

**POLICE AND CRIME COMMISSIONER FOR
WEST MERCIA**



RECORD OF DECISION

TITLE: Drawdown from Insurance and Legal Reserve

Ref: PCC/D/2023/11

EXECUTIVE SUMMARY

This notice supports the drawdown of up to £100,000 from the Insurance and Legal Reserve to reimburse costs incurred in the settlement of a personal liability claim against West Mercia Police (WMP).

PROPOSAL

It is proposed that the PCC:

Approves the draw down of up to £100,000 from the insurance and legal reserve to cover the excess payment required to be paid as a result of the settlement of a personal liability claim made against WMP.

**APPROVAL OF
West Mercia Police and Crime Commissioner**

I hereby approve the above proposal.

Signed

PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND FIGURES

SUPPORTING REPORT

A personal liability claim was made against WMP in 2020/21. At the time the maximum liability under the relevant insurance agreement was an excess of £100,000. Provision is made within the Insurance and Legal reserve to cover the excess liability.

This claim has recently been approved by the PCC to be settled and payment has been made by the insurance provider. The excess liability has then been reimbursed to the insurers by the force.

The final settlement agreement is confidential, but was above the excess liability for WMP.

The agreement in place is that the known excess liabilities will be funded from the Insurance and legal reserve. It is therefore necessary to draw down up to £100,000 from this reserve.

STRATEGIC CONSIDERATIONS

This decision supports the following element(s) of the Safer West Mercia Plan:

- | | |
|--|--|
| <input type="checkbox"/> Putting Victims and Survivors First | <input type="checkbox"/> Building a More Secure West Mercia |
| <input type="checkbox"/> Reforming West Mercia | <input checked="" type="checkbox"/> Reassuring West Mercia's Communities |

The decision supports this/ these objective(s) through the following:

- Settlement of the Force's legal obligations

BENEFITS AND THEIR REALISATION

To release a provision made during the 20/21 Final Accounts and to use the provision to meet the expense now incurred in settlement of the legal claim.

AUTHOR

Name Paul Benfield

Date 07th February 2023

FINANCIAL AND TREASURER COMMENTS

An agreement is in place that where an insurance claim is made against WMP, that provision to cover the excess payment will be made in the legal and insurance reserve.

As a claim first raised in 2020/21 has been settled against WMP, which had an excess of £100,000 the funding of that cost will be drawn down from the legal and insurance reserve.

Treasurer



Signature

Date 24th February 2023

LEGAL CONSIDERATIONS

By virtue of schedule 11, paragraph 14 of the Police Reform and Social Responsibility Act 2011 the Police and Crime Commissioner may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of commissioner. That includes: entering into contracts and other agreements (whether legally binding or not) and acquiring and disposing of property (including land).

PUBLIC ACCESS TO INFORMATION

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Part 1 of this form will be made available on the West Mercia Commissioner's website. Any facts and advice that should not be made automatically available on request are not included in Part 1 but instead in a separate Part 2 report.

OFFICER APPROVAL

Chief Executive Officer



Signature

Date 24th February 2023