

G.F.Burrows M.I.F.E.
16 Pittsmead Avenue
Hayes
Kent
BR2 7NL
31st December 2020
0208 289 1191

Ref:- London Fire Brigade.

For the attention of the Council Leader and legal department.

I served in the London Fire Brigade for some 16 year. By my 6th year I had passed the following examinations. Leading firefighter written and practical, Sub.Officer written and practical, Station Officers, and both Graduate and Membership of the Institute of Fire Engineers.

As a result of errors made by senior officers I initiated the grievance procedure which were both found in my favour and the offending officers informally instructed not to repeat their errors and to provide a full written reply to any legitimate question raised in writing.

One of the officers concerned was later promoted to Area Commander of the area in which I was serving. This officer not only continued with his errors but increased them to such a manner that I submitted a number of memos that should have brought about a disciplinary investigation. On one occasion I was required to attend a meeting with lasted six and a half hours during which time I was repeatedly poked in the chest, showered in spittle, and pressed to retract my allegations (see document containing my allegations) With the abuse increasing the 14th request came from my solicitor. That letter named The area Commander, the Brigade's Investigation Officer, the chief personnel Officer and the Chief Officer.

As the accused officers were Principal Officers, the Discipline Regulations, Part II Reg.5 (2), require that the allegations against principal officers **shall** be investigated by a **uniformed** officer from another Brigade. No investigation of those officers has been made.

The officers named in my allegations took it upon themselves to determine that no investigation was necessary. They took it upon themselves to be judge in the case against themselves by determining that my allegations did not merit an investigation. Their QC however suggested that a new committee could be formed to make a decision instead. It should be noted that the Discipline Regulations give no such option. Those officers produced a document (FCD 1591) and placed it before the new committee of 3 at the end of an Urgency Committee meeting suggesting that the committee had an obligation to protect senior officers from unfounded allegations. The accused officers then proceeded to orchestrate a situation whereby they could dismiss me from the service.

I was suspended but the charge against me was not made until some 11 months later. It is a matter of fact that the Chief Officer was summoned to explain to members the reason for this delay. Unfortunately this delay ruled me 'out of time' for an employment tribunal hearing..

When the case against me was heard at a Discipline hearing the details above were deemed inadmissible. The verbatim report of the meeting shows that the incident for which I was charged was caused by a failure to provide clarification of scurrilous remarks of me made in a letter on the orders of one of the officers named in my allegations. The cross examination of the Brigade's witnesses made clear the Brigade's flagrant breach of the Social Security Medical Evidence Act, the Discipline Regulations, the Equal Opportunity Act, the Health and Safety at work Act, and the Brigade's aide memoir for Investigating Officers. Despite this I was found guilty.

A new Committee was formed to hear the appeal hearing. At the end of the hearing I was informed that I would be dismissed in the event that I did not resign by a given date. I did not resign as I felt that I had acted throughout in accordance with Regulations.

The time that has passed since my dismissals has been spent trying to find an official body that has the power to bring about the Brigade's compliance with the laid down procedures.

With the help of the Freedom of Information Act I have been successful in obtaining some of the documentation that they refused to provide to my MP. In addition I have been provided with a copy of my personal record file. In with the normal contents, perhaps inadvertently, I now have copies of some confidential memos, that show the Brigade in their true light.

These include a memo from Mrs Buckle the clerk' to the Authority. The memo shows that she had become aware of a breach of the Local Government Act. In that the Disciplinary appeals committee had dismissed me from the service some 27 months before they were duly appointed and empowered to do so. They also show that several members of the Brigade's legal team were completely aware of the failure yet conspired to make it appear that they had fulfilled their obligations in regard to Local Government Act of 1972 schedule 12 para 41(1)

The legal team were happy to prevent the Employment tribunal hearing my case on the grounds of being more than 3-months too late whilst knowing, and ignoring, the appeals committee carrying out their decision to dismiss me some 27 months before being having the authority to do so. The Brigade's legal teams actions in this matter show a complete contempt for natural justice. Their failure to put things right shows total contempt for those that put their lived on the line to protect the people of London.

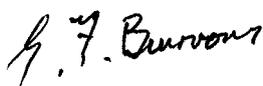
The Brigade were willing to breach the Discipline Regulations them selves yet use those same Regulations to dispose of their accuser. The recent changes in the Discipline Regulations now make matters worse by allowing a Fire Authority to deal with allegations against principal officers internally. I enclose copies of some of the documents that validate my concerns.

Throughout my service I complied with my obligations and paid for it with my dismissal. No Fire fighter should be made to choose between raising concerns and retaining their employment.

I consider the documents enclosed show that the London Fire Brigade have failed to fulfil their commitments with regard to being an Equal Opportunity employer, their certification for ISO 9000 and 9001, and their commitments as Lexcel Accreditation.

