



Lancashire Fire
and Rescue Service

Mr P Burns
7 Kings Drive
Preston
PR2 3HN

Please ask for: Bob Warren
Telephone: 01772 866804
Email: bobwarren@lancsfirerescue.org.uk
Your Ref:
Our Ref: BW/HLG
Date: 2 May 2013

Dear Mr Burns

Thank you for your letter dated 25th April 2013. I am sorry that we have not been able yet to reach a common understanding as to the correct method of calculation of your pension since retirement, although I continue to hope that this will be possible. We are in the course of drafting a full response to your recent letter, which will seek to clarify further the issues you have raised in relation to the calculations, as well as responding to the other matters to which you have referred. This will be a comprehensive response to your letter, and will be sent to you by the end of next week (10th May 2013).

In the meantime, as you will doubtless be aware, in the event that you appeal the judgment, you are obliged under CPR Rule 52.4(3), unless the court orders otherwise, to serve the authority with a copy of your appellant's notice as soon as practicable, and in any event not later than 7 days after it is filed.

In response to your request that the authority take no action to enforce the judgment, pending any appeal by you, and until the "larger issues" (which we take to refer to your counterclaim) are dealt with by a higher court, we would point out that this is not the normal position when an appeal is made. According to CPR Rule 52.7(a), an appeal does not operate as a stay of any order or decision of the lower court, unless the appeal court or the lower court orders otherwise. A stay of this kind would be expected to be granted only in exceptional circumstances, which we do not believe are applicable in this case. You are entitled to make an application to the court to stay the enforcement of the judgment but that would be a matter for the Court of Appeal to decide. For the avoidance of doubt, therefore, please be advised that we do not agree to such a stay pending any appeal. In respect of your counterclaim, if pursued, HHJ Butler separated it from our claim, in which we were successful in obtaining judgment against you; so again, for the avoidance of any doubt, we do not agree to a stay in the enforcement of our judgement pending the outcome of any counterclaim.

Contd

Headquarters

Lancashire Fire & Rescue Service
Garstang Road, Fulwood
Preston
PR2 3LH



Stonewall
DIVERSITY CHAMPION



Your statement that it was wrong for us to deduct the monies we did from your injury pension over several years is clearly contradicted by HHJ Butler's judgment in our favour.

In the event you do pursue further legal proceedings, please be advised that on the next occasion we shall pursue payment of our full legal costs on a commercial basis, which would be in addition to those which you have already been ordered to pay.🔑

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bob Warren', with a large, sweeping flourish extending to the right.

Bob Warren
Director of People & Development