

FOURTEENTH DAY.

TRIBUNALS OF INQUIRY (EVIDENCE) ACT, 1921.

TRANSCRIPT OF PROCEEDINGS  
AT THE PUBLIC INQUIRY

into

INCIDENT AT DUNBLANE PRIMARY  
SCHOOL on 13th MARCH, 1996

before

THE HON. LORD CULLEN

on

MONDAY, 17th JUNE, 1996

within

THE ALBERT HALLS,  
DUMBARTON ROAD, STIRLING

.....

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.....

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APPEARING:- THE LORD ADVOCATE (The Rt. Hon. The Lord Mackay of Drumadoon, Q.C.), Mr. IAN BONOMY, Q.C., Advocate Depute, with Mr. J.C. LAKE, Advocate, for the Crown;

MR. C.M. CAMPBELL, Q.C., with MS. L. DUNLOP, Advocate, for the families of the deceased children, the families of the injured children, the children absent from class, Mrs. Harrild and Mrs. Blake;

MR. A.T.F. GIBB, solicitor, Edinburgh, for the representatives of Mrs. Mayor (deceased), and the Educational Institute of Scotland;

MR. M.S. STEPHEN, solicitor, Glasgow, for the Association of Head Teachers in Scotland, and Mr. Ronald Taylor (Headmaster);

Mr. M.S. JONES, Q.C., for Stirling Council and Others;

MR. J.A. TAYLOR, Solicitor Advocate, Edinburgh, for the Central Scotland Police;

THE DEAN OF FACULTY (Mr. A.R. Hardie, Q.C.) with MR. G. KAVANAGH, solicitor, Hughes Dowdall, Glasgow, for individual officers of the Scottish Police Federation, and Lothian and Borders Police.

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MONDAY, 17th JUNE, 1996.

FOURTEENTH DAY.

ALEXANDER ROBERTSON, (Recalled),

CROSS-EXAMINATION CONTINUED BY MR.

CAMPBELL: I think at the end of the evidence on Friday you were looking at the guidance to the police from the Force Laws which is D1L. Do you still have that before you. Can you turn to Section 6 which is on page 79. This is the section dealing with renewals and I think there is only one specific point that I want to put to you. If we look at the bottom of the page at 6.29 we read, "Applications for renewals give an opportunity for reviewing the circumstances of each case and the extent to which the provisions of the Act have been complied with by the holder of the certificate and by the person supplying them with firearms or ammunition. If the applicant's circumstances have changed materially since the original grant special care will need to be taken to ensure that the applicant still satisfies the criteria regarding public safety or the peace and has a good reason for having the firearm"? - Yes.

In that context what is the procedure in Central Scotland Police for finding out whether or not an applicant's circumstances have changed materially since the original grant? - Well, I don't think the individual enquiry officer can really judge. He is treating his enquiry as a one off and.....

MR. TAYLOR: Sir, before the witness carries on answering this question it may be helpful to know if he can tell us just what his experience is in the form of administration of certificates within Central Scotland so that we can ascertain whether or not he is speaking from knowledge of this or speaking from some supposition on his part.

LORD CULLEN: Are you objecting to the question?

MR. TAYLOR: No, I can't object to the question. I think that itself is unobjectionable. It/

It would seem helpful if we knew what the basis was for this.

LORD CULLEN: I think we will let the answer proceed. Mr. Campbell I am sure has taken the point.

THE WITNESS: I did indicate on Friday I had very little practical firearms licensing experience and my observations are based on my reading and the results of my enquiry. My interpretation of your question would be that the enquiry officers themselves only look at the particular renewal or variation they are carrying out and it does not appear that they take an over-view of the firearms file and can see back to what a person's circumstances were for any given period in the past.

CROSS-EXAMINATION CONTINUED BY MR. CAMPBELL: I am not quite sure I follow the last part of that answer. Could you elaborate? - In as much as any review or checking that circumstances have changed materially would have to be done within the Firearms Department; that is my understanding.

So that an enquiry officer sent out to interview a person who is making a renewal application according to your understanding at least -- imperfect as it may -- would not be specifically charged with the responsibility of an investigation as to whether or not the circumstances have materially changed? - They would of course have the current certificate and the information which the applicant has endorsed on his application. My understanding would be that all that information, the previous application or a number of previous applications, to see whether circumstances have changed, that is done by the Firearms Department; that is my understanding.

Since it may be causing my friend Mr. Taylor some problem if we could just perhaps move away from Central Scotland Police procedures and just think about this whole matter a little more generally, because plainly the guidance is addressed to all Police Forces. Let me give an example: presumably an applicant or a Firearm's Certificate holder's domestic circumstances may change materially during the period between the original grant/

grant and the renewal application? - Yes.

For example, his wife may have left him, problems with children, loss of employment, deteriorating health, what have you, a whole variety of circumstances. Would you agree that it would be a good idea if some procedure was instigated which had some prospect of detecting that kind of thing? - Yes.

Why? - It may affect suitability if circumstances have changed. The suitability was originally agreed upon or seen to be suitable at an early stage, and if these circumstances have changed it may have to be reassessed.

So inevitably any such system would require, if I can use the term, to be pro-active rather than reacting to events; it would require to be some positive conduct by the investigating officer to see what the circumstances were? - Yes.

Can I ask you if you can assist me just in a fairly general way, moving away from the guidance now, to consider the information available to Police Forces in Scotland in general -- please tell us about Central Scotland Police if that is of some assistance to you -- from national records and the like. Perhaps starting first of all with the Scottish Criminal Records Office. Please tell me if I am taking you outwith your knowledge and experience at any time. Let's assume that a person is convicted of a criminal offence. Would I be right in thinking that the Court Officer in the particular Sheriff Court or whatever would be the person who would have the responsibility for advising Force records of this matter? - Well, I think the Court Officer and disposal from the Procurator-Fiscal ultimately as well, so a double check, if you like.

Is there a requirement to inform or is the matter left to the discretion of those two organisations? - No, there is a requirement.

And then the information goes to the Records Department of the relevant Police Force? - Yes.

So that if somebody was convicted in Stirling/

Stirling the matter would be reported to the Records Office of Central Scotland Police? - Yes.

Would that individual have a discretion as to what to do with that information or is there a mandatory requirement? - No, the information would have to be forwarded to the Firearms Department because the system operates, as I understand it, that all Firearms and Shotgun Certificate holders are placed on SCRO and markers are created in this which means if notification is received of court proceedings or pending court proceedings a print-out is automatically generated and that has to be forwarded by the Department.

Any criminal convictions relation to firearms? - A Firearms Certificate holder or a Shotgun Certificate holder automatically generates a print-out regarding that matter.

So just to get some idea, how does this work. The information comes in from the local Court Officer? - Yes.

To the Records Office of the police? - Yes.  
Is there some computer system which automatically transfers that to the Firearms Department? - A print-out is automatically generated by the Records Department and I understand it is then forwarded manually to the Firearms Department.

Thinking more generally, what about advising the Scottish Criminal Records Office on a national basis. Is there a system for doing that? - Well, each Firearms Department will notify their own records bureau who will insert details of the holder on to the SCRO database. So each Force is responsible for their own holders and they appear on the SCRO as a Firearms Certificate or Shotgun Certificate holder.

Again if we are not necessarily thinking specifically about firearms at the moment, although I appreciate the relevance of what you are saying, just as a matter of procedure the criminal conviction is notified to the Force Records Department who are under an obligation then to inform the SCRO? - Yes.

In/

In every case? - Yes.

No matter how minor the conviction may be? -  
Some road traffic offences wouldn't be forwarded. They go to the DVLA I understand. Again I am not entirely 100 per cent on that.

Then it comes the other way round, how does the Force retrieve the information from the SCRO about an individual? - Well, if anyone requires information you merely punch in the name and the date of birth and you then get the necessary information. You may not get details and you have then got to punch in some more information if you are not satisfied it is the right person. Maybe you will see the person's record if he has one or if there is no trace of the person on the system.

Is this done by a specified individual in the Central Scotland Police Force? - Yes. There are a number of personnel who are authorised as SCRO operatives, so if you are qualified and hold a card which gives you access to the system you can check. Obviously there are a number of personnel at various stations who are authorised outwith the SCRO Bureau itself.

This whole procedure we have been through is in terms of a person being convicted and then intimation to the Police Force and so on and then nationally. Is there a time delay for all of that happening in general terms? - Very short I would think. In practice weeks I would think at the most, although again I am speaking really just from best estimate.

And will the SCRO records have the conviction intimated to them? - Well, I would imagine so.

This is not something you specifically know? - No.

MR. BONOMOY: Sir, I wonder if it would assist at all for Mr. Campbell to know that I intend leading evidence about how these records, including the Police National Computer and the Driver and Vehicle Licensing Authority, operates so far as Firearm's Certificate holders are concerned.

LORD/

LORD CULLEN: I am sure that would be helpful.

MR. CAMPBELL: That would be helpful.

CROSS-EXAMINATION CONTINUED BY MR.  
CAMPBELL: Can we turn to the Standing Orders of the Central Scotland Police which I think are to be found in D6L.

LORD CULLEN: I thought the last time it was D10?

MR. CAMPBELL: Sorry, it is D10.

BY LORD CULLEN: What is the distinction between 9 and 10? - 9 is a copy of Standing Orders in 1977 which was thought to be relevant and D10 is the existing document.

Of course, as we see, 10 is the 1990 version? - Yes.

CROSS-EXAMINATION CONTINUED BY MR.  
CAMPBELL: I only want to ask you about one chapter in this document at page 12, Section 6, dealing with refusals and revocations. Paragraph 6.7 is the provision dealing with the duty of all officers to bring to the attention of the Chief Officer any information relating to a Firearm or Shotgun Certificate holder which may warrant revocation of that person's certificate? - Yes.

Is any specific procedure laid down as to how this is to be done? - I think we covered some of this on Friday as well, but form RL3e relates to any information that an officer discovers which can affect suitability of a Firearm's Certificate holder and is a report on his conduct. Alternatively, an officer can submit an internal memorandum with the same information.

So far as the type of information which triggers off this duty, is there any guidance given as to that? - Apart from the paragraph there, no, not to my knowledge.

You told us last week about your conversation with Inspector Ralph? - Yes.

If/

If I followed it correctly Hamilton had been complaining about the conduct of two officers of the Force in dealing with an incident when he was alleged to have discharged an airgun? - Yes.

In a public place? - Yes

I/

10.20 a.m.

I gather that an investigation revealed no record of this incident? - No, that is right.

What did Inspector Ralph do when he was told by Hamilton that this had occurred? - I am not aware of him taking any action.

Should he have? - Well, it could be argued that it was relevant.

I take it it is not suggested that the lack of a record of a prior notification of this by the two police officers concerned who spoke to Hamilton means that in Inspector Ralph is not to be believed about the incident? - No, I don't believe so.

So what it means is that if we assume the two officers did speak to Hamilton about this incident that they failed to report the incident? - It is difficult. You are relying on information Hamilton put before Inspector Ralph, and he may have exaggerated, told lies or told the truth. It is very difficult to know what happened and what circumstances prevailed.

It is not easy to envisage why Hamilton would complain about this if it did not happen? - Well, I would say the opposite. He was quite a habitual complainer, wasn't he?

And a liar? - Well, some people thought so.

CROSS-EXAMINED BY MR. GIBB: You may be aware that the Scottish Office have made a submission to this Inquiry, and among other things, at paragraph 61 they made reference to the fact that the Inquiry Officer on new applications should assess the personal suitability of any applicant; and in paragraph 73 it refers to the fact that renewal should not be treated in any different way. Was there anything in the RALC form prepared by Central Scotland Police which required the Inquiry Officer to deal with the question of personal suitability? - I think it is a yes or a no, is the person suitable to hold a firearm certificate.

We have heard evidence from the final Inquiry Officer, Constable Ann Anderson, that she had/

had concerns about Hamilton after her visits, and she mentioned this to a senior colleague: but there is nothing other than a yes or a no? - Yes.

From your experience, the only person who does any enquiry at all is the Inquiry Officer? - I don't know if I could blandly say that. With regard to the report the Inquiry Officer is completing, he or she is the only person who has personal contact with the applicant. I am not sure if the Firearms Department make any other contact.

But the Inquiry Officer does not have a file, and perhaps should have the file? - Yes.

If you could turn to the thematic report, which is in the front of Volume L7, if you could look at paragraph 4.6 -- have you got that? - Yes.

If you could turn to the second sentence, it says "Many of the forms are multi-functional" -- that is the style of Inquiry Report -- and some require officers to ask a number of questions which are not required by law and seem to be at variance with the guidelines, for example, a good reason for possessing shotguns? - Yes.

If I read that evidence correctly, it is suggesting it is not necessary to apply one's mind to the good reason for applying for a shotgun, and that question does not require to be answered by law? - My understanding of the law is that for a shotgun the applicant does not have to show he has a good reason; the Chief Constable has to satisfy himself that he has no good reason.

What about in relation to a firearm certificate? - In relation to a firearm certificate the applicant has to show he has good reason.

And in your view should some investigation be made of the good reason? - Yes.

I think we have heard evidence that the only good reason as a matter of fact is to be a member of a gun club? - Yes.

In your view is that adequate? - I think/

think the guidance stipulates that the person should have legitimate and regular opportunity to partake. That may well require to be tightened up.

CROSS-EXAMINED BY MR. TAYLOR: I think you are presently in the CID Department; is that correct? - Yes.

How long have you been in the CID Department?  
- Currently a year.

What were you doing immediately prior to being in the CID Department? - I was doing Complaints and Discipline.

How long were you in Complaints and Discipline?  
- About a year and a half.

Prior to that what were you doing? - I was a uniformed inspector for about a year and a half.

And prior to being a uniformed inspector? - I was a detective sergeant for five years, a uniformed sergeant for a year and a half, a detective constable for five years and a uniformed constable for four or five years.

In that time what experience did you have in the administration of the firearms legislation? - Very little.

You gave a view on Friday as to the desirability of visiting a counter signatory when somebody made application for renewal of a licence? - Yes.

And the view you expressed was that someone ought to append and visit the counter signatory? - Yes.

Was that a personal view you were expressing? - Yes, it was something I would do myself.

Do you know for example what view the Scottish Office hold as to whether that would be considered a proper use of police time? - No.

Would I be right in thinking that the various/

various police forces throughout Scotland obtain guidance on how people should go about their duties from the Scottish Office? - Yes.

And another source from which they will obtain some guidance as to how they will go about their duties would be from the Inspectorate? - Yes.

Is it fair to say that the Inspectorate set out what might be determined good practice? - Yes.

You were asked questions on Friday in relation to whether you would countersign an application for somebody who was deceitful and a liar, I think was the way it was put. Now, when a counter signatory is asked if he would be prepared to endorse somebody's application he will be at liberty to decline, for whatever reason; is that correct? - Yes.

He could act on a whim, for example? - The view I would take personally is that if somebody lied I would not endorse an application.

But he is in a position whereby he could act on a whim in refusing? - Yes.

Which is not a position which the Deputy Chief Constable is able to take? - No.

He has to be able to justify his actions to a Sheriff if called upon to do so? - Yes.

And he must therefore operate within the framework of the legislation? - Yes.

Would it be fair to say that one would need to look into the facts of what went to make up the deceit and what went to make up the lie before coming to a view? - Yes.

One would not just be able to take the label and apply it in every case across the board? - No. The circumstances of each case would have to be examined on their own merits.

If one had a fisherman, for example, who reported to you that he had just lost a 5 pounder when/

when he knew it was really just a 2 pounder that got away, he would be telling you a lie at that point, wouldn't he? - Yes.

In fact he would be seeking to deceive you as well in believing he really caught a 5 pounder when it was a 2 pounder?  
- Yes.

That conduct however would not be such as to warrant you declining to countersign his application, would it? - In my interpretation, the way the question was put, somebody who was deceitful and a liar, would not encompass the description you have just given, no.

So one does need to go back to the facts in each case? - Yes.

You were asked some questions this morning about the Scottish Criminal Record Office. There was one point I would like to explore with you on that. In what circumstances does an officer normally make a search of the Scottish Criminal Record Office? - Whenever you have to submit a police report to the Procurator Fiscal you would check to see whether there were previous convictions, and if you were checking a person for the submission of criminal intelligence or for some reason during an enquiry, you would check whether there was anything known about them in the system.

Does that invariably happen, that if you are making a report to the Procurator Fiscal you will do a search of SCRO first?  
- Yes.

If one looks at SCRO one finds there is a record of someone holding a firearm certificate? - Yes.

So for example when then Detective Sergeant Hughes would have made his report to the Procurator Fiscal arising out of the Milarrochy incident in 1991 would he have checked the SCRO report at that point? - I am sure he would have, yes.

And when the system was operating properly it would be disclosed that Mr. Hamilton was a firearms certificate holder? - Yes.

RE-EXAMINED/

RE-EXAMINED BY MR. BONOMY: I have just one question. You have expressed in answer to Mr. Campbell's questions a number of views about the guidance and about the thematic inspection. In the exercise of considering what is to be learned from this whole business have you been asked to express your views to the Chief Constable of Central Scotland Police? - Not yet.

MR. BONOMY: The question witness, sir, is John Perry. He will be examined by Mr. Lake.

JOHN PERRY (54), Sworn:

EXAMINED BY MR. LAKE: I understand you live in Longniddry? - I do.

And it is correct you have now retired? - Yes.

What was your occupation prior to your retiring? - I was Assistant Director of Education for Lothian Regional Council.

For how long had you been Assistant Director of Education? - Since 1978.

I understand that within Lothian Region as it was then you had dealings in relation to Thomas Hamilton in relation to the letting of educational establishments? - Yes.

Were you made aware during that time of several complaints against Thomas Hamilton? - Yes.

Rather than go through these in detail it may be useful if I could summarise them for you and you could confirm whether or not you were aware of them; is that acceptable? - Yes.

The first was a complaint in May, 1988 relating to Linlithgow Academy where a mother expressed concern about her son being required to remove the clothing on the upper half of his body and then cancelled a cheque, causing a disagreement with Mr. Hamilton. Were you aware of that? - No.

Were/

Were you aware of a complaint round about May, 1988 from the same parent, in which she said her son was uncomfortable in the presence of Hamilton in the showers? - No, I was not aware of that particular complaint.

Were you aware of a verbal complaint that was made early in 1989, but was not followed up with anything in writing? - Yes.

And subsequent to that was a complaint made through Councillor Gray, again in May of 1989, making certain complaints? - Yes.

Before dealing with the response of the Regional Council to the various complaints I would like first to look at the means by which the let was taken. If you could have in front of you please document DLRC/CE/6, which is D1 within folder J(iii), do you see here in front of you what should be two different application forms? - Yes.

Can you explain what these two forms are for? - The first form, the application for registration as a youth group, was to allow a youth group to qualify for reduced rates for the let of educational premises.

And the second one? - The second one was an application to actually use premises.

Dealing with the first one, the registration of the youth group, what criteria must be satisfied in order for registration to take place? - The criteria were that the group ought to be run for the benefit of youth, and they ought to submit details of the members of the group or organisation behind the group. There was no other criterion that I recall.

If such a form as this were submitted to the Regional Council what would they do in response to it? - I think they would consider the application, and in normal circumstances would grant it. They would normally require Community Education staff to check out the group and give a view on the appropriateness of the group.

How/

10.40 a.m.

How would the Community Education carry out the check? - They would normally carry it out through a member of the Community Education staff, possibly the youth officer.

Who would they speak to? - I'm not sure in detail; I think they would normally contact the leader and speak to him.

So an interview with the applicant? - Yes.

Would there be any check with the external agencies, whether the police or other Councils? - I am not sure at that time that there would be.

On what basis might an application for the registration of the youth group be refused? - I think it would be refused if the arrangements were not as stated and if the activities were clearly unsuitable or inappropriate.

Were applications or are applications ever refused? - They are -- I don't recall any particular instances but they are.

Can you give me any indication of how many out of every hundred might be refused? - I can't, sorry.

What is the significance of the refusal of registering as a youth group in relation to obtaining lets of premises? - It would simply mean that that group would not qualify in a reduced letting rate.

They would, nonetheless, still be able to obtain a let of the premises? - Yes.

I think we heard previously due to an oversight in this case there was no check made to the response to this application for a youth group? - Yes.

Was there therefore a follow-up after the application had been granted? - Yes.

Could/

Could I ask you to look at the application for the use of educational premises now; what would be the response of the Regional Council in response to that application? - I think they would normally have accepted that.

That would be the normal procedure? - Yes.

