

Police and Crime Commissioner for Surrey – Decision Making Record

Report Title: Funding of Legal Representation
Decision number: 097/2015
Author and Job Role: Alison Bolton, Chief Executive
Protective Marking: Part One

Executive Summary:

Under the provisions of paragraph 14, schedule 1 of the Police Reform and Social Responsibility Act 2011, a Police and Crime Commissioner may provide funding to police officers and staff for defence or other proceedings against them in connection with their official duties, provided it would facilitate or be conducive to the maintenance of an efficient and effective police force. This replicates the Police Authority's powers under Section 111 (1) of the Local Government Act 1972 and section 6 of the Police Act 1996. Home Office circular 43/2001 provides guidance as to when it is appropriate to provide support for the legal costs of officers involved in litigation as a result of their actions in the course of their duties.

Background

The PCC has received a request to fund legal representation for three officers. The HO Circular states that there should be a strong presumption in favour of payment where an officer has acted in good faith and exercised their judgement reasonably. On the basis of information he has received, the PCC believes that in the case of these three officers. He also notes that all three officers have cooperated with subsequent investigations. The PCC is aware that the Force has concluded that its barrister will not represent the officers due to a conflict of interest.

In accordance with his fiduciary duties, the PCC must also consider the reasonableness of the fees applied for. In this case, the PCC has placed a cap on the level of fees.

Recommendation

That funding of the legal fees for the three officers be approved.

Police and Crime Commissioner Approval

I approve the recommendation(s):

Signature: 

Date: 18/06/2015

All decisions must be added to the decision register.

Areas of consideration

Consultation

Surrey Police Professional Standards Department and Legal Services.

Financial implications

The PCC has been given a breakdown of the likely costs.

Legal

As above.

Risks

The PCC must follow the guidance set out by the Home Office circular or he leaves himself exposed to a possibility of judicial review of his decisions.

Equality and diversity

None.

Risks to human rights

None.