



Angela Hartnett

Chef slams UK on food culture

Michelin-starred chef Angela Hartnett has dismissed the notion that the UK has become a nation of foodies.

The former head chef, who trained under Gordon Ramsay, criticised our food manufacture on Desert Island Discs on BBC Radio 4.

Hartnett, 49, who first honed her skills by making bread and pasta with her Italian grandmother, said: "Our food culture is about money."

"People who have money can afford good food in this country."

"Everyone says we're a more unhealthy nation than ever, and yet we're not doing anything about it."

Family's fury at Crown Office delays heaps pressure on prosecutors

By Andrew Picken and Kieran Andrews
APICKEN@SUNDAYPOST.COM

We feel forgotten, as if my brother's death means nothing at all

— Sheku Bayoh's sister Kadi Johnson

The sister of a man who died in police custody piled pressure on prosecutors yesterday over the time they've taken investigating his death.



Kadi Johnson: "We're hurting"

Trainee gas engineer Sheku Bayoh, 31, died after being restrained by officers in Kirkcaldy on May 3, 2015.

But justice chiefs are still investigating whether criminal charges will be brought in the case, as well as the M9 tragedy of 2015.

Both cases are expected to be subject to Fatal Accident Inquiries but they can only take place once a decision on criminal proceedings has been taken.

Mr Bayoh's sister Kadi Johnson last night said: "It is over two years and we have no conclusion from the Lord Advocate. I am disappointed and feel like we have been forgotten about and our brother's case is of no importance at all. But we are still



Sheku Bayoh died in 2015

hurting. This is on our minds we lost a brother through the hands of the police."

Lawyer Aamer Anwar, who is representing Mr Bayoh's family, said: "As each day goes by, the family of Sheku Bayoh loses a little more faith in the justice system."

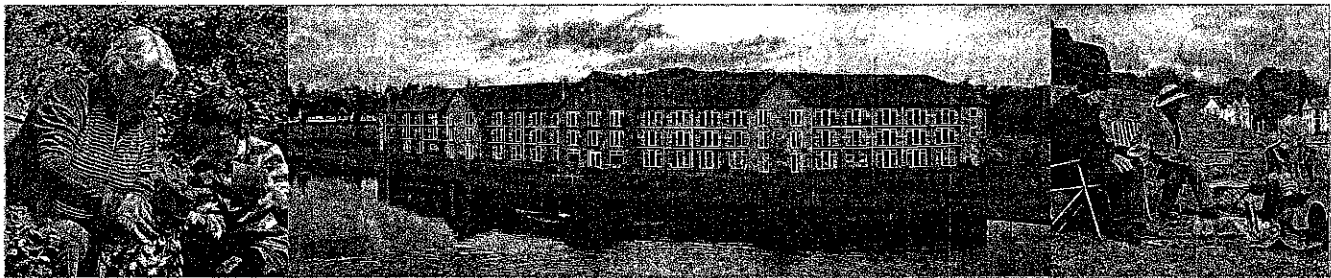
Calum Steele, of the Scottish Police Federation, which is representing the officers involved in the Bayoh case, said: "It is difficult to understand why these processes are taking so long."

A spokesman for the Crown Office said: "We appreciate the impact lengthy investigations can have on those involved and we are committed to resolving them as soon as we can. At the same time, our priority must be to carry out a full and thorough investigation and, in complex cases, this takes time."

"The families of those who died are being kept informed of progress."



Each day, the family lose more faith in the justice system — Lawyer Aamer Anwar



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THREE YEARS AFTER HORROR

Sheku death case cop paid £75k.. just to stay at home

Family slam uncertainty over probe



TRAGEDY Corey
Hit & run
Pair held
over boys
tragedy

A man and a woman are in custody after being charged with causing the death of a toddler and his six-year-old brother by dangerous driving.

Robert Brown, 53, and Gwendoline Harrison, 41, are accused of two counts of the offence and were not required to enter a plea at Coventry Magistrates' Court.

Brown, of the city's Wyken, also faces charges of driving while disqualified and without insurance.

Harrison, of Triumph Close, also in Wyken, faces a further allegation of common assault.

The pair, both wearing grey T-shirts, appeared in court for seven minutes to confirm their name, date of birth and address.

Brown launched a series of foul-mouthed outbursts from the dock, twice shouting: "This is a f***ing kangaroo court," and then calling the judge a "f***ing p***".

The case against them was adjourned by chairman of the magistrates' bench, John Martin, until a hearing via video link at Warwick Crown Court on March 22.

Corey Platt-May and brother Casper, two, were with their mother at about 2pm on Thursday when they were hit by a car.

They were taken to hospital with severe injuries but Casper could not be revived and died a short time later.

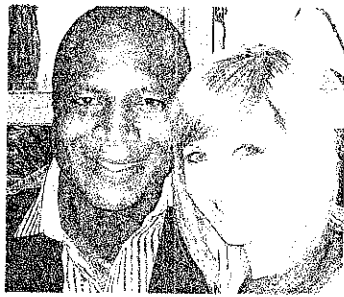
Corey was rushed into surgery but later died. Their mum Louise was unhurt.

Climber's body found

The body of a climber missing for almost a fortnight was found yesterday by mountain rescue teams.

Jim Stalker, 55, of Lochaber, who has been lost since February 11, was located in the area of Beinn a Chaorainn at Glen Spean.

Meanwhile, police said last night that a man had died following a fall from Sgurr Thuilm in the Glenfionn area.



WAIT Collette Bell, the mum of Sheku's son Isaac, has complained about delays

■ Craig McDonald

A police officer at the centre of the Sheku Bayoh custody death probe - who was branded a racist by a member of his own family - has been on paid leave for almost three years.

PC Alan Paton, 44, has been paid about £75,000 to remain at home while the inquiry into the tragedy continues.

A second officer involved in the investigation, PC Nicole Short, is also being paid while off duty since Sheku's death in 2015.

Sheku's family and politicians say it is "ridiculous" that the pair have remained on the payroll. His relatives are planning a civil court action against the officers involved and Police Scotland.

A report by the Police Investigations and Review Commissioner on Sheku's death was filed with prosecutors more than a year ago.

But the Crown Office have still to decide whether they'll proceed with charges.

Sheku, 31, died after being restrained by nine officers responding to reports of a man carrying a knife in the street in Kirkcaldy.

Officers used CS spray, pepper spray and batons, after it was claimed Sheku struck Short. Dad-of-two Sheku lost consciousness and died in hospital shortly afterwards.

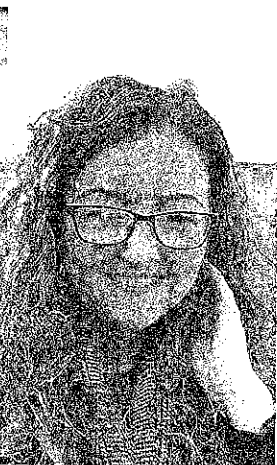
Sheku's sister Kadi Johnson said: "It's absolutely ridiculous, that police officers are being paid to be off all this time."

"It's appalling. We are still hurting and have no idea when things will move on."

Labour's justice spokesman Daniel Johnson said: "The length of the delay in getting answers is incredibly disappointing."

"It's simply ridiculous that two of the officers involved have been off since the inquiry began."

Lib Dem leader Willie Rennie added: "It's unfair that the process is taking so long. We need to know what



INVESTIGATION Nicole Short remains on police payroll

captain Scott Brown outside Celtic Park while she was signed off sick following the death.

Sheku was found to have more than 20 facial cuts and bruises, petechial haemorrhages - a symptom of asphyxiation - in his eyes, a fractured rib and grazing on his chest.

The Bayoh family's solicitor Aamer Anwar said: "Sheku's family and Collette are left, to date, with no costs for legal representation and so on."

"We had a PIRC inquiry which the family said they had no faith in. It delayed the process to the point that it is almost three long years since Sheku Bayoh died."

"Where's the justice, accountability and transparency in this?"

A PIRC spokesman added last week: "As this remains a live inquiry, it would be inappropriate to comment further."

Paton's solicitor Paul Kavanagh said: "PC Paton is desperate for a conclusion of the investigation to prove that he has done nothing wrong."

"He also thinks it's unfair that it's taken nearly three years and there's still no conclusion."

A Crown Office spokesman said: "The families are being kept informed."



UNFAIR Willie Rennie said answers are needed



RIDICULOUS Sheku's sister Kadi, pictured left with mum Amanita, is angry Paton, above, is being paid

happened in order that people can achieve justice and that we can move on from this terrible episode."

A procurator fiscal's report gave Sheku's cause of death as 'sudden death in a man intoxicated by MDMA (Ecstasy) and alpha-Pyrrolidino pentiophenone (the drug Flakka) whilst being restrained'.

His family and partner Collette Bell,

mother of Sheku's son Isaac, have criticised the inquiry into his death and the length of time it has taken to decide if charges will be brought.

Following Sheku's death, members of Paton's family contacted the victim's relatives to claim the PC had racist views. They also alleged the officer beat up his mum and dad in 2005.

Paton's brother-in-law Barry Swan claimed in 2015 that the constable declared himself racist and boasted: "I'm a total racist, I hate all blacks".

Short, 31, posted a selfie with Celtic

FORCE TO FACE ACTION FOR UNLAWFUL KILLING



CLAIM Donald Trump

Trump in talks with Korean leader

US President Donald Trump says he had "a long and very good talk" with the South Korean president after Moon Jae-in's historic meeting with North Korea's leader.

With anticipation growing for a possible US-North Korea summit, Trump tweeted that "things are going very well", with the "time and location" of a meeting with Kim Jong-un still being set.

He said that besides talking to South Korea's Moon, he has updated Japanese PM Shinzo Abe about "the ongoing negotiations".

Moon and Kim have pledged to seek a formal end to the Korean War by the end of the year and to rid the Korean peninsula of nuclear weapons.

Trump has said he is looking forward to the meeting with Kim and it "should be quite something". It is tentatively scheduled for May or early June.

Earlier, the US president claimed credit for the historic meeting between the leaders of North and South Korea and declared that peace on the divided peninsula could be achieved.

He spoke hours after Kim became the first North Korean leader to travel south of the demarcation line between the two Koreas, meeting Moon.

Magical rebrand

Glasgow's first Harry Potter store is changing its name after talks with Warner Brothers who own the rights to the character.

Clause 73 opened in Cresswell Lane in the city's west end in February and became a hit with Potter fans.

The store will now be rebranded as The Root of Magic and will continue to sell Potter merchandise.

Action on climate

The Scottish Government are pledging up to £50,000 for a collaboration between young people in Malawi and Scotland to support action on climate change.



CLOSE Sheku Bayoh with his partner Collette, main picture, and left, Collette with their son Isaac

■ Craig McDonald

Scotland's most senior police officer will this week be sued for £2million over the death of Sheku Bayoh.

Relatives are finalising a legal action against Police Scotland's Acting Chief Constable Iain Livingstone, claiming officers were responsible for the dad of two's death.

It will be the first time police in Scotland have been sued over an alleged unlawful killing. The civil action will be lodged at the Court of Session in Edinburgh ahead of time-barring rules which come into force on Thursday.

The day marks three years since Sheku - known as Sheik - died after being restrained by up to nine officers in the street near his home in Kirkcaldy, Fife.

He was found with more than 20 facial cuts and bruises, petechial haemorrhages - a sign of asphyxiation - in his eyes, a fractured rib and grazing on his chest.

The Police Investigations and Review Commissioner (PIRC) filed a report on his death to prosecutors in August 2016.

Almost two years on, the Crown Office have still to decide what, if any, charges will be brought. A fatal accident inquiry will be held regardless of whether anyone is charged.

A source close to the Bayoh family said: "A case for damages will be lodged ahead of the third anniversary of Sheku's death. The family have had not a penny for legal costs or anything else and feel the case is just dragging on and on."

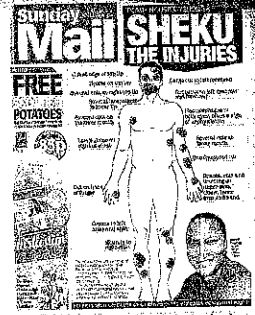
"They miss Sheku every day and remain utterly distraught at his death and the manner in which he died. No sum of money will bring him back. Three years on, there's still no conclusion to an investigation."

His family and partner Collette Bell, mother of Sheku's son Isaac, who was just three months old when Sheku, 31, died, have criticised the length of time the investigation has taken.

Collette said: "On May 3, 2015, Sheik came in to contact with Police Scotland."

"He had not been charged with anything and should have been safe. Instead he was pronounced dead shortly after 9am. The only people who are responsible for him never coming home are the police."

"Three years later, I'm still awaiting answers for our son. Isaac has said his first



HORRIFIC We reveal Sheku's injuries. Top, justice sticker on road sign where he was held

words, taken his first steps, celebrated birthdays and started nursery - and all without his father at his side.

"All I've ever wanted is to know the truth surrounding Sheik's death so I can one day explain to my son why he is growing up without his daddy."

He has already asked why he doesn't see his daddy, which is heartbreaking.

"I have tried to keep an open mind regarding the investigations."

"But how can I have confidence in a system that has leaked information in an attempt to smear Sheik?"

"There were attempts to silence the campaign while police officers got their stories straight. PIRC have shown they

have no power over police officers. The investigation has focussed on everything except what Police Scotland did that day."

"The Crown keep saying it's a complex investigation but I'm sick of excuses. If it was nine ordinary people who'd done this, I doubt the Lord Advocate would have taken three years to make up his mind. The police wrecked my life but Sheik has not been forgotten. I will not rest until I have answers for myself, my son and the people of Scotland."

The family and their legal team will hold a press conference this week on the third anniversary of Sheku's death. Police were called to reports of a man carrying a knife in the street early on May 3, 2015.

Sheku came into contact with police at the junction of Kirkcaldy's Hayfield Road and Hendry Road. Tributes and flowers have been placed at the location in the

30/04/18

POLICE

Leadership 'tried to suppress critical report'

By Chris Marshall

Police Scotland attempted to suppress a report containing allegations of serious corruption and criticism of its senior leadership, according to a new documentary.

A BBC Scotland investigation, to be screened tonight, will claim the former Chief Constable Sir Stephen House (inset) commissioned the report in 2014 amid concerns of bad practice and unlawful behaviour.

Earlier drafts of the confidential report are said to show the Chief

Constable's office wanted negative comments deleted, tensions changed to suggest problems had been fixed and an entire section, where frontline officers describe working in a culture of fear, removed.

Police Scotland said "significant changes have been implemented" since the report was written.

An email obtained by the BBC showed that Sir Stephen indicated he was prepared to "suppress" the report altogether, unless

the word "remains" was changed to "existed" in a section about anxiety and uncertainty among staff.

In total, 894 officers and staff at Police Scotland were asked to give their views on the force and its management anonymously for the report.

Their responses raised a number of serious issues, from apparently routine misconduct and rule-breaking, to strong criticism of the force's direction under Sir Stephen.



Custody death case

Relatives of Sheku Bayoh, who died in police custody in 2015, will begin a £2m legal action against Scotland's most senior police officer this week, their lawyer confirmed.

Mr Bayoh's family are suing Police Scotland's Acting Chief Constable, Iain Livingstone, claiming officers were responsible for his death. The 31-year-old died being restrained by officers in Kirkcaldy, Fife, on 3 May 2015.

Another issue raised repeatedly is that of performance targets and the lengths that are gone to in order to meet them. One says that "officers on the beat are almost bullied into producing returns to satisfy management", and another that "officers may feel under pressure to fake stop-search returns to boost the figures".

Sir Stephen said he did not wish to comment on the BBC's investigation. In a statement, Police Scotland said "significant changes have been implemented" since the report was written in 2014.

CRIME

IRA 'found clues to help police find teen killer'

By Lesley-Anne McKeown

An IRA unit which conducted a secret investigation into the murder of a German backpacker 30 years ago could hold vital clues to help bring her killer to justice.

The body of Munich teenager Inga Maria Hauser, 18, was found in a forest two weeks after she was last seen alive crossing on a ferry from Scotland to Larne on 6 April 1988. No one was convicted over her death.

However, it is understood that republican paramilitaries considered passing information about the alleged murderer to the then Royal Ulster Constabulary (RUC) police force at the height of the Troubles.

"They had identified somebody responsible and we believe they had a debate amongst themselves about whether that information should be passed in one way or another to the police," a source said.

Ms Hauser's body was found in woods near Ballycastle, Co Antrim, sparking one of the most high-profile murder cases in Northern Ireland.



Goths' day out in Whitby

Tim Marney and his wife Claudine (left) meet bemused locals in a pub yesterday during the Whitby Goth Weekend.

The alternative music festival, organised by Jo Hampshire, takes place twice a year and features live bands at venues across the North Yorkshire town.

where Bram Stoker found inspiration for his book 'Dracula' in 1890.

The event, which began in 1996 with a meeting of 40 of Ms Hampshire's pen pals, has grown to be one of the world's most popular goth events.

COURTS

Legal battle for widow benefits 'can help others'

By Lesley-Anne McKeown

An unmarried mother at the centre of a legal battle to access widowed parent's allowance has said she hopes her fight will help other families.

Siobhan McLaughlin, 46, from Armoyn in Co Antrim, is to have her case heard by the Supreme Court when it sits in Northern Ireland for the first time today.

Ms McLaughlin, a special needs classroom assistant, was with her partner John Adams for 23 years, and the couple had four children together. When Mr Adams died from cancer in 2014 she was refused the bereavement payment and widowed parent's allowance because they were not married or in a civil partnership.

"It's heart-breaking to contemplate the difference this could have made. Win or lose it has brought the issue to people's minds," she said.

Solicitor Jo Edwards said her case "brings into sharp focus the different treatment of unmarried couples when their relationship ends through separation or death".

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AFTER RELATIVES BLAME COPS FOR DAD'S DEATH

The police have wrecked my life but Sheku hasn't been forgotten. I won't rest until I have answers for myself, my son and the people of Scotland

Partner's vow as family sue chief for £2m

past. Last week Hayfield Road's street sign still had a sticker with the slogan "I support Justice for Sheku Bayoh campaign".

Officers used CS spray, pepper spray and batons, after it was claimed Sheku struck one of the officers, PC Nicole Short, called to the scene. Sheku lost consciousness and died in Kirkcaldy's Victoria hospital about two hours after he came into contact with police.

We revealed how his body was covered from top to bottom in cuts and bruises.

Sheku's family and Colleesay they were given five separate and contradictory accounts by police of what had happened in the hours following his death.

A procurator fiscal's report gave his cause of death as "sudden death in a man intoxicated by MDMA (ecstasy) and alpha-Pyrrolidinopentiophenone (the drug Flakka) whilst being restrained".

He was found with more than 20 cuts and bruises to his face - including a large cut to his forehead - in the hours after he

died. Sheku also had a fractured rib, a large graze on his chest and cuts, grazes and bruising on his finger, arm and hand. There were also wounds to his shins and knee.

Two police officers being probed over the death remain on paid leave. It's understood there is little chance of PCs Nicole Short or Alan Paton returning to police work. Members of PC Paton's family claimed the police officer was a racist who once battered his parents.

His wife Pamela said in an interview in 2016 that their family had been left in limbo waiting for the PIRC report which she says will clear Paton, 42, and his colleagues.

PC Short, 32, posted a selfie with Celtic captain Scott Brown outside Celtic Park while signed off sick following the death.

Defending her decision to post the picture, PC Short claimed it had been the first time she had been out since the incident. Short is already taking the Scottish Police Authority to court after they refused to allow her to retire on

medical grounds. The Bayoh family's solicitor, Aamer Anwar, said: "We have had a PIRC inquiry which the family said they had no faith in. It delayed the process to the point that it is three long years since Sheku Bayoh died."

"Where's the justice, accountability and transparency in this? The family describe the investigation as lacking impartiality and robustness."

"We're considering all legal options and it would be inappropriate to comment further at this stage."

PC Paton's solicitor Paul Kavanagh told the Sunday Mail: "My client is also concerned and anxious for the matter to be brought to a conclusion."

"He wishes a fatal accident inquiry to happen as soon as possible as he knows this will lead to him being exonerated of any suspicion."

PIRC said: "The Commissioner appreciates this has been a difficult period for the family of Mr Bayoh. At all stages



throughout this independent investigation, the PIRC has acted under the direction of the Lord Advocate who has ultimate responsibility for investigating unexplained deaths.

"The Commissioner submitted a detailed and extensive report to the Lord Advocate in August 2015."

"A further report containing evidence gathered from a number of expert witnesses was submitted in 2016 and the PIRC has undertaken any additional enquiry requested by the Crown Office Procurator Fiscal Service."

A Crown Office spokesman: "The family and their legal representative have been kept informed of any significant developments and senior Crown Counsel along with Crown Office officials met recently with the family and will continue to do so where appropriate."

"It is not appropriate at this stage to commit to any timescales given the nature of the investigation, however, it is anticipated a full report will be submitted for the consideration of Crown Counsel, the most senior lawyers in the Crown Office, in due course."

Police Scotland Assistant Chief Constable Wayne Mawson said: "Our thoughts remain with Sheku Bayoh's family and friends following his death three years ago and we continue to offer support to anyone affected by this tragic incident."

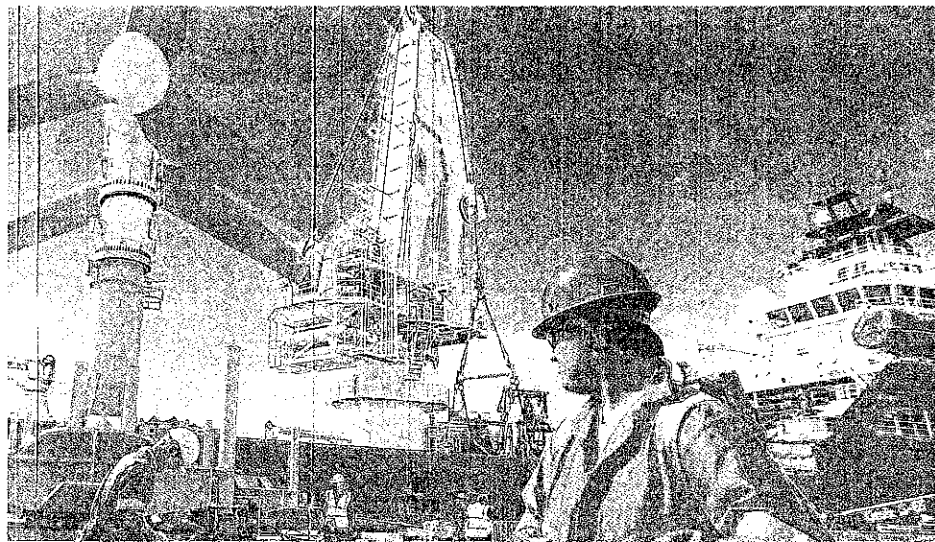
"We have been committed to cooperating with the PIRC and the Crown Office throughout the investigative process and we cannot comment further."

Sheku's death will be raised with Tendaif Achiume, UN Special Rapporteur on racism, on Wednesday. Deborah Coles, of Inquest, a charity which deals with deaths in custody, said: "I

am meeting Ms Achiume during her visit to London, and will bring Sheku's shocking death and the delay in getting to the truth and accountability to her attention."



REPORT Mawson, top, PC Al



GDP grows in line with North Sea revenues

SCOTTISH GDP grew last year in line with a slight upturn in North Sea revenues.

The latest quarterly national accounts show that when a geographical share of offshore oil and gas is included, GDP grew by 1% in the last three months of 2017 and 3.4% over the year as a whole.

Over the year, Scotland's geographical share of North Sea oil revenues returned to a surplus, with tax revenues rising to just over £1 billion, up from minus £130 million the previous year.

Onshore GDP is estimated at £152.1bn, or £28,046 per person, in current prices.

This rises to £165.4bn, or £30,482 a head, when a geographical share of

UK offshore and overseas economic activity is included.



Economy Secretary Keith Brown said: "It is hugely encouraging to see that GDP grew across 2017, ending the year over 1% higher than the previous year."

"Figures for the first quarter of 2018 show retail sales also grew by 0.5%, rebounding from a slight decline at the end of 2017, while manufactured exports also increased by over 7%. These results chime with recent consumer and business confidence indicators for the start of this year."

"However, it cannot be stressed enough that Brexit remains the single biggest threat to our economy."

Catapult's strategy and commercialisation director, Stephen Wyatt, said: "Wave and tidal technologies represent a vital part of our future renewable energy mix in terms of the social and economic benefits they bring, but sector funding has reached a critical juncture and it is vital we act now in order to bolster this strategically important market for the UK economy." Hannah Smith, senior policy man-

ager at Scottish Renewables said: "This landmark report clearly demonstrates the enormous potential of our wave and tidal energy industries – should they be able to access the right support from Government."

"Marine renewable energy is not only a valuable source of clean electricity, helping us meet our carbon targets, but can bring diverse benefits to our wider economy too."

"This report shows that with even modest global deployment the sector could rapidly reduce its costs, drive economic growth in rural communities and export around the world."

"What we now need is for government and industry to work together to enable projects to go forward, capture learning from projects and deliver the benefits of wave and tidal technologies."

Calls for Pirc chief to resign over Bayoh investigation

BY ANDREW LEARMORTH

THE family of Sheku Bayoh have called on the Police Investigations Review Commissioner (Pirc) chief, Kate Frame, to resign.

They accuse Frame, whose job it is to investigate complaints and failings in the force, of allowing police officers to act with "impunity".

Today marks the third anniversary of 31-year-old gas engineer's death in police custody.

On the day he died, Bayoh came into contact with nine police officers responding to a call claiming a man armed with a knife was acting errati-

cally. Bayoh's family insist he never had a knife, and a knife has never been found.

Police handcuffed, and restrained his legs. The coroner found he had over 54 separate injuries, including lacerations, cuts, bruises.

The family are to lodge papers at the Court of Session in Edinburgh this morning, launching a £1,850,000 civil action on the grounds that Bayoh's death could have been avoided. The action is believed to be the first of its kind in legal history in Scotland.

The Bayoh family lawyer, Aamer Anwar, said the police had closed ranks to prevent the truth about that morning in May 2015 emerging.



Kadi Johnson, Sheku Bayoh's sister, said the Pirc was 'not fit for purpose'

Anwar said that the press were "manipulated by police sources to portray negative images of Sheku, of the 6ft plus black man, a drug-crazed mad man, a knife-wielding attacker who would have murdered had it not been for the police."

"We now know that some officers claimed that they believed they were under a terrorist attack – no opportunity was missed to demonise Sheku."

"The dead can't answer back, but

his family will for him. Three years on the real issue for the Bayohs is not about the negative pictures, but about a system that allows people's children to die at the hands of police and fails to hold them accountable for these deaths."

The Pirc, the non-departmental public body of the Scottish Government responsible for investigating complaints against Police Scotland, completed its investigation and sent a report to the Lord Advocate in August 2016.

The Lord Advocate has yet to take a decision as to whether any of the officers involved or Police Scotland itself should face criminal charges.

Bayoh's sister, Kadi Johnson, said: "Pirc is not fit for purpose. From the start of their so called investigation the aim was to justify the actions of the police and to blame my brother Sheku for his own death."

"The head of Pirc failed to approach this investigation openly and fairly. We've had enough and our confidence is shattered."

A Pirc spokesman said: "The Commissioner appreciates that this has been a difficult period for the family of Mr Bayoh. At all stages throughout this independent investigation the Pirc has acted under the direction of the Lord Advocate who has ultimate responsibility for the investigation of deaths in Scotland."

A Crown Office spokesman said: "It's anticipated a full report will be submitted for the consideration of Crown Counsel, the most senior lawyers in the Crown Office, in due course."

THE COURIER

Local Matters

Thursday, May 3, 2018

Perth & Perthshire edition

No. 51,399 £1.00

Sheku family wants police complaints boss to quit

Partner calls for independent investigation into watchdog. Pages 4-5



Alyth death: Second man charged and due in court today. Page 7

Your essential property guide House and Home. Inside

Drink-drive pensioner catapulted man into air. Page 19.



Kinross war hero honoured by France for storming Normandy beaches. Page 3



Get tough call over dog attacks on farms

PROBE: Campaigner says figures underline farmers' concerns

JAMIE BUCHAN

A parliamentary investigation has revealed the "shockingly low" rate of sheep-worrying convictions in Scotland.

Only a 10th of reported cases end in a

successful prosecution, it has emerged.

The figures were uncovered by rural crime campaigner, Conservative MSP Liz Smith, who has been fighting for tougher measures since a spate of dog attacks in Perth and Kinross.

There were 14 reported instances in the region last year, double the number from the previous 12 months.

Ms Smith said: "The shockingly low conviction rate underlines the concerns of farmers who feel that dog walkers have carte

blanche to do what they want in the countryside."

It comes just weeks after a Forvie farmer shot a dog that he believed was worrying his flock.

See full story on page 11

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LEGAL BATTLE

Family of Sheku Bayoh

Three years on from dad of two's death in custody, loved ones call for resignation of police watchdog and lawyer brands case 'a national disgrace'

CHERYL PEEBLES

The family of Sheku Bayoh called for the resignation of police watchdog Kate Frame as they launched legal action against Police Scotland.

On the eve of the third anniversary of the father-of-two's death, they alleged the Police Investigations and Review Commissioner had delayed an inquiry and they urged the Scottish Government to order an independent judicial review of the PIRC.

They also confirmed they had begun the process of suing the present chief constable for £1.85 million for the actions of officers under the leadership of his predecessor Stephen House.

They claimed the manner of restraint used against the 31-year-old gas engineer from Kirkcaldy was not reasonable, proportionate or necessary and resulted in him suffering positional asphyxiation.

Sheku died in hospital on May 3 2015, shortly after being restrained by nine police officers in Kirkcaldy responding to a reports of a man with a knife. No knife was found in his possession but one was recovered later near the scene.

The officers used CS spray, ankle restraints, handcuffs and batons and Sheku suffered multiple injuries.

A procurator fiscal's report said he was under the influence of ecstasy and a former so-called legal high.

The family continues to fight for answers and their lawyer Aamer Anwar said the investigation into Sheku's death was a "national disgrace".



He said: "To date no police officer was suspended without prejudice and despite a final report delivered by PIRC to the Lord Advocate in 2016 he is yet to take action.

"The passage of time means that memories fade and evidence disappears or deteriorates.

"Sheku's loved ones never wanted to go to court but they will not give up."

At a press conference in Glasgow yesterday, it was alleged that Sheku's partner Collette Bell was initially told Sheku had been found dead in the street, one of five versions of events given to his family in the hours after his death.

It was also stated that some officers claimed they believed they were under a terrorist attack and Sheku — known as Sheik — was "demonised".

Sheku Bayoh's partner Collette Bell, left, and his sister Kadi Johnson with lawyer Aamer Anwar during a press conference yesterday to outline their unprecedented civil action against Police Scotland. Picture: PA.

His sister Kadi Johnson said she believed he was treated the way he was because he was black.

She added: "We the family have kept an open mind and had faith in the justice system. But waiting for three years with no answers has been soul destroying."

Collette, mother of his three-year-old son Isaac, said: "We have always said that if Sheik broke the law then the police had a right to act. They did not have the right to perform the role of judge, jury and executioner."

Summons was served on Acting Chief Constable Iain Livingstone on Friday and it is understood the case must call at the Court of Session by May 18.

cpeebles@thecourier.co.uk
See comment on page 28

COMMENT
CHERYL PEEBLES



There are many figures involved in the case surrounding Sheku Bayoh.

Nine police officers, the chief constable, the Lord Advocate, the PIRC, lawyers, his partner and his family, to list just a few.

But at the heart of it are two little boys, aged six and three, who are growing up without their daddy.

Tyler Bareik and Isaac Bayoh's lives changed forever when Sheku died in Victoria Hospital, Kirkcaldy, on the morning of May 3 2015.

Isaac was a tiny baby, who will never remember him in person, and Tyler was just a tot.

The emotion and anger were palpable in the voice of Collette, Isaac's mother, as she spoke of her need to get answers for him.

She said: "This morning, he saw Sheik on the news and he said 'that's my daddy on TV'. I don't want him to know his daddy is in the news, I want him to remember his daddy from what I tell him, from the memories and photographs I have."

Losing a parent is a pain no child should ever have to endure.

The least they deserve is to know the truth about why they suffered such devastating loss.

Immunity loophole 'must be closed'

In their civil action, Sheku Bayoh's family claim the manner of restraining him was dangerous and not compliant with operating procedures.

The way he was restrained was not reasonable, proportionate or necessary, they say, and caused positional asphyxiation.

Police Scotland, they allege, failed to provide the appropriate training on restraint to its officers and the officers caused or materially contributed to Sheku's death.

