating to the August 2011 Riots.

Legal Implications

3. The MOPAC, as compensation authority, has the power to deal with any claims brought under the Riot Damages Act 1886, including the settlement of such claims from the police fund under section 2(1) of that Act.

4. Pursuant to the MOPAC Scheme of Delegation and Consent 2014, MOPAC must authorise the settlement because it fulfils the criteria set out in section 4.10 of the Scheme including the financial level.

Consultation undertaken

5. N/A

Risk (including Health and Safety) Implications

6. N/A

Environmental Implications (if relevant to the subject)

7. Nil

Report author: Prit Mandair, Directorate of Legal Services

Background papers: None provided