

**EVIDENCE TO THE REVIEW OF SPCB SUPPORTED BODIES COMMITTEE FROM DAVID C WILSON**

**QUESTIONS FOR THE SCOTTISH EXECUTIVE REGARDING FRAUD.**

First I remind you of the **categorical statement of SNP Policy published in the SNP News Paper** which asserted **“Save our Halls.”** **Save** as in save - restore, re-open; **our** - **without exception**; **Halls**, plural; **Save our Halls** was, and is, a **totally unambiguous, unqualified, unconditional – categorical statement made by the Ochil Constituency SNP in the course of the election campaign.**

**The Museum Hall is the victims of fraud**, as too are the people of Bridge of Allan, surrounding environs and the built protected heritage portfolio of Scotland. **The Scottish Executive describes Fraud in a variety of ways but make the assertion that “It is usually used to describe depriving someone of something by deceit.”**

**In this case I make the assertion that the something is The Museum Hall and Fraud is the sole means by which our hall has been removed from the common good ownership, the people. Fraud has also enabled the alleged sale and fraud has enabled a proposed redevelopment and fraud has enabled a planning application which is subject to Statutory Obligations. Without the fraud in question the Museum Hall would still be held in the common good, held in trust for the people and not under threat of loss\*. Presumably there is an obligation on Stirling Council to inform the proposed owners and developers of the accusation of fraud that is set against Stirling Council.**

\* Lord Penrose, in Opinion, makes it clear that redevelopment represents loss of the museum hall.

**One thing we can be pretty certain of is that if a private property was the subject of fraudulent alienation from it’s rightful owner and a planning application was made to the Council by the reset owner and the council, during the planning process became aware of the unlawful means of acquisition the planning application would be stopped in it’s tracks and the fraudsters prosecuted. Granting permission in the certain knowledge the entire planning application is enabled solely in consequence of fraudulent behaviour or criminal conduct is legally and morally indefensible. A planning application to a Statutory Planning Procedure tainted by Fraud is not and cannot be a legitimate application. Ministers, MSPs Councillors and Civil Servants cannot condone, by deed or action, unlawful conduct.**

A local authority/ planning Authority must have a duty of care not to embroil or inveigle others in conspiracy or other misadventure whereby severe deficits of legality prevail without informing them of the potential danger to

their personal and corporate reputation and/or penalty exercised by the courts if they are prosecuted in consequence of ignoring that advice. It seems to me that a developer will not purchase a building such as the Museum Hall without planning permission having been granted. If that is the case, the fraud derived from local authority conduct would involve the cooperation and involvement of Historic Scotland and The Scottish Executive in order to succeed. **In that event it seems to me that Historic Scotland , the Scottish Executive – Ministers, would be complicit in a criminal offence.**

### **“Reset**

**Source:** Common Law

### **Definition**

**It is an offence for any person, with intent to deprive the owner, to receive and keep property knowing that it has been appropriated by theft, robbery, embezzlement or fraud.**

**Reset** can only be committed by a person who **was not a party to the original appropriation.**

To establish the crime of reset, It is essential to prove guilty knowledge that the property has been dishonestly obtained. Guilty knowledge may be inferred from the circumstances in which the property was received or retained. The guilty knowledge need not be simultaneous with the receiving.”

Quote from; The Scottish Beat Officers Companion.

If young immature men of little intellect and not advantaged by education and well being or with the normal ability of rational analyses to determine right from wrong vandalised an important Grade B Listed building protected by the will of parliament and government policy located in the midst of an Outstanding Conservation Area caused the **loss** of that building from the Common Good Property Portfolio and the local and national heritage stock they would almost certainly **get custodial sentence.** On the other hand when well educated, well heeled, fully matured responsible articulate professionals **provide falsehood and deception to a court of law in order to achieve the same end as the aforementioned vandals our Councillors and MSPs, charged by Code of Conduct to uphold the law but in that stead condone the contempt as if it were honourable, honest and true and allow a planning procedure to proceed despite being enabled solely by FRAUD.**

Lord Penrose produced **several pages of Opinion** and was guided by **two Reports** produced by the Court appointed Reporter, . **Lord Penrose did not ramble without care or thought, his Opinion is clear and his reasoning required to consider falsehoods he believed to be true and honest.** The Pivotal issue was external funding available to Stirling Council.

**Lord Penrose made it clear that the most desirable option was restoration but could not sanction that course because the Council convinced the Court that external funding such as the Lottery was not an option because of 'insufficient heritage value' and Historic Scotland Grants were 'small scale.'** Here is a quote from the **Penrose Opinion**:

**"I am not satisfied the building had become redundant by the time it was closed, nor that it would not attract appropriate community uses if it were restored. Mr [redacted]'s\* findings on the potential uses of the hall illustrates a wide range of community and cultural which could be served if the hall were restored. It would have a practical use in the community in the local and in the wider community. Nor am I persuaded that it is material that Bridge of Allan is better served by the provision of recreational and cultural facilities than other districts in the Petitioners area. The argument that in comparison with other districts, Bridge of Allan can somehow afford to **lose** the Museum Hall because of other facilities which exist there is some what lacking in taste as well as being irrelevant to the central issue. If a community has developed and had the benefit of wide range of facilities over it's historical life it is likely that that has been the product of local pride and the application of locally generated resources. Reduction of all to the lowest common denominator is not an attractive policy."**

**Lord Penrose – Court of Session**

**NOTE: Lord Penrose makes it clear in his Opinion that redevelopment constitutes the LOSS of the Museum Hall. 'To lose the Museum Hall' is a direct reference to redevelopment.**

**I call on you to defend the integrity and probity of the Scottish Parliament and the integrity, probity and efficacy of the Scottish Executive and the integrity, probity and efficacy of our Statutory Planning System by holding the Scottish Executive to account for the following issues and/or absurdities arising from a current planning application or any other here after seeking the destruction and loss of Bridge of Allan's Grade B Listed Building Public Hall known as the Museum Hall.**

The current planning application or any other here after is/are enabled **solely** by permission granted to Stirling Council by the Opinion of Lord Penrose in the Court of Session but **an Opinion formed on the acceptance, in good faith, that the contemptuous Falsehood and Deceptions presented to the Court, by Stirling Council were the truth when in fact, they were not. The Court was deceived.**

**The Executive's FRAUD Policy and definition of FRAUD are crystal clear and free of ambiguity.** Whether or not Stirling Council believed only Grade A buildings were going to be funded by the Heritage Fund or not; Whether or not Stirling Council were unaware of their own Capital Budget and the Contingency Budget; Whether or not Stirling Council were unaware of a twenty year campaign to save the Museum Hall featuring many petitions, public opinion study, Celebrity endorsement including the then

and others plus The National Trust for Scotland, Scottish Civic Trust, Architectural Heritage Trust Scotland and others and over a hundred press and media articles; Whether or not Stirling Council were unaware of Government Policy that asserts “***unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it.***” Whether or not Stirling Council were unaware that ***Historic Scotland’s Grants for this building were/are substantial and not ‘small scale;’*** Whether or not Stirling Council were aware of the Scottish Executive Fraud Response Policy, Fraud Management Policy and Definition of Fraud **ALL THIS and more WAS INTIMATED TO IT, IN WRITTEN COMPLAINT, COMPLAINT IN ENLARGED BOLD TYPE, ADDRESSED TO THE COMPLAINT PROCEDURE, PLANNING, STIRLING COUNCIL WHEN THE PLANNING APPLICATION WAS SUBJECT OF STATUTORY ADVERTISEMENT. From that point on the Council do not have a defence of ignorance or misunderstanding regarding it’s evidence to the Court of Session the accusations were made and the accusations were duly ignored.** Provisions surrounding such Statutory Advertisement obliges views of any member of the public be taken into account and **that means there is a Statutory Duty to read responses or complaints in response to the Statutory Advertisement.** The Civil Service Code, The Code of Conduct for Councillors and the law require accusations of falsehoods and deception - fraud to be investigated. There is, in deed, a categorical assertion that they will be investigated. **When they failed to take these accusations into account, they endorsed falsehood, deception and fraud as a legitimate part of a Statutory Planning Process. If they did not take these views into account Planners, as I understand it, failed in their duty under the law?**

The Chief Executive of Historic Scotland himself **has confirmed** that he holds the view that – Chair of the National Lottery’s Heritage Fund to whom he wrote for clarification is quite correct. The view in question, part of the pivotal issue before the Court of external funding opportunities, is **diametrically opposed** to what Stirling Council convinced the Court of i.e. the letter from when Chair of the National Lottery Heritage Fund to which the Court had sight was redundant because The People’s Lottery Act raised the eligibility threshold so high as to exclude the Museum Hall. That is to say only Grade A Listed buildings have sufficient heritage value. Given that the Court accepted this view as honest and true and given that the Court decided that no external funds could be found to assist restoration including Lottery funding due to ***‘insufficient heritage value.’*** The Court was deceived.

**GRADE B OR NOT GRADE B – THAT IS THE QUESTION. IF A GRADE B IS A GRADE B AND A GRADE B IS AS A GRADE B ANYWHERE AND THE COURT DECIDES ONE GRADE B HAS INSUFFICIENT HERITAGE VALUE THEN THE COURT HAS DECIDED THAT ALL GRADE B’s HAVE INSUFFICIENT HERITAGE VALUE SO WHY IS THE LOTTERY STILL FUNDING GRADE B RESTORATIONS?**

The Chief Executive of HS has however avoided making observation regarding Stirling Council's claim to the Court of Session that Historic Scotland Grants are '**small scale**' and not of any significant help in restoration. The Museum Hall had already been subject of Architects Report, **an exercise prudently only carried out by HS when certainty of grant is assured**. Grant at that time included up to thirty percent of external works and works pertaining to the external and would have amounted to hundreds of thousands of pounds, **hardly 'small scale.'**

If the Chief Executive of Historic Scotland, the organisation charged with defending the built heritage, having received accusations of falsehood, deception and fraud enabling a planning process, **and that process directly involves HS and Ministers confirms that at least one of the allegations is true** i.e. Lottery eligibility, **why is that planning process continuing when proceeding will inevitably taint Ministers with the endorsement of fraud AND MAKE THEM CULPABLE if they give permission to an application enabled by FALSEHOOD and DECEPTION.**

Stirling Council was granted permission to alienate the hall from the common good and to have it redeveloped by private interests **for private gain**. **'The people' were deprived of what IS theirs in consequence of illegal means - deception. Who then has legal claim on the hall?** the private interests that intend to profit i.e. **THE people**, and **who can only profit in consequence of illegal actions by those who sought to sell it or - 'the people WHO ARE COMPLETELY INNOCENT?'**

If money was the subject of fraud there would be no question that ownership of the money would be that of the victim of deception, the deceived and not the deceiver or the receiver, even if the receiver was oblivious of the fraud. If private property was the subject of fraudulent transfer the bona fide owner would recover entitlement. Likewise it must be, and is, for the people and the people's hall, **EQUALITY OF LAW FOR ALL.**

**NOTE: THE CRYSTAL CLEAR, UNAMBIGUOUS SCOTTISH EXECUTIVE POLICY STATEMENT ON FRAUD.**

## **Scottish Executive Policy Statement**

**Friday, January 19, 2007**

### **FRAUD**

**"7. Fraud can be perpetrated by persons outside as well as inside an organisation and by collusion. The criminal act is the attempt to deceive and attempted fraud is therefore treated as seriously as accomplished fraud. The term "fraud" is used to describe such acts as deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts,**

and collusion. **It is usually used to describe depriving someone of something by deceit**, which might either be straight theft or misuse of funds or other resources, or more complicated crimes like false accounting and the supply of false information.”

**The Museum Hall was alienated from the Common Good by deception; the people have been deprived of what is theirs by deception, known in the Scottish Executive as FRAUD.**

**4/ Why** is it that the Scottish Executive pledge that **all accusations of FRAUD will be investigated** but no such investigation has been undertaken?

**5/ Why** is it the **Ombudsman Service** are allowed to be so blatantly partisan to assert, despite Ministers potentially being asked to endorse unlawful behaviour as a legitimate part of a statutory planning process and in consequence be tainted by FRAUD that **Historic Scotland do not have to refer my accusations of fraud to the appropriate Fraud**

**Response Committee for investigation?** As independent assessors of maladministration the Ombudsman Service do a remarkably good IMPERSONATION OF WHITE WASH CONTRACTORS. Look at the statistics and consider are the people of Scotland so thick as not know maladministration when it kicks them.

**6/ When** did the Scottish Executive/Parliament give powers to the Ombudsman to alter or amend the Scottish Executive’s Fraud Response Policy without consultation and how could the Ombudsman make such conclusion without consulting the Fraud Response Committee or others with authority to exercise a fraud response?

**7/ Why**, when Scottish Executive Policy, a **precise categorical statement, crystal clear and unambiguous** does Historic Scotland/Scottish Executive allow Stirling Council to ignore the said policy totally when this policy is a pledge to parliament and the people? The said policy is ***“no worthwhile building of architectural or historic interest is lost to our environment unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it.”*** **NOT A SINGLE ATTEMPT HAS BEEN MADE TO COMPLY WITH THIS POLICY.**

Not exercising this policy pledge is a betrayal to the Scottish people. HS cannot predict the outcome of elections with the certainty that there will never come into existence an administration with the integrity to honour government policy with a bona fide attempt to comply? *Cos we don’t want to* is not an acceptable answer. The dog is supposed to wag the tail, the tail does not wag the dog. Stirling Council does not represent the main body of the dog nor does Historic Scotland unless it respects and demands an attempt at compliance with government policy.

8/ The Museum Hall was the subject of a Repairs Order and was served on .....’s Stirling District Council by the Rt. Hon. Ian Laing MP through Historic Scotland although it was sanctioned many months earlier by the Rt. Hon. Malcolm Rifkind QC MP. Stirling Council, over many months, ignored letters of increasing concern from Historic Scotland until the Secretary of State for Scotland had no option but serve the Order. **The law does not allow such an Order to be served on a building past viable restoration. The intent of the Order was to preserve the hall in the same condition as it was at the time of the serving of the Order i.e. in a condition of viable restoration. Has this Order been carried out as was required or has it been disregarded by Historic Scotland because of a change that occurred in the administration of Scotland that eventually saw Jack McConnell, and his published and broadcast bias, as First Minister?**

**Because Liability and responsibility are corporate any charge against Stirling Council remains a charge against Stirling Council regardless of a new political administration or political variations until and unless that administration demands high ethical standards and reject Falsehoods -Deception – FRAUD. Leaders in society, by definition, lead. Falsehood, deception and fraud were, in effect, ratified by Stirling Council Councillors when they ignored complaint of falsehoods and deception passed the planning application, what kind of example is that for school children?**

It took Falkirk Council twenty-four years to respond to local people and save **Callander House** and a similar length of time for Stirlingshire County Council/Stirling District Council to save **The Smith Art Gallery & Museum**. Stirling Burgh Council sought to demolish the **Albert Halls** and many many years earlier the leaders of Stirling sought to demolish **Stirling Castle**. **Public Opinion prevailed in all these cases** against the will of the local authorities. In Stirling there is a building Known as Kerse Mills, a Grade B Listed Building, land locked, not the subject of petition after petition seeking to save it, not a place thousands of people enjoyed and where so many happy memories lie, and yet Stirling Council refuse permission to demolish in whole or in part meanwhile over two thousand of the people have been ignored and their Public Hall condemned to LOSS by deception and fraud.