Are any checks carried out on applications in this context? - Not that I recall unless there was evidence that the application was unsatisfactory.

When you say "Evidence that the application was unsatisfactory" what sort of evidence would that be? - That might have been from the Community Education staff.

But that would have to arise if any formal checks were made, it would just be if someone happened to register a particular alarm? - Yes.

Although you said that you don't recall a complaint being made in May, 1988 Mr. Jeffrey has referred to such a complaint and said he went to carry out certain investigations at Hamilton's club with a view to verifying the details; were you aware of Mr. Jeffrey going to make visits to the club? - No, not at that time.

When did you first become aware that there was some concerns with Hamilton's club? - That was in the early part of 1989 when concern was voiced by the parent you referred to earlier.

Could I ask you please to look at the document which is D2 within folder J3 and has the other reference DLRC CE3; you will see that this is a letter addressed to Mr. Jeffrey from Hamilton and it has attached to it various letters including two from the Commissioner of the local administration in Scotland; at the time that the complaint arose in relation to Hamilton in 1989 were you aware that Hamilton had made previous complaints to the Ombudsman? - In 1989 I was aware of that, yes.

Were you aware what the nature of that complaint had been? - Yes.

Were/

Were you aware what the outcome had been? -  
Yes.

What was the outcome? - The outcome was that the Ombudsman had found in favour of Mr. Hamilton on the grounds of mal administration.

Were you aware of the basis of that finding? - That there had been mal administration in the decision not to grant a let.

Were you aware of why the Commissioner was of the view that the decision not to grant a let amounted to mal administration? - Yes.

What was the basis of that view? - The basis was that the procedures for granting the let and for consulting with the person having the let had not been properly carried through.

Again this may relate to the time prior to your involvement; could you look at document DLRC CE7 which is D5 in the folder; you will see that this is a handwritten letter or a memo from Mr. Sinclair to Mr. Williamson and it is dated on the final page the 3rd of June, 1988; may I take it from what you have already said you were unaware of this memo and the concern it contained? - That is correct.

Turning now to the complaints that were made in 1989 and, in particular, in May 1989 what was the nature of the complaint that was made to you? - The first complaint was that there had been inappropriate activities I think at the camp in Inchmoan Island.

How did you get to hear about that? - I heard about that I think first from Mrs. Haggar, a parent phoned up.

Was any action taken in response to the complaint by Mrs. Haggar immediately? - The action I took was to ask her to confirm in writing this complaint; I also consulted within the office about the situation; beyond that we didn't have written grounds for proceeding.

Were you aware of an incident which occurred on a night in May 1989 in which Mrs. Haggar poured/

poured various noxious substances over Hamilton? - Yes.

Were you taking any steps in relation to Hamilton at that time? - I am not sure of the timescale but we also, through a local member to whom I have referred, Malcolm Gray, we were looking at the situation to see whether there were any grounds for terminating the let.

Were you aware of Press coverage following the incident in which Mrs. Haggart poured the stuff.....? - Yes.

And reference within these newspapers to police investigations? - Yes.

Were you aware of police investigations prior to that date? - No.

On becoming aware of the Press cuttings and the reference to the police investigations what action was taken by the Region? - We, within the Education Department, consulted our Legal representatives because there was concern that this let was going on in these circumstances when there was an investigation or there appeared to be an investigation to see whether we could take any action that was justified.

What was the advice received from your Legal Department? - The advice was that the Region had, in terms of its duty to ensure the safety of those using its premises, a course of action that it could take during the course of possible inquiries to protect the the children in its charge.

How was that desire to protect the children to be carried out? - It was to be carried out by terminating the let of Linlithgow Academy pending the decision as to whether or not to prosecute.

Did you have a chance to consult with the police carrying out the investigations prior to the decision to terminate the let? - Yes.

Was this carried out over a period of time or was it as soon as you became aware of the information regarding the police investigations? - As/

As soon as we became aware of it and had discussed our course of action with the legal advisers we contacted the police and contacted them regularly after that to find out whether anything was likely to happen.

Could I ask you to look at two documents, one is DLRC CE9 and the other is DLRC RSH and they are D6 and D7 within folder J3; the first of these is a memorandum from the Community Education service, do you have that? - Yes.

And that is dated the 18th of May 1989 and refers to an incident at Linlithgow Academy on the 16th of May, 1989? - Yes.

Attached to that there are various newspaper articles? - Yes.

The second of these two documents is a letter addressed to Hamilton from the Scottish Education Officer and copied to yourself, do you have that? - Yes, that is correct.

That is dated the 17th of May, 1989? - Yes.

That is actually the day before the memo from the Community Education Service? - That is correct.

I think you indicated you are terminating Hamilton's let of the premises? - Yes.

Did you discuss with your Legal Department whether it was necessary to consult Hamilton prior to terminating the let? - We discussed that, yes, as I recall.

And I take it from the fact that you didn't consider it necessary to speak to Hamilton? - No.

Whose decision ultimately was it to terminate the let at Linlithgow Academy? - The decision was mine in consultation with my Depute Director of Education at the time whose initials are on this memo.

His name was? - Mr. Angus K. McKay.

Was/

Was it only yourself in consultation with Mr. McKay that could terminate the let in these circumstances? - We had the power to terminate under the Director of Education.

Well, following that Hamilton made a large number of representations and complaints to you which I don't think we need to go into but I understand that subsequent to that he made an application for further lets of Linlithgow property? - That is correct.

If I could refer you to document DLRC RS15 and RS15 which are also D14 and 15 within the folder; the first of these is a memorandum from yourself to the Regional Solicitor? - Yes.

You say that you note you have additional application for the letting of the premises? - Yes.

And then you request information whether or not criminal proceedings are to be taken against Hamilton? - Yes.

The response to that is document D15 from the Regional Solicitor who says he is in no better position to get information about these actings? - Yes, that is correct.

Did you do anything subsequent to these letters? - Yes, we contact the police and the Procurator-Fiscal, I think, in Dumbarton.

Was there a response to these letters? - Yes, they couldn't confirm that the proceedings would go ahead, I think they were still in the course of considering them.

Can I refer you again to two documents, DLRC RS3/2 which is D8 and the other is DLRC RS5/9 which is D24 in the folder although you will have the correct document which is D18 and not D8; looking first to document RS3/2 that is a letter from Strathclyde Police? - Yes.

And what did they say to you in response to your query? - That they couldn't help, that the report was with the Procurator-Fiscal.

Looking at the other letter do you see that/

that is a response from the Procurator-Fiscal? - Sorry, is this RS5?

RS5/9, it may be the ninth page? - Yes.

Is that a letter which you received from the Procurator-Fiscal? - Yes.

That is dated the 20th of March, 1990? - Yes.

What is the reply to your query? - That no criminal action was going to be taken.

What action did you take in response to the information that there was to be no criminal inquiry? - The action taken was to, as I recall, write to Mr. Hamilton to say in the circumstances we would receive an application from him and give it due consideration.

But was it not the position that you were determined there would not, in fact, be any let to Hamilton? - I think that we would have preferred for there not to be a let that we would have acted.....we would have acted properly in the sense if there hadn't been grounds for refusing we would have to accept.

Was there any attempt by the Region to ensure that any lets sought by Mr. Hamilton were taken up by the Community Education so were not available for him? - Yes, that was the line we took.

Why was that line taken? - Because there was the concern that in view of the public concern, in view of the possible proceedings, that we could have been leaving people in jeopardy.

By what sort of proceedings and what sort of jeopardy? - There was the feeling that the organisation was not suitable but we couldn't prove it.

Why did you simply not just tell him he wasn't going to get a let, full stop? - If we hadn't been able to fill the let place then Mr. Hamilton would have got a let.

Could/

Could you not just have refused him out of hand? -  
No.

Why not? - Because that would have been improper  
and we couldn't have done that.

Ultimately Hamilton did make representation to the  
Commissioner with the local administration in Scotland in respect of  
the action by Lothian Region in terminating his let? - Yes.

The Region made a response to the Commissioner  
regarding that? - Yes.

Could I ask you to look at that response which is  
document DLRC RS4/5 and D22 in J3, do you recognise this  
document? - Yes.

Were you involved in the preparation of it? - Sorry,  
is it the document from the Commissioner of Local Administration?

The one I am referring to is dated the 25th of  
January, 1990 and is a response by the Region to an invitation from  
the Commissioner? - I don't have that in this document.

On/

11.00 a.m.

On the backing of that there is reference DLRC/RS4. The alternative reference is RS2/4? - I have a memorandum that I wrote on the 14th of March in front of me.

Can I ask you first of all to have document RS2/4. Is that a document dated 25th January, 1990 which is the response to the Commissioner? - Yes.

Did you prepare that? - Yes.

The first page of that narrates some of the general legal policy of the Region and the second page refers to certain of the complaints that were made regarding Hamilton? - Yes.

On the third page you set out in paragraph 4(ii) the position of the Region. Could you read that paragraph please? - "In suspending the letting the authority did not judge whether Mr. Hamilton was guilty or not. The allegations against Mr. Hamilton were subject to police investigation. It was not for the authority to prove or disprove the allegations. The authority's prime and only concern was to ensure the care and wellbeing of the children using these premises. The judgment was that in order that the authority be confident in discharging responsibility the let to Mr. Hamilton should be suspended. In the circumstances it was not considered appropriate to invite Mr. Hamilton to discuss the allegations. The point at issue was the fact of the police investigation."

At the foot of that page, "Mr. Hamilton made no application for a further let and if he had it would have received consideration"? - Yes.

What was the response of the Commissioner to that reply by the Region? - The response was to uphold the Region's action.

BY LORD CULLEN: Is it correct that the let was technically suspended only and not terminated? - Yes.

I noticed in some of the other correspondence it does give the impression it was actually terminated? - No, it wasn't, it was suspended.

EXAMINATION/

EXAMINATION CONTINUED BY MR. LAKE: To be clear on that point, the period of the let, can you recall what that was? - I think it was from September, perhaps late August through to April or May.

So that it would require to be renewed annually? - Yes, that was the general procedure.

When you suspended the let in May, 1989 it effectively had the effect of terminating it for the rest of that year? - For the rest of that school session, yes, and then any reapplication for a new session would have been considered. But, of course, there was no change in the circumstances so we didn't grant.

Was there ever a refusal to Hamilton in respect of further applications to the Region? - No.

Did you ever receive any further correspondence requesting a let of the premises? - My recollection is no. After the Ombudsman upheld the Region's decision as I recall we wrote to Mr. Hamilton and said that we would consider a let if it came up.

I would like to turn now to general issues of the letting of local authority premises. What is the purpose of the Region behind letting its school premises to parties? - Well, first of all to make the premises as widely available as possible for use outwith school hours and to have them used for the benefit of the community.

Generally what sort of parties or what sort of groups apply for lets of school premises? - A wide variety of youth groups, some uniform, some not, some informal. Football training groups are quite frequent. We have other groups that are under the aegis of the Community Education and they have priority.

Are lets that are granted for the period of the school session or are one-off lets also considered? - Oh, yes, one-off lets are considered.

How frequent are they by comparison to the long-/

long-term or longer term lets? - Difficult to say. They are fairly frequent. Usually what we do is if there is no space we would liaise with the group that would be affected and try to fit the let in. They are fairly frequent.

Are you in a position to say how many applications for lets were received in the former Lothian Region each year? - I can't recall. It was a large number. It was a substantial operation.

To whom would an application for a let be sent in the first instance? - It would normally be sent to the Director of Education. In practice it went to the Principal Officer (Administration) to process them who would refer any lets that required further consideration to the Directorate members most immediately concerned; that was me and the Deputy Director Mr. McKay.

So that they would be referred to you only if there was an element of concern in relation to the let? - Yes.

What factors may give rise to that concern? - Well, there may be concerns about conflicting priorities.

What do you mean by "conflicting priorities"? - If there were several lets that fell into different categories, for example old folk, young folk, community education, then we would have to come to a decision as to who had priority.

Sorry, I interrupted you. What factors gave rise to the matter being referred to you? - I think those were the main ones. The other issues of concern were where a let may be politically sensitive in the sense of falling within two categories such as Blood Sports or the National Front.

Did the Region have a policy in respect of lets to such bodies? - Yes. It would not allow lets to the National Front or organisations representing Blood Sports.

When you referred to the decision whether or not lets should be taken, am I correct in understanding one person takes all the decisions for the/

the entire Region, as it then was? - Yes.

Are decisions to let ever taken at local level at the particular centre or school involved?

- I think in practice, yes, in the sense there would be programming from the local centre but they would have to go through the central letting system for formal acceptance.

If it had been accepted at local level would it ever be the case it case it was overturned at Regional level? - I don't recall any cases. It is possible.

Are you aware whether any applications were rejected at local level? - I am not aware of that.

When the School Board was set up what say did they have in the decision to let? - They say they had was they were responsible for the programming of the facilities and for commenting on the pattern of the lets and the priorities, and they had to operate within the Regional policy which was framed naturally.

When you say they would comment on lets, that would be a comment to yourself or the Director of Education within the Region? - Yes.

Did they have some personal contact with the person seeking the let? - Yes, they would.

Would they interview that person? - I am not sure they would, no. I think they would simply receive the lets and be taken through them by the head teacher or Community Education Officer.

Would they take any decision, real decision taking power in relation to which lets they preferred? - Yes, they would.

Are they able to reject lets on any basis they see fit or do they have to give a reason which conforms with the Region's policy? - They would have to give a reason which conforms.

Is the Region's policy contained within a written document? - It is.

Can/

Can I ask you to look please at a document which isn't contained within Folder J(iii), it is within J(iii) other documents (D/LRC/RS7). I have got a document here headed "Regulations for Letting of Educational Premises"? - That is right.

Is that the Region's policy you referred to? - Yes, that in association with letting charges would also indicate priorities.

Is that a list of what the various groups would be charged even for a one-off let of the premises? - It broadly indicates the charges and it also indicates the categories of priority by allocating within these categories.

I think it is actually attached to the back of the document within the Production D/LRC/RS7 setting out the order of the various priorities? - Yes.

Can I just refer you to the second paragraph within these regulations. Could you read that out please? - "A responsible person must be present throughout the duration of each meeting. In the case of sports lets the activity must be carried out supervised in accordance with the appropriate rules and recommendations of the governing body of the sport concerned."

The fourth paragraph refers if any ball game is to be played it has to be done within the recognised rules for the appropriate game? - Yes.

Is this the whole of the Region's policy as it stood at that time in relation to lets of school premises? - As I recall.

If a School Board or Region wished to refuse it it would have to be taken somewhere within this framework? - Yes.

If they were concerned regarding what may be said to be a person's general suitability to have custody of children how would that be handled within these regulations? - I think at the time we would have had an investigation by the appropriate Community Education staff and we might ask an adviser in physical education to check on anybody if they were sporting, for instance.

To/

To whom would that person report? - That person would report -- the Community Education person would report to the Community Education Officer at the time who would refer to the Letting Section. The physical education adviser would report directly to the letting person.

That may deal with the point referred to in paragraph 2 there whether or not the responsible person was a person dealing with supervision. Would that also cover someone's suitability as a person to have custody of children? - If there was anything known that could be founded on, yes, it would.

Is there any record of register kept by the local authority of persons who might not be suitable to have custody of children? - I am not sure. I think there is. I don't know.

Are the activities that go on within the various let premises supervised on a regular basis? - Do you mean by somebody external to the groups concerned?

Yes? - There is normally a head of evening school who would be there who would keep general supervision. I don't think there would be any regular inspection of what was going on.

Is the person, the external supervisor, a member of the school staff? - Maybe a member of the school staff or could be a member of the Community Education Service hired specifically for that purpose.

Is there one person in each school or other premises?  
- In the larger premises there would be one and in others -- actually in certain schools there wouldn't be necessarily an evening school head, classes would be under the formal supervision of the head teacher concerned and the Community Education Officer and the school janitor would be the person who would let people in and out but wouldn't have any responsibility for supervising the suitability of the let.

So/

11.20 a.m.

So there might be no person who actually had a day to day eye on what was actually going on? - That is conceivable.

The circumstances in which the Region terminated Hamilton's lets after these complaints which arose in 1989: in response to that it was only the lets of the Region's premises that were terminated; is that correct? - Yes.

Did the Region have any power at all to prevent Hamilton running clubs within privately-owned and leased premises? - No.

Would the Region be able to undertake such a task of supervising persons with the custody of children in private premises? - I think it would be difficult but not impossible, given the existing powers. It would be possible if the Region were given that task.

If there was concern expressed regarding a let in private premises would the Region have powers to intervene through the Social Work Department? - I am not sure. That might be possible.

If you are not aware, please say so. Would the Region be able to refer the matter to the Reporter to the Children's Panel for him to investigate? - I am not sure. I think that would be possible.

But neither of those two courses were adopted in this particular case? - No.

In the file of correspondence which has been recovered it is clear Hamilton was a frequent complainer to the Region? - Yes.

Are you able to give any indication of how common or otherwise it is to be faced with that barrage of correspondence from a resident within the Region? - It is fairly common to have a barrage of correspondence with particular clubs which are having difficulty meeting their charges, and there are some difficulties there. Sometimes there are difficulties over accommodation and over the general conditions/

conditions that apply in an area where a let is taking place; but the kind of complaints that we had from Mr. Hamilton I think were fairly unique.

So he did stand out from all the other complainers?

- Yes.

CROSS-EXAMINED BY MR. GIBB: Am I right in thinking you would not have access to the Scottish Criminal Records Office for those who were other than intended employees of a local authority? - That is correct, yes.

Am I right in thinking that the new unitary authorities have themselves access to the SCRO for that purpose? - Yes.

So it would be possible to extend that facility to enable them to do a Scottish Criminal Records Office check on anybody involved in youth groups? - Yes, it would.

You have indicated it would not be impossible to have a vetting procedure for those involved in youth groups in local authority premises? - Yes.

How would you have seen that operating? - I think we would have had a policy on child protection that would have been known to all staff and in which all staff have been trained.

But would you interview every applicant? Is that possible when you have got single lets? - I think it is impossible. I think we would look at particular cases. It is possible in the sense that you do have a body of individuals and organisations, and it would be possible to pick up individual organisations and investigate.

For instance, if a boys' club was a member of the Scottish Association of Boys' Clubs I suppose you might not have the same concern about that than you would have in relation to a boys' club that did not have that affiliation? - That is correct.

I suppose there would be no problem with the mainstream organisations, such as the Scouts, the Guides and the like? - No.

Do/

Do you appreciate, however, that parents might think there was an imprimatur of approval on an organisation which was carrying on in a school? - Yes.

And they might assume certain checks had been carried out? - Yes, they might assume that there was some validation given to that organisation by its presence there.

And therefore if a local authority are to continue to grant lets it is all the more important that vetting should take place?  
- I think so. I think authorities should be empowered to refuse lets more readily than we were able to do in the circumstances.

Mr. Lake suggested that they were your premises, and you could refuse a let without reason? - We certainly felt we could not do that at the time, and the legal advice that we had bore out that view. What might be possible of course is to include in the authorities' guidelines an indication that the authority reserved the right not to grant a let; in other words, giving the authority a wider scope than it had in relation to the specific organisations that were banned from lets.

One of the concerns about Hamilton's groups was that there was no management group of parents. I suppose that could be seen as an essential pre-requisite before there were any lets? - That is in hindsight a pre-requisite. I also think that the constitution and the management arrangements for the groups could be vetted as well; in other words, the officebearers and the conduct of the group.

You were asked by Mr. Lake about other premises. I suppose, subject to resources being available, local authorities could be responsible for vetting of those involved with children under a certain age in any premises where organisations were being set up? - Subject to the law on entering these premises I would have thought it would be possible.

Certainly it is fair to say that would involve a significant increase in the resources available to local authorities?  
- Absolutely.

BY/

BY LORD CULLEN: What kind of system do you envisage, given the powers and funds? - I think the system would have to be one that allowed authorities the right to enter premises and require organisations to secure validation from the authority and to require an organisation to indicate, as I said earlier, their constitution, their arrangements for management and their arrangements for involving members of the public, parent body, for example, and the general supervision of the organisation. I also think it would be necessary to have a policy on the inspection and monitoring of organisations. That could be on two levels: one could be by the Community Education staff of the authority, the officers of the authority; the other would be by having a system of monitoring organisations, that entailed regular inspection of activities and the registration of the details of these inspections: in other words, there would have to be a recorded system for the officers who were dealing with this that it would be available to the authority.

