

REQUEST FOR DMPC DECISION – PCD 509

Title: Recover costs in the commercial dispute with Northrop Grumman

Executive Summary:

This decision is an update to PCD 489 relating to legal advice that MOPAC have been provided in order to recover costs in a commercial dispute. A course of action has been discussed and agreed based on the legal advice.

Recommendation:

DMPC is recommended to:

- Agree the course of action set out by the legal team representing MOPAC and the MPS in this commercial dispute.

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 Henden

Date 05/12/2018

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

Decision required – supporting report

1. Introduction and background

- 1.1. On 02/11/18 PCD 489 was signed to approve the action recommended by legal advice to recover costs in a commercial dispute. This decision provides updated legal advice.

2. Issues for consideration

- 2.1. Further legal advice has been taken and the next steps are set out in the Part two of this decision. Part 2 of this Report is exempt because it falls within an exemption specified in para 2(2) of the Elected Local Policing Bodies (Specified Information) Order 2011 and/or under the Freedom of Information Act 2000, e.g. because the information amounts to personal data, is confidential or commercially sensitive.

3. Financial Comments

- 3.1. These are covered in Part 2 of this report.

4. Legal Comments

- 4.1. The MOPAC Scheme of Delegation section 4.10, outlines the circumstances when the DMPC should authorise the financial settlement of all significant claims when it is deemed that the decision is novel or contentious or of significant public interest. It is appropriate to apply the conditions of the Scheme of Delegation in this instance.

5. GDPR and Data Privacy

- 5.1. This decision does not use personally identifiable data of members of the public therefore there are no GDPR issues to be considered.

6. Equality Comments

- 6.1. There are no negative equality or diversity implications arising from this decision.

7. Background/supporting papers

- 7.1. PCD 489 Recover costs in the commercial dispute with Northrop Grumman.

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? YES

If yes, for what reason: Negotiations are still underway due to the timing of when this decision will be implemented.

Until what date: Until settlement is reached or a claim is issued in court.

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> |
|---|--------------------------------------|
| 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. | ✓ |
| GDPR and Data Privacy <ul style="list-style-type: none">GDPR compliance issues are covered in the body of the reportA DPIA is not required. | ✓ |
| Head of Unit: The Head of the Workforce and Professional Standards Unit has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities. | ✓ |

OFFICER APPROVAL**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

R. Lawrence

Date 04/12/2018