**Evidence was not given to the Court under Oath but that does not condone, allow acceptance or make legitimate the Falsehoods and Deception. Falsehoods and Deception are described by the Scottish Executive Fraud Response team as FRAUD. All Frauds involve deception and falsehoods and the location of the offence is immaterial if rightful owners are deprived of what is theirs that amounts to fraud. Fraud is a criminal offence and it is, I believe, not appropriate for Ministers to be asked to condone Fraud and negate government policy and bring parliament into disrepute.** Having said that, my aim is to save the Museum Hall for the public as in the **SNP headline ‘Save Our Halls’** it is not to get people in to trouble. If the latter were true I would have complained directly to the Police by now, and would also have made complaint of unethical conduct **against Councillors, many JPs, who voted to allow**

**redevelopment of the Museum Hall and totally disregarded my bona fide complaints of Falsehood and Deception enabling the proposed redevelopment. Councillors, like MSPs and Ministers are obliged to uphold the law and there is something very distasteful that JPs in particular can vote to endorse Fraud.**

The Museum Hall has been an issue since closure in 1979. The Community Council, in the days **when the 'elected body' it was actually elected,** fought to have it re-opened. In 1984 the then Community Council through in the towel and since then no one has voted for a single member. If this unelected elected body (that appears to be oxymoron) is acceptable as it is claimed as measure of public opinion why does parliament not scrap the voting system for local government and use the unelected elected body to decide the future representation of the locality on Stirling Council? Clearly such a concept is not appropriate for political representation so why then is it acceptable for important issues such as the Museum Hall.

A Number of years ago Stirling Council Commissioned **MORI Scotland** to engage in Public Opinion Survey, quote;

**' Bridge of Allan '**

**"Several commented that the Council did not listen to local people. There is a feeling that the Community Council is either not very powerful, or will just do what the Council want it to."**

**Research Study conducted for Stirling Council by MORI Scotland.**  
March 1998.

**Personally, I believe this still to be the case if not even more so.**

**The law states that Community Councils are obliged to 'reflect' community attitudes** and does not give any powers to use it's own views or the views reflecting private interest of individual members **to protect the public from their own opinion.**

As I understand it, the same **MORI** study indicated people in Bridge of Allan thought their quality of life would improve with restoration/re-opening of the Museum Hall.

**In the life time of the Burgh of Bridge of Allan the population has doubled and doubled again and the Burgh now has seven or eight thousand neighbours at Stirling University. The numbers of Community Groups, Arts Groups, Charities etc. have grown massively. Tourism is increasingly important and finite built heritage is increasingly important to tourism. The University itself has a good tourist market fed in part by friends and family of the thousands of students visiting them. Lord Penrose writes in Opinion that "findings on the potential uses of the hall illustrates a wide range of community and cultural which could be served if the hall were restored" so why**

**does the desire to make very wealthy developers even wealthier and have a few dozen wealthy people benefit from what belongs to us all take precedence over justice, integrity, probity and efficacy as well as tourist development for summer months and community use and betterment during autumn and winter?**

“Stirling Tourist Association supports your efforts to try and have the Museum Hall renovated and brought back into use for the community./Stirling as a whole, has a great need for medium sized halls in which to stage various events e.g. **Ceilidhs Concerts, Exhibitions, Presentations etc. etc.** Also the Association would have thought that Bridge of Allan , in particular had a need for a venue such as this as there is only the sports hall available for hire apart from church halls which are not always suitable for particular events.”

**Secretary, Stirling Tourist Association**

The **anonymous** blanket support for electoral candidates has once again been counted and yet people who sign their name and give their address are treated as if morons not capable of knowing what they want or having and rational ability to make a decision without the aid of a politician and I think that is entirely wrong.

David C. Wilson  
27 November 2008

**It is interesting that Sir John Elvidge can publish his considered view as to what constitutes maladministration and the OMBUDSMAN can counter that view completely thereby implying the Elvidge statement is dishonest and that is OK with everyone obliged to uphold the law and maintain a high level of integrity in public service.**

13<sup>th</sup> March, 2007

Sir John Elvidge

Dear Sir,

I have made complaints of **external fraud** directly affecting the probity of the Scottish Executive and the potential of 'Ministers' sanctioning fraud as an appropriate component of the Statutory Planning System. **Why are these accusation not being investigated as promised by Executive Policy of Fraud and Fraud Management?** I have also complained to Stirling Council that the Planning Application for Redevelopment of the Museum Hall is **solely enabled by deception and falsehood** but they proceeded anyway without any inquiry or implementation of fraud management. Apparently, according to the Ombudsman, I should have complained to the Ombudsman at the time of the deception about a planning application not then made and not then passed and not knowing what form of Council would exist or if the area of jurisdiction would remain the same if and/or when such a planning application was presented???

**Complaining just in case something happens is not, I suspect, a legitimate complaint option under the law or any other procedure but none the less this is what the Ombudsman asserts.** One cannot be entitled to assert **as fact**, in what way a council, or the next council, or the next council may or may not vote on an issue not yet before it especially given the few previous attempts at redevelopment were wholly unviable without support funding from the public purse in which case there was not any guarantee of a future planning proposal at that time. Given, however, that is the view of the Ombudsman I ask you **to divulge how, if you can, this hitherto unknown legal principle works.** Clearly if it has validity in law, there must be an answer to this question and could be applied elsewhere. Bear in mind my complaint now and to the Ombudsman is/was about the **current planning application being tainted by fraud and the failure of Historic Scotland to report the fraud and in that stead be willing to advise Ministers, in effect, to approve the planning proposal, fraud and all.** If a planning procedure includes as its sole enabling factor, fraud one cannot approve the proposal without condoning fraud.

**Deception** resulting in the alienation of the property rights of 'the people' as in the Common Good – **deception** that is the sole enabling factor with regards a Listed Building Consent planning application being possible amounts to **fraud** or attempted fraud both of which, if Executive Policy on fraud is to be believed are equally serious offences and **additionally the possibility** of deception

**being the sole enabling factor for accessing public sector funds to assist the redevelopment. Presumably damage caused to an important Listed Building in consequence of fraud is criminal damage.**

If one allegation goes unheeded and not investigated it raises the question **just how much fraud does go on at the Scottish Executive or in matters involving the Scottish Executive?** As you know, I did not write the Fraud Response Plan, or the civil service code of conduct or any of the pertinent laws and despite the contrary view of the Ombudsman, I am not responsible for reporting to the police issues of fraud directly affecting and involving the Scottish Executive and also it's ability to perform to high ethical standards. Nor, however, am I or any other member of the public excluded from so doing.

The ombudsman thinks that **Historic Scotland is not obliged to investigate or report for investigation what amounts to a conspiracy to destroy a Listed Public Hall by deception and fraud!!!! Apparently The Scottish Executive Fraud Response Plan does not apply to Historic Scotland and they can recommend to Ministers redevelopment proceed thereby recommending fraud be accepted as the sole enabling factor for redevelopment and by so doing Historic Scotland are not guilty of maladministration despite opposing every point your web site suggests as maladministration.** Such conduct does not constitute high ethical standards in public life, quite the opposite. Making pledges of probity and proper investigation and then failing is bad form don't you think?

I believe the conduct I refer to brings disgrace upon the Scottish Office and the Scottish Parliament. If 'Ministers' who are also MSPs do grant Listed Building Consent and Planning Permission whether in the certain knowledge, or such knowledge absent by deliberate omission of advisors, accusations of FRAUD exist that undermine the integrity and probity of the planning system and bring the Scottish Executive and Parliament into disrepute **to whom do I complain?**

Yours faithfully,  
David C Wilson

**NO REPLY**

22 January

SPSO,  
4 Melville Street,  
Edinburgh.  
EH3 7NS.

**Complaint Against Historic Scotland Regards management of the current Planning Application to redevelop The Museum Hall in so much as it has failed to respond, as it is obliged so to do, to accusations of fraud as required by the SCOTTISH EXECUTIVE POLICY STATEMENT AND SCOTTISH EXECUTIVE FRAUD RESPONSE PLAN. The said Response Plan covers internal and external fraud issues and demands responses and actions to accusations of fraud. This complaint is dated twenty-second of January, two thousand and seven.**

Dear Mr ,

I refer you to the introduction of the SCOTTISH EXECUTIVE FRAUD POLICY STATEMENT quoted below. At no point in any of the Scottish Executive papers on fraud does it require anyone to be arbiter or to have a view on whether fraud has occurred. The key point is that **accusations must be investigated and they have not been.**

**Quote:**

Introduction

1. The Scottish Executive requires **all staff** at all times to act honestly and with integrity and **to safeguard the public resources for which they are responsible**. The Executive will not accept any level of fraud or corruption; **consequently, any case will be thoroughly investigated and dealt with appropriately. *The Executive is committed to ensuring that opportunities for fraud - both internal and external - are reduced to the lowest possible level of risk.***

**Purpose**1. This Fraud Response Plan sets out arrangements to ensure that when suspected frauds against the Scottish Executive are reported, prompt and effective action is taken to:

- investigate the circumstances;
- minimise the risk of subsequent loss;

**End of Quote.**

I make several points regarding the accusation of fraud and deception which are as follows. Historic Scotland is obliged ***“to safeguard the public resources for which they are responsible”***

**1 Historic Scotland is responsible for the management of part of the planning process against which consequently accusations of fraud have**

been ignored despite the Scottish Executive demand that, *any case will be thoroughly investigated and dealt with appropriately.*

2 Historic Scotland administers funds. If any of this funding were offered to a development scheme in the certain knowledge that accusations of deception and fraud had been made in that the sole reason for the redevelopment scheme being in existence is based on deception then a serious offence would occur. ***The Executive is committed to ensuring that opportunities for fraud - both internal and external - are reduced to the lowest possible level of risk.*** If competent investigation by the Scottish Executive does not occur it is clearly possible that Historic Scotland staff become complicit in fraud as opposed to being one of the victims.

3 The **Scottish Executive Policy Statement on Fraud** states the following:- **Fraud can be perpetrated by persons outside as well as inside an organisation and by collusion. The criminal act is the attempt to deceive and attempted fraud is therefore treated as seriously as accomplished fraud. The term "fraud" is used to describe such acts as deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts, and collusion.** It is usually used to describe depriving someone of something by deceit, which might either be straight theft or misuse of funds or other resources, or more complicated crimes like false accounting and **the supply of false information.** Historic Scotland's duty is to protect the built heritage and part of that protection **is to protect the Scottish Executive from being robbed, by deception, of its integrity, its efficacy and its probity and in this they have, thus far, failed.**

4 **"The Civil Service Code** sets out the constitutional framework within which all civil servants work and the values they are expected to uphold."

**Quote:**

**"This Code should be seen in the context of the duties and responsibilities set out for UK Ministers in the Ministerial Code, or in equivalent documents drawn up for Ministers of the Scottish Executive or for the National Assembly for Wales, which include:"** accountability to Parliament or, for Assembly Secretaries, to the National Assembly;

**the duty to give Parliament or the Assembly and the public as full information as possible about their policies, decisions and actions, and not to deceive or knowingly mislead them; the duty not to use public resources for party political purposes, to uphold the political impartiality of the Civil Service, and not to ask civil servants to act in any way which would conflict with the Civil Service Code;**

**the duty to give fair consideration and due weight to informed and impartial advice from civil servants, as well as to other considerations and advice, in reaching decisions; and the duty to comply with the law,**

**including international law and treaty obligations, and to uphold the administration of justice;**

5 “Civil servants should serve their Administration in accordance with the principles set out in this Code and recognising:

the accountability of civil servants to the Minister or, as the case may be, to the Assembly Secretaries and the National Assembly as a body or to the office holder in charge of their department; the duty of all public officers to discharge public functions reasonably **and according to the law;**

the duty to comply with the law, including international law and treaty obligations, and to uphold the administration of justice; and ethical standards governing particular professions.”

**End of quote:**

Clearly, if Ministers have put their name to **Executive Policy Statements they insist on their demands being complied with.** It is almost inconceivable, presumably, that Ministers could endorse and/or approve a planning application **where civil servants have told them of accusations of fraud and deception being the only reason they are able to give deliberation to that particular planning application.** If Civil Servant’s have not informed Ministers of these accusations they have mislead them, contrary to the Civil Service Code. If the planning process has not yet reached Ministers for their deliberation then clearly Historic Scotland have still got time to inform Ministers of the accusations regarding fraud. This, however, does not alter the necessity of reporting accusations of fraud immediately, in the first instance, to the in-house Audit Committee.

**Deception enabling the destruction of property, Listed property, protected by the will of parliament and the removal of ownership by the common good of local people by deception, is fraud.**

**Quote:- FRAUD: ANNEX 2**

## **SCOTTISH EXECUTIVE FRAUD RESPONSE PLAN**

Purpose

1. This Fraud Response Plan sets out arrangements to ensure that when suspected frauds against the Scottish Executive are reported, prompt and effective action is taken to:

- investigate the circumstances;
- minimise the risk of subsequent loss;
- ensure that appropriate recovery action is taken or, failing recovery, to initiate
- action to write off any losses;
- remedy any weaknesses in internal control procedures;

- **initiate disciplinary and legal procedures, where appropriate; demonstrate that the Scottish Executive is not a soft target for attempted fraud;** and maintain a record of reported frauds and provide report to senior management on the progress of cases and outcomes.

**End of quote.**

**Failure to comply with Scottish Executive Policy Statements and accusation response plans, failure to comply with civil service codes by ignoring accusations of fraud are, I believe, MALADMINISTRATION.**

It should not fall to me to tell the Scottish Executive it is obliged to carry out its own Policy Statements and/or Response Plans, they know this perfectly well. If, however, they ignore their own policy statements and Response Plans that is another complaint. If the Scottish Executive wish to demonstrate, as they state, it “is not a soft target for attempted fraud” they will be looking for witnesses with regards accusation of fraud. To this end, whilst recognizing it is not my role **and as such this paragraph, and subsequent paragraphs, do not constitute part of the afore mentioned complaint,** may I suggest that it may be suggested that **CBE**, Chair of the National Lottery’s Heritage Fund is consulted regards Heritage Fund criteria and whether or not she considers her view, as related to me in letter, as being diametrically opposed to what was the conclusion of the Court of Session. **The Chief Executive of Historic Scotland** has already confirmed **’s** view and the view he received, as did I, was, and is, diametrically opposed to what the Court of Session was told by Stirling Council. **‘Insufficient heritage value’ is diametrically opposed to sufficient heritage value.** Evidence of deception by Stirling Council is contained in the two Reports produced by the appointed Court Reporter the conclusion of which is reflected in the Opinion of Lord Penrose.

Further sources of evidence which could be useful to any inquiry into fraud allegations would also include **the Opinion of Lord Penrose** who, in much of his Opinion supports the notion and concept of saving the Museum Hall as Bridge of Allan’s Public Hall and noting much good use would be made of it. The pivotal issue was the issue on which he and the appointed Reporter were deceived, external finance reasonably available to the Council. Presumably **The Scottish Executive** will not conclude it is unreasonable for a Council to apply to Historic Scotland and the National Lottery for funding to restore a building **they say should be preserved. Quote: “no worthwhile building of architectural or historic interest is lost to our environment unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it.”**

**End of Quote**

David C. Wilson

The Office of The First Minister  
St. Andrew's House,  
Regent Road,  
Edinburgh.

