

Correspondence for your information and open circulation.

N.B. (a) This is not confidential, all having passed through the LCC internet system nor am I breaching any private confidentiality with C.Cllr. Wilkinson Chair of the CFA. None was sought, and none was given. (b) I have had no former personal contact whilst in Service with or knowledge of any of these named persons with the exception of the CFO.

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13-12-07:11:03

Paul, is this in relation to pensioners not informing us about change of circumstances.

Bob

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31-12-07, 04:39

Dear Bob,

This is indeed the problem. I presume to offer you some thoughts you may not be aware of from the grass roots perspective, both serving and pensioned.

It is unfortunate at this point in my life when I am attempting to rebuild it that we are all troubled by two 'out of control' morons at Service HQ whose initial professional administrative incompetence created this debacle in the first place.

Whatever direction you come at this it is a negative outcome for the LCC created and continued to fiasco by these two clowns. The only thing 'flawed', a laughable to me top landing comment on my first open letter, about this whole issue is a bunch of halfwits who between them couldn't generate a whole wit if they tried.

Even if there are pensioners with DWP disability pensions and LCC Injury pensions these cack handed clowns have now provided the where with all for complete denial by the pensioners. It is a closed circle. The situation is very simple in that unless these pensioners give written permission to LCC which they in turn can pass to the DWP to open their files for scrutiny the LCC cannot legally proceed. Now who in their right minds is going to invite a 'bill' from the LCC given what happened to [REDACTED] ?? These bullying idiots have as much tact and competence as an elephant in the jungle with diarrhoea.

Next these morons think they are going to treat everyone as a potential thief by stating if you do not do this that and the other we will stop your pension. Stupidity knows no bounds. This is where the halfwit bit comes in. Even if you did not have anything to hide you and I know that universally pensioners are going to tell these guys to go and get stuffed just for the Hell of it.

Can this get worse indeed it can. Take W***... if this pensioner goes all the way to Court with its attendant public exposure of LFRS financial incompetence Warren/Hamilton/Holland/Wilkinson? and offers to pay, the Judge will allow him, given his pensioner status, 'time to pay your honour' and the County will be a whole fiver a month better off but

inestimably publicly damaged, leading to a call from the political opposition for a full financial investigation of 'Service' HQ and its failed administrators including the 'chief manager' the very people who started it all...but then, right now, you and I both know this.

How are you and your political leader Hazel going to explain publicly this confused incompetence and to the opposition a document I hold in my possession from a pensioner(WHICH SETS A PRECEDENT you will note) which confirms that although he owes 18K the County does not intend to collect it? Yet Warren and company in the same breath pillory another pensioner who honestly offered to pay by instalments and in the process ruined his family's Xmas and generates untold anguish for him as is their obvious contemptuous delight, intention, and desire. But such iniquitous behaviour just generates them more heat not less when the pensioners get a head of steam up as they are doing. It is not wise to treat us with contempt.

The pensioners will be asking publicly why did Warren and Hamilton allow this to happen in the first place on their 'watch'. Are they not in charge of and professionally accountable for such pension matters? Further what has Holland their ultimate 'Service Manager' done about their incompetence? When did he become aware of it? What disciplinary action has he taken against these two persons for their professional failure and so on...and we will not be alone if we start to ask these questions. Opposition politicians will also ask... How did 'we' get to this state?

And just to give us all light relief the 'chief manager' might have the ignominy of finding himself voted out as President of the Retired Members Association. What a publicly hilarious situation. Fred Carno in command of Lancashire, that will look good in the papers...

My tolerance level is distinctly zero right now and should Warren and his mate Hamilton choose to make this a personal issue they will long live to regret it. You know I make a splendidly accomplished enemy. I will begin to dig into their personal lives and histories(the north of Ireland is but a phone call away as are my British Rail contacts) and I will simple destroy them from within and their associated 'managers' with consummate ease. Already my informants tell me when they break wind...which they seem to be doing a lot of lately...

I state this with confidence because in all the decades I have been engaged in FBU/investigative/representative work I have yet to find a more despised pair of power crazed idiots. I do not hesitate to use the word hated. If I am any judge of the matter and judging by my mail box the queue to exact payback revenge on the human rights abuses of these two thugs is astonishingly long and this can of worm had best politically 'go away'. Incivility allied with contempt for the present generation of 'mangers' is their name...and that is fine, but we are made of a different steel.

They both need to have a care for their 'careers', I have not one to lose, nor do I have a political future to protect either...I hope I make

myself crystal clear.

At the moment I have as you will note left you political wriggle room (What problem?) and I know of old you are smart enough to take advantage of it. I have not circulated this to the opposition for old time sake but that does not mean to say this courtesy will continue should you not call these morons to heel.

I predict the opposition's position will be to push for the recovery of funds as they see it (even though they cannot) and to exploit your political disadvantage and embarrassment for all it is worth. As they will see it you have in the past presided over, and are continuing to preside politically over, this debacle which is not of your making, nor mine.

We are not opponents nor have I any desire for this to be so for the sake of these two jackanapes who should simply, and for the good of all, be thrown to their own self created wolves. They sowed now they should expect to be reaped...

It seems to me the choice is simple, who goes to the wall? Us, them, or you. I know who I have my money on.

Holland and the spineless top landing are clearly cowed by these 2 thugs who by common consensus are running the 'Service'. Frankly I couldn't care less but you and I come from a long line of street battlers and will not tolerate what the present generation of 'managers' seem to tolerate but that is a matter for them and their missing spine, not us.

Threaten our pensions and you declare unrestricted gutter brawling war.

No one I have spoken to desires this but equally you would be a complete fool to think we will not fight...we will. Because the next step of these thugs, given a victory, will be to challenge our complete right to any pension they are envious of, yours included I might add, and your service injury pension also if my memory serves me right. Have you signed your waiver from your subordinates?

Here is a legal conundrum for you. In complicit accord with Holland these two thugs to cover up their incompetence have conspired to commit a criminal act, note criminal not civil act. This troika have sought to gain pecuniary advantage (albeit for the County) by deception in that they have attempted to deceive pensioners, under duress I might add, to sign a waiver so that said triumvirate may breach the Data Protection Act. You cannot commit a crime to avert a perceived crime. Given the present political climate on data protection in government departments the DWP will simply pull the roof in on Warren/Hamilton/Holland's potentially criminal act, if only to take the heat off themselves when they discover they have been conned also. Though if a single pensioner has already signed this corporate deceit then the criminal act is already committed by W/H/H...now what will the

LCC do?

Clearly W/H have a desire to play hard ball and as you well know we can play harder ball and have the boys in blue to do it for us and ultimately charge them all in the light of public accountability. This is not a civil matter nor a very civilised one either, its criminal but guess who started all this?

If my political 'intelligence' on you is correct you do indeed wish it would 'all go away', don't we all? I recommend you do so at the wave of you political fairy wand. The price otherwise will simply be too high.

It is a simple matter that having discovered an procedural shortfall in 'Service' HQ pension administration, a matter ironically brought forward by a pensioner, not you note by these incompetents Warren/Hamilton whose responsibility it is in the first place, to insist that future pensioners sign a Data Protection waiver giving access to DWP records and write the rest down to experience, and punish W/H's incompetence. Honour satisfied all round.

The County you will note, according to my documentation, have already decided to set this precedent (the left hand not knowing what the right is doing as usual), which already hangs said couple of imbeciles out to dry.

Take it from me that's a far as my fraternal friendship extends for my peace and tranquillity and for our old time sake. I owe Holland/Warren/Hamilton no such courtesy.

Have a peaceful New Year while you are waving your wand...all the best ...Paul

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04-01-08, 10:33

Paul did you go out with an ill health award.

Bob

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04-01-08, 14:34

Bob,

Do Warren and Hamilton have you working for them now? :-))

Paul

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05-01-08, 10:18

No I was asking if you had been contacted as I have not and need to know who they are contacting.

Bob

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05-01-08, 14:40

Bob,

sorry about that.

The answer is yes, in my case a matter of public record, from which you can conclude I was medicalled out on a qualifying DWP registered industrial injury(defective hearing-blown up in Belfast) of minus 5%

which as you will know brings no DWP benefits though as my hearing deteriorates I can always be reassessed if I desire it. This information I extend to you as a matter of personal courtesy and is not to be used for the benefit of these two thugs. Personally I am going to sign bugger all under threat. Let them climb the hill. You know me.

Seems these clowns don't even know or have available a single pension record. Why not? Is it not their job? So it just indicates their complete lack of pension knowledge unlike Joan Drinkall whom I was speaking to lately who knows the Pension system backwards and can run rings round these thugs all day everyday.

It seems, given you have not been approached about your injury pension, (are they politically sensitive?) that only the injury pension receivers are being randomly targeted (no consistency) by them because of the W**** affair so apparently we are all assumed to be thieves, you included. This is what has given the most offence coupled with the threat to stop our injury pensions. If that happens to me you had better make an appointment for me with Hazel and the leader of the opposition.

The proper way to do this would have been to deal with each pensioner on a personal basis, explain the LCC's dilemma, ask for cooperation in some form of stated amnesty illustrating that the LCC had already granted amnesty to certain pensioners (which they have and thus set a legal precedent) and ask politely if pensioners would retrospectively grant permission to look at their DWP records. But W and H do not engage in politeness in their daily work and have created a monster of dislike which their extensive enemies are eager should pay them back.

Now if a pensioner point blank refuses to cooperate under duress the LCC will publicly have to prove that they have the legal power to stop his pension, pursue him by law, if they can, only to find the pensioner involved (a stalking horse) is squeaky clean) and look a right bunch of money wasters in the process... a lose lose situation.

The point remains the same, give this pair a b [REDACTED] for creating a major problem in the first place by mishandling everything and for failing to flag up to their political masters the complex implications of all of this before rushing off to cover their own backs to the detriment of goodwill and everyone involved.

In future as I have said have all retirees sign a proper individual legal document to give LCC access to the DWP records. Gives them protection from inadvertently finding themselves in retirement in this predicament. But if a pensioner now knows by refusal he can retain both LCC and DWP payments which he should not then the LCC is powerless to do a damn thing except cut their losses and walk on.