The force, they say, failed in its duty of

reasonable care to protect the life of Sheku whose death could have been avoided. Police Investigations and Review Commissioner Kate Frame, they say, failed their family, officers and Police Scotland, delaying an inquiry.

Sheku was restrained around 7.30am and died in hospital just after 9am.

Lawyer Aamer Anwar said that within an hour of the death the nine officers involved returned to the police station and were put in a room together for several hours.

They then, he said, failed to provide

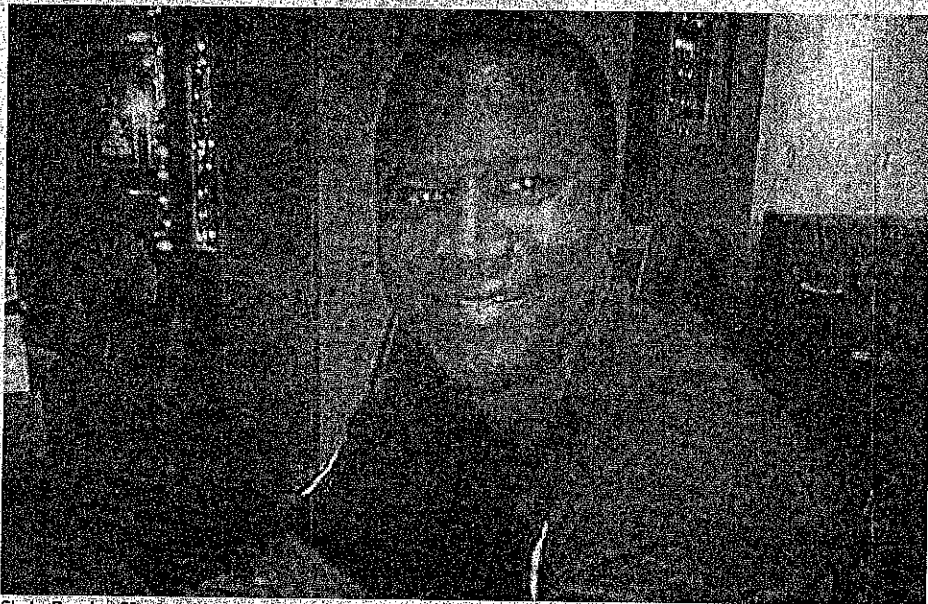
statements to senior officers or PIRC investigators for 32 days. Mr Anwar said: "The family have asked the question that if nine members of the public used weapons and restrained someone, who then died on a public street, would those nine members of the public be given the courtesy of picking a time and choice of when they could give their statements?"

"The Lord Advocate, Police Scotland as well as the Scottish Government must take action on this loophole that creates immunity for police officers, before somebody else dies," Mr Anwar added.



PIRC Kate Frame.

to sue police for £1.85m



Sheku Bayoh, a 31-year-old gas engineer, was restrained around 7.30am on May 3 2015 and died just after 9am.

Detailed reports handed in

The PIRC handed over reports on Sheku's death in August 2015 and August 2016 but the Crown Office is yet to decide whether anyone will be charged.

A spokesman for the commissioner said: "The commissioner appreciates this has been a difficult period for the family of Mr Bayoh. At all stages throughout this independent investigation the PIRC has acted under the direction of the Lord Advocate who has ultimate responsibility for the investigation of deaths in Scotland.

"The PIRC conducted an extensive and detailed investigation into Mr Bayoh's death. More than 500 statements were obtained by PIRC investigators who also

gathered evidence from a wide range of experts, including those suggested by the Bayoh family and their legal representatives, to give a greater understanding of events leading to Mr Bayoh's death.

"The commissioner submitted a report to the Lord Advocate in August 2015. A further report containing evidence gathered from a number of expert witnesses was submitted in August 2016 and the PIRC has undertaken any additional enquiry requested by the COPPS."

A Police Scotland spokesperson said: "We can confirm that legal papers have been received and as such it would be inappropriate to comment further at this time."

The paperwork piles up for PIRC

The Police Investigations and Review Commissioner is currently working on 31 live investigations into alleged police blunders.

At the start of the year there was fresh woe for former Police Scotland Chief Constable Philip Gormley, when the PIRC launched a fifth investigation into allegations against him of gross misconduct.

And in November the force was rapped after dismissing a 999 call from St Andrews woman Elizabeth Bowe, 50. The PIRC concluded that had officers been deployed it may have prevented her from being murdered that same night by her brother Charles Gordon.

Police Scotland was also criticised by the PIRC after the body of David Penman, 46, was discovered in a van parked in a layby near Dimpate on December 15 2016, two days after the force was first alerted to the abandoned vehicle.

And the high profile investigation into the deaths of John Yuill, 28, and Lamara Bell, 25, following a car accident on the M9 is continuing.

A telephone call made to Police Scotland on July 5 2015, which reported a car off the road, was not followed up.

Lamara, who lay seriously injured beside the body of her boyfriend for three days, later died in hospital.



Collette Bell listens as solicitor Aamer Anwar outlines the case at yesterday's press conference in Glasgow. Picture: PA

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ROCKERS The Editors Music stars get a £295k sound cheque

BY ANDREW ARTHUR

ROCK band Editors are among 20 British music acts who have benefited from grants to help boost their profiles abroad, the Government has revealed. In the latest round of funding under the Department for Trade, Industry and Innovation's Music Exports Growth Scheme, £295,000 has been allocated to artists to help fund projects across Europe, North America, Asia and Australia.

As well as the Mercury Prize-shortlisted Editors, other acts to benefit were former Gallows singer Frank Carter's band The Rattlesnakes, indie band Shame and pop singer JONES.

The scheme is managed by the British Phonographic Industry and supports small UK music firms by contributing to their artist marketing campaigns and promotional touring overseas.

10k tortoises are rescued

MORE than 10,000 critically endangered radiated tortoises are being treated by conservationists after being seized from traffickers.

They were found crammed into a house in Tolara, Madagascar, with no access to food or water.

POLICE DEATH FAMILY SUE COPS FOR £1.8M

BY PAUL WARD

THE investigation into the death of Sheku Bayoh in police custody was branded a "national disgrace" as his family launched a £1.8million civil case against the force.

The 31-year-old died after being restrained by officers responding to a call in Kirkcaldy on May 3, 2015.

Almost three years to the day of the death, family solicitor Aamer Anwar slammed Police Scotland, the Crown Office and the Police Investigations and Review Commissioner (Pirc) and said they had been left without answers.

Sheku's family, including partner Collette Bell and his sister Kadi Johnson, are now suing Police Scotland for £1.85million, claiming the death could have been avoided.

It is said to be the first case of its kind in Scotland and will reach the Court of Session by May 18.

Collette said: "We will fight to make sure Shek gets the justice he deserves. I ask you, how long would you fight if your loved one was unlawfully killed?"

Kadi added: "We have kept an open mind and kept faith in the justice system but waiting for three years with no answers has been soul-destroying. We want an end to this, we want to grieve. Our patience has been exhausted and our trust failed."

Anwar listed six allegations in the civil action, including that the manner of restraint used by the officers was "not

We want to end this...we want to grieve



WE WANT ANSWERS From far left: Lorraine Bell, her daughter Collette Aamer Anwar and Sheku's sister Kadi. Pic: Tony Nicoletti

Solicitor Anwar brands Sheku probe a 'national disgrace'



MUCH LOVED Sheku Bayoh and partner Collette

reasonable, proportionate or necessary and resulted in Sheku suffering positional asphyxiation. He said the civil action would be paused if any charges are brought.

Anwar also called for the resignation of Pirc commissioner Kate Frame, saying the body had failed to adhere to its values of integrity, impartiality

and respect. The solicitor added: "I wish to state on behalf of Sheku's family that the investigation into the death of Sheku Bayoh was a national disgrace."

"To date, no officer was suspended without prejudice and, despite a final report delivered by Pirc to the Lord Advocate in 2016, he is yet to take action."

"The passage of time means that memories fade and evidence disappears or deteriorates."

"Sheku's loved ones never wanted to go to court but

they will not give up. The Crown Office said it had been a "complex and challenging investigation", and no timescale could be put in place for a ruling on potential charges.

A spokesman said: "We recognise that this has been a difficult time for the family of Sheku Bayoh."

He added: "It is anticipated a full report will be submitted for the consideration of Crown Counsel, the most senior lawyers in the Crown Office, in due course."

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A 'switch' for pluck

HUMANS have a 'switch' in the brain that makes them brave, experts think. In tests on mice, a US team 'activated' a cluster of neurons, or nerve cells. They found that instead of 'freezing' at a simulation of a bird of prey, the rodents became fearless. It is believed the same neurons exist in humans. Neurobiologist Professor Andrew Huberman, at Stanford University, California, said their findings could help lead to new treatments for anxiety.

LONG TIME LOW FEE

One in five low-paid workers are 'stuck' in their jobs for a decade, a study for the TUC found.

SHEKU FAMILY £1.8M BID



Legal launch
Mr Anwar with
Collette & Kadi

By ROBERT McAULAY

THE family of custody-death victim Sheku Bayoh yesterday launched their bid to sue Scotland's top cop for £1.8million.

Lawyer Aamer Anwar was flanked by the dad of two's partner Collette Bell, 30, and sister Kadi Johnson, 40, as he revealed plans for the unprecedented legal action.

He slammed Police Scotland and the Crown Office as he called the probe into the 2015 death in Kirkcaldy a 'disgrace'.

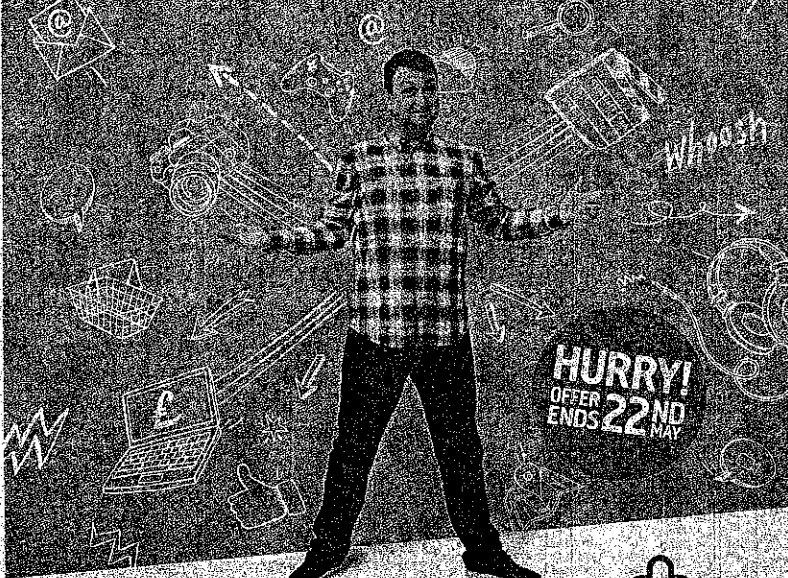
Mr Anwar also called for the resignation of Police Investigations and Review Commissioner Kate Franks, saying the watchdog had failed "to adhere to its values of integrity, impartiality and respect".

Sheku, 31, left, died three years ago today. Ms Bell said last night: "We will fight to make sure he gets the justice he deserves."

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BUDGET CUTS

£40M IN COP JOB SAVINGS

Force staff axed over 2yrs

By PAUL THORNTON
Scottish Home Affairs Editor

POLICE Scotland's finance chief yesterday admitted job cuts will save up to £40million – but said bosses don't know how many of the axed workers would be cops.

James Gray revealed the 'unallocated savings' for the next two years would only be decided after a workforce review. "It comes after we told yesterday how almost 1,200 bobbies could be binned to balance the books."

Presenting the force's latest three-year strategy to the national police board, Mr Gray said: "We don't yet know what the workforce looks like in three years." "In the coming months we'll be able to have more ideas of the shape of the future workforce and what the costing looks like. That's when unallocated savings will be replaced by fixed plans."

Police bosses are battling to plug a £36million-a-year funding gap. Mr Gray confirmed £8.5million of cuts in 2019/20 and £8.5million the following year – the equivalent of around 1,200 new recruits – had still to be allocated. "The chief financial officer added: "At this moment in time we would not want to say it equates to X number of this or X number of that". But last



Row... Steele and Gray and left, our story on police cuts night Calum Steele, head of the Scottish Police Federation said: "It's time the service came clean on how many officers they plan to lose to balance the books."

Accountants are claiming 1,176 officers could be lost without impacting on service, which is simply false. At the same time they plan to cut the equivalent of around 1,200 new recruits.

"And those drawing up these plans tell us they do not relate to office cuts. It began to believe the Scottish Police Authority chief officer Kenneth Hogg yesterday insisted the budget cuts do not equate directly with planned cop cutbacks."

Echoing the statement, the Scottish Government added: "These figures do not equate to a reduction in front numbers. Police Scotland are focus on building policing capacity."

paul.thornton@the-sun.co.uk

Family take legal action against police over man's custody death

JODY HARRISON
NEWS REPORTER

THE family of a father-of-two who died in police custody are to launch an "unprecedented" legal case against Police Scotland's Acting Chief Constable Iain Livingstone.

Lawyers acting for the relatives of Sheku Bayoh say they intend to take action in the civil court over his death in 2015.

It is believed the case is the first time the police have been sued over an alleged unlawful killing in Scotland.

The announcement comes on the third anniversary of Mr Bayoh's death, with the family still awaiting to hear if any of the officers involved will face criminal charges.

Deborah Coles, director of the charity Inquest - which supports the families of those who suffered a state-related death - will also raise the case with Tendayi Achi-

ume, the United Nation's Special Rapporteur on racism.

Mr Bayoh, died after being restrained by officers in the street near his home in Kirkcaldy, Fife, on May 3, 2015.

The 31-year-old, who was originally from Sierra Leone, was found with more than a dozen cuts and bruises, signs of asphyxiation, a fractured rib and grazing on his chest.

The Police Investigations and Review Commissioner (Pirc) filed a report on his death to prosecutors in August 2016.

However, the Crown Office has yet to decide what, if any, charges will be brought.

Aamer Anwar, the lawyer for Mr Bayoh's family, said: "On May 3rd it will be the three years since Sheku Bayoh was restrained by up to nine police officers and lost his life.

"Since then Sheku's loved ones have waited for clarity as to the circumstances in which their beloved son, brother and part-

ner died. Despite the passage of time, their pain remains raw and their grief made worse by the failure of the authorities to provide them with the answers they are entitled to."

Mr Anwar said that the family had decided that "enough is enough", and that that Police Scotland's officers failed in their duty of reasonable care to protect the life of Sheku Bayoh.

He added: "No amount of money will bring Sheku Bayoh back - this, for the family, is about justice."

Mr Bayoh's family and his partner Collette Bell, mother of his son Isaac, have previously criticised the length of time the investigation has taken.

Ms Bell said: "Three years later, I'm still awaiting answers for our son. Isaac has said his first words, taken his first steps, celebrated birthdays and started nursery - and all without his father at his side.

"All I've ever wanted is to know the truth surrounding Sheku's death so I can one day explain to my son why he is growing up without his daddy."

A Crown Office spokeswoman said: "We recognise that this has been a difficult time for the family of Sheku Bayoh. The family, and their legal representative, have been kept informed of any significant developments and senior Crown Counsel along with Crown Office officials met recently with the family and will continue to do so where appropriate.

"This has been a complex and challenging investigation and while there is still some further work to do, considerable progress has been made in the last few months. It is not appropriate at this stage to commit to any timescales given the nature of the investigation, however, it's anticipated a full report will be submitted for the consideration of Crown Counsel, in due course."



Sheku Bayoh's relatives are to sue police over his death.

Scientists' £18m to study brain tumours

BRITISH scientists have been equipped with a new warchest to fight one of cancer's most complex and lethal killers.

An £18 million fund is now available to "ambitious" groups studying brain tumours in a bid to transform Britain into a world-leading research country, Cancer Research UK said yesterday.

Dr Iain Foulkes, executive director of research and innovation at the charity, said: "We urgently need new insights and treatments to tackle brain tumours to improve survival.

"We want to attract and inspire the research community to accelerate progress for a disease that has seen few treatment options developed for patients and consequently little change in survival."

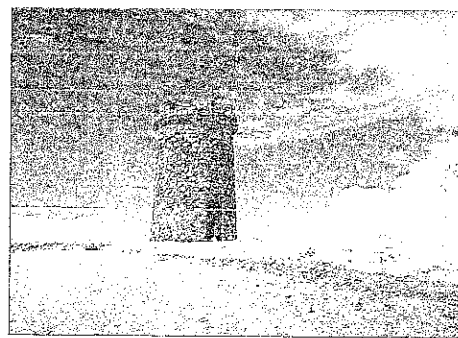
Around 11,500 people develop a brain tumour in the UK annually, according to Cancer Research UK.

It is the biggest cancer killer of children and adults under 40, with just one in five adults surviving more than five years after diagnosis, the Brain Tumour Charity said.

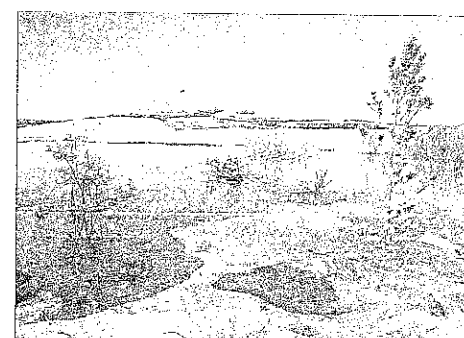
Professor Richard Gilbertson, a world authority on children's brain tumours at the University of Cambridge, said several factors made the disease "very difficult to treat" including its rarity, vast complexity, and resistance to treatments.

He said: "Part of the issue is geographic. We can't take half the brain out in the way that you can take out half of the colon."

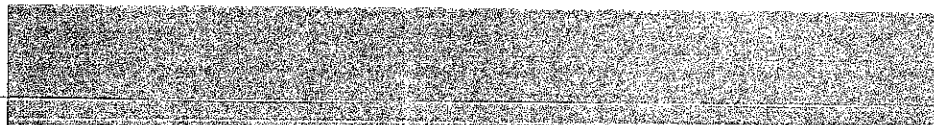
The relatively small number of patients



An ethereal Logan Windmill by Michal Sur.



A Winter's Tale is another of Phil McMenemy's images.



Bayoh family sue over 'disgraceful' death

Jeremy Watson

The investigation into the death of a man in police custody has been branded a national disgrace by his family, who have launched a £1.8 million civil case against Police Scotland.

Sheku Bayoh, 31, died after being restrained by officers responding to an early-morning call in Kirkcaldy, Fife, on May 3, 2015.

Aamer Anwar, the family's solicitor, criticised Police Scotland, the Crown Office and the Police Investigations and Review Commissioner (Pirc), and said Mr Bayoh's family had been left without answers. The family, including his partner Collette Bell and his sister Kadi Johnson, claim the death could have been avoided.

It is said to be the first case of its kind in Scotland and will reach the Court of Session by May 18.

Ms Bell said: "We will fight to make sure Shek gets the justice he deserves. I ask you, how long would you fight if your loved one was unlawfully killed? What would you want in place to ensure your loved one had justice? You would continue to fight and campaign."

Mr Bayoh's sister said: "We have kept an open mind and kept faith in the justice system, but waiting for three years with no answers has been soul destroying. We want an end to this, we want to grieve. Our patience has been exhausted and our trust failed."

Mr Anwar listed six allegations in the civil action including that the manner of restraint used by the officers was "not reasonable, proportionate or necessary and resulted in Sheku suffering posi-



Collette Bell, Sheku Bayoh's partner, and Kadi Johnson, his sister, with the lawyer Aamer Anwar. The family have said that they will continue fighting for justice

tional asphyxiation". He said the civil action would be paused if any charges were brought over the death.

Mr Anwar said: "Sheku's family have always said if he broke the law then arrest him but any use of force had to be lawful, proportionate and necessary in the circumstances, but he did not deserve to die."

"Last Friday a summons was served on the present chief constable for the actions of officers three years ago under the leadership of then chief constable

Stephen House. The action for damages in the Court of Session is for £1.85 million in the name of his family."

He called for the resignation of the Pirc commissioner Kate Frame, saying the body had failed "to adhere to its values of integrity, impartiality and respect".

He added: "I wish to state on behalf of Sheku's family that the investigation into the death of Sheku Bayoh was a national disgrace, to date no officer was suspended without prejudice and de-

spite a final report delivered by Pirc to the Lord Advocate in 2016 he is yet to take action. The passage of time means that memories fade and evidence disappears or deteriorates. Sheku's loved ones never wanted to go to court but they will not give up."

Last week Police Scotland confirmed that legal papers had been received.

A spokesman for the Crown Office said: "The family, and their legal representative, have been kept informed of any significant developments and senior crown counsel along with Crown Office officials met recently with the family and will continue to do so where appropriate."

"This has been a complex and challenging investigation and while there is still some further work to do, considerable progress has been made in the last few months." He added that it was "anticipated a full report will be submitted for the consideration of crown counsel, the most senior lawyers in the Crown Office, in due course."

Pirc said it had carried out an independent investigation under the direction of the lord advocate, who has responsibility for the investigation of deaths in Scotland.

A spokeswoman added: "The Pirc conducted an extensive and detailed investigation into Mr Bayoh's death."

"More than 500 statements were obtained by Pirc investigators who also gathered evidence from a wide range of experts, including those suggested by the Bayoh family and their legal representatives, to give a greater understanding of events leading to Mr Bayoh's death."

Rough sleeping blogger a fraud warns charity

Mark Bridge Technology Correspondent

Charlie Binbags, whose blog about life on the streets of Croydon tugged at the heart and purse strings of thousands of Twitter users, was a work of fiction, says a homelessness group that believes the people are falling for similar scams.

"I'm #homeless, not evil," Chai Hennessy, who wrote on Twitter @CharlieBinbags, tweeted, adding that he had been given a secondhand phone and urged people to help him and others who had nowhere to live.

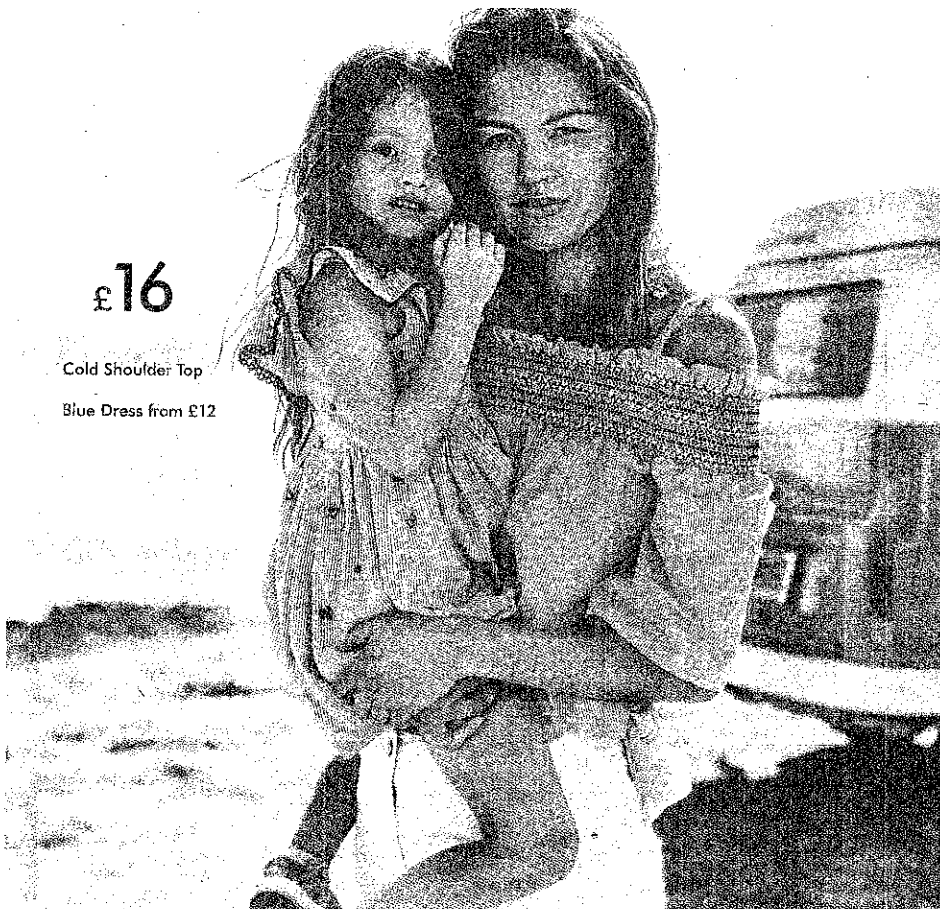
One of his tweets attracted 90,000 likes, and Streets Kitchen, an organi-

The photograph Charlie Binbags used was said to come from Florida



tion in London, offered to help him. It has since said that "@CharlieBinbags has refused all direct offers of help from us and others, whilst accepting a lot of financial assistance from strangers".

It found that his profile photo is someone based in Florida and discovered several suspicious Twitter accounts that appear to be so-called sock puppets connected to Charlie Binbags, to support and lend credibility to his story. Streets Kitchen has reported its findings to Action Fraud.



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'No crisis' in police force says top officer

● Former justice secretary defends embattled Livingstone after BBC report

By CHRIS MARSHALL
Home Affairs Correspondent

Scotland's most senior police officer has denied his force is in crisis following claims in a BBC documentary that a former chief constable tried to suppress corruption allegations.

Deputy Chief Constable Iain Livingstone told a meeting of the Scottish Police Authority (SPA) board that Police Scot-

land's successes had been "completely absent" from the programme screened on Monday night.

The BBC Scotland investigation, titled *A Force in Crisis*, claimed former Chief Constable Sir Stephen House threatened to bury a 2014 report unless the word "remains" was changed to "existed" in a section about anxiety and uncertainty among staff.

The programme also re-visited a sexual assault allega-

tion made against Mr Livingstone in 2003 which was not pursued by prosecutors but resulted in him being temporarily demoted from superintendent to constable following a disciplinary hearing.

Addressing the SPA meeting in Stirling yesterday, Mr Livingstone said: "I have previously stated that I do not recognise any element of crisis within Scottish policing.

"I'm utterly committed to doing everything I can to ensure Police Scotland works with our own people and our fellow members of the public to ensure we deliver the

best police service. It's also important to recognise, which seemed to be completely absent from the programme, that since 2013 Police Scotland has achieved a great deal. Has everything gone smoothly? No. Have mistakes been made? Yes. But we acknowledge and we learn from them."

SPA chair Susan Deacon said she wanted to give an "absolute assurance" that any allegations of corruption would be fully investigated.

She added: "On the back of the specific allegations contained in the BBC programme that were subsequently dis-

cussed in parliament, the chief officer of the SPA contacted Police Scotland and we have now received a full written response and assurances that those largely historical issues have been dealt with.

"I think it's utterly irresponsible and unsubstantiated in terms of the evidence to say we have a police service that is in crisis."

Former justice secretary Kenny MacAskill was among those defending Mr Livingstone yesterday following renewed media interest in the 2003 disciplinary proceedings.

He said: "Iain Livingstone is an outstanding police officer who is hugely respected. This is a minor issue from years ago which has been dealt with through proper procedures"

A Police Scotland spokesman said: "This matter was subject to due process by Lothian and Borders Police and was formally concluded under police regulations 14 years ago. A hearing concluded that there was no sexual impropriety or intent on Mr Livingstone's part and he has nothing further to add."

cmarshall@scotsmann.com

Bayoh inquiry branded 'national disgrace'

By PAUL WARD

The investigation into the death of Sheku Bayoh in police custody has been branded a "national disgrace" as his family launched a £1.8 million civil case against Police Scotland.

The 31-year-old died after being restrained by officers responding to a call in Kirkcaldy, Fife, on 3 May 2015.

Almost three years to the day of the death, family solicitor Aamer Anwar criticised Police Scotland, the Crown Office and the Police Investigations and Review Commissioner (Pirc), and said they had been left without answers.

Mr Bayoh's family, including partner Collette Bell and his sister Kadl Johnson, are suing Police Scotland for £1.85m, claiming the death could have been avoided. It is said to be the first case of its kind in Scotland and will reach the Court of Session by 18 May.

Ms Bell said: "We will fight to make sure Shek gets the justice he deserves. I ask you, how long would you fight if your loved one was unlawfully killed? What would you want in place to ensure your loved one had justice? You would continue to fight and campaign."

Mr Bayoh's sister said: "We have kept an open mind and kept faith in the justice system, but waiting for three years with no answers has been soil destroying.

"We want an end to this, we want to grieve. Our patience has been exhausted and our trust failed."

Mr Anwar listed six allegations in the civil action including that the manner of restraint used by the officers was "not reasonable, proportionate or necessary and resulted in Sheku suffering positional asphyxiation".

He said the civil action would be paused if any charges are brought over the death.

Mr Anwar called for the resignation of Pirc commissioner Kate Frame, saying the body had failed "to adhere to its values of integrity, impartiality and respect".

The solicitor added: "I wish to state on behalf of Sheku's family that the investigation into the death of Sheku Bayoh was a national disgrace, to date no officer was suspended without prejudice and despite a final report delivered by Pirc to the Lord Advocate in 2016 he is yet to take action."

The Crown Office said it had been a "complex and challenging investigation".



↑ Sheku Bayoh's sister Kadl Johnson and partner Collette Bell with family solicitor Aamer Anwar

Police bosses deny plans to cut up to 1,200 officers

By CHRIS MARSHALL

The Scottish Police Authority has denied plans are being drawn up to cut as many as 1,200 officers.

A report presented to the board yesterday outlined three scenarios for creating "officer capacity" by 2021 by reducing numbers by either 650 officers, 852 or 1,176.

Details emerged the day after new figures showed officer numbers have dropped to their lowest level since 2009.

Scottish Labour's justice spokesman, Daniel Johnson, said the SNP's promise to maintain officer numbers had been "shattered".

He said: "The public will rightly be concerned that the Scottish Police Authority is now looking at cutting hundreds, if not more than a thousand, officers."

But addressing the SPA board in Stirling, interim chief officer Kenneth Hogg said the figures were a "metric to explain and make meaningful what more capacity could look like".

He said: "That measurement does not directly equate to planned reductions in officer numbers."

May backs investigation into bullying claims against Speaker Bercow

By RUSSELL JACKSON

Prime Minister Theresa May believes the latest bullying allegations against Commons Speaker John Bercow should be "properly investigated". No 10 has said.

Downing Street set out three ways the claims could

be looked at but said it was for the House to decide how to proceed.

Mr Bercow is facing calls to quit following fresh bullying allegations from a former private secretary in his office, which the Speaker strenuously denies.

Angus Sinclair told BBC Two's *Newsnight* that Mr

Bercow undermined him by mimicking him, swearing and shouting, and once even smashed a mobile phone by throwing it on to the desk in front of him.

He said he was forced into early retirement, with an £86,250 pay-off, on condition he did not make any complaints.

The Prime Minister's official spokesman said the latest claims are "concerning and should be properly investigated".

The Speaker's office issued a firm denial of the allegations.

No 10 said the accusations could be investigated as part of the independent judge-led inquiry into claims of bullying

of staff in the Palace of Westminster, by the House authorities or by the Parliamentary Commissioner.

A spokesman said: "There are ways in which this could be done."

"The inquiry has obviously set out its terms of reference but we suggest this is something the chair may

wish to consider there.

"Or, the House authorities, as the employer of parliamentary staff, could consider the best way for this investigation to be carried out."

"Also, the Parliamentary Commissioner is empowered to investigate allegations that a named member has breached the rules of conduct."

Deaths in custody are going to rise. What must take place is to scrutinise the actions of officers

Rod Charles
Great-nephew of Rashan Charles



employed in the Met police, how can this be independent?"

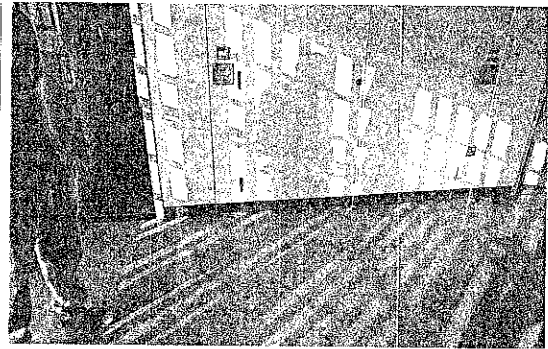
When Charles first heard about what happened he was distressed on a personal level but his policing instincts kicked in. "I thought that maybe the officer had no choice but to restrain Rashan," he says. Then he had a phone call from his niece: "She told me to look on YouTube at CCTV footage that was circulating. What I saw changed everything," he adds: "I am an advocate for police for obvious reasons but not an advocate for misconduct and poor policing."