Please make these documents available to the councillor that has been appointed to the Fire Authority.

Yours sincerely,



G.F.Burrows.

Since being dismissed from the brigade I have provided a planning, building regulations and structural calculations service in addition to writing a short book. This book and/or the enclosed documents can be viewed or downloaded from my web site Bromleyplans.co.uk

I submitted 13 reports that should have caused an investigation against one or more principal officers.

The 14th one came from my solicitor. This page is part of that letter.

the Council's equal opportunities policy. Further, failure to carry out the Order is a disciplinary offence under paragraph 1 of the Schedule to the Fire Services (Discipline) Regulations, 1985. Accordingly, the officers of the Brigade responsible for implementing the change in policy for interviews are themselves in breach of Order 181/3(1) since they have failed to accord with the policy statement.

Our client has also instructed us that he has been subjected to conduct by various senior officers which in itself may contravene the Schedule to the 1985 Regulations. We set out below the basis of our client's concerns:-

1. Area Commander Butler has delayed dealing with our client's grievances to the extent that his conduct constitutes abuse of authority. He has also failed to comply with Brigade Orders in that he arranged for our client to be interviewed by officers of insufficiently senior rank, namely D.O. Fox, S.D.O. Buckley and D.A.C.O. Howes, all of whom gave our client no notice as to the subject of the interview and denied him proper preparation and the opportunity to be accompanied by a friend. D.A.C.O. Howes' actions and attitude at the interview of 4th December, 1987 were offensive such as to constitute abuse of authority. This was reported by our client in F.10 on 7th December, 1987, but was not acted upon. This inaction is in itself a neglect of duty.
2. A.C.O. Harrington failed to pass on our client's complaints to the Chief Officer to pass on for investigation by the Principal Officer from another brigade, where applicable. This officer has also failed to make proper enquiry when notified that disciplinary offences may have occurred.
3. Mr. I.C. Bone has neglected his duty in that he has failed to cause the disciplinary action that he assured our client on 22nd January, 1988 he would do on receipt of a detailed report. He now, furthermore, denies making such an assurance.
4. C.O. Clarkson has either failed to monitor the disciplinary work of A.C.O. Harrington or failed to act properly on knowledge of the allegations being made by our client.

The conduct of all of these officers has at some time contravened the Schedule to the Regulations. Notwithstanding that, no investigation has ever been made, as required by Regulation 5.

It has been our experience that the Authority is able to commit substantial expenditure and manpower to such investigations, yet not one single investigation has taken place in this case.

3

These Regulations, any reference to a Regulation shall be construed as a reference to a Regulation contained in these Regulations and a reference to a paragraph shall be construed as a reference to a paragraph in the same Regulation. 88

(4) In these Regulations, any reference to a chief officer shall include a reference to the deputy chief officer acting in the absence of the chief officer.

(5) In these Regulations, any reference to a chief officer shall include a reference to an officer not below the rank of assistant chief officer to whom the chief officer's powers under the Regulations have been delegated by the chief officer.

PART II

INVESTIGATION OF OFFENCES

Disciplinary offences

4. A member of a fire brigade commits an offence against discipline (hereinafter in these Regulations referred to as "an offence") if he commits an offence set out in the discipline code contained in the Schedule hereto.

Investigation

5.—(1) Where a report or allegation is received from which it appears that a member of a fire brigade may have committed an offence, the matter shall be referred to an officer nominated by the chief officer or, in the case of a principal officer, by the fire authority (hereinafter in these Regulations referred to as "the investigating officer"), who shall cause it to be investigated. 55

(2) The investigating officer shall be a uniformed officer of a rank not below the rank of the member subject to investigation and, in any event, not below the rank which, in that member's brigade, comes next below the rank immediately below chief officer. 56

(3) For the purposes of paragraph (2) the post of deputy chief officer, where it exists in a brigade, shall be treated as a rank.

Summary dismissal

6.—(1) Where from a preliminary investigation of the report or allegation, which shall include giving the member an opportunity to explain his conduct and hearing his explanation, if any, the investigating officer is of the opinion that—

- (a) commission of the offence by that member is established; and
- (b) the offence is of so serious a nature as to be capable of being punished only by dismissal; and
- (c) that no further investigation of the matter is called for,

he shall report accordingly to the chief officer or, in the case of a principal officer, the fire authority, who may dismiss the member forthwith:

Provided that no member may be dismissed under this Regulation unless he has been given the opportunity, either personally or through another member of a brigade, to explain his conduct to the chief officer or, as the case may be, the fire authority.

With no response I enlisted the help of my MP to encourage the Brigade to comply with the Discipline Regulations and pass my allegations to another Brigade for Investigation.

The following are letters between the Brigade and my MP

From: SIR JOHN HUNT, M.P.