This is best buried and swiftly, you have the power and wit to do so, and in W**** or others case (if they exist) just show them the yellow card issuing the same (precedented letter of no collection of arrears) letter already issued and close the files.

Good Luck,
Paul

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14-01-08, 13:56

Bob,

I have just had another distressed pensioner on the phone to me, Brian C*****. If ever there was a man along with Norman F***** who fought for our civil rights down the years, its people like these.

This is a fine way to treat your Pensioners.

Brian is unable to leave his accommodation now and he has also received the usual threatening letter stating unless he signs away his rights(which have never as usual been explained to him) the LCC will stop his injury pension.It seems this is continuing to build a head of steam which will be politically damaging to the Labour Party when it all comes to a head. I urge you again to cease the activities of these thugs Warren and Hamilton at Fire Service HQ. The Lancashire County Council are in an embarrassing and politically untenable situation due to their own inconsistency and the precedents they have already established.

Perhaps it is time to alert the political opposition to this situation?

You must act before it runs out of your control.

Paul

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18-01-08; 22:55.

Yes Paul and mine arrived thursday,threatening me with suspension of injury award part, by 4th Feb unless I fill that ruddy form in.

Now due to my stress etc my consultant, who I had to see over my [REDACTED] as part of his curing things, he's said I've lost over a stone since last see-ing him in August so he's sending me to Royal Lpool Hospital for [REDACTED] treatment.

Copy Of Bob Wilkies reply after I wrote to him following my consultants decision on treatment etc.

Cheerio Brian.Cav.

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19-01-08, 16:02

Bob,

it seems commonsense does not prevail. I have been informed my Injury Pension will be stopped from the 4th February if I refuse to sign under duress. This is very unwise and I will now proceed to legally challenge such a move on all fronts, publicly of course.You must of course anticipate a response ironically from the Fire Brigades Union.

Paul

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From: Wilkinson, Robert (Cllr)

To: "Paul P Burns"

Subject: RE: Firefighters Pension Scheme-Proposed Stoppage of Injury Award

Date: 25 January 2008 17:13:21

Paul, I take great exception that I am applying double standards, I thought you would have known better of me than that. The reason I have not been contacted is that I am not in receipt of an ill health award as you have stated in your letter. Either you retract that statement publicly or I will seek legal advice. I consider we are being more than fair when you consider we only recovered 50% from a retired member, and are asking for information that we need to ensure a pension is paid at the correct rate.

Bob

-----Original Message-----

From: Paul P Burns [mailto:symbolseeker@tiscali.co.uk]

Sent: 19 January 2008 16:02

To: Wilkinson, Robert (Cllr)

Subject: Firefighters Pension Scheme-Proposed Stoppage of Injury Award

Bob,

it seems common-sense does not prevail. I have been informed my Injury Pension will be stopped from the 4th February if I refuse to sign under duress. This is very unwise and I will now proceed to legally challenge such a move on all fronts, publicly of course. You must of course anticipate a response ironically from the FBU.

Paul



Lancashire County Council
Resource Directorate
Lancashire Pensions Services
Ms.D.Lambert
Case Worker
County Hall.

7, Kings Drive,
Preston. Lancashire.PR2 3HN.
ENGLAND.
Tel/Fax: +44 (0) 1772 715963.
email: symbolseeker@email.com

BURNS

Thursday, 24th January 2008.

My Ref: PB00208

Your Ref: RDF/PEN/BDL

The Fire-fighters Pension Scheme – Injury Pension Review – Consent Refused.

Dear Ms.Lambert,

(1) I am in receipt of your letter of the 16th January 2008 which threatens to suspend my Fire Service Injury Pension on 4th February 2008 if I do not, under duress, sign away my legal right of data protection under the Data Protection Act 1998.

(2) You are identified from this point forward as the nominated data controller in respect of this action.

The data protection principles Part 1 Preliminary

(4) Subject to section 27(1), it shall be the duty of a data controller to comply with the data protection principles in relation to all personal data with respect to which he is the data controller.

Prelude.

(3) My Fire Service Pension, a matter of public record, was generated in the Belfast City Fire Brigade; the Home Office Fire Service College; the pre 1974 Lancashire County Fire Brigade ; the post 1974 reformed Lancashire County Fire Brigade; and under 'The Firemen's Pension Scheme Order 1992' with associated Statutory Instruments.

I am therefore **not** a CFA pensioner nor have I ever been employed by the new Combined Fire Authority.

I **am** an LCC Fire Brigade pensioner.

In future I request that you should use these salient legal facts as the applicable legislative base and associated archived Pension Contract documentation which you should have retained of my Contract Pension entitlement, prior to and post 31st January 1997.

You should issue any future documentation to me under "Strictly Confidential" cover, properly legally executed, and sent by Registered Mail, upon which I will respond and/or mount any legal challenges I see fit. If you do not do so I will not recognise the existence of such correspondence.

(4) In personal LCC pension correspondence dated October 1996 I am reminded that I have an obligation (though not in the form of a written and signed legal Contract) to inform the LCC if,

because of a material change in my physical circumstances, I subsequently receive Social Security (DWP) disability benefits (which may, or may not, affect my Injury Pension), for the original injury which caused my medical discharge from the Fire Brigade.

(5) My contemporaneous notes of a conversation with you on the morning of the 15th November 2007 state that I was, as a matter of courtesy, informing you fully of my status and that since commencement of my pension my physical circumstances had not altered and that as a continuing consequence I did not, nor do not, receive DWP disability benefits for my injury.

Although not required to do so, for the reasons I have given, that is no material change, I have nevertheless discharged fully my legal obligation to the LCC under my 1997 pension Contract.

Applicable Law - Fire Service Pension Suspension:

(6) I draw your attention to the FSPSO1992 Part K5:

Withdrawal of pension on conviction of certain offences

K5.—(1) Subject to paragraph (4), in the circumstances specified in paragraph (2) the fire authority by whom a pension is payable may withdraw the pension in whole or in part, and permanently or temporarily as they may specify.

(2) The circumstances are—

(a) that the person entitled to the pension ("the pensioner") has been convicted of an offence falling within paragraph (3),

(b) that the pensioner has been convicted of an offence committed in connection with his service as a member of a brigade which is certified by the Secretary of State either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service.

(3) The offences mentioned in paragraph (2)(a) are—

(a) an offence of treason, and

(b) one or more offences under the Official Secrets Acts 1911 to 1989^[21] for which the pensioner has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least 10 years.

Therefore it would seem I am unable to 'qualify' to have my pension suspended?

Refusal to Consent.

(7) Clearly by your subsequent refusal to accept my stated position on the 15th November 2007 you have impugned my integrity and I have been advised in the first instance to write to you and state the following:

(a) I wish you to state unequivocally in writing the **legal** justification framework for, and the detailed logic involved in this contemplated action;

(b) If you are unable to show evidential just cause by quoting the appropriate Act, Statutory Instruments, or LCC Pensions Services Byelaw, or the Firemens Pension Scheme Order 1992, you should withdraw your threat and apologise.

(c) As an LCC pensioner I find your contemplated action and the manner of its communication to me a breach of good faith which is both distasteful and disrespectful. I regard your action as unjustified and unjustifiable, and unlawful with respect to the

method you propose to secure my data, which is contrary to the First Principle of the Data Protection Act 1998.

PART II INTERPRETATION OF THE PRINCIPLES IN PART I

The first principle

1 (1) In determining for the purposes of the first principle whether personal data are processed fairly, regard is to be had to the method by which they are obtained,...

(d) The manner of your communication and the specified methodology adopted to collect that data implies guilt without proof or substance and is therefore defamatory to my good name and my integrity and thus actionable in civil law.

The onus does not rest with me to prove my innocence.

(e) I am therefore issuing you with a **Data Subject Notice**:

PART II RIGHTS OF DATA SUBJECTS AND OTHERS

SECTION 10 SUB-SECTION 1 & 3.

Right to prevent processing likely to cause damage or distress

(1) Subject to subsection (2), an individual is entitled at any time by notice in writing to a data controller to require the data controller at the end of such period as is reasonable in the circumstances to cease, or not to begin, processing, or processing for a specified purpose or in a specified manner, any personal data in respect of which he is the data subject, on the ground that, for specified reasons—

(a) the processing of those data or their processing for that purpose or in that manner is causing or is likely to cause substantial damage or substantial distress to him or to another, and

(b) that damage or distress is or would be unwarranted.

(3) The data controller must within twenty-one days of receiving a notice under subsection (1) (“the data subject notice”) give the individual who gave it a written notice—

(a) stating that he has complied or intends to comply with the data subject notice, or

(b) stating his reasons for regarding the data subject notice as to any extent unjustified and the extent (if any) to which he has complied or intends to comply with it.

The Data Subject Notice:

This is a 7 day notice under the Act. I have specified the reasons above. I require you to cease and desist. You have 21 days to respond.

(f) Further, as the nominated data controller I give you due notice of the following in the Data Protection Act 1998:

13 Compensation for failure to comply with certain requirements

(1) An individual who suffers damage by reason of any contravention by a data controller of any of the requirements of this Act is entitled to compensation from the data controller for that damage.

(2) An individual who suffers distress by reason of any contravention by a data controller of any of the requirements of this Act is entitled to compensation from the data controller for that distress if—

(a) the individual also suffers damage by reason of the contravention,

If, contrary to the Act and to my specified notice, you continue with your unlawful proposal, I will ultimately seek personal legal redress from you, the LCC, and the CFA within the civil and criminal law.

(g) For the reasons stated above I refuse to bow to your to your threat and I **categorically refuse my consent to access my data with the DWP.**

The Information Commissioner.

(8) The Information Commissioner is the competent authority for the Data Protection Act 1998. Given the circumstances above I intend to lodge a request for assessment with the Information Commissioner in that the LCC/CFA are acting in an unlawful and contemptuous manner with complete disregard to compliance with the Principles of the Act by seeking to gain pecuniary advantage using a false instrument. Namely, under duress, to provide my coerced signature on a waiver document giving the LCC my permission to breach the Data Protection Act 1998 with the Department of Works and Pensions.

I give you due notice of my intention to seek Assessment.

Section 42 Request for assessment

(1) A request may be made to the Commissioner by or on behalf of any person who is, or believes himself to be, directly affected by any processing of personal data for an assessment as to whether it is likely or unlikely that the processing has been or is being carried out in compliance with the provisions of this Act.