In the footage a young man runs into a shop, very much alive and well. He is swiftly brought to the ground by a police officer and is later pronounced dead following failed resuscitation attempts. Charles watched the footage with an expert eye, as a trainer of officers like the one who restrained his nephew. Pursuing suspects is routine for police and there is clear guidance on what they should do when they catch one.

"The footage shows a number of tactics which would be appropriate in some circumstances but not in the circumstances Bx47 found himself in," says Charles. "That's not the view of a biased uncle but of an experienced police officer."

Charles says the impact of these deaths and the unanswered questions is huge. "I was at a community meeting and I was speaking to young people in Hackney ... It's almost taboo," he says. "Young capable people in communities do not support police officers on patrol but also don't want to join their ranks and that saddens me a lot and tells me community relationships have regressed."

He adds: "I have no time for people [who are] anti-police and reject those pro-police, these are both extremes I am in the middle ground of fairness ... I do not question the reported numbers of 23 deaths, I am more concerned that the numbers show there are numbers of law enforcement officers moving around with impunity and that is a damn shame."



▲ In 1995 there were 68 deaths in police custody and broadly speaking the number has been going down since then PHOTOGRAPH: MARTIN GODWIN/GUARDIAN

Continued from page 1

Police custody deaths at highest level for 10 years

cases, the use of force did not necessarily contribute to the death."

In October, the government's report into deaths in custody showed a possible racial factor. The report, by Dame Elish Angiolini, said: "Deaths of people from BAME communities, in particular young black men, resonate with the black community's experience of systemic racism, and reflect wider concerns about discriminatory over-policing, stop and search, and criminalisation."

In 1998 there were 65 deaths in police custody, and broadly, the numbers have been reducing. Kemp said: "It is important that we don't jump to conclusions, as the numbers of deaths following police contact are very small and do fluctuate year on year on."

"We are also working closely with an independent panel examining alternatives to using restraint. We strive to make custody as safe as possible for the hundreds of thousands of people every year who need to be detained."

The report reveals the first death linked to the use of spit or contamination hoods - pieces of mesh placed over the head for fear a person's saliva could transmit diseases to officers through spitting.

In one case, a man arrested for domestic assault attacked officers and was carried to his cell with a hood placed over his head, and also placed into leg restraints. Shortly after, with the restraints removed, he fell ill and later died. The investigation into his death continues.

The IOPC said it was also investigated 170 deaths following contact with police. It said: "Forty-five died following report of a missing person and 43 related to concern about a person's risk of self-harm, risk of suicide, or mental health. Twenty-one fatalities followed concern for welfare linked to domestic-related incidents - broadly the same proportion as last year."

died ranged from 21 to 82, and all but two were male.

The IOPC said three people died after being held in a police cell, and another five died after being held in a cell, becoming unwell and then being pronounced dead in hospital. It said another nine people died in hospital after falling ill at the scene of an arrest.

Michael Lockwood, director general of the IOPC, said: "What is clear is that many present a complex and challenging set of factors, with links to drugs and alcohol and mental health concerns being very prevalent among those who have died."

Police say they are having to use their mental health detention powers at all-time record levels, and four of the deaths in the report followed police using section 136 of the Mental Health Act.

Assistant Chief Constable Nev Kemp, the lead on custody for the National Police Chiefs' Council, said: "As these figures demonstrate, many of those often brought into police custody have complex mental health needs and there is a high incidence of substance misuse. We have provided advice to officers to help them identify signs someone is becoming ill and take action."

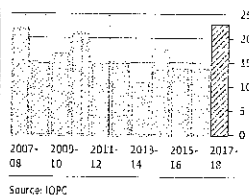
Of the 23 people who died, the IOPC said 17 had been subjected to the use of force or restraint before they died, but that did not mean the use of force was a factor in their deaths.

Of the 17 cases where force was used, the IOPC said nine people were white and eight were black. That means the proportion of black people dying after the use of force or restraint continues to be higher than the proportion of black people in the population of England and Wales.

Among the deaths covered by the latest statistics are high-profile cases such as Rashan Charles and Edson da Costa in London. Those deaths led to tension in the streets between police and communities.

Lockwood told the Guardian: "The proportion of black people who died this year among those who had force used against them by police or others does raise questions. It is important that each death is thoroughly and independently investigated. In these

Twenty-three people have died in or following police custody in 2017-18, the highest in 10 years England and Wales



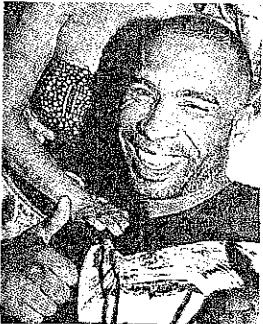
uite, where he was found unresponsive in his cell around 2am. He was later pronounced dead. A heart attack was established as the cause of death.

Nuno Cardoso (25)
Cardoso was studying at a college near Headington. He was arrested early on 24 November 2017. During his arrest he was restrained. Around 5.30am he became unwell and officers performed CPR. He was then taken to John Ratcliffe hospital in Oxford and died that day.

Unidentified man (55)
A man from Grays, Essex, died in police custody on 9 November 2017. He was arrested around 8pm and taken to Grays police station. While in custody he became unwell. He was taken by ambulance to Basildon hospital and later died.

Cain Hargreaves (21)
Hargreaves became unwell in the back of a police vehicle after 10pm on 5 January 2018. He was transferred to an ambulance around 10.30pm and pronounced dead in hospital later that evening.

Claire Harper (41)
Harper was detained on the morning of 7 January 2018 and was found unconscious in her cell around 12.30pm. She could not be revived.



▲ Police took Darren Cumberbatch to hospital on 10 July; he died on 19 July

Shaun Aherne (42)
Aherne arrived at Chesterfield custody suite at 1.30pm on 7 January 2018. He became unwell and was taken by ambulance to the Chesterfield Royal hospital, where he died on 10 January.

Kevin Clarke (35)
Police were called to an address in Lewisham, London,



▲ Kevin Clarke died after being restrained and taken to hospital on 9 March

on 9 March 2018. Officers said Clarke appeared to be having a mental health crisis. He was restrained. Paramedics arrived and he was transferred to hospital by ambulance, and later died.

Oghene Abboh (26)
Abboh was arrested around on 30 March 2018 in Southwark, south London. Officers believed he might have swallowed something and an ambulance was called. His condition deteriorated in hospital and he subsequently died.

Unidentified woman (50s)
Cheshire

No details are available for another three people known to have died after contact with the police during the same period.

Fran Newton

National
Custody deaths

Rashan Charles Police not held to account over my nephew, ex-chief inspector says

Sarah Marsh
Diane Taylor

Rashan Charles understands the issue of police constraint more than most. He is a retired chief inspector, having served for 30 years. He is also the great-uncle of Rashan Charles, 20, who died in an incident involving restraint by a police officer last July.

He describes the revelation that 23 people died during or after police custody in 2017 – the highest number for a decade – as “sad but not shocking”. “I know that there will be circumstances when police officers and other law enforcement must use the highest levels of force and sometimes it will culminate in death ... but there have been too many cases where people died and none of them merited the highest levels of force. There was Sean Rigg, Roger Sylvester, Edson Da Costa, Rashan Charles ... I could go on,” he says.

He also raises doubts over the impartiality of the Independent Office for Police Conduct – the successor to the Independent Police Complaints Commission – which compiled the report. “I am not sceptical about the figures but I am worried as to the manner those cases were investigated ... It’s not yet been proven whether the IOPC can function as a separate independent investigative body.”

More than anything, Charles fears that without drastic change these deaths will continue to happen. “Deaths in custody are going to rise,” he says. “I am not being melodramatic – I don’t want to be proved right but I know I am going to be.”

The reason for this, he believes, is the fact officers are not being held to account for their mistakes. “It’s as simple as that ... what must take place is to scrutinise the actions of officers and hold them to account.”

Last month an inquest determined Rashan Charles’s death was an accident. It also identified mistakes by the police officer, known as

BX47, but concluded that they were not significant and Rashan’s life was not salvageable in any event.

His great-uncle does not accept the verdict and findings. “Before the inquest sat, before the coroner and jury were sworn in, I went on the record to make clear that this case was going to be a farce and the outcome was already predetermined,” he says. “The reason I made those statements was that I was patently aware that in the 10 to 11 months preceding it there were significant flaws with the standard of investigation identified and raised with the lead investigator in the IPCC/IOPC.”

“The key issue in Rashan’s case is the question: was the restraint appropriate for the circumstances and was it justified? But the investigation and the inquest skirted over that issue and focused instead on Rashan’s lifestyle. They wanted to characterise him as an organised major criminal.”

He says the experts brought in were competent but argues they were not impartial, asking: “One still

Custody deaths The 23 people who died in 2017



▲ Leroy Junior Medford died in a cell at Loddon Valley police station

Leroy Junior Medford (43) Medford was arrested at around 1.30pm on 1 April 2017 near Reading by Thames Valley police. When officers noticed he was unwell he was taken to Royal Berkshire hospital. He was discharged and returned to custody at Loddon Valley police station. He was then found unresponsive in his cell at around 4am on Sunday and later pronounced dead.

Douglas Oak (35) Officers came into contact with Oak around 4.20pm on



▲ Marc Cole died in hospital in Falmouth PHOTOGRAPH: DAN COLE

11 April 2017. He was detained, became unwell, and was taken to Poole Hospital where he died the next day.

Marc Cole (30) Police were called to a house in Falmouth around 9pm on 23 May 2017 after reports of a man wielding a knife. A taser was discharged during their incident with Cole; reports said that he had also harmed himself. He was later taken to hospital, where he died.

Edson da Costa (25) Metropolitan police officers carried out a stop on a car in Newham, east London at around 10pm on 15 June 2017. Da Costa was detained and became unwell. He was taken to hospital in an ambulance and died on 21 June.

Mark Tildsley Police forced entry into Tildsley’s home on 22 June

2017, where he was found to be harming himself. Paramedics were called and medical help was given, but he later died in hospital. The coroner recorded a conclusion of suicide.

Darren Brown (50) Brown was arrested in a park in Mansfield on the evening



▲ Edson da Costa died in hospital after being detained in Newham

of 23 June 2017 and taken to Mansfield police station. He was later found unresponsive in his cell. An ambulance was called but he was later pronounced dead.

Jon James (28) James lost consciousness while officers were attempting to detain him at around 1.25am on 24 June 2017 in south Wales. He was taken to the Royal Glamorgan hospital, where he died on 27 June.

Darren Camberbatch (32) Police arrived at a residence in Nuneaton early on 10 July 2017 and found Camberbatch. Shortly after their arrival, he was taken to hospital and died there on 19 July.

Shane Bryant (29) Bryant was arrested by Leicestershire police after a store robbery on 13 July 2017. He required treatment and was taken to the Queens Medical Centre in Nottingham where he died on 15 July.

Rashan Charles (20) Charles was detained after an incident that took place around 1.45am on 22 July 2017. He became unwell and received first aid from officers, medics and paramedics. An object was removed from his throat at the scene. He then was taken to Royal London hospital, where he died.



▲ Rashan Charles died after being detained in an incident on 22 July



▲ Luigi Basile died on 14 September after becoming unwell in custody



▲ Shane Bryant was arrested on 13 July and died two days later

Luigi Basile (48) Basile was arrested just before 2am on 14 September 2017 in St Albans and taken to Stevenage custody suite. He became unwell and died after an ambulance was called.

Christopher Morgan (38) Morgan was arrested by West Midlands police on 20 September 2017. He was taken to Oldbury custody

Scottish Government invited House to pitch for work weeks after resignation

EXCLUSIVE
BY PAUL HUTCHEON

A FORMER Police Scotland chief constable was invited to pitch for consultancy work by the Scottish Government weeks after announcing his resignation. Sarantium Solutions, owned by Sir Stephen House, made the £120,000 funding bid to provide six months of counter-terrorism advice, but the Government declined to pursue the opportunity.

Liberal Democrat MSP Liam McArthur said: "Bearing in mind the circumstances of Stephen House's resignation, it is extraordinary to learn that the Scottish Government was even considering his returning to the scene in the form of consultancy work just months later."

House was chief constable of Strathclyde Police before taking the top job at the single force, but his time in post was marred by a host of policing scandals. The Glasgow-born police chief was

criticised after it emerged that beat officers were responding to routine incidents while carrying firearms. He also faced sustained media, political and academic scrutiny over the decision to roll out Strathclyde's industrial use of stop and search to the rest of Scotland. Hundreds of thousands of searches were recorded in one year, but the figure was widely believed to be false as officers were registering bogus frisks in a desperate bid to meet targets.

House defended the policy, but it was eventually reformed out of all recognition and search rates tumbled.

He also felt strong political pressure after police failed to attend an M9 crash site for three days, an incident that had left two people dead. First Minister Nicola Sturgeon said the tragedy was her lowest moment in office and described the lengthy delay in responding to the call as a "dreadful failure".

House was also criticised over his force's discredited Counter Corruption Unit after an illegal spying operation was launched to flush out the sources on a newspaper investigation.



Given the cloud under which Sir Stephen House left, people would have expected the Scottish Government to cut ties altogether. Instead, ministers couldn't wait to have him back in

Under pressure, House announced in autumn 2015 that he would be standing down later in the year. He then formed consultancy firm Sarantium Solutions.

Weeks after announcing his departure, the Scottish Government invited House to submit a proposal on the country's readiness in relation to counter-terrorism.

In November 2015, House contacted senior civil servant Paul Johnston with his thoughts on an "in-depth analysis and review". His pitch stated: "The opportunity exists to utilise this unique experience and expertise in a study that can now offer fresh thinking and think the unthinkable, unfettered by recent command responsibilities."

House also promised his work would contain a "special reference" to the role of the Scottish Government – specifically the First Minister and Cabinet members – in the event of a terrorist attack.

The cash bid concluded: "Sir Stephen brings unrivalled experience and expertise as well as an unbeatable network of international contacts to the study, combined with a deep knowledge of Scotland's capabilities and needs."

Days later, House emailed the same civil servant with an updated proposal and wrote: "You will note that the price has gone up." The first contract option was a "single block" of six months work which came in at £120,000, while the cheaper alternative was a two-phase



Sir Stephen House announced his resignation in 2015 after a string of scandals at Police Scotland

project worth £110,000. The Government did not award the contract.

House was this year appointed as an assistant commissioner in the Metropolitan Police.

Scottish Tory MSP Liam Kerr said: "Given the cloud under which Sir Stephen House left, people would have expected the Scottish Government to cut ties altogether. Instead, ministers couldn't wait to have him back in. It's just a relief that his proposed rates were so unreasonable, even the SNP Government couldn't agree to them."

A Scottish Government spokesperson said: "Set against the backdrop of recent attacks in Europe throughout 2015, the Scottish Government considered undertaking some work on its readiness. As such, the Scottish Government invited Sir Stephen House, as outgoing chief constable of Police Scotland, to submit a project proposal. However, as has been stated... the need for these services did not arise, so a contract was not awarded."

House could not be reached for comment.

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Young people 'disempowered' at work

ROGUE employers are docking the wages of young workers if customers pay with fake banknotes or a firm's "fill its down", campaigners say.

Cases of younger workers facing pay deductions were highlighted by the Scottish Trades Union Congress (STUC).

Some staff are also being employed on bogus "self-employed" contracts, the STUC said.

Young employees are particularly vulnerable to such employment conditions, it claimed.

In one case, a barista in a Glas-

gow cafe was handed a contract stating she was an "independent contractor" and so in charge of her own national insurance and tax, the STUC added.

Her employer also threatened to deduct wages if the till was down – when there is less money in it than the till's record suggests – or customers pay with fake banknotes, it said.

The cases were highlighted by the STUC as it held its youth congress at Clydebank yesterday. STUC Youth Committee vice-chair Jack O'Neill, a mem-

ber of the Unite union hospitality branch, said the incidents highlighted how young workers were "disempowered".

He added: "Unions rightly focus on protecting the conditions of work that have been won in the past. What's vital about this conference is that we are looking to the future, and putting in place the kind of education and technology that workers will need to prevent companies from having more and more power over our weekly, daily and hourly working lives."

AS THEY VOW TO GET JUSTICE FOR TRAGIC DAD



Finally, three years after Sheku died, a decision is weeks away

But the truth will take a lot more time yet

that you should have to wait so long to simply get answers.

"Sheku's partner Collette and the Bayohs have waited over three years but they know it will take several more years to actually get to the truth and, whether it's the Lord Advocate or PIRC, they should know they'll never give up."

The wait has been condemned as 'unacceptable' by campaigners.

It includes a period of two years since a final report on the case was sent to the Crown Office.

Sheku died near his home in Kirkcaldy, Fife, after being arrested in May 2015.

A post-mortem revealed his body was covered from head to toe in cuts and bruises.

He was detained by police responding to a report of a man carrying a knife in the street - although no weapon

was found on Sheku. An initial dossier on the case was filed to the Crown Office by watchdog the Police Investigations & Review Commissioner three months after his death, with a further report a year later.

Prosecutors could now decide to charge the officers involved or Police Scotland.

A fatal accident inquiry will be held regardless of whether anyone faces criminal proceedings.

Collette, mother of Sheku's son Isaac, who was just three months old when he died, has criticised the time the investigation has taken.

Deborah Coles, of deaths in custody campaign group Inquest, said: "A wait of this length of time for a decision following Sheku's death is totally unacceptable. There's a major issue

regarding delays and defensiveness around state-related deaths. The problem is systemic. It undermines confidence in the processes of holding police to account and it frustrates the learning process from such tragic events.

There is also the emotional effect on families whose lives are on hold until they can achieve answers to questions which they have a legal right to."

Amid the wait, Sheku's family launched a civil action for almost £2million damages against Police Scotland Chief Constable Iain Livingstone in May.

Sheku died after he came into contact with police at the junction of Kirkcaldy's Hayfield Road and Hendry

Road. At least one eyewitness has given an account to investigators of how police officers appeared to pile on top of Sheku as he was restrained in the

street. It's understood CCTV footage was also obtained from two sources near the scene.

A key part of the investigation has been to determine the cause of death.

In addition to cuts and bruises, Sheku was found with petechial haemorrhages - a sign of asphyxiation - in his eyes, a fractured rib and grazing on his chest.

A procurator fiscal's report gave his cause of death as "sudden death in a man intoxicated by MDMA (ecstasy) and alpha-Pyrrolidinopentiophenone (the drug Flackka) whilst being restrained".

Officers used CS spray, pepper spray and batons after it was claimed Sheku struck one of the officers, PC

Nicole Short, called to the scene. Sheku lost consciousness and died in Kirkcaldy's Victoria Hospital about two hours after he came into contact

with police. In the hours following his death, Sheku's family and Collette say they were given five contradictory accounts by police of what happened.

No officers have been suspended, although two have been on leave since the incident. It's understood there is little chance of PCs Nicole Short or Alan Paton returning to police work.

A PIRC spokesman said: "The Crown Office have been considering the PIRC investigation reports into the death of Sheku Bayoh since they were submitted in August 2015 and 2016.

"More than 500 statements were obtained by PIRC investigators, who also gathered evidence from a range of experts to give a greater understanding of events leading to Mr Bayoh's death."

The Crown Office said: "We recognise this has been a difficult time for the family of Sheku Bayoh. The family and their legal representative have been kept informed of significant developments and senior Crown counsel, with Crown Office officials, met recently with the family and will continue to do so."



MISSION Lawyer Anwar, Below, Deborah Coles



"It is just horrendous that you should have to wait so long to simply get answers"

VOGUE LEGEND ALEXANDRA SHULMAN JOINS THE MOS

The SCOTTISH Mail



SEPTEMBER 23, 2018 £1.50

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EXCLUSIVE: Officers who restrained tragic father in street 'did not break law'

SHEKU DEATH: POLICE CLEARED

POLICE officers who forcibly restrained a suspect in one of the most controversial cases in recent Scottish history will not face prosecution over his death.

Sheku Bayoh - who was originally from Sierra Leone but had lived in Scotland since childhood - died in 2015 after being pinned to the ground by police following reports that he was

By Katherine Sutherland

seen acting erratically in the street and carrying a knife.

His death sparked complaints of police brutality and racism - and also prompted an official investigation into whether undue force was used to restrain the 31-year-old. Now, according to a well-placed source within the

justice system, the country's chief prosecutor has decided the officers should not face any criminal charges.

The Scottish Mail on Sunday understands the Lord Advocate believes the evidence does not support a prosecution against the officers who restrained Mr Bayoh. His decision is said to be based on two main

Turn to Page 6 >>



Ruth: Just call us mum and mum!

FULL STORY - PAGES 28-29

Key witnesses h

>> From Page One

factors: firstly, the statements of multiple witnesses who confirmed the police acted proportionately; and secondly, forensic evidence that Mr Bayoh's death was caused by the high levels of illegal drugs found in his system.

The move will be welcomed by the police - who will see it as a massive vindication of their actions - as Mr Bayoh's death is one of a number of high-profile cases where the force has faced criticism.

But the decision not to prosecute the officers involved is certain to spark a furious reaction from Mr Bayoh's family.

The source said: 'The decision has not yet been formalised, but the Lord Advocate is now confident there will be no criminal proceedings against the police officers involved.'

The Crown Office yesterday refused to confirm the decision not to prosecute, but officials said they would soon be giving an update on the case to Mr Bayoh's relatives.

A Crown Office spokesman said: 'We are meeting the family in the near future to update them and it would not be appropriate to comment further at this time.'

Mr Bayoh was a trainee gas engineer who had arrived in Scotland at the age of 11. He lived in Kirkcaldy, Fife, with his partner Collette Bell, who was 26 at the time, and their baby son Isaac.

Just after 7am on the morning of Sunday May 3, 2015, police responded to reports of a man - later identified as Mr Bayoh - acting

'Confident that officers responded appropriately'

erratically in the street and carrying a knife.

A number of officers, believed to be using CS spray and police batons, brought him to the ground, applying both handcuffs and leg restraints.

Minutes later, Mr Bayoh lost consciousness, with officers radioing for an ambulance.

An attempt was made to revive him using CPR but by the time Mr Bayoh arrived at the town's Victoria Hospital he was dead.

A post-mortem examination noted that the cause of death was inconclusive, pending further investigation.

It revealed that Mr Bayoh had suffered nearly 30 injuries on his head, chest, lower legs and left arm.

A toxicology report later said that the drug ecstasy had been found in Mr Bayoh's system, as well as traces of the psycho-stimulant A-PVP, sometimes called Flakka.

According to reports, a knife had been recovered near to where he was detained.

Mr Bayoh's family alleged he died of 'positional asphyxia' and that he had been unable to breathe because of the pressure being applied by police officers pinning him to the ground.

The family also made a number of claims of mistreatment and incompetence by the police. They said they were given five different versions of the events which led to Mr

On fateful morning, first 999 call came at 7am. By 9.04am, Sheku was dead...

SPECIAL REPORT

By **KATHERINE SUTHERLAND**

THE officers on duty in Kirkcaldy on the morning of May 3, 2015, could never have guessed that a routine call-out would become one of the most controversial cases in the history of Police Scotland. But within two hours of the alarm being raised, a 31-year-old father-of-two lay dead in a hospital mortuary - and the integrity of the whole force was being called, very publicly, into question.

It has now been three years since Sheku Bayoh died after being restrained by police, and yet there are still very few firm answers about what exactly happened.

Without any public inquiry or court-room trial, the police have been duty-bound to keep silent - even in the face of the most serious allegations of institutionalised racism and excessive use of force.

The family and supporters of Mr Bayoh - a trainee gas engineer they all knew as 'Shek' - have claimed that he was killed by officers using undue force.

They believe that police falsely thought he was a terrorist because of the colour of his skin, and that the whole case was handled with incompetence at best, and at worst, outright malice.

By contrast, the union representing the police has suggested that Mr Bayoh was dangerously out of control when he was arrested, and seriously assaulted a female officer.

The latest revelation - that the officers involved will not face criminal prosecution - is a significant development that paves the way for a fatal

Bayoh's death, including one version where Mr Bayoh was simply found on the pavement by a member of the public.

They claimed it was ten hours before Miss Bell was informed that he had died. It was alleged also that police tried to repatriate Mr Bayoh's body to Sierra Leone without her knowledge. In the aftermath, the case was referred to the Police

Investigations and Review Commissioner (Pirc), the official watchdog group that scrutinises the actions of the police and investigates claims of criminality by officers.

In August 2015, Pirc submitted a report to the Lord Advocate. A further report containing evidence from expert witnesses was submitted in August 2016. The decision by the Lord Advocate that the officers

should not be prosecuted does not mean, however, that the police will necessarily escape criticism.

Because Mr Bayoh died in police custody, a Fatal Accident Inquiry will be held, which will aim to discover if there are lessons to be learned from the circumstances surrounding the death.

In April this year, Mr Bayoh's family announced they had mounted

at £1.8million civil action lawsuit against the police. They had already launched their own investigation, enlisting forensic pathologists and human rights lawyer Aamer Anwar.

Throughout the investigations, the Scottish Police Federation (SPF) police union has represented eight officers who were involved. None was suspended, although two went



DEATH SCENE: A hearse carries Sheku Bayoh's body past flowers in the street where he died

accident inquiry and finally allows open analysis of Mr Bayoh's death.

BOY WHO ESCAPED WARZONE

SHEKU Bayoh made his home in Scotland after his family fled the horror of the civil war in Sierra Leone. Only 11 when he arrived in the UK with his sisters Kosna, Kadi and Adama, he sought a better life in his adopted homeland.

In 2015, Mr Bayoh was living with his partner Collette Bell and their new baby in the seaside town of Kirkcaldy in Fife. Neighbours knew him as a 'lovely young man' who enjoyed going to the gym and socialising.

'KNIFEMAN ON THE LOOSE'

AROUND 7am on May 3, 2015, police received reports that a black man carrying a knife, acting erratically and unsteady on his feet, had been seen on Hayfield Road in Kirkcaldy.

As other alarmed members of the public phoned to report him, uniformed officers rushed

to the scene, arriving within a matter of minutes in an assortment of vehicles. They quickly overpowered Mr Bayoh. The details of how he was restrained and what happened next are hotly disputed by both sides.

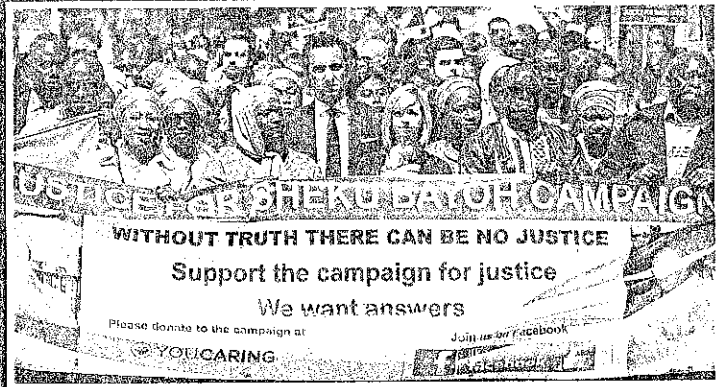
According to a lawyer for the Scottish Police Federation, the union representing rank and file police, Mr Bayoh - 'a very large man' - was in a violent rage and launched an unprovoked attack against a 'petite' female officer, kicking and stamping on her. Only the intervention of her colleagues prevented him from killing her.

The alternative version, put forward by Aamer Anwar, the family's solicitor, is that Mr Bayoh - who was 5ft 10in tall and weighed less than 13 stone - was not found with a knife but had been tackled using CS spray and batons by officers who had falsely assumed he was a terrorist. According to Mr Anwar, Mr Bayoh was shackled with handcuffs and leg restraints

elp clear police



HAPPY COUPLE: Sheku in the national dress of his adopted country with Collette



ANGRY PROTEST: Crowds join the Sheku Bayoh justice campaign, led by lawyer Aamer Anwar, outside the Victoria Centre



TWO SIDES: Sheku's partner Collette with her fiancé, Isaac, left, fatherless following the clash between Mr Bayoh and a group of police officers who, including Aamer Anwar, had been arrested

- then pinned to the ground by several police officers, including one who was 6ft 4in tall and weighed 25 stone.

30 INJURIES - BUT HOW?

OFFICIAL records show that Mr Bayoh was declared dead by doctors at the Victoria Hospital in Kirkcaldy at 09.04.

An initial post-mortem examination later noted that the cause was inconclusive, pending further investigation. It also showed he had nearly 30 injuries on his head, chest, lower legs and left arm.

Again, the explanation is hotly disputed. According to differing versions, he either sustained the injuries as a result of being manhandled by the police - or else he had been in a brawl with a friend in the hours before his death.

A toxicology report later said that the drug ecstasy had been found in Mr Bayoh's system, as well as traces of the psychostimulant A-PVP, sometimes called Flakka.

But Mr Anwar has claimed that Mr Bayoh died of 'positional asphyxia'. Often cited in cases of police brutality, it is caused by the victim being forcibly held or sat on, leaving them unable to breathe.

It is now understood, however, that one

of the reasons prosecutors have decided not to bring criminal charges against the officers involved is that evidence suggests Mr Bayoh may have died as a result of the levels of drugs in his system.

BLIZZARD OF ACCUSATIONS

IN the aftermath of the death, Police Scotland faced a blizzard of accusations. Mr Bayoh's family instructed Mr Anwar, known for his high profile and vocal human rights work. Just over a week after the death, Mr Anwar claimed police had initially told the family they did not know what had happened, then said Mr Bayoh had been found lying in the street by a member of the public.

Following Sheku's death, five different versions of events were given to the family by Police Scotland officers over the course of ten hours until they were finally told he died in police custody. That is a matter of grave concern, Mr Anwar told a press conference in Edinburgh.

According to the family, it was not until ten hours later that police finally told Mr Bayoh's partner, Collette Bell, that he had died in custody. Mr Anwar said nine uniformed officers and two CID officers had restrained

Turn to Page 8

on paid leave following the incident, both of them said to be severely traumatised.

Last night, a spokesman for the SPF declined to comment ahead of any official announcement by the Crown.

But sources within the union said that the news was 'not a surprise' and added: 'We have always been confident that the officers involved

responded proportionately and appropriately.'

Police Scotland has faced criticism over a number of high-profile cases in recent years, including the M9 death crash where a member of the public reported a car veering off a motorway - but the vehicle was not found for three days, which led to the death of the passenger Lamara Bell. The force was also

criticised over the death of Andrew Bow, whose body was found in his flat after police took 24 hours to respond to a call of concern for his welfare.

In May this year, three years after Mr Bayoh's death, the inquiry into his death was branded a 'national disgrace'.

His sister, Kadi Johnson, said her 'patience has been exhausted' after

waiting so long for the Lord Advocate to decide whether or not to prosecute the officers involved.

'We the family have kept an open mind and had faith in the justice system but waiting for three years with no answers has been soul-destroying,' she said.

'We the family want an end to this. We want to grieve. Our patience has been exhausted. Our trust failed.

We have run out of answers for our children about their uncle. His children are getting older and asking about their father.'

Mr Bayoh's partner, Collette Bell, said: 'We have always said that if Sheku broke the law then the police had a right to act.

'They did not have the right to perform the role of judge, jury and executioner.'

Catwalk's masters are still stealing the show

Anna Murphy
FASHION DIRECTOR

Domenico Dolce and Stefano Gabbana have long been the showmen of Italian fashion. Yesterday, on the final day of Milan Fashion Week, they served up a reminder of why they still hold their crowns. The Dolce & Gabbana spring/summer 19 collection, which Gabbana described as being "all about our brand DNA", was a masterpiece of theatre. By way of a curtain-raiser the runway was filled with 100 women in widow's weeds, each with the candle. Cue the models. And what models: The opening triptych was Monica Bellucci, the actress, in a polka-dot ruffled body-con dress, the supermodel Eva Herzigova in a black ruffled chiffon ballgown and Carla Bruni in a gold brocade suit. That "DNA" Gabbana talked about was out in force in the body-sculpting black corset

dresses upon which the brand was originally built. In the ornate suiting, which manages to appear lean-lined and curvaceous. In the references to all things Italian, via pretty, sunny prints and embellishment. Then there was that more recent addition to the Dolce & Gabbana lexicon: street wear. It was a show full of life, full of joy, and full of things to buy and wear. At Giorgio Armani the designer, 84, presented the latest incarnation of his fashion DNA: the relaxed, feminine trouser suits which made his name forty years ago. He spoke of "the pleasure of seeing someone at ease" in what they are wearing. He adopted a palette reminiscent of Turner Blues: soft and bright greys, a roseate blush, here a hotter fuchsia. There's, as always, the glitz: looked fluid, like a kind of second skin, but emphasised by the transparent shimmers of

fabric used for cropped trousers and floaty skirts. Armani's is a quieter brand of theatricality, but he is a showman nonetheless.



