

REQUEST FOR DMPC DECISION – PCD 447

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

Executive Summary:

The Deputy Mayor for Policing and Crime (DMPC) is asked to consider an application for a CAP increase for financial assistance of £76,350 (excl. VAT) made by the Applicant for legal representation at a Public Inquiry.

The sum of £76,350 is in addition to £45,600, approved on 30/11/15 which was for the representation of two officers. This however has been exhausted, and on a single officer – the second officer informing the Inquiry that they no longer wishing to be represented by the firm of solicitors.

The increased sum is sought due to the work involved on the Inquiry being far more complicated and protracted could have been envisaged.

The DMPC has power to grant the application of £76,350 (excl. VAT) if she is satisfied that funding the Applicants' legal expenses in the proceedings 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 £76,350 (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 *Sybil Under*

Date 30/08/2018

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 12 March 2015 the Home Secretary announced the appointment of Sir Christopher Pitchford (succeeded by Sir John Mitting on 25 July 2017) to conduct an inquiry under the Inquiries Act 2005 to 'review practices in the use of undercover policing, establishing justice for the families and victims and making recommendations for future operations and police practice'.
- 1.3. Following a preliminary hearing on 9 October 2015, the Inquiry Chairman designated a number of persons to have Core Participant (CP) status at the Inquiry under the category of Police Officers.
- 1.4. Originally 11 CPs applied for separate representation at the Inquiry.
- 1.5. In 2015 the Deputy Mayor for Policing and Crime granted funding for two CPs, one of those being the current Applicant.
- 1.6. 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.
- 1.7. 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 solicitors acting for the officers have submitted estimated costs of £76,350 (excl. VAT) for the separate representation of the officer.
- 3.2. The cost of these legal fees will be met from the 1996 Police Act Expenditure budget found within DLS.

4. Legal Comments

- 4.1. A conflict of interest arises between the Commissioner and the officers which gives rise to the need for separate representation and financial assistance for the officers for the reasons set out in the exempt report.
- 4.2. The Deputy Mayor 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. Equality Comments

- 5.1. 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.

6. Background/supporting papers

- 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

If yes, for what reason: N/A

Until what date: N/A

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>
<p>Head of Unit: The Judith Mullet has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.</p>	✓
<p>Legal Advice: The MPS legal team has been consulted on the proposal.</p>	✓
<p>Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.</p>	✓
<p>Equalities Advice: Equality and diversity issues are covered in the body of the report.</p>	✓

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 *30/08/2018*