### **Complaints Against 'Ministers'**

**Complaint; Failing to abide by the definitions and obligations in the Scottish Executive Fraud Policy with regards the complaint of complicity in fraud I have made against Ministers.**

**Complaint; Failing to adjust Executive attitude and policy as to be in accord and commensurate with, the fraud policy previously referred to. Complaint; Failing in the duty of care Ministers have regarding an Historic Building Listed by the Scottish Executive as Grade B and failing to protect the equality of designation of that official 'heritage value' grading within that category and allowing The Grade B Museum Hall to be re-designated in heritage value terms as of insufficient heritage value to attract lottery funding. That is to say the Grade B Museum Hall has, according to the Court of Session the same level of heritage value as a building with no Grade at all despite the Scottish Executives official Listing reflects a degree of equality of heritage value within each grade. A Grade B is as a Grade B anywhere and the Scottish Executive/Ministers are aware of the deception that enabled that re-designation.**

**Complaint; Failing to maintain integrity, probity and legal legitimacy in the Planning System for which the Scottish Executive are responsible. The planning system has been abused and rendered complicit in fraud by allowing it to be an active and essential component in the success of perpetrated fraud when the ability to stop that fraud and abuse of the system lay(s) with 'Ministers.'**

**Complaint; Failing to recognise the Opinion of Lord Penrose regarding Listing on the grounds they have the certain knowledge that a Grade B is as a Grade B anywhere but refuse to recognise, in similar fashion, that the pivotal evidence removing the Museum Hall from eligibility for consideration by the National Lottery's Heritage Fund was and is a falsehood despite arguing that the Museum Hall was/is eligible for such consideration and having ascertained from the National Lottery's Heritage Fund that that is the case. It is reckless stupidity, if not a great deal worse, to defend as if legitimate what is known to be wrong when the subject is pertinent to the proper deliberations expected of Ministers in the execution of their duties.**

**Complaint; Failing to protect a Grade B Listed Building by failing to implement and uphold the Scottish Executive's own crystal clear, unambiguous, categorical policy i.e. "no worthwhile building of architectural or historic interest is lost to our environment unless it is**

**demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it.”**

**Complaint; Failing to show full and proper respect to and for an Official Repairs Order served on Stirling District Council and failing to recognise and concede the intent of that Order served by Historic Scotland on behalf of the Secretary of State for Scotland was to maintain the building in the same condition as was the case at the time of implementation of the Order and thereafter for failing to recognise and concede that such Orders cannot be served on buildings beyond viable restoration. Nor have Ministers recognised or conceded that the Museum Hall, **obliged to be preserved by Official Order in a viable restorative state remains in a viable restorative state in consequence of the Official Repairs Order.** The Order was imposed after years of civic neglect designed to cause as much damage as possible in order to get the result they wanted. **The Arbiter of viable restoration was, of course, Historic Scotland!****

**Complaint; Ignoring The Opinion of Lord Penrose who asserts in Opinion that he is in no doubt that good use would be made of a restored Museum Hall and that the Museum Hall would be lost if redeveloped and that the Museum Hall would be ‘lost’ by redevelopment.**

**Complaint; Failing to have a means of ensuring the upholding of law is mandatory within the Scottish Executive and all sectors of the governance of Scotland and that accusations of lawbreaking be taken seriously and investigated and that every accusation is investigated by the appropriate authorities as the condition of service encompassed by the expression ‘uphold the law’ requires.**

**Complaint; Establishing as policy *unlawful conduct as an acceptable means to an end* in defiance of all that is ethical and all that is indicative or definitive of probity, in defiance of the Code of Conduct and in defiance of the law itself thereby exposing the judicial system to corrupt exploitation and recklessly allowing the Scottish Executive to being held to political or commercial ransom in future events and issues when it seeks to impose the obligations of ethics, probity and legality in other circumstances.**

**Complaint; Bringing the reputation of the Scottish Parliament and Scottish Executive into disrepute in consequence of aforementioned complaints all of which remain unresolved.**

**Fraud does not vary or alternate between legal practise and illegal practise in consequence of location, date, perpetrator, friends, cronies or colleagues past or present, of perpetrators or the preference for a particular outcome by political and civil members of all or any form of government national or local by any which way methodology it/they can achieve.**

**There appears to be pretence on the part of Ministers that if they sanction the means of fraud succeeding they are not endorsing the fraud as if legitimate and ethical conduct and that by endorsing fraud they do not become complicit in that fraud when in fact they do.**

**One cannot surmise with the legitimacy of any defined legality someone knowingly providing the means of say fraud, or any other offence to claim innocence because they did not engage in the fraud or other offence themselves when first perpetrated but simply enabled it to progress to success whilst all the time having the choice of stopping it's progress. Any component of a criminal act that is pivotal, that is to say, the crime cannot succeed without that component is, without a shadow of a doubt, complicit in the crime in question.**

Numerous accusations of fraud made by me have been ignored or side stepped but **not a single politician or civil servant has made the claim that the fraud that features in my accusation is not fraud**. It therefore follows, even on the most elementary level of analyses that they, each and everyone, recognises the possibility of **the accusation of fraud being actual fraud. This said they ignore what clearly they recognise as at the very least, as being possible**. The only possible interpretation of this double standard is that regardless of whether it is fraud or not they are not going to oppose or investigate it. Apart from anything else this is deceit perpetrated on the people of Scotland which is supportive of unlawful conduct prevailing over the law, justice and natural justice and this is an arrogant affront to democracy.

**When the possibility of fraud exists it cannot be ignored and covered up without those ignoring and covering up becoming involved in unethical and unlawful conduct. Presumably damage caused to an important Listed Building is criminal damage if the means by which damage was sanctioned was itself the sole means of ensuring success of a fraud that made all subsequent actions possible.**

The First Minister, Ministers, MSPs, Civil Servants, Councillors, local authority Executives, Local Authority Planners and all other local authority staff are obliged to uphold the law. **'Uphold'** is defined as ***to maintain or affirm in the face of a challenge***. All codes of conduct require nothing less than the upholding of law and the maintenance of ethical standards and probity in conduct. A 'challenge' to the law has been made which involves Ministers either allowing that challenge to succeed or preventing it from enjoying success.

It is clear that Ministers unwillingness to maintain integrity in the legal and planning systems by turning a blind eye and deaf ear to complaints of public sector fraud requires the incentive in the form of penalty when refusing to uphold the law. **Permitting fraud to succeed is not upholding the law**. Assisting fraud to succeed, even by failing to act against it, is not upholding the law. Failing to have accusations of fraud investigated is not upholding the law. **Failing to act on complaints of fraud also exposes the entire**

**Scottish Executive to the suggestion that when fraud is ignored then so too there may be others, there may in fact be any number of frauds perpetrated. There is always a willingness on the part of many to think the Scottish Executive is rotten to the core, this failure to act only encourages such talk and the sad thing is that in this case there would be some justification. The fraud I allege is blatant, the actions of Stirling Council corresponds exactly to the terms of Scottish Executive Fraud Policy definitions and as if that wasn't enough the CEO Historic Scotland has confirmed that the view given to the court and accepted by the court as true regarding the National Lottery's Heritage Fund and indeed Historic Scotland Grants are the complete opposite to the truth.**

The notion that MSPs and Ministers can use the expression 'uphold the law' as if a sound bite and **ignore a challenge that undermines the integrity of judges, the integrity of courts, the integrity of laws and the integrity of the Scottish Parliament and it's Executive is not only wholly absurd it subverts democracy by subverting the very bases of any democracy and that is justice.**

**The challenge to law I refer to is falsehood, deception and the omission of material evidence presented to a court in order to deprive the people of Bridge of Allan and others in the wider Scottish community of the Listed Grade B Museum Hall Public Hall all of which is dependant for it coming to pass on the hands off approach by Ministers.**

**The Scottish Executive Fraud Policy definition of fraud is categorical, is unambiguous and is precise; "It is usually used to describe depriving someone of something by deceit" Scottish Executive Fraud Policy.** Ministers argue with their own policy when their own policy asserts fraud has occurred and Ministers don't give a damn.

It is shameful and disgraceful that Ministers and Executive staff set themselves up above the law as if rulers of some strange numtydom where law is made up by dictatorial whim and fancy when in fact Scotland has a proud heritage not just in our fine heritage including our public halls etc. but in our legal system as well. **Treating fraud with a nod and a wink in order to protect decay in the system in the stead of seizing the opportunity to cut it out and make the system as clean as it can be is an absolute disgrace.**

**The cavalier attitude exercised so well by Ministers and those who represent and advise them in terms of the evading of responsibility for allowing a fraud to succeed whilst simultaneously endorsing a contempt of court and negation of government policy is not, by any standard, upholding the law.**

**I have sought, but not received, rational explanation of why *falsehood, deception and the omission of material evidence* is not, according to the Scottish Executive, fraud when that statement amounts to the entire bases of the definition used by the Scottish Executive to define Fraud.**

Rational explanation as to why Ministers and civil servants defy the published terms of the Scottish Executive Fraud Policy has not been provided. **Reasons why a fraud that requires their endorsement directly or indirectly does not involve them have not been made.**

**I have sought explanation and answer to the question *how could such a fraud be successful without the endorsement/cooperation of every single stage of the planning system* up to and including Ministers but no such explanation or answer has been provided nor can it be other than the Executive admit that this fraud can only succeed with the cooperation of Ministers in the Planning Process turning a blind eye and deaf ear to accusations of illegalities that by right of law demands rendering the planning permission null and void.**

**The planning process is totally flawed by the acceptance by Ministers that accusations of unlawful conduct do not have to be investigated and that the failure of the system in so much as legal obligation for those in the planning system to consider every complaint, objection or opinion was just simply ignored by Stirling Council and complaints to the Scottish Executive saw an intensive effort to ignore it as if it were either normal or of no legal consequence. Fraud is illegal, a planning process that only exists or existed because it was enabled by a fraudulent action of which the planning system is vital for the success of the fraud in question is therefore not a legal framework for a statutory procedure. One cannot comply with a statutory procedure by breaking the law. Explanation as to why contempt of Court that consequentially involves Ministers in Fraud which shames the Scottish Executive/Scottish Parliament and effectively waves two fingers at the Scottish People as if demonstrating *we have power and we can do this if we want to – the law is just for the little people and we are the big guys on the Scottish Block and we can fix anything* is of no concern to Ministers has not been provided despite every effort to attain.**

Historical Note; The two finger gesture, a gesture of derision started when the English Long Bow with its unique construction had devastating effect on the French army. French prisoners taken were given the two finger gesture by their captors indicating the two fingers that pulled their bow strings enabling capture.

**If the Scottish First Minister seeks a fair honest open and equal society he should seek Judicial Revue of their policy presently in practise and subject of this complaint that currently demonstrates the Scottish Executive gives endorsement to unlawful conduct as a justifiable means to an end. The Scottish First Minister will not, of course engage this simple solution because he, and all his Ministers know the answer without doing that, IF ONLY THEY WOULD ADMIT IT.**

**On any other occasion in the future when the Scottish Executive then seeks to assert unlawful conduct is not an acceptable means to an end this tragic and miserable farce will rear it's ugly head again unless**

**Ministers decide now that the honour of the Scottish Executive and the Scottish Parliament along with respect for the courts, the judiciary and the people of Scotland is worth more than pandering to a few local party members in Bridge of Allan and Stirling regardless of how distinguished they may be.**

**If the complaints of fraud are true it follows, therefore, that Ministers must exercise their right to 'call in' the planning application or 'withdraw approval' in the interest of legal obligations, ethical standards and the respect of probity which must form a conscious and visible respect for the law and for the public good of the wider public of Scotland. To argue, as appears to be the case, that fraud can be in the public interest is a complete derogation of responsibility, contempt for law and contempt for the definitions provided by the Scottish Executive Fraud Policy.**

**Scottish Executive Policy Statement  
Friday, January 19, 2007  
FRAUD**

**"7. Fraud can be perpetrated by persons outside as well as inside an organisation and by collusion. The criminal act is the attempt to deceive and attempted fraud is therefore treated as seriously as accomplished fraud. The term "fraud" is used to describe such acts as deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts, and collusion. It is usually used to describe depriving someone of something by deceit, which might either be straight theft or misuse of funds or other resources, or more complicated crimes like false accounting and the supply of false information."**

**Explanation as to why my complaint to Stirling Council, part of the governance of this country and integral to the planning system for which Ministers are ultimately responsible against the planning application in question was ignored and civic contempt of regulations governing complaints was not considered pertinent or of concern to Historic Scotland/Ministers has not been provided. The legal obligation to consider all observations and complaints was ignored the planning procedure should have been halted there and then but it was not. If you countenance connivance for convenience you countenance conspiracy. The complaint was made to the Planning Departments Complaints Procedure and each complaint emphasised with enlarged bold print and the complaints of falsehoods deception and questionable legality were ignored on the grounds that the council were unaware the complaints were complaints.**

**Provisions surrounding Statutory Advertisements regarding planning applications oblige views of any member of the public be taken into account and that means there is a Statutory Duty to read responses or complaints in response to the Statutory Advertisement. The Civil Service**

Code, The Code of Conduct for Councillors and the law require accusations of falsehoods and deception - fraud to be investigated. There is, in deed, a categorical assertion by the Scottish Executive all accusations will be investigated.

**When Planners failed to take these accusations into account, when investigation of accusations did not occur, they endorsed, in the face of accusation, falsehood, deception and fraud as a legitimate part of a Statutory Planning Process. When they did not take these views into account the Planners failed in their duty under the law and so the planning process was flawed there and then.**

**Clearly if the regulations require all opinions to be taken into account and complaints challenging the legality of the process being employed are ignored and supervisory aspects of the Scottish Executive advising Ministers are aware of such complaint, and do not take heed or action, the probity of the entire planning process, up to and including 'Ministers' are entirely lost. Ministers have a duty to ensure ethical standards and legal obligations are not compromised in any way. An accident is one thing but a fraud is another thing completely and it is inconceivable that Minister do not know this.**

**My complaint to Stirling Council intimated many views wholly supportive of restoring the Museum Hall as well as a precise and wholly accurate quote from Lord Penrose's Opinion demonstrating his preference for restoration, condemnation of reducing it to 'the lowest common denominator' and acceptance that good and proper use would be made of the hall.**

**By the time of the planning application and my subsequent complaint the Council were in no doubt as to whether or not the Museum Hall was eligible for consideration by the National Lottery's Heritage Fund and Historic Scotland Grants contrary to the evidence they provided to the Court of Session. Lottery Funds were sought and received to enhance privately owned Grade C houses, flats and business properties. I do, in fact, attribute Stirling Council with the ability to place B before C in a graduated alphabetical order but perhaps others may disagree.**

**It should be noted that I have faithfully reproduced many times the wholly accurate and in context Opinion of Lord Penrose favouring restoration and condemning redevelopment and that on every occasion the recipients of my complaints have treated his Opinion with contempt because they know the truth, they know what formed the conclusion in the judges Opinion was not the truth but was in fact total disregard for honesty that provided falsehood, deception and omission of material evidence.**

**One can only assume that those who openly display contempt for the judiciary and those who openly support that contempt for the judiciary**

do so, probably for the assured reason, that powerful people will protect them or that they are powerful people in effect, above the law. The Scottish Executive has failed in its duty of care to consider the fragile legal position of the purchaser of property only made available for purchase by means of fraud and only purchased on condition planning permission is secured for the redevelopment of the property only made available by fraud and which would not be purchased without planning permission being granted or being 'called in.'

Given the property in question is only available by means of fraud the planning permission, if denied or called in by the Scottish Executive would prevent fraud succeeding and the purchaser would not be vulnerable in the future to enforcing purchase agreements on a flat or flats as the vendor if would be vendee(s) became aware of the unstable legal foundations of the vendor or indeed in other ways where the rights of the purchaser were challenged.