Dolce and Gabbana wowed with sunny prints and the star power of Carla Bruni, centre, and Monica Bellucci, right. Blues and hot fuchsias featured in the Armani show.

Girl, 15, died on BA flight after eating baguette

The family of a schoolgirl with severe food allergies who died after eating a Pret A Manger baguette on a British Airways flight said their pain was "indescribable".
Natasia Ednan-Laperouse, 15, was travelling with her father, Nadim, to Nice for a summer break when she fell ill. An inquest is due to be held at West London coroner's court today.
Her father, who is founder of WOW Toys, and mother, Tanya, have described her as a popular girl with a great sense of humour who was known for her contagious laughter. She was studying GCSEs and wanted to pursue a career in law.
Her parents have not been able to unpack her bag from the trip two years on. "As a family now of three, my wife, son and I are still trying to adjust to life without our beloved girl," they said. "It's a daily battle and the pain is indescribable. Everything we say and do is a reminder that she isn't with us: her empty bedroom, school uniform hanging in her wardrobe, her holiday bag packed for her holiday in Nice has never been unpacked. We can't bear it."
Natasia, from Fulham, west London, died on July 17, 2016 after collapsing on the flight from Heathrow. Before boarding she had eaten an artichoke, olive and tapenade baguette, her family said. The reaction is thought to have been caused by sesame seeds.
Despite being administered with two Epipens by her father, she was declared dead at Nice University Hospital later that day. Representatives from Pret A Manger and BA are expected to give evidence at the inquest.

Bayoh family 'distressed' by reports of no prosecutions

Daniel Sanderson
The family of a 31-year-old man who died in police custody have been left "extremely distressed" by claims that the officers who restrained him will not face prosecution.
Sheku Bayoh died in May 2015 after being pinned to a pavement by police in Kirkcaldy. His family are suing Police Scotland for unlawful killing and the force has faced allegations of racism and brutality over their treatment of Mr Bayoh, a father of two.
However, after an investigation lasting more than three years, the officers involved will not face any criminal charges, the *Mail on Sunday* reported.
According to a source, the country's chief prosecutor has decided the evidence does not support a prosecution. The decision is said to be based on evidence that officers acted proportionately after they responded to reports of a man wielding a knife and acting erratically in the early hours.
Mr Bayoh's family have claimed that evidence from a post-mortem examination, which identified dozens of injuries, suggested that he died of asphyxia after being wrestled to the ground by four officers.
The Crown Office refused to confirm the reports that no officers would be charged. It has scheduled a meeting with Mr Bayoh's family to give an update on the case.
The ruling is likely to be welcomed by police unions, who are be-



Sheku Bayoh's partner, Collette Bell, right, and their son, Isaac, at the funeral in 2015. Mr Bayoh, below, died while being held in police custody in Kirkcaldy, Fife

lieved to have defended the actions of officers vigorously. However, it would enrage Mr Bayoh's family, who have maintained that officers overreacted. The family have previously said that they would call for a public inquiry if officers were not prosecuted.
Aamer Anwar, the family's lawyer, said they were "extremely distressed" at the apparent leak of information from the Crown Office. He added: "We do not know what the decision of the lord advocate [is] but I had always argued that he must have respect for and meet the family to tell them what he has decided to do after over three years of investigation."
The family will attend the Crown Office on October 3

and will await the outcome of that meeting before commenting on any decision to prosecute the police officers or not. Sadly, the family lost all faith in the Police Investigations and Review Commissioner giving them a robust, impartial investigation into the death in custody of Sheku Bayoh, but they will never give up fighting for the truth.
Mr Bayoh's family are seeking £1.85 million from Police Scotland in a civil case, after criticising the length of time it had taken to complete the official investigation. A toxicology report later indicated that Ecstasy, had been found in Mr Bayoh's system, as well traces of the psycho-stimulant A-PVP.
A Crown Office spokesman said: "We are meeting the family in the near future to update them and it would not be appropriate to comment further."

Doubt cast on conviction of mass murderer

Lawyers for Jeremy Bamber, who was jailed for murdering five members of his adoptive family, claim that a new forensic report undermines evidence concerning a blood-stained rifle silencer that was used to convict him.
Bamber, now aged 57, was sentenced to life in prison after Nevill and June Bamber, his adoptive parents, Sheila Caffell, his adoptive sister, and her six-year-old twin sons were shot dead at White House Farm in Essex in 1985.
A rifle silencer that was found in a cupboard was a key piece of evidence at his trial. The police initially believed that Caffell, a paranoid schizophrenic, had carried out the murders because the rifle was found next to her body. Forensic scientists suggested that a silencer had been fitted to the gun when the first four victims were killed but it was not on the rifle when it was discovered.
Bamber's lawyers have now submitted a report by a "senior forensic scientist" suggesting that two silencers were being examined at the same time in different police departments. Both are believed to have traces of blood that "could have come from either Sheila Caffell or Robert Bouffleur". Bouffleur, who is now dead, was a relative of Nevill and June Bamber and used guns kept at their farm for shooting.
A spokesman for the Crown Prosecution Service (CPS) confirmed that it had received correspondence in relation to this matter. A spokesman for Essex police said that "Jeremy Bamber's conviction has been the subject of several appeals and reviews... and there has never been anything to suggest that he was wrongly convicted."



HEARTACHE Sam Smith: Love split is still raw for me

BY LUCY MAPSTONE
SINGER Sam Smith has said his split from actor Brandon Flynn is 'still quite raw'.

The singer and US star Flynn, best known for his role in Netflix drama series 13 Reasons Why, are believed to have been an item since October last year until they broke up this summer.

Smith, 26, said: "Brandon was wonderful. I'm still trying to figure out what I took from that relationship and what it meant to me. It's still quite raw."

Smith said things were amicable between them, adding: "All my relationships have ended in a nice way, never nasty."

Although he wanted to keep things between himself and Flynn, 24, he said "seeing gay relationships in public is important and refreshing", adding: "You don't see it loads."

Man injured in knife attack

A MAN is in hospital after he was attacked with a knife yesterday.

The 36-year-old was taken to University Hospital Hairmyres in East Kilbride after the incident in Strathmore Gardens, Rutherglen, in Glasgow.

BAYOU FAMILY SLAM PROSECUTORS WE'RE DISGUSTED AND WE'RE ANGRY

Cops look to be clear over arrest death

BY MICHAEL PRINGLE
michael.pringle@reacnpl.com

POLICE officers accused of using excessive force in restraining a dad who died after they pinned him to the ground will not face criminal charges, reports suggest.

The family of Sheku Bayoh, who lost his life after he was held down by up to nine cops, are disgusted by the news.

The 31-year-old died following an early morning incident in Kiready in May 2015.

His family claim the father of two died from "positional asphyxiation" and that he was left unable to breathe as a number of officers forcibly restrained him, by lying and kneeling on him on the street.

An initial post-mortem was inconclusive but revealed Sheku had sustained 30 injuries to his head, chest, legs and arms.

His family and their lawyer Aamer Anwar were due to meet Lord Advocate James Wolfe to discover the fate of the officers.

But a Scottish Mail on Sunday report claimed a "well-placed source" within the justice system said no criminal



SHOCKED Sheku Bayoh's family with their lawyer Aamer Anwar want answers



VICTIM Sheku Bayoh died while in police custody

charges will be brought against any of the officers involved.

Anwar said: "The family are disgusted and angry."

I was told by the Crown Office that they have not made a decision and will meet with the family on October 3.

If this is an attempt to leak out information to cushion the blow then it's simply an absolute disgrace.

The family have waited three years and four months to get a decision on what happens. It's a joke.

I would want to know who

is leaking this information from the Lord Advocate's office.

"What's the priority - the family or telling a newspaper?"

Sheku, a trainee gas engineer, had been living in Kiready with his partner Colette Bell and their three-month-old baby son.

On the morning of his death, police received a report that a man had been seen carrying a knife and acting erratically.

Sheku had no record of violence and the family's lawyer claims police mistook him for a terrorist and used CS spray

and batons on him. The family also claim police gave them five versions of how he had died in a 10-hour period - including that he had been found lying in the street by a member of the public - before being told he had died in police custody.

A toxicology report revealed Sheku had traces of ecstasy and legal high alpha-PVP in his body.

A spokesman for the Crown Office said: "We're meeting the family in the near future to update them and it would not be appropriate to comment further."

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Family 'extremely distressed' after Bayoh death case decision leaked

VICTORIA WELDON
NEWS REPORTER

THE family of Sheku Bayoh are said to be "extremely distressed" after a decision in the investigation into his death in custody was leaked to the press before they were told of the outcome.

Mr Bayoh's partner and family discovered in a newspaper that the officers involved in the case will not face prosecution over his death.

The 31-year-old died after being restrained by police in Kirkcaldy, Fife, on May 3, 2015.

His partner and family have waited years to hear the outcome of the long-running inquiry, only to read about it in a Sunday newspaper ahead of a formal meeting with the Crown Office.

The Scottish Mail on Sunday quoted a "well-placed source within the justice system" as it revealed that the Lord Advocate does not believe the evidence in the case supports a prosecution.

Lawyer Aamer Anwar, who acts on behalf

of the Bayoh family, told The Herald that Mr Bayoh's relatives were due to meet with the Crown Office next month to find out the decision.

The solicitor said: "The family is of course extremely distressed that anyone in the Crown Office should seek to leak the result of the inquiry before even meeting the family.

"We do not know what the decision of the Lord Advocate is, but I had always argued that he must have respect for, and meet with, the family face to face to tell them what he has decided to do after over three years of an investigation.

"The family will attend the Crown Office on October 3 and will await the outcome of that meeting before commenting on any decision to prosecute the police officers or not."

Police pinned Mr Bayoh to the ground just after 7am on Sunday, May 3, 2015, following reports that he was acting erratically in the street and carrying a knife.

His death quickly became mired in controversy, with the police facing accusa-



Sheku Bayoh, above left, died after being restrained by police. His family's lawyer, Aamer Anwar, right, said they were extremely distressed after the decision not to prosecute officers had been leaked to the press.



illegal drugs in his system. The source said: "The decision has not yet been formalised, but the Lord Advocate is now confident there will be no criminal proceedings against the police officers involved."

Relatives believe Mr Bayoh, who suffered 54 separate lacerations, cuts and bruises on his body, died of positional asphyxia as a result of being restrained on the ground.

None of the police officers involved in the case have been suspended by Police Scotland, however, two - PCs Alan Paton and Nicole Short - went on unpaid leave following the incident.

It is understood that neither officer has yet returned to work.

A spokesman for the Crown Office refused to comment on claims of a leak, adding: "We are meeting the family in the near future to update them and it would not be appropriate to comment further at this time."

Mr Bayoh's family have also launched a civil action against Police Scotland - the first time the force has been sued over an alleged unlawful death.

BULLETIN



Mike Ashley bought House of Fraser for £90m.

Ashley blames landlords as stores to close

BUSINESSMAN Mike Ashley has blamed "greedy landlords" for the closure of three House of Fraser department stores.

Mr Ashley, who bought the retailer out of administration for £90million, announced yesterday that 15 sites previously earmarked for closure will stay open.

But stores in Edinburgh, Hull and Swindon will shut after the failure of talks over cuts in rents.

Mr Ashley said: "I am disappointed that, in my opinion, a small number of greedy landlords still refuse to be reasonable."

The British Property Federation, which represents landlords, defended its right to negotiate the best deal.

Chief executive Melanie Leech said: "What has been taking place is negotiations between House of Fraser and its landlords - a two-party process where each party will have its own interests and one party simply can't cry 'unfair' in the media when it doesn't get what it wants."

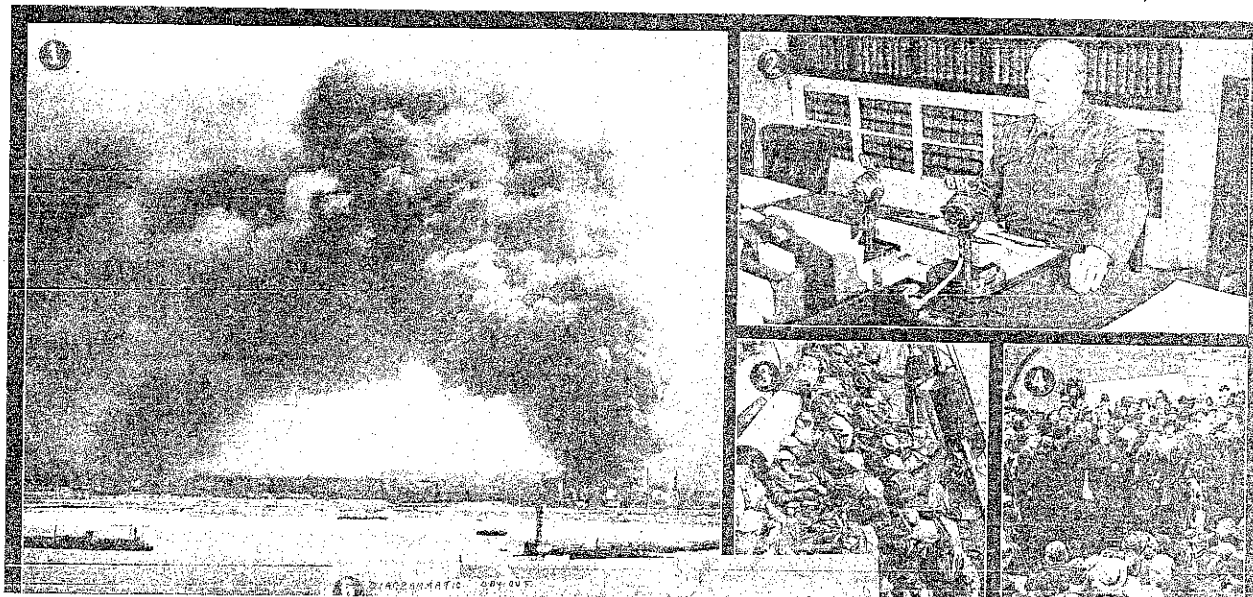
The rough sketch that got British troops out of Dunkirk

EMILY SEAMENT

A SKETCH used to help troops escape from the beaches of Dunkirk is among the rare documents featured in a new book on the Second World War.

The War on Paper: 20 Documents That Defined the Second World War explores the conflict through a series of rarely seen papers.

Published by the Imperial War Museums (IWM), the book also



In the clear, police team who had arrested custody death father Sheku Bayoh

By Gavin Madsley and Sam Walker

POLICE officers involved in the death in custody of Sheku Bayoh will not face prosecution, it was reported yesterday.

The 31-year-old died in 2015 after being pinned to the ground by police following reports that he was seen acting erratically in the street and carrying a knife.

His death sparked complaints of police brutality and racism and also prompted an official investigation into whether or not undue force was used to restrain Mr Bayoh.

The father of two's family, who have branded the case a 'national disgrace' and launched a £1.85million civil action against Police Scotland, had been expecting to meet the Crown Office early next month to learn its intentions following a three-year investigation.

But The Scottish Mail on Sunday yesterday cited 'a well-placed source within the justice system' who is said to have told the paper that the country's chief prosecutor

'The family is of course extremely distressed'

has decided the officers should not face any criminal charges.

The paper's source indicated that the Lord Advocate believes the evidence does not support a prosecution against the officers who restrained Mr Bayoh for two main reasons: 'Firstly, the statements of multiple witnesses who confirmed the police acted proportionately; and secondly, forensic evidence that Mr Bayoh's death was caused by the high levels of illegal drugs found in his system.'

The source told MoS: 'The decision has not yet been formalised but the Lord Advocate is now confident there will be no criminal proceedings against the officers involved.'

The Crown Office refused to confirm that a decision had been made, but a spokesman said: 'We are meeting the family in the near future to update them and it would not be appropriate to comment further at this time.'

Yesterday, the family of Mr Bayoh, who was originally from Sierra Leone but had lived in Scotland since childhood, voiced their anger that a significant development in the case could be leaked to a newspaper.

Aamer Anwar, lawyer for the Bayoh family, said: 'The family is of course extremely distressed that anyone in the Crown Office should seek to leak the result of the inquiry before even meeting



Happy couple: Sheku Bayoh with his partner Collette Bell



Fatherless: Sheku's son Isaac with his mother

Legal list as prosecutors consider criminal charges against force in Sheku Bayoh tragedy

POLICE MAY BE CHARGED OVER DEATH OF FATHER

Daily Mail, October 23, 2015

the family. We will not speculate on the decision of the Lord Advocate but I had always argued that he must have respect for, and meet, with the family to tell them what he has decided to do after over three years of an investigation. The family will attend the Crown Office on October 3 and will await the outcome of that meeting before commenting.'

Mr Bayoh died on May 3, 2015, after being restrained by officers

responding to a call to Hayfield Road in Kirkcaldy. Details of how Mr Bayoh was restrained and what happened next are hotly disputed by both sides but within minutes he lost consciousness.

An ambulance was called but by the time he arrived at the town's Victoria Hospital, Mr Bayoh was pronounced dead. A post-mortem examination proved inconclusive but revealed that Mr Bayoh had suffered nearly 30 injuries

on his head, chest, lower legs and left arm.

A toxicology report later said that the drug ecstasy had been found in Mr Bayoh's system, as well as traces of the psychostimulant A-PVP, also called Flakka. According to reports, a knife had been recovered near to where he was detained.

Mr Bayoh's family allege he died of 'positional asphyxia' and that he had been unable to breathe

because of the pressure being applied by police officers pinning him to the ground.

The case was referred to the Police Investigations and Review Commissioner (Pirc), the official watchdog that scrutinises police actions and investigates allegations of criminality by officers. In August 2015, Pirc submitted a report to the Lord Advocate.

In May this year, the family launched a civil lawsuit against the force's Chief Constable Iain Livingstone, blaming officers for Mr Bayoh's death.

The Scottish Police Federation union has represented eight officers involved. None was suspended, although two went on paid leave. No one from the SPF was available for comment yesterday.

The action for damages at the Court of Session is in the name of Mr Bayoh's partner, Collette Bell, her three-year-old son Isaac Bayoh, and Sheku's other son Tyler Barok, aged six.

Miss Bell said: 'If Sheku broke the law, the police had a right to act. They did not have the right to perform the role of judge, jury and executioner.'

Heat helps peacock butterflies flutter back

THEY have been a rare sight in Scotland's gardens in recent years. But the warm summer saw a huge revival in colourful peacock butterflies. Cool, damp weather resulted in the variety suffering several lean years but in 2018 the butterfly was the second most abundant

By Dean Herbert

species north of the Border, according to conservationists. Warm, dry conditions helped peacock butterflies, left, successfully breed in the late spring and early summer.

Their rising fortunes were revealed in this year's Big Butterfly Count, during which members of

the public recorded the number and variety of the creatures in their gardens over a three-week period.

The small white butterfly was the most abundant species, with numbers up 152 per cent compared to last year. The large white took third spot, up 242 per cent, and the green-velvet white took fourth place, up 34 per cent on 2017.

The majority of species enjoyed a good summer with the red admiral, migrant

silver Y moth and small copper all being recorded in good numbers.

But grass-feeding species such as the meadow brown and ringlet saw their numbers tumble by 50 per cent and 77 per cent respectively. This may be because they emerged before the count began.

Richard Fox of Butterfly Conservation said: 'The bumper numbers of stunning peacock butterflies and widespread whites have been a joy to behold.'



Davidson accused in flu jab row

RUTH Davidson was accused of trying to panic older people in Scotland after claiming half a million pensioners could miss out on an adequate flu vaccine. Last November the UK's Joint Committee on Vaccination and Immunisation recommended a new enhanced vaccine (a1V) for patients with weaker immune systems be given to over-65s. The NHS in Scotland had already ordered a different treatment and later said the enhanced treatment will only be available to over-75s. The drug is available to those aged 65 and older in England. Scottish Tory leader Davidson said 500,000 people aged between 65 and 74 would be worried about being adequately immunised. She said: "Following last winter's winter flu outbreak, this is an issue of enormous concern to people." First Minister Sturgeon told her: "It is in nobody's interest to scaremonger. The vaccine offered to 65 to 74-year-olds this winter still provides full flu protection."

First Minister's dismay at Bayoh leak

Report said officers will not face charges

BY ANDREW LEARMONTH

FIRST Minister Nicola Sturgeon has criticised a leaked report on the death of Sheku Bayoh.

Last weekend, a Sunday newspaper reported that no charges would be brought against any of the police officers who came into contact with the 31-year-old gas engineer on the day he died in custody.

Bayoh died early in the morning of Sunday May 3, 2015, after being pinned to a pavement.

His family are suing Police Scotland for unlawful killing. They claim evidence from a post-mortem examination, which identified dozens of injuries, suggests that he died of asphyxia after being wrestled to the ground by four officers.

According to the paper's source after three years of investigation, the Lord Advocate has decided the evidence does not support a prosecution, and that police acted proportionately. That hasn't been confirmed by the Crown.

During FMQs yesterday, Bayoh's MSP, Claire Baker, asked Nicola Sturgeon if she would agree that, "given that the family has waited for three years for answers and is not due to meet the Lord Advocate until next month, such a leak is unacceptable and is no way to treat a grieving family? Will she carry out a full investigation into how the leak came about, and will she also apologise to Sheku's family for the distress that they have suffered as a result of the weekend's press story?" The SNP leader replied: "I am



Sheku Bayoh died while in police custody on May 3, 2015

not always sure about the truth or otherwise of information that appears in the public domain, but I definitely deprecate information about such matters being made public before families have had the opportunity to be informed. My thoughts remain very firmly with the family and friends of Sheku Bayoh at this difficult time for them.

She added that "would not be appropriate for me to comment on the specific circumstances of the case until such time as a decision has been made by the Crown Office and Procurator Fiscal Service and communicated to the family."

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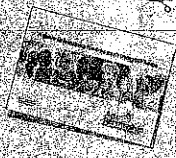
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EXCLUSIVE CUSTODY DEATH FAMILY'S ANGER

GRIEF
Sheku's
sister Kadi
Johnson



“I want to look that man in the eye and ask him where justice is for Sheku”

■ Craig McDonald
The sister of a man who died in police custody will confront Scotland's most senior law officer after claims no one will be prosecuted over the tragedy.

Sheku Bayoh was forcibly restrained by up to nine officers during an incident in 2015. His sister Kadi Johnson will meet Lord Advocate James Wolfe on Wednesday.

She said: "This is a betrayal. I want to look him in the eye. I want to hear the decision from him. If it's true, I'll ask where justice is for Sheku."



PROBE Sheku Bayoh and, left, James Wolfe

BETRAYAL

FULL STORY Pages 4&5

MADE IN CHELSEA. MADE IN HEAVEN
Supermodel Emma Lou Connolly on her wedding plans with TV star love
SEE PAGE 13

FREE INSIDE

7 NIGHTS
Super Sunday
PLUS

SISTER OF POLICE CUSTODY VICTIM SAYS CROWN



MISSED Madeleine Gerry My terror as Maddie vanished

Gerry McCann has told of his "terror" and "disbelief" when he first realised his daughter was missing.

Madeleine, then aged three, disappeared from a holiday flat in Praia da Luz, Portugal, in 2007, sparking a worldwide search for her.

Glasgow-born Gerry said he had not thought about "those moments" for a long time because they were too "painful".

He was speaking to BBC Radio 4 for a show about the relationship between dads and daughters.

Gerry said he was sure immediately his daughter had been abducted.

After being told by his wife Kate their daughter was missing, he said "automation kicked in" and he began searching the flat.

He said: "We started searching more widely and then very quickly raised the alarm."

"You're in this quiet little holiday resort out of season and I didn't speak Portuguese so I asked [our friend] Matt to go to reception and ask them to call the police."

Gerry said he remembered him and his wife being back in the bedroom "completely distraught", adding their reaction was "almost feral".

He added: "I couldn't get the darkest thoughts out of our minds, that somebody had taken her and abused her."

"I felt that every moment we couldn't find her was worse. I remember being slumped on the floor and starting to call some of my family members and just saying, 'Pray for her.'"

Branson in peak form

Sir Richard Branson has reached the summit of Mont Blanc in the final stage of a 2000km trek across Europe.

The 68-year-old posed with his team, including son Sam and nephew Noah Devereux, on top of the mountain yesterday.

The billionaire's Virgin Strive Challenge involved cycling, hiking, climbing and canoeing from Sardinia in Italy.



DISTRAUGHT
Kadi and her mum Aminata. Left, Sheku Bayoh
Main pic Phil Dye

Family in shock over new claim

by Craig McDonald

The sister of police custody death victim Sheku Bayoh yesterday accused Scotland's most senior law officer of betraying her grieving family.

Nurse Kadi Johnson said she wanted to look Lord Advocate James Wolffe in the eye during a meeting which is scheduled to take place on Wednesday.

The 40-year-old said Wolffe should be ashamed at how the Crown Office have handled their investigation into her brother's death.

She said revelations that prosecutors have decided not to take any action against officers who arrested Sheku had left his loved ones shattered.

The health worker also told how she was sick after learning about the claims, made last week in a newspaper.

Family members, including Sheku's mum Aminata, and supporters are expected to travel to Edinburgh to meet Wolffe to officially learn the outcome of their probe. They have waited more than three years to discover what action will be taken over Sheku's death.

But it now seems certain they will ask Justice Secretary Humza Yousaf to launch a public inquiry into the case.

Kadi said: "We're going to meet the Lord Advocate on Wednesday."

"I want to look him in the eye. I want to hear the decision from him before I believe it. If it's true, I'll ask him where justice is for Sheku."

"Mr Wolffe should be deeply ashamed of the total betrayal of our family. We're heartbroken but we'll wait to see what he has to say."

Dad-of-two Sheku, 31, died after being restrained by up to nine uniformed officers in a street near his home in Kirkcaldy in May 2015.

The three-and-a-half-year wait for a decision has been condemned as "unacceptable" by campaigners. It includes a period of two years since a final report on the case was sent to the Crown Office.

Kadi said: "When I heard there would be no prosecutions, I was extremely upset - I was sick the whole day. We felt upset and let down."

"It was very disrespectful towards us that the news had been allowed to



DEVOTED
Sheku's partner Collette with their son Isaac

come out in this way. It just wears you down. We've been worn down as a family over the past three years."

Kadi added: "We waited all this time hoping that someone may be held to account for the terrible death my brother suffered - but it seems it is not going to be the case."

"We live in hope that maybe, somehow, it was just speculation and things will change but we're realistic."

A fatal accident inquiry will be held regardless of whether anyone faces criminal proceedings.

The family are pursuing a £1.85million damages case against Police Scotland Chief Constable Iain Livingstone and are pushing for a public inquiry.

A legal team has been assembled by the family's solicitor, human rights lawyer Aamer Anwar, to fight the case. It includes Dorothy Bain QC, who represented the

families of victims in the Glasgow bin lorry tragedy, civil liberties advocate Clare Connelly and personal injury specialist lawyer April Meehan.

Anwar said he backed the family's call for people to show support outside the Crown Office headquarters in Chambers Street, Edinburgh, from 10.30am on Wednesday.

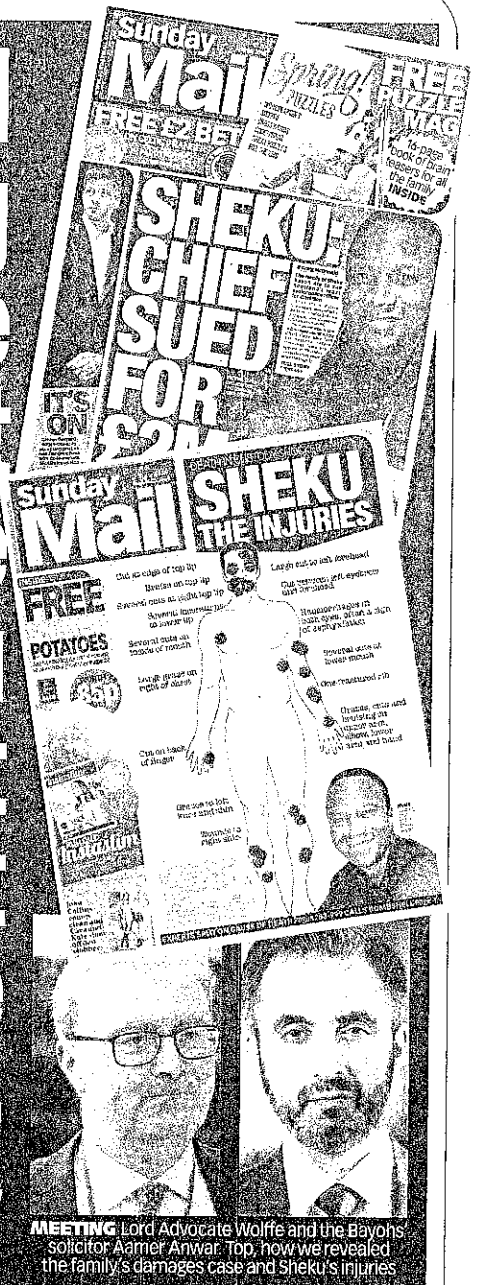
The family and their legal team will hold a press conference and meet Yousaf at the Scottish Parliament later that day. **But it is understood Sheku's partner Collette, mum to the couple's three-year-old son Isaac, is so upset that she is unlikely to attend.**

Anwar said: "The family are shellshocked at the claims and the decision leaking out a week before their meeting with the Lord Advocate. They feel betrayed and bitterly disappointed with the Crown Office."

"They used to retain confidence in

OFFICE HAVE BETRAYED HIS LOVED ONES

We've waited all this time hoping someone may be held to account for the terrible death our Sheku suffered – but it seems it is not going to be the case. We feel so worn down now



MEETING Lord Advocate Wolfe and the Bayohs solicitor Aamer Anwar. Top, how we revealed the family's damages case and Sheku's injuries

the Lord Advocate. Sadly, that's gone but they're determined to fight on. They feel they have been treated with contempt and will be looking to the Lord Advocate to justify whatever decision he has come to.

It has been heartbreaking to watch Sheku's loved ones worn down waiting as the weeks became months, the months became years.

"They believe if those nine officers had been members of the public, they would have been charged and a jury allowed to decide the case.

"The Crown Office here have acted as judge and jury. We've seen this type of thing before with deaths in custody of young black men in England, although this is a first for Scotland."

"There have been lies and smears since day one, with deliberate attempts by 'police sources' to demeanise Sheku and break down his family and

that's a total disgrace. We'll bear what has to be said and the family will decide what happens next."

Sheku was detained by police responding to a report of a man carrying a knife at the junction of Kirkcaldy's Hayfield Road and Hendry Road – although no weapon was found on him.

A post-mortem revealed his body was covered from head to toe in cuts and bruises.

At least one eyewitness told investigators how police officers appeared to pile on top of Sheku as he was restrained in the street.

A key part of the investigation has been to determine the cause of death. In addition to cuts and bruises, Sheku was found with petechial haemorrhages – a sign of asphyxiation – in his eyes,

a fractured rib and grazing on his chest.

A procurator fiscal's report described the fatality as "sudden death in a man intoxicated by MDMA (ecstasy) and alpha-Pyrrolidinopentiphenone (the drug Flakka) whilst being restrained".

In the hours following his death,

“There have been lies and smears since day one – it has been a total disgrace

Sheku's family and Collette say they were given five different accounts of what happened by police.

No officers have been suspended, although two have been on leave since the incident. It's understood there is little chance of PCs Nicole

Short or Alan Paton returning to police work.

An initial dossier on the case was filed to the Crown Office by watchdog the Police Investigations and Review Commissioner (PIRC) three months after his death. A further report was sent a year later.

The Scottish Government have the power to trigger a public inquiry. It's understood that discussions on this will form part of the family's meeting with Yousaf.

A public inquiry would examine the use of restraint, training of officers, the investigation and the issue of race.

Police Scotland Deputy Chief Constable Fiona Taylor said: "Our thoughts remain with Sheku Bayoh's family and friends following his death three years ago and we continue to

offer support to anyone affected by this tragic incident.

"We have been committed to cooperating with the PIRC and the Crown Office throughout the investigative process and, while this continues, we can't comment further."

PIRC said: "More than 500 statements were obtained by our investigators, who also gathered evidence from a wide range of experts to give a greater understanding of events leading to Mr Bayoh's death.

"At all stages throughout this independent investigation, the PIRC have acted under the direction of the Lord Advocate, who has ultimate responsibility for the investigation of deaths in Scotland."

The Crown Office said: "We're meeting the family in the near future to update them and it would not be appropriate to comment further at this time."



(Left) Sheku Bayoh's family who are still fighting for answers - Kosma Bayoh (sister), Adama Jalloh (sister), Aminata Bayou (mother) & Kadl Johnson (sister)

SHEKU: THE BATTLE FOR TRU

Sheku Bayoh's family were 'torn to shreds' after waking up to the leak of supposed decision

BY JENIFER JOHNSTON

THE lawyer for the family of Sheku Bayoh, who died after being restrained by up to nine Police Scotland officers in Kirkcaldy in May 2015, has demanded an apology and a robust investigation from the Lord Advocate after a leak about possible charges against the officers.