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HOUSE OF COMMONS
LONDON SW1A 0AA

9th October, 1989

Dear Mrs. Buckle, *Sub 11/10.*

Sir John, who is abroad until next week, is continuing to receive representations from his constituent, Mr. Graham Burrows of 16 Pittsmead Avenue, Hayes about whom Sir John has previously written to you.

Mr. Burrows now asserts that his allegations have been considered by the Urgency Committee but that he has been told that the minutes of this meeting are not available to the public. Sir John would be very grateful if you could clarify this point for him and also kindly let him have a copy of any minutes of your Authorities dealing with Mr. Burrow's case.

Yours sincerely,

Brenda York

Mrs. Brenda York
Private Secretary

See M.
Mr. Higham

For draft reply, pt.

Sub
11/10.

Mrs. D.M. Buckle,
Clerk to the Authority,
LFCDA.,
County Hall,
London SE1 7PB

LFCDA

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

The County Hall
London SE1 7PB

Clerk to the Authority
Mrs D M Buckle BSc(Soc)Lond

FILE

Sir John Hunt MP
House of Commons
London
SW1A 0AA

Telephone 01-633 5131
Room 200a
My reference CL/DMB
Your reference
Date 31 October 1989

Form 4191

Dear Sir John,

Your Private Secretary wrote to me on 9 October 1989 regarding a request from your constituent, Mr Graham Burrows, to see the minutes of the meeting of the Authority's Urgency Committee which considered allegations made by Mr Burrows against principal officers of this Authority.

I have ascertained from the officers in the Committee Secretariat, to whom any request for documents relating to the Authority's Committees would be directed, that no such request has, in fact, been made by Mr Burrows.

However, as requested in Mrs York's letter of 9 October 1989, I enclose a copy of the minutes of the meeting of the Authority's Urgency Committee held on 16 August 1989 and would draw your attention to item 10 of those minutes. The report referred to in the minutes as FCD 1591 is not available to the public as it contains exempt information under paragraph 1 of Part I of Schedule 12A of the Local Government Act 1972.

Yours sincerely,



Mrs D M Buckle
Clerk to the Authority

This is my statement given to the officer that suspended me.

The letter is self explanatory and provides a background to the situation.

STATEMENT .

23rd April 1989

Following the receipt of a letter from Mrs Buckle, clerk to the Authority, to my MP, I submitted a F.10 dated 7th March 1989.

This F.10 referred to Mrs Buckles' description of my behaviour as 'strident and irrational'. I asked for the brigade to clarify these irrationalities or to withdraw them.

In the absence of any action by the Brigade, on the 7th April 1989 I withdrew from operational duties and asked for an immediate interview with a senior officer so that the facets of my behaviour that are thought to be irrational could be identified and corrected or the remarks unreservedly withdrawn.

My actions on 7th April 1989 were taken to comply with G.M.412 which requires me fulfil my responsibilities encompassed in the health and safety at work act. GM 412 goes on to say that failure to comply with this instruction may result in disciplinary action being taken against the individual.

The events of 7th April 1989 were brought about as a direct result of my MP's request for the brigade to properly investigate the Principle officers that I have made allegations against and the letter that Mrs Buckle sent in reply.

I must place on record that I am shocked that I am suspended from duty for fulfilling my obligations while this Brigades Investigating Officer replies to my request for principle officers to be investigated with the remark 'I do not intend to suspend any officers from duty'.

I also object to the Brigade requiring me to 'cease correspondence' on the matter while they still refrain from implimenting regulation 5 of the Discipline regulations.

G.F. Burrows

L/FM G.F.Burrows.

G.94332 K

B29 New Cross.

D. Alexander

23.4.89.

The Area Commander (one of those against whom I made the allegations) appointed one of his officers to investigate my offence.

The scope of his investigation was limited to 'did he ride or not ?'

No scope was given for the investigating officer to consider matters contained in my statement.

STRICTLY CONFIDENTIAL

TO: BRIGADE INVESTIGATING OFFICER

SUBJECTIVE REPORT

PREAMBLE

I was instructed to carry out a disciplinary inquiry on the 13th April 1989 as a result of a report submitted by A.C.O. Butler dated 7th April 1989.

INTRODUCTION:

At approximately 0855 hours Leading Fireman Burrows reported for duty at B29 New Cross and handed a F10 to his Officer in Charge. The contents of which indicated that he would be reluctantly withdrawing from operational duties until such time as he had an interview with a Senior Officer and comments concerning his behaviour were withdrawn or identified and corrected. As a direct result of Leading Fireman Burrows action the Pump at B29 was taken off the run due to insufficient riders.

