

**REQUEST FOR DIRECTOR DECISION – DD1251**

**Title: Recovery of Legal Expenses – REMA**

**Executive Summary:**

In October 2013 the Mayor published Revised Early Minor Alterations to the London Plan (REMA). A consortium of Boroughs sought to challenge the Mayor's decision to publish REMA. In the High Court, the judge found in favour of the Mayor and against the consortium. The Mayor was also awarded costs. An offer of £55,000 has been made by the consortium which has been accepted. Total costs were £61,590. This Decision is to agree to the GLA receiving the payment pursuant to the agreement.

**Decision:**

The Executive Director approves a payment of £55,000, made by the Claimant consortium of boroughs, towards the Mayor's costs for defending the Revised Early Minor Alterations to the London Plan (REMA) be received further to agreement having been reached on costs in this amount.

**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:** Fiona Fletcher-Smith

**Position:** Executive Director-Development,  
Enterprise & Environment

**Signature:**

**Date:** 1 September 2014

## **PART I - NON-CONFIDENTIAL FACTS AND ADVICE**

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

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

- 1.1 In October 2013 the Mayor published Revised Early Minor Alterations (REMA) to the London Plan (MD1268 refers). A consortium of Boroughs sought to judicially review REMA as they believed the Mayor's approach to affordable housing provision, as set out in REMA, was flawed. In the High Court, the judge found comprehensively in favour of the Mayor and against the consortium and awarded the Mayor costs. An offer of £55,000 has been made by the consortium of boroughs and accepted under delegated authority by the Executive Director of Resources.

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

To achieve an early settlement of the costs incurred in defending this litigation without the need to incur further costs in negotiating or in proceeding to a detailed assessment of costs.

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

There are no equality considerations arising directly from this report.

#### **4. Other considerations**

There are no other considerations arising directly from this report.

#### **5. Financial comments**

- 5.1 Approval is being sought for the Executive Director of Development, Enterprise and Environment to receive (via TfL) a payment of £55,000 to be made by the consortium of boroughs towards the Mayor's costs for defending REMA.
- 5.2 This settlement represents income to the authority that will be shown under the Planning unit's London Plan budget.
- 5.3 The Planning Team within the Development, Enterprise and Environment Directorate will be responsible for collection of this income.

#### **6. Legal comments**

Further to the order of the Court dated 25 March 2014, the Mayor of London is entitled to recover from the Claimant London boroughs the costs incurred in defending their challenge to the Mayor's decision to publish the REMA. A schedule detailing those costs, which totalled £61,590, was submitted and an offer has been made on behalf of the Claimant boroughs to pay the sum of £55,000 in full and final settlement which has now been accepted. This represents a good rate of recovery and means that no further time and costs would need to be spent in resolving this matter.

#### **7. Planned delivery approach and next steps**

Not applicable in this case.

### **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:**

Peter Heath has drafted this report in accordance with GLA procedures and confirms that:

✓

**Assistant Director/Head of Service:**

Stewart Murray 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**