

**REQUEST FOR DMPC DECISION – PCD 52**

**Title:** RDA – Final Claim

**Executive Summary:**

The Directorate of Legal Services (DLS) is seeking approval by the DMPC to make a final payment in respect of a claim made under the Riot (Damages) Act from a site based in Tottenham, 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:**

The DMPC is asked to approve a final payment in relation to the August 2011 disturbances to the value identified within the Part 2 report.

**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**

*Sybil Under*

**Date**

12/09/2016

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

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1. MOPAC 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 a final payment.

#### **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. There are no equality or diversity implications arising from report.

#### **6. Background/supporting papers**

- 6.1. Appendix 1

**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:**

	<i>Tick to confirm statement (✓)</i>
<b>Head of Unit:</b> The SFRM team has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓
<b>Legal Advice:</b> The MPS legal team has been consulted on the proposal.	✓
<b>Financial Advice:</b> The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
<b>Equalities Advice:</b> Equality and diversity issues are covered in the body of the report.	✓

**OFFICER APPROVAL****Acting Chief Executive**

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 *7/09/16*

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**REPORT ON SETTLEMENT OF CLAIM  
OPEN REPORT - 11 August 2016**

**Report by Directorate of Legal Services on behalf of the Commissioner**

**EXECUTIVE SUMMARY**

The Directorate of Legal Services (DLS) is requesting MOPAC to agree settlement of a 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 settle a claim 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 6<sup>th</sup> and 11<sup>th</sup> 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 payment 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:** Brian Matthews, Band D, Insurance and Claims Services (on behalf of DLS), 2<sup>nd</sup> Floor, Holborn Police Station, London, WC1N 3NR

**Background papers:** None provided