CROSS-EXAMINATION CONTINUED BY MR. GIBB: Yes? - There is another significant aspect in this, and I think it arises partly from the devolvement to schools, that it is necessary for authorities to keep an overview on lets and of the people who are taking lets. In the situation where letting is devolved to schools I am not sure the authorities will have the overview that we would have had in this situation, and I am also not sure that the individual organisations would have the access to the body of experience and to the advice that the Education Authority itself would have. So that is something I think that has to be looked at very carefully, the effects of devolving letting to the individual establishment, with the possible fragmentation of control and the loss of oversight that could entail.

Really you could find a headmaster who was keen to let out as much as possible to increase his income out of school lets? - Very much so.

That he wouldn't need to come anywhere near the new unitary authorities? - That is correct.

How many one-man shows have you come across/

across such as the Hamilton type? Were they common or uncommon? - I think there was a few. I mentioned football organisations. They were not one man, but they were just a few individuals. The actual one man type of organisation was fairly rare on the local authority. There are organisations like that that have a small number of individuals but who do not belong to a uniformed organisation or organisations like boys clubs and so on. I think there could be concern there.

No further cross-examination.

No re-examination.

MR. LAKE: The next witness is David Somerville.

DAVID WILKIE SOMERVILLE (51), Sworn:

EXAMINED BY MR. LAKE: I understand you live in Kirkcaldy? - I do indeed.

What is your present occupation? - Head of Community Services, Fife Council.

For how long have you been Head of Community Services? - Since the 1st April of this year.

What was your position prior to that? - Immediately prior to that I was Assistant Director of Education for Fife Regional Council.

Do your responsibilities in these two posts cover the letting or an overview of the letting of educational establishments within the Council's jurisdiction? - No, they entailed me in the community use of schools, which is slightly different.

Do both community use of schools and a direct school letting system exist within the Region? - Yes.

What/

What is the difference between these, community use and direct school letting? - Community schools have a much greater staff resource. Where a school lets it has a letting system whereby groups are able to let the premises. Community schools have a higher staffing establishment, which allows a whole range of classes, rather like a leisure centre, and a whole range of individuals can book into that.

Within the community use the actual operation of the centre is still controlled to an extent by the Council, whereas in a letting of the school it is turning over the premises to a private group? - Yes.

Which category did the lets to Hamilton fall into? - Both categories. Woodmill High School, which I had responsibility for to a large extent, was a community youth school, and Queen Anne High School was a school let.

So your involvement in relation to Hamilton was more in relation to Woodmill High School than to Queen Anne High School, the let there? - It was indeed.

Were you aware nonetheless of the details concerning the Queen Anne let? - I was aware of the Queen Anne details at a later date.

We have already heard evidence of some of the concerns and complaints which were made against Hamilton. Rather than go through these in detail, I propose to summarise them, and can you indicate whether or not you were aware of these complaints having been made to the Region? - Yes.

The first was a lady in 1985, from a parent, in relation to a summer camp of Hamilton's, in which she complained her son had been ill treated. It was a complaint received through the Rights Office? - I was aware of that.

Were you aware of complaints arising out of the 1988 camp run by Hamilton on Inchmurrin Island? - No, I was not aware of that.

Are you aware whether any persons within the/

the Region would have been aware of the problems arising out of the 1988 camp? - I understand -- well, I am aware that the Director of Education in 1989 received an anonymous telephone call suggesting there had been concerns not specifically about that camp, but about Hamilton.

Can I ask you to have in front of you document D/FRC/14, which is D8 within folder J(ii): have you got that? - Yes.

Do you see this is a letter addressed to the Depute Reporter at Glenrothes in Fife? - Yes.

And attached to it there is a report from Strathclyde Police, dated 21st July, 1988? - I see that.

Although this was sent to the Reporter are you aware whether that was ever notified to the Region, or would you have expected it to have been notified to the Region? - I certainly note that there was a group of boys from Dunfermline, so I would hope it would have been relayed to the Region. I certainly have not seen it.

Dealing with the next complaint, which arose in 1990, and this was by a parent who was concerned that his son had been excluded on grounds of his build, his size? - Yes, I was aware of that.

And also in 1990 a mother complained that her child had sustained a serious chest infection while at camp? - I was unaware of that till much later.

In 1992 there was a complaint made regarding boys who lived within the Fife Region running away from the summer camp which had been held at Dunblane High School? - I was aware of that.

11.40 a.m.

I would like to look now at the means by which Hamilton placed lets and sought lets from the Region and the control that may have been available to the Region in relation to them; I would like you to have in front of you documents DFRC26 an 27, these are documents 20 and 21 in the folder J2; these are two application forms for school lets, have you seen these particular forms before? - Yes, I saw them.

These both relate to lets sought at the Queen Anne High School; these would have been lets, not community use lets, just bare school lets? - That is correct.

You wouldn't have been involved with these? - No, I wasn't involved with them.

To whom would an application be made for these lets? - Application is normally made to the Area Office of the Local Authority and a decision would take place with the head teacher and, if necessary, that would be referred to a colleague in the Education Department or the Assistant Director of Education.

You say "if necessary"? - If there was concern, if it as not a repeated let and if there was any concern particularly with sporting activities, the qualification of staff and the advice of the physical education director would be sought to see whether these people had the correct qualifications.

Is that the only concern that could arise? - There would be other concerns such as the nature of the activities and it might be that the application wasn't filled in properly, the correct information wasn't given; there was also a policy with school lets which the Authority had written down and had put into a policy guideline.

What was the purpose of the policy guideline? - The policy guideline was to make sure that the lets that were allowed were conducive to what the Education Authority was trying to do to support the local community.

Did/

Did the policy guidelines contain details of what might and might not be carried out within the school premises? - Yes, it did.

Did it relate to matters such as supervision? - I suggest, and I am not 100 per cent au fait with documenting school lets but I understand that technical aspects had to be taken up; that there were a number of structures relating to the group, that the skill of the instructors equated to the nature of the activity undertaken.

What inquiry would be made to ascertain the qualifications of persons conducting the group? - I don't know, I wasn't involved in that.

Are you not aware of what the routine in respect of such.....? - No.

What inquiries were to be made in respect of a Community Education service let? - Each application as it came in, I have to make sure the application is made to the Head of Community or one of his staff and the qualifications would be checked at that time to see that they were appropriate to the activity.

How would that be checked? - If there was any doubt this would be checked with the governing body of that particular sport.

Was any check made as to suitability of let within schools? - That is more difficult to make a judgement about but if there was evidence to show that person was not capable or wasn't suitable then that would be taken into account.

Where might that evidence come from? - It might come from a variety of sources -- previously known difficulties with young people that had been proven or, in fact, local information that had showed that there was a difficulty.

Is any record or storage system kept for such information? - There is no storage system that I am aware of.

When a let is made at premises for community use or school let how long does that generally last for? - The let itself?

The/

The period of the let? - The let can vary, usually the school term at a maximum but it could be a year and reviewed in a year but mostly the school term.

Might you have a school let for a one-off event, a one night event? - Yes, there are.

How frequently are they? - Reasonably frequent -- I wouldn't like to put a percentage on it but reasonably frequent; most of the lets are a longer time than that.

Are the Region or were the Region or the Council able to meet the applicant or interview them in any way prior to granting a let? - At this moment in time in terms of Community use the applicant is met, it is not a formal interview but it is an informal meeting; in terms of the school let system my belief is that applicants are not necessarily met.

Who deals with the applicants for school lets? - In terms of?

During the period that Hamilton had his let, say this let at Queen Anne High School, who would have dealt with that? - It would be the Assistant Director of Education.

And when the let has been taken up for Community use what level of supervision would there be by the Council for the activities carried out? - In addition to the Head of Community use there are people, what we call deputes -- there would always be supervisory members of staff on it and one of their roles was to ensure that monitoring takes place of activities.

And so within the Woodmill Centre how many rooms or halls would be available for let? - There would be many rooms available for let but most of the lets, because of their very nature, take place in the sporting facilities, the physical education activities so I suggest about five or six in terms of physical education facilities; there are obviously many more classrooms.

There would be at least five or six different groups carrying out activities within the school/

school on any given evening? - I would think there would normally be many more because in addition to lets there would be individuals using the premises; in addition to that there would be classes run directly by the Local Authority.

You said supervisory persons from the Council have a duty to supervise these activities throughout the building? - It wouldn't be a question of supervising them all the time but during the evening there would, at least, be several calls in just to see that everything was in order.

What sort of things would they be looking for as a problem? - As a problem -- there are many types of problems; I think the quality of all the activities and the instruction, the lack of supervision but in addition to that the main purpose for looking in wouldn't just be a straight monitoring because of a problem, there would be in many ways a point of view to make sure that the group were part of the overall organisation.

If a person in the Centre had considered that there was a problem with the activity being carried out what would they do about that? - They would deal with it as they saw on the spot, if it was something that needed to be done on the spot, if it was something that didn't need to be done on the spot they would report back to the Head of Community use and depending on the nature of concern it would be taken elsewhere.

What may the Head of Community use do in taking the matter forward? - Again if he felt that it could be dealt with within his level of response he would deal with it; if they felt that it wasn't something they could deal with they would refer it probably to myself.

What sort of matters might they not be able to deal with themselves? - It might be a situation whereby there had been an altercation with somebody who was organising a group and they personally refused to take instructions or requests from the Head of Community use.

If a decision was to be taken to terminate a let at what level would that decision be taken? - It could have been taken by the Head of Community/

Community use but on the basis that there was likely to be repercussions it would be normal it would be discussed with myself and if I felt it necessary I would discuss it with the Director of Education and other colleagues, again to make sure that the grounds for terminating the let were sound.

Talking about the grounds for terminating a let, if an application was made to you for a let and you simply didn't want to grant it would you consider it necessary to have grounds to say you refused the application for the let? - Yes, I think we would have to substantiate why we refused that let.

Why couldn't you just simply refuse to grant any person or body a let? - On the basis that person would have the rights for grounds for appeal and in this particular instance I was aware of the fact that there had been a similar situation with Central Region.

When you talk about an appeal is that to the Parliamentary Commission? - An appeal can take several different ways -- it might be made to the Local Authority and the Local Authority could take a stance on that position and it could also be an appeal to the Ombudsman.

What sort of reasons might you give for refusing a let in the first place? - If there was evidence that the technical qualification of the people involved were not suitable, if there was evidence that the person involved with the group is not a suitable person and there had been proof against that and grounds such as that.

Could you indicate what proportion of applications for Community use lets are, in fact, rejected? - It would be very few.

Something less than one per cent? - Yes, I would suggest something of that order.

Can I turn now to the various responses of the Region to the concerns that were expressed in relation to Hamilton and I refer you firstly to document DFRC8 which is D5 in the Production; do you recall this memorandum? - Yes, I do.

Does/

Does that show who it is to and who it is from; are you the sender or the recipient of this? - I am the sender.

Do you see in the second paragraph there is mention of the complaint that was made or referred to at the outset, do you see that? - Yes.

And then in the second paragraph there are four matters which are said need actioned? - Yes.

These are that the club can't use the Centre as its official address, but although the camp hadn't of itself concerned the Region the Region had to ensure the club is being run properly, there was reference to payments of cash and difficulty with the structure of the club? - Yes.

Would these be matters which you would apply to all clubs within the Regional premises? - I think particularly in the case where concern was raised or an issue was raised that made us look closer at a club, yes.

Particularly in relation to the section in which it is observed that a complaint has been received concerning the activities within the Centre; if the Region was concerned that it would come back to them, if you like, did you have any direct control over the activities carried out by groups within your premises? - Sorry?

Control or regulations of activities carried out in your premises? - We have control to the extent that we would, whilst they were in the premises, we would ensure that they carried out their activities in keeping with what we expected to be normal; it was difficult and is difficult for organisations to be involved in activities that may happen somewhere else within our own premises.

If someone was carrying out activities within other premises within the Council areas would the Council have any power to intervene in respect of these activities? - Yes.

Would that be in respect of certain age groups only?  
- No, it would be in respect of all age groups.

How/

How would the Council intervene if it had concern about the way an activity was being carried out? - We would fully investigate.

Which part of the Council would carry out that investigation? - In the context of being in Education premises then the Director of Education would have normally the responsibility.

And if there was a lot of premises owned by some private body which part of the Council would have the authority to investigate? - I think that would be more difficult and I think the administration legal section of the Council may have to investigate that but I would expect that if the main interest of the Council or the Regional interest of the Council was within the Education Department premises I would expect the Educational Department to be involved somewhere.

If it was any other premises would it be a matter for the Social Work Department of the Council to investigate? - If it involved young children I would have to suggest that the Social Work Department would have a major role to play in the investigation, yes.

Do you consider that the Reporter to the Children's Panel would have any input into that situation? - Yes, I would.

Are you aware of any such investigations concerning non-Council premises having been carried out by the Council? - I am unaware of it.

I think we see on the second page of that memorandum that you have just referred to you expressed your view at that time of what has to be done in relation to Hamilton; can you just read that paragraph please? - "At this stage I can see no reason to alter our involvement or my meeting with Mr. Hamilton but obviously it raises the profile of the matter. You may wish to discuss this before Monday".

So if nothing was done directly in relation to Hamilton at that time what action, if any, did the Region take? - I met with Hamilton at that stage and I spoke with him about the operation of his club; at that time I was aware also, I can't give/

give you the exact time, of Press cuttings before Central Regional Council at which the Ombudsman had found against Central Regional Council because they hadn't.....it appeared that they hadn't worked on the facts but had worked on rumour; I met with Hamilton and my view at that stage was that we didn't have grounds to terminate his use of the premises because we didn't have any substantive evidence against him but I asked that our colleagues at Woodmill High School undertake supervision of his sessions at a higher level than they would normally do with other groups.

Did you want to terminate the let of the premises at that time in 1985? - I would have preferred to terminate it; on the basis of my experience I had a feeling that at whatever level the concern or whatever level of difficulty we would experience I thought that we would have ongoing difficulties with Mr. Hamilton.

What did you consider you required by way of evidence to support the decision to terminate the let? - Something that could withstand the rigor of anything up to and including the Local Authority Ombudsman, we would have to ensure we had the correct information to go forward.

So was there concern in relation to proceedings before the Ombudsman which related to Central Regional Council? - My concern was that there had been rumours and suggestions that Mr. Hamilton hadn't carried out his activities in an acceptable manner and that Central Regional Council had reacted to the suggestions but subsequently they couldn't be proven and the situation was the let had re-started again and my concern was we would require factual information and evidence that would back that situation.

Did your interview with Mr. Hamilton give you any basis for concern or any basis for terminating the let? - He gave me no evidence whatsoever during that interview as to why we should terminate the lets and my line at that stage was to try and ensure to the best of our ability that we monitor the situation and review it almost ..... well, on a week-to-week basis.

You/

12 noon

You said earlier on in your evidence when it came to the renewal of applications that when one expired if there were any problems you might regard them as a reason for not granting renewal? - Correct.

Did you consider the concerns you had might be sufficient to justify non-renewal even if they didn't justify termination? - The concerns I had were based on nothing that I could substantiate. We were unable to provide any hard evidence at that time that could terminate the let.

You said you carried out supervision or monitoring on a week-to-week basis. What form did that take? - That took the form of Mr. Baxter's staff, particularly one who was a physical education teacher and who was aware of physical activity for boys, in ensuring on a regular basis that group was looked at within the centre, and I also tried to ensure that there was a parental involvement at some stage in some form in this club.

How did you do that? - I tried to encourage Mr. Hamilton to form a parents' committee. Whilst this wasn't formalised for the length of the let Mr. Baxter did inform me that parents were in the gym when activities were going on.

I think you said the first subject of difficulty you referred to was regarding the exclusion of one boy on the grounds of his build, concern about another parent about a chest infection, and the Council did not seriously consider taking action against Hamilton until they had details of the summer camp at Dunblane in 1992? - That is correct.

How did you get to hear about the incident at Dunblane High School in 1992? - The then Director of Education called me to his office and said he had a phone call from the Chief Superintendent of Police in Dunfermline raising concerns about the camp.

What were his concerns? - The concerns were that three boys had been found at a telephone box outside the school at Dunblane High School, and subsequently/

subsequently after discussion with the Director of Education I agreed to meet as quickly as possible with the Chief Superintendent and at the Chief Superintendent's suggestion with the Reporter to the Children's Panel.

What was the outcome of those discussions? - The outcome of those discussions was that the information that was available at that time, which was effectively that three boys had left the camp and had been found by the Central Police at a telephone box in Dunblane. I asked if the Reporter to the Children's Panel would be willing to put his concerns in writing which he readily agreed to do. I then discussed it with the Director of Education and it was agreed that we should not at that stage take any further bookings from Hamilton or lets from Hamilton or actions from Hamilton. This was during the school holiday period in July/August so both Woodmill and Queen Anne would be unavailable for use until the end of August.

Was that decision taken on the basis of what had happened at Dunblane or was there a further enquiry into activities within the Region's premises? - It was largely related directly to the activity in Dunblane.

Can I ask you to have two documents in front of you, DFRC/53 and also DFRC/102 (D46 and D58 within J(ii) respectively). I think the first is a memorandum to Mr. Welsh from yourself dated 27th August, 1992? - Yes.

The first paragraph refers to a meeting with Mr. Kelly, Reporter to the Children's Panel, and Chief Superintendent Elder to whom you referred? - Yes.

In the second paragraph you indicate you wrote to all heads of centres setting out your view given the serious concerns of the Reporter to the Children's Panel about the welfare of children which could be directly related to a lack of supervision, the authority could possibly be in a difficult position knowing this if there was an accident related or unrelated during one of our lets in Fife Regional Council premises. The severity of the complaint was such that the activities of the club on camp and during a let in Fife could in my opinion not/

not be separated. Is it fair to say on the basis of that your concern was related to carelessness in relation to children? - The answer is yes, I think carelessness.

There wasn't at that time any concern as to abuse or activities which were causing the police concern? - At that stage I was unaware of anything other than lack of care in a classic way for the children. In addition to that, given the situation that related to the difficulty for Central Regional Council in the early 80s I decided the way we would be looking at this was really related to, if you like, care of the children you would expect from other evidence at that stage.

And that was the approach to be taken by the Regional Council? - My view, my personal view was until we had some hard evidence of abuse we had to work on the evidence that was there which we could substantiate, and it was fact rather than rumour, and at that time of this particular incident I had no other information really other than the fact three children under ten years of age had wandered out of school.

Had you heard any rumours of abuse at that time? - In Dunblane?

About abuse? - No.

Referring to that second document, I have a memorandum again from you to Mr. Welsh dated 29th September. This is a large file? - It is a large file.

Unfortunately I think this starts at page 51 of that file. They may be numbered in the top right-hand corner? - Yes.

Is that the memorandum dated 29th September? - It is.

In the second paragraph, "Whilst it could be considered that the normal lets at Woodmill and Queen Anne High Schools were separate from the annual camps the nature of the allegations are such that the future safety and welfare of children require to be assured before activities could be recommenced. Mr. G. Baxter, Head of Centre, Woodmill/

Woodmill Centre, confirmed that parents assumed that there was some kind of direct provision or endorsement of the club because it met on educational premises. The complaints related to alleged lack of supervision and sufficient care for the welfare of children and therefore any subsequent accident either at camp or on Fife Regional Council premises could result in the Regional Council being negligent on the basis of having concerns but taking no immediate action pending a full investigation. It was essential that the safety of the children was of the highest priority irrespective of the level of risk"? - Yes.

Was your concern in some sense the Region may be vicariously liable for what was being carried out by Hamilton in the premises? - Yes, because there was some evidence to suggest at that stage Hamilton or his group did not supervise these children properly at the camp, and therefore that was something, it was a fact we could deal with, and subsequently in fact there had been lack of proper staff/pupil ratio in the camp forming a minor incident at Woodmill High School and then we would have thought Fife Council would have had to take steps to ensure these things were done.

Did you consider that by letting the premises to Hamilton the Region might be viewed by parents to be supporting his groups in some way? - I think, yes.

In the fourth paragraph of that letter which is on the second page there is a list of various, a list under various sub-headings of various complaints that have been received against Hamilton; you see these? - Yes.

We have heard these from other witnesses so I don't propose to consider these in detail. But in the paragraph headed No. 6, "Assessment" on page 4, you set out your views of what had been discovered? - Yes.

Page 5 is headed "Supervision", relating to the fact Mr. Hamilton was in sole charge of 18 boys at Dunblane High School? - Yes.

Then at 6.11 you set out the police of the Regional Council on the supervision of groups relating/

relating to children; is that correct? - That is correct.

