

DMPC Decision – PCD 794

Title: Request for financial assistance cap increase for the legal representation of a serving police officer at a Public Inquiry

Executive Summary:

The Deputy Mayor for Policing and Crime (DMPC) is asked to consider an application for a CAP increase for financial assistance of £11,000 (net of VAT) made by the Applicant for legal representation at a Public Inquiry.

The sum of £11,000 is in addition to £76,350 approved on 31 August 2018. The original application for the sum of £45,600 was approved on 30 November 2015, this was for the representation of two officers. The second officer informing the Inquiry that they no longer wished to be represented by the firm of solicitors. No further request for funding has been received for the second officer.

The increased sum is sought to enable the ongoing representation of N81 in these proceedings with the appropriate level of representation and vetting status.

The DMPC has power to grant the application of £11,000 (net of VAT) if she is satisfied that funding the Applicant's legal expenses in the proceedings is likely to secure an efficient and effective police force

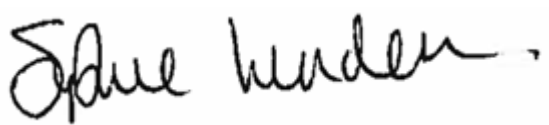
Recommendation:

The Deputy Mayor for Policing and Crime (DMPC) is asked to consider an application for funding in the sum of £11,000 (net of VAT), for serving officers in respect of separate representation at an inquest.

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** 3/8/20

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

1. Introduction and background

- 1.1. On 12 March 2015 the Home Secretary announced the appointment of Sir Christopher Pitchford (succeeded by Sir John Mitting on 25 July 2017) to conduct an inquiry under the Inquiries Act 2005 to 'review practices in the use of undercover policing, establishing justice for the families and victims and making recommendations for future operations and police practice'.
- 1.2. Following a preliminary hearing on 9 October 2015, the Inquiry Chairman designated a number of persons to have Core Participant (CP) status at the Inquiry under the category of Police Officers.
- 1.3. Originally 11 CPs applied for separate representation at the Inquiry. Two of the CPs designated in this category were successful in their previous application to fund their separate representation at the Inquiry.
- 1.4. In 2015 the Deputy Mayor for Policing and Crime granted funding of £45,600 for two CPs, one of those being the current Applicant. This is the second application for a CAP increase to allow for the ongoing representation for the current Applicant. The first cap increase of £76,350 was authorised on 31 August 2018.
- 1.5. 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 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.
- 1.6. The Commissioner's position in relation to the Applicant's representations for financial assistance are also set out in the exempt report.

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

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.
- 5.2. Part 2 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.

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:

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 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

- GDPR compliance issues are covered in the body of the report and the GDPR Project Manager/Data Protection Officer has been consulted on the GDPR issues within this report.
- A DPIA is not required.

✓

Director/Head of Service

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



Date 29/7/20