SCHEDULE 1 THE DATA PROTECTION PRINCIPLES

PART I THE PRINCIPLES

1 Personal data shall be processed fairly and lawfully

2 Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.

SCHEDULE 1 THE DATA PROTECTION PRINCIPLES

PART II INTERPRETATION OF THE PRINCIPLES IN PART I

The first principle

1 (1) In determining for the purposes of the first principle whether personal data are processed fairly, regard is to be had to the method by which they are obtained.

(9) I intend to raise issue with regard to the unlawful coercion of my signature:

55 Unlawful obtaining etc. of personal data

(1) A person must not knowingly or recklessly, without the consent of the data controller—

(a) obtain or disclose personal data or the information contained in personal data, or

(b) procure the disclosure to another person of the information contained in personal data.

Under section (b) you will also note that the LCC Pensions Services are specifically prohibited by the Act from procuring and communicating my data to a third party namely the CFA. In your letter of the 13th November 2007 you indicated that this data collection was for the CFA (LFRS).

(10) Further, I will also raise issue that this contemplated action is both prejudicial and incompatible with my rights and freedoms (Schedule 2; Section 6 para1) under the Data Protection Act 1998, and Article Six of the Human Rights Act 1998 in that the LCC/CFA cannot themselves without evidential just cause, including exempted data, and in the light of the information I have voluntarily supplied, commit a criminal act, namely breach of the Data Protection Act 1998, in pursuit of their 'will 'o' the wisp' theoretical breach of the law.

The onus and burden of proof rests entirely with the LCC, not with me to prove my innocence. I have issued a cease and desist Data Subject Notice.

Failure to implement LCC Policies and Procedures.

(11) I am astonished at the casual legal attitude you demonstrate in such a grave matter as attempting to stop, without just evidential cause, my pension which is my sole income. I have the right to expect that such documents should be sent to me under “Strictly Confidential” cover, which they were not; delivered by Registered Mail or Recorded Delivery, which they were not; nor was a single document in this saga.

You must publicly demonstrate to me and my legal advisors just evidential cause supported by the applicable legislation for your proposed course of action within a properly structured, administered, and executed, legal and lawful framework.

(12) I remind you that there exists no semblance, in the 4 documents you have thus far presented to me, of any form of detailed honest, rational explanation why this ‘Injury Pension Review’ is necessary in the first place, nor the detailed legal justification for your proposed action against me. If you wish me to give you carte blanc over my data rights then I am entitled to a detailed lucid explanation within a proper lawful framework as the Act demands. You have failed in your duty of candour.

(13) In commenting further on this ‘documentation’ I note with complete and utter dismay its peremptory bullying tone which I reject entirely. You have not communicated to me in an intelligible form the purpose and the legitimacy of your intent before I can decide whether or not I may sign a waiver document. You should comply with the strictures of the Data Protection Act 1998. Ultimately you have again failed in your duty of candour to me.

(14) I note your abject failure to attend to all LCC protocols which include strict adherence to the LCC code of conduct which include what I stand accused of, who my accusers are, informing me what rights to a fair hearing and appeal I might have, and to whom I might appeal in the event I disagree with your actions and where I might seek documentary evidence under the Freedom of Information Act 2000 in order to mount a proper legal challenge.

(15) You have a duty, which you have failed, to inform me of my rights:

Data Protection Act 1998.

PART II RIGHTS OF DATA SUBJECTS AND OTHERS

Right of access to personal data

(1) Subject to the following provisions of this section and to sections 8 and 9, **an individual is entitled—**

(a) to be informed by any data controller whether personal data of which that individual is the data subject are being processed by or on behalf of that data controller,

(b) if that is the case, to be given by the data controller **a description of—**

(i) the personal data of which that individual is the data subject,

(ii) the purposes for which they are being or are to be processed, and

(iii) the recipients or classes of recipients to whom they are or may be disclosed,

(c) to have communicated to him in an intelligible form—

(i) the information constituting any personal data of which that individual is the data subject, and

(ii) any information available to the data controller as to the source of those data, and

(d) where the processing by automatic means of personal data of which that individual is the data subject for the purpose of evaluating matters relating to him such as, for example, his performance at work, his creditworthiness, his reliability **or his conduct**, has constituted or is likely to constitute the sole basis for any decision significantly affecting him, **to be informed by the data controller of the logic involved in that decision-taking.**

(16) I pragmatically remind you that because of your administrative/legal incompetence, including your failure to issue documents by Recorded/Registered delivery, there will be pensioners over wintering elsewhere who will be completely unaware of the threat to their pensions and thus income. They will ultimately return to find their pensions/income stopped. They will without doubt pursue financial reimbursement with interest, and legal redress within the Data Protection Act 1998 for compensation for distress and embarrassment, by the Issue of Proceedings via the High Court which is the correct forum for FS Pension matters.

Because of your ill considered and ill judged administrative actions you have failed administratively, and when you fail, it is self evident, you fail completely.

Injury Pension Review

(17) Not a single public statement about this 'Review' has been forthcoming by either the Chair of the Combined Fire Authority CC.R.Wilkinson or the LCC Labour Leader CC H.Harding to LCC Fire Service pensioners, which the public might reasonably expect they ought to have done.

You should provide me with a comprehensive statement for public scrutiny concerning the following:

- Who originated and authorised this 'Review', politically and administratively? Was it for example the LCC or the CFA?
- Why is this 'Review' required and what stimulates it?
- Will the 'owners' of this 'Review' provide the legal justification, quote the applicable law, and the jurisprudence of this 'Review'?
- Who is funding it? The LCC or the CFA?
- Who are the authors?
- When is it envisaged the 'Review' will conclude?
- When will the results of this 'Review' be publicly announced and published?
- Will the results be published by the LCC or the CFA?

Local Government Ombudsman.

(18) As an agent of the LCC you have failed entirely as I have demonstrated to strictly adhere to the LCC's own code of conduct. This makes the LCC liable to any complaint I will generate with the Local Government Ombudsman the fundamental of which is that you have provided, by your ineptitude, the grounds for a complaint, to wit, that the LCC have failed to implement and comply with its own procedures.

(19) Accordingly you should regard this element of my communication to you as laying the ground work for my intended complaint to the LGO, namely a complaint of failure to implement and thus breach of your own procedures. I expect you to pass this documentation to your LCC Complaints section for investigation and a formal response to me explaining and justifying why the LCC have not complied with their own procedures?

If I am dissatisfied with what ought to be a comprehensive response then I shall proceed, without further notice, to the second stage with the LGO.

Freedom of Information Act 2000.

(20) Please supply, inter alia, electronic copies of all documentation including contemporaneous notes generated which include my name or reference to me, whether passed to me **or not**.

(21) Please supply, inter alia, electronic copies of all documentation including contemporaneous notes whether generated using my name, **or not**, of communication

concerning this 'Review' passed between CFA HQ, the LCC Pensions Service, and the Department of Works and Pensions.

(22) Provide a list of how many pensions (naming of individuals will not be required at this stage), you have already stopped and why?

(23) I intend duplicating this request through my own C. Cllr. Mr. G. Driver.

Finally in Summary.

(24) You should now replicate all the documents you have previously sent me ensuring they comply properly with all the legal parameters I have commended to you and adhering to the appropriate Acts of Statute Law and LCC code of conduct. All documents should be sent under **"Strictly Confidential" cover and by Registered Mail.**

(25) You should state what I stand accused of, by whom, and what forum for trial you propose.


(26) You should apologise for the defamatory and disrespectful manner in which you have treated me and for acting in bad faith.

(27) I require you to formally acknowledge this letter in the manner I have commended to you confirming that you have:

- **Data Subject Notice.** Received, acknowledged, and within 21 days acted upon my 'Cease and Desist' 7 day notice under Section 10 of the Data Protection Act 1998.
- **Registered my complaint,** and placed my complaint of failure to implement LCC standards and procedures before your appropriate department for a response.

I am available at any reasonable time and notice to discuss this issue. You should expect that I will not be unaccompanied.

Yours Truly,


Paul P. Burns. GIFireE

Divisional Fire Officer (Rtd)



Order of Excellent Fire-fighter
Russia



Oklahoma Medal of Honor
&
Honorary Citizenship





Lancashire County Council
Council Leader
C.Cllr H.Harding
County Hall.
Preston.
PR1 0LD

7, Kings Drive,
Preston. Lancashire.PR2 3HN.
ENGLAND.
Tel/Fax: +44 (0) 1772 715963.
symbolseeker@email.com

BURNS

Thursday, 24th January 2008.

My Ref: PB00508

Your Ref:

The Firefighters Pension Scheme – Injury Pension Review.

Dear Council Leader,

As you are aware I have been seeking a meeting with you last week to discuss the above issue. Your Secretary has confirmed that you are aware of my correspondence and has conveyed to you the urgency of the matter and the need to defuse and resolve this situation.

Not having heard from you I telephoned your office on Tuesday the 22nd morning. Your secretary informed me that she had discussed this with you and that your vox response was that this issue had nothing to do with the LCC, it was a matter for the Combined Fire Authority.

Following from the above comment am I to assume that you have denied me the opportunity, in conjunction with political opposition parties, to quietly resolve an issue which will prove publicly damaging to the reputation of your administration?

I have to say that not only do I find your third hand vox populi method of dealing with the electorate extraordinary but you are also clearly in ignorance of the complete involvement of one of the departments you are ultimately responsible for, namely the LCC Pensions Services.

I indicated to your secretary that she should by vox convey the following information to you:

- That documents threatening to suspend my Fire Service Pension originate from this aforementioned LCC department.
- That these documents carry the letterhead of the LCC.
- That I am Lancashire County Fire Brigade pensioner of the LCC.
- That I have never been employed by the newly independent Combined Fire Authority and thus I am not their pensioner.
- That my monthly pension payments originate with the LCC Treasurer.

Forgive me if I am completely confused but are you stating that the LCC Pensions Services 'belongs' to the CFA?

In the light of the attached document and your statement I ask for your assistance in directing my correspondence to the correct political leader so that I may urgently establish a dialogue with him or her on this issue?

