



LONDON FIRE BRIGADE

Report title

## Personal Injury Settlement

Report to

**Deputy Mayor Fire and Resilience  
London Fire Commissioner**

Date

Agreed outside of Board due to  
Urgency

Report classification

**For Decision**

The subject matter of this report deals with the following LFB strategic priorities

**Delivering excellence**

Report number – LFC- 0607

For Publication – Part 1 publication

### **PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DECISION-MAKER**

I agree the recommended decision below.

**Andy Roe**  
London Fire Commissioner

Date **This decision was remotely  
signed on 18 October 2021**

#### **Executive Summary**

The London Fire Commissioner (LFC) previously delegated authority to General Counsel to settle a Personal Injury claim (LFC258x-D), that settlement exceeding the general delegated authority provided by the LFC Scheme of Delegation.

This report recommends increasing the amount provided for settlement in the previous LFC decision in response to developments in this case. Details are set out in a confidential Part 2 form.

### **Recommended decision(s)**

The London Fire Commissioner delegates authority to General Counsel to settle this Personal Injury Claim up to the amount set out in Part 2.

### For the Deputy Mayor

The Deputy Mayor for Fire and Resilience approves additional expenditure by the London Fire Commissioner up to the limit set out in the Part 2 form, superseding DMFD47, for the purpose of settling a personal injury claim.

## **1. Introduction and background**

- 1.1. LFC previously delegated authority to General Counsel to settle a personal injury claim (LFC258x-D).
- 1.2. This report recommends that the LFC provide increased delegated authority to General Counsel in order to settle this case.

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

- 2.1. Further information on the case, expected outcomes and potential settlement sums are set out in the Part 2 form.
- 2.2. The proposed settlement amount discussed in this report refers only to the Claimant's damages. Settlement of costs is also still to be determined and will be subject to a further decision in keeping with the requirements of the London Fire Commissioner Governance Direction.

## **3. Equality comments**

- 3.1. The Public Sector Equality Duty – and the potential impacts of this decision on those with protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation) – has been considered by the London Fire Commissioner and the Deputy Mayor for Fire and Resilience, with no impacts or further considerations identified.
- 3.2. Decision-takers have due regard to the public sector equality duty when considering reports for decision.

- 3.3. Under s149 of the Equality Act 2010 (the Equality Act), as a public authority the London Fire Commissioner must have due regard to the need to eliminate discrimination, harassment and victimisation, and any conduct that is prohibited by or under the Equality Act; and to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.
- 3.4. The public sector equality duty requires the London Fire Commissioner and Deputy Mayor for Fire and Resilience, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Equality Act 2010. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

#### 4. Financial comments

- 4.1. Information on LFC's financial position in relation to this decision is set out in the Part 2 form.

#### 5. Legal comments

- 5.1. Under section 9 of the Policing and Crime Act 2017, the London Fire Commissioner (the "Commissioner") is established as a corporation sole with the Mayor appointing the occupant of that office. Under section 327D of the GLA Act 1999, as amended by the Policing and Crime Act 2017, the Mayor may issue to the Commissioner specific or general directions as to the manner in which the holder of that office is to exercise his or her functions.
- 5.2. By direction dated 1 April 2018, the Mayor set out those matters, for which the Commissioner would require the prior approval of the Deputy Mayor for Fire and Resilience (the "Deputy Mayor").
- 5.3. Paragraph (b) of Part 2 of the said direction requires the Commissioner to seek the prior approval of the Deputy Mayor before "[a] commitment to expenditure (capital or revenue) of £150,000 or above as identified in accordance with normal accounting practices...".

#### List of Appendices

Appendix	Title	Open or confidential
1.	Part 2 form	

**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 – YES**

**ORIGINATING OFFICER DECLARATION:**

Drafting officer to confirm the following (✓)

**Drafting officer**

Kathryn Robinson has drafted this report and confirms the following:

**Advice**

The Finance and Legal teams have commented on this proposal;

Kathryn Robinson, Legal Advisor, General Counsel (Head of Law and Monitoring Officer)

David O’Sullivan, Financial Advisor, on behalf of the Chief Finance Officer