I wonder if you could read for me the policy in paragraph 6.1.1? - "This is the major responsibility which the leader undertakes. This responsibility is both constant and total. There are no occasions during an excursion when a leader may abdicate this responsibility. The leader is also responsible for ensuring that there is at all times an adequate level of supervision. In terms of establishing levels of supervision, it is important that a commonsense approach is adopted. The leader must take into consideration the personal capabilities of all the parties, the demands of the excursion and the conditions and circumstances which are likely to be met. It is more important that these criteria are met than for the authority to established fixed ratios since similar circumstances will require different ratios according to the personal capability and maturity of each group."

You say in the paragraph just before that it is intended for internal excursions run directly by the youth clubs? - Yes.

Is that information given to people taking lets of Council premises? - It wouldn't normally be. It would be given to them as advice. If we were aware that they wished support in terms of running an activity, at a camp, somewhere else -- for example, football teams could quite easily make use of booking football pitches for some football team but some teams may take the youngsters away for residential experience and in these circumstances it would be likely the two situations would be recognised.

Is this an answer to someone who may ask for support rather than have it directed in these terms? - Indeed.

In paragraph 6.1.2 you set out the standards for supervision required of the Scouts Association. Was that because you were liaising with the Scout Association at that time? - No. At that stage I decided to liaise with as many people as possible and get dedicated backing information.

As/

As part of that liaising you talk about in 6.1.3 you have set out the specific ratio regulations for the Boys' Brigade? - Agreed.

Paragraph 7, there is a paragraph in which you give some fixed guidelines and which gives your concluded view regarding the level of supervision at Hamilton's camps? - Yes.

Could you just read that one out? - "There is no doubt that the circumstances in Dunblane fell well before the accepted norm. Responsibility for ensuring adequate cover was for the sports club group committee as an independent organisation".

Similarly in paragraph 6.3 headed "Emergency Procedures". Again could we go to paragraph 6.3.3, the position of the Council on this matter. Could you read that out please? - "There is a need to (a) supply adequate information to parents including details of insurance cover; (b) ensure particularly in residential situations effective links involving party leaders or centre/ club based contact and parents", and I have added "This includes emergency telephone contact numbers".

Is that a matter which you would communicate to an organisation if they sought the support of the Council? - If they sought it, yes.

Without going into detail of the subsequent paragraphs you set out the requirements of that kind of both the Scout Organisation and the Boys' Brigade? - I do.

After that you note that the arrangements made by Hamilton were unsatisfactory? - Yes.

In paragraph 6.4 you indicated that it is not possible to substantiate any complaints of inappropriate language? - Correct.

6.5, telephone access which has already been dealt with. 6.6 is the question of whether or not the children were misled as to the activities to be undertaken? - Yes.

6.7, you return to the activities in more detail in terms of the suitability of the people who were/

were involved, and I think there you refer to a report from a Mr. Liddell regarding concern about activities of children? - I do.

Could you read out the text there which is an extract from Mr. Liddell's report? - "The fitness activities were totally inappropriate and better suited to an adult group. The 'ring' work, especially the dip and press work would have been demanding for a mature gymnast, for children of the age group concerned I believe it might be damaging and shows a total lack of anatomical and physiological knowledge on the part of the leader. The other fitness activities would, again, not have been used by a responsible coach.

The trampoline work was dangerous. On occasion no 'spotters' were present and on the one occasion when they did appear they were young boys themselves. An apparent high standard of 'traditional' gymnastics was achieved by some of the boys but only one one occasion was a supporter present. How there was not a serious accident I will never know. On the occasion when support was provided I questioned the method used. Like the trampolining and gymnastics, the athletics activities gave cause for concern. The 400 metres was run in the wrong direction but more importantly was putting far too much strain on the hearts of the young boys participating and could have caused the youngsters great distress. The high jump could only be described as dangerous. The landing area was inadequate for the activity and it was evident that no constructive coaching had taken place. Accidents should have occurred. Lucky leaders!".

It is noted there was a video prepared in July of 1992 and that report would be dated 1st September, 1992? - Correct.

Would/

12.20 p.m.

Would you have expected these matters to show up in the supervision of activities within the school premises? - The answer is not necessarily. I was assured by Mr. Baxter and his staff, one of which included a principal teacher of physical education, that the activities which took place in the school were commensurate with the abilities of the youngsters, and he thought it was perfectly suitable. Obviously the activities which took place in the camp were of an entirely different nature. In terms of the school activities, in view of the qualification Hamilton had, he would not have been allowed to use any of the equipment outlined in that paragraph.

In the next paragraph you deal with the issue of Hamilton's qualifications, and you note that he had a British Amateur Gymnastic Club Coach, Grade 5 certificate? - Yes.

I think at the end of that section you note that there is no evidence that he had any other qualifications, and if that was the case those qualifications were not sufficient? - It would not have been sufficient for him undertaking the activities he was doing at camp.

You said at the outset that Mr. Hamilton's qualifications would have been checked when he took the let? - They were.

Would it therefore be the position that the Region were aware that the only qualification held by Hamilton was the Grade 5 British Amateur Gymnastic Club Coach? - Yes. The staff were satisfied that the level of activity, which was not gymnastics, which was happening at Woodmill High School was appropriate for Hamilton's qualifications.

In paragraph 6.9 you set out your concerns regarding Mr. Hamilton's attitude, and you summarise them in the underlined text at the top of page 11. Can you read out the summary of your view? - "I am concerned that Mr. Hamilton's attitude to this situation is indicative of his overall attitude to the supervision and welfare of children and as such would give concern for future arrangements"./

arrangements".

In the heading 6.12 you refer to the constitution of the organisation carrying out the activities, and you refer to elements which require to be clarified by Hamilton, and that is the names, ages and qualifications of the Committee members, the number and ages of the members, the names, ages and qualifications of Committee members, the constitution and the instructions or guidance to its leaders? - Yes.

Why were the Council concerned in relation to these five matters? - My concern at that time was that Hamilton was writing at that stage on a headed notepaper which if I remember correctly was the "Boys' Sports Club Group Committee". That would have indicated to parents that if there was such a Committee you would expect that Committee to have members and to have a constitution, and at that stage I was anxious to ensure we had all the information that related to the organisation of that Committee.

Does it make any difference if a club has a Committee and a constitution? - In normal circumstances clubs would not necessarily have to have a constitution. Many would, however; many would have a constitution, which would be a standard constitution; for example a youth football club, they would adopt the standard constitution of the Scottish Football Association. Many clubs and many groups operating at local authority level do not have a constitution, because of the nature in terms of development within the community.

Yes? - My concern particularly with Hamilton and particularly in relation to Dunblane was that he was beginning to write under a title that said "Committee" and I was concerned that parents and others would believe there was a Committee, and I was asking Hamilton to outline what the Committee was.

If there had been no reference to a Committee on the notepaper you would not have been concerned about the way this had been set up? - At that stage of the investigation, no.

Looking at the summary sheet contained in/

in paragraph 7, it is stated that Fife Regional Council must have concern for the safety and welfare of children either directly in its care or in the care of others with which it is associated? - Yes.

When you refer to others with which it is associated is that purely in the context of lets of school premises? - Not necessarily. In terms of any tangible link there would be between the authority and the particular organisation it is very difficult to separate educational premises from other premises that a local authority would use in terms of leisure facilities, public parks, etc.

The second point of the summary is that logistics make it impossible to monitor all groups associated with the Regional Council. Is it your view that it is absolutely impossible to carry out that monitoring, or whether it is mainly a question of making resources available to enable you to do so? - I think with the resources available it could be monitored, with major resources.

I think the difficulty we have is the fact that -- the best example I can repeat is that this has to be seen in the context of a football club, youth or otherwise, with the hire of public parks. There would have to be a situation where situations like that could be monitored, and the leisure facilities should be monitored. I think it is possible, but I think logistically it would be difficult and would take a large level of resourcing.

Could you suggest how such monitoring might be carried out? - I think there would have to be staff appointed who had the technical knowledge and background and experience in what they were looking at to be able to visit organisations as a spot check when they were operating. I think many of the activities could be categorised. Young people is one category that might narrow the group down, that is seen as the priority.

Yes? - The difficulty I perceive with the suggestions that were made earlier is that these could only be sporadic checks; they could not be monitored on every occasion they met. The difficulty that would have to be overcome is that staff change, and in this context, in the context of the people taking the group, that is important. There/

There are many, many people, but the principle is something that would have to be reviewed.

Would it be possible for a person wishing to run a youth group to have some scheme whereby he could indicate he had approval or had been vetted by the local authority? - I think that would be extremely helpful. The difficulty to be overcome again I think is to find some vetting process able to show attitudes, concerns and the abilities of people to look after young people, which is very difficult to do, even in a face to face situation, over 20 minute interviews.

Do you have any suggestions to make as to how such a vetting process might be carried out? - I think vetting would have to go hand in hand with monitoring. I think monitoring is a crucial situation, and in the situation for example of Woodmill High School there was able to be a much higher level of control, because there were people on duty to look at situations which were of concern, as opposed to a school let system.

Yes? - Vetting is an extremely difficult one, which has to be looked at very carefully, as to what criteria were to be used and how they were to be used.

Turning to the events concerning Hamilton, you have said that following your investigation it was decided not to grant a further let to Hamilton, there being none current at that time? - Correct.

Did you receive correspondence from Hamilton regarding that decision? - Yes, I did.

What was the nature of that correspondence? - It blamed the authority, me in particular, for over-reacting to the situation, and clearly reminded me of the situation that had happened in Central Region in the early 1980s, that being a reference to the Ombudsman's report.

Did you take any action in respect of that correspondence? - Yes, it was discussed internally both with the Director of Education, the Chief Executive and others, because at that stage Hamilton had written to elected members of Fife Regional/

Regional Council complaining about the way in which he was treated, and I subsequently wrote back to Hamilton, who wanted the nature of our complaints put in writing, which we subsequently did.

What was the attitude of the elected members of the Council? - The elected members were supportive of the position I had taken.

How would you describe the tone of the correspondence you received from Hamilton? - It was not a pleasant tone. It was accusing me of not dealing with the matter properly. It was not defending his position; it was blaming Fife Regional Council and blaming the children themselves.

In the context of dealing with community use of premises did you receive similar complaints from other persons? - It is slightly unusual, but they are occasional complaints, yes.

Did Hamilton's complaint stand out from the other complaints? - Yes, it stood out on the basis that he defended his decision very strongly, and he wrote to every elected member and to the Chief Executive and to everybody he could complain to about my action, which was unusual.

You said Hamilton asked you to put it in writing for him what the basis of the termination of the let was? - Yes.

How did you put it to him? - I put it to him in the light of the memo that you have just gone through, on the basis of that I indicated to him that there were concerns by the Reporter to the Children's Panel, the Chief Superintendent of Police and myself, and I wrote out very clearly the difficulties which we had, which was that there was an apparent lack of supervision, a lack of access to an emergency telephone number and a variety of other issues we have just gone through.

So lack of care was the nature of it? - Yes, a lack of care and support for the operation of a camp and the care of young children in his control at that time.

Did you indicate these concerns to any other/

other local authorities or youth groups? - I relayed it to the local District Councils who had premises which were available in Fife, which he may have gone to to secure premises. I discussed it with the Director of Education, and suggested that he discuss it with his counterparts, particularly in Central Region.

Is there any established system or formal system for sharing such information between local authorities? - No. I think that was the difficulty throughout the whole exercise, trying to get information related to incidents that had allegedly happened in other parts of the country. He was difficult, and I was concerned at the time that we had suspended his let, that while we informally could let people know what the situation was, the concerns that both the Chief Superintendent of Police and I had was that while we could suspend his activities in Fife that he might go elsewhere and start again. There was no mechanism which would allow information in relation to the suspension of the let in Fife to be held centrally.

Is there any such system in place now? - There is not a formal system. All that operates at this time are informal links, at the time of dealing with Hamilton in the early 1990s. The next thing to a formal link we had, which was very welcome at the time, was with Fife Constabulary and the Reporter to the Children's Panel, who both shared information, that was helpful.

And presumably the dissemination of information is more difficult now that there is a greater number of unitary authorities within the old Region? - I think that could complicate it even more. It could bring it under one local authority control, not only the educational use of premises but also for leisure or recreational activities, which are obviously now separate local authorities.

Yes? - However, the difficulty is that most local authorities are moving towards decentralisation, therefore the question of sharing of information and links will be even more crucial than before.

Following your refusal to grant any further lets to Hamilton he made a complaint to the Parliamentary/

Parliamentary Commissioner for Local Administration in Scotland?

- He did.

What was the outcome of that complaint? - The outcome was that the Commissioner upheld the decision we had taken on the basis that Hamilton had consistently refused to meet with us to discuss the complaints which he had.

I think there was a complaint regarding a camp organised by Hamilton for children in Milarrochy Island on Loch Lomond: were you aware of that at the time? - No.

And you were not aware of the 1988 camp either?

- No.

Would either or both of these have made a difference to your decision to discontinue the let in 1992? - I think it would have depended on the basis of the information we were able to secure. As far as the Dunblane situation was concerned, I was able with the support of others to give us a sound basis to establish that. I wouldn't know if there was sound information came out of either of these two camps.

Within the Councils within which you have been employed or are employed what is the role of the School Board in relation to the letting of educational premises? - School Boards who have a statutory obligation in terms of lets. These lets have to be carried out and access has to be carried out within the direction of the local authority. The role of School Boards vary from authority to authority. I understand some School Boards effectively administer the lets of schools and access to schools, whereas in other local authorities there is an involvement of the School Boards, but the administration is carried out centrally, through the local authority mechanism.

What is the position of Fife Council? - The position of Fife Council is that they are carried out administratively by the authority and that School Boards have an element of involvement in the decision as to whether there is access or not.

You/

12.40 p.m.

You say they had an element of involvement; what is their input into the decision? - It would be if the let wasn't in front of them and they would give consideration to whether that let fitted the criteria of the Local Authority.

Is that the only basis on which they could make their decision as to whether or not they want the let to go ahead? - Yes, as I understand it they haven't been involved directly; as I understand it they would have to reply heavily on the conditions as laid down by the Local Authority; if they refused the let there would have to be sound grounds to substantiate why that let wasn't given.

Is it the practice within Fife Council to send somebody to meet the applicant for a let? - I would think that would be unlikely in most cases, if not all cases.

CROSS-EXAMINED BY MR. GIBB: Just one point, I am not aware that there was any requirement for a public liability insurance certificate to be made available by any organisation running clubs in schools -- is there? - The Local Authority themselves would have its own insurance in terms of the groups that would be let; normally a group using the premises would have public liability insurance of their own, some form of insurance.

That is what I am coming to; I wonder if an element of control would be, in fact, to require the exhibition of a public liability insurance certificate that would amount to the insurer having suitable level of supervision and organisation? - I think that is a valid point; as I understand it some time during this, as I recall it, I am sure that Hamilton's group certainly at some stage had insurance.

I take your point about the question of vetting and monitoring; it must be extremely difficult but I am wondering whether a simple solution would be to make it a requirement for a certificate of public liability insurance to be made available before the Local Authority allows the letting of premises? - I think that may help; I think the difficulty is that an insurance company would/

would be like most Local Authorities, it is relatively easy to weigh up what I would call the technical qualifications in terms of support that the person has the right coaching qualifications and it is very difficult in terms of insurance for anyone else to ensure that the people taking these groups were of the correct quality.

That is a way possible? - Yes, it is a way.

Relatively easy? - Yes.

IAN STEVEN BOAL (22) Sworn

EXAMINED BY MR. BONOMOY: You live in Dumbarton? - Yes.

You are an under-graduate student in the subject of sport in the community? - Yes.

Now, I think that you knew Thomas Hamilton; can you tell me when you first met him? - It was actually through an advert on the university noticeboard for a job applying for sports coaches for one of the summer camps; that was in May, 1994.

That is when you saw the notice? - Yes.

Where was the camp to be? - At Dunblane High School, the first two weeks in July.

Did you contact Hamilton? - Yes, I noticed it was, like, a letter with headed notepaper and it said if you wished to apply phone Mr. Hamilton at the number.

Did it give any indication on the notice what his work was? - Yes, at the bottom it was actually.....it was like a graphic to do with photography, a professional photographer.

Was there any pay specified? - I can't really remember the exact amount but I think it was £250 for two weeks.

Did it look official or cheapskate to you? - It did look very official, it was headed notepaper/

notepaper and said the Boys Sports Club and also it stated that Thomas Hamilton was actually the President or some official capacity.

How did you get in touch with him? - Through a phone call, I phoned him one afternoon it was.

Is that you phoned him? - Yes.

That was to the number on the notice? - Yes.

Did he ask you to provide information to him about your background? - Yes, I was to send by CV to him.

Did you do that? - Yes.

Was there a follow-up to that? - The follow-up was that.....during the telephone conversation he said I was to send my CV to him and he would get back to me regarding a possible interview.

Did he interview you? - Yes.

Where was that? - At his house, 7 Kent Road.

How long did the interview last? - I think it involved an interview at his house and then there was a practical session at one of the sports camps.

So he was checking you out in some details? - Yes, he wanted to see how I was coaching kids at one of his camps.

So he interviewed you first of all? - Yes.

And then he watched you carry out a coaching session with his children? - Yes.

Before you found out whether or not you had got the job? - Yes.

So far as the interview was concerned at his house what sort of information did he go into? - Well,/

Well, he just asked me most to do with my coaching experience as a sports coach, the types of sports I was actually qualified to coach.

How long did it last? - I think it was about half an hour.

Did you learn in the course of the interview whether he did any other activities with the boys other than camps? - Yes, there was just like he had clubs throughout the Central Region area and like various nights throughout the week.

Did he mention any schools? - Only one, I think it was Alloa, I can't remember the exact name of the school -- Alloa High School.

Did you get the impression he was conducting a number of these in the course of any given week? - Yes, the way he was talking it was as if maybe a Monday, Tuesday, Thursday, Friday.

Did you find out from him what he was interested in apart from taking the boys clubs? - No.

Did he discuss photography with you? - He said that he was a professional photographer.

Did he say anything about photographing children? - No.

Was there any discussion of photographs and what may be provided to parents and so on? - No, not at that stage.

At any stage? - Eventually like once I had actually been accepted for the job he said that he would sometimes take pictures of the kids and sell them on to the parents.

Did he say anything about a video at that stage? - He said he had.....I don't think it was actually at that particular interview, maybe it was subsequent, that there was a promotional video of one of the camps or something.

After the coaching session at which he watched you coach how long was it before you learned whether or not you had got the job? - He actually told/

told me that night.

Did you get the job? - Yes.

Where was it you went for the session? - Alloa High School.

Had you actually on the night of your interview been to a different high school with him or was it the same night you had.....? - It was the same night.

It wasn't Dunblane High School you went to? - No, it wasn't Dunblane.

That particular night, the first night when you were being checked out by him, how many children were present? - Between 20, 25.

What were they doing? - There was actually two sessions and the first hour was younger kids and the second hour was older kids and it was playing football they were actually doing.

So the total number over two hours was 25? - It was about 40 kids.

Was it over all different ranges? - Between, I can't remember the actual age, between maybe eight and 12.

Over the whole piece? - Yes.

Was there anything structured about these sessions?  
- Looking back on it it was like as if they were just playing football and that was it, there wasn't much of a coaching element to it which I was quite disappointed with.

Anything odd about the set up? - One thing I would say is that generally when I take the kids there were bibs to distinguish between the two teams, one would wear bibs and the other would have on their tops but what he would do would be one team would have their tops on and one team would have their tops off, that was the only difference I would have said.

Have you been at any football session he was running where both teams had their tops off? - I/

I don't think so.

Thinking back to the first session you were aware he was checking out what you did, can you remember whether or not both sets of teams had their tops off on that occasion? - I can't say either way but I don't think so.

The statement I think you originally gave to the police indicates that was the position? - Probably it was actually half the boys would have their tops off.

Now, when did the camp take place? - The 1st or 2nd of July to maybe the 14th, it was a two week period.

Were some kids there for the whole fortnight? - No, some kids were there for the first week and some kids actually stayed for two weeks.

Between your interview and the camp did you go to any of the clubs? - Yes, I worked sometimes at, I think it may have been the Wednesday night, at Alloa High School.

Anywhere else? - I think I was at Dunblane once.

Did you get paid for these visits? - Yes.

Were you at Falkirk at all? - No, not at that time.....yes, I probably would have been.

Which premises was it at Falkirk? - Grahams High School.

Were you at Bannockburn at all in that period? - Yes.

How much did you get paid when you took the club for him? - Generally it was £7 an hour and then it went up to £10 an hour.