Aamer Anwar told the Sunday National of the "utter distress" the leak had caused to Collette Bell, Bayoh's partner and his sister Kadl Johnson.

The family will meet with James Wolffe QC on Wednesday to hear first-hand whether any officers will be charged in the long-running case, but the leak last weekend suggested none will be.

He said: "I'm not going to prejudge what the Lord Advocate has decided but it is an absolute disgrace that an

internal decision made within his office was leaked to a newspaper.

"I have a great deal of respect for the Crown Office but last weekend was horrific.

"It tore the family on pieces to wake up on that Sunday morning to have their phone ringing off the hook, to have journalists furling up outside Collette's front door, to have to go to a shop to buy the paper to see for themselves.

"It's been heartbreaking and it is totally disrespectful for the family.

"On Wednesday I expect the Lord Advocate to tell us what he is going to do about the leak.

"The family hold him directly responsible.

"The family built up a tremendous relationship with the previous Lord Advocate Frank Mulholland and with those who worked for him, and they have continuously said for the past three years and five months said that



Lord Advocate James Wolffe will meet Sheku Bayoh's family on Wednesday

they retain faith in the Lord Advocate to do the right thing. But they've said to me that faith is not blind, and that faith is now gone.

"I would expect the Lord Advocate to apologise to the family on Wednesday, it is the very least he can do.

"And whoever it was that made the leak should be prosecuted. The first people that have the right to know about the future of this case are the family.

"I have great deal of respect for the hard work that the Crown Office do, so this is extremely damaging to see a family torn to shreds because someone couldn't keep their mouth shut."

The Lord Advocate's office have refused to say whether or not they are investigating the leak, telling the Sunday National only that: "We are meeting the family in the near future to update them and it would not be appropriate to comment further at this time."

The leak was raised at EMG's last week by Dr Claire Baker, Labour MSP for Mid Scotland and Fife. The First Minister condemned the leak but did not commit to asking the Lord Advocate to investigate.

Speaking to the Sunday National, Dr Baker joined Aamer Anwar's calls for an apology.

She said: "The family of Sheku Bayoh have waited over three years for a decision from the Lord Advocate and to have to read a leaked report in a newspaper, which claims to know the decision, is shameful.

"I am disappointed that the First Minister did not address the serious nature of the leak in her response, or agree with the need for an investigation.

"With the family due to meet the Lord Advocate on Wednesday, attention will be focused on his decision, but it is still important that this completely unacceptable leak from

THE TIMELINE

May 3, 2015 - Sheku Bayoh, 31, a trainee gas engineer, dies while being detained by Police Scotland officers. CS spray, batons, wrist and ankle restraints were used. Police Investigations and Review Commissioner (PIRC) Kate

Frame launches an investigation into the death.

June 2015 - Hundreds of people attend Bayoh's funeral.

August 2015 - Interim PIRC report submitted to the Crown Office.

October 2015 - The BBC

publishes the identity of one of the police officers who arrested Bayoh, PC Alan Paton, after his family allege he has a violent and racist background.

November 2015 - Bayoh's family meet with the First Minister and the then Justice

Secretary Michael Matheson to discuss the case.

August 2016 - Full PIRC report is submitted to the Crown Office with "additional lines of investigation" from the inquiry. Their reports take in more than 500 statements from police, experts and witnesses.

December 2016 - Bayoh's death certificate is updated to include toxicology results showing he ingested ecstasy and Flakka, a "legal high".

January 2017 - BBC documentary *After Sheku* is aired, with Bayoh's family calling for the authorities to

PH

his office is addressed and I am calling on him to undertake a thorough investigation.

It is expected that a peaceful protest will take place outside the meeting in Edinburgh, with the campaign group Scotland Against Criminalising Communities encouraging the public to show support for the family.

After the meeting, Anwar and the family will travel to Holyrood to meet with Humza Yousaf, Cabinet Secretary for Justice, to restate their demand for a public inquiry regardless of whether any Police Scotland officers are set to be charged.

The long running case has been awash with smears and leaks said Anwar, who is representing Bayoh's family on a pro-bono basis.

If the Lord Advocate informs the family next week that there are to be no prosecutions, their legal team has 28 days to seek a review of that decision.

And while Anwar and the family

are demanding a full public inquiry, a Fatal Accident Inquiry and a civil case against Police Scotland for £1.8 million are still outstanding.

Anwar said the family are devastated by the string of leaks and character smears that have accompanied the case.

"The spinning started in the first few minutes after Sheku died. The stories that have been spun from this case have been unbelievable.

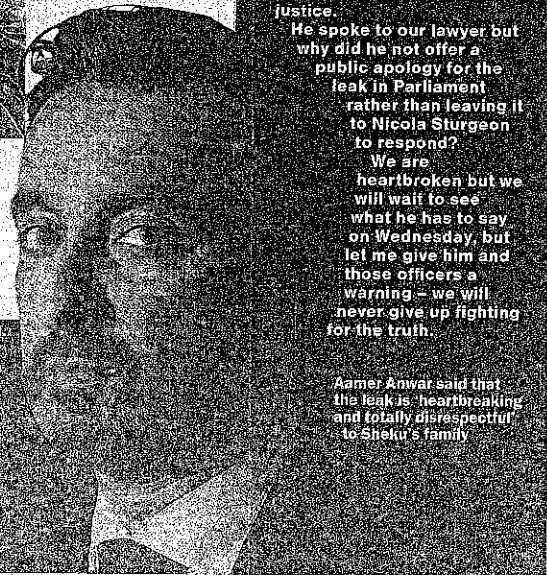
"There was a long running rumour that he had a knife, and then a machete, and then it was that he had attacked a police officer. Collette's character has been attacked.

"His best friend has been smeared.

"We've never shied away from the facts of the case but Sheku Bayoh didn't deserve to die, and the attempts to criminalise him and smear his character, and the character of his family, have been disgraceful all along," he added.



Sheku Bayoh with sons Isaac, left, and Tyler Photograph: Gordon Terris



'In his death Sheku has been criminalised and smeared, whilst we were told to keep silent'



By Kadi Johnson
Sheku Bayoh's sister

MY family are tired of the lies and false hope we have been given in over three years since my brother's death.

I have never said Sheku was a saint but he was my brother, a father and loving partner who never deserved to die.

All I have seen is the protection of nine officers in whose hands Sheku died. In his death Sheku has been criminalised and smeared, whilst we were told to keep silent.

So-called police sources have leaked to their hearts content, but now we have the Lord Advocate's office, who we once believed in, also leaking.

Wolfe should be deeply ashamed of the total disrespect for our family, but what should worry him even more is that he has destroyed our confidence in justice.

He spoke to our lawyer but why did he not offer a public apology for the leak in Parliament rather than leaving it to Nicola Sturgeon to respond?

We are heartbroken but we will wait to see what he has to say on Wednesday, but let me give him and those officers a warning - we will never give up fighting for the truth.

Aamer Anwar said that the leak is 'heartbreaking and totally disrespectful' to Sheku's family

deal with unanswered questions in the case.

April 2018 - A police officer involved in the case, Nicola Short, lodges a claim at the Court of Session against the Scottish Police Authority after her application to retire early on medical grounds is refused.

Baron Todges the same legal action five months later.

May 2018 - Sheku Bayoh's family announce they have begun a civil action against Police Scotland for £1.85 million over claims the force failed to protect him when he died in custody. Bayoh's sister

Kadi Johnson calls for Frame to resign.

September 29, 2018 - Mail on Sunday publish a leaked report that suggests no charges will be brought against any of the police officers who came into contact with the 37-year-old on the day he died in custody.

Family's 'devastation' at decision not to prosecute police over Sheku Bayoh death

By CHRIS MARSHALL
Home Affairs Correspondent

There are calls for a public inquiry into the death of Sheku Bayoh after his family said they felt "betrayed" by a decision not to prosecute anyone in connection with the case.

Mr Bayoh, 31, died in Kirkcaldy in May 2015 after being restrained by police officers who had been called to deal with a disturbance.

Yesterday his family met with Lord Advocate James Wolffe, who confirmed no charges would be brought against any of the officers involved.

Inquest – a charity that supports families bereaved by "state-related deaths" – said the issue of race as well as the police use of restraint raised important questions that could only be answered by a public inquiry.

Mr Bayoh – a father-of-two who came to live in Scotland from Sierra Leone – is understood to have been struck with batons and pepper sprayed by officers responding to calls about a man with a knife.

A post-mortem examination showed he had received a number of injuries to his body, face and head.

It was also established he had taken ecstasy and had traces of Flakka in his system, a drug linked to erratic behaviour.

In a statement made on behalf of Mr Bayoh's family, lawyer Aamer Anwar said: "The family is devastated and feel nothing but a total betrayal by the Lord Advocate's decision not to prosecute any of the nine officers or Police Scotland."

"Sheku's family believe they have been failed by those who have a duty to protect the public and uphold the rule of law."

Mr Anwar said Mr Bayoh had been "empty handed" when he



↑ Sisters of Sheku Bayoh, Adama Jalloh and Kadl Johnson, right, at the Crown Office in Edinburgh



↑ Sheku Bayoh died in Kirkcaldy in May 2015

inal proceedings has been fully exhausted.

"Once this process has concluded I have committed that I will update the family and Parliament on any next steps."

A spokesman for the Crown Office and Procurator Fiscal Service (COPFS) said: "[The Crown] is committed to ensuring that the facts and circumstances surrounding the death of Sheku Bayoh are fully aired in an appropriate legal forum and, to that end, it has discussed possible next steps with a small number of colleagues in the justice system."

"In order to protect any potential proceedings and to preserve the rights of the family, the Crown will not comment further at this stage."

Peter Watson, the lawyer representing the police officers involved in the case, said: "We will continue to preserve our position and represent the interests of those concerned in this matter when this comes before a court of law."

"The death of any individual is a serious matter and is best dealt with based on evidence tested in court rather than issuing press releases."

cmr@scotsman.com

first encountered police officers and had tried to walk away before being "attacked by the police at least three times before he reacted".

He added: "The family will accept nothing less than a public inquiry from the Scottish Government."

"A fatal accident inquiry would be another betrayal and would do nothing to bring about real change, accountability and justice."

Deborah Coles, director of Inquest who joined the family for their meeting with the



COMMENT

"It is absolutely disgraceful that it has taken three years to get to this position. This family are grieving and this has caused immense... turmoil"

DEBORAH COLES

Inquest director

Lord Advocate, said: "It is absolutely disgraceful that it has taken three years to get to this position."

"This family are grieving and this has caused immense physical and emotional turmoil."

"Inquest supports the call for a public inquiry because we recognise that there are far greater issues about the circumstances of Sheku's death and the dangerous use of restraint, but also the fact Sheku was a young black man restrained by white police

officers. The issue of race is, we feel, particularly relevant here."

Yesterday Labour MSP Claire Baker and Green MSP John Finnie were among those joining calls for a full public inquiry.

After meeting with the family yesterday, justice secretary Humza Yousaf said a public inquiry had not been ruled out.

He said: "That definitely remains an option, but it is a decision that we can take only once the process around crim-

Police appeal after Scot still missing four months after visit to Tenerife

By PAUL WARD

Police Scotland are working with Europol and Spanish officers in the search for a man last seen in Tenerife almost four months ago.

Alan Jeffrey, 25, was last seen by his girlfriend on 10 June on the popular holiday island.

He was due to return home with her that day, but said he was going to stay on with some friends and his girlfriend then

returned home by herself. Mr Jeffrey, from Wishaw in North Lanarkshire, has not been in touch with his family since then. He was reported missing to Police Scotland on 26 June.

Officers said it was unusual for the 25-year-old not to be in touch with his family and, given the passage of time, they cannot rule out that he may have come to harm.

Mr Jeffrey had indicated he was planning to travel to Marbella in Spain. He is white,

around 5ft 10in tall with a stocky build and short, receding brown hair.

Inspector Keith Campbell said: "Whilst it may seem an unusual move for police in Scotland to be investigating a person missing in Spain, we are liaising with Spanish authorities and Europol with our inquiry."

"All of Alan's family, friends and associates are here in Scotland and he was reported missing here."

Budget gap of £550m will not hurt public spending, Mackay claims

By LAURA PATERSON

A gap of more than £500 million between income tax revenue and forecast estimates will not affect the Scottish Budget, the finance secretary has claimed.

The Scottish Fiscal Commission estimated income tax revenue of around £11.3 billion for 2016-17, but the out-turn figure was £10.7bn – a £550m difference.

Giving evidence to Holyrood's finance and constitution committee, Derek Mackay said more accurate figures were coming from HMRC on out-turn than the survey-based estimates used in the initial forecasts. He said these would be reconciled as a baseline figure.

"In short there's no impact on the Scottish Budget as a consequence of that particular issue,"

he said. "Fundamentally we have a clearer understanding of how many additional rate and higher rate taxpayers that we have."

Mr Mackay said all decision makers had to be mindful of the tax base composition on future policies.

He also confirmed he would set out his tax plans for next year six weeks after the UK Budget. MSPs will not discover what the Scottish Budget will be until 12 December.

It's vital that the police view all lives as worth preserving

ON the day when it was announced there would be no criminal prosecutions over the death of Sheku Bayoh, a high-profile lecture series concluded in Glasgow. The speaker was the influential philosopher Professor Judith Butler, and her topic was the philosophy of non-violence. Over the course of three evenings she set out her position that a defence of non-violence must be accompanied by a commitment to equality – that is, the notion that all

lives are “grieve-able”; that all lives matter. I doubt the American academic had heard the name Sheku Bayoh at the time she was preparing these lectures, but it was impossible not to think of him as she described some of the ways in which some lives are framed as worth preserving and safeguarding and some – the “others” – are not.

She spoke of black American victims of police brutality including Eric Garner, who died after being put into a chokehold by an officer in New York and repeating “I can’t breathe” 11 times; and Sandra Bland, who died in a jail cell in Texas days after being arrested during a traffic stop that ended with an officer attempting to drag her from her car then restraining her at the side of the road. Butler emphasised the importance of saying their names.

There can be few people in Scotland who have not heard the name Sheku Bayoh, and who would not recognise the smiling picture of the father-of-two that has accompanied so many column inches in the three-and-a-half years since his death in police custody. That one picture has been everywhere, but the words surrounding it have painted two very different pictures.

There is the loving partner, father, brother and son, who doted on his two boys and enjoyed socialising and going the gym. And then there is the hulk, the brute, the drug-user who may have been wielding a knife. The maniac. The potential terrorist. The object to which “legitimate force” could be applied. Force was applied to Sheku Bayoh when he was restrained by at least four police officers. When



Sheku Bayoh's sisters Kadijatu Johnson, right and Adama Jalloh learned from a leak to a newspaper that no police officers would face prosecution

his body was examined he was found to have dozens of injuries, including numerous cuts to his face and a broken rib. He also sustained petechial haemorrhages in his eyes, which his family say point to positional asphyxiation – in other words, that the position in which he was held by police left him unable to breathe. A procurator fiscal’s report refers the “sudden death in a man intoxicated by MDMA (ecstasy) and alpha-Pyrrolidinopentiophenone (the drug Flakka) whilst being restrained”, but it still remains unclear what actually caused the death – the drugs, the restraint, or a combination of the two. Many other aspects of the case remain similarly unclear, and over the past three years a series of claims and counter-claims have been made by those involved that raise more troubling questions than they answer.

The Scottish Police Federation, which represents officers, has claimed that “a petit [sic] female police officer responding to a call of a man brandishing a knife was subject to a violent and unprovoked attack by a large male”, and that “the officer believed she was going to die as a result of this assault”.

By contrast Bayoh’s family and their lawyer, Aamer Anwar, point out that at 5’10” and 12 stone five pounds Sheku was in fact of average height and weight, and suggested racial stereotyping may have informed accounts suggesting he was “very large” and posed a deadly threat. Some reported have suggested at least two of the officers involved believed they may be faced with a terrorist – again suggesting Bayoh’s race was a factor in the police response – and relatives of one of the officers contacted the

Bayoh family to allege that he was openly racist and had declared “I hate all blacks”.

Some may take the view that these factors do not matter. They may believe that since Bayoh’s behaviour was causing alarm, since he had taken drugs, since he may (although this is disputed) have at some point brandished a knife, the correct course of action was to restrain him.

The family do not dispute that police intervention was appropriate on that morning in May, and they have not sought to portray Bayoh as a saint. But they have raised serious questions about what exactly happened, whether the response was proportionate, and whether any lessons have been learned.

If for even one of the officers involved in the restraint, Bayoh’s life did not register as what Butler calls “a life worth preserving” because of the colour of his skin, that would have massive implications. Could such a mindset be proven in a criminal court, and if it could, could a link be established between that belief and the outcome of the police response in 2015? It seems unlikely. But there can be no defending the latest indignity the family have suffered – learning of the Crown Office’s decision not to prosecute via a leak to a Sunday newspaper.

It goes without saying that the Bayoh family, and Sheku’s partner Colette Bell, deserve to know the truth, not only about his death but also about how the subsequent investigation was conducted. But the wider Scottish public need answers too. We depend on the police to protect us from harm – but who is the “us” worth protecting, and is there also a “them” who are seen only as a threat?



Some accounts suggest officers believed they might be faced with a terrorist



Shona Craven

TOMORROW
PAT KANE



Seven Days



Karine Polwart

10 things that changed my life
Page 3



Crimes against the planet

David Pratt on global dealers in death
Page 4



Racism and justice

Sheku Bayoh betrayed
Page 10





Lawyer Amer Anwar and the family of Sheku Bayoh last week after learning that no police officer would be charged in connection with Bayoh's death

Deadly racism in justice

ir case

cept that some people will join our great journey than ave to conduct ourselves encourage reasonably and We must use the process of ir country to support inde- the very purpose of dem- at a democratic, inclusive, try Scotland can be.

members will gather at the goz for our 84th Annual our first since we became ggest party in the UK. Our e one of hope in the face of ty and chaos of Brexit. discussing how we contin- r achievements in govern- g harder than ever to boost sperity, to protect the most our society and deliver the ic services.

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nable to join us in Glasgow ou'll be able to follow the on YouTube, Twitter and



system

BACK IN THE DAY

The extraordinary life of a man who bore witness to God and science

By Hamish MacPherson

ONE of the most extraordinary Scotsmen of his time was Hugh Miller, who was born in this week of the year 1802. His birth in Cromarty on October 10 that year brought into the world a babe whose childhood would be utterly disrupted by the death of his father, who drowned when his ship foundered in storm when Hugh was just five, and the death of his two sisters a few years later.

He was brought up by his widowed mother, assisted by his two uncles, and had an unusual education for the time in that the uncles often had to teach him themselves as Miller frequently played truant and was finally kicked out of the local school. He was a very diligent student of the Bible, however, which influenced his lifelong Christianity.

Apprenticed to a stonemason, Miller spent 17 years in that trade. He was tall and strong, with flaming red hair and blue eyes and was described by all who saw him as a striking individual, though his work left a legacy of illness such as silicosis – lung fibrosis caused by inhalation of dust containing silica.

While working with stone and cantivat-



Hamish's History Quiz

- 1: Which Scottish city elected Winston Churchill as an MP?
- 2: Apart from Sweden, Scotland has produced more Nobel laureates per head of population than any other nation – true or false?
- 3: Who is the chief executive of the Scottish Professional Football League?
- 4: Ben Nevis is Scotland's highest mountain. What's the second highest?
- 5: What is the given name of the wife of Tam O'Shanter?
- 6: On which island will you find the Quiraing?
- 7: Which Scottish surgeon is credited with developing anaesthesia for childbirth?
- 8: Who was the Scottish king at

Brought to you by...

BELLA CALEDONIA

No officers involved in the death of Sheku Bayoh will be prosecuted. Layla-Roxanne Hill warns that decision sends a dangerous message

ON May 3, 2015, Sheku Bayoh died in police custody. Three-and-a-half years later, his family and friends learned that none of the nine officers who were involved in his death will face prosecution.

Sheku Ahmed Tejan Bayoh was a 31-year-old Sierra Leonean man who worked for British Gas and had two young children.

After being arrested by police in Kirkcaldy, Fife, Bayoh had been detained, handcuffed, pepper-sprayed and put in leg restraints following an alleged altercation with a police officer.

At a meeting held last week at Edinburgh's Crown Office between Bayoh's sisters, Kadijatu Johnson and Adama Jalloh; Aamer Anwar, the family's lawyer; and James Wolffe, the Lord Advocate, it was announced that Scotland's chief

prosecutor will not be pressing charges against any of the white officers involved in the event.

After Wednesday's unsurprising – the decision had been leaked to the press in preceding weeks – but gut-wrenching disappointment, the Bayoh family are calling for a public inquiry, believing that “a fatal accident inquiry would be another betrayal and would do nothing to bring about real change, accountability and justice”.

A public inquiry would offer the opportunity for all evidence regarding the case to be disclosed and it continues the focus on a case that Police Scotland would like to sweep under the carpet. And, perhaps more importantly, it keeps hope alive of the possibility of justice.

However, many public inquiries are an exercise in whitewashing the sins of the police and other institutions.

They are about people, not just procedure, so they reveal all kinds of conflicts in our society over things like government secrecy, deference and the power of professions.

Often families want to know what happened to their dead relatives and why, whereas the focus of public inquiries are often on the organisational failures which allow people to commit the crime.

Bayoh's story is part of a pattern in the UK when it comes to black people and the police state. Research conducted by Inquest (a British charity providing



A large proportion of deaths in police custody involved undue and excessive force, and many more were due to a 'culpable lack of care'

specialist advice services to the bereaved and the wider public on contentious deaths and their investigation) found that between 2005 and 2015, a disproportionate number of those who die in, or following, police custody in England and Wales as a consequence of force have been from Black, Asian and Minority Ethnic (BAME) communities.

Over the past 24 years, more than 500 BAME individuals have died in suspicious circumstances whilst in state detention. Yet not a single official has been successfully prosecuted, according to a report by the Institute of Race Relations.

A large proportion of these deaths involved undue and excessive force, and many more were due to a “culpable lack of care”.

Often individuals detained suffered from a mental illness.

The majority of the 509 BAME deaths studied since 1991 occurred in prison, with 137 cases in police custody and 24 deaths recorded in immigration detention.

Some of the most high-profile black victims of police brutality, police neglect and gross misconduct by the police include: David Oluwale (1969), the first known Black person to have died in police custody in the UK; Cherry Groce (1985); Joy Gardner (1993); Stephen Lawrence (1993); Christopher Alder (1998); Roger Sylvester (1999); Azelle Rodney (2005); Frank Ogoru (2006); Sean Rigg (2008);

Everything in this garden is coming up roses for locals

THE POWER OF LOCAL
by Lesley Riddoch

WHICH public space in Dundee has just won a UK award? Clue: it's not the V&A.

The UK's best community garden sits on an inner-city site near one of the most polluted crossroads in Dundee and started life in 2016 with a bunch of community workers sitting under a gazebo on scrap land, waiting for locals to get curious and come and speak to them. They did.

Colin Clement, chair of the Stobswell Forum (community council), has lived in the area for 25 years.

“The council's community workers saw other patches of disused land round the city being taken up for housing,” he says. “Of course, new housing is important. But they knew if they didn't act quickly, the site at Robertson Street would go too. And that would have been a crying shame.”

“Happily, the Dundee Fairness Commission had already identified

community gardens as being a good thing. Folk need access to green space, a way to connect with nature, a safe place outside to congregate and care for. Tayview Community Garden has become all of that – for one reason. The community has taken it over as its own.”

The project really started in 2016, when residents voiced worries about the future of the small gap site, which had lain unused for 10 years except for a successful graffiti wall and a lot of dog walkers. Its location, with stunning views over the Tay, meant it would be a natural choice for sale to house builders.

These days, it's astonishing that didn't happen.

Tayview is a very different story to the tales of obstruction that often accompany asset transfers of land or buildings from council to community control. That might be because the ground was never formally transferred from council control – there's simply an “understanding” that it now belongs to the community.

Keeping the land in council control meant the project got off the ground fast, before the land could be snaffed up for housing. The council connection also meant free landscaping worth around

£61,000, the services of community allotments officer Kate Treharne and a portacabin and PV panels courtesy of new Dundee company Augean North Sea Services, which does decommissioning work in the North Sea, coaxed into this generous act by local councillor Lynne Short.

It's a successful and unusual example of community/council/private company joint action – doubtless that helped turn heads in the UK Cultivation Street competition.

But it wouldn't have happened unless local people overlooking the gardens had taken the project to their heart.

It's brought people with mental health issues and learning disabilities, school children, refugees and recovering drug addicts together in a project bursting with community spirit.

Dundee Council's Sensory Service uses the garden as a therapeutic resource for children with impaired vision or hearing. Schools use the biodiversity area as an educational resource. Pedestrians and cyclists use it as a pleasant shortcut to avoid a dangerous junction, and there's been a reduction in litter and anti-social behaviour. The garden now has cultivated terraces where locals



Tommy Lo: 'This open space has changed my life and my thinking about the council'

are growing their own fruit and veg for home-cooked meals.

There's an orchard and seating area. Kids at the local Glebelands Primary School built a totem pole for the garden as part of a school reforestation project, and the Men's Shed have built tree guards for the fruit trees in the orchard. Street artists have been developing the viewpoint construction and creating some of the creative graffiti work.

A member from Uppertunity donated compost bins and Dundee Recycling Centre have given tools and wooden pallets to create benches.

Froglife have created an urban pond stocked with pond creatures by the children at Wallacetown Nursery and the portacabin provides a warm space for the group to hold gatherings and a Christmas party.

All of this, because the community-controlled Tayview Community Gardens are in charge and council staff are facilitating – not controlling – the process.

Kaleb Lo was born in Sweden and moved here with his Hong Kong-born family 10 years ago.

“My father recently got a plot of land in the community garden. Now he's passionately working the land, tilling,





LEGEND Ray Galton

Comedy writing icon dies

Ray Galton, who along with partner Alan Simpson forged one of the country's best-loved comedy writing teams, has died aged 88.

Hancock's Half Hour and Steptoe and Son were among the TV comedy classics penned by the duo during a career and friendship that spanned 70 years.

Galton died on Friday night after a long battle with dementia, his family said.

Simpson died from lung disease in February last year.

Galton's manager Tessa Le Bars said: "I have had the great honour of working with Ray for over 50 years.

"With the late Alan Simpson, they were regarded as the fathers and creators of British sitcom.

"The legacy of Hancock's Half Hour, Steptoe and Son and over 600 scripts is huge."



FEARS Singer Shan

X Factor star's TB horror

The hot favourite to win The X Factor has told how she fought life-threatening tuberculosis - and feared she would never sing again.

Shan Smile, 25, says she is "blessed to be alive" after suffering rapid weight loss when the infection struck.

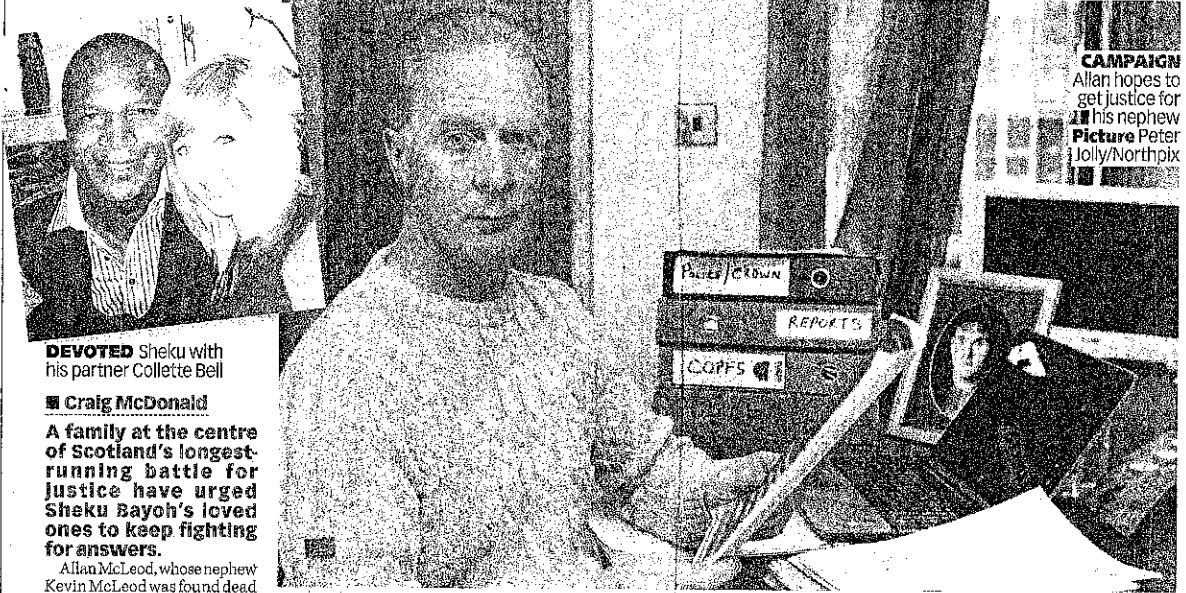
When doctors diagnosed TB, she was rushed to hospital where several courses of drugs finally saved her.

Shan, who was 18 at the time, said: "I lost my appetite and kept losing weight but I didn't go to the doctors for over a month.

"If I'd left it any longer, I would have probably lost a lung or could have died."

Shan, from Croydon, south London, added: "I lost my voice for over a year and wondered if I'd ever be able to sing again."

FAMILIES' BATTLE FOR JUSTICE CONTINUES



CAMPAIGN
Allan hopes to get justice for his nephew
Picture Peter Jolly/Northpix

DEVOTED Sheku with his partner Collette Bell

by Craig McDonald

A family at the centre of Scotland's longest-running battle for justice have urged Sheku Bayoh's loved ones to keep fighting for answers.

Allan McLLeod, whose nephew Kevin McLLeod was found dead in Wick harbour 21 years ago, was left dismayed at a decision not to prosecute officers over the dad's police custody death.

The 60-year-old's family are embroiled in a fight for the truth after police were linked to the death of Kevin, 24, in 1997.

They were told he died in an accident but the case was reopened earlier this year and Chief Constable Iain Livingstone apologised over the handling of the original investigation.

Now the McLLeods have offered Sheku's family their support - but warned them they face tough times ahead.

Lord Advocate James Wolfie met Sheku's sisters Kadi and Adama and their lawyer Aamer Anwar last

Wednesday and informed them there would be no prosecutions over his death. He died in May 2015 after up to nine officers arrested him following an incident in a

street in Kirkcaldy. Allan, of Aboess, Easter Ross, said: "Our family learned of the decision in Sheku's case with shock but the outcome isn't surprising.

"I strongly urge his family to keep on fighting. It's a long, hard path in front of them but they should fight for what they believe.

"Nothing less than a public inquiry into Sheku's death will now suffice if there's any hope of people having confidence in the justice system.

"What's clear is that the law doesn't apply to Police Scotland in the way it applies to the rest of the population.

"There's also a culture of delays and defensiveness among the authorities when officers are accused of having committed a crime.

"We've been worn down as Sheku's loved ones have. My family have been up against

It's a long hard path but never stop fighting.. never give up

Victim's uncle backs relatives of Sheku



SEARCH FOR THE TRUTH
Sheku's family with their solicitor Aamer Anwar

the system for 21 years now. All we got from the authorities was lies and deceit.

"We hope justice will prevail so we can have closure."

A new police investigation into Kevin's death was launched after a witness claimed he saw the electrician in the water while two police officers watched him struggle. A Crown

Office probe is also ongoing into the original police response to his death.

Allan said: "We believe Kevin was murdered and that the evidence is out there."

The Crown Office said: "The Lord Advocate instructed its Criminal Allegations Against the Police Division to independently review the investigation

carried out following the death of Kevin McLLeod in February 1997 with a view to considering whether or not any further inquiries would be appropriate."

Detective Chief Inspector Mark Bell said: "Inquiries are ongoing."

The Bayoh family's solicitor Aamer Anwar said: "The family are devastated and feel nothing but a total betrayal by the Lord

Advocate's decision. The family will continue to fight for the truth and seek a review of the decision, albeit they believe it is simply a box-ticking exercise.

"They will pursue civil action and want a public inquiry from the Scottish Government."

Sheku died after being restrained by police who responded to reports of a man carrying a knife.

He was pronounced dead in hospital less than two hours after coming into contact with the officers. No knife was found on Sheku, whose body was covered in cuts and bruises.

The Crown Office said: "We are committed to ensuring the facts and circumstances surrounding the death of Sheku Bayoh are fully aired in an appropriate legal forum."

