

REQUEST FOR DMPC DECISION – PCD 473

Title: Request for financial assistance for the legal representation of a serving police officer at inquest

Executive Summary:

The Deputy Mayor for Policing and Crime (DMPC) is asked to consider an application for financial assistance for the sum of £10,800 (excl. VAT) made by the Applicant for legal representation at inquest.

The DMPC has power to grant the application of £10,800 (excl. VAT) if she is satisfied that funding the Applicant's legal expenses at inquest is likely to secure an efficient and effective police force.

Recommendation:

The DMPC is asked to approve the application for financial assistance made by the Applicant for the sum of £10,800 (excl. VAT) for the reasons set out in Part 2.

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**

12/10/18

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

Decision required – supporting report

1. Introduction and background

- 1.1. 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.
- 1.2. On 18 November 2016 a member of the public died while in police custody and an Article 2 inquest into the circumstances of the death will take place in Autumn 2018.
- 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 that they exercised reasonable judgement. The facts provided by the Applicant in support of their representation for financial assistance are set out in the exempt report.
- 1.4. The Commissioner's position in relation to the Applicant's representations for financial assistance are also set out in the exempt report.

2. Issues for consideration

- 2.1 For the DMPC to consider whether there is a conflict of interests requiring separate representation and financial assistance and whether the financial assistance will secure an efficient and effective Police Service.

3. Financial Comments

- 3.1 The solicitor acting for the Applicant has submitted estimated costs of £10,800.00 (excl. VAT) for separate representation.
- 3.2 The cost of these legal fees will be met from the 1996 Police Act Expenditure budget found within Directorate of Legal Services (DLS).

4. Legal Comments

- 4.1. A conflict of interest arises between the Commissioner and the Applicant which gives rise to the need for separate representation and financial assistance for the Applicant for the reasons set out in the exempt report.
- 4.2. The DMPC has delegated authority, under paragraph 4.9 of the Scheme of Delegation, to consider the current application for financial assistance.
- 4.3. Home Office Circular 010/2017 provides guidance which applies to MOPAC. In conclusion it states:

“...police officers and staff must be confident that local policing bodies will provide financial assistance, whether in full or part, for officers facing legal proceedings where they have acted in good faith and have exercised their judgement reasonably”.

5. GDPR and Data Privacy

- 5.1. MOPAC has a legal basis under the Police Reform and Social Responsibility Act 2011 to hold the Commissioner to account for ensuring value for money. The processing of personal data has been minimised within this decision and is held within part 2 of the report.

6. Equality Comments

- 6.1. To continue policing with the consent of the population it serves, the police will always seek to treat everyone fairly and openly. Equality issues are not relevant to this application.

7. Background/supporting papers

- 7.1. MPS Exempt 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

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 report• A DPIA is not required | ✓ |
| Head of Unit: The Head of Strategic Finance and Resource Management 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 *5/10/18*