Was he there at the same time? - Yes.

So talking now about the period between your interview and the camp was there any difference in the activities at these club nights from the original/

original night when you were interviewed? - I don't think so, no.

Any gymnastics? - I believe at the times when he actually had his photography equipment with him that would be the only difference and also gymnastics as well, as you said.

He did gymnastics? - Yes.

He conducted that, did he? - Yes, generally he conducted that.

Did he take photographs of that? - Not of the gymnastics, it would be group pictures.

Is that a group having played football or groups having done gymnastics? - Generally it would be like at the end of the night the kids had been playing football or had been doing gymnastics and obviously the groups were there and he took a group picture of them.

Did he have much elaborate equipment for that? - Yes, I would say so.

Do you know anything about photographic equipment? - No.

Did he simply take snaps like you might do on a holiday or was it more elaborate than that? - It was like he was structuring them, the composition, he would have kids kneeling at the front and kids standing at the back.

Did he have a tripod to put the camera on? - Yes.

Was there a video camera on these occasions? - No.

On any of these occasions did he tell you why he was taking the photographs? - He said he would sometimes actually sell the pictures to the kids' parents.

Now, at the Dunblane camp how many supervisors were there? - There was actually only myself and Mr. Hamilton.

How/

How many children? - About between 16 and 20.

Were they all staying? - Yes -- I tell a lie, actually there was one kid who came on a daily basis.

Did you expect more than that? - I actually did, yes.

But not everyone that might have come turned up? - Well, I wasn't involved in the bookings of the kids; from the way he was talking it was as if there would be quite a lot of kids.

Now, you stayed throughout the period? - I had two days off.

What were the sleeping arrangements? - It was quite surprising because I thought there would be accommodation, separate accommodation for most of the staff and the kids and maybe a room for the kids but it was actually a commonroom area; the kids would be sleeping on sofa seats and some kids were on the floor in sleeping bags which I found quite strange.

What about you and Hamilton? - We would be in the same room on soft seats.

What were the activities of the camp, was there some routine to them? - The routine, he had a particular routine where, like, the kids would get up maybe eight, half past eight in the morning for breakfast and then go straight into the gym, do gymnastics, football, a variety of sports and then maybe between 12 and one have lunch and then after lunch they would do sports again; the work was quite taxing for the kids, it wasn't particularly fair to them because they were being exercised to excess and it was too much I thought and I aired my views, I told him I didn't think it was right that the kids should be constantly working in the gym doing sports, they should have some time off to watch television and towards the end of the camp it became a bit more relaxed, he let the kids have a long lie until about 9 o'clock, watch TV for half an hour so it eventually was a bit more relaxed.

You have told us about the morning and afternoon; /

afternoon; what about the evening? - It was sometimes varied, they would consist of sports as well so the kids were doing between probably six and eight hours sports a day which is too much.

What age were these children? - Between eight and 12.

Can you tell me anything about Hamilton's general teaching methods? - I would say that his methods were out-dated and it was very disciplined, he used his authority to tell the kids what to do, sometimes shouted at them; also he was into, like, maybe taking the kids for circuit training which I thought was a bit extreme; he asked me to take the kids circuit training and I said no because kids of that age shouldn't be doing that at all.

Did the children enjoy these camps? - I think it was actually mixed, it was some kids did and some didn't.

Was there anything odd about the clothing arrangements? - Yes, when the kids were doing their gymnastics they would be in black shorts, swimming trunks, which I thought was a bit strange; when I asked him with him taking pictures of them doing gymnastics, something to do with a physical education magazine was interested in pictures of this; I thought it was a bit strange.

You are doing a course that involves, I take it, studying how to undertake activities of this nature? - Yes.

Did you see any place in the type of gymnastic activities with these youngsters that Hamilton was undertaking for them dressing in short black swimming trunks? - He would say that it was the purpose of catching them when they were vaulting; I would say that a kid is more liable to get injured when they don't have their clothes on; if the kids don't have their clothes on and they hit the floor they may hurt themselves.

Have you seen in your studies any examples of people running gymnastic classes with youngsters of this age where the children are required to wear swimming trunks? - No, I haven't.

After/

1.50 p.m.

After an adjournment for lunch.

I was asking you some questions about dress at the camps. Can you tell me how frequently in the course of the fortnight you were there the children were expected just to wear black swimming trunks? - Generally every day, maybe every -- if they were doing gymnastics, say an hour at a time.

If the children weren't wearing these trunks would they normally be wearing a shirt of some kind? - Yes, normally wear their sports stuff, either shorts and a top or a tracksuit bottom and top.

Did they normally have a top on when they weren't doing gymnastics? - Depends. Sometimes they would be outside, it was quite warm, and sometimes some kinds will take their tops off.

Was there anything about Hamilton's behaviour when coaching or helping children with any of the work they were doing that you were concerned about? - He was quite -- he was like -- he pushed them quite hard. Some of the exercises he was trying to get them to do were in my opinion too strenuous. Just simple things like maybe even simple press-ups. He had them doing gymnastics and they were doing like inverted crosses, and that's quite a tough thing to do. I am pretty sure Mr. Hamilton himself couldn't have done it; why should he expect the kids to do it.

Did you intercede on the part of the children at all? - Yes. Sometimes I would say when the kids were training, I would say to Mr. Hamilton, "Look, give them a break" or "Don't do this". I knew what it was going to be like and so I would say, "I think that this is a bit over-strenuous for them".

Was there anything about his approach to them physically that caused you any concern? - No.

What was his attitude to children who couldn't perhaps touch their toes? - He liked kids/

kids being quite physical. If they weren't particularly good he would tell them, he said, he would tell them to work harder.

Did he touch them very much? - Depends. If it was gymnastics, if you were going to coach or catch there is a certain degree of contact, but none over the top or anything like that.

Did he take many photographs in the fortnight? - Yes. This -- I was very surprised at the amount of pictures he took, particularly it seemed to be always at gymnastics.

All with the still photographs? - Some of them were action pictures.

But not videos? - No.

Were these largely when the children were wearing swimming trunks? - Yes, generally, yes.

What about the catering arrangements. Were you well fed? - We were well fed, yes, I would have to say. It was very basic food but the kids seemed to sort of like it.

Did you ever ask Mr. Hamilton about how he financed all his activities? - He said that -- do you mean particularly this camp itself?

And the clubs? - What he said was he actually got free lets from Central Region so therefore it didn't cost him for the schools and that.

Did he mention anything about getting assistance from anyone to get these lets? - Councillor Ball.

What did he say about Councillor Ball? - He said he was a friend of him, he generally did assist him getting lets for any school he wished.

After this camp was over did you continue to assist Mr. Hamilton? - Well, once the camp was over obviously it was during the school holidays so therefore the schools and stuff were closed. I never heard from him until maybe August/September of that year, and he would phone me up and ask would I maybe/

maybe perhaps like to come up and do some coaching, and that was quite -- maybe about a month later it would be.

During that period in late 1974 were you aware of any clubs folding? - I never actually knew anything about how many clubs he was running therefore I couldn't really be definite and say i.e. clubs did fold.

Were there any clubs that didn't seem to take place in late 1994? - Yes, the Alloa Club, and I once went to a club in Alva, and that was a Sunday morning. He told me that club was quite busy the first couple of weeks and he was needing some help so I went up. There was actually only about eight kids which was quite surprising to see that, so therefore I was never out at that one.

Did that club come to an end? - Yes.

When eventually? - I don't actually know obviously because I wasn't involved in the running of it but I assume yes.

Did the Alloa one come to an end? - Alloa one, I think he only had the let up until when the schools closed. I don't know if he renewed the let, I don't think he did, therefore the club wasn't on after the camp.

So between September when the schools are back and December did you assist him? - I occasionally worked for him.

Where? - He had a club in Grahams High School, Falkirk, and sometimes in Dunblane on a Thursday night.

Did you get properly paid for the fortnight's camp you did? - Well, I had actually to check my bank records on the camp and I checked actually, and the cheque I was actually paid actually bounced. I put it into the bank because I am actually a student myself, so when the cheque bounced itself, so I was straight on the phone again because I had been charged with my bank and I said, "Look, the cheque has bounced". He said, "Look, I am very sorry about it". I actually went to the bank twice and it bounced twice.

Was/

Was it eventually paid? - Eventually, yes.

How much was it for? - £280. Originally it was supposed to be £250.

In September and December were you being paid for temporarily assisting him? - Yes, depending on the nights of the week.

In December I think you brought your relationship to an end? - Yes, because like, the only reason I had -- you might think it strange because I was at Dumbarton and I was travelling away up to Stirling, but the only reason I came to Stirling was my girlfriend at the time was at Stirling University so therefore I had a contact within Stirling, so it was quite convenient for me to work in Stirling.

What was your reason for bringing it to an end? - Well, sometimes he would maybe have me pick him up outside his house and he would have his camera stuff, equipment with him, and I felt that I was getting like a taxi service rather than a sports coach.

It wasn't concern over what he was doing at the clubs that made this end? - No.

When did you next hear from him? - It must have been -- well, after I said I wasn't coming to work for him he kept on phoning to say are you coming up and I said "No." It would be maybe May time.

What was the purpose of him contacting you then? - That was because he was looking for somebody for a sports camp in summer 1995, and he was actually asking myself whether I would be willing to work with him for two weeks.

Did you agree to that? - No, I just felt like it was only two weeks work, and I was unemployed and obviously the school period is over six weeks, so I was hoping to gain further employment.

Was it knowing about the previous year's camp that was influencing your view? - Well, to a certain/

certain extent. I never particularly liked the fact the kids had to do so much strenuous work. The sleeping arrangements weren't particularly good as I previously mentioned.

Did he do anything to try to persuade you? - He increased the amount of money that I was going to work for.

To what? - I think it was £300.

In fact, you didn't take that job? - That's right.

You had another job? - That's right.

What was that? - It was actually by Mr. Hamilton I actually gained that employment. It was at the International School teaching Spanish kids sports.

Where was that? - Queen Victoria School.

Was that a longer period than two weeks? - It was for four weeks. I gained that employment because Mr. Hamilton had gave my number on to somebody else.

Well, you were at that training....? - It was a school.

While you were there did you go to Dunblane High School Club at all? - Yes. He phoned me up a couple of times saying "Why don't you come down and see" -- some of the boys who had been at the previous camp were actually there in 1995 and he said "Why don't you come down and see how they are getting on".

Did you go? - I went down three times.

Did Mr. Hamilton have any assistance at the camp? - Yes, he had one qualified teacher and two other students.

Did you see them there? - Yes.

Did they know what they were doing, or appear to know what they were doing? - Yes. It was just virtually similar to exactly why I was there, /

there, i.e., while the kids were doing gymnastics, and they were in their trunks once again.

How many kids were there? - I estimate 25/28.

So it was bigger than the year before? - Yes.

On one of the visits you were there did you come across a child who was upset? - Yes. There was a kid in a corner crying. I asked him -- no, I never asked the kid directly -- I asked what was wrong with the kid and they said that he was homesick and he was upset. It was just he was homesick and therefore he was in a corner crying. I thought it was a bit harsh and when talking to him.....

Did he say whether he had run away? - Yes, I think he did. He said maybe two boys had run away the previous night and he said they came back and their parents had been notified. The parents seemed quite happy to have the kids continue.

Were the children wearing black swimming trunks again? - On the occasions I was there I was doing gymnastics, yes, and they were in their swimming trunks.

Generally speaking at that camp did the children appear to you to be happy or unhappy? - I don't think they enjoyed the gymnastics; I think they found that quite hard work. On the whole they seemed -- no, I never really had that much contact at the time. They seemed okay, yes.

What about the people who were working with them this time? Was he getting on with them? - He said he had a couple of problems with them because, in particular the school teacher, because I didn't think they were particularly impressed by his teaching methods, i.e. kids being in trunks, the same as I thought myself, a bit strange.

Were there any photographs taken on any of your visits? - He did take several when I went, yes. There was a picture taken, a group picture outside.

How/

How were the kids dressed for that? - They were wearing swimming trunks. The staff were in the same picture with him.

I think you next became directly involved with him in September, 1995? - Yes, that is right.

He contacted you again? - He contacted me just asking me obviously -- he was saying he was actually thinking about expanding his clubs as an organisation up to the Edinburgh area and round about the Glasgow area.

Whereabouts in Glasgow is that to be? - It was -- he looked at a couple of places like Milngavie and Bishopbriggs and eventually Bishopbriggs.

Were you willing to help on this occasion? - Well, when I was at the camp he said I would be running the club myself. The way I would see it, I had to organise it myself and he wouldn't be there. Subsequently he was there every week.

Did he interfere with your organisation? - I was annoyed with the fact he was there "No, you run this club the way you see fit".

Were you not allowed to run it in your own way? - Obviously his teaching methods are different from mine. You know, as I say, he had the kids with their tops off where I like to have kids wearing bibs like sports bibs.

Is that on top of a tee shirt? - Yes.

Was he insisting you follow his code rather than yours? - It was quite convenient because we actually had two gyms eventually. I was working in one gym myself so I could do coaching the way I seen fit, and he would have a group in the gym.

What did he do? - It was generally football. I did a lot of football and basketball coaching but he seemed to just let them play football.

Were you aware he was distributing leaflets/

leaflets advertising his club? - Yes, that is right. I never actually knew until he actually -- the first night in the actual club I never knew that my name had been distributed. There were leaflets there, I was the club coach of the boys' club. I was a bit annoyed because it had my phone number and stuff.

Did you see any of these leaflets? - He eventually posted me one.

Could you look at S BOAL/6 which is also D8 in Volume J(iv)? - Yes, that is it.

Has that got your name in it? - Yes.

What does it say about you? - It says here "Club coach, Mr. Ian Boal". It says, "CV available on request", and also my address.

Would you also look at DSRC/ES3 which is D4 in J(iv). Look at the top of the page. You will see this is an application form for the let of James Muir High School. Does that have your name on it? - Yes. I never actually knew about that until the police said that.

It is relating to a period when you were actually coaching at James Muir High School in Bishopbriggs? - Yes.

You actually knew nothing about your name being on the document? - Yes.

It gave you a position, did it not? - Yes, if I can remember, Secretary of the club or something like that.

Do/

Do you remember the document also had a list of Committee members on it? - Yes. Well, he told me there was a Committee for his clubs.

Did you ever meet the Committee? - Never.

Did you ever meet any of the people whose names are on that form? - No.

I don't know if you have got the form yet or not. Do you see your name there as the secretary? - Yes.

Does it also list the names of the Committee members? - That is right, yes.

Could you read them out please? - Mr. D. McDonald, Mr. and Mrs. Andrew, Mr. and Mrs. Hoggan, Mrs. Munro, Mr. K. Barker, Mr. and Mrs. Hall, Mr. I. Boal, Mr. T.W. Hamilton and Mrs. A. Watt.

He told you there was a Committee and you didn't realise you were on it? - Yes.

Now, when this club in Thomas Muir High School started up was it well attended? - The first couple of weeks we had I think it was 68 kids.

Were you able to cope with that? - We actually only had one sports hall.

Do you remember a waiting list at any time? - Yes, I remember the stuff, there was going to be a waiting list, so I think he was actually writing to the kids or their parents.

Did that club run right up until the incident at Dunblane? - That's right, yes.

Were you involved in that right up until the end? - That is right.

Were you also involved in running any other club during 1995 into 1996? - Occasionally Bishopbriggs would go up to Dunblane High School on a Thursday night. He had got a minibus or something from Central Region, and he would go up, pick up the kids from Bishopbriggs Club, /

Club, and sometimes when they were up there I would go up obviously as I was a coach.

Was it on a Bishopbriggs night? - No, that was a Thursday night.

This is an extra night? - Yes.

Were you also coach of any other sports clubs he had? - Occasionally I would go up to the Dunblane Club when I think it was Bannockburn were the kids that were there.

What about Graham's High School, was it still going on? - No.

Were there any other clubs where the boys were moved from one area to another to make up the numbers at another club? - I think -- I wasn't involved in shifting kids from place to place, but I think actually he did take kids from maybe Callander, maybe that area, up to Stirling.

Were any photographs taken at Bishopbriggs? - No.

So at the time the Bishopbriggs Club starts up his camera equipment disappeared? - Yes. It was quite strange like because he used always to talk about cameras, what he made out of it like, taking pictures of families, various events, the assignments he had, and he seemed to be quite happily involved in cameras and stuff, how he used to buy and sell cameras and just equipment in general.

What took over as the subject of conversation with him? - His guns.

When did the guns first come into the conversation? - The earliest recollection I have of his involvement in guns -- he said at the summer camp that he did have guns but he hadn't been using them, it was just an old hobby or something and the new hobby was photography. So he actually never spoke much about guns, so the earliest was maybe round about just before Christmastime he started talking about how he was heavily involved in using guns and stuff.

From/

From then until March was that the type of conversation? - Yes. He used to annoy me in a sense because I was busy coaching and when I was coaching usually he would stand at my shoulder, next to my shoulder, talking about his guns hobby, various things which, being honest, I didn't have any interest in guns, so it was pretty boring.

Now, when was the last time you met him? - The last time I met him was the Monday previous to the incident.

Was that at Thomas Muir High School in Bishopbriggs? - Yes.

How did he seem that night? - He was talking about guns as per usual. He also -- I can remember his last words, and he just -- I took him down to train station and he just said, "Thanks very much, Ian, see you next Monday". Again, it was just like a normal Monday.

Was there any discussion about bullets in the course of that evening? - It was quite strange because like maybe three or four weeks before he kept talking about guns, bullets, like where he had been shooting. I think he had been shooting on the Wednesday before, the week prior to the shooting he had been shooting, out at actually at the club or something shooting, and how he got a new gun, and also about bullets, what certain bullets could do.

Do you remember any detail about that? - It was something of hindsight, I mean, but it was something that was quite strange because like he used to talk about the spray of a bullet. I don't know anything about ballistics at all but he would be talking about what bullets could do, sprays like, it hit someone and disintegrates in a sense rather than exiting right through, and how he was testing out bullets to see which were the best, to prevent jamming of his cartridge guns.

Did he say what size of gun he preferred and what size of ammunition? - Was it 9 millimetres or something.

In your statement to the police you told them he also used 9 millimetre bullets because they did/

did not have a tendency to jam as frequently? - Yes.

Do you remember that being said to you? - Yes.

Did he say anything about the tip or head of the bullets at all? - He says depending on the type of head -- well, it would depend what bullets you actually had, with the spray and stuff. He also said he had been testing bullets to see which were best. When I say tested -- I found this quite strange he actually did this, he would go to the target range in the club and shoot at books and he would see the spray of the bullet going through the thickness. Say the book was maybe this thick, he could actually see where the bullets went through and what it did to the book. Obviously if it sprayed it would go out wide, and he was doing -- he also said he experimented with alcohol and the effects of alcohol upon his shooting, although he said he never actually drank.

Do you know from your own experience he didn't drink? - Yes. He told me he never drank.

Did you ever see him drink alcohol? - No.

What did he say he was experimenting with it for?  
- He said he would -- he only did it once -- again this annoyed me because you are obviously working with kids and he was telling me this and, being honest, I wasn't really listening to him. He said he did take a couple of drinks and then go up to the range to see how accurate his shooting had been from this. I said to him "How accurate was it?" and he said "It wasn't particularly very accurate", it wasn't particularly good for him.

Did he say anything about how well the bullets penetrated? - Yes. He talked about bullets and actually -- was this 30 centimetres or 30 inches or something and it would go, the words were, through someone.

How many kids were there on the Monday night? -  
On the Monday before, about 20 I think.

When/

When you drove Hamilton to the station that evening was there any conversation about film? - Yes. He offered me -- which was quite strange -- a copy of Aliens video, which I thought quite strange. I said No. He said to me "I have just got it today" or something, and he said, "I have got it in my pocket". I thought that a bit strange.

Did he mention any other video? - The Terminators.

Did he say why he liked the two videos? - He liked them because of the guns.

Was that a reference to one or both videos? - Both of them.

Did he ever involve any of the children in conversations about guns or bullets? - I never found this out until I was actually speaking to the kids and I said to them, "What was Mr. Hamilton talking to you about" and they said -- the kids had said he had been talking about looking at the largest thing he had shot. This was a sort of joke, his type of joke, and it was he had shot a moose, and the kids thought it was a mouse, so he thought it was funny. I thought it was a bit strange, talking to kids about guns.