Deputy Chief Constable Fiona Taylor said: "Our thoughts remain with Sheku Bayoh's family and friends."

The death of Sheku Bayoh brings shame on Scottish justice yet again



Sheku Bayoh's sisters, Kadijatu Johnson (right) and Adama Jalloh, outside the Crown Office last week. Below: Bayoh, PA Wire

together drinking coffee in their station canteen for eight hours. They were represented by one lawyer and permitted to wait 32 days before giving a statement.

If they had been civilians, they would have been held immediately for individual questioning and each one would have been represented by one lawyer. Pirc submitted its review of the case to the lord advocate 16 months after the death. No reason has been given for the two-year delay in deciding whether or not to bring charges. During this time, the press was being drip-fed an anonymous stream of poison about the character of Bayoh and his family and questionable claims about a knife and injuries to a female police officer.

From the outset, the police attempted to build a terrorism narrative (the favoured catch-all of the British state). Though quite why there's anything suspicious in a well-known and liked member of his neighbourhood (hundreds of people turned out on a march for justice for Bayoh) walking around Kirkcaldy of an evening is open to debate, in their statement, Bayoh's family said: "People said to us that the police are above the law and because Shelcu was black, we would never get justice. That is exactly what has happened."

Pirc cleared Police Scotland of any wrongdoing and said it had acted independently. The Crown has said it conducted its investigation with professionalism, integrity and respect. But this case, I feel, now requires a public inquiry from the Scottish government.

This is a forlorn hope, given the historic indifference to years of questionable police conduct. This includes police brutality during the 1984-85 miners' strike; the failure to prevent the deaths of John Vuill and Lamara Bell on the A9; the undercover BBC revelation of racism at the police training college in Tulliallan; the "questionable" police evidence in court over the scrapped Offensive Behaviour at Football Act and the illegal surveillance of whistleblowers and journalists over the botched investigation into the murder of Emma Caldwell. The list is endless.

Last month, Scottish police were rewarded with a 6% pay rise. As ever where police misconduct is concerned, a familiar response will be forthcoming: "Nothing to see here; mind how you go."

London compared with once for every 200 white people.

Inquest is the only charity operating in the UK that provides specialist advice and information on state-related deaths and their investigations. Since 1991, it has monitored unlawful killing conclusions and prosecutions and found there have been no successful murder or manslaughter prosecutions of state agents involved in a death in police custody or prison. Its website lists 20 of these cases, including 10 where unlawful killing conclusions have been found and upheld. In 13 cases, the victim was black.

We can now add the name of Sheku Bayoh to that list. However, simply to include his name doesn't hint at the mistreatment of his family by Police Scotland, the Police Investigations & Review commissioner (Pirc) and the Crown Office since he died in police custody over three years ago. Last Wednesday, they were told by the lord advocate that he had decided not to prosecute any of the nine police officers they believed were involved in his death on 3 May 2015.

The *Mail on Sunday* was leaked news of the decision three days earlier, the latest in a series of leaks after the death, including several designed to besmirch the reputation of Bayoh and to cause his family distress. Most were proved untrue, including one that his partner was having an affair, presumably to attach cause to the victim's alleged behaviour prior to his death.

The indisputable facts of the case are deeply troubling. Bayoh, a 31-year-old gas engineer and father born in Sierra Leone, died

after being restrained by several police officers (eventually, nine were involved) in Kirkcaldy. Police were called about a man behaving erratically and stopped him. There was no evidence that he initially offered any resistance. He was held face down on the ground while CS gas, batons, leg and ankle restraints and handcuffs were used.

Police sources later suggested in anonymous leaks that Bayoh was struggling violently. But as his lawyer, Aamer Anwar, said, what else was he meant to do while struggling for breath with the weight of several police officers on his chest.

The postmortem revealed he had sustained facial injuries and a fractured rib, and bruises to his body. He was pronounced dead an hour and a half after the initial restraint. The behaviour of the police following the death and throughout the three years his family have been made to wait for a conclusion to the investigation is disturbing. Even though a violent death had occurred in police custody, the nine officers involved were permitted to sit alone



Kevin McKenna



@kmcckenna63

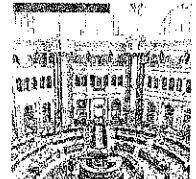
The decision not to prosecute any officer signals indifference to misconduct, as usual

Amid gatherings of nice, white liberal types, we have all recounted tales (with suitable embellishment) of sporadic instances of police misconduct. We rarely tell of the many other occasions when we have been treated with courtesy, respect and a degree of compassion by police officers in times of personal crisis when we have been the victims of crime or suffered the sudden death of a friend or loved one.

If you are a black person living in the UK, though, you would probably have a different, more sinister narrative to relate. Earlier this year, it was reported that Metropolitan police officers were four times more likely to use force against black people than white people, according to the Met's own records. They used force 62,000 times in 2017-18, with more than a third of incidents involving black people. The use of force was equivalent to once for every 50 black people in Greater

Libraries of the world

A total of 554 books were published last week. By law, a copy of each will go to the British Library, while a few could end up on the shelves of the following institutions, among the world's largest libraries.



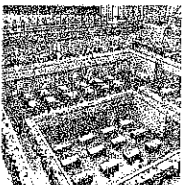
Library of Congress 162m items with material in over 450 languages.



British Library 150m items, including handwritten Beatles lyrics and an original draft of chapters 10 and 11 from Jane Austen's *Persuasion*.



Bibliothèque Nationale de France 40m items, home to the famous Oval Reading Room.



The National Library of China 35.1m items, including ancient books, oracle bones and inscribed tortoise shells from the Shang dynasty and Buddhist manuscripts from the sixth century.

THE Sheku Files: What

By Katherine Sutherland

A CATALOGUE of compelling witness statements support the decision not to prosecute police officers in the controversial Sheku Bayoh case, it can be revealed today.

Even though he died while being restrained by police, the Scottish Mail on Sunday has seen testimony from members of the public which appears to vindicate the actions of the officers involved.

The statements paint a picture of a dangerous man, armed with a

Harrowing testimony made public for first time appears to vindicate police who restrained tragic father

large knife, crazed on drugs and lashing out at passing cars.

Ignoring repeated requests to surrender quietly, the 31-year-old knocked a female police officer to

the ground and stamped on her before being brought under control by her colleagues.

The father of the officer has also spoken out about the effect of

the incident on his daughter. Originally from Sierra Leone, trainee gas-fitter Mr Bayoh died in May 2015 while being restrained by police officers who had been called out to reports of a man acting erratically and carrying a knife.

His death sparked allegations of racism and police brutality, and the case became one of the most controversial in Police Scotland's history.

After an exhaustive inquiry by the police watchdog, Scotland's chief prosecutor met Mr Bayoh's family last week to say that no officers involved would face prosecution over the death.

On Wednesday, the lawyer representing the family condemned the decision.

Today we can reveal some of the witness testimony which explains the officers' treatment

THE WPC

5ft officer 'looked into his eyes and thought she'd die'

By Patricia Kane

A POLICE officer was left with devastating injuries after she was punched to the ground and stamped on by Sheku Bayoh, according to her father.

PC Nicole Short was among officers who responded to reports of a man carrying a knife and behaving erratically in a Kirkcaldy street on the morning of May 3 in 2015.

The 5ft officer confronted the 5ft 10in fitness enthusiast, who attacked her. Now her father, Thomas Short, 57, has revealed that she has been left with permanent physical and psychological problems.

Mr Short said he has absolutely no doubt that if Mr Bayoh had lived he would have faced charges for the serious assault or even attempted murder of his daughter.

Speaking for the first time since prosecutors announced police officers would not face criminal charges, Mr Short said: 'We have been forced to stay silent for three years, knowing the truth of what

Your MoS, the first with the news...



THE SCOTTISH Mail on Sunday exclusively revealed on September 23, above, that the police officers involved in the Sheku Bayoh case would not face prosecution - which was officially confirmed last week by Scotland's chief prosecutor, Lord Advocate James Wolfe.

of Mr Bayoh. After his death, as the official watchdog Pirc began its probe, the Scottish Police Federation union hired its own investigators to collect evidence.

A source close to the federation inquiry said: 'Our informants told us that the night before, Sheku was watching the Floyd Mayweather boxing match on TV. Afterwards, he and another friend decided to go back to Sheku's house. They were drinking and he took drugs.

'Then there was a row. It all kicked off at about 6.30am.'

Mr Bayoh, also known as Chris, had lived in Scotland since he was 11. In May 2015 he was living in Kirkcaldy, Fife, with his partner Collette Bell, then 26, and their baby Isaac.

Just after 7am on Sunday, May 3, police received the first calls about Mr Bayoh. Officers responded and forcibly detained him. By 09.04am, he had been declared dead at Kirkcaldy's Victoria Hospital. The death certificate states he had taken ecstasy and a stimulant known as Flakka.

'The force of Bayoh's punch lifted her off the ground'

happened that morning yet not being able to talk about it because of proceedings.'

Describing how his diminutive daughter came face to face with Mr Bayoh, he said she had suddenly found herself in front of him alone and had shouted at him to stop.

Witnesses have told how, as two colleagues writhed on the ground after brentening in CS spray, which they had fired unsuccessfully at Mr Bayoh, he turned, laughed, and ran at terrified PC Short.

Her father, a mental health nurse from Glenrothes, Fife - who has found himself helping to counsel his daughter because of the trauma and panic attacks she still suffers - added: 'She remembers looking into his eyes and she was scared. She thought she was going to die. She turned and started to run but he caught up quickly and she felt his fist suddenly connect with the back of her head.

'The force of the punch lifted her off the ground and she flew through the air head first, landing on the tarmac. She remembers coming round and being

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really happened?

THE EYEWITNESSES

'I saw him with a big silver knife in his right hand'



INVESTIGATORS collected a catalogue of statements from police and members of the public about the day that Mr Bayoh died...

there to lock her doors as there was a guy with a knife heading in her direction. I saw the guy walking across the road and trying to kick out at one of our taxis, which swerved to avoid him. He was extremely intimidating.

NEIGHBOUR

ONE of my neighbours was Sheku Bayoh. He liked to be called Chris and I always found him quite a decent guy. I arrived home from nightshift at around 6.30. My daughter was upstairs with her friend. I heard her thundering downstairs shouting, 'Dad, Chris is fighting in the front garden'.

I thought he must have caught someone breaking into his house. Our house had recently been broken into and I thought Chris had caught the guy.

I ran out. My attention was drawn to a large stainless steel knife in his right hand. I shouted at Chris: 'Was that someone trying to break in?'

Chris turned and looked at me and I could see he was clearly under the influence of something. He didn't look right at all. He was clearly agitated and was tapping the knife off his right thigh. Chris replied: 'Naw, naw, naw.' I said: 'Chris, put the knife away.' He just looked at me and said: 'Naw, naw, naw!' Then he turned and walked away.

NEIGHBOUR

WE were watching out of the living room window when I saw him with a big silver knife in his right hand. I could see he was really angry.

He went over to a white car that was parked outside and started smashing the back of the car with the knife. He looked mental. Then he started jumping the fences into the other gardens before disappearing out of sight.

FIRST TAXI DRIVER

THAT morning I was sitting in my taxi... I became aware of a muscular black guy walking with purpose in the direction of the roundabout. I could see he had a large silver-bladed knife in his right hand. He looked absolutely wild. I immediately called the police.

I was in a panic. All I could think about was the Lee Rigby murder and if this was another terrorist. There is no way I was going anywhere near this guy... I am 6ft 3in and weigh 19 stone but this guy looked frightening.

SECOND TAXI DRIVER

AT around 7am our operator broadcast a message - there was a big black guy with a knife wearing a white t-shirt walking down Templehall Avenue and to be careful.

A few minutes later I saw the guy. He had huge shoulders and was carrying a ten-inch stainless steel knife in his right hand. [He] looked extremely frightening. I immediately took the taxi into the garage and told the girl

ONLOOKER

I COULD see a police officer standing on the pavement shouting at a man. The officer was walking backwards, however, the big black guy just kept walking at the officer, ignoring him.

I could see another officer behind the black guy. I then watched as the police officer took his spray out. I can only describe it as like silly string and I watched as it blew straight back into the officer's face. I could see the cop immediately go into a panic.

I could see a small policewoman standing just in front of my hedge and when I looked at Sheku Bayoh from my window it was like a switch going off in his head. He was shouting something and ran at the policewoman.

I watched him swing a left hook which connected with the back of her head. I watched him swing another punch as the policewoman went down in front of my hedge and out of my view. I ran out to help and two officers were already trying to restrain Sheku Bayoh. He was sort of face down with one officer lying across his back and the other one trying to stop his legs from kicking out everywhere.

I heard someone shout, 'Get his legs'. Sheku Bayoh was still able to lift himself and swing his legs about. Within seconds lots of other police arrived and I went back into my house.

The next time I saw the policewoman she was at the police van being attended to. Sheku Bayoh looked mental. I never saw any officers punch, kick, hit Sheku Bayoh or use their batons. This guy was big and I would have had serious concerns for anyone's safety having to confront him.

POLICE OFFICER

THE male did not appear to have any weapons in his hands. I still perceived the risk to myself and my colleagues to be severe as the male may have concealed the weapon on his person.

I observed PC Short lying face down on the ground. The male then raised his leg and stamped down on to PC Short's lower back. As I approached the male I held the baton in my right hand above my head. At this point the male has turned to face me and brought his hands into the air to defend against a baton strike.

I decided not to strike and instead continued running at the male and charged him striking his chest area with my forearms. This caused [him] to fall to the ground backwards. I have

Turn to Page 17

DRAVERTY: PC Nicole Short, inset, was one of the first officers on the scene following reports that a man was brandishing a knife and behaving erratically. Sheku Bayoh, above, later died while being restrained by her colleagues

ragged to safety. But while she was unconscious, onlookers say she was stamping on her back.

Witnesses have reported that Mr Bayoh was about to stamp on her head when one of her colleagues rugby-tackled him and pulled him down.

The attack has left PC Short, 2, with facial nerve damage, as well as knee and back injuries. It is unlikely she will return to her duties. It is the psychological effects of the attack, however, that have had the greatest impact.

Mr Short said: 'She still has nightmares and is a shadow of her former self. She's gone from being an outgoing girl to living in anxious states of fear. It's heartbreaking to watch. All we can do is try to support her.'

Mr Short said that in the aftermath of the incident, the officers were subjected to a 'disgraceful' and sustained 'hate campaign' on social media.

Citing a football match he persuaded her to go to with him during which she posed for a selfie with a footballer - he said: 'She suddenly found herself being attacked by strangers on

social media for being there when she was off sick. It knocked her back months.

'It was my idea that she go and I'd built her up mentally to a point where she agreed. We were so proud she'd managed to overcome her fears.

'She no longer wanted to be around other people. As is always the case with mental health sufferers, people believe that because they put on a brave

'Attacked by strangers on social media'

face, everything is OK, when inside they are a wreck.'

Relatives of Mr Bayoh, from Kirkcaldy, Fife, say they feel 'nothing but a total betrayal' over the decision not to prosecute.

They are suing Police Scotland on the grounds that Mr Bayoh's death could have been avoided.

Their lawyer, Aamer Anwar, has said they will 'robustly pursue a civil action' and 'accept nothing less than a public inquiry

from the Scottish Government'. Mr Short agrees a formal inquiry would reveal the truth.

He said: 'The officers in this case are not allowed to speak out publicly, yet they've been unfairly vilified and I think the public will be shocked when they know what actually took place.'

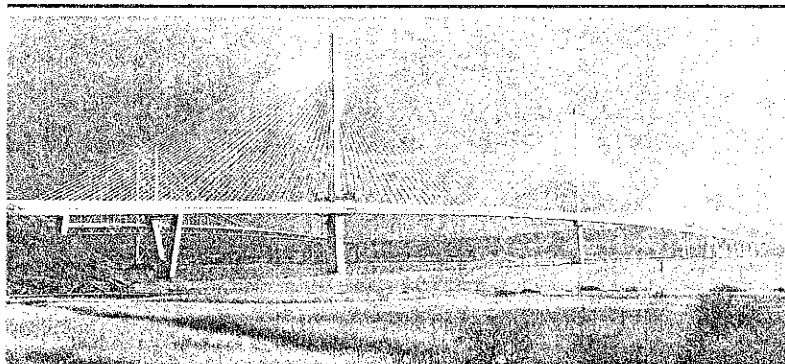
'Like all emergency services, they were the ones running towards trouble as everyone else was running away from it.'

He added: 'Nicole was protecting the public and upholding the rule of the law - the same things Mr Bayoh's family claim the police failed to do where he is concerned.'

'Her reward? To be punched so hard that she flew through the air and landed in the middle of the road.'

'As her father, the description of what followed next will never leave me. Witnesses have described the scene like one of a wild animal circling its prey for the kill as he stamped on her back repeatedly.'

'Maybe once the full facts are out there, some people won't be so quick to judge.'



Disruption: Drivers using the Queensferry Crossing are facing months of lane closures

Delays on new bridge to last another year

MOTORISTS are facing another year of disruption on the Queensferry Crossing, with work to complete the bridge delayed again.

Officials had pledged to complete 'snagging work' by the end of last month, but it emerged yesterday that evening lane closures will continue until October 2019.

Transport Secretary Michael Matheson claimed that Forth Crossing Bridge Constructors, the firm building the £1.85-billion bridge, had difficulties getting materials needed for the work.

Lane and evening closures were due to end on Sunday but a list published by Transport Scotland shows that only two of 23 finishing and snagging works have been completed.

It is understood that seven of the projects will run until next October - meaning partial closures of the bridge will still be in place two years after it opened.

Tory transport spokesman Jamie Greene said: 'Commuters will be hurrying to open the bridge triumphantly, at the expense of commuters and drivers.'

'The fact the bridge is architecturally impressive does not excuse any disruption that will be caused to drivers due to its premature opening.'

'There's never been a back-

By Rachel Watson
Deputy Scottish Political Editor

...pating session quite like it from the Nationalists after the bridge was officially unveiled last year.'

The Queensferry Crossing was officially opened by the Queen in September last year.

Since then there have been 143 separate lane closures - and these are set to continue.

In a letter to Holyrood's rural connectivity committee, Michelle Rennie, major projects director at Transport Scotland, said the contractor had 'experienced dif-

'The SNP is now playing catch-up'

...culties in mobilising resources' and this had a 'significant impact' on the progress of repairs.

She said that there had also been problems with a safe platform under the road deck, while work on the three towers and cables would not start until next spring to avoid bad winter weather.

The list of snagging includes work on drainage, wind barriers, road lighting, painting and mechanical work inside the road deck. According to the submission, there will be no extra cost to the public.

Edinburgh Western Lib Dem MSP Alex Cole-Hamilton said: 'I

am proud of the crossing which connects my constituency to Fife, but when we first uncovered how far it was from being completed we were accused of talking Scotland down. Now we learn it is going to take an additional 12 months.'

'That means the finishing touches will not be in place until almost two years after the bridge was first opened.'

'Residents and road users will be fearful that this will mean closures and delays further down the road.'

Mr Matheson said the bridge is providing a reliable replacement crossing over the Forth and the works still required can take place without closing the structure and at no further cost to the current contract.

He added: 'Our contractor, Forth Crossing Bridge Constructors, have indicated they have not made the progress with the snagging and finishing works as originally planned.'

'The target date for completing this work was September 2018 but they have informed us they require further time.'

'The Queensferry Crossing opened after the contractor confirmed that construction was sufficiently advanced to allow the bridge to be used safely.'

'It is a standard approach for major projects to open to traffic whilst some works remain outstanding.'

Shetland on the map at last

IT takes half a day to reach Shetland by ferry, but looking at a map you could be excused for thinking it lies much closer to the mainland.

The island is often squeezed on to maps, relocated and put in a box to make it easier to display, even in Scottish Government publications.

But from now on all documents and maps published by ministers will put Shetland in its rightful place as it finally escapes its box.

The Shetland mapping requirement is part of the Islands (Scotland) Act which stipulates that the islands 'must be displayed in a manner that accurately and proportionately represents their geographical location in relation to the rest of Scotland'.

Shetland MSP Tavish Scott, who campaigned

By Rachel Watson

for the change, said: 'There is no excuse now for the Scottish Government, its agencies or others to put Shetland in a box. Shetland is now in the right place.'

The legislation also means a National Islands Plan will be developed aiming to increase sustainable economic development and community empowerment.

Islands Minister Paul Wheelhouse said: 'The Scottish islands contribute hugely to our culture and heritage and with this Act now starting to take force, will now have the opportunity to contribute even further to their own and our collective futures.'

Cleared, still face

'Disgusted' family considers launching 'corporate killing' case as officers are absolved over death after three years

By Graham Grant and Annie Butterworth

THE family of a man who died amid claims of police brutality may launch a private prosecution against the single force.

Relatives of Sheku Bayoh were told yesterday that none of the officers involved in restraining him would face criminal charges.

But their lawyer, Amer Anwar, said the decision was a 'betrayal' and demanded the Scottish Government order a public inquiry.

Father-of-two Mr Bayoh, 31, died in May 2015 after being pinned to the ground by at least nine officers in Kirkcaldy, Fife, following reports that he was seen acting erratically in the street and carrying a knife.

The incident sparked a major row that plunged Police Scotland into crisis only two years after its launch.

But a Crown Office investigation lasting more than three years has concluded there are no grounds for criminal charges against the officers.

Last night, Justice Secretary Humza Yousaf said a public inquiry remained a possibility, while a fatal accident inquiry (FAI) is expected to be held soon.

Mr Bayoh's family, including his partner Collette Bell, 30, and his sister Kadi Johnson, 40, are suing

'The justice system has failed us'

Police Scotland for £1.85million, claiming the death could have been avoided and the manner of restraint 'was not reasonable, proportionate or necessary'.

Speaking outside the Crown Office in Edinburgh following a meeting with Lord Advocate James Wolfe, QC, Mrs Johnson said in an emotional statement: 'We have left this office very disappointed and disgusted. My brother Sheku has died and yet the police get to walk free.'

'The justice system has failed us as a family as well as his two boys, Isaac and Tyler.'

Mr Anwar said: 'We operate in this country on the principle of policing by consent: the police cannot be seen to be above the law, immune from accountability, simply because they say their lives were under risk.'

'The family will pursue a review within one month of today's decisions and the Crown will have 20 days to respond after the Lord Advocate appoints a reviewer.'

He added: 'The family will now pursue relentlessly the civil action against Police Scotland.'

Last night, a source close to Mr



Grief: Miss Bell at Sheku's funeral with the couple's baby son Isaac

Bayoh's family said a private prosecution was also 'an option they may well consider'.

It is possible police could face a charge under the Corporate Manslaughter and Corporate Homicide Act 2007.

This applies to organisations, including police services, which can be prosecuted if the way in which their activities are managed causes death and amounts to a gross breach of a relevant duty of care owed by the organisation to the deceased.

The force and individual officers could be privately prosecuted but this would need permission from the Lord Advocate - though a decision against could be appealed.

Following their meeting with the Lord Advocate, Mr Anwar and Mr Bayoh's relatives met the Justice Secretary at Holyrood.

Mr Anwar said Mr Yousaf had told him he would give 'serious consideration' to a public inquiry, which the lawyer said was likely to have a greater impact on future police practices than an FAI. He added: 'Anything less will be seen as a further betrayal of what is left of their desire for the truth and justice.'

It is alleged officers used CS spray, pepper spray and batons to restrain Mr Bayoh, while wrist and ankle restraints were also applied.

A post-mortem examination found nearly 30 injuries on his head, chest, lower legs and left arm.

The results of a toxicology report later showed that the drug ecstasy had been in Mr Bayoh's system, as

but Sheku police may private prosecution

Family man: Sheku Bayoh with Collette Bell. Below right, the Lord Advocate James Wolffe



Anger: Kadi Johnson and Aamer Anwar outside the Crown Office



for answers. They have shown incredible courage in their quest for justice and the support for their campaign is a testament to that.

'It is difficult to have confidence in the Lord Advocate's decision when the evidence on which it is based has been kept from the public.

'That is why it is right that there should be a full and transparent public inquiry into Sheku Bayoh's death.'

Deputy Chief Constable Fiona Taylor said: 'Our thoughts remain with Sheku Bayoh's family and friends following his death three years ago, and we continue to offer support to anyone affected by this tragic incident.'

'Police Scotland has been committed to co-operating with the Police Investigations and Review Commissioner and the Crown

'Never any prospect of criminal charges'

Office throughout this process, and while this continues we cannot comment further.'

The action for damages at the Court of Session is in the name of Miss Bell, her three-year-old son Isaac Bayoh, and Sheku's other son Tyler Barik, aged six.

Last night, Mr Yousaf said: 'As the First Minister has previously said, we are not ruling out the possibility of a public inquiry.'

'That definitely remains an option, but it is a decision that we can take only once the process around criminal proceedings has been fully exhausted.'

'Once this process has concluded, I have committed that I will update the family and parliament on any next steps.'

'Today was about meeting and listening to the Bayoh family and I will give full consideration to their concerns and wishes.'

he had a knife at any point during the incident.'

PC Nicole Short, 32, of Glenrothes, Fife, said yesterday that she was unable to comment on the Crown's decision.

In 2016, solicitor Paul Kavanagh, who represents PC Alan Paton, 44, one of the officers at the centre of the row, said his client had been subjected to a witch-hunt.

Last night, a Crown Office spokesman said: 'This has been a complex investigation and the Crown Office and Procurator Fiscal Service appreciates that it has been a difficult time for Mr Bayoh's family and for all those involved.'

'The Crown has conducted this investigation with professionalism, integrity and respect.'

'It is committed to ensuring that the facts and circumstances surrounding the death of Sheku Bayoh are fully aired in an appropriate legal forum and, to that end, it has discussed possible next steps with a small number of colleagues in the justice system.'

'To protect any potential proceedings and to preserve the rights of the family, the Crown will not comment further at this stage.'

Last night, Fife Labour MSP Claire Baker said: 'It has been three years since Sheku Bayoh died while in police custody and his family are still having to fight

well as traces of the psychostimulant A-PVP, also called Flakka.

According to reports, a knife had been recovered near to where he was detained, although he was not carrying a blade when police arrived.

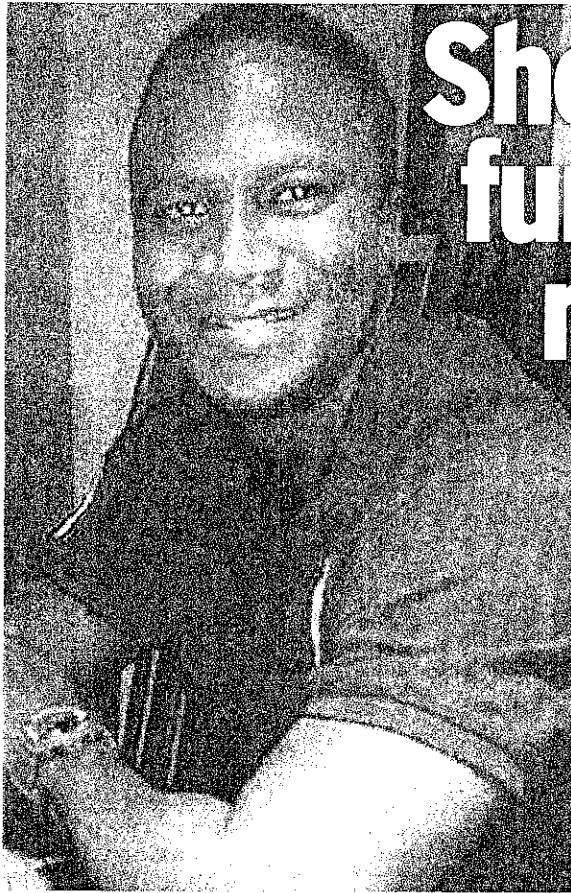
Mr Bayoh's family have alleged he died of 'positional asphyxia' and

had been unable to breathe because of pressure applied by officers pinning him to the ground.

The Scottish Police Federation (SPF), which declined to comment yesterday, has represented eight officers involved. None was suspended, although two went on paid leave. A source close to the

officers said: 'This is the right decision and realistically there was never any prospect of criminal charges. It was clear that Sheku Bayoh had taken drugs and as a result his heart simply collapsed, while a knife was found nearby.'

'What hasn't been explained by Mr Bayoh's legal team is whether



Sheku family's fury as Crown refuse to act

Drink driver spared jail for child's sake

A SERIAL drink driver was spared jail because he is the sole carer of his eight-year-old daughter.

Gary Kelly, 51, admitted drink-driving in June - his FIFTH such conviction.

At Maidstone Crown Court in Kent, he got off with a three-year ban and a 12-month sentence suspended for a year.

Judge Michael Evans said jailing Kelly, of Rainham, Kent, wouldn't "be right" on his daughter.

TRAGIC Father of two Sheku died after being restrained by up to nine officers in May 2015

Cops off the hook over dad's death

THE family of Sheku Bayoh are "disgusted" that no criminal charges will be brought against police officers involved in his death.

The relatives were told yesterday that the Crown Office have decided not to pursue any prosecutions.

Sheku, 31, died after he was restrained by up to nine police officers in a street near his home in May 2015.

His sister Kadi Johnson said: "Sheku died and yet the police get to walk free."

"The justice system has failed us as a family, as well as his two boys Isaac and Tyler."

A spokesman for the Crown Office confirmed the decision not to pursue prosecutions following a "complex investigation".

He added: "The Crown

BY REBECCA BLACK

have conducted this investigation with professionalism, integrity and respect."

Sheku's family are now demanding a public inquiry.

Their lawyer Aamer Anwar said: "The family will continue to fight for the truth and seek a review of the decision, albeit they believe that such a process is simply a box-ticking exercise."

"They will accept nothing less than a public inquiry from the Scottish Government."

Sheku died after being restrained by officers responding to a call in Kirkcaldy.

The Crown Office spokesman added: "We are committed to ensuring that the facts

and circumstances surrounding the death of Sheku are fully aired in an appropriate legal forum and, to that end, we have discussed possible next steps with a small number of colleagues in the justice system."

Sheku's family have been critical of how Police Scotland, the Crown Office and the Police Investigations and Review Commissioner have handled the case.

The Scottish Green Party have backed their calls for a public inquiry.

Sheku's family are suing Police Scotland for £1.85million, claiming his death could have been avoided and alleging the manner of restraint was "not reasonable, proportionate or necessary".

IDIOTS LEAVE TACKS ON NC500

RECKLESS fools have been scattering roofing tacks on part of Scotland's North Coast 500 route.

Nails have been found on the A836 near Bettyhill, in Sutherland, four times over the last eight months.

Most of the incidents have occurred predominantly late in the evening.

PC Katy Hunter said: "Deliberately

leaving tacks on the road is clearly an irresponsible act which creates a hazard for all road users.

"I'd ask anyone who has ever seen an unusual activity in the area over the last few months to pass this on to us.

"I'm particularly interested to see any dash-cam footage of vehicles or persons in the area late in the evening."

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MUSEUM'S WW2 BREN MUZZLED



Dead... dad Sheku

Sheku's family in cops rap snub fury

By THOMAS BROWN

SHATTERED relatives of custody death dad Sheku Bayoh blasted prosecutors as they were told no cops will face criminal charges. They said they felt betrayed by Lord Advocate James Wolffe's ruling into the 2015 tragedy.

Following yesterday's Crown Office hearing in Edinburgh, Sheku's sister Kadijatu Johnson said she was "disgusted".

She added: "We have waited three long years and we cannot grieve. "We want to know how our brother died."

Family lawyer Aamer Anwar demanded a full public inquiry.

He said: "The family is devastated and feel nothing but a total betrayal."

The Crown said the probe was carried out with "integrity and respect".

Dad-of-two Sheku, 31, died after nine cops restrained him during a call to reports of a man with a knife in Kirkcaldy.



Search plea... Alan

Fears for missing holiday isle Scot

By PAUL WARD

A HOLIDAYMAKER who went missing in Tenerife almost four months ago "may have come to harm", cops have admitted.

Alan Jeffrey, 25, had been due to return home from the Spanish island with his girlfriend Sarah Rae on June 10.

But he decided to stay on and said he was planning to go to Marbella with some friends.

Alan, from Wishaw, Lanarkshire, has not been in contact since and his family reported him missing on June 26.

Police in Scotland are now working with Euro-pol and Spanish cops to try to trace him.

Inspector Keith Campbell said: "It is very unusual for Alan not to be in touch with his family for such a long period."

Devastated Sarah had posted an appeal on Facebook to try to find Alan, calling his disappearance a "nightmare".

MACHINE GONE
Weapon had featured in exhibition since April



Iconic... WW2 troops use Bren

LIGHT AND DEADLY

THE Bren machine gun became a favourite with soldiers for being light and deadly accurate.