My list of complaints and requests for Ministerial answers was sent to my MSP by Recorded Delivery. My MSP who had the assertion 'Save our Halls' in his Election Manifesto is of the same Party as Ministers and access to Ministers is/was therefore guaranteed. In the absence of proof to the contrary, I must assume my requests for information and complaints of fraud going without investigation were sent to Ministers. It is certainly the case that Minister responded to confirm a view diametrically opposed to the influencing evidence presented to the Court of Session by Stirling Council. The Minister did mention Repairs Orders but appeared to be totally unaware of the Repairs Order or its function to which I referred to and was completely unconcerned as to complaints of fraud being the enabling factor of a planning application. The Repairs Order I referred to was the one served on Stirling District Council. This very limited and ill informed response was a long way short of answering all the issues raised in this complaint.

In the letters to my MSP I informed Ministers and asked questions but the absence of replies from Ministers could be the symptom of various possibilities but my letters, none the less, are intimations to Ministers of grievance regarding public sector fraud, failure to adhere to government policy, failure to respect the courts by failing to challenge the deception of the court and demands for proper ethical honourable conduct upholding the law. Legal status cannot be conferred on actions or functions enabled by unlawful conduct.

Strangely enough I wrote to my local councillor of the same party as my MSP and Ministers and he too failed to respond but again I must assume, in the absence of proof that he contacted our MSP and our MSP contacted Ministers. It is certainly the case that justice appears to take a lower level of importance than giving over our public hall that belongs and should serve to the benefit the many and not the interests of the few.

**I don't know, although I should do, whether or not my MSP and one of my Councillors acted without prejudice, with integrity and honour or not. If Ministers deny the contacts integrity and honour and acting without prejudice would require were made then they accuse these people of these ethical deficits. If they have been made, why have I not received the answers to the serious questions raised on my behalf? It may be that standards are very low but that is not an argument for failing to act against fraud.**

**The accusation of falsehood, deception and omission of material facts I make against Stirling Council are not complex. Stirling Council was asked about finances available to it regarding possible restoration of the Museum Hall. Stirling Council misled the court and omitted material evidence regarding the pivotal issue of finance available to the council.**

**It is inconceivable that a Stirling Council Executive representing the corporate body of the council who was warded the CBE, after success in court on behalf of Stirling Council, for excellence could possibly, therefore, be unaware that the legal position regarding liability and the legal position regarding responsibility is Corporate and those departmental services and/or their budgets are not responsible or liable?**

**It is inconceivable that a Stirling Council Executive representing the corporate body of the council who was warded the CBE, after success in court on behalf of Stirling Council, for excellence could possibly be unaware, therefore, of the existence of Stirling Council's Corporate Capital Budget? The council executive certainly new before this question of finances and after this question of that there is/was no doubt. **Public Council records will show Stirling Tolbooth was refurbished with one million pound from the council budgets along with external funding of over four million pounds.****

**It is inconceivable that a Stirling Council Executive representing the corporate body of the council who was warded the CBE, after success in court on behalf of Stirling Council, for excellence **could possibly be unaware, therefore, of the existence of a Corporate seven figure Contingency Budget?****

**It is inconceivable that a Stirling Council Executive representing the corporate body of the council who was warded the CBE, after success in court on behalf of Stirling Council for excellence would not know, therefore, the meaning of 'Contingency,' i.e. to cover the costs of unforeseen circumstances such as, say, a court, having heard **the truth** in evidence, denying the council right to alienate the Museum Hall from the Common Good and to reduce the hall **to the lowest common denominator**, perhaps indicating such redevelopment as **an unattractive policy and suggesting the council commit it's efforts to restoration!****

**It is inconceivable that a Stirling Council Executive representing the corporate body of the council who was warded the CBE, after success in**

court on behalf of Stirling Council, for excellence could possibly consider, therefore, **Historic Scotland grants** providing 25/30% of a new roof, underpinning, internal works supporting the exterior, drainage, down-pipes etc. **'small scale' and of little significance.**

**Note:** Historic Scotland/Scottish Executive Policy was effectively maligned in court but an Historic Scotland/Scottish Executive appears completely unconcerned and has not done anything to seek redress or amendment to a public record of the erroneous suggestion that Historic Scotland Grants are 'small scale' unless of course this is what they actually think.

**It is inconceivable** that a Stirling Council Executive representing the corporate body of the council who was awarded the **CBE**, after success in court on behalf of Stirling Council, for excellence could possibly consider, therefore that a **substantial annual expense for roof repairs** should feature in council evidence of 'running costs' for a restored hall **with a new roof**. The costs associated with restoration, quoted by the council, included a new roof.

**It is inconceivable** that a Stirling Council Executive representing the corporate body of the council who was awarded the **CBE**, after success in court on behalf of Stirling Council, for excellence could possibly consider, therefore that a building run as a charitable trust would get Rates Relief. Rates were included in the running costs identified by the Council.

**It is inconceivable** that a Stirling Council Executive representing the corporate body of the council who was awarded the **CBE**, after success in court on behalf of Stirling Council, for excellence could possibly, therefore, believe that the Museum Hall, a Grade B Listed Public Building in the midst of an Outstanding Conservation Area has **'insufficient heritage value'** to be **eligible** for consideration for funding from the National Lottery's Heritage Fund when all Listed Buildings Grades are eligible?

Note; The National Lottery's Heritage Fund was advised of the Opinion of the Court that they only funded Grade A Listed Buildings and of the assertions made by Stirling Council that formed the bases of the Court Opinion and declined to seek redress or amendment of the public record maligning or distorting it's policy.

**Given the Chief Executive of Historic Scotland has already established the Court was deceived** because he holds a view regarding the National Lottery eligibility **that is diametrically opposed to the view accepted by the Court** (provided by Stirling Council) as honest and true. Given the Chief Executive of Historic Scotland acquired the certainty of precise accurate information regarding the National Lottery's Heritage Fund from the Chair of Trustees of that organisation **he discovered himself that the court was deceived. His actions on discovering this was not as 'uphold the law' would demand his actions however were contrary to what uphold the law requires in terms of action. It is inconceivable** that a Chief Executive of Historic Scotland would be unaware of the Scottish Executive's Fraud Policy and definitions of fraud especially when I quoted them to him.

Ministers and Historic Scotland say that the fraud of which I complain, that is the fraud that can only succeed if Ministers allow the Planning System to be used to enable success of the fraud has nothing to do with them. It is argued by Ministers or those responding for Ministers that because it involves the decision of a court Ministers and Historic Scotland are obliged therefore to allow the success of the fraud as if the court demands fraud prevails on it's say so.

Who in this country would believe for one second that any member of the judiciary would condone fraud by virtue of the fact that deception and omission of material evidence was contemptuously exercised in the court's jurisdiction resulting in the court, based on deceptive evidence, concluding in Opinion something other than the truth. If Ministers are in doubt they should seek judicial review of whether or not a court deceived is a court content with deception in the belief that dishonesty is an honest endeavour.

A Court accepting views in good faith and belief honesty prevailed cannot be accused of knowingly supporting untruthful statements nor can it be held responsible for subsequent collaboration of the authorities in continuance of the fraud that collaboration is entirely attributable to the authorities in question.

Given that Ministers have not sought Judicial Review it would appear that they believe that a fraud, no matter how big or how small, if committed by the contemptuous deceit of a bona fide properly constituted Court of Justice must be given respect as if it were the product of honesty, was compliant with all laws and as such fraud is a legal pursuit. Such a view by Executive Law Makers is of course unlawful.

The following suggestion is not facetious nor is it contemptuous, it is essential and it is a suggestion of great importance; Ministers and all concerned in the Scottish Executive, whether political or civil servant should ask themselves the question *if I support falsehoods and deceptions what does that make me?* If they are truthful with themselves and don't like the only answer possible, they know who to blame for their own opinion and subsequent conduct and should understand when others blame them too.

According to Ministers/Historic Scotland, it requires a member of the public to ensure the probity, honesty and integrity of a Planning System under the management of Ministers and Historic Scotland. Allegedly there is not any mechanism or individual in the employ of the Scottish Executive that can handle complaints that Ministers are inveigled into complicity in fraud. This argument is an outrageous absurdity or an exposé of enormous proportions. The reality is that probity, honesty and integrity of the Planning System can only be restored by Ministers if it disallows the planning system from being used for enabling unlawful conduct to succeed or being tainted with deceit.

The law recognises the importance of those who enable success of dishonesty and unlawful conduct, why should Ministers enabling success of dishonesty and unlawful behaviour be any different from the general public, **why indeed would anyone claiming integrity and honesty as appropriate accolades for their self description consider such enablement of success for fraud to be acceptable?**

**Ministers and Historic Scotland are acting as if the Opinion of Lord Penrose is in some way obliging them to approve a planning application, or to wave all normal conditions requiring a Statutory Planning Application to exercise integrity and probity or indeed to allow fraud to succeed. There appears to be a contention on the part of Ministers and Historic Scotland that the three or four pages of Opinion was Lord Penrose rambling without thought or care for what he was saying and/or that everything other than the conclusion he made (having accepted evidence as honest and true) is his Opinion. Why then is his Opinion described as his Opinion at the beginning and not solely at the conclusion? Meanwhile, the Scottish Executive confirm the court was deceived by holding a view diametrically opposed to what the court was told which was accepted in good faith as if honest and true.**

**Extract from the Opinion of Lord Penrose demonstrating restoration to be more desirable than **loss** of the Museum Hall through redevelopment. "I am not satisfied the building had become redundant by the time it was closed, nor that it would not attract appropriate community uses if it were restored. Mr [redacted]'s\* findings on the potential uses of the hall illustrates a wide range of community and cultural which could be served if the hall were restored. It would have a practical use in the community in the local and in the wider community. Nor am I persuaded that it is material that Bridge of Allan is better served by the provision of recreational and cultural facilities than other districts in the Petitioners area. The argument that in comparison with other districts, Bridge of Allan can somehow afford to lose the Museum Hall because of other facilities which exist there is some what lacking in taste as well as being irrelevant to the central issue. If a community has developed and had the benefit of wide range of facilities over its historical life it is likely that that has been the product of local pride and the application of locally generated resources. Reduction of all to the lowest common denominator is not an attractive policy."**

**Lord Penrose – Court of Session**

NOTE: Lord Penrose makes it clear in his Opinion that redevelopment constitutes the **LOSS** of the Museum Hall. "The argument that in comparison with other districts, Bridge of Allan can somehow afford to lose the Museum Hall because of other facilities which exist there is some what lacking in taste as well as being irrelevant to the central issue." **To lose** the Museum Hall' **is a direct reference to redevelopment.** Reduction of all to the lowest common denominator is not an attractive policy" is a reference to Flats Redevelopment. That is the Opinion of Lord Penrose so why is it not the view of Ministers given Ministers have access to the truth that he was denied?

Ministers ignore what they know to be true and support with action that which they know to be untrue. How on earth can this be ethical conduct? Minister confirms The National Lottery's Heritage Fund is a possible source of funding but Minister support the conclusion of Lord Penrose in Opinion that asserts it is not. This acceptance of the product of deception as bona fide conduct creates a legitimacy for deception the consequence of which, in this case, is the alienation of a Grade B Listed Public Hall from the common good simply in order for it to be destroyed for the benefit of a privileged few at the expense of the many.

Ministers have failed in their duty to uphold the law and should seek Judicial Revue of the current Scottish Executive Policy of accepting Falsehood and Deception as legitimate forms of evidence and valid reason for the destruction of a Listed Building in the midst of an Outstanding Conservation Area that is protected by laws affording protection from unlawful conduct. Ministers should let us all see if the Courts agree with their ridiculous and dangerous concept of ethical standards and honourable conduct.

Ministers confirm key points of evidence are wholly and totally wrong but still they sit on their hands rather than get them clean by demanding ethical and honourable conduct prevails and our Courts have their protection as opposed to their present efforts that inevitably undermine the entire concept of honesty before the Courts, endanger justice as a right and expose Scotland to ethical and legal degeneration.

Meanwhile Ministers know that in every community in Scotland there is need and appreciation of community halls. Lord Penrose makes mention of local pride in his Opinion; "If a community has developed and had the benefit of wide range of facilities over it's historical life it is likely that that has been the product of local pride and the application of locally generated resources. Reduction of all to the lowest common denominator is not an attractive policy." Ministers ignore this part of Lord Penrose's Opinion albeit they know it to be true.

Another part of the Opinion of Lord Penrose ignored by Ministers is as follows "I am not satisfied the building had become redundant by the time it was closed, nor that it would not attract appropriate community uses if it were restored. Mr 's\* findings on the potential uses of the hall illustrates a wide range of community and cultural which could be served if the hall were restored. It would have a practical use in the community in the local and in the wider community. Nor am I persuaded that it is material that Bridge of Allan is better served by the provision of recreational and cultural facilities than other districts in the Petitioners area.

Ministers also ignore the Opinion of Lord Penrose when he asserts "Reduction of all to the lowest common denominator is not an attractive policy." In effect, Lord Penrose is referring to Ministers policy albeit the Ministers Policy is the blind acceptance of Stirling Council's Policy

**without so much as the courtesy of reading the Opinion of Lord Penrose or the integrity of challenging dishonesty with the truth.**

**Ministers should know Lord Penrose favoured, in Opinion, restoration to and for, the public use: Ministers know, as fact,** that the Museum Hall is eligible for consideration of Lottery Funding and that such is diametrically opposed to what the Court was convinced of being the case. **Ministers know** that Stirling Council has a Corporate Capital Budget of millions of pounds; **Ministers know** or can confirm that Stirling Council have a Contingency Budget over a million pounds per year; Ministers know as fact Historic Scotland Grants are worthwhile and are not what could normally be called '*small scale*;' Ministers know that funding was the pivotal issue before the Court of Session, and Ministers know the Court was deceived. **Probity of action cannot be founded on illicit or illegal foundations.**

**If Ministers have any regard for justice, honesty, integrity or indeed the Opinion of Lord Penrose' his favoured option would be honoured with compliance given that Ministers know the truth that Lord Penrose was denied. It is clear, however, that cash for dishonour should be allowed to prevail is presently the favoured option by Ministers despite the inevitable contempt of court, falsehoods, deception and concealment of material facts expose whilst at the same time Ministers hold the knowledge that such cash for dishonour cannot materialise as successful without their support.**

**NOT AT ANY TIME HAS STIRLING COUNCIL, HISTORIC SCOTLAND OR MINISTERS DENIED FRAUD HAS OCCURRED OR THAT THE PLANNING SYSTEM HAS BEEN USED, OR ABUSED, AS AN ENABLING MECHANISM FOR FRAUD TO SUCCEED OR THAT SUCCESS OF THE UN-DENIED FRAUD COULD SUCCEED WITHOUT MINISTERS GIVING APPROVAL OR REFUSING TO 'CALL IN' OR WITHDRAW IN THE NAME OF JUSTICE. PROCEEDING IN THE FACE OF ACCUSATION, WITHOUT DENIAL, IS, IN EFFECT, AN ADMISSION THAT THE ACCUSATION IS TRUE.**

Kenny MacAskill MSP responded recently in newspapers to Opinion giving Prisoners the vote asserting, against the Opinion "***This is utter nonsense.*** The European Convention on Human Rights should be about protecting people from cruelty, harm **and ensuring equality for law abiding citizens, not giving the franchise to those who do not respect the law and commit serious offences.**" I assert that Ministers are giving Stirling Council franchise do disrespect the law and exercise Contempt of Court. **As a Minister, does Mr. MacAskill favour the people who disrespect the law and commit serious offences undermining the law abiding citizens of Bridge of Allan and elsewhere throughout Scotland who expect, as of right, one law for all and equality before the law?**

If one gives support for fraud whilst holding a position that can stop that fraud progressing to success and fails to do so one fails, by any measure, the most basic test of integrity, honesty and probity.

