

DMPC Decision – PCD 595

Title: Request for financial assistance made by the Applicant for separate representation in Judicial Review proceedings

Executive Summary:

This report contains an application for financial assistance made by the Applicant for separate representation in Judicial Review proceedings.

Recommendation:

The Deputy Mayor for Policing and Crime (DMPC) is asked to consider an application for funding in the sum of £7520.00 (excl VAT), for a serving officer in respect of separate representation in Judicial Review proceedings.

The Deputy Mayor for Policing and Crime has the discretion to authorise financial assistance for police officers/staff where it would be conducive to the maintenance of an efficient and effective police force

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*Seamus Healy***Date***19/6/19*

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

1. Introduction and background

- 1.1. The counterpart of this report is exempt because it falls within an exemption specified in para 2(2) of the Elected Local Policing Bodies (Specified Information) Order 2011 and/or under the Freedom of Information Act 2000 e.g. because the information amounts to personal data, is confidential or commercially sensitive.
- 1.2. These proceedings concern the representation of an MPS officer at judicial review proceedings. This is the 1st application for the Judicial Review proceedings, but 2nd funding application for this officer in connection with this subject matter.
- 1.3. The Applicant represents that they satisfy the criteria for entitlement to financial assistance namely: that they were performing their official duties; that they were acting in good faith and there was no neglect or wilful default on their part; and that they exercised reasonable judgement. The facts provided by the Applicant in support of their representation for financial assistance are set out in the exempt report.
- 1.4. The Commissioner's position in relation to the Applicant's representations for financial assistance are set out in the exempt report.
- 1.5. There is a conflict of interest between the position of the Commissioner and the Applicant and accordingly the Applicant requires separate legal representation and financial assistance.

2. Issues for consideration

- 2.1. For the DMPC to consider whether there is a conflict of interest requiring separate representation and financial assistance and whether the financial assistance will secure an efficient and effective Police Service.

3. Financial Comments

- 3.1. The solicitors acting for the Police Officer has submitted an estimate of the costs of the separate representation in support of the application for financial assistance.
- 3.2. The cost of these legal fees, if authorised, will be met from the 1996 Police Act Expenditure budget within the MPS Directorate of Legal Services' budget.

4. Legal Comments

- 4.1. The DMPC has a discretion under Section 3(6) and para. 7 of Schedule 3 of the Police Reform and Social Responsibility Act 2011 to fund police officers' legal expenses in proceedings if they consider that providing the funding secures the maintenance of an efficient and effective police force. The Deputy Mayor has delegated authority, under

para. 4.10 of the Scheme of Delegation, to consider the current application for financial assistance.

- 4.2. A conflict of interest arises between the Commissioner and the Police Officer which gives rise to the need for separate representation and financial assistance for the reasons set out above.
- 4.3. Home Office Circular 010/2017 provides guidance which applies to MOPAC. In conclusion it states:
- 4.4. *"...police officers and staff must be confident that local policing bodies will provide financial assistance, whether in full or part, for officers facing legal proceedings where they have acted in good faith and have exercised their judgement reasonably".*

5. GDPR and Data Privacy

- 5.1. The processing of personal data has been minimised as part of this decision and is held within Part 2 of the report.

6. Equality Comments

- 6.1. 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.

7. Background/supporting papers

- 7.1. Refer to Part 2 of the report.

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		<i>Tick to confirm statement (✓)</i>
Financial Advice The Strategic Finance and Resource Management Team has been consulted on this proposal.		✓
Legal Advice The MPS legal team has been consulted on the proposal.		✓
Equalities Advice: Equality and diversity issues are covered in the body of the report		✓
Commercial Issues Commercial issues are not applicable.		✓
GDPR/Data Privacy <ul style="list-style-type: none">GDPR compliance issues are covered in the body of the report and the GDPR Project Manager/Data Protection Officer [delete as applicable] has been consulted on the GDPR issues within this report.A DPIA is not required.		✓
Director/Head of Service The Judith Mullett has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.		✓

Chief Executive 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

R. Lawrence

Date

18/6/19