



LONDON FIRE BRIGADE

LFC-23-121y

Settlement of civil claims arising from the Grenfell Tower Fire

Report to:

Date:

London Fire Commissioner 6 December 2023
Deputy Mayor's Fire and Resilience Board..... 13 December 2023
London Fire Commissioner

Report by: Yvonne Mckenna

Report classification:
For decision

Not for publication - released for publication on 09 February 2024

I agree the recommended decision below.

Andy Roe

London Fire Commissioner

This decision was remotely
Date signed on 20 December 2023

PART ONE

Non-confidential facts and advice to the decision-maker

This report relates to civil litigation arising from the Grenfell Tower fire.

Executive Summary

This report seeks authority to commit expenditure to settle civil litigation relating to the Grenfell Tower fire and delegation is sought from the London Fire Commissioner to the Director of Corporate Services to make payments to settle claims.

For the London Fire Commissioner

That the LFC delegates authority to the Director of Corporate Services to make payments as set out in Part 2 of this report for the purposes of settling civil litigation arising from the Grenfell Tower fire, such payments to be made after consultation with General Counsel.

1 Introduction and background

1.1 Following the fire at Grenfell Tower on 14 June 2017, the LFC received a number of civil claims by Firefighters and Control Room Officers. This report sets out the anticipated costs of settlement of those claims.

2 Objectives and expected outcomes

2.1 The expected outcome is that the LFC is able to settle this civil litigation arising from the Grenfell Tower fire.

3. Equality comments

3.1 The LFC and the Deputy Mayor for Fire and Resilience are required to have due regard to the Public Sector Equality Duty (section 149 of the Equality Act 2010) when taking decisions. This in broad terms involves understanding the potential impact of policy and decisions on different people, taking this into account and then evidencing how decisions were reached.

3.2 It is important to note that consideration of the Public Sector Equality Duty is not a one-off task. The duty must be fulfilled before taking a decision, at the time of taking a decision, and after the decision has been taken.

3.3 The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership (but only in respect of the requirements to have

due regard to the need to eliminate discrimination), race (ethnic or national origins, colour or nationality), religion or belief (including lack of belief), sex, and sexual orientation.

3.4 The Public Sector Equality Duty requires decision-takers in the exercise of all their functions, to have due regard to the need to:

- eliminate discrimination, harassment and victimisation and other prohibited conduct.
- advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it.
- foster good relations between people who share a relevant protected characteristic and persons who do not share it.

3.5 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic where those disadvantages are connected to that characteristic.
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

3.6 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

3.7 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- tackle prejudice
- promote understanding.

3.8 The decision relates to legal claims and is reached on legal principles relating to such matters and accordingly the S149 Equality Act duty is not relevant to those matters.

Workforce comments

4.1 This report relates to the settlement of legal claims as such, is not suitable for workforce consultation.

Sustainability comments

4.2 Sustainability comments do not apply to the settlement of legal claims.

Procurement comments

4.3 Not applicable

Communications comments

4.4 The settlement of these legal claims is subject to the terms of the settlement agreement, including confidentiality considerations. Communications on this would be limited to factually

confirming that settlement has been reached with staff and communities.

5. Financial comments

- 5.1 This report seeks approval to settle claims received following the fire at Grenfell Tower in 2017. Further details of the costs of the settlement are provided in Part 2 of this report. The costs of the settlement are to be met from insurance arrangements in place.

6. Legal comments

- 6.1 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.
- 6.2 By direction dated 1 April 2018, the Mayor set out those matters, for which the Commissioner would require the prior approval of either the Mayor or the Deputy Mayor for Fire and Resilience (the "Deputy Mayor").
- 6.3 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..."
- 6.4 The Commissioner may, under s222 Local Government Act 1972, where it is considered 'expedient for the promotion or protection of the interests of the inhabitants of their area ... prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them in their own name, and ... they may, in their own name, make representations in the interests of the inhabitants at any public inquiry held by or on behalf of any Minister or public body under any enactment.' It is implicit that such power would include settlement of such actions.
- 6.5 In addition, section 5A (1) of the Fire Rescue and Services Act 2004 ('2004 Act') states a relevant fire and rescue authority may do anything it considers appropriate for the carrying out of any of its functions, or anything that is considers appropriate for purposes incidental, whether directly or not, in relation to its functional purposes. This includes incurring expenditure in furtherance of the powers under s222 of the 1972 Act.
- 6.6 Settlement of litigation arising from the Grenfell Tower fire falls within s222 of the 1972 Act and S5A(1) of the 2004 Act.

List of appendices

None

Part two confidentiality

Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part Two form, together with the legal rationale for non-publication.

Is there a Part Two form: YES