The gas-powered shooter fired 520 rounds a minute, weighed just 19 pounds and could hit a target 2,000 feet away. It was first made in 1937 and was one of the most common weapons of its type in World War Two.

The name comes from the two factories responsible for its design — one in Brno in the Czech Republic, the other in Enfield, north London. It was axed in the 1990s.

GUN DOWN



Police visit... Dalbeattie Museum

By DARREN HAMILTON and BOB GEDDES

STUNNED museum staff axed a World War Two machine gun from a display following a single complaint to police.

The deactivated Bren was put on show as part of a popular tribute to fallen soldiers.

But a single passer-by claimed it would be a target for thieves, prompting officers to alert the attraction in Dalbeattie, Dumfriesshire.

Organisers have now withdrawn the iconic firearm as an exhibit.

Museum founder Tommy Henderson, 82, said yesterday he was saddened that the tribute had been shot down by a sole killjoy.

He added: "It's terrible. I was shocked when I heard police had been in after someone complained."

"They said the person had got quite perturbed and was worried it might encourage someone to smash the glass and pinch it."

"Up to then 4,000 people had come through our door and not one of them said a word against it."

"The whole thing is ridiculous. The gun has been disabled. It was officially registered with the police station and had all the certificates."

"The Bren — brought into service by the British Army in 1938 — was given pride of place in the volunteer-run museum's front window when it went on display in April."

It was removed along with two hand grenades after cops raised their concern last Friday.

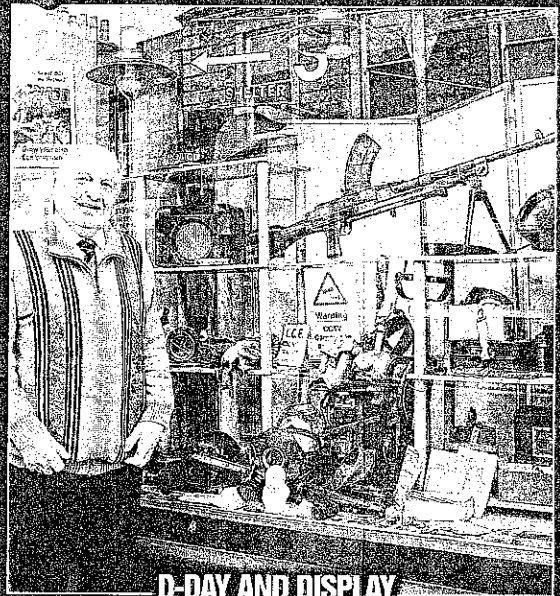
Tommy added: "We weren't told to take it out but decided to save any more bother."

"Remembrance Day is coming up and we didn't think we were doing anything wrong. We don't want to offend anyone." Fellow worker Alan

Taking aim... Alan & SAS's Andy

● **Weapon is removed after just 1 complaint**

● **Cops told by killjoy of theft threat to exhibit**



D-DAY AND DISPLAY

Museum founder Tommy at attraction before gun's axe from window

Morgan, 64, said: "It is upsetting that one person has spoiled things for everyone."

"The gun been there all summer without any problem." SAS legend

Andy McNab last night weighed in to brand criticism of the exhibition "mad". He said: "This weapon is an ornamental piece now and there is no way it could be used again."

"The next step will be taking all the war memorials down because they have soldiers holding guns."

"Whether people like it or not, this is part our heritage. Small museums like this keep history alive."

Jack Wallace, 77, another volunteer at the site, also slammed the complainant's "crazy" objection.

He said: "There is plenty of other memorabilia there so I don't know why someone would want to steal this gun specifically. We even put a

camera and a warning sign in the window just in case."

The 25-year-old museum is next to the town's old British Legion HQ.

One member said: "Why would anyone object to a tribute to everyone who fought for their country?"

"If they didn't want to see it they could have crossed the street."

A police spokesman confirmed officers had acted on a call from a member of the public.

He said: "A visitor to the area highlighted that a rifle in the window might be the subject of a theft. Staff were spoken to and elected to remove it to avoid temptation."

darren.hamilton@the-sun.co.uk



THE NATIONAL

THE NEWSPAPER THAT SUPPORTS AN INDEPENDENT SCOTLAND

Yousaf raises Bayoh inquiry hopes



Expert backs Sturgeon on Northern Ireland deal Brexit boost

May's claims that austerity is over are dismissed as 'a con'



MAJOR PRINCES STREET PROTEST PLANNED OVER RALLY BAN

Fears raised of disruption in the heart of the capital ahead of indy march with up to 2000 set to take part in picnics and demonstration



Clutha fatal accident probe predicted to last at least six months

BY ANGUS COCHRANE

A FATAL accident inquiry into the Clutha pub helicopter crash which claimed 10 lives could last at least six months.

Seven customers, the pilot and two crew members were killed when the Police Scotland helicopter crashed through the roof of the pub in Glasgow on November 29, 2013. The first of three preliminary hearings ahead of the full fatal accident inquiry (FAI) took place at Hampden Park stadium in Glasgow on Wednesday.

Family members, Police Scotland, Airbus Helicopters, Air Accidents Investigation Branch (AAIB) and David Young, the day shift pilot for the helicopter, are among those represented at the inquiry.

Sheriff Principal Craig Turnbull, who is overseeing the FAI, said it will be "lengthy and complex".

The hearing opened with a reading of the names of those who died in the tragedy.

The FAI aims to establish the circumstances of the deaths and consider ways to prevent further deaths in similar circumstances. It will not establish civil or criminal liability.

Senior counsel John Smith QC, who is leading the inquiry, said the Crown has commissioned a composite report from two experts - a helicopter pilot and someone who deals with "human factors". Smith estimated the FAI will take six months to complete.

The inquiry is due to start in April at Hampden Park.

The Crown is considering the possibility of commissioning a 3D interactive model or video simulation model of the helicopter's flight for the inquiry.

A 2015 AAIB report found two fuel supply switches were off and the pilot did not follow emergency procedures after a cockpit warning was triggered. There was deemed to be insufficient evidence for criminal proceedings, however.



Sheku Bayoh's sisters Adama Jelich and Kadijatu Johnson with solicitor Aamer Anwar

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Tram stop warning as union holds industrial action ballot

BY KIRSTEEN PATERSON

SCOTLAND'S only public tram network could grind to a halt as drivers consider strike action.

Edinburgh Trams has become a "hostile environment" where workers "fear for their jobs", according to the Unite union.

Now its members are to hold a consultative ballot on industrial action over what they call a "damaging culture of blame". The comments are said to relate to the suspension of one worker and disciplinary procedures against others.

Unite claims those actions relate to incidents that "held little risk to the public or others", and has accused bosses of putting additional pressure on staff through "inconsistencies" in the way internal matters are handled.

Union members raised a collective grievance on these grounds last month and have accused managers of taking "harsh, unreasonable and unjust" action against colleagues.

It says this is a "reflection of a

culture of blame which permeates the organisation".

Regional officer Lyn Turner said: "The decision by management to escalate what we see as a few incidents that did not compromise safety, to disciplinaries and sacking offences is simply unreasonable and unjust."

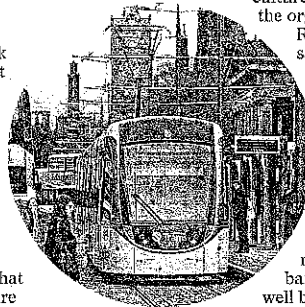
"These matters could have been dealt with quickly and fairly. Instead management have raised the bar and meted out punishment well beyond what was necessary which has led to the decision to ballot our members for industrial action."

"Because of the lack of rational decision-making by management, the trams may stop running."

Edinburgh Trams said: "We are not prepared to comment publicly on confidential staff matters. This is not a legal ballot, and we are surprised that Unite have chosen to take this action."

"Our communication channels remain open as we aim to identify and resolve their concerns."

"Trams will continue to operate on our regular timetable."



Public inquiry for Bayoh still 'an option', says Yousaf

Family 'disgusted' by lack of plans to prosecute officers

BY ANDREW LEARMONTH

JUSTICE Secretary Humza Yousaf says he has not ruled out a public inquiry into the death in police custody of Fifeman Sheku Bayoh.

It is understood that Bayoh's family were updated on the status of the case yesterday, and were informed there were currently no plans to prosecute any of the nine police officers who came into contact with him on the day of his death.

The family said the law chief's decision was a "betrayal of justice".

Labour and the Greens have both called for a full inquiry.

Bayoh died after being restrained by police early in the morning of Sunday May 3 2015.

The family say the dad-of-two suffered "cardio-respiratory arrest" and

that he was "lying on the ground face downwards" while "officers with a combined weight in excess of 60 stones were kneeling or sitting on his upper back. This induced a serious and potentially life-threatening degree of asphyxia".

The Bayoh family's solicitor Aamer Anwar said they would be seeking a review of the reported decision, but admitted Sheku's relatives had little hope that this would be anything other than a "box ticking exercise".

"Sheku's family believe they have been failed by those who have a duty to protect the public and uphold the rule of law," Anwar said.

"Did the Lord Advocate really think Sheku's life was so cheap that his family would just walk away?"



The lawyer believes the police tried to cover up the circumstances of Bayoh's death.

After the meeting a Crown Office spokesman said: "The Lord Advocate, Senior Crown Counsel and officials from the Crown Office and Procurator Fiscal Service [COPFS] have met with the family of Sheku Bayoh, and their legal representative, to inform them of the status of this case.

"This has been a complex investigation, and COPFS appreciates that it has been a difficult time for Mr Bayoh's family and for all those involved.

"The Crown has conducted this investigation with professionalism, integrity and respect.

"It is committed to ensuring that the facts and circumstances surrounding the death of Sheku Bayoh

are fully aired in an appropriate legal forum and, to that end, it has discussed possible next steps with a small number of colleagues in the justice system."

Labour MSP Claire Baker, who has frequently raised the case in Holyrood, said: "It has been three years since Sheku Bayoh died while in police custody and his family are still having to fight for answers."

She added it was difficult to "have confidence" in the reported decision "when the evidence on which it is based has been kept from the public."

Baker also called for a public inquiry into Bayoh's death.

After meeting the family, Yousaf said: "We are not ruling out the possibility of a public inquiry. That definitely remains an option, but it is a decision that we can take only once the process around criminal proceedings has been fully exhausted.

"Once this process has concluded I have committed that I will update the family and Parliament on any next steps," she added.



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May moves to end austerity

● 'Dancing Queen' pledges billions despite Brexit uncertainty ● Tory MPs praise best conference speech as party leader

Francis Elliott Political Editor
Sam Coates Deputy Political Editor
Henry Zeffman Political Correspondent

Theresa May has declared that Britain's decade of austerity is over with a pledge to increase public spending after Brexit.

The prime minister used her conference speech to make a series of costly commitments that will limit the options of Philip Hammond, the chancellor, in

this month's budget. They also led to immediate demands for more money by other cabinet ministers.

The hour-long speech appeared to soothe Tory jitters, with colleagues declaring it to be the best of her three as party leader. The address began after one backbencher, James Duddridge, submitted a letter of no confidence.

The prime minister opened by dancing on to the stage to Abba's *Dancing Queen*

as she tried to shrug off her robotic public image. She then sought to drive a wedge between traditional Labour voters and Jeremy Corbyn enthusiasts by attacking the direction of the party under his leadership.

Her speech also attempted to bind the Tory party to her Brexit plan — although the word "Chequers" was dropped when describing it.

There was no mention of Boris

Johnson, but in a riposte to his reported "**** business" comment, Mrs May said the business community should know that "there is a four-letter word to describe what we Conservatives want to do to you — it has a single syllable, it is of Anglo-Saxon derivation, it ends in the letter K. Back businesses."

The Treasury hoped to avoid spending pledges at conference after the £25 billion annual NHS boost

announced in the summer which cleaned out the exchequer's coffers.

Mrs May's promise to abolish a cap on council borrowing to build new homes, however, will add billions of pounds to the country's debt and deficit. The pledge to continue to freeze fuel duty because of higher petrol prices will cost £38 billion if it continues for another three years. Aides said over the

Continued on page 2, col 3



Theresa May chose one of Abba's greatest hits to shake off her robotic image at the Tory conference yesterday. She appealed to traditional Labour voters by attacking the direction of the party under Jeremy Corbyn

Legal drama as farmer halts £250m national film studio plan

Stuart MacDonald

A tenant farmer whose family has tended fields outside Edinburgh for 100 years has won a legal battle to stop a £250 million national film studio being built on the land.

Jim Telfer, 83, farms cattle and sheep on the 60-acre rented plot in Midlothian known as Pentland Mains.

Ministers approved in principle a plan to build Scotland's first film studio on the land. Nick Gibsons, an advertising executive who owns the land, wants

the Telfers to leave so that he can hand it over to the studio developers.

He went to the Scottish Land Court, which rules over disputes between tenant farmers and landlords. Lord Minginish, the court's chairman, and Tom Campbell, one of its agricultural

members, said that the family should not be removed against their will.

In a written decision, they said the family's interests could not be overlooked. "That effect would be to dispossess them of all of their land, including their home and means of

livelihood, and, although they would be compensated financially for that to the full extent required by law, it remains a negative effect," they said. "Our decision is the application should be refused for want of a reasonable purpose

Continued on page 2, col 5

IN THE NEWS

Snack plan panned

Obesity campaigners have criticised the SNP for issuing "bewildering" proposals on junk food and for backtracking on plans to ban free restaurant snacks. Page 9

Dead man 'smeared'

The sisters of Sheku Bayoh who died in police custody say they have been denied justice and claim their brother has been the victim of a concerted smear campaign. Page 13

Defending the wall

An army of volunteers is being recruited to protect Hadrian's Wall from treasure hunters after detectorists damaged a 1,900-year-old structure. Page 22

Trump rebuked

President Trump's mocking of the woman who has made sex-assault claims against the judge he has chosen for the Supreme Court was criticised by three key senators. Page 32

RBS secret meetings

A senior official at the Financial Conduct Authority held undisclosed meetings with a Royal Bank of Scotland executive while the lender was subject to an inquiry. Page 39

Celtic hit out

Brendan Rodgers, the Celtic manager, has condemned as "unfair" the decision to stage their Belford Cup semi-final against Hearts at Murrayfield. Page 76

Bayoh family 'betrayed' by justice system

Mike Wade

The sisters of a man who died in police custody say they have been betrayed by the justice system and that their late brother has been the victim of a concerted smear campaign by officers.

Sheku Bayoh, 31, died in Kirkcaldy on May 3, 2015, after he was restrained on the street by up to nine officers. Police had responded to several calls describing a man at large carrying a knife.

A procurator fiscal's report described "sudden death in a man intoxicated by MDMA (ecstasy) and alpha-Pyrrolidino-pentophenone [the drug Flakka] while restrained".

Yesterday in Edinburgh, Kadi Johnson and Adama Jalloh voiced their "disgust" at the decision by James Wolfe, the lord advocate, not to bring charges against the officers involved in their brother's death.

They have called for a public inquiry and a review of the lord advocate's decision. The family have already opened a £18 million civil action against Police Scotland. Humza Yousaf, the justice secretary, said after meeting the sisters that a public inquiry "definitely remains an option".

Officers used CS gas, pepper spray and batons after Mr Bayoh had struck PC Nicole Short, it was claimed. He died in hospital, covered in cuts and bruises, about two hours after his encounter with police, his family said.

Aamer Anwar, the lawyer representing the family, said there had been repeated smears from police sources "right from the start of this case", after the family's first press conference.

Newspapers published accounts suggesting that Mr Bayoh had fought with his friend, Zahid Saeed, before police arrived, and reported that he had been locked out by his partner, Colletta Bell. He was also said to have been under the influence of drugs, an allegation substantiated by post-mortem tests.

Mr Anwar said, however, that "Sheku did not deserve to die". He said the family had been let down both by Police Scotland and by the Police Investiga-

tions and Review Commissioner, and that they felt "nothing but a total betrayal by the lord advocate's decision". He added: "There have been repeated attempts by police sources to print lies, criminalise and smear Sheku."

Mr Anwar said: "When the family said on May 14, at St Augustine's [Church in Edinburgh], that they didn't want to talk about the specifics of the case, very quickly these smears started. Smears talking about what was going on, attacks on Sheku's character, attempts to criminalise or to smear Zahid Saeed, attacks on Collette, insinuations about the reasons for an argument between them."

"It has been back-to-back stories. It's happened in other cases, in the US and England, where young black males die supposedly 'because they have taken drugs', rather than having anything to do with restraint."

According to reports, Mr Bayoh was armed with an eight-inch knife and appeared intoxicated when he argued with Mr Saeed, the father of Mikael Kular, a toddler who had been killed by his mother in Edinburgh in 2014.

At the time of Mr Bayoh's encounter with police, he was unarmed, Mr Anwar said. "We now know he did not attack the police with a knife, nor did he brandish one, nor was he carrying one when police arrived," Mr Anwar added.

Deborah Coles, executive of Inquest, a charity that campaigns over deaths in custody, said: "The fact that Sheku was a young black man restrained by white police officers [makes] the issue of race particularly relevant. There are particular issues about the way these deaths are being investigated in this jurisdiction that need urgent action."

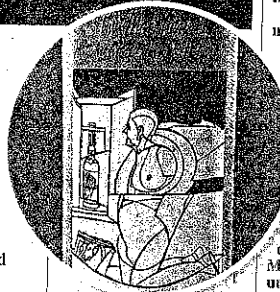
Peter Watson, a lawyer representing eight of the police officers involved, said the facts of the case would come out in a Fatal Accident Inquiry. "The purpose of an FAI is to find out why a death occurred and to see if there any lessons to be learnt," he said. A spokesman for the Crown Office said the investigation had been conducted "with professionalism, integrity and respect".



Record £848,000 for 'holy grail' bottle of Scotch

A rare bottle of Scotch called "the holy grail of whisky" has sold for a world record £848,750 at auction (David McCann writes). The 1926 Macallan

Valerio Adami attracted attention from across the world and was sold to an unknown buyer for £700,000 plus a buyer's premium of £148,750 in the sale at Bonhams in Edinburgh. The whisky is



The 1926 Macallan, which carries a label designed by the Italian artist Valerio Adami, was bottled in 1986

officially described as 60 years old having been distilled in 1926 and bottled in 1986 and had been expected to fetch £700,000-£900,000.

Martin Green, the Bonhams whisky specialist in Edinburgh, said: "I am delighted at this exceptional result. It is a great honour to have established a world record, and particularly exciting to have done so here in Scotland, the home of whisky."

"The Macallan 1926 60-year-old has been described as the holy grail of whisky."

"Its exceptional rarity and quality puts it in a league of its own, and the world's most serious whisky collectors will wait patiently for many years for a bottle to come on to the market."

Bonhams said the previous world record was set by the auction house in May when another bottle of the Macallan Valerio Adami 1926 was sold for £814,081.

Macallan commissioned two pop artists — Valerio Adami and Peter Blake — to design labels for a very limited edition of 24 bottles. Twelve carried the Adami label and 12 had the Blake design.

It is not known how many Adami bottles still exist.

One is said to have been destroyed in an earthquake in Japan in 2011, and it is believed that at least one of the bottles was opened and drunk.

The bottle sold yesterday was bought by the seller in 1994 direct from the Macallan distillery for an undisclosed sum.

In May, Bonhams Hong Kong sold a bottle of The Macallan Peter Blake 1926 60-year-old for £751,703.

Rangers chief fights contempt claim

James Mulholland

Lawyers for the Rangers chairman Dave King have launched an attempt to stop efforts by financial watchdogs to have the businessman found in contempt of court.

Jonathan Mitchell, QC, told Judge Lady Wolfe that there was not enough evidence to show Mr King breached an order made at the Court of Session in December 2017. A judge at the time ordered him to make an £11 million offer to the club's shareholders to buy shares from them.

The order arose after proceedings brought by the Panel on Takeovers and Mergers.

The panel took Mr King to court because it believed he had failed to comply with the terms of the Companies Act 2006. The legislation



A court told Dave King to make an offer for shares

dictates that entrepreneurs who hold a 30 per cent stake in businesses are compelled to make an offer to investors to buy remaining shares.

However, Mr King has not made the offer prompting the panel to try to have Mr King found in contempt of court.

If Mr King, 63, is found in contempt then a judge may choose to punish him by imposing a fine or sending him to jail.

Mr Mitchell told Lady Wolfe yesterday that attempts to have his client found in contempt were incompetent.

He said that the laws on contempt of court stated that the panel had to prove that Mr King had deliberately chosen not to comply with the December

2017 order. The court was told that such evidence was not available.

Mr Mitchell added: "It must be proven beyond a reasonable doubt. It must be a wilful defiance of the court. It must be a contemptuous defiance of this court."

"It is not sufficient on the part of the petitioner to say to the court here is an order that hasn't been complied with."

The case was originally brought to court over the actions of Mr King and the so-called Three Bears — the businessmen George Latham, George Taylor and Douglas Park — during their takeover of the football club in late 2014.

Investigators for the panel concluded that the four men acted in concert to acquire 30 per cent of the shares.

The money for the shares came from offshore trusts that were in the name of Mr King's family.

Lawyers acting for Mr King said that he did not have the money needed to buy back shares at 20p.

The hearing continues.

Scottish Review founder reveals terminal cancer

Magnus Linklater

Kenneth Roy, the veteran journalist and publisher, has announced that he has been diagnosed with terminal cancer.

Roy, 73, a former anchorman for BBC television, has written a last message for the *Scottish Review*, the online magazine he has edited for 25 years.

The columnist is celebrated for his sceptical views and for launching a series of campaigns on behalf of vulnerable young people.

In a moving article, posted yesterday on the *Scottish Review's* website, he revealed that his cancer had been diagnosed after an emergency admission to hospital, suggesting that this would be his last contribution.

"The truth... is that I have received an unwelcome diagnosis," he writes. "That isn't an original euphemism, by the way. I'm indebted to Michael

Morpurgo for thinking of it first in a recent *Spectator* diary about his own situation. 'An unwelcome diagnosis' — I smiled in admiration at this neat way of avoiding the actual word."

Among the many articles he wrote for the *Scottish Review* was an investigation into the Lockerbie verdict and a searching inquiry into the life and death of Annie Borgjesson, a young Swedish woman whose body was found on an Ayrshire beach.

He founded the *Scottish Review* in 1995 as an independent quarterly of topical essays. Its readership grew significantly when it migrated to the internet in 2008. He has handed on his editorship to his deputy, Islay McLeod.

"For obvious reasons I can no longer edit it," he writes. "I'm on the last bus now, front row nearest the driver, and heading for the terminus. And hoping all the traffic lights are at red." Kenneth Roy, page 29



THINKING OUT OF THE BOX

PAGE 5

Why Shetland is finally on the map

Why a new golden age of television is just what the doctor ordered

BRIAN BEACON PAGE 15

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PRICE 61p

'The dead cannot cry out for justice but the living have a duty to do so for them ...'

- No prosecutions over Sheku Bayoh death in custody
- Family tell of their 'betrayal' by Crown Office
- Call for public inquiry as civil case goes ahead

STEPHEN NAYSMITH
SOCIAL AFFAIRS CORRESPONDENT

The family of Sheku Bayoh, who died in police custody three and a half years ago, have said they feel "totally betrayed and devastated" after the Lord Advocate decided not to prosecute any of the nine officers they believe were involved in his death.

Mr Bayoh died on May 13, 2015, after being restrained by up to five police officers who were responding to a call about a man behaving erratically in Kirkcaldy.

At a meeting yesterday, the Lord Advocate, James Wolf QC, updated Mr Bayoh's family on the status of the case. He is understood to have told them none of the officers will face charges relating to the death of the 31-year-old father of one.

The family's lawyer, Aamer Anwar, called for a public inquiry and said the family had lost faith in all the key agencies involved. He said they would demand the decision be reviewed and vigorously pursue a civil claim already lodged against Police Scotland.

Speaking on behalf of Mr Bayoh's sisters, Kadijatu Johnson and Adama Jaloh, he said: "The dead cannot cry out for justice, but the living have a duty to do so for them."

He added: "Today the family is devastated and feel nothing but a total betrayal by the Lord Advocate's decision."

"Sheku's family believes they have been failed but that they have a duty to protect the public and uphold the rule of law. Such institutions from



■ Kadijatu Johnson (right) and Adama Jaloh, sisters of Sheku Bayoh, below, speak to the media after their meeting at the Crown Office yesterday.



Police Scotland, the Police Investigations & Review Commission (PIRC) and now the Crown Office have failed to hold anyone in those responsible for the death of Sheku Bayoh.

provide or disclose a reasonable explanation for why it was determined there should be no criminal charges.

"They appeared to have simply accepted the police version of events."

The Crown Office did not confirm that no prosecutions would happen and would say only that a meeting had taken place with the family.

This is because the Lord Advocate's decision could not be overturned if the family take up the rights have reviewed by a fresh prosecutor.

As the family seem likely to lodge a Victim's Right to Review (VRR) claim, the possibility of charges remains open.

The case is unusual in that the investigation of Mr Bayoh's death was carried out by PIRC and the police watchdog submitting a report to the

Procurator Fiscal, the first time this has happened. However, the Crown Office has had the report for two years, prompting questions about the speed of the process.

A spokesman for the Crown Office said: "This has been a complex investigation and COPPS appreciates it has been a difficult time for Mr Bayoh's family and for all those involved."

The Crown has concluded this investigation will promote public confidence, integrity and respect.

"One way or another, the Crown would see that the killing scheme goes ahead."

It is committed to ensuring that the facts and circumstances surrounding the death of Sheku Bayoh are fully and openly discussed in an appropriate legal forum

and to that end it has discussed possible next steps with a small number of colleagues in the justice system.

"In order to protect any potential proceedings and to preserve the rights of the family, the Crown will not comment further at this stage."

Should no prosecutions take place, the Crown has said a Fatal Accident Inquiry (FAI) will be held. These are mandatory in cases where there is a death in police custody unless superseded by a court case of public inquiry.

However, Mr Anwar said an FAI would be unacceptable to Mr Bayoh's family. They will accept nothing less than a public inquiry from the Scottish Government. An FAI would be

Continued on Page 5

WRESTLE STAR NAGASAKI I HID MY SEXUALITY

Masked wrestling hero Kendo Nagasaki has revealed he's been secretly living as a bisexual for 50 years.

The icon of the 70s and 80s drew TV audiences of up to 14 million with his teatime grapples. But his fans had no idea that the star - who got married in 1986 - was having flings with men.

Kendo - real name Peter Thornley - has a male partner who he has been with since the death of his wife Yvette in 1993.

Peter reveals his sexuality in his autobiography, *Kendo Nagasaki And The Man Behind The Mask*.

During his career, he was managed by gay showman "Gorgeous" George Gillett.

Peter said his life changed forever the day he met



STAR Kendo Nagasaki

George in 1967 at a Wimpy bar in Earl's Court, London.

He says: "Unknown to me, it was a notorious gay hang-out and George came over for a chat. I had never met anyone like him before."

"He introduced me to a whole new world and became my lifelong friend."

Peter, who wore Samurai outfits in the ring, added: "I

knew about my sexuality as early as 17 but it wasn't until I was 26 that I started to be really me.

"By the time I became a TV star in 1972, I'd had flings with other men. But there was no way Kendo, the macho bad boy of wrestling, could tell his story then."

"People would never have accepted it but thank goodness we live in different times now."

Peter, 76, owns a 50-room manor in Staffordshire, where he teaches Zen spiritualism and mindfulness.

As well as wrestling, the millionaire made a fortune through car dealerships and on the property market.

He added: "I just hope my story helps others and that my fans stick by me."

Fraudster's bid to stay in UK

A trader who gambled away £1.4 billion in Britain's biggest banking fraud wants to stay in Scotland.

Kweku Adoboli, 38, of Livingston, is on bail pending a decision over whether to deport him to Ghana.

He was jailed for seven years in 2012 after exceeding his trading limits at Swiss bank UBS. Adoboli has lived in the UK since he

was 12 but never applied for citizenship. He returned to Scotland after being held for 36 days at an immigration centre near Heathrow Airport following his jail release.

The shamed financial expert is due to be deported under UK law as a foreign national sentenced to more than four years in jail.

He said: "I paid for my crime. I shouldn't be deported because I'm British."

BAYOH FAMILY LAWYER AND



Craig McDonald

A police officer at the centre of the Sheku Bayoh custody death probe has been given a round-the-clock personal patrol by his colleagues.

Neighbours of PC Alan Paton say they are fed up with the frequent presence of marked squad cars in their quiet cul-de-sac.

They claim uniformed officers drive into the street up to four times a day amid safety concerns over Paton, who has also faced claims he is a racist.

The 44-year-old is one of nine officers who restrained Sheku, 31, during an arrest three years ago.

Dad-of-two Sheku died following the incident and Paton has been on paid leave since the tragedy in May 2015.

The Sunday Mail observed three uniformed patrols drive into Paton's cul-de-sac in Kirkcaldy last Wednesday.

On each occasion, the vehicle entered the estate and drove slowly down the road where Paton lives before exiting two minutes later.

The first patrol arrived at 12.35pm and further checks took place at 4pm and 8.45pm.

The next day, a uniformed officer approached our reporter and asked him to leave the area.

We told earlier this year how Paton has been paid to remain at home while the inquiry into the death continued.

Neighbours in the estate questioned the purpose of the regular police presence in the low-crime area, while Labour MSP Claire Baker and the Bayoh family's lawyer Amer Anwar also demanded answers.

One resident, who asked not to be named, said: "I live near his house and there are marked cars driving by four or five times a day, every day. People are fed up. I'm one of them."

"This is a quiet cul-de-sac and the only reason police are here is to check on his house."

"As far as I now, there has never been any crime there so what exactly is it they are looking for?"

MSP Baker, whose life constituency includes the area, said: "The police have a duty to protect all citizens and any increased activity must be as a result of robust intelligence."

"Continued checks on one officer's address every few hours will raise questions about appropriate use of



MAN OF LEISURE Paton at his home last week

PROTECTION A police car patrols the estate where PC Paton lives



police resources. These must be answered."

Solicitor Anwar said: "It's been three years since Sheku's death and Mr Paton remains off work on full pay."

"Sheku's loved ones are still fighting for answers about how their son, brother or partner died and are disgusted that, while they struggle with life on a daily basis, Mr Paton would appear to have round-the-clock police protection."

"I think people quite rightly would ask why he needs such protection, how much this is costing Police Scotland and would

patrols not be better doing more useful work?"

Following Sheku's death, Paton's brother-in-law Barry Swan contacted his family to claim the officer was a racist and once assaulted his own parents.

Swan claimed the officer once said: "I'm a total racist - I hate all blacks". Paton has denied the claims.

Three years and five months after Sheku's death, Lord Advocate James Wolfie met his sisters Kadi and Adama on October 3 and informed them no one would be charged over his death.

Kadi said the family felt "betrayed" by the Crown Office decision not to

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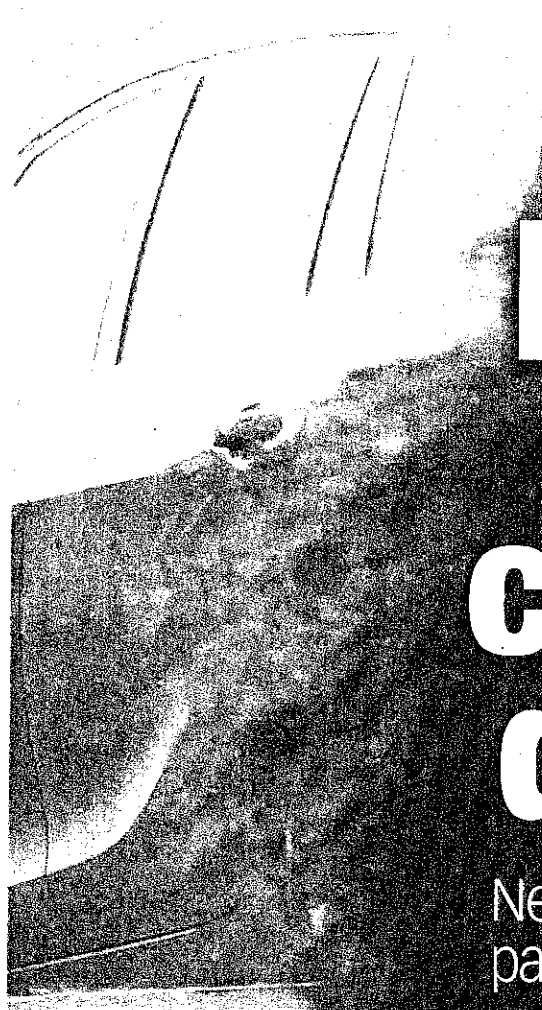
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MSP DEMAND ANSWERS ABOUT SQUAD CAR CHECKS

Anger over police street patrols for cop in Sheku death probe

Neighbours' fury as custody case PC on paid leave gets round-the-clock protection



DEVOTED
Sheku with his partner Collette Bell



prosecute Police Scotland or any of the officers involved in the death.