Did he ever show the children anything? - I don't think he actually showed the children but he actually -- I think he did because he actually had like a flier -- not a flier, a catalogue of bullets -- I never knew there was such things -- and it was a catalogue for types of bullets. There was a picture of a moose on the front of it and he was saying this is what I shot, this is what a moose looks like, not a mouse. I said to him like, "I do not think -- you shouldn't really be talking to kids about guns. You don't want like to influence the kids".

Did you get any reaction to that? - He went like "Ach, it's okay, kids play soldiers all the time".

Did he ever write to you? - Yes.

How/

How often? - Generally it would happen if I was working for him, he would send me a cheque, and the last letters I received were on headed notepaper up until round about Christmas time and I noticed most of the correspondence never had headed notepaper. Also they never had anything to do with photography. They weren't personal letters but they were more of you contacted to work for eight weeks. In January I received a letter from him because one of the nights at the camp -- not the camp, the club -- one of the boys had been, they were not to kick the ball above head height, so this boy had hit the ball into the roof and just missed the lights. I shouted at him -- his name was David -- "David, watch what you are doing". At the time Mr. Hamilton sort of looked at me but never said anything. During the week -- I think it was the Thursday -- I received a letter saying how my teaching method was completely wrong, my attitude was terrible, and I had -- I don't mean that it was threatening or such, it was what are you doing wrong.

He had been there when this happened? - Yes.

He didn't speak to you about it? - No, he didn't speak to me about it.

Did you intend to carry on working with him? - Well, I was quite annoyed at this letter, so what happened was I waited until the Monday night after I received the letter and told him on the Monday night I was going to see out my contract which was up until just before Easter because I wasn't going to put up with hassle he was giving me through writing a letter like that to me.

When were you going to work to? - It would have been Easter time, the Monday before Easter, when the schools finished.

Had you got paid up to then? - I was paid up to then.

At any time in any conversation with him did Mr. Hamilton ever mention Dunblane Primary School? - No.

When you last saw him did he seem any different from the way he had been on the nights, the/

the Monday or two beforehand? - No, just like talking about his guns again, therefore for the four week period leading up to it he was more so talking about guns, where he had been shooting and stuff which to me, it looked as though it was just a hobby he had.

Any change in his personality you could detect even looking at him? - He was very -- his personality was very dry. He wasn't the most interesting person to have a conversation with.

Did that change? - It never changed.

In the time immediately before this incident at Dunblane? - No.

Effectively did you notice any significant change in him as a person apart from conversations dealing with guns? - No.

No cross-examination.

IAN/

2.30 p.m.

IAN COLLIE (62), Sworn:

EXAMINED BY MR. BONOMY: I was the Director of Education for Central Region.

Do you in fact live in Dunblane? - I do.

Have you now retired? - Yes.

When did you retire from the position as Director of Education in Central Region? - In April, 1994.

When did you take up that post? - I was appointed in 1974, and took up post following when the Region came into being in May, 1975.

What were the responsibilities you had as Director of Education? - I was responsible to the Education Committee of the Regional Council for the administration of the educational services within the responsibility of Education Authority.

Now, I am going to ask you questions about a certain phase of your work during which you were assisted in the areas I am going to ask you about by a man called William Ross. What position did he hold? - Mr. Ross was initially Assistant Direction of Education, subsequently became Junior Depute Director of Education. He was third in seniority within the Education Department Directorship.

I think he is now deceased? - Yes.

I think the starting point for the issues I wish to raise with you is in a folder of productions which we have, which is the first folder in the J(i) productions, and I will be dealing with a number of these. The first document I want you to look at is DCRC/AL/B2, which is D1/J(i). Do you see that document? - I do.

You will see that is a memo to you from one of your staff in the Regional Youth & Community Department? - Yes.

And/

And this is confirming to you that Mr. Hamilton, that is T.W. Hamilton, Principal Leader of the Dunblane Rovers Group, has an official let of Dunblane High School gymnasium? - Yes.

Now, can you confirm for me the date of that? - 27th October, 1981.

Prior to this had you heard of Mr. Hamilton? - No.

Why were you being notified? - I had received an enquiry from the local councillor about Mr. Hamilton. As I recall, she had received concerns from constituents and wished me to investigate.

That would be Councillor Davidson? - Yes.

Now, it may be best to set the scene by asking you if you would read out the second paragraph onwards, which is relating to information from a person called Jim Gardiner. Who was he? - He was an officer in the Youth & Community Service, based in Dunblane.

Can you read out from the second paragraph? - "The information from Mr. Gardiner is that the group consists of approximately 20 boys who apparently attend with the consent and knowledge of the parents, as Mr. Hamilton makes a point of visiting the homes. They undertake 'Scout type' activities, including camping, and wear a uniform.

"We would certainly not employ Mr. Hamilton, as Mr. Gardiner is not entirely happy with his approach to youth work and has an unconfirmed suspicion that his motives are questionable, although it must be said that no direct evidence of abnormal behaviour on Mr. Hamilton's part has come to the notice of Gardiner.

"I checked with the Scouts District Commissioner, Mr. Tom Mack, and he has confirmed that the group is not affiliated in any way to the Scout Movement. Mr. Hamilton it appears is the subject of a confidential report at national level which shows him to be totally undesirable in relation to working for the Scout Movement. The report is based on his homosexual tendencies, and he was, for obvious reasons, discreetly removed from the Scout Movement. "I trust the above is helpful with your enquiry from Councillor/

Councillor Mrs. Davidson".

In the first paragraph it is explained that this information about an official let of Dunblane High School gymnasium has been processed through normal channels, and the "normal channels" referred to include the source of your information, Mr. Gardiner. Is that just coincidence? - Yes.

So purely because of his coincidental involvement, evidence of a sensitive nature has come into the possession of the authority, and is directed to you? - Yes. Coincidental in the sense that he was the Youth & Community officer in Dunblane and had been involved the let.

Do you know whether at that time there was any formal procedure involved before a let was agreed to, in the sense of either interviewing someone before they complete the form? - They would have had to complete a form. I can't recall whether it was a necessity to conduct any interviews; that would be doubtful.

At that stage did the School Council have any responsibility for agreeing to the let of the gymnasium? - They had responsibilities for the school accommodation, and that would include the gymnasium. The position is slightly complicated, in that it was also a community centre, and that is where Mr. Gardiner was involved. But in terms of a gymnasium, the School Council had a formal responsibility.

How was the School Council constituted? - The School Council was made up by representatives of the secondary schools and the associated primary schools, and one of its functions was the letting of accommodation.

Did this change with the re-organisation of local government? - It changed in that School Boards were set up, and they assumed responsibility for the letting of accommodation.

Did School Boards have any direct responsibilities in relation to lettings, or were the responsibilities they had -- were they largely acted upon by staff employed by the Regional Authority? - The School Boards carried the formal/

formal responsibility, but in terms of the routine, that routine would be carried out by staff.

So we will see the signatures of permanent staff approving lets on behalf of the School Board? - I would expect so.

If that happened, would it be the School Board who makes the decision or would it be a member of staff who had delegated powers who would do it? - It would be the member of staff, but there would be a requirement to report to the School Board, in cases of doubt, presumably in consultation with the Chairman, and if necessary in such circumstances ask for a decision from the School Board.

Can we look at D2? That is your letter to the Director of Administration and Legal Services of the authority; is that right? - Yes, that is correct.

And you are explaining the information you have puts you in some difficulty in knowing what to do about this kind of case. You then say "It would I suppose be possible to cancel the let or to refuse any further let, but the Education Authority might be in difficulties in specifying reasons"; is that right? - Yes.

Then D3 is a letter from the Dunblane Rover Group, signed by Hamilton, dated 2nd November, 1981? - Yes.

I take it that is in response to your enquiry to him to provide information about the group? - Yes.

Did you make that enquiry following the concern that was expressed in these earlier letters? - Yes.

I think if we look at D4 we have you in the light of that writing to the Director of Administration again, saying there was nothing on the surface which may be legitimately queried by the Education Authority; is that correct? - Yes.

In D5 we have a letter to Mr. Hamilton from the Regional Youth & Community Organiser, dealing with the queries he has raised in that earlier/

earlier letter about registration -- in fact it must have been in another letter, but he has raised a query about registration, and if you go to the second paragraph you see what that query was? - Yes.

Now, so far as your authority is concerned, what did registration mean, when a youth group was registered? - We didn't have a scheme of registration of groups, as that letter says. My assumption is that Mr. Hamilton had enquired whether he might receive such registration, which would allow him accordingly I assume to state to parents that he had the approval of the Region for his activities.

But in fact what you did do was recognise groups by providing financial assistance in terms of free letting, and the like? - Yes.

But there is no other formal register of approved groups? - No.

I think that letter is two years after the earlier correspondence, the 26th April, 1983; is that right? - Yes.

Could I now ask you to look at a handwritten Minute of one of your Committees, the Further Education & General Purposes Committee -- this is document D7 -- of 15th August, 1983? - Yes.

Did you attend that meeting? - Yes.

What was the subject of part of the meeting that we see minuted? - Mr. Ross, who was named in the Minute, the then Junior Depute Director of Education, had come to me very concerned about complaints and allegations he had received about the Dunblane Rover Group and specifically about Mr. Hamilton. We were considering the action to take. I decided it would be appropriate to report this matter to the Further Education Sub-Committee.

Yes? - I think Mr. Ross sets out in the earlier part of this confidential part of the Minute what the complaints were, and he mentions complaints from parents and head teachers who were confused over the title and thought he was acting on behalf/

behalf of the Scout Movement.

And several parents had complained about lack of administration, and there was an example of an outing to Loch Lomond in which a child had got an axe in his leg, and another child had been sent on a boat to Luss to take him to hospital? - Yes.

We have already heard evidence at the Inquiry about this. There is then a discussion among the various councillors about some of their own personal knowledge of him and their views as to what might be done. What was the upshot of that meeting? - The upshot of the meeting was that the Committee decided to cancel the let to Mr. Hamilton and therefore to the Dunblane Rover Group.

In the third page of the Minute we note that in one group he had tried to set up in Bannockburn 300 children turned up on the first night? - Yes.

Then Mr. Ross said that head teachers had all now withdrawn support? - Yes.

So the decision is to terminate the let? - Yes.

Can you tell us the reasons which are quoted at the end of the Minute? - "Councillor Anderson. First of all complaints from parents misled into thinking that this was a Scout group, the teachers also gave support on that basis, and this is now withdrawn. Secondly, the man claims the support of the Education Authority, which he does not have. For these two reasons" -- I am sorry, the next bit is missing.

I think we can take it it says "the let was terminated"; is that right? - Yes.

I think if we look at the printed Minute, which follows, which is D8, that is the actual recommendation of your Sub-Committee, it says "The Sub-Committee noted the terms of the Report and recommended that the organisation be not granted any lets of educational premises in the future"; is that right? - Yes.

So that was the decision at that stage? - Yes./

- Yes.

Now, could I ask you to look at D13, which we see is a letter of the 7th October, 1983 from the Assistant Director of Education telling Hamilton that his let at Dunblane High School was to be terminated forthwith? - Yes.

If we then look at D15, do we see that this is a complaint by Mr. Hamilton to the Ombudsman? - Yes.

What was the complaint? - He says "Possible mal-administration. Briefly in that the Council may have acted upon malicious gossip and unfounded allegations without investigation".

I think he goes on in the next paragraph.....? - "I may have been slandered by officials to councillors, resulting in the loss of let of Dunblane High School to boys' club".

And the date of that complaint? - Monday, 10th October, 1983.

I think if we then go to D16, we see that is a letter from the Dunblane Rover Group to you? - Yes.

Is that challenging the decision of the Committee?  
- Yes.

Can you read out the last two paragraphs of that, please? - "If after nine years of Rovers we are not formerly recognised, please inform me what we have to do to become recognised. If there is any aspect of our activities that the Authority is not happy about please inform me so that steps can be taken to satisfy you.

"We have 70 boys in our group who are all very enthusiastic and anxious to continue with their training and activities at Dunblane High School subject to your approval. On behalf of the boys, parents, Committee and leaders I respectfully request that the immediate reinstatement of our let".

I think in the earlier paragraph he had said he had not been consulted about any complaints, and he wanted to know the names of the complainers, because/

because he had not been given an opportunity to answer or to challenge them? - That is correct.

Is that correct, that he was never told who was complaining about him? - Yes. We had nothing in writing, no piece of hard evidence against him.

I think these are exactly your words in D18, a letter of 19th October, 1983, again to the Director of Administration, and in the second paragraph you say "You will recall that in reporting to the Further Education Sub-Committee about the matter, Mr. W. Ross, Junior Depute Director of Education, indicated that there had been complaints made but there was no formal complaint in writing and not one single hard piece of evidence which could be quoted as the reason for discontinuing the let. Nevertheless, the Committee decided that the let should be cancelled at the first opportunity"? - Yes.

If we now go on to the next item in correspondence, D19, do we see that is a letter dated 25th October, 1983, from one of your councillors? - Yes.

Councillor Ball was the councillor in question. Was he at that time a Regional Councillor? - Yes.

Was he on any Education Committee? - As far as I can recall he would have been on the Committee. My recollection is that all councillors were on the Education Committee at that point. I don't think he was on the Further Education Sub-Committee.

Do you know in what capacity he wrote to you? - He was Mr. Hamilton's local councillor.

I think he was concerned that the decision which Hamilton was questioning had been a breach of natural justice, in that no formal complaints were brought against the running of the group? - Yes.

And Mr. Hamilton was not given an opportunity of replying to such complaints? - Yes.

I/

I think he said "It would seem to me the company could be accused of acting unreasonably in cancelling the let that an organisation has held for five years without giving any reasons"?  
- Yes.

I think he also says in the second paragraph that Mr. Hamilton does not seem to run this organisation alone, but has a number of other workers, one of whom is in fact a physical education teacher employed by Central Region? - Yes.

Do you know if that was established to be true? -  
Not to my recollection. I don't really know from memory.

Now/

2.50 p.m.

Now, can I ask you to go ahead a little to D21 and do you have there a whole series of letters, 22 in total, all dated around the end of October, the beginning of November 1983? - Yes.

Do you remember these letters? - I remember their receipt, yes.

Now, can you tell us in general terms the substance of them? - The substance of the letters were that they supported Mr. Hamilton and his efforts to have the let reinstated.

Now, I know there is the odd one which is typewritten and simply has the handwritten signature but can you confirm that the majority are actually fully handwritten? - Yes.

And they all look as if they are in different handwriting? - Yes.

I take it that the Council treated these as genuine letters? - Yes.

Can you also confirm to me that there was a petition with 70 signatures also supporting Hamilton? - Yes, there was a petition.

That was dated the 2nd of November, 1983; perhaps you could have DCRC ALB1F4, is that the petition addressed to the Director of Administration and Legal Services dated the 2nd of November, 1983? - Yes.

And the last words in the petition are "We are all proud to have Mr. Hamilton in charge of our boys; he has a most activated, excellent quality of leadership and integrity and absolutely devoted to his lads; above all he cares, yours faithfully, the parents"? - Yes.

And the whole list of 70 signatures? - Yes.

Did this prompt any further consideration of his let by the Regional Council? - Yes, a further Education Sub-Committee considered an appeal from Mr. Hamilton supported by this document to which/

which you have referred, the appeal against the decision to terminate the let.

That gave rise to a very long debate on the 7th of November, 1983, if you look at D23? - Yes.

Were you present at that meeting? - Yes.

There was this time not unanimity? - That is correct, as I recall there were some opinions that in the absence of hard evidence the decision, the original decision, might be reconsidered.

But there was still a majority view that the Council was right to sup with a long spoon with Mr. Hamilton? - Yes.

If you look at D24 do we see there the actual decision that was made? - Yes.

Now, what was the decision? - The decision was that the original decision should be reaffirmed.

There was an amendment to that which was out-voted by 10 votes to six? - Yes.

What was the amendment? - The amendment was that consideration of the matter be continued in order that members could meet with office bearers of the organisation to discuss the matter.

That was 10 votes to six? - Yes.

I see also that there were actually over 30 years actually received by the Council although we have only 22 of them here? - Yes.

Now, after that happened did Mr. Hamilton proceed with his complaints to the Ombudsman? - Yes, as I recall it.

Could you look at D36 now? - Yes.

Is that a letter from the Ombudsman's secretary to the Chief Executive of Central Region dated the 3rd of February, 1984? - Yes.

It/

It refers to the Commission having received a complaint from Hamilton which was referred to by Councillor, Dr. Ball? - Yes, that's right.

It is already asking the question what are the reasons for the decision which the Council has taken? - Yes.

Is that the approach that was made? - That was the approach, yes.

I think by this time the Council was already considering further whether they should discuss matters with Hamilton again, is that right? - Yes.

What gave rise to that? - In January I think it was a fresh application for a let was received from Mr. Hamilton this time in respect of a new club, the Dunblane Boys Club.

So the name had gone? - Yes, the name had gone.

That was part of the problem with the previous group? - Yes.

Now, would you look at D42? - Yes.

Which is the report to members I think for part of the meeting or one of the meetings of the Committee dated March, 1984? - Yes.

And is that reflecting just what you have told us, that further information was coming in about the new boys club? - Yes.

Is No. 43 the decision that was taken at the meeting on the 12th of March? - Yes.

What was that decision? - The decision was that consideration of the matter, that is to say the matter you have just referred to "Be deferred pending a discussion by the Commissioner for Local Authorities in Scotland in relation to a complaint which had been alleged alleging injustice caused by mal administration on the part of the Regional Council".

There/

There was an amendment against that application being granted but that was defeated by 15 votes to three? - Yes.

So the Council decided to await the outcome of the Ombudsman's investigations? - Yes.

Now, if we go to D52, do we have there the Ombudsman's report? - Yes.

And this is the official version of the report after the Council had had an opportunity I think to comment on the draft? - Yes.

Now, I think the Council was found to have acted wrongly and that the charge of mal administration advanced by Hamilton was upheld? - That is correct.

If you go to the last paragraph, No. 34, can you read the decision? - "I take the view that these criticisms of the Council's actions justify the complainant's charge of mal administration and that injustice has been caused to the group as a result. The Council have decided to defer a decision on offering a let to the re-constituted group pending the outcome of this investigation and they should now resume consideration of the matter. On the evidence available I see no reason why the Council should not now grant a let, but in any case I shall be unable to record that their future action is a satisfactory response to this finding of mal administration until I am convinced that they have made a decision on the basis of a proper examination of the relevant factors and only those".

Who was the Ombudsman? - A Mr. Eric Gillett.

The date of that report? - The 15th of November, 1984.

What was the Council's reaction to that? - The Council was most unhappy about the finding, it took the view that the Ombudsman had acted outwith his proper jurisdiction and made representation to that effect; they took the view that they did have authority to cancel the let if they so wished and if the matter had been properly debated within the procedures.

Eventually/

Eventually Hamilton got lets of Dunblane High School and other premises again but this is some time after this report, isn't it? - Yes, the Council also took the view that when the representations were not successful that they were obliged to grant the let but they were anxious, as I was, to build in safeguards in terms of the new application at Dunblane's Boys Club and in particular that there should be a constitution that there should be named adults forming a committee and I was anxious that Councillors should themselves meet face-to-face with these representatives of the club who could be therefore expected to take responsibility face-to-face with the Councillors for the activities of the club; that meeting did eventually take place in September 1985; Mr. Hamilton had, prior to receipt of this, had involved lawyers but eventually the meeting did take place.

If Mr. Hamilton had been true to form the meeting would have been on the 16th of November, 1984; can you tell me what difficulties you encountered in trying to arrange such a meeting? - The main difficulty was his reluctance and his insistence certainly at one point that he would be represented by his solicitor.

He wanted more than a solicitor at one time, didn't he; do you not remember him wanting Counsel and a shorthand writer as well? - Yes, I have to say I think that was the scene.

I think the Council agreed to someone attending the meeting with him? - They were not totally unhappy but they were insistent that he should.....the meeting should have the parents to whom I have referred, that was the principal anxiety.

Now, I know that you have told us the meat of this but I am afraid we can't leave this report without looking at it in a bit more detail; could you go back to the beginning of the Ombudsman's report and the beginning, I think paragraph one, reflects the complaints that the let was terminated without proper warning or explanation, the decision was taken on the basis of unsubstantiated allegations to which he was given no opportunity to reply, is that right? - Yes.

So/

So the Council's view that the Ombudsman had no jurisdiction is reflected in paragraph two? - Yes.

But that view of your Council was based on the Ombudsman being excluded from looking into the management of schools, was it? - Yes, I think at the end of the day that was the view and that was the effect of the matter in terms of his jurisdiction.

He decided he had jurisdiction and that was that? - Yes.