These documents which purport to come from the LCC Pensions Services raise the issue of a Fire Service Injury Pension Review.

I ask you to assist me in finding answers to the following questions:

- Who originated and authorised this 'Review', politically and administratively? Was it for example the LCC or the CFA?
- Why is this 'Review' necessary, what stimulated it?
- Will the 'owners' of this 'Review' provide the legal justification, quote the applicable law, and the jurisprudence of this 'Review'?
- Who is funding it? The LCC or the CFA.
- Who are the intended authors?
- When is it envisaged the 'Review' will conclude?
- When will the results of this 'Review' be publicly announced and published?
- Will the results be published by the LCC or the CFA?
- Why have neither you, nor the Chair of the CFA, made a public statement regarding its launch?

Further, I draw your attention to the fact that this issue has arisen because the LCC PS is proposing to act in an unlawful manner and has also failed to comply with the LCC's own procedures.

As a consequence of this failure to deliver an efficient service as the Local Government Minister Mr.J.Healey M.P. has pointed out to you recently, the council tax payers of Lancashire will now have to bear the expenditure of extra man-hours etc., readdressing this entire issue and pay the bill for successful personal litigation which will surely follow.

I recommend that you address this issue properly and promptly.

Please acknowledge receipt of my letter by Registered Mail.

Yours truly,



Paul P. Burns. GFireE
Divisional Fire Officer (Rtd)



Order of Excellent Fire-fighter
Russia



Oklahoma Medal of Honour
&
Honorary Citizen





Lancashire County Council
Chairman
Combined Fire Authority
Lancashire Fire & Rescue Service
County Councillor Mr.R. Wilkinson.
County Hall
Preston.
PR1 0BR

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email: symbolseeker@email.com

BURNS

Friday, 25th January 2008.

My Ref: PB00708

Your Ref: Your email 25-01-08 17:15.

The Fire-fighters Pension Scheme - Injury Pension Review.

Dear Chairman,

I am content to deal publicly with your note to me. See Appendix 'A'.

Let me deal assiduously with each point you raise and let others judge your merits ...

... "I thought you would have known better of me than that"... yes indeed I do, that is your problem.

I regret at the time you were corresponding with me and I stated publicly that I could not contemplate, given your FBU background, that you would be a party to the oppression of Fire Service pensioners you failed to inform me in your economy of truth of the slightest detail raised within a public body, of which you are the Chairman, namely that it was in fact you who were and continue to be the architect of this unlawful oppression. Were you being deceitful with me, forgetful, or just downright embarrassed?

I have heard your actions recently described as poacher turned gamekeeper.

I further regret in your correspondence with me that you unlike me, did not readily declare your pension position. Unlike me you have a public duty to do so.

I was at least, unlike you, tactful enough not to ask. You it was in your correspondence who mused why it was that you had not been contacted by the LCC Pension Services? I find this statement extraordinary given the fact that you were the Chair of the CFA Resources Committee at which this entire issue was discussed and actioned by you. Was your statement to me meant to mislead again?

Your musing statement led to the reasonable assumption by me, given the economy of the circumstances of your non disclosure, that you did leave with an Injury Pension. Yet you took no opportunity presented to you to correct this misimpression. You had ample opportunity in our correspondence to proffer to confirm or deny this, yet you failed to do so. I remain curious why that was.

You now state that you did not leave with an *ill health* pension. Whilst that may be so and I made no reference to this, I now ask, did you leave with a Fire Service qualifying *Injury* Pension? They are not birds of the same feather as you and I well know but the public may not. Are you being disingenuous again? Perhaps as Chair of the CFA/LFRS you do not

actually know your own circumstances yet you seem to know the circumstances of your former colleagues.

If you are now confirming publicly that you did not leave with either an ill health pension or an Injury Pension then I have no hesitation nor difficulty in retracting my statement publicly on the issue of your Injury Pension. I ought not have had to flush you out of the undergrowth in the first place. Please clarify.

You will note in preparation for your clarification my circulation to the Lancashire Evening Post and to the Conservative Group Leader C.Cllr.Mr.M.Welsh.

Threatening me with legal action in a flight of egotistical fancy which is meant to intimidate, which it does not, merely raises my investigative curiosity level still further. You are indeed unwise to up the stakes. However now that you have raised the issue of legality and that self evidently I have your mind properly engaged in this serious issue at long last, let me address that as well.

I suggest you read carefully the documents (See Appendix 'B') and the 7 day 'cease and desist' Data Subject Notice and Notice of Assessment that I have served on your Leader and the manager of her Pensions Services department on Friday 25th January 2008 and I now serve on you as Chairman of the CFA/LFRS.

In your note to me you state that you are being 'more than fair'. You are being outrageously downright unlawful in respect of the Data Protection Act 1998 and I attempted to demonstrate that publicly to your Leader on Friday 25th if she or any of her deputies could be found to do so. God forbid we had a County wide emergency if my fruitless exercise was anything to judge by. When a member of the press informs me that this is not usual for your administration that should tell the public all in a week when the Council was condemned by the Local Government Minister as inefficient.

Uria Heap had a great propensity for wringing his hands when he was pursuing his hidden agenda. There is a hollow echo here. I am only doing my duty...guarding the public purse...being kind to innocent pensioners... who through your maladministration have become unwitting victims of LFRS incompetence over which you preside.

I now have in my possession documents which I will publish shortly with data full permission which confirms that the DWP did in fact release data on an individual without permission contrary to the DP Act 1998 to the LCC, and then the LCC, again contrary to the Act, released that data to the LFRS who acted upon it. I have not yet completed my investigation of this chain of criminality but, least you forget, to release data without the Data Subject's permission is a criminal offence not a civil offence.

It is unclear whether this data was released at the behest of the LCC or not and in any event the attached papers which I now serve on you require you under the FOIA 2000 to supply me with this documentary proof. The data subject is [REDACTED] Preston.

Dual Standards-Can you explain to me why an innocent Retired Member, a victim of CFA/LFRS/LCC stated incompetence, received a letter informing him that he had been overpaid (note the word) by £3000:00 and then indicating that the LCC did not intend collecting this amount? This letter states that the LCC was in error by 'overpayment' and thus in the process established whether by design or more error, a legal precedent with an issue which **precedes** by a few months the one you quote. If that is not dual standards I do not know what is and you preside over this miasma of incompetence.

When all else fails blame the victim, well it won't wash.

Can you explain to me why in conversation with the DWP Fraud Squad no one had the vaguest notion what I was talking about? This is supposed to be all about the DWP.

Why is it that I am unable to engage anyone, including you, within this Labour administration in this serious issue? Yet the opposition groups are able to prepare lucid responses to my enquiries after a few days? The Conservative opposition Group Leader C.Cllr. M. Welsh is able to offer me a copy of his comprehensive brief, fully documented with answers and statistics. Why are you as Chairman of the CFA unable to do so and why was your Leader's third hand comment "that it had nothing to do with the LCC it was a matter for the CFA" the outstanding most she could achieve?

Can I leave you several final thoughts for your balance sheet which seems to be more to the fore front of your mind than natural and lawful justice and upon which you ought to focus.

I raise this against the background of your triumphal statement raised in your note concerning how kind you and the CFA/LFRS were to a particular pensioner who was also a victim of circumstances generated by your incompetence. My investigation of these particular circumstance will focus on how the data was obtained to bring this to the attention of that pensioner. If this data was either delivered unsolicited by the DWP, or was solicited by the CFA/LFRS/LCC and delivered without this pensioner's(the Data Subject) express written permission then an unlawful , and in the case of this Act, criminal act or acts have occurred. Under the FOIA please supply me with that documentation. You will be unable to claim exemption under 'legal privilege' because no proceedings were placed before the Courts.

You would be wise before you corporately and gleefully divide up the spoils of your oppression to think ahead. You may think you have won the battle, which is debateable, but you are surely going to lose the war.

If the 150+/- LCC Fire Service pensioners you have induced by threat to sign away their Data Protection rights discover that you had no legal grounds for this Injury suspension procedure then they are going to be very aggrieved indeed and they are going to seek redress, recompense, and compensation ironically using the very Data Protection Act your authority has breached unlawfully with such gay abandon.

The damages they will seek to assuage their probity and good names will far exceed and pale to insignificance any 'spoils' you will have gained by your dubious means thus far.

In my circumstances my good name will cost you £100k and cheap at twice the price. I will commend any action I take to the remaining 150 pensioners encouraging them to act in a like manner and by my calculator that amounts to £15 million pounds from your budget less of course the £14k you have extracted from this pensioner an issue itself which will, when I prove it, be suitable for a judicial review on the grounds of a breach of the Data Protection Act 1998.

That is the price of treating Fire Service pensioners as thieves without proof. You really need to learn to listen as I have repeatedly exhorted you to do.

Now I turn to the Disability Discrimination Act 1995. Fire Service Occupational pension schemes come within the meaning of this Act. In your 'Review' you have identified 150+- Fire Service pensioners who qualify within the meaning of this act as disabled. You failed to identify those Fire Service pensioners who were medically discharged because of ill health, being

content to focus only on those with an Injury pension from the Fire Service. In so doing you are thus identifying and discriminating against the disabled. Whether or not they receive any form of state benefits is simply not a consideration.

Can I specifically draw your personal attention to Section 48 and its reference to 'connivance'.

Disability Discrimination Act 1995.

Meaning of "disability" and "disabled person"

(1) Subject to the provisions of Schedule 1, a person has a disability for the purposes of this Act if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.

(2) In this Act "disabled person" means a person who has a disability.

Meaning of "discrimination"

(1) For the purposes of this Part, an employer discriminates against a disabled person if—

(a) for a reason which relates to the disabled person's disability, he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply; and

(b) he cannot show that the treatment in question is justified.

Occupational pension schemes

(1) Every occupational pension scheme shall be taken to include a provision ("a non-discrimination rule")—

(a) relating to the terms on which—

(i) persons become members of the scheme; and

(ii) members of the scheme are treated; and

(b) requiring the trustees or managers of the scheme to refrain from any act or omission which, if done in relation to a person by an employer, would amount to unlawful discrimination against that person for the purposes of this Part.

