

**REQUEST FOR DMPC DECISION – DMPCD 2014-47****Title: REQUEST FOR FINANCIAL ASSISTANCE****Executive Summary:**

The DMPC agree to an extension of financial assistance in the sum £74,360 (plus VAT) made by the Applicant for separate representation in legal proceedings for an inquest, which concluded on the 9th of January 2014. A conflict of interest arises between the Commissioner and the Applicant, which gives rise to the need for separate representation and financial assistance to the Applicant.

**Recommendation:**

DMPC authorises the DLS to provide financial assistance for the reasons set out in the exempt 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.

**Signature****Date**

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

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

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

- 1.1 DMPC has received a request from the Directorate of Legal Services (DLS) for the Metropolitan Police to agree to support further financial assistance of £74,360 (plus VAT) made by the Applicant for separate representation in legal proceedings for an inquest that has now concluded. The DMPC made a decision on 1 August 2013 to provide an extension of financial assistance in the sum of £9,750 this was further to the sum of £145,000 agreed on 25 November 2012. This will bring the current total granted in this case to £229,110 (plus VAT). A copy of the previous Part I reports in this matter are attached as an appendix together with the MPS open report.
- 1.2 The details of this further request for £74,630 are set out in the exempt report.
- 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.

#### **2. Issues for consideration**

- 2.1 Included in Part 2 of this report.

#### **3. Financial Comments**

- 3.1. The solicitors acting for the police officer have submitted an estimate of the costs of the separate representation in support of the application for financial assistance.
- 3.2. The costs will be met from the 1996 Police Act Expenditure budget held within DLS. However should this budget over spend, any over spends in this financial year will be met from within the overall DLS revenue budget.

#### **4. Legal Comments**

- 4.1 The DMPC has 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, R -v- DPP ex parte Duckenfield (2000) 1 WLR 55.
- 4.2 A potential conflict of interest arises between the Commissioner and the Police Officer/Staff and DLS is unable to provide the legal assistance required in this case which gives rise to the need for separate representation and financial assistance for the reasons set out above.
- 4.3 Home Office Circular 43/2001 provides guidance which applies to MOPAC. Para. 12 states "police officers must be confident that Police Authorities (now Police and Crime Commissioners) will provide financial support for officers in legal proceedings where they have acted in good faith and have exercised their judgement reasonably. Police Authorities will need to decide each case on its merits, but subject to that, there should be a strong presumption in favour of payment where these criteria are met".

#### **5. Equality Comments**

- 5.1 To continue policing with the consent of the population it serves, the police will always seek to include all communities fairly and openly. The inquest arises from the death of a young black male

which consequently led to unrest in London and across the country. The family of the deceased and the wider community across London will understandably need to be assured that all proceedings and matters relating to this case are and are seen to be open and fair.

**6. Background/supporting papers**

Non-exempt MPS 'report on application for financial assistance

Non-exempt Decision dated 25<sup>th</sup> November 2012 and 1 August 2013

**Public access to information**

Information in this form is subject to the Freedom of Information Act 2000 (FOIA) and other legislation. Part 1 of this form will be made available on the MOPC website within 1 working day of approval. Any facts/advice/recommendations that should not be made automatically available on request should not be included in Part 1 but instead on the separate Part 2 form. Deferment is only applicable where release before that date would compromise the implementation of the decision being approved.

Is the publication of **this** form to be deferred? NO

If yes, for what reason:

Until what date (if known):

Is there a **part 2** form – YES

If yes, for what reason: FOIA Exemptions - Data Protection Section 40, Commercial Interest Section 43 and Legal Professional Privilege Section 42

**ORIGINATING OFFICER DECLARATION:**

		<i>Tick to confirm statement (✓)</i>
<b>Head of Unit:</b> Annabel Cowell 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 Head of Strategic Finance and Resource Management has been consulted on this proposal.		✓
<b>Equalities Advice:</b> Equality and diversity issues are covered in the body of the report and The Workforce Development Officer has been consulted on the equalities and diversity issues within this report.		✓

**OFFICER APPROVAL****Chief Operating 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**