**Ministers have failed to ensure that government policy which is crystal clear and armed with emphatic categorical statements be observed. Given that it is impossible to exercise the government policy after redevelopment it follows therefore that it must precede redevelopment when exercised. The acceptance by Ministers that failure to even attempt compliance by Stirling Council makes this policy a fraud. It says one thing and tolerates the extreme opposite and make pretence the official policy is honoured or that the official policy doesn't matter.**

**The Crystal clear, unambiguous, emphatic, categorical Government policy I refer to has thirty-six words nine of which only have two letters. The people of Scotland have the reasonable expectation and right to know whether or not 'Ministers' that run the country understand the meaning of each of these words. **Each word is unambiguous and enjoys a universal appreciation of understanding as to it's meaning.** This question has been asked but not answered and it is about time it was. I think it is the least Ministers can do is to assure the people they know what a policy means.**

**"no worthwhile building of architectural or historic interest is lost to our environment unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it."**

**"no worthwhile building of architectural or historic interest is lost" is a crystal clear and unambiguous categorical statement.**

**"Beyond all reasonable doubt" is a crystal clear and unambiguous categorical statement.**

**"that every effort" is a crystal clear and unambiguous categorical statement.**

**"has been exerted by all concerned to find practical ways of keeping it" is a crystal clear and unambiguous categorical statement.**

**For the Scottish Executive to do, as has been done, namely ignoring government policy, is nothing less than deceit and set alongside accusations of the planning system being used to enable fraud to succeed looks like collaboration on the part of Ministers/Historic Scotland.**

**Lord Penrose makes it clear in his Opinion that redevelopment constitutes the LOSS of the Museum Hall. 'To lose the Museum Hall' is a direct reference to redevelopment. Historic Scotland/Scottish Executive favour losing an important Historic Building Public Hall to favour wealthy developers and flat owners and deprive the community of their public hall whilst holding public purse strings that could assist restoration which in itself exposes the deceit of what the Court was told.**

**Historic Scotland/Ministers have demonstrated total disregard for Lord Penrose's Opinion given that both know Lord Penrose was treated with contempt by a local authority that deceived the Court with falsehoods and the omission of material facts. The response as to why government policy has not been followed or attempted is, clearly, contempt for government policy. *Don't want to* is not an adequate response. Not a single attempt to comply is the complete opposite of *'every effort has been exerted by all concerned*.**

**It is disingenuous of Scottish Executive/Ministers to ignore complaints of falsehoods deception and omission of material evidence whilst serving under the obligation of upholding the law, acting within the law, acting with ethical standards and probity of action and on top of that it/they confirm, as if true, that Historic Scotland Grants are small scale and insignificant.**

**It is said that respect is earned and not a right. Any surmised disrespect by me must be set against the case I have made in favour of ethical and legal standards and respect for the courts prevailing in order for respect to the people for the people and by the people to prevail in Scotland. The legal burden is on Ministers, MSPs and Civil Servants to uphold the law.**

**Whilst convenient, accepting deception, falsehoods fraud and contempt of court as if legitimate is not an honourable thing to do. This abuse of everything public representatives and civil servants stand for is outrageous and all the more outrageous because the issue is a small public hall in a small Stirlingshire town; It therefore begs the question *what do they get up to regarding big issues?***

**The culprits who have broken the law and the culprits who have been able to stop it but have not have in that stead held two fingers up to the concept of honourable conduct are not half witted young men of poor intelligence, intellectually challenged barely able to distinguish right from wrong but who are charged with wilfully destroying a Grade B Listed Building by vandalism. No, these people are obliged by law to uphold the law, these people are obliged to act with honesty and integrity, these people are highly paid, intellectually and mentally sound with the ability to distinguish right from wrong leaders of society who seek to cause, by their actions, the destruction of a Listed public hall but do so by abusing their position of trust and power in order to deceive a court, and by so doing display contempt for that court and the people of Scotland. Other people of similar distinction but on a much high level turn a blind eye and deaf ear to complaints of fraud, totally disregard their duty of honourable and ethical conduct and effectively seek to cover up the outrageous wrong doing of those below them.**

**The Ombudsman apparently rejects the Scottish Executive definition of fraud or it rejects the evidence that was taken by an Advocate (now elevated to the High Court of Judiciary) it can't have it both ways (unless MSPs let it).**



Chief Executive,  
SPSO,  
4 Melville Street,  
Edinburgh.  
EH3 7NS.

Dear Miss/Madam,

As you will know I have made complaints to the SPSO regarding the current Planning application regards the redevelopment proposals for the Museum Hall, Bridge of Allan's Town Hall. You will also know all complaints have been dismissed in favour of Historic Scotland's right to participate in **fraudulent conduct without any requirement for investigation of allegations being referred to the appropriate internal fraud investigators in accord with the demands of Scottish Executive Policy Statement on fraud and fraud management.**

The Scottish Executive's Statement on Fraud and all it's fine words are not, apparently, according to SPSO, worth the paper they are written on. It seems to me that the SPSO have attempted to completely negate the Scottish Executive policy on Fraud, internal and external. **Fraud directly affecting, adversely, the integrity of the Scottish Executive and Scottish Parliament does not, according to the SPSO, require to be investigated.** The Scottish Executive Policy Statement on Fraud is **categorical**, it does not allow or permit any cop out, it does not indicate any exception, the official view is, without question, uncompromising.

**"17. All cases of actual or suspected fraud will be vigorously and promptly investigated and appropriate action will be taken. The police will be informed where considered appropriate."**

Property issues are common place in the courts but, according to SPSO, the beneficiaries of pivotal issue deceit, and it's a matter of record courts can be, and are, deceived, **can commit fraud on any scale within the public sector and the Scottish Office Statements on Fraud and Fraud Management do not have to be complied with by civil servants. Civil Servants allowing accusations of fraud to go unchecked and not investigated and demonstrating complete disregard, if not contempt, for their civil service obligations are NOT GUILTY OF MALADMINISTRATION.** Where, precisely, does **your mandate** either **oblige you or allow you to negate official Scottish Executive guidance on the issues of complaints and accusations of fraud** or for that matter, the Civil Service Code?

The SPSO premise appears to be that the deception took place years before the planning proposal. I **have repeatedly stated that the complaint is about the current Planning issue**, I have repeatedly said '**arguably**' **Historic Scotland, prior to planning application could have argued and almost certainly would have, that as there was not a planning application so the building was not in threat of destruction by unlawful means and as such**

**the threat was theoretical.** Arguably Historic Scotland would have had a sound case if they had made such argument, **then.**

**This issue is not time barred regarding complaint, the complaint is regards a current planning application.** You may as well say it is time barred because the hall I mention is over a hundred years old.

**Is SPSO asserting that the Court of Session was not acting as a Court but a Planning Stage on behalf of the local authority? That unlikely scenario is the only way Historic Scotland, as arbiter in a planning process, could be party to, and guilty of the complaint I have made and be time barred regarding complaint to SPSO.**

**The fact is that there exist clear and precise orders to civil servants what to do with complaints or allegations of fraud and these have not been exercised as required and that dereliction of duty is, apparently, approved of by the SPSO.**

**I do not believe Mr. , SPSO Investigator, is as ill informed as he appears to suggest by his actions. It is my belief that SPSO is under pressure from others with either greater political or executive clout or larger budgets who threaten to exhaust the relatively limited SPSO budget, completely, if you side with, endorse and/or comply with my complaint that Historic Scotland is not preventing fraud, as required but condoning it, thereby involving Ministers in making a decision on a planning proposal marred and tainted by fraud, in any event I think your budget is too small.**

**The official Statement of Guidance issued by the Scottish Executive is, as much as anything else, to protect Ministers from involvement, accidentally, involuntarily or otherwise in unethical and/or unlawful conduct. MSPs and Ministers are obliged to uphold the law and to act ethically.**

**There cannot be many, if any other, in the field of ethical analyses who would, or could, conclude a failure to comply with Executive obligations regards the issue of fraud is not maladministration.**

**After the commencement of the current planning process the theoretical threat became a real threat, deception with theoretical consequences became Fraud with real consequences.**

**After this planning issue started Historic Scotland **became involved in the adjudication process. Historic Scotland must take account of any allegation of unethical and/or un-lawful conduct that is involved in an issue before it gives advice to Ministers. This is FACT but SPSO apparently dispute this although I have not had site of, or reference to, any direct challenge by SPSO to the Scottish Executive and it's statement of policy on the issue of fraud or any quote from any source of law or legal entitlement to hold views having authority or ascendancy of influence enabling justification of SPSO stance.****

If SPSO believe the Scottish Executive Policy on Fraud is wrong, is flawed or only applies to frauds not involving the words 'Museum Hall' then they should take it up with the Scottish Executive, but until that unlikely event SPSO SHOULD COMPLY WITH THE SCOTTISH EXECUTIVE POLICY ON FRAUD AND SEEK ADVICE ON WHAT CONSTITUTES MALADMINISTRATION. The Oxford Dictionary's definition of maladministration is "manage badly or improperly". SPSO suggest, by it's actions, that to ignore complaints/accusations of fraud is as to act properly, to enjoy the comfort of probity. I, and millions of others, would disagree with any such assertion.

The following web site offers a more comprehensive analyses.

[education.qld.gov.au/corporate/doem/humanres/hr-07001/sections/glossary.html](http://education.qld.gov.au/corporate/doem/humanres/hr-07001/sections/glossary.html)

**"An administrative action that is unlawful, arbitrary, unjust, oppressive, improperly discriminatory, or taken for an improper purpose."**

It is not lawful for any part of the Scottish Executive to involve itself with any fraud nor is it lawful that accusations of fraud go uninvestigated. Fraud is unlawful, accusations of fraud not investigated becomes, as I understand it conspiracy, this too is unlawful both in terms of Scottish Executive and Civil Service protocols and the law.

**Question: Has SPSO acquired copy of the fraud policy, or made inquiry to the Scottish Executive regarding the Policy Statement on Fraud?**

**Question: Has SPSO written to the Scottish Executive to inform them of SPSO decision that Scottish Executive Fraud policy is not compulsory and/or does not apply to Historic Scotland?**

**The fraud management procedure is there, among other reasons, to protect the integrity of 'Ministers' and Parliamentarians. Having staff ignoring accusations of FRAUD is not, to my mind, protecting the integrity of Ministers or Parliament but risking their direct involvement.**

I want to know from you which part of the Scottish Executive Fraud Policy Statement **you think does not apply to the allegation I make against Historic Scotland?** The Scottish Executive Policy on Fraud **does not prohibit, at any point, the investigation of possible fraud for any reason nor does it specify any limitation on the use of the word fraud other than the definition of fraud itself as made by them.** I concur with the Executive definition of fraud.

The SPSO are effectively asserting that someone external and/or internal to the Scottish Executive could/can defraud the Executive out of millions of pounds in the face of relentless accusation of fraud not being investigated and that **given the certain knowledge of the accusation the Scottish Executive must rely solely on a member of the public to report the**

accusation to the police otherwise such frauds can go on ad infinitum. For such conduct to prevail under the guise of ethical conduct is, I think, outrageous.

The SPSO are almost suggesting that the **Scottish Executive policy statement on deception, is a deception** and that the Civil Service Code was drawn up for some other reason than demanding ethical conduct in public life but certainly not anything one should take seriously.

Clearly the SPSO are asserting that the fraud policy does not apply to accusations of fraud and that a failure to comply with Executive Policy and/or the Civil Service Code is not maladministration. If, as SPSO does, one asserts an accusation of fraud not being investigated is not maladministration it must therefore be acceptable conduct.

If any member of SPSO should ever run for election to parliament I do not suggest that as the hallmark statement in an election address one suggests directly, or indirectly, that fraud is acceptable and honourable conduct. MSPs are obliged, by their Code of Conduct to 'uphold the law' and 'act with integrity' as indeed are Councillors as stated in their Code of Conduct.

Interestingly the SPSO view that Historic Scotland should not bother acting regards accusations of fraud is countered by Historic Scotland if reports in The Scotsman Newspaper are to be believed "**Police confirmed that** Historic Scotland, which is managed by chief executive Graeme Munro, had called them in to investigate the alleged fraud."

<http://edinburghnews.scotsman.com/index.cfm?id=.697692004>"

Historic Scotland is charged with protecting the nation's built heritage but in the case of the Museum Hall they are permitting it's loss set against an accusation of conspiracy deception and fraud and this, SPSO, believe is ethical behaviour and not maladministration.

Conspiracy deception and fraud reduces the will of parliament to worthless endeavour not worthy of being upheld and this, SPSO call acceptable. Parliament is made to appear as a pawn of an executive of a Scottish Executive division charged with protecting the built heritage. Destruction by means of fraud is, I believe, criminal damage (damage occurring by means of an unlawful act) robbing parliament of it's will that this building be protected from criminal damage and/or a planning system tainted with fraud.

Once again I draw SPSO notice to the  
"Scottish Executive Policy Statement on Fraud

**FRAUD: ANNEX 2**

**SCOTTISH EXECUTIVE FRAUD RESPONSE PLAN**

**Purpose**

1. This Fraud Response Plan sets out arrangements to ensure that **when suspected frauds against the Scottish Executive are reported, prompt and effective action is taken to:**

- **investigate the circumstances;**
- minimise the risk of subsequent loss;

- ensure that appropriate recovery action is taken or, failing recovery, to initiate action to write off any losses;
- remedy any weaknesses in internal control procedures;
- initiate disciplinary and legal procedures, where appropriate;
- demonstrate that the Scottish Executive is not a soft target for attempted fraud; and outcomes.

Interestingly a distinguished Law Lord has made it clear, in Opinion, that redevelopment of the Museum Hall would represent **loss**.

**21. External frauds are frauds perpetrated by third parties against the Scottish Executive (e.g. contract fraud or fraudulent applications for grants or subsidies). If there is any suspicion of collusion on the part of departmental staff in a suspected or discovered external fraud, the procedures relating to internal fraud should apply as appropriate, given any requirements arising from ongoing Police/Procurator Fiscal investigations. Subject to that condition, the Fraud Response Plan for external frauds is as follows:**

- Business areas with significant grant-giving or contract-letting responsibilities should have detailed procedures in place for preventing, detecting, **investigating** and dealing with external fraud, the terms of which should be approved by the relevant departmental Finance Team. These procedures should make specific provision for reporting the incidence of external fraud to the Co-ordinator. Details of frauds that may have implications / lessons for the wider Scottish Executive should be notified to the Co-ordinator immediately that they come to light.
- Cases of suspected external fraud in business areas that do not have approved procedures in place should be reported to the Co-ordinator as for internal fraud. If the case is a straightforward one, the Co-ordinator may direct the case to the relevant Finance Team Leader to pursue with line management. If fraud by a supplier is suspected, the Head of the Scottish Procurement Directorate should be informed directly or via the Co-ordinator.
- **The advice of the Co-ordinator and the Fraud Response Group (e.g. on such issues as when to contact the Police/Procurator Fiscal) will be readily available to staff handling cases of suspected external fraud. The guiding principle is "if in doubt how to proceed, contact the Fraud Response Co-ordinator".**

## **FRAUD ANNEX 1**

**“9. [Audit Committees](#) are established by the Principal Accountable Officer and Departmental / Agency Accountable Officers to support them on issues of risk, control and governance and associated assurance. The Scottish Executive Audit Committee and Departmental / Agency **Audit Committees therefore have a general responsibility for monitoring the operation and effectiveness of anti-fraud arrangements and these Committees may require regular reports on fraud activity.****

## **Conclusion**

**17. All cases of actual or suspected fraud will be vigorously and promptly investigated** and appropriate action will be taken. **The police will be informed where considered appropriate.** In addition disciplinary action will be considered not only against those members of staff found to have perpetrated frauds but also against managers whose negligence is held to have facilitated frauds. Both categories of offence can be held to constitute gross misconduct, the penalty for which may include summary dismissal.”

