

REQUEST FOR DIRECTOR DECISION – DD1258

Title: Legal costs incurred by the GLA in relation to LSP5

Executive Summary:

In late 2013 a group of London boroughs, led by the London Borough of Islington, sought a judicial review in the High Court of the Mayor of London's actions on behalf of the Greater London Authority (GLA) in relation to the London Fire and Emergency Planning Authority's (LFEPA) Fifth London Safety Plan (LSP5). The boroughs also sought a judicial review of LFEPA's actions in this regard. The boroughs' legal action was unsuccessful and the judge awarded the GLA its legal costs. This decision form authorises a settlement of the GLA's claim for legal costs against the Claimant boroughs for an amount of £85,000.

Decision:

The Director approves the agreed settlement against the Claimant boroughs and the receipt of the GLA's claim for legal costs for an amount of £85,000.

AUTHORISING DIRECTOR

I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities.
It has my approval.

Name: Martin Clarke

Position: Executive Director of Resources

Signature:

Date: 15 September 2014

PART I - NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Legal costs incurred by the GLA in relation to LSP5

- 1.1 In late 2013 a group of London boroughs, led by the London Borough of Islington, sought a judicial review in the High Court of the Mayor of London's actions on behalf of the GLA in relation to LFEPA's LSP5. The boroughs also sought a judicial review of LFEPA's actions in this regard.
- 1.2 The boroughs' legal action was unsuccessful and the judge awarded the GLA its legal costs. This decision form authorises a settlement of the GLA's claim for legal costs against the Claimant boroughs for an amount of £85,000, with payment to be received by Transport for London on the GLA's behalf.
- 1.3 The GLA's legal costs are estimated to total approximately £106,000. The settlement represents 80% of this total and is therefore regarded as an advantageous outcome for the GLA.

2. Equality comments

- 2.1 There are no specific equality issues arising from this decision.

3. Financial comments

- 3.1 The funds received by the GLA will be used to offset a major part of the legal costs it has incurred.

4. Legal comments

- 4.1 By an order of the High Court dated 20 December 2013, the judicial review proceedings brought against LFEPA and the Mayor of London challenging the decision to adopt LSP5 were dismissed. The Court ordered that the Claimant London boroughs must pay the legal costs incurred by the GLA and LFEPA in defending those proceedings, such costs to be assessed if not agreed.
- 4.2 It is standard practice to attempt to agree costs with the paying party in these circumstances, to avoid the delay and further costs associated with formal detailed costs assessment proceedings. In this case, the parties have agreed that the sum of £85,000 should be paid in full and final settlement of the Claimant boroughs' liability for costs to the GLA. Officers are asked to approve this settlement and to authorise TfL to receive the funds from the London Borough of Islington on its behalf.

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

If YES, for what reason:

Until what date: (a date is required if deferring)

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:

Tom Middleton has drafted this report in accordance with GLA procedures and confirms that:

✓

Assistant Director/Head of Service:

Tom Middleton has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Financial and Legal advice:

The Finance and Legal teams have commented on this proposal, and this decision reflects their comments.

✓

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

Date