

# GREATER **LONDON** AUTHORITY

## REQUEST FOR DEPUTY MAYOR FOR FIRE & RESILIENCE DECISION – DMFD122

### Title: Authority to Settle a Personal Injury Costs Claim

#### Executive summary:

The London Fire Commissioner (LFC) seeks consent from the Deputy Mayor for Fire and Resilience for additional expenditure outlined in the Part 2 form (in addition to that agreed in Deputy Mayor for Fire and Resilience Decision 92) to enable the LFC to settle the costs of a personal injury claim.

The London Fire Commissioner Governance Direction 2018 sets out a requirement for the London Fire Commissioner to seek prior consent before '*[a] commitment to expenditure (capital or revenue) of £150,000 or above*'. The Direction also provides the Deputy Mayor with the authority to '*give or waive any approval or consent required by [the] Direction*'.

#### Decision:

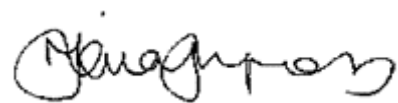
The Deputy Mayor for Fire and Resilience consents to the additional expenditure outlined in the Part 2 form of this decision to enable the LFC to settle the costs of a personal injury claim as set out in report LFC-0539 to the London Fire Commissioner.

#### 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:

23 August 2021

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

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

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

- 1.1 The London Fire Commissioner (LFC) seeks consent from the Deputy Mayor for Fire and Resilience for additional expenditure outlined in the Part 2 form to enable the LFC to settle the costs of a personal injury claim.
- 1.2 The Deputy Mayor for Fire and Resilience gave prior consent to the LFC to commit to expenditure on the personal injury claim to enable the LFC to settle the claim, up to a maximum settlement figure. Deputy Mayor approval was given (DMFD92– Appendix 1).
- 1.3 The personal injury claim was settled by consent order with the claimant's costs to be paid by LFC in such amount as agreed, or if they cannot be agreed, the costs will be the subject of detailed assessment at a costs hearing which is currently listed to take place on 9 September 2021.
- 1.4 The claimant's solicitors served a bill of costs well in excess of their original estimate. The total costs in relation to this matter are now expected to exceed the total sum approved by the Deputy Mayor, Fire and Resilience in DMFC92 and the LFC.
- 1.5 The LFC proposes to take steps to agree the costs up to a maximum amount. If costs are not agreed, additional costs will be incurred by the LFC for preparation and attendance at the costs hearing which is due to take place in September 2021. The LFC may be at risk of further costs incurred by the claimant in addition to its own costs, should the matter proceed to a costs hearing. The LFC has obtained advice from a Law Costs Draftsman as to the reasonable settlement of costs for this claim.
- 1.6 A further sum to enable the settlement of costs is therefore sought and prior consent is required from the Deputy Mayor, Fire and Resilience. The amount of costs incurred to date and sought under this decision, together and maximum costs settlement figure, are set out in the Part 2 form.

#### **2. Objectives and expected outcomes**

- 2.1. Consent by the Deputy Mayor for Fire and Resilience to the expenditure will allow the LFC to take steps to settle the costs without the need to incur further costs and expenditure at a costs hearing.

#### **3. Equality comments**

- 3.1. The Public Sector Equality Duty under section 149 of the Equality Act 2010 requires decision-takers in the exercise of all their functions to have due regard to the need to:
  - eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Equality Act 2010
  - 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.
- 3.2. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation.
- 3.3. There are no specific equality implications arising from this report.

#### **4. Financial comments**

- 4.1. The cost will be met from the 2020-21 revenue budget.
- 4.2. 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 GLA Act 1999 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 requires the prior approval of either the Mayor or the Deputy Mayor for Fire and Resilience.
- 5.3. Paragraph (b) of Part 2 of the direction requires the LFC 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...”. Therefore, prior approval of the Deputy Mayor is required for the additional expenditure to enable the LFC to settle the legal costs incurred by the claimant in this claim.

#### **Appendices and supporting papers:**

None.

**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**

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 – YES**

**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.

✓

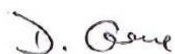
**Corporate Investment Board**

This decision was agreed by the Corporate Investment Board on 23 August 2021.

**EXECUTIVE DIRECTOR, RESOURCES:**

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

**Signature**



**Date**

23 August 2021