

REQUEST FOR DMPC DECISION – PCD 389

Title: Request for authorisation to settle a claim by a member of the public

Executive Summary:

The Directorate of Legal Services (DLS) is requesting MOPAC agrees settlement of a claim against the MPS.

The Deputy Mayor for Policing and Crime has the discretion to authorise the settlement of legal proceedings where it would be conducive to the maintenance of an efficient and effective police force.

Recommendation:

The MPS be authorised to settle the claim by an individual identified in the exempt part of this report.

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 Henderson

Date 21/05/18

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. The Claimant, a member of the public, has a claim for serious physical injury and psychiatric injury caused during his arrest in September 2014. An offer to settle has been made ahead of proceedings.

2. Issues for consideration

- 2.1. N/A

3. Financial Comments

- 3.1. Pursuant to the MOPAC Scheme of Consent and Delegation dated October 2016, MOPAC must authorise the settlement because it fulfils the criteria set out in section 4.10 of the Scheme including the financial level.
- 3.2. The proposed cost of the settlement can be met from within the DLS third party claims provision budget.

4. Legal Comments

- 4.1. MOPAC has the power to pay any sum required in connection with the settlement of any claim made against the Commissioner under Section 88 of the Police Act 1996.

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 do not appear to have relevance to this matter.

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? YES

If yes, for what reason: Settlement still being negotiated

Until what date: TBC

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

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 *16/05/18*

