

REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD139

Title: Authority to settle a personal injury claim

Executive Summary:

Deputy Mayor for Fire and Resilience Decision 47 (DMFD47) authorised the London Fire Commissioner (LFC) to incur expenditure to settle a personal injury claim.

This report recommends increasing the amount of authorised expenditure in response to developments in the case. Details are set out in a confidential Part 2 form.

The London Fire Commissioner Governance Direction 2018 sets out a requirement for the London Fire 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...”.

Decision:

The Deputy Mayor for Fire and Resilience approves additional expenditure by the London Fire Commissioner up to the limit set out in the Part 2 form, superseding DMFD47, for the purpose of settling a personal injury claim.

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:

15/10/21

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

Decision required – supporting report

1. Introduction and background

- 1.1. Deputy Mayor for Fire and Resilience Decision 47 (DMFD47) authorised the London Fire Commissioner (LFC) to settle a personal injury claim.
- 1.2. LFC has requested that further authority be provided for an increase in expenditure in order to settle the case.

2. Objectives and expected outcomes

- 2.1. Further information on the case, expected outcomes and potential settlement sums are set out in the Part 2 form.
- 2.2. The proposed settlement amount discussed in this report refers only to the Claimant's damages. Settlement of costs is also still to be determined and will be subject to a further decision in keeping with the requirements of the London Fire Commissioner Governance Direction.

3. Equality comments

- 3.1. The Public Sector Equality Duty – and the potential impacts of this decision on those with protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation) – has been considered by the London Fire Commissioner and the Deputy Mayor for Fire and Resilience, with no impacts or further considerations identified.
- 3.2. Decision-takers have due regard to the public sector equality duty when considering reports for decision.
- 3.3. Under section 149 of the Equality Act 2010 (the Equality Act), as a public authority the London Fire Commissioner 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.
- 3.4. The public sector equality duty requires the London Fire Commissioner and Deputy Mayor for Fire and Resilience, in the exercise of their functions, have due regard to the need to:
 - 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.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

4. Financial comments

- 4.1. Information on LFC's financial position in relation to this decision is set out in the Part 2 form. There are no direct financial implications for the GLA.

5. Legal comments

- 5.1. Under section 9 of the Policing and Crime Act 2017, the LFC is established as a corporation sole with the Mayor appointing the occupant of that office. Under section 327D of the Greater London Authority Act 1999, as amended by the Policing and Crime Act 2017, the Mayor may issue to the LFC specific or general directions as to the manner in which the holder of that office is to exercise his or her functions.
- 5.2. By direction dated 1 April 2018, the Mayor set out those matters, for which the LFC would require the prior approval of the Deputy Mayor for Fire and Resilience (the "Deputy Mayor").
- 5.3. 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...".

Appendices and supporting papers:

Part 2 form

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

If YES, for what reason:

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 – NO

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.

✓

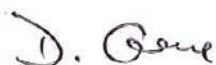
Corporate Investment Board

This decision was agreed by the Corporate Investment Board on .

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature



Date

15/10/21