OFFENCES:

I have considered two possible offences:

- (a) Disobedience to orders
- (b) Conduct prejudicial to discipline

RESULTS OF ENQUIRY:

- (a) The statement produced by Leading Fireman Burrows after the serving of the Regulation 7 letter states quite clearly that he withdrew from operational duties on the 7th April 1989.
- (b) Sub O. Edwards the Officer in Charge at B29 New Cross on 7th April 1987 confirms in his statement that Burrows was detailed to ride the PL at 0900 hours and also states following a telephone conversation with D.O. Fox that Burrows was requested to ride an appliance, on both occasions Burrows declined to ride. the statement of Fireman Ash also confirms that Burrows was on roll call and included in the detailing of riders.
- (c) It is capable of proof that Burrows did not ride any appliance at B29 New Cross on 7th April 1989 despite the ordering at 0900 hours (roll call) and the subsequent request at approximately 1040 hours.

DISCUSSION:

- (a) There are no conflict in evidence given by the witnesses.
- (b) The log bok entry for roll call on the 7th April 1989 is not helpful as it details the riders at 0900 hours with the Pump off the run and not as the riders were detailed, and then an amendment following Leading Fireman Burrows refusal to ride as detailed at roll call.
- (c) It is also necessary to bring to your attention the entry in the log book 0850 hours on 7th April 1989. The entry reads Fireman Nicholls on duty in the

W/R. There is no entry indicating that he relieved Fireman Beal the previous dutyman or any entry that the nominal rolls boards and B.A. tally amended if as I suspect Fireman Beal went off duty.

CONCLUSION:

Burrows failed to ride the PL the appliance he was detailed to ride at roll call. That is confirmed by the statement of Sub. O. Edwards. Burrows also declined to ride when requested to ride at 1040 hours following instructions from D.O.Fox.

I am of the opinion that the refusal to ride following detailing at roll call is the principal evidence that should be used to formulate charges. The request to ride put to Burrows at 1040 hours may have been more assistance if instead of requesting him to ride a direct order had been given to him.

RECOMMENDATIONS:

I would recommend that charges be proceeded against Burrows in that his conduct was prejudicial to discipline. I would further recommend that the matter of log bookings in the Station log book be brought to the attention of A.C.O. S.E.A. for him to take any action that he considers appropriate.



D. ALEXANDER
T/D.O.I

A number of conferences were held to consider what action should be taken in my case.

Note

The 3-officers were all named in my allegations. The note at the bottom of the page involves the fourth officer named in my allegations.

- BREACH OF AIDE MEMOIRE

NOTE FOR FILE

- FAILURE OF THE OFFICER ACCUSED
TO FORWARD TO BE INVESTIGATED
AS PER DIS. REGS.

Leading Fireman Burrows, G.F., E29 B/W : Disciplinary/Grievance Procedures

Following receipt of further reports from Lfm Burrows, it was decided to hold another case conference to discuss the way forward. This was held on 17th January 1989, attended by:

Brigade Investigating Officer - ACO Harrington
Authority Personnel Officer - Mr I. Bone
Area Commander South East - ACO Butler

Since the decision to call a further conference, correspondence had been received from the Clerk to the Authority relating to correspondence from a Member of Parliament, Mr John Hunt, who has been consulted by Lfm Burrows and also correspondence from Lord Ferrers.

The opportunity was taken to review the correspondence which has been received from Lfm Burrows and the respective actions regarding same. It was felt that to date appropriate action had been taken to deal with Lfm Burrows. There had been an earlier case conference and the way forward had been agreed at that time. His F10 dated 22.11.88, relates to a request for interview under the Grievance Procedure Brigade Order 201 which was now with the Authority Personnel Officer. The APO will shortly be returning from jury service and as he dealt with the previous grievance will be addressing this matter.

It would appear that the grievances registered by Lfm Burrows have either been dealt with or fall outside the Grievance Procedure; however, the APO will give that matter further consideration. There is also the possibility that the APO, should he consider it appropriate, may offer Lfm Burrows a counselling interview.

It was agreed that the BIO would respond to the memorandum from the Clerk to the Authority indicating the action the Brigade had taken to date in dealing with Lfm Burrows and his problems in order that she might respond to the Member of Parliament. Together with that response will be forwarded a number of F10's and the according responses from officers to those F10's plus a copy of this note and a previous report following an earlier case study.

It was agreed by all concerned that once the response to the MP had been dealt with and the APO had held the counselling interview, if that offer was accepted, and the outcome known, that the Brigade would not be prepared to carry on with extensive correspondence with Lfm Burrows on this matter but rather to acknowledge his correspondence and indicate that we had nothing further to add.

The BIO will keep the Chief Officer informed of progress in this matter.


E.A. HARRINGTON

Brigade Investigating Officer

This aide 'memoire' to enquiry officers sets out the rules relating to prejudicial involvement regarding enquiry officers.