Does this reflect in paragraph four that at some award ceremony in October, 1981 there had been communication between an official of the Scouting Association and a Councillor and the subject of the communication between the Rover Group or lack of communication between the Rover Group and the Scout movement came up? - Yes.

And the Scout official expressed displeasure about that? - That is correct.

And it emerged that after inquiries information had come from the Scouts to the Council that Mr. Hamilton had been required to give up his activities some years before? - Yes.

Now, I think if you go to paragraph six we see that that was the end of the 1981 business and the group continued to use the facilities until 1983; you have said about correspondence also in 1983. Can I then ask you to go forward to paragraph 12 and I think the rest reflects what happened at the Council meetings and if you look a paragraph 12 can you read the beginning of that? - The "Y and C officer was asked to deal with the cancellation of the group's lets and he enquired of the Director of Administration and Legal Services what reasons he should give. He was informed that these would be the reasons reported to the sub-committee; but also that as the use of educational premises is a matter for the discretion of the authority there was no obligation other than a moral obligation to do so. On 7th of October the complainant was informed in writing that the let of education premises was given at the discretion of the Education Committee, and that the Committee had decided to terminate the group's/

group's let of premises forthwith. No reasons were given".

Now, that reflects I think that if you are the owner of a property you have a right to refuse to allow someone to use it because you don't fancy them being there; you were not able to get away with that as a Regional Council; why is that? - Because the Ombudsman ruled against the Council.

Why, what tests was the Ombudsman applying to rule against the Council? - He took the view that there should have been substantive grounds of complaint upon which the Council were to act and, as you know, there had been no specific and certainly no written complaints against Mr. Hamilton.

If you look at paragraph 15 there the words about no single hard piece of evidence came back to haunt you? - Yes.

You see that on the fourth line? - Yes.

That was, I think, the view you had expressed and, of course, that is an important element in the Ombudsman's consideration of this case? - Yes, it was the truth.

There is then reference to intervention of the supporting parents and the letters and the petition and then if you go to paragraph 22, at the foot of page eight, could you read that? - "In the course of the investigation my officer asked the Y and C officer whether there had been any concern about lack of organisation on the part of the group over the years when they had had a lot of school premises or whether there had been any trouble over the use of school premises or equipment. The Y and C officer said that there had never been any indication or cause for concern either from parents or school janitors".

In think the enquiry also went into the incident where a boy was cut on the foot with an axe? - Yes.

And this is dealt with in the next paragraph? - Yes.

And/

And then at No. 26 we have the reflection of the argument, your Council's argument; can you tell us what that was by reading paragraph 26? - "The Authority have argued, however, that they did have material reasons for determining to discontinue the arrangement for use of the premises, examples being as follows -- (a) general concern by head teachers regarding the administrative arrangements of the group. (b) the quality of leadership of the group exemplified in paragraphs 8 and 23 of the draft report. (c) management difficulties caused in an educational establishment by the opening night at area B. (d) alleged improper circulation of notices to parents through primary schools".

These matters, the quality of leadership in paragraphs 8 and 23, part of that is also to do with the difficulty caused at area B at Bannockburn, which I mentioned.

Did/

Did the Council at the time they were considering the draft report adhere to the view that they did have a proper basis for refusing to continue with the let? - Yes, that is my recollection.

The last item mentioned there is the alleged improper circulation of notices to parents through primary schools. Was there any particular policy at that time about allowing circulation and advertising material through schools? - I don't recall that there was a policy document as such, but there was a long-standing practice, established well before the Region came into effect, that schools were not to be used as Post Boxes for organisations about whom the Council might have reservations. For example, schools were not to be used for the distribution of commercial or political material and the like, and that position was well understood by the head teachers.

Did head teachers have a discretion about allowing circulation of material he or she was happy with? - Yes, at a local level head teachers could be entrusted to take decisions.

We then have the Ombudsman's conclusions. Could you read the second sentence in paragraph 28? - Yes. "On the one hand they have a discretion whether to let the school premises, and a consequent duty to ensure that they are not let to unsuitable users; on the other hand they have a responsibility to deal fairly with all their constituents. I have borne both these factors in mind".

Did the Council accept that approach? - No, the Council felt they did have full discretion to let school premises.

Do we have here a subject which is a continuing sore point of Councils, in other words the extent of their discretion, or has this issue been resolved since 1984? - Yes, to my recollection it had not been resolved in 1994. Had the same position arisen prior to my retirement the same position would have prevailed. We would have borne the Ombudsman's ruling very much in mind.

I think the Ombudsman then goes on deal with the reasons adduced for terminating the let?/

let? - Yes.

And deals with the Council's position on this, which we have looked at? - Yes.

Then at paragraph 32 he says "On no occasion was the complainant given an opportunity to put his side of the case before the decision was taken, and even in regard to a decision which was at the discretion of the Council I consider this to be unfair, particularly as the termination of the let without reasons was bound to reflect on the group and the complainant"? - Yes.

Now, I suppose that is right, that he was never given an opportunity to put his side of the case? - Yes.

Did the Council accept however that it was unfair to proceed in that way in the particular circumstances of this case? - No. The Council as I said felt that they had discretion. They knew very well that the substance of the complaints against Mr. Hamilton were from rumours, that there was no specific, no hard evidence, apart perhaps from head teachers saying that the initial meetings they had knowledge of were somewhat disorganised: so the Council did not feel that they had acted unfairly or improperly.

Now, could you look at D60, which is a letter from Mr. Hamilton to the Director of Administration dated 14th December, 1984. Does he say in the second paragraph "Despite the secrecy of the Regional Council in their acting to terminate the lets of the Rover Groups being a decision taken by the Further Education and General Purposes Committee on the 15th August, 1983, I have been informed by a sympathetic Councillor of the exact nature and extent of the allegations made about me in my absence"? - Yes.

Did it appear to you he was able to get information that he ought not to have had? - Yes, I formed that understanding.

Did you ever discover how he got the information he should not have had? - No.

Then if we go to D78, do we have there a Minute/

Minute of a meeting of 23rd September, 1985, at which Mr. Hamilton and a delegation attended to meet the Council? - Yes.

Was one of the delegation a solicitor? - I believe so, from memory.

D78 should be the Minute; and if you go to the third page of that you will see the list of people? - Oh, yes.

I think we see the name of his solicitor there? - Yes.

I think if we go back to the front page we have the decision of the Committee that the Dunblane Boys' Club be granted the let of educational premises under the normal conditions applying in terms of the Council's scheme? - Yes.

And it was also decided that you should look into the possibility of producing an information booklet? - Yes.

Why was that? - I suppose it was intended to help the Council should there be any other groups arising of the type that were having locational difficulties, but that was unprecedented.

Did any such booklet ever get produced? - I don't recall its production.

If we look at the third page of that Minute, where we have the list of people attending, you will see there is a person called Mrs. McFarlane and there is a Mr. and Mrs. Anderson attended and a Mr. Williams along with Hamilton; is that right? - Yes.

There were a number of matters discussed and replied to in a way which must have satisfied the Committee; is that right? - Yes.

And point 5 of these answers included a statement that the club had been affiliated to the British Amateur Gymnastics Association, but they would give consideration to affiliation with the National Association of Boys' Clubs. Do you see that? - Yes.

Did/

Did that ever happen, to your knowledge? - Not to my knowledge.

And they undertook in the next paragraph that all the activities would be adequately supervised, and the Chairman himself would be assisting with gymnastics; is that right? - Yes.

Now, what was it that had changed apart from the Ombudsman and his intervention to persuade the Committee that it was now appropriate to allow Hamilton's group back on to Council premises? - Well, the Ombudsman's decision was crucial. The Council felt they had no option. It was equally anxious that there should be accountability with activities within the club, and the only way that might be suitably arranged was to require the Constitution of this club and the representatives that had been named, that they should appear before a sub-committee, which was a very high level sub-committee, containing the Convener of the Council, the Vice-Convener, the leader of the majority group, the Chairman of the Education Committee and members of the major political parties.

Can you remind me why it took the time it took to arrange that meeting? - Because of resistance from Mr. Hamilton.

Was that resistance to your proposal that he should meet the Committee and so on? - Yes.

As a result of all that did Mr. Hamilton's lets resume?  
- Yes.

And did in fact his involvement with local authority premises extend into other areas? - Yes.

Could you look please at D84? - Yes.

I think we there see Hamilton writing to the Youth and Community Officer, Mr. Watson, in a letter dated 21st May, 1987, talking about obtaining the use of Falkirk High School gymnasium and Graeme High School gymnasium and games hall? - Yes.

If we look at 85a, do we there have a letter dated 20th June, 1988, from a parent concerned about the supervision at the Graeme High School Club? - Yes.

Were/

Were you aware of that complaint at that time? - I did not deal with it personally, but I think Mr. Currie, the then Assistant Director of Education, told me he was dealing with it.

It was concern over the welfare of a child because of the information a parent had received about a holiday camp to be run on an uninhabited island in Loch Lomond? - Yes.

In paragraph 3, "He is asking parents to leave their children at Balmaha with an unknown boatman 'Captain George' who is apparently to ferry the children over to Inchmoan with no other supervision present"; is that right? - Yes.

And there is reference to no names available for the other supervisors for the camp? - That is correct.

So prior to this camp taking place we have a very considerable list of items of concern, including detailed feeding arrangements and so on, being raised by a parent? - Yes.

Now, do you know what was done about that complaint? - My recollection is that Mr. Currie would have advised the parent that as the camp was not being held on Regional premises and not in fact being held within the area of the Region that it was outwith the jurisdiction of the Central Regional Council, and I assume he would also have added that the fundamental responsibility on the parent is to decide whether or not they would allow their children to attend such a camp.

Was there any system in place in those days for communicating concern like this to the authority in the area where the camp was to take place? - There was no formal system. It was not uncommon for informal contact to take place, but I couldn't say whether it did take place. If I may add, I believe Mr. Currie did ascertain that there was a possibility at least of police enquiries being made, but I don't recall the exact sequence chronologically of events.

Now, I think it was shortly after that that the let of Graeme High School came to an end? - Yes.

Do/

Do you remember the circumstances in which that happened? - Yes. Mr. Hamilton complained to me -- at least his complaint came to me -- that this let had been terminated abruptly: he had held the let previously, and he felt that the Council had acted unfairly.

Why was it terminated? - It was Council policy to accord priority to its own provision, whether youth and community service or sports development, and as I recall it, such a let was accorded priority.

So he lost out because of increased demand for the premises? - Yes.

And that would be from one of your own bodies, or would it be by the school itself? - No, it was made clear that the Council's own provision would take priority. I don't think it was the school itself. I think it was Regional provision.

If you look at D90, you see there a letter dated 18th January, 1989 from Hamilton to a man called Campbell? - Yes.

Do you know who he is? - It was Mr. Ken Campbell, who was a lawyer within the Region's Department of Administration and Legal Services.

I think Hamilton in this matter is harking back to 1985, at the foot of the page, saying he had an informal agreement that they would have the use of school facilities in the Region for their work for the youth of the community and that they would be left in peace to enjoy their use free from any future arbitrary problems from the Education Department; is that right? - Yes.

Did you have any agreement with him, or do you know of any agreement? - No.

Now, I think he managed to get letters from the Council again. If you look please at D92, do we see there that the matter was to be placed before the Education Sub-Committee? - Yes.

And that was his query about the availability of Regional Council premises for his organisation? - Yes.

Now, /

Now, did he get the let of Graeme High School restored? - I don't think they went to that extent. I think he wrote in to say that because of the passage of time he had decided to go elsewhere.

I think if you look at D95, which we see is a letter of 14th March, 1989, that he applied for Alva Academy for Monday evenings instead? - Yes.

Can I take it from that letter that he got the let of Alva Academy? - As far as I recall.

He refers in the last paragraph to the only remaining club within Central Region met at Dunblane High School on Thursday evenings? - Yes.

And if you look at D100, do we see in October, 1990 he was complaining about losing out part of his let at Dunblane High School? - Yes.

But the explanation was that he was not using the full time allocated to him? - Yes.

Now, there are just certain ancillary matters I want to cover with you.

Could/

3.30 p.m.

Could you look at D111; it wasn't an education responsibility that led to complaints to Central Region about a social worker called Keilloh and his involvement in investigating complaints in 1991 and that is the subject of this letter of January, 1992 but can you tell me whether you were aware of problems Hamilton had with camps at Loch Lomond in 1991 and 1988? - Well, I had been told about the camp of 1988 to which you referred previously; personally I am not aware of anything subsequent to it.

So when did you learn of that, apart from the letter we are looking at? - The letter to Mr. Currie.

That was the only one you knew about? - Yes.

Until you retired were you unaware of this problem with the camps in 1988 and 1991? - Unaware.

Were you also unaware of other complaints coming in about Hamilton's conduct at some of the camps under the Region? - I was not made aware of such complaints.

So, you got no complaints about his handling of his club activities from the time that the lets are reinstated in 1985? - That is correct with the sole exception of the letter to Mr. Currie.

Now, we will see evidence of the involvement of the Education Department in communicating principally with the Administration and Legal Department about problems that arise in relation to the activities of the clubs but can I take it that was something that wasn't getting up to your level for attention? - It was not.

So when you heard about the Dunblane tragedy did the name Thomas Hamilton mean something to you? - Oh yes.

And what we have heard from you so far, is that a fair reflection on your overall knowledge of that? - Yes.

And/

And really in the latter days he just didn't feature in your conduct of your work? - That is correct.

CROSS-EXAMINED BY MR. JONES: Could you go back to D5 in the folder; this was a letter dated the 26th of April, 1983 from Mr. Gardiner to Mr. Hamilton which you looked at a little while ago; could I just ask you to look at the first paragraph of the text; you will see that in the second sentence there is reference there to insurance and the text reads in this way "The insurance outlined in your letter appears to be more than adequate", do you see that? - Yes.

And Mr. Gardiner goes on "Additional to this you now have with your own gymnastics qualifications acquired the standard requirement in respect of use of gymnastic equipment and this would appear to solve the problem which arose"? - Yes.

So that from this time in 1983 there was a record in the Council files of qualifications and also insurance arrangements being in place, is that the position? - That would appear to be the case.

Could you go on to D23? - Yes.

This is a handwritten Minute of a Sub-Committee that you looked at earlier dated the 7th of November, 1983 and if you turn to page four? - Yes.

Do you remember you were asked by my learned friend whether you were able to satisfy yourself that the claim that a teacher was helping at the boys club had ever been verified; do you see just over halfway down page four there is a record of you having made the observation that there wasn't a scrap of hard evidence, do you see that? - Yes.

And do you see that the Councillor says "I see a Mr. McIntosh, a degree in physical education and a teacher at Dunblane Primary School, is a leader"? - Yes.

And Mr. Ross who I think is a junior deputy of education says "Peripatetic on a visiting basis"? - Yes.

Does/

Does that remind you that there was some inquiry as to who this teacher was and it turned out to be this gentleman referred to here? - Whether there was actually an inquiry I am not sure but one assumes Mr. Ross was correct.

Now, I think the Sub-Committee you told us again met in March; could you look at, if it is available to you, the other document file, it may be possible to find it as DCRC AL B1 F1/14 and if you turn to the beginning of that bundle I hope you will find a document which has "Confidential" stamped on it and to the right of it there are the words "This paper relates to item 1B on the agenda", have you got it? - Which page are we on?

It is the first page in that bundle? - The 24th of February, 1984?

Yes, you will see it says on the right-hand side "This paper relates to item 1B on the agenda"? - Yes.

A letter or copy letter dated the 24th of February, 1984 addressed to Mr. Buchanan? - Yes.

Director of Administration and Legal Services, do you see that? - Yes.

It is signed, if you go to the end of the second page on the reverse, by Thomas Hamilton and Catherine Anderson? - Yes.

Does this letter set out for the Council the conditions and composition of Dunblane Boys Club Committee, do you see that? - Yes.

And there is reference on that first page to a leader and club coach Norman McIntosh, degree of physical education? - Yes.

There is a list of assistant leaders and a list of helpers? - Yes.

And over the page there there are details of parental involvement and insurance and so on? - Yes.

Was this one of the papers that was available to the Sub-Committee that had met in March?/

March? - I think almost certainly it would have been, it would have been material to the application for the let in respect of Dunblane Boys Club.

Could I ask you to turn to D52? - The original?

D52? The file which is below that one? - Yes, did you say

D52, the Ombudsman's report? - Yes.

Could you turn to page nine at paragraph 25? -  
Yes.

Do you see that the Ombudsman says and this is about the Regional Council's position -- "The Regional Council have commented that in the circumstances of this case any assertions which were narrated as regarding the complainant's character were clearly qualified by the statement that there was no evidence to support them. They took the view that nonetheless such assertions may properly be of concern to an Education Authority since they related to the welfare and safety of children present in educational establishments".

So that is a justification that the Council were putting forward and which they felt was a good justification in the circumstances, is that right? - That is correct.

And the Ombudsman goes on to record "In an entirely discretionary area the Council was under no obligation, nor had it the power to make thorough investigation of such matters although the implications were intimated quite properly to the Sub-Committee in its deliberations. They acknowledge that these implications were so vague as to found no material reason in themselves to occasion termination of the use of the premises". So again this is a further record of the Regional Council's reasons for the termination of the let? - yes.

Now, /

Now, I think that you touched on another cause which the Regional Council did have concern over which was the distribution of leaflets through schools and if you turn to page 11, do you see that the Ombudsman deals with that paragraph at paragraph 31? - Yes.

Would you read that out for us? - "The final reason given by the Council is the complainant's circulation of notices to parents through primary schools. The head teachers were of course free to refuse to circulate the notices, but the complainant was as free as any other citizen to approach the schools, and it is extraordinary that he should be criticised for having done so".

Just to save some time one of the documents which isn't set out in the folder which you have got indicates that the let of Dunblane High School recommenced on the 24th October, 1985; would that be consistent with your recollection? - That would be since the meeting with Mr. Hamilton and his Committee was in August or September, 1985.

Can I take you on to D88; now, you have I think told us about Mr. Campbell to whom this letter is addressed; this is a letter dated 4th January, 1989 from Mr. Hamilton, is that right? - Yes.

To Mr. Campbell in the Legal & Admin. Department and it says in the first paragraph that this is a letter which deals with the termination of the use of Graham High School? - Yes.

Do you see in the third paragraph that Mr. Hamilton makes the threat that unless the let is now restored he will instruct his legal advisers to proceed with litigation against the Regional Council in respect of the damage caused to him as a result of their action in 1983, do you see that? - Yes.

Was this part of a pattern which had developed, that when there was a problem with Mr. Hamilton he threatened either the Ombudsman or litigation or both? - Yes, I would say it was part of a pattern.

RE-EXAMINED BY MR. BONOMOY: Mr. Collie, you said that from an early stage you had official confirmation/

confirmation of insurance; does the Council have a system for checking annually insurance for organisations such as Hamilton's?

- Not to my recollection, it would have to be checked.

Would an insurance policy normally simply be for a year? - I would imagine so.

MR. BONOMOY: Sir, on Friday I gave an indication that a witness who had communicated information to the Press would be invited to come here to give evidence. That information was repeated to his solicitor on Friday. I understood early today that his solicitor might not have been able to communicate with him so I arranged for police officers to ensure that he knew the invitation had been extended again. The witness indicated then that he would attend, he had not attended so I propose to follow the course of action I indicated on Friday I would follow if he didn't attend today and that is to present in the form of his statement the evidence which has been gathered from him; to do that I now propose to call my next witness, the police officer who took the statement, and that is Robert Pearson.

ROBERT/

3.50 p.m.

ROBERT PEARSON, Sworn:

EXAMINED BY MR. BONOMY: I am a Constable in the Central Scotland Police.

Are you based at Police Headquarters in Stirling?  
- No, I am based in the Community Safety Department based at Grangemouth.

I think that you got instructions last week to trace and endeavour to take a statement from a person called James Ronald Shaw? - That is correct, yes.

Were you able to locate him? - Yes.

Where was that? - We started making various enquiries and eventually got a call from Mr. Shaw and arranged to meet him at his home address.

Where was that? - 8 Claycroft Place, Stirling.

And when was that? - Approximately 5 p.m. on Thursday, 13th.

Did you explain why you wanted to see him? - Yes. It was suspected that a person had given information to the Daily Record newspaper, which was relevant to evidence that had been led by Detective Constable Douglas Hamilton earlier that week.

Did he indicate whether he was that person? - Yes, sir, he did.

Did you then ask if he was prepared to give you information? - Yes, I did.

Was he? - Yes, he was.

Did you take a statement from him? - Yes.