(3) Without prejudice to section 67, regulations under this Part may—

(4) In determining, for the purposes of this section, whether an act or omission would amount to unlawful discrimination if done by an employer, any provision made under subsection (3) shall be applied as if it applied in relation to the notional employer.

Enforcement, remedies and procedure

(1) A complaint by any person that another person—

(a) has discriminated against him in a way which is unlawful under this Part, or

(b) is, by virtue of section 57 or 58, to be treated as having discriminated against him in such a way,

may be presented to an industrial tribunal.

48 Offences by bodies corporate etc

(1) Where an offence under section 40 or 46 committed by a body corporate is committed with the consent or connivance of, or is attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body, or a person purporting to act in such a capacity, he as well as the body corporate is guilty of the offence.

56 Help for persons suffering discrimination

(1) For the purposes of this section—

(a) a person who considers that he may have been discriminated against, in contravention of any provision of Part II, is referred to as “the complainant”; and

(b) a person against whom the complainant may decide to make, or has made, a complaint under Part II is referred to as “the respondent”.

(2) The Secretary of State shall, with a view to helping the complainant to decide whether to make a complaint against the respondent and, if he does so, to formulate and present his case in the most effective manner, by order prescribe—

(a) forms by which the complainant may question the respondent on his reasons for doing any relevant act, or on any other matter which is or may be relevant; and

(b) forms by which the respondent may if he so wishes reply to any questions.

You should now supply me and all the notified Injury Pension holders with the necessary ‘Complainant’ forms.

57 Aiding unlawful acts

(1) A person who knowingly aids another person to do an act made unlawful by this Act is to be treated for the purposes of this Act as himself doing the same kind of unlawful act.

(2) For the purposes of subsection (1), an employee or agent for whose act the employer or principal is liable under section 58 (or would be so liable but for section 58(5)) shall be taken to have aided the employer or principal to do the act.

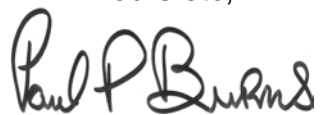
Compensation for injury to feelings

7 In any proceedings under section 25, the amount of any damages awarded as compensation for injury to feelings shall not exceed the prescribed amount.

Even at this late stage in conjunction with the Fire Brigades Union I stand ready to attempt a resolution of this issue of your making.

On the basis of all the above I have called for your resignation publicly and I will continue to do so.

Yours etc,


Paul P. Burns. GIFireE

Divisional Fire Officer (Rtd)



Order of Excellent Fire-fighter
Russia



Oklahoma Medal of Honor
&
Honorary Citizen - State of Oklahoma





Lancashire County Council
Chairman
Combined Fire Authority
County Councillor Mr.R. Wilkinson.
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email: symbolseeker@email.com

Monday, 28th January 2008.

BURNS

My Ref: PB00808

Your Ref:

The Fire-fighters Pension Scheme – Injury Pension Review – Consent Refused.

Dear Chairman,

For the purposes of the Data Protection Act 1998 I identify the Combined Fire Authority and the Lancashire County Fire and Rescue Service as separate independent entities to the Lancashire CC Pensions Services who in this matter are culpable agents of the CFA.

(1) I identify the CFA as the originators of a letter of the 16th January 2008 via the LCC which threatens to suspend my Fire Service Injury Pension on 4th February 2008 if I do not, under duress, sign away my legal right of data protection under the Data Protection Act 1998.

(2) For the purposes of the Act, *you personally*, are identified from this point forward as the nominated data controller for the CFA in respect of this action.

The data protection principles Part 1 Preliminary

(4) Subject to section 27(1), it shall be the duty of a data controller to comply with the data protection principles in relation to all personal data with respect to which he is the data controller.

Prelude.

(3) My Fire Service Pension, a matter of public record, was generated in the Belfast City Fire Brigade; the Home Office Fire Service College; the pre 1974 Lancashire County Fire Brigade ; the post 1974 reformed Lancashire County Fire Brigade; and under 'The Firemen's Pension Scheme Order 1992' with associated Statutory Instruments.

I am therefore **not** a CFA pensioner nor have I ever been employed by the new Combined Fire Authority.

I **am** an LCC Fire Brigade pensioner.

Under the FOIA please produce and forward legal proof of your jurisdiction in this matter.

In future I request that you should use these salient legal facts as the applicable legislative base and associated archived Pension Contract documentation which you should have retained of my Contract Pension entitlement, prior to and post 31st January 1997.

You should issue any future documentation to me under "Strictly Confidential" cover, properly legally executed, and sent by Registered Mail, upon which I will respond and/or mount any

legal challenges I see fit. If you do not do so I will not recognise the existence of such correspondence.

(4) In personal LCC pension correspondence dated October 1996 I am reminded that I have an obligation (though not in the form of separate written and signed legal Contract) to inform the LCC if, *because of a material change in my physical circumstances*, I subsequently receive Social Security (DWP) disability benefits (which may, or may not, affect my Injury Pension), for the original injury which caused my medical discharge from the Fire Brigade.

(5) My contemporaneous notes of a conversation with Ms Lambert of LCC Pensions Services record that on the morning of the 15th November 2007 I stated that I was, as a matter of courtesy, informing her fully of my status and that since the commencement of my pension my physical circumstances had not altered and that as a continuing consequence I did not, nor do not, receive DWP disability benefits for my original injury.

Although not required to do so, for the reasons I have stated, that is no material change, I have therefore acted beyond my legal obligation to the LCC under my 1997 pension Contract.

Applicable Law - Fire Service Pension Suspension:

(6) I draw your attention to the FSPSO1992 Part K5:

Withdrawal of pension on conviction of certain offences

K5.—(1) Subject to paragraph (4), in the circumstances specified in paragraph (2) the fire authority by whom a pension is payable may withdraw the pension in whole or in part, and permanently or temporarily as they may specify.

(2) The circumstances are—

(a) that the person entitled to the pension ("the pensioner") has been convicted of an offence falling within paragraph (3),

(b) that the pensioner has been convicted of an offence committed in connection with his service as a member of a brigade which is certified by the Secretary of State either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service.

(3) The offences mentioned in paragraph (2)(a) are—

(a) an offence of treason, and

(b) one or more offences under the Official Secrets Acts 1911 to 1989^[21] for which the pensioner has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least 10 years.

Therefore, it would seem I am unable to 'qualify' to have my pension suspended?

Refusal to Consent.

(7) Clearly the LFRS and the CFA have by your collective subsequent refusal to accept my stated position via the LCC on the 15th November 2007 impugned my integrity and I have been advised in the first instance to write to you and advise you of the following:

(a) I wish you to state unequivocally in writing the **legal** justification framework for, and the detailed logic involved in this contemplated action against me, and your jurisdiction;

(b) If you are unable to show evidential just cause by quoting the appropriate Act, Statutory Instruments, LCC Byelaw, or quoting the Firemen's Pension Scheme Order 1992, you should withdraw your threat of pension suspension and apologise.

(c) In the light of my adherence to the Ramifications of our mutual Pension Contract as an LCC pensioner, I find your contemplated action and the manner of its communication to me a breach of good faith, which is both distasteful and disrespectful. I regard your action as unjustified and unjustifiable, and unlawful with respect to the method you propose to secure my data, which is contrary to the First Principle of the Data Protection Act 1998.

PART II INTERPRETATION OF THE PRINCIPLES IN PART I

The first principle

1 (1) In determining for the purposes of the first principle whether personal data are processed fairly, regard is to be had to the method by which they are obtained,...

(d) The manner of your communication and the specified methodology adopted to collect that data implies guilt without proof or substance and is therefore defamatory to my good name, my probity, and my integrity and thus actionable in civil law. The onus does not rest with me to prove my innocence.

(e) I am therefore issuing you, the CFA, and the LFRS, with a Data Subject Notice:

PART II RIGHTS OF DATA SUBJECTS AND OTHERS

SECTION 10 SUB-SECTION 1 & 3.

Right to prevent processing likely to cause damage or distress

(1) Subject to subsection (2), an individual is entitled at any time by notice in writing to a data controller to require the data controller at the end of such period as is reasonable in the circumstances to cease, or not to begin, processing, or processing for a specified purpose or in a specified manner, any personal data in respect of which he is the data subject, on the ground that, for specified reasons—

(a) the processing of those data or their processing for that purpose or in that manner is causing or is likely to cause substantial damage or substantial distress to him or to another, and

(b) that damage or distress is or would be unwarranted.

(3) The data controller must within twenty-one days of receiving a notice under subsection (1) ("the data subject notice") give the individual who gave it a written notice—

(a) stating that he has complied or intends to comply with the data subject notice, or

(b) stating his reasons for regarding the data subject notice as to any extent unjustified and the extent (if any) to which he has complied or intends to comply with it.

The Data Subject Notice:

This is a 7 day notice under the Act.

I have specified the reasons above. I now require you, the CFA and the LFRS, to cease and desist. You have 21 days to respond.

Please acknowledge service by hand, and subsequently by Registered Mail.

(f) Further, as the nominated data controller I give you due notice of the following in the Data Protection Act 1998:

13 Compensation for failure to comply with certain requirements (continued)

(1) An individual who suffers damage by reason of any contravention by a data controller of any of the requirements of this Act is entitled to compensation from the data controller for that damage.

(2) An individual who suffers distress by reason of any contravention by a data controller of any of the requirements of this Act is entitled to compensation from the data controller for that distress if—

(a) the individual also suffers damage by reason of the contravention,

If, contrary to the Act and to my specified cease and desist' notice, you continue with your unlawful action, I hereby give you due notice that I will ultimately seek personal legal redress from you, the CFA, and the LCC, and within the civil and criminal law.

(g) For the reasons stated above I refuse to bow to your to your threat and I categorically refuse my consent to access my data with the DWP.

The Information Commissioner.

(8) The Information Commissioner is the competent authority for the Data Protection Act 1998. Given the circumstances above I intend to lodge a request for assessment with the Information Commissioner in that, *the CFA/LFRS/LCC are acting in an unlawful and contemptuous manner with complete disregard to compliance with the Principles of the Act by seeking to gain pecuniary advantage using a false instrument. Namely, under duress, to provide my coerced signature on a waiver document giving the LCC my permission as agents of the CFA/LFRS to breach the Data Protection Act 1998 with the Department of Works and Pensions.*

I give you due notice of my intention to seek Assessment.