The expression used by the Scottish Executive e.g. **All cases of actual or suspected fraud will be vigorously and promptly investigated is not theoretical or optional it is a categorical statement.** The SPSO, by it's attitude thus far display contempt for official guidance produced by the Scottish Executive.

Regards my complaint regarding the **Emergency Repairs Order** served on Stirling Council by the then Secretary of State for Scotland in order to **preserve the Museum Hall in the state it was at the time of the Orders serving has not been answered.** There is not anything *theoretical* about this **ORDER** or its objective and I want to know why such an assertion is made?

The Rt. Hon. Malcolm Rifkind MP QC was not and is not theoretical; The Rt. Hon. Ian Lang MP was not and is not theoretical; The **ORDER** was not and is not theoretical, The terms, conditions objectives and obligations printed on the **ORDER are not theoretical.** The law pertaining to the conditions allowing for such **ORDER** to be made **are not theoretical,** the law allowing exercise of such an **ORDER is not theoretical.** My claim that the **ORDER** was made and served on Stirling Council, and its Leader Jack McConnell **are not theoretical.** My claim that the objective of the **ORDER**, in compliance with the legal bases for the **ORDER** was and is to maintain the building in a condition of viable restoration **is not theoretical.** This set against the Scottish Executive's policy regards Listed Building that *“no worthwhile building of architectural or historic interest is lost to our environment unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it”* **make it clear what the Executive's policy must be unless the Scottish Executive have no faith in their own policy. They can't have it both ways.**

It seems to me that I am quoting directly from various official Codes of Conduct and referring to law pertinent to the points I make and also bona fide **ORDERS** and it is SPSO that promote **theoretical values not shared by any law, Scottish Executive directive or Civil Service code of ethical conduct.**

**Please provide me with copy** of any correspondence, notes, email etc. and/or details of caller and time duration of any such telephone conversations you or any member of your staff have made or received to/from any MSP regardless of any other title any such MSP may hold, if any such occurrence has occurred or anyone acting on behalf of, or in the employ of, any MSP regarding this issue of fraud and/or the Museum Hall, if such has occurred.

Please provide me with copy of mail and/or email responses you may have received from Historic Scotland and details of any telephone conversations that may have occurred. Has Historic Scotland made any suggestion of threat, directly or otherwise, to exhaust SPSO budget if you pursue my complaint. I believe Historic Scotland's budget is sufficient to be able to consume SPSO time and budget limitations and I also believe there must be a reason for your willingness to defy the Scottish Executive Statement on Fraud and Fraud Management?

**For what it is worth, I think your investigator is far brighter and more informed than he appears willing to demonstrate but if SPSO are not to appear as white wash contractors for the Scottish Executive, or factions there in I think some reappraisal is necessary.**

I am aware that some find what I have to say as offensive but personally I think the destruction of a building protected by the will of parliament and by the (official) policy of the Scottish Executive by deception and fraud is far more offensive and if that is not the case with anyone else, it should be. Damage resulting from fraud i.e. criminal damage, is really offensive. These people talk of ASBOs for misguided, uninformed poorly educated youth but permit fraud perpetrated by highly educated well off professionals to cause more damage to a Listed Building than most vandals could ever aspire to, **and this SPSO say is not maladministration.**

People are too willing to shoot the messenger because the message is not what they want to hear but if the Scottish Parliament and its Executive are to be seen as ethical and upholding law they must be obliged, preferably by themselves, but if necessary, by other so placed as to ensure it is so.

Yours faithfully,

David C. Wilson

## **AUDIT SCOTLAND where fraud means poor people fraud not powerful people fraud**

The poorest and weakest in society who, oft for pressing reasons, defraud the exchequer in terms of benefit fraud will be hunted down, no expense will be spared, regardless of cost they will be found and dealt with.

The most powerful in society (local authorities) will not be, accusations of fraud will be ignored as they have been. Councils can make as much illicit money as they can to add to their legitimate income (largely benefits from the Exchequer via the Scottish Executive) and that is OK with Audit Scotland. The poor who add to their benefit income will be dealt with while the powerful will not. Have you spotted anything incongruous?

How can anyone take the word of an Auditing organisation about anything to do with public finances whilst that organisation has no interest in pursuing fraud allegations against a local authority?

Audit Scotland and Finance Officers in local authorities have statutory obligations which I think they would be hard pressed to explain conformity of samey regards this issue.

30<sup>th</sup> July, 2007

Audit Scotland ,  
110 George Street,  
Edinburgh.  
EH2 4LH.

**Dear Sir, Miss, Madam,**

**On the bases of Audit Scotland's own assessment of the work it does and using the Fraud Policy Statement produced by the Scottish Executive for clarity and guidance I MAKE THE COMPLAINT that Stirling Council has received a sum of money that is the product of the sale of property that required permission of the courts to alienate from the Common Good and that such permissions were enabled by falsehood, deception and concealment of material facts and in consequence the Opinion of Lord Penrose was formed in good faith and in the belief the evidence presented to the court was honest and true (which is an obligation of local authorities whether under oath or not) but in fact, he was deceived and the court was deceived.**

I have enhanced with **bold** the areas I believe have **significance regarding ethical deficits pertinent to your investigative remit.**

“Three principles guide our work:

- Our auditors are independent of the organisations they audit
- They report in public

- They look at more than financial statements: they can also carry out checks to

**make sure organisations:**

- **operate within the regulations that govern their work**
- deliver value for money
- **act honestly, with propriety and integrity**
- **carry out their duties to the highest standard”**

The primary regulation that governs the work of Civil Servants or Councillors under respective codes of conduct are **honesty, integrity and ethical conduct plus the obligation to uphold the law**. Deceiving a Court in order to profit does not fulfil or even attempt to fulfil these obligations, in **fact falsehood, deception and concealment of material facts are diametrically opposed to obligations under which they serve**. Offering a Court falsehood, deception and concealing material facts is not carrying out duties to the highest standard but quite the opposite.

**Lord Penrose in pages of Opinion makes it clear, without shadow of doubt, that restoration of the property in question is the preference** but concluded external funds **could not be found** to assist the council in such a task and permitted the sale of the building for redevelopment. Stirling Council have displayed a contempt for the court and the integrity and probity that are expected as a norm. Falsehoods, deceptions and concealment of material facts deprived Lord Penrose of the truth.

**Lord Penrose and the Court were deceived.**

In order for this fraud to succeed it requires the involvement of the Statutory Planning Procedure at local and national level. Without the permissions required by Stirling Council and Historic Scotland/Scottish Executive the fraud would fail. The reality, however, is the fraud has been successful, thus far.

Within the statutory period for observations in response to the Statutory Advertisement regarding the Planning Application I made several complaints addressed to the **Complaints Procedure** at Stirling Council Planning Department. The word Complaint featured several times enlarged and in **bold emphases**. The same accusations of falsehood and deception were made clearly and precisely but **the complaint was ignored**.

**Probity of action cannot be founded on illicit or illegal foundations**

**Fact: Stirling Council convinced the Court of Session that the People’s Lottery Act raised eligibility threshold so high as to exclude the Museum Hall from eligibility on the grounds of ‘insufficient heritage value.’**

**Fact; The official register of heritage value is the Listing procedure carried out by Historic Scotland . The Museum Hall is Grade B.**

**Fact; Every Chairperson of the National Lottery's Heritage Fund from Lord Rothschild to the current have asserted that the Museum Hall was, and is, eligible for their consideration for substantial levels of funding.**

**The Court was deceived.**

**Fact; Stirling Council convinced the Court of Session that the only funds available to the Council were two small and committed departmental funds.**

**Fact; Responsibility and liability of Council are corporate, departments or services cannot be held liable, only the council corporate and council corporate budgets, can be liable.**

**Fact; Stirling Council then, as now, operated a very substantial eight figure Capital Budget and a further Contingency Budget of approx. one point five million pounds p.a. Concealment of material facts,' 'false information.'**

**The Court was deceived.**

**Fact; Stirling Council claimed it could not afford to apply for Lottery Funding to save the Museum Hall.**

**Fact; Within a short time of acquiring permission to alienate the Museum Hall from the Common Good and being granted permission to sell the hall for redevelopment Stirling Council applied for, and received six hundred odd thousand pounds for the enhancement of private property in , Stirling most of which was, and is, Grade C on the official List of heritage value. Some financial help is available for part of the application process, as they know, as they received it for the six million pounds plus (physically sound building) Stirling Tolbooth project.**

**The Court was deceived.**

**Fact; Stirling Council referred to Historic Scotland 's then Conservation Area Grant as 'small scale.' The Grant for which Historic Scotland Architects had drawn up necessary works for restoration, an action, prudently, not carried out unless grant was assured could have amounted to several hundred thousand pounds including as it did works such as underpinning, new roof, drainage/guttering works (internal) on structures pertaining to the external (roof supporting columns/walls etc.**

**The Court was deceived.**

**Fact. The Chief Executive of Historic Scotland asserts that he has consulted with, and agrees with, the Chair of the National Lottery's Heritage Fund that the Museum Hall was then, and is now, eligible for Lottery funding consideration. This is a view diametrically opposed to what Stirling Council told and convinced the Court of Session regards 'insufficient heritage value.' This witness confirms deception but**

continues to act as if deception and fraud are both honourable and ethical and displaying the *hallmarks* of integrity when clearly it is illegal conduct. Probity of action cannot be founded on illicit or illegal foundations.

**Fact;** At the time of the Penrose Opinion Historic Scotland, could have, and no doubt would have, argued prior to a planning application that in the absence of a planning application any threat was theoretical and they could not take action to stop the theoretical threat to the Listed Building Public Hall.

**Fact;** There has now been an active planning application and Listed Building Consent application to demolish part of the hall and redevelop the whole site into 15 flats. Written complaints of deception and fraud have been made to Stirling Council and Historic Scotland but no action has been taken under prescribed courses of action required by the Scottish Executive.

**Fact;** Stirling Councillors, many Justices of the Peace, passed the application for redevelopment despite the council having been accused of deception and clear indication as to why the planning application was of questionable legality as a response to the Statutory Advertisement. (The Planning Process is supposed to conform to the law, all of the law and JPs and Councillors are supposed to uphold the law not walk all over it.)

**Fact;** Deception of a Court enabling profits is disgraceful and despicable conduct for Executives, staff, Councillors and JPs to endorse.

**Fact;** All Codes of Conduct (MSPs – Ministers – Councillors – Civil Servants) demand the upholding of law and all codes of conduct demand honesty and integrity. Endorsing Fraud is not upholding the law, is not compatible with codes of conduct obligation and does not comply with Audit Scotland’s demand for public bodies to “act honestly, with propriety and integrity.”

**I understand the full Opinion and two Reporters Reports can be acquired from the Scottish Courts Service. Copy of my complaint to Stirling Council Complaints Procedure from the Head Planning Services.**

Historic Scotland can provide copy of the Architects Report and policy surrounding the production of said report. \_\_\_\_\_, Chair of the National Lottery’s Heritage Fund can provide copy of the statement she provided to me regarding Heritage Fund Policy then and now.

The Building was the subject of a **Repairs Order** sanctioned by the **Rt. Hon. Malcolm Rifkind MP** QC and served by the **Rt. Hon. Ian Laing MP**. Stirling Council, nor it’s technical consultants asserted the building was beyond repair. **Michael Forsyth MP** wrote in 1996 “you will be pleased to learn that

the latest reports from Stirling District Council (and their firm of consultant engineers they retain to inspect the building confirms that the building remains in a stable condition.”

**If the Building was not in a stable condition the cost of supporting the façade and substantial lengths of the side walls would be prohibitive to redevelopment. Repairs Orders require the recipient of the Order to maintain the property in the same condition it is/was at the time of serving and such orders cannot be served if the building in question is unviable to restore. A building, such as the Museum Hall subject of a Repairs Order is therefore in a viable restorative condition and it follows therefore that it was still in a restorative viable condition at the time of sale.**

**I have no way of knowing whether the redevelopment scheme is unviable now, or at any point in the process, whether there are clauses in the sale agreement that may require public funds to assist in the event of unforeseen problems etc. If public funds were acquired at any stage it would be in consequence of falsehoods and deception perpetrated by Stirling Council to the Court of Session and therefore outside the regulations that govern their work i.e. ‘to act honestly, with propriety and integrity’ and ‘carry out their duties to the highest standard.’**

**“Scottish Executive Policy Statement  
Friday, January 19, 2007  
FRAUD**

**“7. Fraud can be perpetrated by persons outside as well as inside an organisation and by collusion. The criminal act is the attempt to deceive and attempted fraud is therefore treated as seriously as accomplished fraud. The term "fraud" is used to describe such acts as deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts, and collusion. It is usually used to describe depriving someone of something by deceit, which might either be straight theft or misuse of funds or other resources, or more complicated crimes like false accounting and the supply of false information.”**

**The Museum Hall was alienated from the Common Good by deception; the people have been deprived of what is theirs, by deception, known in the Scottish Executive as FRAUD.”**

(Enlargements and **Bold** have been applied, for emphases, by the author of this letter and are not featured on this form. The words, however, are precise.)

