



LONDON FIRE BRIGADE

Decision title

Authority to Settle a Personal Injury Case

Decision by

London Fire Commissioner

Decision Number

LFC-0258x-D

Protective marking: **OFFICIAL**

Publication status: Published with redactions

Summary

General Counsel seeks authority to settle a personal injury claim, in which the range of reasonable settlement exceeds General Counsel's delegation to settle claims, as permitted by the Scheme of Governance.

Decision

That the London Fire Commissioner delegates authority to the General Counsel to settle this personal injury claim, [REDACTED]

Andy Roe

London Fire Commissioner

Date 28/07/20

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LONDON FIRE BRIGADE

Report title

Authority to Settle a Personal Injury Claim

Report to
Commissioner's Board
Fire and Resilience Board
London Fire Commissioner

Date
23 October 2019
12 November 2019

Report by
General Counsel

Report number
LFC-0258x

Protective marking: **OFFICIAL**
Publication status: Published with redactions

Summary

General Counsel seeks authority to settle a personal injury claim, in which the range of reasonable settlement exceeds General Counsel's delegation to settle claims, as permitted by the Scheme of Governance.

Recommended decision

That the London Fire Commissioner delegates authority to the General Counsel to settle this personal injury claim, [REDACTED]

Background

1. This is an industrial disease claim arising from alleged exposure to asbestos materials between 1973-1992. The Claimant claims that as a result of this he suffered from Mesothelioma. Malignant **mesothelioma** is a rare and aggressive **cancer** which usually develops in the linings of the lungs or abdomen. It is associated with exposure to asbestos.

Liability

2. Liability, subject to causation was admitted in open correspondence on [REDACTED] on the basis that the Claimant was exposed to asbestos during the course of his employment with the Defendant and as a consequence developed mesothelioma as a result of the exposure to asbestos.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. The Claimant's experts' reports are not controversial as to their content and findings. Therefore, the Defendant relies on their expert opinions.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Authority sought

10. Given Counsel's advice as set out above, authority is sought to settle this claim within the range of [REDACTED]

Finance comments

11. This report recommends that General Counsel is given authority to [REDACTED]. This expenditure will be included in the Financial Position as at the end of Quarter 2 report and reflects an increase in the [REDACTED] from the position included in the end of Quarter 1 Financial Position report (LFC-0204).

Workforce comments

12. As this report concerns an individual issue, no staff side consultations have been undertaken.

Legal comments

13. General Counsel is the author of this report and has no further comments to add.

Sustainability implications

14. There are no sustainability implications to note.

Equalities implications

15. Decision-takers have due regard to the public sector equality duty when considering reports for decision.
16. 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.
17. The public sector equality duty is as follows:
1. The London Fire Commissioner must, in the exercise of their functions, have due regard to the need to:
 - a. 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.
 - b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - c. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
 2. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation.
18. There are no specific equality implications arising from this report.