She said: "It's ridiculous that police officers are being paid to be off all this time. We're still hurting."

Sheku was detained by police responding to reports of a man carrying a knife. No knife was found at the scene.

Officers used CS spray, pepper spray and batons to restrain Sheku and he lost consciousness. He was pronounced dead in Kirkcaldy's Victoria Hospital, about half a mile away, less than two hours after coming into contact with police.

A female officer, PC Nicole Short,

was injured during the incident. She was treated in hospital and released around the same time as Sheku was pronounced dead.

PCs Paton and Short remain on paid leave but it is understood there is little chance of either returning to police work.

Sheku was found to have more than 20 facial cuts and bruises, petechial haemorrhages - a sign of asphyxiation - in his eyes, a fractured rib and grazing on his chest.

The post-mortem report also found the drugs ecstasy and alpha-Pyrrolidinopentiophenone (Flakka) in Sheku's system. His

CAMPAIGN
Sheku's loved ones with their solicitor Anwar

“ People will ask why the PC needs this protection and what it's costing

family have the right to ask for a review of the decision not to prosecute anyone - although Anwar described this as a "box-ticking" exercise.

The family are pursuing a £1.85million damages case against Police Scotland Chief Constable Iain Livingstone and are pushing for a public inquiry.

A fatal accident inquiry will be held into the case, as with all deaths in police custody.

The Crown Office said: "We are committed to ensuring that the facts and circumstances surrounding the death of Sheku Bayoh are fully aired in an appropriate legal forum."

"In order to protect any potential proceedings and to preserve the rights of the family, the Crown will not comment further at this stage."

Police said they were unable to comment on the patrols.

Deputy Chief Constable Fiona Taylor said: "Our thoughts remain with Sheku Bayoh's family and friends following his death three years ago and we continue to offer support to anyone affected by this tragic incident."

"Police Scotland have been committed to cooperating with the PIRC and the Crown Office throughout this process and, while this continues, we cannot comment further."

POLICING THE T

A YEAR ago, Scotland's top police officer was on 'special leave' from his £214,000-a-year job and facing a fifth bullying allegation, from his former personal assistant.

Phil Gormley survived another three months in the role, spent at his Norfolk home where he plotted legal action against the Scottish Government, after an abortive attempt to get back behind his desk.

The chief quit in February amid a political firestorm that rocked the leadership of the single force - and ultimately cost the Justice Secretary, Michael Matheson, his job.

Susan Deacon had been chairman of the Scottish Police Authority (SPA) for only six weeks when Gormley's wife Claire spoke to the Mail in January, claiming her husband was the victim of a 'disproportionate fishing expedition'.

Deacon admits she read every word of that extraordinary diatribe from her corner office overlooking the Clyde, in an anonymous building next to BBC Scotland's Glasgow headquarters.

'That period was hugely difficult for everybody involved,' Deacon, now nearly a year into the job, told me.

'It was a really challenging period for Scottish policing - it was my job to steer a path through all of that.'

The postscript to Gormleygate, one of the most damaging rows to hit Scottish policing, is that Gormley started a new job last month as chief inspector of policing south

INTERVIEW by Graham Grant

of the Border - with the bullying complaints against him permanently shelved.

He also walked away with more than £80,000 of taxpayers' money - including cash to help him move home.

Former TV executive Andrew Flanagan, Deacon's predecessor, had approved Gormley's return to work in the middle of the bullying probes, and Matheson stepped in to block the decision, raising major questions over the SPA's independence.

Gormley was en route back to Scotland but was forced to abandon his trip and head home after being told of Matheson's intervention.

Deacon, 64, isn't keen to be drawn on the specifics of a scandal which would have merited a Netflix series, but maintains 'nothing has been swept under the carpet' - though those who complained about Gormley's alleged bullying might disagree.

As for senior officers escaping censure by quitting in the midst of high-

level probes, she doesn't want to pre-judge the outcome of an ongoing review of police complaints-handling carried out by former Lord Advocate Dame Elish Angiolini.

But Deacon is forthright about the state of the SPA when she took over as chairman last December, replacing Flanagan - who had also been accused of bullying, and running the SPA like the Kremlin.

'I was appalled by some of the practices I found when I came in here and just how poor some of those decision-making processes were,' she says.

'I was appalled by the practices I found'

And she had sympathy with Matheson: 'If I had been in his shoes I would have done the same thing. I might have asked even more questions sooner, frankly.'

She recalls a 'terrible mix of issues and problems and very public spats, and frankly things that were starting to chip away at public trust and confidence in policing'.

Deacon, a mother of two who recently married her long-term partner John Boothman, 61, former BBC Scotland head of news, is handsomely rewarded for a post many regard as a poisoned chalice (she

admits friends told her she would be 'daft' to take it).

Latest SPA figures show she has earned a total of £10,240 since last December, and in May she received £12,720 - more than the First Minister's monthly pay (£11,500).

But Deacon, a former Labour health minister, points out that the Scottish Government sets her pay.

'I took on a big challenge for this role,' she says, 'and frankly it's been a tough gig - and I've had to run at it to try to deliver change on the scale I think is necessary.'

'This is a £1-billion service which when I took over had a police authority that was a failing organisation - the word "beleaguered" was used so often you would think it was in the official title of the organisation.'

This is no overstatement: since the SNP launched Police Scotland in 2013, it has been locked in unrelenting turmoil. There was a row over a secret decision to authorise officers to carry side-arms on routine patrols, and controversy over stop-and-search (at one point, it was almost nine times higher in Scotland than in New York).

In the summer of 2015 came the M9 tragedy, when Lamara Bell lay dying at the roadside for three days after a car crash, and police call-handling failures were blamed - an incident still under investigation by the Crown Office.

Then there was Sheku Bayoh, who died after being pinned to the ground by at least nine officers in Kirkcaldy, Fife, following reports that he was seen acting erratically in the street and carrying a knife. The

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HIN BLUE LINE

Bullying rows, resignations, public spats... no wonder friends told the new head of Scotland's Police Authority she'd be 'daft' to take the job. But Susan Deacon isn't afraid of the challenges ahead...

**Troubled waters
But Susan
Deacon plans to
deliver change**

force's first chief, Sir Stephen House, quit in the wake of these scandals (and is now Deputy Commissioner at the Metropolitan Police in London).

Bayoh's family, with lawyer Aamer Anwar, fought a long campaign claiming police brutality was responsible for the death of the 31-year-old father.

In October, this culminated in a decision by the Crown not to prosecute any of the officers involved. Did that episode leave a bad taste in Deacon's mouth?

"That was a matter for others to determine," she insists. "When things are looked at and examined, we need to be willing to take on board any learning from that."

But she also 'longs for us to be able to get better as a country, to be able to explore these issues as maturely and sensitively as possible' - a reflection perhaps on the unedifying war of words between the Bayoh's camp and the Scottish Police Federation (SPF) over exactly what happened on the day Bayoh died.

"There are echoes of my role as health minister," she says. "I was genuinely dealing with issues that sometimes involved life and death."

Days after she started as SPA chairman, an explosive report by Mike Barton, Chief Constable of

Durham Constabulary, condemned an illegal spying operation at Police Scotland.

He found officers were trying to identify journalists who they believed were speaking to serving and retired officers involved in the inquiry into the unsolved murder of prostitute Emma Caldwell.

Those behind the snooping operation acted 'dishonestly' by 'willfully and deliberately manipulating intelligence'. But Deacon bullishly claims she 'wasn't embarrassed by that - why should I be?'

She adds: "Apart from anything else, it related to a period that predated my direct involvement."

If this sounds like a politician's answer, that's no surprise - as an MSP Deacon was a Scottish Government minister during the turbulent early years of the Scottish parliament - an institution that in those days was arguably more controversial than Police Scotland.

She was appointed the first Health Minister after devolution in 1999 and remained in the post until November 2001, before stepping down as a Labour MSP in 2007 and becoming an honorary professor at the School of Social and Political Science at the University of Edinburgh. She was later made assistant principal.

Deacon now claims not to be afraid to stand up to politicians, or

indeed to Chief Constable Iain Livingstone, credited with restoring order to the force after the chaos of the Gormley regime (a time the SPA chairman refers to as a 'perfect storm').

"I've spent my life challenging the orthodoxy, I'm not about to stop now," she says.

But she is also keen to stress she wouldn't fall out with the chief.

"Just think of the trouble we've had in the policing world because

'Organisation has pulled its socks up'

people have fallen out," she says. "It's not professional or good for the public purse. I'm not in the business of falling out with anybody."

But the SPA, as the 'civilian oversight' body for Police Scotland, has the job of keeping the force in check as well as making sure the books are balanced (no mean feat when a deficit of £200million is forecast by Audit Scotland).

That means the odd clash

with senior officers is surely unavoidable.

Yet the SPA's public board meetings - which Deacon admits aren't always 'prime-time viewing' - can be lengthy affairs; all too often top brass easily escape tough questioning.

Why, for example, are police failing to 'clear up' more than half of all crime - has Deacon told the Chief Constable this is unacceptable?

She seems surprised at the idea. "I don't work on that basis," she says. "I'm not going to reduce something complicated to a sentence that would be doing the public a disservice."

One wonders if the greater disservice might have been suffered by crime victims denied justice - including victims of rape, which now has the lowest clear-up rate on record (54.6 per cent), while sex crimes are at a 47-year high.

Why, when there have been great advances in forensic science (which comes under the SPA's control), are so many victims being let down?

Bluntly, she admits: "I don't know the answer to that question."

She adds: "The Authority can only get stronger and better and more effective in pushing open some of these wider societal discussions and asking hard ques-

tions of how the police service is performing when actually it has built solid foundations to do so."

On violent crime (up 14 per cent in only two years), ministers and police chiefs rightly point to major reductions over the past decade - but are we too complacent given the worrying indications that those long-term declines appear in danger of unravelling?

"One of the things we've got to watch in this as in other areas is that we don't say because things aren't as bad here as in other parts of the UK, that there are not things to be done," she warns.

"In this area and in relation to education and health there is a consistent default - often in Scotland that kind of says, "Aye well, things are better here than they are south of the Border"."

It's hard not to see this as a veiled swipe against SNP ministers, who regularly make those cross-Border comparisons.

With officer numbers now at their lowest level in nearly a decade, is the SPA determined to ensure the front line is protected?

Deacon says she is not in favour of putting a limit on the number of officers that will be axed, as 'often when you do put fixed

TURN TO NEXT PAGE

On the march: Rally against racism



Relatives of Sheku Bayoh, who died in police custody, and lawyer Aamer Anwar lead the annual STUC St Andrew's Day rally in Glasgow, organised by the union's Black Workers Committee. Photograph: John Devlin

Sorting out drawers is key to writer Atkinson's success

Edinburgh novelist says getting rid of clutter is first task when starting book

#KATE ATKINSON
By CHRISTOPHER CLAIRE

Best-selling novelist Kate Atkinson has revealed one of the secrets of her success – a tidy chest of drawers.

The prize-winning *Behind The Scenes At The Museum* author, who lives in Edinburgh, removes the clutter before embarking on a new book.

"I do find sorting incredibly therapeutic because it's mindless yet it's purposeful. It helps me think," Atkinson, pictured, tells *Desert Island Discs*.

"I'm starting to think about writing a new one [novel] and I am aggressively sorting out my drawers."

"There's something about mindlessness, as opposed to mindfulness, that I think is very creative. It allows your brain some space to start doing a lot of unconscious thinking and then you have very tidy drawers at the end of it," she tells Lauren Laverne.

Atkinson, 66, who published her first novel in

her early 40s, believes her success has been "predicated on failure".

And the author, who was born in York, says that she possesses "an imaginary sense of smell", which helps with her writing.

"That helps because the past smells completely different to the present," she says.

Atkinson, whose stories about Edinburgh detective Jackson Brodie were adapted into the *Case Histories* television series, studied English literature at the University of Dundee, graduating in 1974.

She went on to work on a doctorate in American literature, focusing on short stories, but did not complete her PhD.

Atkinson tells Laverne that her failure to finish the work "was the making of me". She said she "went through a grieving period" after failing her doctorate, but began writing stories and found it "much more fulfilling".

Atkinson worked in various

jobs, from legal secretary to home help, before she could make a living as an author.

She also taught at Dundee and began writing short stories in 1981. Atkinson was commissioned by a number of magazines after winning the 1987 *Woman's Own* Short Story Competition. She was also a columnist for *Scotland on Sunday*.

She won an Ian St James Award in 1993 for a short story 'Karmic Mothers', which she adapted for BBC2. "At the back of my mind I always knew I was going to be a writer and I shouldn't be misled by other things or worry I was bringing my children up in near poverty."

"I just had this feeling that I was going to be successful," she says.

Her first novel, *Behind the Scenes at the Museum*, won the 1995 Whitbread Book of the Year and went on to be a *Sunday Times* bestseller.

Atkinson has written two plays for the Traverse Theatre in Edinburgh: *Nice* in 1996, and *Abandonment*, which premiered as part of the Edinburgh Festival in 2000.

Her most recent novel, *Transcription*, was published in September. *Desert Island Discs* on BBC Radio 4 today at 11.15am

'There's something about mindlessness that is very creative'

Jolie puts sexual violence in festival spotlight

By NICHOLAS CHRISTIAN

The American actress Angelina Jolie has spoken out against sexual violence in global war zones during a film festival backed by the UK government.

The British Film Institute in London hosted the event, at which 38 movies and documentaries feature survivors telling their stories.

The United Nations envoy spoke at the event, which aims to tackle rape and sexual violence in conflict zones.

She praised the work of the festival, which ended yesterday and was attended by Jeremy Hunt, the Foreign Secretary.

Jolie said: "I want to thank the British Government for hosting this festival and for recognising the power of storytelling as a tool to enhance empathy and understanding."

"I welcome what it says,



Angelina Jolie hailed the Foreign Office's sexual violence work

that the Foreign Office is supporting art and artists, putting the issue of sexual violence in conflict forward as an urgent international issue, allowing the voices that set the agenda to be those of the survivors."

Art highlighting the horrors of sexual violence in conflicts across the world was displayed.

The event included the unveiling of a code to set the standard for evidence gathering by those investigating sexual violence in war zones and was backed by Lord Tariq

Ahmad of Wimbledon, the UK government's special representative on such violence.

Hunt tweeted: "With @Refugees envoy Angelina Jolie at #PSVI film festival to discuss new Murad Code, named after Nobel Peace Prize laureate @NadiaMuradBasee."

"Code will set standard for gathering evidence of sexual violence in conflicts. There must be justice for survivors!"

Nadia Murad is a Yazidi rights activist who was kidnapped in Iraq by Islamic State.

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Ashley Court also offers pre-bookable respite rooms, allowing family and carers to plan ahead for upcoming events.

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'FRESH' QUERIES ON SHEKU DEATH

By LISA BOYLE

A TV probe raised "fresh questions" over dad Sheku Bayoh's cop custody death, an MSP says. Claire Baker last night backed his family's calls for a public inquiry amid claims CCTV cast doubt over officers' accounts of the tragedy.

The plea comes after Sheku, 31, of Kirkcaldy, died in 2015 when nine cops restrained him during a call to a knifeman.

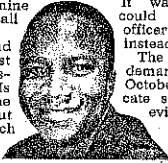
The MSP for Mid Scotland and Fife said allegations in last night's BBC Scotland show Disclosure were "shocking". Ms Baker added: "I recognise the police do a difficult job but something went wrong, which Cop custody tragedy... Sheku

raises questions about whether the police's response was proportionate. There should be a public inquiry." The show alleged footage questioned claims Sheku had kicked and stamped on a female officer.

It was also alleged racism could have played a role and officers escalated the incident instead of trying to defuse it.

The dad of two's relatives demanded a public inquiry in October after the Lord Advocate said there wasn't enough evidence to prosecute cops.

Police Scotland said they could not comment on an open case.



We mutt have one

A NOISE-cancelling kennel has been designed by Ford to ease dogs' stress created by New Year fireworks displays.

The car giant is using similar technology to that found in motors and headphones.

Microphones detect the sound of fireworks and opposing frequencies are transmitted from speakers inside the kennel, so reducing the loud bangs.

IT'LL COAST YER

Two beach huts are on sale for a total of £2½million on Muford Spit in Christchurch, Dorset.

HAPPINESS AND



By AMY JONES

OVERCOME with emotion after lifting Strictly Come Dancing's Glitterball trophy, Kevin Clifton was hoisted aloft, victorious at last.

The pro dancer's long-awaited triumph on the BBC show was a popular result, coming after four previous defeats in the final and the recent collapse of his third marriage.

His celebrity partner this year, documentary maker Stacey Dooley, 31, led the plaudits, paying tribute to "King Kev" in her victory speech.

His years of heartache on the Strictly dancefloor may now be over – but there could be more to come off it.

By his own admission, Kevin, 36, can get consumed by the show.

When he crashed out in week ten of last year's show with comedian Susan Calman, he publicly apologised to his now estranged wife and fellow pro, Karen.

He said: "When Strictly is on I'm not the easiest person to live with. I go a bit mad. So I'd like to say first of all thanks to my wife for putting up with me."

Tellingly, Karen later described the speech as "really lovely and sweet because I do have to put up with him – he looks sweet but he's a bit intense sometimes."

She previously hinted at cracks in their marriage, which ended in March amid rumours Venezuelan Karen, 38, had moved on with accountant Stuart Wood.

Despite the split, the pair have stayed friends – and Karen rushed to be among the first to congratulate Kevin on Saturday's final.

Beaming with pride, she shouted: "You did it, Kev!" while banging her hand on his chest.

'Everything had burst apart'

The former couple still tour together, with Kevin describing dancing as "the glue that has held us together for years".

But it has also repeatedly been at the centre of his failed relationships.

His first marriage – believed to have been to Russian Anna Melnikova, then his Latin dance partner – fell apart after three years.

The pair tied the knot when Kevin was 20 but ended in 2005 after he decided to turn his back on professional dancing.

He said: "We got to a stage where we were at the top of our game but hadn't won a world championship.

"We were approached and told if we paid the right people, took certain classes with certain pro teachers, we would be guaranteed the title.

"It would cost more than £10,000 in all and I just felt somewhere it had all gone wrong.

"My parents believed we could win without it, but I wanted to walk away from the whole thing.

"I fell out of love with it. My wife divorced me because it was her life.

"I fell into depression because everything I'd put my life into had burst apart."

The Grimsby-born dancer went on to fall in love again, not only with dancing but also pro Clare Craze, who he met in a London salsa bar.

They married in 2007 but split in 2010, with Kevin later admitting: "I was never particularly happy and wasn't myself, a lot of my friends and family were telling me that.

"It was just a bit of a weird time."

Kevin met Karen a year later, when they were both part of international ballroom stage show Burn The Floor.

With his divorce from Clare final-

CHAMPS... Kev and Stacey on way to Strictly title



FIRST STEPS... winning as kids with sister Joanne



SUPPORT... the siblings with parents Keith and Judy

ised in 2013, he proposed to Karen during a performance and they got married in 2015.

Kevin said: "When I met Karen I could get on with her in a completely different level and everything was happy and rosy.

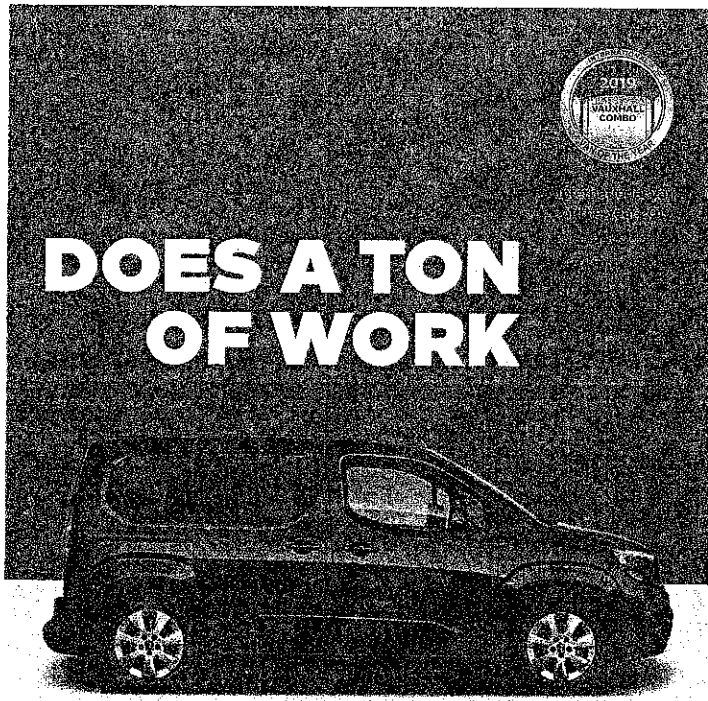
"We were friends first and it went from there.

"To be honest, I didn't ever think it would happen. Karen is sort of a few leagues ahead of me.

"She is sort of Champions League and I am trying to get into the play-offs of League One. So I never thought we would be together."

His turbulent love life is in stark contrast to his professional relationships, which are incredibly strong.

Like all of Kevin's celebrity partners before her, he and Stacey became incredibly close during their often gruelling Strictly run, which included 14-hour training days. Susanna Reid,



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Model shown New Combo Cargo L Limited Edition New with offside sliding side-access door (optional at extra cost) and Night Blue metallic paint (no-cost option). *Fuel consumption data and CO₂ emission data are determined using the Worldwide Harmonized Light Vehicles Test Procedure (WLTP), and the relevant values are translated back to allow the comparability into NEDC, according to regulations R (EC) No. 715/2007, R (EU) No. 2017/1153 and R (EU) No. 2017/1151. The values do not take into account in particular use and driving conditions, equipment or options and may vary depending on the format of tyres. For more information on official fuel consumption and CO₂ emission values, please read the guideline 'Guideline for fuel consumption, CO₂ emissions of new passenger cars' freely available in all points of sale or at www.vauxhall.co.uk/WLTP. Correct at time of print.

New evidence uncovered by documentary in custody death case

By **ANGUS HOWARTH**

New evidence uncovered by a television documentary has raised further questions surrounding the death of a man in police custody.

Father-of-three Sheku Bayoh suffered a catalogue of injuries before losing consciousness when he was restrained by six officers in Kirkcaldy in 2015.

Police reports at the time suggested Mr Bayoh, 31, had become aggressive and "stamped" on a female officer responding to calls of a man carrying a knife in the Templehall area of the town.

But newly-uncovered CCTV footage suggests police may have "escalated rather than diffused" the situation, while internal police documentation seen by filmmakers has led to claims racism may have played a part in the treatment of Mr Bayoh.

The evidence was broadcast as part of the BBC Scotland documentary *Disclosure: Dead in Police Custody* last

night. It comes two months after Mr Bayoh's family, who have campaigned to find out how he died, say that they were told by the Lord Advocate there was not enough evidence to prosecute any police officers, although the case remains open.

Mr Bayoh - who was born in Sierra Leone, but moved to Scotland at the age of 17 - suffered 23 separate injuries including a cracked rib, head wounds consistent with baton strikes, and burst blood vessels in the eyes - a possible sign of suffocation.

On the day he died, Mr Bayoh had been at a friend's house in the morning watching a boxing match and had taken the drugs MDMA and the psychostimulant "Flakka".

He is said to have become aggressive with a friend after ingesting the substances, before returning home and picking up a knife from his kitchen. Concerned neighbours contacted the police, but Mr Bayoh had discarded the knife before they arrived.

Cause of death was noted as "sudden death in a man intoxicated...[drugs] whilst under restraint".

However, documents reveal that before Mr Bayoh's alleged stamping attack on the officer, three officers discharged their irritant spray into his face and a fourth drew her baton at him.

Official police documents stated Mr Bayoh was pinned to the ground for "a maximum of 30 seconds" and the restraint had been, "appropriate, text book stuff, in line with police training".



↑ Sheku Bayoh suffered 23 separate injuries including a cracked rib and head wounds

But a civilian witness told the documentary team officers were lying across Mr Bayoh for several minutes, adding: "I heard him screaming. It sent chills through me. I heard the man shout to get the police off him. They never moved."

The BBC also saw evidence suggesting that Mr Bayoh's actions may have been distorted or exaggerated by police.

An internal police document

written less than an hour after Bayoh's death said that police attended reports of a male with a "machete" in the street, and that the "male strikes one with machete".

None of the officers saw Mr Bayoh with a knife or machete, nor has there ever been any suggestion he struck one of them with a blade.

Mr Bayoh's family are likely to ask for the decision to deny

the prosecution of officers to be reviewed but are now calling for a full public inquiry.

His sister, Kadi Johnson, said: "We are still here suffering, his boys are suffering."

"There was no need for Sheku to have died that day. We just want to know how our brother died, that's all."

Police Scotland told the BBC they could not comment while the case was ongoing.

Price rise linked to plain packaging

By **LUCY CHRISTIE**

The introduction of plain cigarette packaging led to an increase in the sale price of leading brands, new research suggests.

A study by Stirling University found the price of top-selling cigarettes increased by almost five per cent - or an extra 38p on a pack of 20 - in the 18 months after the legislation was introduced.

The price of hand-rolled tobacco also rose by around eight per cent, or 91p on a 30g pack.

Researchers said their findings are at odds with tobacco companies' predictions that plain packaging, which became mandatory in May last year, would lead to lower prices and greater affordability.

Dr Nathan Critchlow from Stirling's Institute for Social Marketing said: "Tobacco companies were strongly opposed to plain packaging. They appeared adamant that, if the policy was implemented, brands would only be able to compete on price, which would result in lower prices, greater affordability and, consequently, increased consumption."

"Our study, however, provides early evidence that these concerns of lower prices appear to be unfounded."

The study was funded by the Cancer Policy Research Centre. Kruti Shrotri from Cancer Research UK said: "Plain packaging for cigarettes is an effective public health measure to reduce the attractiveness of tobacco to young people. The tobacco industry were clearly saying anything they could to try and undermine this health measure and protect their profits."



COMMENT

"I heard him screaming. It sent chills through me. I heard the man shout to get the police off him. They never moved"

WITNESS

Scottish Conservatives call on ministers to take more action on loneliness

By **LAURA PATERSON**

The Scottish Conservatives have called on ministers to deliver on a pledge to publish a national strategy to combat loneliness by the end of the year.

The government vowed to publish the new strategy, one of the first in the world, by the end of 2018.

The Tories said the wait since

a public consultation closed in April was "disappointing".

Now the party has put forward its own action plan to tackle loneliness, calling for a national awareness campaign and for more attention on the extent of the problem among young people.

The plan proposes to encourage people to check on their neighbours and get involved in the local community, and involves a Scottish National

Loneliness Day in December.

Further actions put forward include teaching children about loneliness and the importance of social relationships as part of the curriculum, and funding inter-generational projects such as having a council nursery in an elderly care home.

The party also wants faster rollout of the community link worker scheme.

These are generalist social

practitioners based in GP practices and the party claims 56 of the 250 the Scottish Government promised to employ by the end of the parliamentary session are currently in place.

Scottish Conservative mental health spokeswoman Annie Wells said: "Loneliness is a health problem which can have significant effects on those who feel alone, regardless of age. Particularly as

we near Christmas there are many people who simply don't have access to the company of others, or feel as though they are isolated, despite the many people around them. While the SNP government's consultation on loneliness was welcome, it is disappointing that we have had to wait so long for the results."

The Scottish Government said the strategy was being published today.



↑ Annie Wells says loneliness is a health problem

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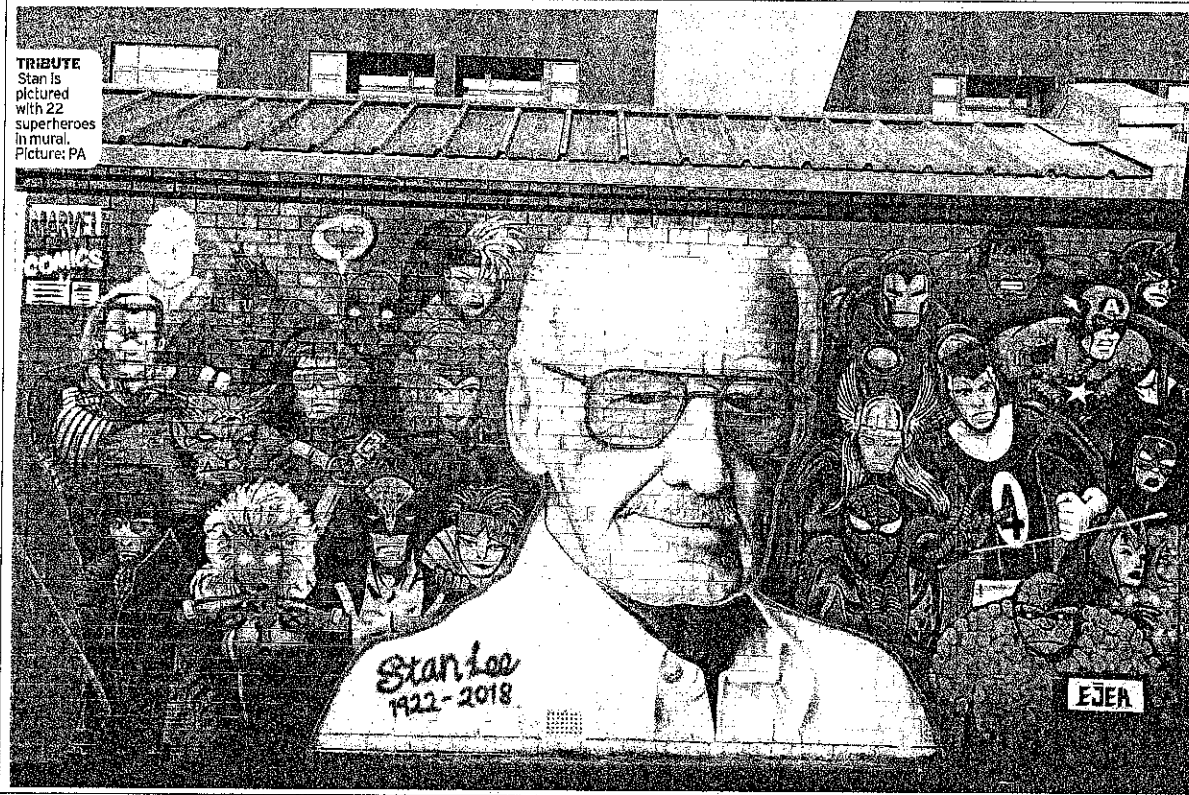
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TRIBUTE
Stan is pictured with 22 superheroes in mural.
Picture: PA



ARTIST Danny McDermott
Kids give their wall for Stan

A MAGNIFICENT mural of Stan Lee with 22 superheroes has been painted on a youth centre wall in tribute to the Marvel Comics co-founder.

The artwork was created by Danny McDermott, known as EJEK, at The Barn youth centre in Glasgow, which is run by the Crossroads Youth and Community Association.

Comic book writer and publisher Stan died last month at the age of 95.

CCTV raises doubts over Sheku cops

Claims footage doesn't match evidence

BY MARK McGOVERN
Chief Reporter

FRESH video evidence suggests the accounts of police officers involved in the death of Sheku Bayoh don't match up with CCTV footage.

A BBC programme has compared the footage with transcripts of police statements and claims some evidence was made up or exaggerated.

Disclosure: Dead in Police Custody, aired last night, probes how police treated the dad of two, who died in 2015 after being restrained by police in Kirkcaldy.

In October, Sheku's family were told by the Lord Advocate there wasn't enough evidence to try officers over claims they used excessive force.

The Crown Office say the case remains open. The programme includes:



RESTRAINED Sheku Bayoh

● Claims the first officers on the scene escalated the situation instead of trying to defuse it

● CCTV footage which questions officers' claims a female officer was kicked and stamped on by Sheku

On the morning of his arrest, Sheku had taken MDMA and the drug known as Flakka and become aggressive with a pal.

He was restrained by six officers, lost consciousness and died at hospital later.

Days later, Scottish Police Federation lawyer Peter Watson said: "A petite female police officer was subjected to a violent and unprovoked attack by a very large man who punched, kicked and stamped on her."

The CCTV shows Sheku knocks the woman to the ground. But police restraint expert Eric Baskind, of Liverpool John Moore University, told the BBC: "I can see no evidence of two stamping attacks on the officer on the ground."

Sheku suffered 23 injuries. His cause of death was noted as "sudden death in a man intoxicated... [drugs] while under restraint".

The Scottish Government say they are considering a public inquiry into the death.

Police Scotland said they could not comment while the case remained open.

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