Section 42 Request for assessment

(1) A request may be made to the Commissioner by or on behalf of any person who is, or believes himself to be, directly affected by any processing of personal data for an assessment **as to whether it is likely or unlikely that the processing has been or is being carried out in compliance with the provisions of this Act.**

SCHEDULE 1 THE DATA PROTECTION PRINCIPLES

PART I THE PRINCIPLES

1 Personal data shall be processed **fairly and lawfully**

2 Personal data shall be obtained only for one or more specified and lawful purposes, **and shall not be further processed in any manner incompatible with that purpose** or those purposes.

SCHEDULE 1 THE DATA PROTECTION PRINCIPLES

PART II INTERPRETATION OF THE PRINCIPLES IN PART I

The first principle

1 (1) In determining for the purposes of the first principle **whether personal data are processed fairly, regard is to be had to the method by which they are obtained.**

(9) I intend to raise issue with regard to the unlawful coercion of my signature:

55 Unlawful obtaining etc. of personal data

(1) **A person must not knowingly or recklessly**, without the consent of the data controller—

(a) obtain or disclose personal data or the information contained in personal data, or

(b) **procure** the disclosure to another person of the information contained in personal data.

Under section (1)(b) you will also note that the LCC Pensions Services are specifically prohibited by the Act from procuring and communicating my data to a third party namely the

CFA/LFRS. In a letter of the 13th November 2007 the LCC indicated that this data collection was for the CFA/LFRS. I remind you that any such data already collected by the CFA/LFRS has been obtained unlawfully from the LCC and the DWP.

(10) Further, I will also raise issue that this contemplated action is both prejudicial and incompatible with my rights and freedoms (Schedule 2; Section 6 para1) under the Data Protection Act 1998, and Article Six of the Human Rights Act 1998 in that the LCC/CFA/LFRS cannot themselves without evidential just cause, including exempted data, and in the light of the information I have voluntarily supplied, commit a criminal act, namely breach of the Data Protection Act 1998, in pursuit of your 'will 'o' the wisp' theoretical breach of the law.

In this European jurisdiction the onus and burden of proof rests entirely with the CFA/LFRS/LCC, **not with me** to prove my innocence. I have now issued a cease and desist Data Subject Notice.

Failure to implement CFA/LCC Policies and Procedures.

(11) I am astonished at the casual legal attitude the CFA/LFRS/LCC demonstrate in such a grave matter as attempting to stop, without just evidential cause, my pension which is my sole income. I have the right to expect that such documents should be sent to me under "Strictly Confidential" cover, which they were not; delivered by Registered Mail or Recorded Delivery, which they were not; nor was a single document in this saga.

You must publicly demonstrate to me and my legal advisors evidential just cause supported by the applicable legislation for your proposed course of action within a properly structured, administered, and executed, legal and lawful framework.

(12) I remind you that there exists no semblance, in the 4 documents the CFA/LFRS/LCC have thus far presented to me, of any form of detailed honest, rational explanation why this 'Injury Pension Review' is necessary in the first place, nor the detailed legal justification for your proposed action against me. If you wish me to give you Carte Blanc over my data rights then I am entitled to a detailed lucid explanation within a proper lawful framework as the Act demands. You have failed in your duty of candour.

(13) In commenting further on this 'documentation' I note with complete and utter dismay its peremptory bullying tone which I reject entirely. You have not communicated to me in an intelligible form the purpose and the legitimacy of your intent before I can decide whether or not I may sign a waiver document. You should comply with the strictures of the Data Protection Act 1998. Ultimately you have again failed in your duty of candour to me.

(14) I note your abject failure to attend to all CFA/LFRS/LCC protocols which include strict adherence to the CFA/LFRS/LCC codes of conduct which include what I stand accused of, who my accusers are, informing me what rights to a fair hearing and appeal I might have, and to whom I might appeal in the event I disagree with your actions and where I might seek documentary evidence under the Freedom of Information Act 2000 in order to mount a proper legal challenge.

(15) *You have a duty, which you have failed, to inform me of my rights:*

Data Protection Act 1998.

PART II RIGHTS OF DATA SUBJECTS AND OTHERS

Right of access to personal data

- (1) Subject to the following provisions of this section and to sections 8 and 9, **an individual is entitled—**
- (a) to be informed by any data controller whether personal data of which that individual is the data subject are being processed by or on behalf of that data controller,
- (b) if that is the case, to be given by the data controller **a description of—**
- (i) **the personal data of which that individual is the data subject,**
- (ii) **the purposes for which they are being or are to be processed, and**
- (iii) **the recipients or classes of recipients to whom they are or may be disclosed,**
- (c) **to have communicated to him in an intelligible form—**
- (i) **the information constituting any personal data of which that individual is the data subject, and**
- (ii) **any information available to the data controller as to the source of those data,** and
- (d) where the processing by automatic means of personal data of which that individual is the data subject for the purpose of evaluating matters relating to him such as, for example, his performance at work, his creditworthiness, his reliability **or his conduct,** has constituted or is likely to constitute the sole basis for any decision significantly affecting him, **to be informed by the data controller of the logic involved in that decision-taking.**

(16) I pragmatically remind you that because of your administrative/legal incompetence, including your failure to issue documents by Recorded/Registered delivery, there will be FS pensioners over wintering elsewhere who will be completely unaware of the threat to their pensions and thus income. They will ultimately return to find their pensions/income stopped. They will without doubt pursue financial reimbursement with interest, and legal redress within the Data Protection Act 1998 for compensation for distress and embarrassment, by the Issue of Proceedings via the High Court which is the correct forum for FS Pension matters.

Because of your ill considered and ill judged administrative actions you have failed administratively, and when you fail, it is self evident, you fail completely.

'Injury Pension Review'

(17) Not a single public statement about this 'Review' has been forthcoming by either you the Chairman of the Combined Fire Authority nor the LCC Labour Leader CC H.Harding to LCC Fire Service pensioners, *which the public might reasonably expect they ought to have done.*

You should provide me with a comprehensive statement for public scrutiny concerning the following:

- *Who originated and authorised this 'Review', politically and administratively? Was it for example the CFA or the LCC?*
- *Why is this 'Review' required and what stimulated it?*
- *Will the 'owners' of this 'Review' provide the legal justification, quote the applicable law, and the jurisprudence of this 'Review'?*
- *Who is funding it? The LCC or the CFA?*
- *Who are the authors?*
- *When is it envisaged the 'Review' will conclude?*
- *When will the results of this 'Review' be publicly announced and published?*
- *Will the results be published by the LCC or the CFA?*
- *Will the results include statistics of all those who have not been guilty by assumption?*

Local Government Ombudsman.

(18) As a Combined Fire Authority you have failed entirely as I have demonstrated to strictly adhere to your own code of conduct. This makes the CFA/LFRS liable to any complaint I will generate with the Local Government Ombudsman the fundamental of which is that you have provided, by your ineptitude, the grounds for a complaint, to wit, that the CFA/LFRS have failed to implement and comply with its own procedures and codes of conduct.

(19) Accordingly you should regard this element of my communication to you as laying the ground work for my intended complaint to the LGO, namely a complaint of failure to implement and thus breach of your own procedures. I expect you to pass this documentation to your CFA/LFRS Complaints section for recording and investigation and a formal response to me explaining and justifying why the CFA/LFRS have not complied with their own procedures?

I inform you that if I am dissatisfied with what ought to be a comprehensive investigation and response then I shall proceed, without further notice, to the second stage with the LGO.

Freedom of Information Act 2000.

(20) Please supply, inter alia, electronic copies of all documentation including contemporaneous notes generated which include my name or reference to me, whether passed to me **or not**.

(21) Please supply, inter alia, electronic copies of all documentation including contemporaneous notes whether generated using my name, **or not**, of communication concerning this 'Review' passed between CFA/LFRS, the LCC Pensions Services, and the Department of Works and Pensions.

(22) Provide a list of how many pensions (naming of individuals will not be required at this stage), you have already stopped and why?

(23) I have already duplicated this request through my own C. Cllr. Mr. G. Driver.

Finally in Summary.

(24) You should now replicate all the documents you have previously sent me ensuring they comply properly with all the legal parameters I have commended to you and adhering to the appropriate Acts of Statute Law and CFA/LFRS/LCC code of conduct. All documents should be sent under **"Strictly Confidential" cover and by Registered Mail**.

(25) You should state what I stand accused of, by whom, and what forum for trial you propose.

(26) You should apologise for the defamatory and disrespectful manner in which you have treated me and for acting in bad faith.


(27) I require you to formally acknowledge this letter in the manner I have commended to you confirming that you have:

- **Data Subject Notice**. Received, acknowledged, and within 21 days acted upon my 'Cease and Desist' 7 day notice under Section 10 of the Data Protection Act 1998.
- **Registered my complaint**, and placed my complaint of failure to implement CFA/LFRS standards and procedures before your appropriate department for a response.

I am available at any reasonable time and notice to discuss this issue. You should expect that I will not be unaccompanied.

The fundamental point remains it will be simpler for us all in clearing up this mess you created if you resigned.

Yours Truly,


Paul P. Burns. GIFireE

Divisional Fire Officer (Rtd)



Order of Excellent Fire-fighter
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Oklahoma Medal of Honour
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Friday, 7th March 2008.

BURNS

My Ref: PB02808.

Your Ref:

The Fire-fighters Pension Scheme – Injury Pension Review.

**Chairman of the Combined Fire Authority
County Councillor R.Wilkinson – A Question of Public Integrity ?**

Dear Mr.Squires,

The following matter has been drawn to my attention by an esteemed retired colleague.

- In yesterday's Lancashire Evening Post Page 27 under the title "Where's the Fire?" by a colleague of yours the above CC was interviewed in a current affairs section.
- In this article it is stated that CC Wilkinson joined the Lancashire County Fire Brigade in 1965 and retired from the service in 1993, indeed said CC served under my direct command in 1969 when I was a junior Officer. The facts of his service are presumably supplied directly to your colleague by CC Wilkinson himself.
- By my calculation, according to these facts of service, CC Wilkinson therefore served +/- 28 years.
- It is a national Fire Service pension fact that you cannot qualify in the Regulations for a basic FS pension UNLESS you complete 30 years of service, nevertheless, the CC informs the Public he only completed 28 years service.
- How therefore is the CC in receipt of a FS pension?
- It is impossible to obtain a FS pension with 28 years of service UNLESS you leave the service with either an Injury Pension OR an ill health pension.
- Eversheds the solicitors acting for the CFA and also CC Wilkinson, in a letter to me no later than yesterday states:
- "Mr.R. Wilkinson is not and never has been in receipt of an Injury Award". If we are to believe this statement then we must conclude he left with an ill health pension which this CC has previously denied to me in writing.