Whilst I appreciate the Council is not obliged to restore the Museum Hall unless a Judge tells it to although **it is obliged to follow government policy and has failed to do so.**

**Stirling Council is certainly not obliged to provide falsehood and deception to the Court of Session and insult the integrity of the court in order to get its own way any which way it can.**

**Government Policy, the obligations surrounding historic buildings regarding the future of such Buildings, unaffected by Penrose Opinion, is crystal clear and free of ambiguity or doubt no exceptions, no ifs or buts, absolutely categorical. The obligations ignored are that “no worthwhile building of architectural or historic interest is lost to our environment unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it.”**

**Another quote of significance:-**

**“I am not satisfied the building had become redundant by the time it was closed, nor that it would not attract appropriate community uses if it were restored. Mr. [redacted]’s findings on the potential uses of the hall illustrates a wide range of community and cultural which could be served if the hall were restored. It would have a practical use in the community in the local and in the wider community. Nor am I persuaded that it is material that Bridge of Allan is better served by the provision of recreational and cultural facilities than other districts in the Petitioners area. The argument that in comparison with other districts, Bridge of Allan can somehow afford to lose the Museum Hall because of other facilities which exist there is some what lacking in taste as well as being irrelevant to the central issue. If a community has developed and had the benefit of wide range of facilities over its historical life it is likely that that has been the product of local pride and the application of locally generated resources. Reduction of all to the lowest common denominator is not an attractive policy.”**

**Lord Penrose – Court of Session**

**NOTE: Lord Penrose makes it clear in his Opinion that redevelopment constitutes the LOSS of the Museum Hall. ‘To lose the Museum Hall’ is a direct reference to redevelopment. He also makes it clear that restoration, with the help of external funding, the very subject abused by falsehood and deception, is preferable to loss by redevelopment and that good use would be made of it if restored. Restoration is entirely compatible with government policy whilst falsehood and deception of a court is not.**

**The late Lord Younger, Former Minister and Secretary of State for Scotland asserted "the actions of Stirling Council (or in-actions) amount to a deliberate conspiracy to negate the intentions of Legislation by Parliament. If owners of Listed Buildings are allowed, without penalty, to neglect them so that they are irreparable, the legislation is rendered completely ineffective. Of course it is now very expensive to restore the hall but that is the consequence of deliberate actions by owners in defiance of their responsibilities under the Local Government (Scotland)**

**Act 1972 to take care of the property of the former Bridge of Allan Town Council .**

**FRAUD** does not vary by time, location, oath or no oath, political influence, perpetrator or status of perpetrator, **fraud is fraud.**

Yours faithfully,

David C. Wilson

**The Council will consider public opinion carefully before dismissing it.**

Time and time and time again the people of Bridge of Allan registered opinion in agreement with saving the Museum Hall as a public hall and they say public opinion will be taken into account during planning stages **whilst openly asserting, in advance, categorically, that the Museum Hall will be re-developed. A Planning system for The people and not the people.**

**Opinion Poll of 1200 people 74% favoured keeping Museum Hall as a public Hall  
Petition By Carse Teenagers seeking the reopening and restoration of the Museum Hall with an arts emphases.**

**Public Petition of fifteen hundred people seeking the restoration and reopening of the Museum Hall as public hall.**

**(Pro rata Stirling' population over nine thousand signatures – Pro Rata Edinburgh one hundred thousand plus signatures. Not one scheme in the three hundred million pounds plus Stirling Initiative was the subject of public petition or campaign.)**

**Petition of one hundred and fifty farmers seeking reopening and restoration of the Museum Hall**

**Opinion Poll conducted by MORI Scotland indicating local desire to see Museum Hall restored.**

**Petition by Local Primary School children seeking reopening and restoration of the Museum Hall.**

**Public Opinion Study Five hundred households – overwhelming majority in favour of Museum Hall being reopened and restored.**

**"There is widespread and intense feeling in the community that the Museum Hall must be retained for the use of the people of Bridge of Allan. It's loss would be seen as far more than the loss of the amenity itself, as the hall has, for many years, supplied a local need which is not met by the District Leisure Centre, nor by the facilities at Stirling University, nor by the various halls in Stirling itself."**

**Bridge of Allan Community Council** Extract from a letter to Stirling District Council after closure of Museum Hall 1980

**"I hope, nevertheless, that it will be helpful if I confirm that we would, in principle, be able to consider an application for the repair and upgrading of the Museum Hall on the grounds that it is a listed building which has the potential to fulfil, as you say, an important multi-purpose community use."**

**, Chairman, National Heritage Memorial Fund.**

**"I can assure you that as an Historic Building the Museum Hall would be eligible for our consideration for an award."**

**, Chair of Trustees, National Lottery's Heritage Fund**

Projects to conserve and repair historic buildings other than Grade A continue to represent a

significant proportion of our work. It also remains our view that there is no reason why the Museum Hall would not be eligible for consideration for our funding.”

**, Chair of Trustees, National Lottery Heritage Fund**

I would indeed like to see the Bridge of Allan Museum Hall returned to community use and artistic use, and I wish you well with all your efforts in obtaining support funding for it.”

**, Curator, Smith Art Gallery and Museum**

Stirling Tourist Association supports your efforts to try and have the Museum Hall renovated and brought back into use for the community./Stirling as a whole, has a great need for medium sized halls in which to stage various events e.g. Ceilidhs Concerts, Exhibitions, Presentations etc. etc. Also the Association would have thought that Bridge of Allan, in [particular had a need for a venue such as this as there is only the sports hall available for hire apart from church halls which are not always suitable for particular events.

**, Secretary, Stirling Tourist Association**

Obviously it is a beautiful building with a clear influence from the Romanesque style of H. H. Richardson and is certainly worth protecting.

**The Prince’s Foundation, Prince Charles, Duke of Rothesay**

We have been greatly concerned over the neglect of the Museum Hall in Bridge of Allan and our concern is shared by a great many visitors to the town who express dismay that such an important building should be allowed by the local authority to go in to decay. The Museum Hall has had an important place in the history of Bridge of Allan and would be a significant venue for many cultural events, as it was in the past. It is essential that it be restored and that the means be found to carry out this restoration.

**- Historian**

In the case of the **Museum Hall** it seems you can make your case and this is a cause worth packaging, prioritising and developing. Plus factors such as a need for ‘Outreach’ Scottish Country Dancing, sport and recreation more space for the University Summer School and a tourist point which would compliment and enhance the already crowded facilities in the area are all good selling points.

**, Director of Development, Stirling University.**

I hereby reaffirm our support for the restoration of the Museum Hall./ It should not only be a meeting place but a living memorial to the history & heritage of Bridge of Allan.

**, Secretary/Forth Naturalist & Historian Society**

There are a myriad of uses for the Museum Hall by the University.

**, When University Court Chairman**

“As chairman of the local branch of the Friends of Strathcarron Hospice I write in support of the campaign to save the Museum Hall. A facility of this size is of great value to the local community and our organisation would certainly use it for our fund-raising ventures.”

**Mrs , Chairman, Friends of Strathcarron Hospice**

"As far as my own activities are concerned, I have responsibility for Continuing Education, the short courses unit which mounts training courses for the professional and business sectors, as well as for policies on access and community relations. In all these capacities I am interested in the University

out reach to the community. This can include arranging teaching, conferences etc. off campus. If your committee were successful in bringing the Museum Hall back into use therefore, there could well be occasions on which I might wish to approach you with a view to hiring all or part of the premises for various functions.

In the mean time please accept my very best wishes for the success of your venture."

**Professor , University of Stirling.**

"I can confirm from the University Sports Centre that provision such as the Museum Hall would be considered as a significant asset to the local community, numerous requests for hall accommodation are received by the Sports Centre, but cannot be met because of the pressure of demand. Various University sports clubs cannot be accommodated, and other University functions, such as examinations, require increased hall space. As a consequence, many requests by community groups must be refused.

**, Director, Centre for Physical Recreation and Sports Development, Stirling University.**

"It would be shameful if the hall was not saved and put to good use by the local community You can be sure that, if your aims are achieved, I shall do what I can to give support to the success of the venture."

**, Director of Commercial Operations, Stirling University.**

"As a society we very much appreciate the efforts being made by your committee to restore the hall to an Arts venue."

**, Secretary, Stirling & Bridge of Allan Operatic Society.**

"Should we be required to order an owner to repair a listed building it is unlikely that we would be taken seriously in view of our own track record for doing the same, with buildings we ourselves own."

**Councillor Brenda Holiday (Conservative).**

"The Museum Hall was an important part of my early musical education. I well remember Music Club concerts there as well as other events ('Any Questions' among them.) It is a great sadness to me when I come back to Bridge of Allan from time to time, to see the disrepair into which the hall has fallen in recent times. I wish you all possible success in your pursuit of a renewed life for The Museum Hall."

**, Arts Director, The Barbican Centre**

"Stirling District Council has a duty to preserve this fine public hall. Defects resulting from past neglect are obviously numerous. There should be no difficulty in achieving a full restoration with present techniques of conservation.

**, The Architectural Heritage Society of Scotland .**

**"The extraordinary 100 year history of a Scots village hall that rivalled famous city venues"**

"A hall that saw performances by the pianist Arthur Rubenstein, the cellist Pablo Casals, prima donnas including Elizabeth Schumann, Delia Reinhardt, Kathleen Ferrier, Janet Baker is no ordinary village hall."

**The Scotsman Newspaper.**

"The importance of this building is well known to your Council. It would be a notable building in any location and is specially significant at the southern entrance to Bridge of Allan where it sits comfortably against Coneyhill overlooking the Memorial Park. The Trust understands that a Historic Buildings Repair Notice has been served on your Council by The Secretary of State for Scotland and that some repair work has been carried out on the external roof structure to make it at least wind and water tight. It is clear that this can only be a first step in a comprehensive repair and restoration programme for the whole building."

**, Area Director, National Trust for Scotland.**

"As to the estimated cost of putting the Museum Hall in a state of good repair, this should not be used as a reason for demolition of the building which belongs to the community, but whose custodians, Stirling District Council, have failed in their legal responsibility to keep this asset in a proper state of good repair. In other words, the Council should not be allowed to escape the responsibility of its own negligence.

**Stirling Civic Trust.**

"I am happy to confirm that **the MacRobert is supportive of your efforts to have such an attractive building brought back to life.** I am certain the MacRobert might wish to use the facility for rehearsals or even performance at times if its own resources were unavailable. I wish you good luck and every success."

**, Director McRobert Centre**

"We want to make it into a community centre. "

**,P6 Bridge of Allan Primary School (1993)**

"It's part of Bridge of Allan 's heritage and should not be demolished"

**,P6 Bridge of Allan Primary School (1993)**

"It's a lovely building"

**,P6 Bridge of Allan Primary School (1993)**

"We are trying our best to save it"

**,P6 Bridge of Allan Primary School (1993)**

**These and other pupils, acting on their own volition, conducted a petition to save the Museum Hall**

"The Museum Hall forms a major part of my very earliest memories of Bridge of Allan. I can clearly recall the sense of awe I felt as a very small child when I was taken there by my Mother for my earliest exposure to live music and performance. I can also remember the sense of pride and achievement when I first 'made it' on to the stage there - first as a diminutive (and probably nauseating) puppeteer, then as a quite spectacularly untalented violinist, and, finally, before leaving Scotland to further my studies in Vienna, as an emergent singer. Powerful stuff as anyone's tapestry of early memories; so it is hardly surprising that it is with a real sense of shock and outrage that I learn the hall is now under threat of demolition. I simply cannot believe the Museum Hall no longer has any useful function to perform in the artistic and social life of Bridge of Allan, and I feel in the strongest possible terms that its demolition would be an act of mindless vandalism which cannot and must not be tolerated by anyone who cares about the aesthetic and historical value of Bridge of

Allan."

Bridge of Allan born            has been a Principle Soloist appearing at every major Opera House in Europe and Britain and some in North America.

"You don't mean to tell me they want to knock this lovely building down - are they daft or something."  
**, pupil at Bridge of Allan Primary School**

"It was interesting that in both **Bridge of Allan** and Balfron, people commented that a local meeting hall was closing or **falling into disrepair**. A number of similar comments were raised in the quantitative survey, when people were asked what the Council could do to improve the quality of life in this area."

**Research Study Conducted for Stirling Council by MORI Scotland . March 1998.**

"I warmly congratulate you and your committee on this wonderful commitment. For every good reason you deserve to succeed with such a well worthwhile project, and if I can see any way I can support you it will be a real privilege and pleasure."

**, Chairman - Quality Scotland Foundation, Former Chairman Scottish Tourist Board**

"There is, rightly or wrongly, legislation in Statute protecting listed buildings from destruction. The Museum Hall is such a building. It was given to Bridge of Allan Town Council as a public hall for the benefit of the people of Bridge of Allan, At the reform of Local Government in 1973 this responsibility was passed to the successor authority, Stirling District Council.

During passage of legislation Ministers, including myself, repeatedly assured Parliament that the new authorities would respect and continue the obligations of the previous authorities, Parliament accepted these assurances in good faith. The fact is the new authority completely neglected the building, allowing deterioration through damp and collapse. To prevent this happening would have cost very little if done regularly as maintenance. It is solely because of the neglect that the cost of repairs is now very large.

It seems to me to be a matter for the courts that the actions of Stirling Council(or inaction's) amount to a deliberate conspiracy to negate the intentions of Legislation by Parliament. If owners of listed buildings are allowed, without penalty, to neglect them so that they are irreparable, the legislation is rendered completely ineffective. Of course it is now very expensive to restore the hall, but that is the consequence of deliberate actions by the owners in defiance of their responsibilities under the Local Government (Scotland) Act 1972 to take care of the property of the former Bridge of Allan Town Council .

This is a clear case of Parliament's will being thwarted and the only possible hope of redress is for the Courts to take a stand to ensure that the law of the land is not flouted."

**The Rt. Hon. Lord Younger of Prestwick \* KT KCVO TD DL, Former Secretary of State for Scotland, Viscount Younger of Leckie now deceased.**

"I am writing therefore, to confirm that it is my view, having followed the Parliamentary legislation on this subject, that the Museum Hall would certainly be eligible for consideration for grant aid under various statutes relevant to historic building preservation and the planning regulations relating to conservation areas.

It would also, of course, be eligible for consideration for grants from the **National Lottery**.

I do hope this is helpful, as it is enormously important that the legislation passed by Parliament should not be negated by a failure to explore possible ways of preserving a listed building."

**Viscount Younger of Leckie KT KCVO TD DL, Former Secretary of State for Scotland**

**Extracts from a statement made by the late Lockart Whiteford, (former Headmaster of Stirling High School & BofA Community Council Chairman) regarding the Museum Hall**

“The re-furbished hall will provide much needed facilities for clubs and societies in Bridge of Allan, Causewayhead and beyond. It will accommodate societies – for committee and full meetings – for all those for whom the present facilities (e.g. at the Community Centre) are unavailable or unsuitable.”

“It will be an ideal venue for lectures (e.g. local history society) discussion groups (e.g. National Council of Women, Rostrum, Speakers Club), leisure groups (Bridge Clubs, Art Societies) and demonstrations (e.g. fishing Arts & Crafts.”

“It will be equally valuable as a location for coffee mornings, lunches, club dinners and dances.”

“It will also serve as a public meeting hall for Bridge of Allan and District.”

“It should be the natural meeting place of such bodies as the Bridge of Allan Community Council .”

“It will provide an acoustically excellent venue for concerts, particularly those involving soloists or small groups of artistes. In this connection it would supplement the activities of the MacRobert Centre; and indeed co-operative ventures might well be mounted.”

“The Hall will provide a first –class centre for day conferences, and will be attractive because of it’s central location in Scotland, to a wide variety of professional, commercial and technical bodies.”

“It will be available for trade and occupational exhibitions.”

“The hall will be a sensible and cost effective meeting place for the annual (and other) meetings of societies with national links.”

“An additional advantage will be the possibility of co-operative ventures with Stirling University and The Smith Gallery, both of which from time to time find their facilities over stretched.”

“The hall will make a substantial contribution to tourism.”

“It can, for example, maintain a small but vital information centre, working in close association with the information bureau, in Stirling and elsewhere.”

“It will be able to work in harmony with Stirling Universities Summer Schools and summer letting programme, providing a locale for local interest visits and tours. It will be able to mount exhibitions in connection with Battlefields around Stirling, William Wallace, the Forth and so on. It could provide facilities for the musical activities (e.g. piping, accordion, clarsach) incorporated in the Summer Schools Programme.”

“The hall can also be the focus for locally devised enterprises such as a Victorian Heritage Tour, Mining Heritage (lead, silver, coal), wood and water in Scotland and the like. Events such as Robert Louis Stevenson week could easily be centred on the hall.”

“In addition of course, the halls own history is important. Its links with natural history and oceanography, its possession of the ‘Elgin Marbles’ Frieze, and its architectural concept all make a significant contribution to the concern for environmental conservation which is a growing feature of life today.”

“The restored hall, properly managed, can, therefore make a very worthwhile contribution to the stature of Bridge of Allan as a Scottish Town, to the reputation of Stirling District and Central Region as a place worth visiting. As a local centre, conference venue, exhibition arena and tourist focus, it can readily be a viable proposition.”

**Lockart Whiteford**

“There are many halls in the small towns and villages of Scotland which provide a venue for concerts, whist drives, sales of work but the Museum Hall in Bridge of Allan is a bit special. Up those steps have walked great singers like Dietrich, Fischer, Dieskau, Victoria de los Angeles and the wonderful accompanist Gerald Moore, knowing they would face an audience as discriminating and appreciative as their counterparts in Salzburg or Barcelona.”

**, Singer / Author - Reflections on Scotland**

“ I am informed that the council is not aware of any general feeling among the residents of Bridge of

Allan that the Museum Hall should be developed in a manner proposed by the respondents\*.”  
**QC, Reporter Appointed by the Court of Session, Public/Town/Community Hall**

### **Governments Policy**

“no worthwhile building of architectural or historic interest is lost to our environment unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it.”

