

# **SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY**

## **EXTRA ORDINARY MEETING**

**24 JANUARY 2022**

PRESENT: Councillor T Damms (Chair)  
Councillor C Hogarth (Vice-Chair)  
Councillors: T Smith, S Ball, J Paszek, D Hutchinson, S Ayris, R Frost  
and C Ross

CFO A Johnson, S Slater and S Kelsey  
(South Yorkshire Fire & Rescue Service)

M McCarthy, G Kirk, D Nuttall, S Loach, L Noble and M Bray  
(Barnsley MBC)

In attendance remotely: M Buttery  
(Office of the South Yorkshire Police and Crime  
Commissioner)

Apologies for absence were received from Councillor S Sansome,  
Councillor P Garbutt, Councillor B Johnson, Dr A Billings, N Copley and  
M Potter

### **1 APOLOGIES**

Apologies for absence were noted as above.

### **2 ANNOUNCEMENTS**

None.

### **3 URGENT ITEMS**

None.

### **4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS**

RESOLVED – That agenda item 9 entitled 'McCloud/Sargeant Immediate Detriment Update' be considered in the absence of the public and press.

### **5 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA**

None.

### **6 REPORTS BY MEMBERS**

None.

7     RECEIPT OF PETITIONS

None.

8     TO RECEIVE ANY QUESTIONS OR COMMUNICATIONS FROM THE PUBLIC,  
OR COMMUNICATIONS SUBMITTED BY THE CHAIR OR THE CLERK AND TO  
PASS SUCH RESOLUTIONS THEREON AS THE STANDING ORDERS PERMIT  
AND AS MAY BE DEEMED EXPEDIENT

None.

9     EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and the public interest not to disclose information outweighs the public interest in disclosing it.

10    MCCLOUD/SARGEANT IMMEDIATE DETRIMENT UPDATE

A report of the Clerk to the Fire and Rescue Authority was submitted to provide Members with an update following the 2018 Court of Appeal judgement in Sargeant.

The Monitoring Officer provided Members with an update on the latest position. The Courts had determined, under the lead cases of McCloud/Sargeant, the merits of the ‘immediate detriment’ pension claims. The Courts had confirmed that Fire Authorities were liable for the age discrimination and its impact caused by the Government’s tapering provisions of the Firefighter’s Pension Scheme Regulations 2014. The Courts had also confirmed that the Fire Authorities had a statutory duty under S61 and S62 of the Equality Act 2010, to operate a non-discriminatory pension scheme which overrides the 2014 Regulations tapering provisions.

RESOLVED – That Members agreed to adopt the approach specified at Option a) i. of the recommendations within the report.

CHAIR

Please follow the link below for further information on the updates of the actions arising from the Fire and Rescue Authority meetings:-

<https://meetings.southyorks.gov.uk/ecSDDisplayClassic.aspx?NAME=SD1250&ID=1250&RPID=402996&sch=doc&cat=13039&path=13039&zTS=D>