- The CFA under the direct Chairmanship of CC Wilkinson adopted its first Code of Conduct on the 17th September 2007. A salient feature is that all CC's must declare a personal interest in proceedings and if necessary vacate, in CC Wilkinson's case, the Chair, and/or withdraw entirely from the proceedings.
- On the 25th September 2007 this issue of the Injury pension review was Agenda Item 19/07. The Resources sub-committee of the CFA was chaired by CC Wilkinson. He did not declare an interest under his Code of Conduct; he did not declare that he himself was in receipt of a FS Pension; and he did not withdraw. Indeed, he sanctioned the check to be carried out against disabled FS pensioners and your headline of "BETRAYED" was completely prescient.
- When in public notes in December I challenged CC Wilkinson on this matter he wrote the following:

*"No I was asking if you had been contacted as I have not and need to know who they are contacting.
Bob"*

My response:

"I find this statement extraordinary given the fact that you were at the CFA Resources Committee at 10:00 hrs 25th September 2007 at which this entire issue was discussed and actioned by you. Was your statement to me deliberately meant to mislead me again?"

Subsequently:

"Received by Email: 25-01-08 17:15

"Paul, I take great exception that I am applying double standards, I thought you would have known better of me than that. The reason I have not been contacted is that I am not in receipt of an ill health award as you have stated in your letter. Either you retract that statement publicly or I will seek legal advice. I consider we are being more than fair when you consider we only recovered 50% from a retired member, and are asking for information that we need to ensure a pension is paid at the correct rate.
Bob"

- Following this exchange I wrote to CC Wilkinson on the 28th January 2008 thus:

Your Public Duty ? :

May I remind you of your Public Duty under *your* CFA Code of Conduct *adopted by you* on the 17th September 2007:

**Lancashire Combined Fire Authority
The Model Code of Conduct
Standards of Conduct for Members - The General Principles**

Selflessness — Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity — Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behavior.

I do indeed question your behavior.

Objectivity — Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability — Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.

You failed to do so.

Openness — Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

You failed to do so.

Personal judgement — Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others — Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

You have been disrespectful to FS pensioners and you have discriminated.

Duty to uphold the law — Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

You have failed in your stewardship to uphold the law.

Stewardship — Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

You have failed to ensure your CFA acted within the common and criminal law.

Leadership — Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

You have failed to secure Public confidence by setting a bad example.

Your Resignation:

You have consistently failed your Public duty in this matter and you should resign.

The question now arises that if it is proven that CC Wilkinson is in receipt of an ill health pension, and it is inconceivable that he is not, did he, or does he, receive disability benefits for this ill health and, if so, has he been the subject of 'overpayment' scrutiny himself, and if not, why not?

Further, to avoid such potential scrutiny did he deliberately target the FS Injury pensioners so side stepping his personal circumstances of ill health pension in order that he would not be investigated by his own 'Review' ?

It is clear to me and other FS pensioners that, as a County Councillor, CC Wilkinson has many questions of public integrity concerning the status of his own FS Pension which demand answers in the Public interest and I urge him to clarify his position.

Given all these circumstances it is also in the interest of preserving any remaining public confidence in the Combined Fire Authority that CC Wilkinson should resign forthwith.

Finally, I now call for the *third time* for a Ministerial Inquiry into the gross mismanagement of, not only this entire affair, but the entire public credibility of the Lancashire Fire and Rescue Service given the above curious circumstances surrounding the Chairman of the CFA.

Yours sincerely,



Paul P. Burns. GFireE
Divisional Fire Officer (Rtd)



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Friday, 7th March 2008.

BURNS

My Ref: PB02908.

The Fire-fighters Pension Scheme – Injury Pension Review.

**Chairman of the Combined Fire Authority
County Councillor R.Wilkinson – A Question of Public Integrity ?
Now a Question of Resignation.**

Dear CC.Harding,

This is a follow up to my emailed letter this morning Ref:PB02808 the contents refer to the detail of this side issue to the 'Injury Pension Review'.

As you know the question of the veracity of CC Wilkinson's replies to me concerning the status of his Fire Service pension have repeatedly troubled me and have been the subject of correspondence.

This remains on the record and this is what he penned in one of his replies to me:

Received by Email: 25-01-08 17:15

"Paul, I take great exception that I am applying double standards, I thought you would have known better of me than that. **The reason I have not been contacted is that I am not in receipt of an ill health award as you have stated in your letter.** Either you retract that statement publicly or I will seek legal advice. I consider we are being more than fair when you consider we only recovered 50% from a retired member, and are asking for information that we need to ensure a pension is paid at the correct rate.
Bob"

Last evening, Lancashire retired Fire-Fighters' identified another economy of truth in CC Wilkinson's statements to the media concerning his Fire Service pension.

This was communicated to the lead reporter on the issue at the Lancashire Evening Post Mr. M. Squires. Mr.Squires contacted CC.Wilkinson and eventually he confirmed that he did indeed leave the Service with an ill health pension related to a back injury and though he was unable to prove that this was a 'qualifying' Injury pension he nevertheless left the service with an enhanced pension, no matter how he may subsequently weasel with words publicly.

It is therefore clear that CC Wilkinson, the Chairman of Lancashire Combined Fire Authority, perpetrated a direct falsehood on me given his written statement above.

It is unclear at this moment, though I shall continue to investigate this matter whether, or not, CC Wilkinson has been, or is, in receipt of DWP benefits for this injury.

I shall of course be writing to him encouraging him to give the CFA his permission to access his data subject records held by the DWP so that the CFA may determine, whether or not, an 'overpayment' has occurred and, whether or not, a repayment is due to them.

Did CC Wilkinson inform the CFA of these changes to his pension circumstance because as he reminds us the 'onus' is solely upon him to do so?

Until this matter is resolved I now call upon the Vice Chairman of the CFA, CC Mr.T.Burns, using the same procedures initiated against disabled FS pensioners, to instruct the Chief Fire Officer to immediately 'delay' the payment of this element of CC Wilkinson's ill health pension until the 'liability' to pay CC Wilkinson under the pension Statutory Instrument is fully investigated and determined.

What is good for the goose is good for the gander...

The profoundly troubling issue which arises now is whether, or not, CC Wilkinson deliberately skewed the 'Injury Pension Review' to avoid scrutiny of his own ill health pension? If a proper investigation reveals that this is so then this would of course, be simple corruption.

One has to ask why were CC's on the CFA not briefed, a confirmed position, concerning why the Injury pensioners were chosen rather than their counterparts, the ill health pensioners, or indeed all pensioners? Is it little wonder that FS pensioners are now using the word treachery following their 'betrayal' !

Given all these extraordinary circumstances involving a publicly elected politician the Public and the all FS pensioners have a right to expect that a Ministerial Inquiry is promptly carried out to expose this deplorable situation for the transparent scrutiny of the taxpayers. I agree entirely with CC Wilkinson, it is after all public money, is it not?

In the interim to begin to rebuild Public trust in the CFA's corporate integrity CC Wilkinson should resign from his appointment as Chairman of the Combined Fire Authority forthwith and he should also resign from the County Council as a County Councillor.

Yours sincerely,



Paul P. Burns. GFireE
Divisional Fire Officer (Rtd)



Order of Excellent Fire-fighter
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Monday, 10th March 2008.

BURNS My Ref: PB03008
Your Ref:

The Fire-fighters Pension Scheme - Injury Pension 'Review'.

Dear County Councillor,

thank you, and your political colleagues of all Parties, for your continuing political intervention in this affair of unconscionable cruelty, but it is not enough.

Tonight, I listened on the phone to one of yesterday's heroes cry, a FS and state pensioner, treated with deliberately disrespectful indignity and face to face malice at Xmas time as he pleaded his innocent ignorance. You do not do that to one of my Officers and walk away. There is in the ecclesiastical world a special place for such creatures of the night...

Such inhumanity is not the English way nor the Lancashire way and I state that as a proud free Irishman with a deceased Lancashire Rose as my wife. It is long past the time for all Lancastrians with backbone to stand up and be counted...enough is enough.

We shall redouble our efforts to rid, our Fire Service, of these petty tyrants...

To work, on those who manage such cruelty...

(1) In The Matter of Falsehood:

Received by email from CC R.Wilkinson @ 09-03-08, 10:03hrs:

"Paul can you please tell me what lie I have supposed to have told and when.
Bob"

I am unable reply to this communication because I am unable to determine *for him*, whether or not, he may have lied in other public circumstances; or how many other lies he may or may not have told in public office; or where, or when, or indeed if.

How could I possibly know that? This surely is for him to determine, not me.

He has to muster his own public defence, no doubt using tax payers' monies generously provided by us at Eversheds whilst he cries foul and defamation, yet again.

Elected Members would do well in the light of intense Public scrutiny to curtail his use of tax payers' monies in this respect. Eversheds are not his private lawyers. He has, like us all, recourse to private funds to privately litigate should he be so minded.

I have to say it passes incredulity that I am in any manner discussing the public integrity of the elected head of the Lancashire Combined Fire Authority and yet not a single CFA County

Councillor or Borough Councillor with the notable exception of the LibDem spokesperson for the CFA County Councillor N.Abram have put public pen to paper to raise a single concern over this entire issue, or issued a single Public statement in support of a single FS pensioner in hardship. What exactly is it that the CFA Committee do?

CC Abram wrote on the 18th February 2008 to the Chief Fire Officer demanding explanations, copied to CC Wilkinson, and demanding this should be brought immediately to CFA Members attention, all copied to the FBU. It is probable, given my past experiences, that nothing happened.

(2) In The Matter of CC Wilkinson's ill health Pension.

I have received the following by email from CC Wilkinson @ 09-03-08, 17:21hrs:

"Mr P Burns.