Definitions

B.O. 4/4 - In this aide memoire as in Brigade Orders and other Instructions, words importing the masculine gender shall include females, unless the context makes it clear that this is not the case.

Recorder - A person used by the Local Enquiry Officer to assist in writing the written record of interview.

Witness - A person interviewed to provide fact or an expert witness.

Suspect/Alleged

Offender - A person whom the Local Enquiry Officer has reasonable grounds to suspect of having committed a disciplinary offence.

B.I.O. - The Brigade Investigating Officer

L.E.O. - Local Enquiry Officer

PROOF

It should be borne in mind by Local Enquiry Officers that the standard of proof necessary for the Fire Service hearings is the civil standard (i.e. on the balance of probabilities). In that:

'The more serious the allegation sought to be proved, and the more dire the consequences to the defendant if proved, the more cogent and convincing would be the evidence the hearing required before finding against the defendant.'

To this end Local Enquiry Officers must bear in mind the quality of the evidence they must obtain.

PREJUDICIAL INVOLVEMENT

If on receipt of the initial reports or whilst conducting an enquiry, a Local Enquiry Officer finds that the case might bring him into a 'prejudicial

CONTACT NOS

4779. D.O. SITTBY
 4780 SEN. O. CHAPMAN
 4057 B.I.O.
 4777 ACO HOWES.
 4946 Mr. Clark.

position' with regards to another member of the brigade because of some previous involvement with that member and the previous involvement if subsequently disclosed at a hearing might prejudice the case then the officer will return the papers, as completed to date, to the Brigade Investigating Officer and ask to be taken off the case. The nature of the prejudicial matter need not be disclosed in detail.

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INTERVIEWING

The conduct of any interview depends on the requirements of the Interviewing Officer in relation to the information he is trying to obtain and with each type of interview there will be particular aspects which should be covered before, immediately prior to and at the commencement of the interview.

There are two types of interview that can be carried out by a Local Enquiry officer:

- (a) An interview of a witness
- (b) An interview of a suspect.

BEFORE THE INTERVIEW:

- (i) Decide where to interview.

Generally interviews will be conducted in the members own fire station but on occasions it may be necessary to call the member into either his own Area headquarters, or even in another brigade's area to a fire station convenient to the member's home. This latter situation may arise when the member is sick and living in another brigade area where it would not be convenient to order him to attend to a local venue.

Where a member is sick consideration should be given to the specific sickness to ascertain whether it might be worsened, or claimed to be worsened, by travelling to undertake an interview or whether the member could be reasonably ordered to attend such an interview. Where the illness might be worsened no interview should be considered. Where the member can travel then the provision of transport may be offered. Care must be exercised to ensure that a claim is not made later for any aggravation of the illness or injury! An attempt may be made to

The following documents were received, following my request for a copy of my PRF under the Freedom of Information Act.

You will note the following dates.

Disciplinary Appeals Committee 18th and 19th June 1991

Dismissal from the Brigade 5th July 1991

Date of letter to Employment Tribunal 18th August 1993

Date internal memos and letters
Between members of your legal team September 1993

Date of meeting to sign minutes of
the Disciplinary Appeals Committee
giving authority for that committee
to dismiss me.

on or about 10th September 1993

These documents show that the legal team were fully aware of the Brigades' failure to abide by the time limitation yet use 'time' excuse to prevent the Employment Tribunal hearing my case.

CONFIDENTIAL

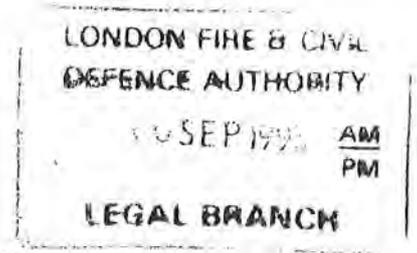
London Fire and Civil Defence Authority

Note to : Bill Rose

From : Cheryl Eustace

Date ; 9 September 1993

Ext 6043



DISCIPLINARY APPEALS COMMITTEE - MINUTES OF THE MEETING HELD ON 18 AND 19 JUNE 1991

You may recall that following a decision of the Disciplinary/Appeals Tribunal an appeal was subsequently heard by the Disciplinary Appeals Committee in June 1991.

Standing Orders require that the minutes of a Committee/ Sub-Committee shall be drawn up and signed at the same or next meeting of that body by the person presiding thereat. Since June 1991, the Disciplinary Appeals Committee has not had an occasion to meet and therefore the minutes have not been signed. Mrs Buckle is most anxious that these minutes are signed as soon as possible and as Mr Burrows, the appellant, has referred his case to an Industrial Tribunal the need for the minutes to be confirmed as a true record and duly signed has become urgent.

The Committee, now called the Fire Service (Discipline) Regulations Appeals Committee, is unlikely to meet in the foreseeable future and since June 1991 two of the members who attended the hearing are no longer members of the Authority, one of whom was the Chair.

