

**OPCC**Office of the Police &
Crime Commissioner
for Gloucestershire**AUTHOR: OPCC Chief Finance Officer****SPONSOR: OPCC Chief Finance
Officer****DECISION NUMBER: 07/2023***(to be completed on approval)***SUBMITTED TO: OPCC Chief Executive****SUBJECT: BMW Litigation****EXECUTIVE SUMMARY:**

Consideration has been undertaken about participating in potential litigation against the supplier for providing defective products.

RECOMMENDATION:

That Gloucestershire OPCC signs up to the collective action against BMW in respect of apparent faults with the N57 engine.

OUTCOME/APPROVAL BY:

Signature:

Date: 19 Dec 2023

OPCC Chief Executive

Public Access to Information

Information in this form and associated reports is subject to the Freedom of Information Act 2000 and the Elected Local Policing Bodies (Specified Information) Order 2011. Where it has been indicated that this is a decision of significant public interest, all of this form except Part Two will be made available on the website of the OPCC.

Any information that should not be automatically available on request should not be included in Part One but instead on a separate Part Two form.

Is this a decision of significant public interest?

This includes a decision with any impact on the community, expenditure in excess of £50,000, or any decision that would be of obvious interest to the media or the general public

It is not judged that this issue will be of significant public interest.

Is there a Part Two form?

This section should only include information that, if published:

- a) *would, in the view of the chief officer of the police, be against the interests of national security;*
- b) *might, in the view of the chief officer of police, jeopardise the safety of any person;*
- c) *might, in the view of the chief officer of police, prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice; or*
- d) *is prohibited by any enactment.*
- e) *breaches commercial sensitivity*

No

ORIGINATOR CHECKLIST (MUST BE COMPLETED)	Comments including who has approved the report if applicable
Has legal advice been sought on this submission if required?	Legal advice was sought on the decision and BLC also had legal advice before requesting our sign up
Has the Chief Finance Officer been consulted, if required?	Yes
Have equality, diversity and human rights implications been considered, as appropriate?	Not applicable
How is the recommendation consistent with the objectives of the Police and Crime Plan?	Promotion of value for money and a safe environment for our officers and staff.
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	Not relevant at this time
Has communications advice been sought on areas of likely media, community, staff or partner interest and how they might be managed?	Not relevant at this time

Have all relevant implications and risks been considered?	Yes – considered at collective level and at Constabulary level. Sign up is to stage one of the action only at this time.
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PART ONE – For publication

Consideration has been undertaken about participating in potential litigation against the supplier for providing defective products.

In order to make an informed decision on possible next steps, further investigation of such potential legal merit needs to be undertaken.

The amount made available by the Police and Crime Commissioner for Gloucestershire for the above purpose is £10,000.

It is in the best interests of the police fund in Gloucestershire not to publish further information about the potential claim or its merit, at this time.