I take great exception to your remarks that I have lied over my pension. **I do not receive an ill health award and never have done .**

I make a declaration in writing at the beginning of each year to state that I receive a Firemans pension.

I have met with the union and Mr Wilson to help. In the case of Mr Wilson I have asked that this be on the next agenda of the resources committee, this being the committee that made the decision in the first place, and was supported by all parties in line with what Mr Wilsons solicitor had asked for. If you have proof that I have acted in some way wrong in this matter you could report me to the Standards board for England, or at least be a little more honest in your appraisal of the situation'

R Wilkinson
Chair Lancashire Combined Fire Authority"

Predictably CC Wilkinson is fighting for his political life as I said he would, and further, he is weaselling with words again, just as I predicted.

If I might paraphrase Queen Gertrude in Shakespeare's Hamlet "Me thinks the lady doth protest too much", indeed he does.

Following further research by retired FS pensioners we have elucidated the following technical pension facts.

Historically in this period of the 1990s, a pension member leaving the Service would acquire the following; a full basic FS pension; with a full 30 years of service completed; with the age of 50+; which would pay a maximum of 40/60th of the best final years of salary bearing in mind the individual was contributing 11% to this.

Leaving before these qualifying conditions could only take place by reason of ill health, or qualifying service injury (ignoring dismissal, resignation, etc).

CC Wilkinson tells us he was born in 1947 and joined the Brigade in 1965 as a part time fire-fighter aged 18; later joining in 1966, at the age of 19, as a full time fire-fighter; finally retiring in 1993, aged 46.

CC Wilkinson left the Service at the remarkably young age of 46 without completing 30 years of pensionable service, in his case he was required to complete 31+/- years service because of his age below 20 when he joined, which was non pensionable. He was not aged 50 therefore he could not retire, neither was he 55 when he would be compulsorily retired at his rank.

He now confirms that he does actually have a FS ill health pension; resignation or dismissal at this point in his service leading to a 'frozen' pension until aged 65, can be disregarded.

He therefore left the Service having served +/- 27 years and could not have done so without an ill health, or injury pension. The CFA solicitors' Evershed confirm, that he states, he did not receive an injury pension and we must assume this is a truth.

This is how a typical pension of this type would have been achieved, the 'target' being, if possible, to achieve 40/60th, and answering the question, when is one man's enhanced pension another's ill health award?

For the first 20 years of service the member would have received 1/60th per year. From the 20th year of service, colloquially known as the 'golden years', the member would have then received 2/60th per year up to the point of 26.25 years when 'normal' ill health would be statutorily considered.

Thus by then the member would have achieved a potential of +/- 32/60th.

To leave the service at this point is impossible for pension actuarial reasons without 'qualifying' for an ill health pension award. If the member did 'qualify' for ill health award at this point in service, or as I have chosen to describe it, as an enhanced pension, this would attract a further 7/60th emolument making in total 39/60th against the optimum 'target', a shortfall of 1/60th though by choosing to work the system and working literally to the day, 40/60th, a full pension without completing full service could be achieved bringing with it all the advantages of early retirement, less service to complete, commutation of 25%, etc, etc.

To the man in the street this means that this hypothetical member would have left early, a short service, without completing his full service, with additional funds in his pocket from the public purse for his 'ill health', to pursue his post service 'recuperative' activities. Abuses were common at that time.

CC Wilkinson confirmed to the Press that he **did receive an ill health pension** and had a back injury and it is a matter of public record that he enjoys a game of golf, an odd combination.

It is a very simple matter to clear all this up. CC Wilkinson should, instead of ducking and weaving, simply state publicly what type of FS pension it is that he is receiving and in a spirit of comradeship open his records to the DWP just like other FS pensioners have had to do. Then we can all be pathetic 'friends' again...

Finally, we can all play with the words. 'Award', or as it has been used by CC Wilkinson himself without the capital letter, 'award'. The Oxford English Dictionary defines it as follows, "verb, give, **or order to be given a payment**, penalty, or prize."

Quod erat demonstrandum(The theory is proven or demonstrated). I might, given the Latin physicality of the Christian Brothers Grammar School, offer some sage advice to CC Wilkinson...veritas vos liberabit...the truth will make you free...

(3) In The Matter of Prejudicial Interest.

Regardless of his annual declaration, which all CCs must comply with anyway (thus he does nothing special) CC Wilkinson has a duty in keeping with every other CC, at every meeting, to make a declaration of prejudicial interest should there be the slightest doubt concerning a potential for impropriety. CC Wilkinson knowing firstly, that he had a FS pension, and secondly, that he had an ill health pension, *has* a special responsibility to declare a prejudicial interest. *He entirely failed to do so at the CFA Resources sub Committee Meeting on the 25th September 2007 when the issue of the Injury Review was mandated by him under his Chairmanship.* His continuing undeclared prejudicial presence and pensions Agenda Item 19/07 are matters of Public record.

(4) In The Matter of our esteemed unwell FS Colleague.

CC Wilkinson is the architect of this unconscionable cruelty. He did absolutely nothing to assist this pensioner or his family. He failed abjectly, as did the Chief Fire Officer and his staff, to ensure that the slightest modicum of common humanity was displayed to this family. Not a single 'Service' person visited them.

There is not the slightest mitigation for CC Wilkinson given his Service background because he knows full well what is required, and undoubtedly received such visits from Officers like myself, extending common humanity and 'Brigade' support during his own illness which led to his discharge from the Brigade.

CC Wilkinson was only finally moved, for cynical political posturing, by a compassionate appeal from the Fire Brigades Union *not*, as he has indicated, this FS pensioner's solicitor.

It seems to have escaped CC Wilkinson's mind and every other CFA Councillors' mind that this pensioner is receiving chemotherapy treatment for inoperable chest cancer and may not have the 'opportunity' to avail himself of the 2 month time span to a solution that CC Wilkinson is pedantically proposing. CC Wilkinson has emergency powers and he ought to use them for the sake of humanity...

(5) In The Matter of the English Standards Board.

I do not need CC Wilkinson's encouragement to approach the ESB. If he cared to read his correspondence properly he would note that I did so on the 5th February 2008 wherein I lodged multiples of complaints of 'unfit for public office' against him citing the CFA Code of Conduct which he and the CFA Councillors authorised on the 7th September 2007.

(6) In The Matter of my Honest Appraisal.

When I attempt to seek legitimate Public answer to legitimate Public questions CC Wilkinson authorises the employment of the largest, most expensive lawyers in the UK, misusing taxpayers monies whilst ignoring the expensive 2 solicitors 'we' already employ in-house in the LFRS to attempt to intimidate me into silence and to curtail pensioners' democratic rights of free expression. We are all singularly unmoved by this hollow rattling of a sabre. Whilst clearly he can treat his CFA Committee and his Chief Fire Officer with unbridled contempt, which many feel they patently deserve, we are made of sterner steel as we will continue to illustrate.

(7) In The Matter of CC Wilkinson's Circulation List.

This is another example of unbridled contempt for any semblance of senior management, presumably done without the slightest consultation with his Chief Fire Officer, and is a stark example of CC Wilkinson's abuse of political power within his fiefdom.

CC Wilkinson grossly abuses his political platform to circulate his political correspondence to me, to the rank and file of the LFRS. I also note that he does not copy this issue of his public integrity to his political colleagues in the CFA , the LCC, or the media. I have no such inhibitions.

This is a crude and inappropriate use of his political power whereby he again uses coercion and the 'sledgehammer', as the LEP Editor described it, as he does with pensioners, to impose his will on all those persons within his remit. Clearly 'his' troops must toe the line or bear the consequences. Clearly no freedom of expression or dissent is permitted where he is. What other explanation can there be for this ultra vires action? Who is actually the Chief Fire Officer? Or rather, where is he that carries the badges of rank?

It is distasteful and contemptible for any Chairman, of any CFA, to place uniformed personnel in such an invidious position. They know their duty to their Lancashire community and in my experience they will discharge those duties, loyally, unquestioningly, and pay the necessary physical price at the incident as required. Chairmen and Chief Fire Officers simply come and go...


Nevertheless without compromising them in the slightest, and because the FS pensioners and I are *of them*, I will exercise my right of reply by copying this correspondence to them.

(8) In The Matter of a Combined Fire Authority.

Patently based on this appalling state of affairs, with Councillors, with two exceptions, who sit on their hands with no apparent voice or control; with a Chief Fire Officer and 'Team' who have yet to make a single Public comment; who all preside over a Pension deficit of £0.5+ million and then pat themselves on the back and award themselves 11% 'efficiency' bonuses; with an out of control Chairman of questionable public integrity; with rampant cruelty to its pensioners, is it little wonder I continue to press for a Ministerial Inquiry. Who else is to call these public servants to account?

CC Wilkinson is simply an embarrassment to Public office and ought to resign from public life, or be removed forthwith by his Labour Party.

Yours Truly,



Paul P. Burns. GIFireE
Divisional Fire Officer (Rtd)



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Oklahoma Medal of Honour
&
Honorary Citizen



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Sunday, March 16th, 2008.

Fire-fighters Pensions – Burning Questions?

Dear Sir,

Try as I may I cannot find a single public statement from the Chief Fire Officer. Where does he stand on this issue? He authorised all this yet he does not speak publicly. Is he embarrassed and ashamed?

He is the President of the Lancashire Fire Service Retired Members Assoc. Does he not think he has a duty of loyalty to them, a loyalty he expects from them?

Clearly not caring for them does he not care for the innocent families of these disabled pensioners who by his actions have had direct financial hardship thrust upon them?

Why has he reduced these family incomes by 30% with immediate effect, without consultation?

Where, with two exceptions, do the CFA Councillors stand publicly on this issue?

Do they also not care? Or are they, as they ought be, embarrassed and ashamed?

What happens, if driven to desperation and living in isolation, an honourably retired disabled pensioner sees his only escape as harming himself or his family?

Will the Chief and these uncaring Councillors speak out then at their funerals?

The CFA have the emergency political power IF they had the moral courage to immediately reverse this financial hardship until it is properly sorted. Why continue to punish these innocent families?

Do we have to wait for a tragedy before they ALL act?

Mr.J.Clarkson Asst. Divisional Officer (Rtd).