There appears to be two possible solutions either

1. circulate copies of the minutes to those remaining members of the then Disciplinary Appeals Committee for their comments within a given timescale, assuming they can recall the meeting, and subject to any views the minutes be signed at the next Authority meeting. This would not strictly speaking be in accordance with Standing Orders ;
or

2. arrange a meeting of the now Fire Service (Discipline) Regulations Appeal Committee to agree and sign the minutes of June 1991 as well as the minutes of the meeting for that day.

As I don't recall any previous occasion when this situation occurred, I would be grateful to receive your advice on the above or any alternative suggestions to resolve this matter.

Cheryl Eustace

Bill

BURROWS - MINUTES

You sought my views on the attached:-

I think the safest course is to call a meeting of the Committee - ideally 5 mins before another meeting at which enough members of FS(D)RA Cttee are expected to attend anyway - and get that meeting specifically to confirm the Minutes of June 1991.

That will then attract the benefit of LGA '72, Sched. 12, para. 41(i), which no other course of action wd. offer.

As a preliminary to that course, it wd. be proper to send draft Minutes to all Members who sat in 1991 and who are still on the Authority, in case they have any comment!

Timothy

10/9/93

BURROWS I T. FINE

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

LEGAL BRANCH

MEMORANDUM

To: Cheryl Eustace - Clerk to the Fire Service (Discipline)
Regulations Appeals Committee

From: Bill Rose for Head of Legal Services

Ref: CLLB/EAD/0188/WR

Date: 13 September 1993

Tel: 6097

**DISCIPLINARY APPEALS COMMITTEE - MINUTES OF THE MEETING HELD ON
18 AND 19 JUNE 1991**

I refer to your note of 9 September.

As to the question you raise I suggest the most prudent way to proceed is in accordance with your second suggestion, i.e call a meeting of the FS(D)RA Committee to sign the minutes. On a practical point I assume it would be possible to call such a meeting immediately before some other committee meeting at which a quorum of members of FS(D)RA Committee would be attending.

If this procedure is adopted not only would standing orders appear to be complied with but also the provisions of paras. 41(1) [as applied to committee meetings by para. 44] and 44(2) of the Local Government Act 1972. The protection conferred by these provisions would also apply and, inter alia, the minutes could be received in evidence without further proof and the committee deemed to be duly constituted etc.

I appreciate that some of the members who actually sat on the appeal may not still be members of the appeal committee, or Authority, and I do not think there is any reason your first suggestion should not be adopted in part as a preliminary. That is, that comments on the draft minutes be solicited from any current members who actually attended the 1991 meeting before they are finalised and presented to committee for signature.

I would mention that, although it is most unlikely, it is conceivable that the notes taken at the 1991 meeting by you or your colleagues might themselves be needed for the purposes of the industrial tribunal hearing in addition to any signed minutes.

Hope this is helpful.


Bill Rose
for Head of Legal Services

Memorandum

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

from Cheryl Eustace

Form 4009

Telephone number 6043 / Rm 628 HH
My reference CL/AA
Your reference CL/LB/GL
Date 2 September 1993

To Tony Elley
Legal Branch
Rm 704 HH

LONDON FIRE & CIVIL
DEFENCE AUTHORITY

3 SEP 1993 AM
PM

LEGAL BRANCH

DISCIPLINARY APPEALS COMMITTEE

You may recall that you attended a meeting of the Disciplinary Appeals Committee in June 1991, I now attach a copy of the draft minutes of that meeting for your comments/observations. I apologise for the time taken to produce the minutes, however any observations by Friday 10 September 1993, would be appreciated.

Many thanks
Cheryl Eustace

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

MEMORANDUM

*Chris: Can you find
a home for this please?
Tony E*

To: Cheryl Eustace
Clerk's Department
Room 628, HH

From: Tony Ellery
for Head of Legal Services
Phone: 6091
Reference: AE/
Date: 7 September 1993

DISCIPLINARY APPEALS COMMITTEE - BURROWS

I refer to your memo of 2 September and attached draft Minutes. I fear that you are stretching my powers of recall somewhat beyond their limits. I am unable to confirm much of the detail, although their general tenor, and advice which I gave, accord with what I can remember. However, the Minutes do not record the events immediately surrounding the disobedience to orders, whereas I do remember that those events were before the committee in some detail. Perhaps the explanation is that they were set out in the record of the Tribunal's hearing, which was itself before the Appeals Committee. That seems to be a likely explanation.

One small point: I thought that Cllr Fitzgerald was present - I would have remembered his presence particularly because I knew him when I worked at Kensington and Chelsea. However, I might be confusing this with another disciplinary hearing which I attended.

Sorry that I haven't been of much help.



