

GREATER LONDON AUTHORITY

REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD92

Title: Authority to settle a personal injury claim

Executive Summary:

The London Fire Commissioner seeks authority to settle a personal injury claim brought on behalf of an ex-firefighter, in which the range of reasonable settlement requires the consent of the Deputy Mayor.

The London Fire Commissioner Governance Direction 2018 sets out a requirement for the London Fire Commissioner to seek prior consent before '*[a] commitment to expenditure (capital or revenue) of £150,000 or above*'. The Direction also provides the Deputy Mayor with the authority to '*give or waive any approval or consent required by [the] Direction*'.

Decision:

The Deputy Mayor for Fire and Resilience consents to the expenditure outlined in the Part 2 form of this decision for the settlement of a personal injury claim as set out in report LFC-0424y to the London Fire Commissioner.

Deputy Mayor for Fire and Resilience

I confirm that I do not have any disclosable pecuniary interests in the proposed decision.

The above request has my approval.

Signature:



Date:

25 November 2020

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

Decision required – supporting report

1. Introduction and background

- 1.1. The London Fire Commissioner seeks authority to settle a personal injury claim brought on behalf of an ex-firefighter, in which the range of reasonable settlement requires the consent of the Deputy Mayor.
- 1.2. The claimant brings this claim for personal injury as a result of an accident at work.
- 1.3. The claimant's finalised Schedule of Loss has been served, upon receipt of which, Counsel drafted a Counter-Schedule of Loss/Special Damages and also provided a final advice on quantum.

Liability

- 1.4 Liability, subject to causation, was admitted in the defence filed and without any allegations of contributory negligence.
- 1.5 As the employer the Brigade is, prima facie, vicariously liable in statute and common law for the negligent acts and/or omissions of its employees. On any assessment the actions of the firefighter who was responsible for the injury did not follow correct procedures and was negligent. There was no evidence to suggest that the Claimant was in any way contributory negligent, so this defence was not advanced by the London Fire Commissioner.

2. Objectives and expected outcomes

- 2.1. Consent by the Deputy Mayor for Fire and Resilience allows the Commissioner to effectively settle matters with the claim and in line with the expectations of the court.

3. Equality comments

- 3.1. Decision-takers have due regard to the Public Sector Equality Duty when considering reports for decision.
- 3.2. Under s149 of the Equality Act 2010 (the Equality Act), as a public authority we must have due regard to the need to eliminate discrimination, harassment and victimisation, and any conduct that is prohibited by or under the Equality Act; and to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.
- 3.3. The Public Sector Equality Duty (PSED) requires decision-takers in the exercise of all their functions to have due regard to the need to:
 - i. Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Equality Act 2010. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
 - ii. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - iii. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

- 3.4. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation.
- 3.5. There are no specific equality implications arising from this report.

4. Financial comments

- 4.1. The expenditure is to be funded through sums available to the Commissioner. There are no direct financial implications for the GLA.

5. Legal comments

- 5.1. General Counsel is the author of this report.
- 5.2. Under section 9 of the Policing and Crime Act 2017, the London Fire Commissioner (the "Commissioner") is established as a corporation sole with the Mayor appointing the occupant of that office. Under section 327D of the GLA Act 1999, as amended by the Policing and Crime Act 2017, the Mayor may issue to the Commissioner specific or general directions as to the manner in which the holder of that office is to exercise his or her functions.
- 5.3. By direction dated 1 April 2018, the Mayor set out those matters, for which the Commissioner would require [the prior approval] of either the Mayor or the Deputy Mayor for Fire and Resilience (the "Deputy Mayor").
- 5.4. Paragraph (b) of Part 2 of the said direction requires the Commissioner 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...". Therefore, prior approval of the Deputy Mayor is required prior to settle this claim.

Appendices and supporting papers:

None.

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 either be published 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

Until what date:

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

Richard Berry 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 Fire and Resilience for approval.

Advice

The Finance and Legal teams have commented on this proposal.

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 23 November 2020.

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature



Date

25 November 2020