Were you accompanied at that time? - I was accompanied at that time by Detective Sergeant Allan Moffat.

Was/

Was he present throughout the time the statement was taken? - Not all the time, but the majority of the time he was present.

Why was he not there throughout the time? - We had some other enquiries we were carrying out, and Detective Sergeant Moffat had to leave the interview to make various phone calls.

How did you note the statement? - I noted it on A4 sized paper and had Mr. Shaw sign at the foot of each of the pages and at the end of it I asked him to read it over.

Do you still have these sheets? - Yes.

Subsequently were these typewritten? - The statement was typed up. I have a typed copy in front of me.

There is a typed copy available. It records the time of the statement being taken as 6.15 p.m.? - Yes.

Why is that? - We had arrested Mr. Shaw and taken him to the police office in Stirling. There were a number of warrants in respect of Mr. Shaw. The statement was taken at the police office in Stirling at 6.15 p.m.

Now, can I ask you to tell me some of what he said? I don't want you to tell me anything in the statement about his own particular personal circumstances, but bearing in mind what we have got is typewritten copies. Can you confirm whether or not you have checked the typewritten copy against the handwritten copy? - I have checked it in so far as it appears to be an accurate reflection of the handwritten statement.

If I could ask you to go to the bottom of the first page, to the last paragraph in the typewritten copy, can you read from there, please? - "I am a native of Stirling, and since aged five I was brought up and lived at the family home at 33 Crumb Crescent, St. Ninian's, Stirling with my parents and two sisters. "I was educated at Borestone Primary School, where I then progressed to Stirling High School to complete my secondary education.  
"I/

"I think I left school in the summer of 1974. However, in 1973 I joined the Venture Scouts, which operated in the Scout Hall, the First Stirlingshire Scout Hall, Queen Street, Stirling.

"Through the Venture Scouts I met Douglas Hamilton, who I learned lived in McLaren Terrace, St. Ninian's, Stirling. He was still a Scout at that time, not a Venture Scout, as he is a few years younger than me.

"The Venture Scouts helped with Scouts, and thereafter I had contact with Douglas Hamilton on a weekly basis over a period of about four years, between 1973 to 1977 approximately.

"When I joined the Venture Scouts in 1973, we used to frequent the hall on a Friday night, Saturdays and Sundays. Friday nights were the official Scout night, with Sunday night being the Venture Scout night. However, I went to the hall on a regular basis on Fridays, Saturdays and Sundays, as there was always a lot of activities ongoing that I was involved in.

"I first became aware of Tommy Hamilton as he used to come to the Scout meetings on a Friday. I learned that he was a Scout Leader in the Forth Sixth Troop, who met in their own premises in Stirling. He sometimes came in uniform and on other occasions he was in civvies.

"I formed the impression that Tommy Hamilton had nothing better to do with his time, and his attendance was actively discouraged by the Scout leaders, who did not particularly enjoy or like Hamilton attending our meetings, but nobody had the brass neck to tell him to go away in the strongest possible terms.

"Hamilton was the owner of a red coloured Opel Manta car. He also owned a red coloured Ford transit van which he used in connection with the business that he ran called 'Woodcraft' in Cowane Street in Stirling.

"Hamilton got into the habit of encouraging some of the younger Scouts to go with him in his car on a run called 'The Bunnyhunt'. My understanding was that he took three or four young Scouts in his car up to Sheriffmuir, where they caught rabbits in the glare or glaze of the car headlights and ran them over. As far as I am aware they didn't collect the dead carcasses of the rabbits, they just did it for the fun of it.

"I did not go on any of the 'Bunnyhunt' excursions, and I think that Douglas Hamilton may have went on one/

one or two occasions, but I'm not sure.

"I think that Tommy Hamilton on one occasion lost control of his car in Sheriffmuir at a corner and ended up crashing the car, causing considerable damage, and as far as I am aware, nobody was injured.

"It was openly discussed that Tommy Hamilton may have been homosexual and that his interest in some of the younger Scouts was open to speculation. The younger Scouts were actively discouraged from associating with Tommy Hamilton. However, Tommy lavished money, food, Chinese meals and the like on the younger boys, who seemed to find his generosity hard to resist.

"I became less active in the Venture Scouts in 1977/78, and maintained contact until 1980, although I occasionally had contact with the Venture Scouts after that date.

"I am aware that during this period Tommy Hamilton organised camping weekends at Loch Lomond, where he had a boat. He took some of the younger Scouts from our organisation. However, I am unaware whether Douglas Hamilton ever went on any of the weekend camping trips.

"Between 1980 and March, 1996 I had very limited contact with Tommy Hamilton. I occasionally saw him in Stirling Town Centre, but I never stopped to speak with him as I didn't like the man. I was of the opinion that he was a homosexual, and was a sly, cunning individual who I just didn't like. I never knew Tommy Hamilton to have guns, and it was never discussed by him his apparent love of or interest in firearms.

"On 13th March, 1996 I learned of the tragedy at Dunblane Primary School and linked the Thomas Hamilton as the man I had known a number of years ago.

"On/

"On the 10 p.m. news coverage on Scottish Television on Monday, 10th June, 1996 I saw television coverage of Douglas Hamilton leaving the Cullen Inquiry at the Albert Hall, Stirling. The news report stated that Detective Constable Douglas Hamilton had been called to the Inquiry to give evidence to the effect of having been asked to carry out a computer check on Tommy Hamilton to see if there had been any adverse reports about Hamilton.

"Douglas Hamilton had apparently stated that at the time he had carried out the checks there was no Intelligence reports on Hamilton, although there were one or two reports which had come to light at a later date.

"I recognised Douglas Hamilton from the television coverage.

"I was incensed to see and hear this television report, as I was aware that Douglas Hamilton would be well aware of Tommy Hamilton's background, and should have made his feelings and his knowledge of Hamilton known to whoever was collating the information for the Firearms Renewal/Variation Application.

"I telephoned the Operator Services and got the telephone number of the Daily Record at Glasgow.

I telephoned the Daily Record at Glasgow and got to speak to a female reporter called Claire, whom I understood to be a member of the editorial staff.

"I asked if the Daily Record would be interested in running an anti-firearms feature in view of the Cullen Inquiry which was ongoing at Stirling. I told her that I had information that the current system for administering the firearms administration for the licensing of firearms was not effective.

"Claire told me that she would have to consult with the Editor, and that I should telephone back the following morning and ask for her by name. At this stage I hadn't mentioned Douglas Hamilton or any specifics.

"At 10 a.m. on Tuesday, 11th June, 1996 I again contacted the Daily Record by telephone. I used the coin telephone boxes from outside the Allanpark Cinema at Stirling.

"I got to speak with a reporter called Anna, who described herself as Claire's boss.

"I did not divulge any of my personal details and used the name of David whilst I spoke with Anna. She asked me for my name and address, and I only told her my name was David.

"She,/"

"She, Anna, was very inquisitive about the information that I had, and asked to meet me. She told me that she couldn't print anything unless she had my name and address or if she had met me in person. I refused to give her my details, but arranged to meet with her at Granada Service Station at 12 midday.

"About midday that day I decided not to keep the appointment, and I again telephoned the Daily Record from my work at Robertsons of Denny.

"I learned that Anna had left to keep our appointment. However, I spoke with a male person who gave me his name, which I cannot recollect. He was an Assistant Editor, and I told him my name was David and that I wasn't going to keep my appointment at 12 midday with Anna.

"I felt comfortable speaking with this man, and I reiterated my thoughts about an anti-firearms feature that they could run.

"I told this man about the situation with Douglas Hamilton, and that even without computer assistance he would have been in a position to provide personal knowledge and background information about Thomas Hamilton.

"I told this man about the 'bunny hunt' scenario, the camping and boating excursions, the car accident and the well known thoughts and opinions of Tommy Hamilton, which were openly discussed at the Scouts and Venture Scout meetings during the 1970s.

"I was of the opinion that Douglas Hamilton would have imparted his knowledge of Hamilton even although there had apparently been no record of Hamilton on computer records.

"The man at the Daily Record asked me if I thought that Douglas Hamilton had been involved in a cover-up over this situation. I told him that I could see no reason why he would want to cover up anything.

"I was left with the impression from this man that they would not run the story unless they met me personally or had my full details, which I consistently refused to give him.

"This man then asked me to telephone Anna on her mobile telephone number and tell her that I would not be keeping my appointment with her. He gave me the mobile number 0836 597056 which I wrote on a piece of paper. I telephoned her and spoke with Anna. She asked me to think it over and telephone her at 6 p.m. that night.

"I didn't telephone her back and just left it at that./

that. She, that is Anna, had previously offered me money for a story, but I had refused and stated that if any money was involved they could donate it to the Dunblane Fund. I got the impression from speaking with Anna that she wanted to sensationalise the issue of Tommy Hamilton's sexuality, but that hadn't been my reason for contacting the paper in the first place.

"I have subsequently handed over a piece of paper with the telephone number 0836 597056 which was written by me to Police Constable Pearson.

"I have not received any money from the Daily Record in connection with my dealings with them. I have never met face-to-face with a reporter from the paper, nor have I at any time given my correct details. All the contact has been done on the telephone, and I used the name David Banks, or possibly just David.

"I saw the Daily Record of today (13/6/96) and I chose only to read the front page. I felt sickened in the way that my information had been reported.

"I have been asked to clarify the point on page 4, paragraph 2 of my statement with regard to the fact that I think that Douglas Hamilton may have gone on one or two of the 'bunny hunts' in Hamilton's car. I never saw Douglas Hamilton to with Hamilton, and I have no direct evidence that Douglas Hamilton did go on any of the 'bunny hunts' in the company of Tommy Hamilton.

"In my dealings with the Daily Record I always used the name David. I did not say that this was an assumed name, but I did say that I did not wish to be named. The only contact with me was using the name David, and at one stage I gave them my work telephone number at Robertsons of Denny, 22 Winchester Avenue, Denny, telephone number 01324 824555, which was a direct dial into where I was sitting within the Telecall Room within the office premises at Robertsons of Denny."

And is that an accurate record of the statement he gave you? - It is, sir, yes.

No cross-examination.

MR. BONOMOY: Now, sir, the day this article was published Mr. Douglas Hamilton was due to leave on holiday. I took the view that it was not necessary to try to rearrange his holidays, but I did have a statement taken from him to try to clarify/

clarify his position. He will return from holiday, and of course if this statement is not satisfactory in any way he can be recalled to give evidence, because I suspect this Inquiry will still be ongoing in some form at this stage. However, it may be we could simply deal with the matter through his statement.

I would propose again inviting the officer who took the statement to tell us about it. It is Chief Inspector Anderson.

LORD CULLEN: Are parties quite content to deal with the matter in this way?

There was no response.

JOHN ANDERSON, (42), Sworn,

EXAMINED BY MR. BONOMY: I am a Detective Chief Inspector with Central Scotland Police, based in the Crime Managing Unit at Police Headquarters, Stirling. I have 21 years' police service.

I think on Thursday, 13th June of this year you were asked to take a statement from Douglas Hamilton, one of the Force's constables? - That is correct, sir.

Where did you go to take the statement? - I had the officer attend at my office at Police Headquarters, Stirling.

What time was this at? - 9.45 a.m.

Did you take a statement from him? - Yes.

Were you on your own when you did that? - I was.

How did you note it? - I discussed the article that was in the newspaper, I asked him to read it, I thereafter asked him his views on the matter, if it was accurate or inaccurate, and thereafter asked him to go through his story again and noted a verbatim account from him. Once I noted that I asked him to read it and thereafter asked him to sign it. It was about ten pages of A4 paper.

Was/

Was the statement then typed up? - Yes.

Have you checked the typewritten version against the handwritten version? - Yes.

Does the typewritten version accurately reflect what was in the handwritten version? - Yes.

Where is the handwritten version? - I submitted it to the Incident Room in Dunblane.

You should have in front of you now the typewritten statement: have you got that? - Yes.

For the record, this is a statement from Douglas Hamilton, from whom the Inquiry has already heard. Can you please read this statement to the Inquiry? - "Statement of Douglas Hamilton. I am a Detective Constable of Central Scotland Police, and at this time am attached to the crime Management Unit, Stirling. "I have previously provided a statement in relation to the Dunblane Incident and have given evidence at the Cullen Inquiry.

"On Thursday, 13th June, 1996 I learned of an article which appeared on page 1 of the Daily Record newspaper and which made reference to myself and Thomas Hamilton.

"About 9.45 a.m., same date -- that is 13th June, 1996 -- I was seen by Detective Chief Inspector Anderson, who obtained this statement from me.

"Between the age of seven years and 20 years I was a member of the First Stirlingshire Boy Scouts whose hall was, and still is, situated in Queen Street, Stirling.

"During the 13 years that I was a member of this Association I was a regular attender and progressed through the Cubs, Scouts and Venture Scouts. It would be fair to say that I spent a great deal of my time with the Scouts, and this included week days and sometimes weekends.

"During/

4.10 p.m.

"During the 13 years that I was a member of this Association I was a regular attender and progressed through the Cubs, Scouts and Venture Scouts. It would be fair to say that I spent a great deal of my time with the Scouts and this included weekdays and sometimes weekends. When I was about 13 years of age (1972) I was in the Scouts and I remember Thomas Hamilton appearing at Scout meetings. I remembered that Hamilton wore a uniform, but I am not sure if it was a Scout uniform or a leader's uniform. I recall that Hamilton's role appeared to me to be that of an assistant to the leaders I knew in the Association. I think that my Scout leaders at that time were Scott Park and David Davidson. Hamilton became a regular attender at Queen Street but his role continued to be that of Assistant and I do not think he was an actual Scout or possessed the knowledge to teach Scouting practices. As I progressed in the Scout Movement I became aware that, like other groups, the Scouts were keen to enrol the support of volunteers to assist in the running of events, etc. Hamilton, in my view, was one such volunteer. I am not certain but I believe that Hamilton associated with the First Stirlingshire Scouts for about two years when I was aged 13/15 years (1972-1974). I remember that Hamilton had a yellow Transit van with the word "Woodcraft" on the side. He also had a red coloured Opel Manta motor car, both of which he used to transport Scouts and equipment to various activities. As these activities were recognised Scouting activities it was not uncommon for me to travel with Hamilton in either the Transit or the Opel Manta. Similarly, at the conclusion of Scout meetings, Hamilton would occasionally drop some of the Scouts off at Cowie as the bus service was not regular. As I lived in St. Ninian's, which was en route to Cowie, I too sometimes got a lift with Hamilton to St. Ninian's Toll from where I walked home. During this period (1972-1974) I learned that Hamilton had a Do-It-Yourself type shop in Cowane Street, Stirling called Woodcraft. This shop was approximately 400 yards from the Scout Hall in Queen Street and I have been in that shop with Hamilton on about six to eight occasions. The reasons for my being in the shop were as follows. It was regular for me on a Saturday morning to attend the Scout Hall with other Scouts to carry out maintenance work on/

on the hall or plan Scouting activities such as camps or canoeing. The incentive for this, for me, was that I knew that those Scouts attending on the Saturday mornings would have the opportunity of going canoeing on Saturday afternoons. Whilst it does not relate to Hamilton, I should add that for a very short period of time the father of one of my fellow Scouts organised air rifle shooting at the Scout Hall. This entailed the firing of air pellets at paper targets. This activity ceased due to insurance problems in relation to the use of the hall. Hamilton had nothing to do with this activity. In relation to my visits to Hamilton's shop, it was common practice for those Scouts working on a Saturday morning to walk down to the baker's shop in Cowane Street which was situated near to Hamilton's shop to purchase food for their lunch. Quite often the Scouts would call into Hamilton's shop and eat their lunch in the back shop whilst talking to Hamilton. I remember that I attended at Hamilton's shop with other Scouts in situations as I have just described. I would estimate that my visits to his shop were restricted to six to eight visits in all. It has been suggested that I have worked for Hamilton in the past and was paid by him. This is not true and I have never worked for Hamilton nor have I ever received monies from him. I also remember that one of my fellow Scouts did work for Hamilton on a Saturday and we sometimes called in to see Keiron. I think the Keiron still lives in the Stirling area but has shop premises in Edinburgh. About 1974, when I was 15 years of age and still in the Scouts Hamilton appeared to disappear from the Scout scene. I have no idea why this was the case. My Scout leader at that time as David Reid and myself and several of my fellow Scouts did not see eye-to-eye with David and we wanted a new leader. Keiron McKenzie who was still in the Scouts and still worked for Hamilton on a Saturday, was of the same mind and he suggested that we get Hamilton as our new leader. I remember myself, Keiron McKenzie, Colin Campbell, Scott Jefferson and Hamilton meeting in Hamilton's shop to discuss the possibility of Hamilton becoming our leader. Hamilton with hindsight was obviously manipulating Keiron to assist him in becoming a leader. Over the following two weeks Hamilton drove myself and McKenzie, Jefferson and Campbell to the homes of other Scout members where we sought the Scouts' and parents' views on Hamilton becoming our leader. The consensus/

consensus at that time was that Hamilton should be our leader, however when this suggestion was put forward to the appropriate Scout Committee it was rejected. I had no idea why this was the case. About this time Keiron McKenzie left the Scout Association. Scott Jefferson either left the Scouts or went to the Venture Scouts. Myself and Colin Campbell continued in the Scouts with David Reid as our leader. Some months later I left the Scouts and joined the Venture Scouts. I do not recall having any involvement with Hamilton after his failed attempt at becoming our leader. It has been suggested in the newspaper article that I was an old friend of Hamilton's and that I took part in activities with him, including (a) cruising and water ski-ing on Hamilton's boat on Loch Earn, (b) joined in 'bunny hunts' where rabbits were startled by the lights of Hamilton's car and then killed, (c) was paid by Hamilton for working in his shop. There were several other alleged incidents described in this article which, although not directed at me, could suggest to the reader that they were. I would not describe myself as being a 'pal' or 'friend' of Hamilton. As I have stated my knowledge of Hamilton was purely through my interest in the Scout Movement. I am aware that Hamilton owned a boat and kept it on Loch Lomond. This was common knowledge throughout the Scout Movement. I have never been on Hamilton's boat, nor was I ever asked to go on the boat. I have water skied in the past on Loch Earn with Duncan King from Auchterarder but this had nothing whatsoever to do with Hamilton. Once Hamilton ceased his association with the Scout Movement I remember hearing of Hamilton taking boys in his car up to Sheriffmuir where they startled rabbits with the headlights of the car and chased them in an attempt to run them over. I have never been involved in any such activity with Hamilton or anyone else, nor am I able to identify any of the boys who were. I stated earlier in my statement that I did frequent Hamilton's shop on a few occasions with other Scouts. I was never employed by Hamilton in any capacity, nor did I receive any payment for work done. I recall when the stories of the boat trips and 'bunny hunts' were circulating, that I wanted to be part of these activities as they seemed exciting, however not only was I not invited but I know that my parents would never have allowed me to participate. I have no knowledge of Hamilton shining torches on courting couples and I certainly never/

never took part in such behaviour. In relation to Hamilton's car going out of control and off the road, this too was common knowledge that such an incident had occurred. I think it occurred during one of the 'bunny hunts' but I'm not sure. My last involvement with Hamilton was when I was about 15 years of age when he was hoping to become our Scout leader. During the time I knew Hamilton he never mentioned firearms to me, nor did I see him with any firearms. To my knowledge there was no talk of Hamilton in relation to firearms. No time did Hamilton use inappropriate behaviour or language towards me, nor am I aware of him doing to so any other Scout. I have been shown a photocopy of newspaper article (Daily Record dated 13/6/96) which is the article referred to by me in this statement. I have signed the rear of this photocopy. I have been asked by Detective Chief Inspector Anderson if I have any suspicions as to the source of the information carried in the article. I suspect that a former Scout, Ronnie Shaw, may be responsible, however it is merely suspicion on my part and based on several comments in the article which draws me to this conclusion".

Is that an accurate record of his statement to you? -

Yes, it is.

No cross-examination.

MR. BONOMY: Bearing in mind the issues in this Inquiry I consider that the information available to you and the Inquiry have not been impeded by any conduct on the part of Douglas Hamilton. However, if any further information is known by anyone that is relevant to the issue in the Inquiry and sheds any different light on this statement then I invite that person to communicate with the Procurator-Fiscal. I hope that that evidence that we have just heard may be sufficient to deal with the matter but obviously if I am advised of any further relevant material then I will take the appropriate action on it.

LORD CULLEN: Thank you, Mr. Bonomy, I trust what you have said will be noted.

Adjourned until tomorrow.

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