Tony Ellery
for Head of Legal Services

LFCDA

20 Albert Embankment
London SE1 7SD

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

Head of Legal Services
S.J.F. Starling LL B (Hons)
Solicitor (Hons)

Form 4070

Telephone 071-587 6090
Fax 071-587 6105
Room 704
My reference CLLB/EIT/0022/LW
Your reference
Date 18 August 1993

Regional Office of the Industrial
Tribunals (London South)
Montague Court
101 London Road
West Croydon
CR0 2RE

BY FAX NO. 081 649 9470 AND BY POST

Dear Sirs

RE: CASE NO: 40428/93 MR G. F. BURROWS -V- LFCDA

I enclose the Authority's Notice of Appearance in respect of the above matter.

The effective date of termination of the Applicant's employment was 5th July 1991. However, contrary to the requirements of section 67(2) of the Employment Protection (Consolidation) Act 1978, he did not present his complaint to the Industrial Tribunal until 3rd August 1993. It follows that, prima facie, the tribunal has no jurisdiction to hear the matter as the application is nearly two years out of date. I therefore request that the tribunal arrange a preliminary hearing to consider this point.

Your faithfully,

S.J.F. Starling

LW S. J. F. Starling
Head of Legal Services

1 - MONTH BEFORE
MINUTES SIGNED

10TH SEPT 1993

GIVING COMMITTEE AUTHORITY
TO ACT ON THEIR DECISIONS

5. FIRE SERVICES (DISCIPLINE) REGULATIONS 1985 - HEARING OF A CHARGE AGAINST LEADING FIREMAN BURROWS (FCD 1826)

Agreed that:-

- (1) having considered the evidence submitted on behalf of the Brigade and on behalf of the accused, and on the balance of probabilities, Leading Fireman Burrows had failed to obey a lawful order without reasonable cause and the charge of Disobedience to Orders was therefore proved;
- (2) having heard and given due regard to evidence as to Leading Fireman Burrows' character, his record of service and representations made on his behalf by his representative the Tribunal considered that, in view of the gravity of the offence, in accordance with Regulation 11 (1) (b) of the Fire Services (Discipline) Regulations 1985, Leading Fireman Burrows be required to resign from the London Fire Brigade within 7 days of receiving written notification of the Tribunal's decision; and
- (3) the Chief Fire Officer and Chief Executive be asked to attend the meeting of the Disciplinary/Appeals Tribunal on Friday 9 March 1990 at 10.00 am. to explain the reasons for delays between the date of an alleged offence and the date of a charge being laid, with particular reference to the case of Leading Fireman Burrows.

(HEARING WAS 7TH MARCH)

[Councillor Adrian J A D Fitzgerald requested that his dissent be recorded in respect of (2) above.]

NB Under Regulation 13 of the Fire Services (Discipline) Regulations 1985, Leading Fireman Burrows is entitled to appeal against the decision to the Disciplinary/Appeals Tribunal. Any such appeal will be heard by the Disciplinary/Appeals Committee.

6. URGENT BUSINESS

None

OFFENCE 7TH APRIL 1989
HEARING 9TH MARCH 1990

TOO LATE FOR TRIBUNAL

Mrs C Eustace
Clerk to the Tribunal
CL/A/DA/7715

9 March 1990

Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1972, SCHEDULE 12. (See end of Document for details)

Modifications etc. (not altering text)

- C50** Sch. 12 paras. 39-43 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 151(7)(a), 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)
- C55** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, Sch. Pt. 2
- C56** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, Sch. Pt. 3
- C64** Sch. 12 paras. 39-43 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, Sch. Pt. II
Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, reg. 8(9)
- C65** Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), 9(7)
- C66** Sch. 12 paras. 39-43 applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), ss. 151(7)(a), 324(1)(c)(3) (with ss. 172(3), 185)
- C67** Sch. 12 para. 43 excluded by 1990 c. 8, s. 319ZB(3) (as inserted (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by Planning (Wales) Act 2015 (anaw 4), ss. 39(1), 58(2)(b)(4) (b); S.I. 2017/546, art. 3(a))

- 44 (1) Paragraphs 39 to 43 above (except paragraph 41(3)) shall apply in relation to a committee of a local authority (including a joint committee) or a sub-committee of any such committee as they apply in relation to a local authority.
- (2) Until the contrary is proved, where a minute of any meeting of any such committee or sub-committee has been made and signed in accordance with paragraph 41 above as applied by this paragraph, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and the members present at the meeting shall be deemed to have been duly qualified.

