

DMPC Decision – PCD 1189

Title: Request for authorisation to settle a claim for damages against the Metropolitan Police Service (MPS)

Executive Summary:

The Deputy Mayor for Policing and Crime (DMPC) is asked to approve the settlement of a claim against the MPS for alleged breaches of Articles 2, 3 and 8 of the ECHR, negligence, and assault and battery pursuant to the Law Reform (Miscellaneous Provisions) Act 1934.

There is an open and exempt report as some of the information relates to data protection, is commercially sensitive and is legal professional privileged.

Recommendation:

The Deputy Mayor for Policing and Crime (DMPC) is asked to approve the settlement of a claim for damages against the MPS, as set out in the part 2 report.

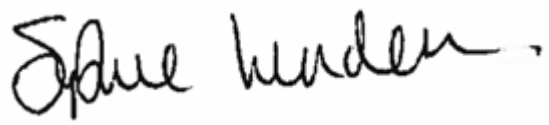
The Deputy Mayor for Policing and Crime has the discretion to authorise the settlement of a civil claim where it would be conducive to the maintenance of an efficient and effective police force.

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



Date 21/04/2022

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

1. Introduction and background

- 1.1. The claim for damages are brought for alleged breaches of Articles 2, 3 and 8 of the ECHR, negligence, and assault and battery pursuant to the Law Reform (Miscellaneous Provisions) Act 1934.
- 1.2. The claims are brought by various family members of Kevin Clarke, who died on 9th March 2018 following restraint by police. The claims relate to alleged failings by officers who restrained Mr Clarke and conveyed him to an ambulance.

2. Financial Comments

- 2.1. The cost of any settlement, if agreed, would be met from the centrally held MPS third party claims provision budget.

3. Legal Comments

- 3.1. MOPAC has the power to pay any sum required in connection with the settlement for any claim made against the Commissioner under Section 88 of the Police Act 1996.
- 3.2. Pursuant to the MOPAC Scheme of Delegation dated October 2016, DMPC must authorise settlements above £50,000.00, or those claims that are otherwise high profile or sensitive, according to the criteria set out in section 4.10 of the Scheme.
- 3.3. There is an open and exempt report as some of the information relates to data protection, is commercially sensitive and is legal professional privileged

4. GDPR and Data Privacy

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

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. 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: N/A

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.

✓

Public Health Approach

Due diligence has been given to determine whether the programme sits within the Violence Reduction Unit's public approach to reducing violence. This has been reviewed and supported by a senior manager within the VRU.

✓

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 [delete as applicable] 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 8/4/2022