Modifications etc. (not altering text)

- C55** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, Sch. Pt. 2
- C56** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, Sch. Pt. 3
- C68** Sch. 12 para. 44 excluded by Education (No. 2) Act 1986 (c. 61, SIF 41:1), ss. 26(4), 66, Sch. 3 para. 15
Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, reg. 8(9)
Sch. 12 para. 44 excluded (1.11.1996) by 1996 c. 56, ss. 159, 583(2), Sch. 16 para. 15(2)
Sch. 12 para. 44 excluded (1.11.1996) by 1996 c. 56, ss. 423, 583(2), Sch. 33 Pt. II para. 15(2)
- C69** Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), 9(7)
- C70** Sch. 12 para. 44(2) modified (W.) (22.4.2020) by The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 (S.I. 2020/442), regs. 1(3), 22(2)

- 45 Where more than one-third of the members of a local authority become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members of the authority, the quorum

THE BRIGADES REPLY

Mr G F Burrows
16 Pittsmead Avenue
Hayes
Bromley
BR2 7NL

Date 23 December 2020
Our Ref LEGAL/EIT/10370/YM
Your Ref

By 1st Class Post

Dear Mr Burrows

YOUR LETTERS DATED 27 NOVEMBER AND 10 DECEMBER 2020

I have now had the opportunity to review the documents that were sent under cover of your letter dated 27 November 2020. I also confirm receipt of your letter dated 10 December 2020, in which you have provided further information in relation to your dismissal on 5 July 1991.

You have claimed in your letter dated 27 November 2020 that the Disciplinary Appeals Committee, (which met on 18-19 June 1991 to hear your appeal against the decision of the Disciplinary Appeals Tribunal), did not have the power to dismiss you. In support of your assertion, you have provided documentation which suggests that the minutes of the Disciplinary Appeals Committee were not signed until September 1993.

You have also cited the following sections of the Local Government Act 1972 in support of your assertions in relation to the Disciplinary Appeals Committee;

Schedule 12

Paragraph 41 (1)

"Minutes of the proceedings of a meeting of a local authority shall be drawn up and entered into a book kept for that purpose and shall be signed at the same or next [suitable] meeting of the authority by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof"

Paragraph 44(2)

Until the contrary is proved, where a minute of any meeting of any such committee or sub-committee has been made and signed in accordance with paragraph 41 above, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and the members present at the meeting shall be deemed to have been duly qualified

Following the hearing on 18 and 19 June 1991, the Disciplinary Appeals Committee, upheld the decision of the Disciplinary Appeals Tribunal, and accordingly, you were required to resign by 5 July 1991. You failed to comply with this requirement, and you were subsequently informed by letter dated 31 July 1991 that your employment had been terminated with effect from 5 July 1991.

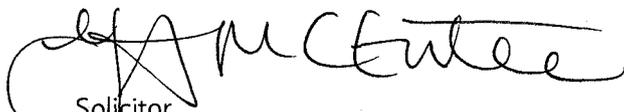
With regard to the documents you have provided, even if it was the case that the minutes of the Disciplinary Appeals Committee were not signed until September 1993, this does not mean that the Disciplinary Appeals Committee did not have the power to determine your appeal on 18 and 19 June 1991, as you have suggested. The provisions outlined above, state that if the minutes are produced and signed in accordance with section 41(1), then in the event of a dispute, the Committee will be able to rely on the protection afforded by section 44(2), and it will not be necessary for the Committee to produce any further evidence. This does not mean that if the minutes were not signed in accordance section 41 (1), the Committee did not have power to make decisions - it means that in the event of a dispute, the local authority, (the LFC, or its predecessor in your case), may need to adduce additional evidence to demonstrate that the Disciplinary Appeals Committee was duly constituted, and had the requisite power to make decisions.

In any event, as you have acknowledged, the minutes of the Disciplinary Appeals Committee were subsequently signed, and therefore the LFC would be able to rely on the protection afforded by section 44(2).

I am aware that over the years, you have submitted extensive correspondence raising matters concerning your dismissal, and it has previously been made clear to you that, given the amount of time that had elapsed since your dismissal, it was not possible to re-open the matters that you referred to. I am also aware that you have submitted Employment Tribunal claims, (the most recent in 2018), in which you have also complained about issues relating to your dismissal. I note that all of your claims were dismissed because the Employment Tribunal does not have jurisdiction to hear claims that have been brought so far outside of the statutory time limit of three months. I have consulted with General Counsel on this matter, and in the circumstances, our view is that the issues you have raised in your letters dated 27 November and 10 December 2020 should now be considered closed. Accordingly, any further correspondence received from you with regard to your employment by the LFB, or your dismissal will be filed, but no further response will be sent to you.

I appreciate that this was not the response that you were hoping for, but I wish you well for the future.

Yours faithfully



Solicitor
General Counsel's Department

Reply to Yvette McEntee
Direct T 020 8555 1200 x 30087
E yvette.mcentee@london-fire.gov.uk

To ensure prompt receipt please ensure any correspondence is addressed to the General Counsel's Department of the London Fire Commissioner

The General Counsel's Department is Lexcel accredited