NOTE: Lord Penrose makes it clear in his Opinion that redevelopment constitutes the LOSS of the Museum Hall. ‘To lose the Museum Hall’ is a direct reference to redevelopment.

The hall has been described by **Mr.** . The editor of Fourth Naturalist and Historian as “a particularly invaluable facility for the academic cultural and social well being of this area.”  
**, Advocate, Reporter to the Court of Session.**

“**Dr.** , the chairman of Stirling University Court told me the University was short of large spaces. The only large hall was the Sports Hall which is unsuitable for other purposes. At present, graduation took place in the Albert Hall. The student population was growing. The University would accordingly welcome a refurbished Museum Hall. It would use the hall for examinations, graduations and even perhaps large lectures. The University’s Director of Physical education has indicated that he has to refuse a number of applications which he receives and that the Museum Hall would be a welcome additional resource.”  
**, Advocate, Reporter to the Court of Session.**

“Mrs. (Councillor) Holliday suggested that it could be used for concerts, fund-raising functions, 21<sup>st</sup> Birthday Parties and graduation ceremonies.”  
**, Advocate, Reporter to the Court of Session**

“**Lord Younger** was the Minister responsible for piloting the legislation which reformed local authorities through parliament. He told me he gave repeated assurances in parliament that the new authorities would take over the obligations of the old authorities. Lord Younger believed that an important point of principle was at stake. Authorities should not be allowed to let buildings fall into disrepair and then say that it was impossible to fulfil their obligations.”  
**, Advocate, Reporter to the Court of Session**

“Concerts. The hall was well known for it’s excellent acoustic properties. From about 1905 to 1935 monthly Concerts were organised by the Public Interests Association. Among those who appeared at the hall were Casals, Rubenstein, Ravel and the Glasgow Orpheus Choir. After the second world war concerts were organised by the Bridge of Allan and District Music Club. (the successor to the Public Interests Association) It arranged concerts by Britain and Pears, Kathleen Ferrier and Elisabeth Schwarzkopt. Other concerts were organised by Stirling and District Union. In the 1960s a number of pop concerts were held in the hall, including one featuring The Beatles. In October 1971 the Music club moved to the McRobert Arts Centre, but did not survive long after the move.”  
**, Advocate, Reporter to the Court of Session**

“ I am not satisfied the building had become redundant by the time it was closed, nor that it would not attract appropriate community uses if it were restored. Mr ’s\* findings on the potential uses of the hall illustrates a wide range of community and cultural which could be served if the hall were restored. It would have a practical use in the community in the local and in the wider community. Nor am I persuaded that it is material that Bridge of Allan is better served by the provision of recreational

and cultural facilities than other districts in the Petitioners\*\* area. The argument that in comparison with other districts, Bridge of Allan can somehow afford to lose the Museum Hall because of other facilities which exist there is some what lacking in taste as well as being irrelevant to the central issue. If a community has developed and had the benefit of wide range of facilities over its historical life it is likely that that has been the product of local pride and the application of locally generated resources. Reduction of all to the lowest common denominator is not an attractive policy.”

**Lord Penrose – Court of Session**

“It is clear, on the other hand, that the superstructure of the building has not been properly maintained. It was last decorated in 1961. More significantly, the building was not maintained in wind and watertight condition. Dry Rot in the roof timbers led to a major collapse in 1988. There are other areas of dry rot in the flooring. Damage to the superstructure is eloquent evidence of a consistent failure to maintain the building during the stewardship of the local authorities following acquisition in 1950. It is not surprising in these circumstances that there should be a belief in Bridge of Allan that the local authorities have neglected the Museum Hall.”

**Lord Penrose – Court of Session**

David C. Wilson

We will not be ruled by the tyranny of pressure groups”  
The Rt. Hon. Tony Blair MP. PM.

I start with this quote from Tony Blair because it seems to me that there is now marked and widespread use of the same mantra at all levels of local and national government. **The flaw, however, is that in many cases it simply means they will do what they want regardless of law to which they, as all of us, are subject.**

When there is unanimity, for their own reasons, between political groups to hold two fingers\* up to the laws and regulations for which they or those who were law makers before them were responsible or for contempt of court, fraud and complicity it does not negate their conspiracy. There are laws about fraud, planning in respect of demolition enabled by fraud (unlawful demolition), contempt of court, complicity etc. **but all these acts of contempt for the ethic and probity of law and administration do not, in any way, amount to maladministration according to the Ombudsman.**

\*English Long Bow makers in ancient times discovered a construction technique whereby the arrows from these new bows would travel over a hundred yards further than launch from the conventional bow. In consequence English long bow men captured great numbers of French prisoners. In ridicule the English bow men gestured to the French prisoners with the two fingers used to pull the bow string no doubt accompanied by sounds and words of derision.

The flaw in this bizarre position of ethic deficiency is however that **the Ombudsman effectively asserts that the head of the civil service in Scotland does not know what he is talking about and to top that, the head of the civil service apparently does not mind having his judgement not only challenged but superseded.** Interestingly the definition of maladministration on behalf of the Scottish Executive **so ably constructed in clear unambiguous categorical nature** has not, in the light (if light is the right word) of the Ombudsman's adjustment (it has not been challenged and so therefore must now be bona fide) been made to the official definition. **Double standards whilst convenient do not comply with elementary demands of ethics or probity.**

Clearly if the Head of the Civil Service is challenged on his definition and chooses not to counter the challenge then the challenge is acceptable. In so much as the 'challenge' is basically diametrically opposed to the official definition but clearly acceptable **how can the old Executive definition still be acceptable? So ridiculous is this position that maladministration, apparently, has not got any meaning at all, a pointless, useless word that, apparently, should be consigned to the archaic dictionary thereby leading to the unavoidable conclusion that The Ombudsman Service, by it's own hand, has made it self redundant.** The only possible alternative would be if The Scottish Executive make it official, that maladministration is only maladministration when it suits it's book. This, after all is how they operate the clear unambiguous categorical Fraud Policy and an admission would be a glow of honesty in the darkness of politic albeit that such honesty would expose the dishonesty that is so clearly acceptable to the

honourable men and woman of parliament **whilst not amounting, according to the Ombudsman, to maladministration..**

What kind of tyranny is it that expects government, local authorities and oversight bodies to comply with the law, comply with government regulations and policies and to comply with all the **hallmark** features of democracy, ethics, efficacy and probity? This is the tyranny I, and many others campaign for. Because I want Governments and Parliament's to respect their own words and be as good as their word. Regrettably this apparently tyrannical view is sufficient for officialdom to implement an isolate and ignore policy and for me be treated as if a criminal. The wagons have been circled and all attacks calling for honesty, efficacy, integrity and probity will be rejected. Calling for such things is, apparently, abhorrent behaviour. The Scottish Executive, Scottish Parliament, Parliamentarians, The Scottish Corporate body, local government and their respective civil service entourage act in unison and that is, by any definition, **systematic abuse of power, abuse of codes of conduct abuse and ultimately abuse of the people of Scotland who all deserve better.** Power, for some, can only be displayed by abusing it and **knowing they can get away with it.** It appears to me that those on the lower strata are well aware of the support given from a much higher strata of government both political and civil service.

The following points should be considered;-

**1/** I am not responsible in any way for the creation and publication of the Scottish Executives Fraud Policy/ Fraud Definition although, **unlike the Ombudsman,** I concur with the **articulate, categorical and unambiguous definition of fraud** in the official published version

**2/** I am not responsible for The Scottish Executives articulate, categorical and unambiguous definition of Maladministration although, **unlike the Ombudsman,** I do concur with the official published version.

**3/** I do not have any control or influence on when a planning issue is brought forward or for the window of opportunity created by the Statutory Planning procedure implementation **to make complaint** about it. **Complaints, allegedly unbeknown to the Ombudsman, cannot be made in advance.**

**4/** I am not responsible for Emergency Repairs Orders being imposed by The Secretary of State for Scotland that oblige the recipient **to maintain the building in a state suitable for viable repair** nor am I responsible for such Orders **only being able to be made whilst the building in question is in a viable state for restoration.**

**5/** I am not responsible for Repairs Orders being in force until such times as the Buildings future is settled nor am I responsible for the Repairs Order in question being withdrawn **prior to the actual Planning Procedure for redevelopment** that gives Statutory Obligation for Planners, including Ministers to 'take account of public opinion' and under complaints procedure to take account of complaints **which raises the question why was the Repairs Order withdrawn prior to the settlement of the Planning Procedure unless agreement had already occurred between Stirling Council and Historic Scotland/Ministers?**

**6/** I am not responsible for government policy asserting, categorically, that **every effort should be made by all concerned to save an important historic building** nor am I responsible for rendering that government policy worthless and an outrageous deception.

7/ I am not responsible for the mandate and eligibility criteria of the National Lottery's Heritage Fund nor am I responsible for the alienation of the Museum Hall, an important Listed Building from that official and exclusive criteria without it's knowledge or participation **thereby making it's official policy in diametric conflict with the evidence that swayed the Opinion of a properly constituted court**

8/ I am not responsible for the Grants system operated by Historic Scotland of which The Museum Hall **was already passed for grant aid** demonstrated by the existence of Historic Scotland Architects Report on necessary works required for restoration. **Such reports are never compiled unless grant aid is assured. It would costly to do otherwise.**

9/ I am not responsible **for the inability of the Ombudsman to comprehend the word complaint.** My complaint to Stirling Council regards ethical and legal deficits affecting the Statutory Planning Procedure was addressed to the Planning Department Complaints Procedure headed in large bold type **Complaints followed by a number of paragraphs all headed in large bold type Complaint.** I could not complain prior to the Planning process beginning. It is a legal obligation for all complaints to be read as part of the statutory process. **The Ombudsman, however, could see why the planners did not realise the complaint was a complaint** and did not, as far as I know enquire if the Planning Committee was told of the accusations in the complaint. **In any event no way in the world was it going to be maladministration.** The Councillors did, however, knowingly or not, pass an application **that was essential for a fraud seeking the destruction of a Grade B Listed building protected by parliament's will and such destruction is unlawful and therefore a planning matter albeit contrary to the view of Stirling Council Planners.** When I learned the Ombudsman could see why the council did not know the complaint was a complaint I knew then which side he was on.

10/ I am not responsible for **the Ombudsman** and others who clearly cannot differentiate between **the location of an alleged fraud** enabling a **theoretical planning issue** and the **actual planning issue in question some years later** (enabled by that fraud) and which was a **vital component of the alleged fraud succeeding and subsequent 'loss' of an important Listed Building.**

11/ I am not responsible for forcing MSPs to ignore their duty to represent all constituents equally or for ignoring complaints of fraud thereby exposing to risk parliament and all other parliamentarians of being brought into disrepute a direct consequence of working against a constituent that they are paid to represent and thereby failing to hold the Executive to account. Not for me the benefit of an MSP asking questions of Ministers or accessing the truth about fraud etc. or pursuing complaints of maladministration to the Ombudsman.

12/ I am not responsible for the various Codes of Conduct under which all involved in government, locally and nationally operate **or for their devaluation as a currency of ethics and probity.**

13/ I am not responsible for enforcing or failing to enforce the Codes of Conduct previously referred to. The cavalier approach to standards, as has been demonstrated, is lamentable.

14/ I am not responsible for **the Ombudsman** failing to understand that **Historic Scotland** and others advising Ministers regards the probity of a Planning issue that it will become complicit in fraud and which, inevitably makes all who sanction the use of the planning procedure **complicit in fraud and in consequence unlawful**

**demolition of an important Grade B Listed Building. Dereliction of duty, abdication of responsibility and the negation of law is not, apparently, according to the Ombudsman, maladministration.**

15/ I am not responsible for **the Ombudsman** accepting feeble excuse amounting to *we don't want to* as good and sound reason as to why Historic Scotland failed to insist on government policy being exercised **so as fulfil or even attempt to fulfil the explicit, unambiguous categorical demands of government policy** in regards to saving historic buildings.

16/ I am not responsible for the Ombudsman failing to understand that a Councillor on the Planning Committee cannot declare, in advance, that a redevelopment planning issue will proceed or that Council staff can let that published assertion stand without suitable denial or retraction. The fixing of decision in advance of the official committee sitting is, despite what the authorities assert, a planning matter and it was ignored. The Stirling Observer 7<sup>th</sup> January, 2009 reports that Fiona Macleod Clerk to the Council prevented discussion of a planning issue by two Councillors prior to the issue coming forward *because they could risk disbarring themselves from any decision on the application for the site in question. They also run the risk, she said, of breaching the councillors code of conduct on planning matters.* My complaint that our local councillor and member of the Planning Panel published his view against the Museum Hall and in favour of building a new church hall for the village next to an existing church hall and one of various churches! No attention was paid to my Complaint by Stirling Council or the Ombudsman. So why was a councillor allowed to participate in looking at all the issue involved when he had already publicly asserted his view and effectively campaigned in favour of flats and against the public hall?

17/ I am not responsible because **The Ombudsman failed** to understand that accusations of fraud and maladministration not properly investigated leaves **all planning permissions open to question**. The Museum Hall does not have great importance in the wider scheme of affairs in Scotland compared with, say **Balmedie** and I therefore, on that bases, reject the notion that a building presumably of such insignificance to the Scottish Executive and The Ombudsman can be, and has been, the subject of official manipulation, complicity in fraud and subsequent unlawful demolition as well as contempt for legal obligations and more whilst claiming **Balmedie** and others, apparently are not!!! The Ombudsman and others have constantly failed to understand that one rotten apple spoils the whole barrel. Every Planning decision has, as a result of this tragic farce the entitlement to be vulnerable to question. It beggars belief that the insignificant is exposed to such deplorable and unlawful conduct by every level whilst the high profile immensely important planning decision at **Balmedie** with so much at stake for so many in opposing camps is not important enough to be exposed to such conduct!

18/ The **Ombudsman** has failed to appreciate or understand that apart from direct accusations against Stirling Council and the Scottish Executive that many other problems arise regards the developer and purchasers of individual flats. Did Government or Council take appropriate care to ensure the rights of the developer and/or unsuspecting vendee. As I understand it **the vender is obliged to act lawfully and to give proper description of burdens that may affect the legitimacy of transaction.**

**Regards the Ombudsman Service** it is, as far as I am concerned, a wicked deception on the people of Scotland offering false hope to the people that their complaints will be heard and understood by independent fair minded investigators of competence and who are either protected from or can exercise the ability to defend their independence from veiled threats from powerful sections within the Executive and/or the powerful influence of anyone within the Executive or Corporate Bodies. At the moment as independent fair minded competent investigators **they make good white wash contractors.**

**19/ Regards Audit Scotland;** How can an organisation that publishes policy called '**no hiding place for fraud**' claim not to be in a position not to tackle or be involved in accusations of fraud leading to a council acquiring illicit funds to benefit it's income and leading to the unlawful demolition of a Grade B Public Hall and requiring the complicity of a Statutory Planning Procedure? Some poor lowly character not bright of mind or intellectual prowess forced into desperation who addresses that desperation by adding illicit funds, in the same way as the council that may prosecute him/her/them, to his/her benefit income will have the full weight and power of Audit Scotland upon them, no expense spared.

**Who can trust an Audit, any audit, where fraud is of no concern to the auditors?** If you do then put it in your next manifesto, if you don't find out why fraud is of no importance to Audit Scotland because every word they print in reports etc. is devalued, by it's own class differentiation of fraud and it's definition. Audit Scotland should adopt the excellent clear, unambiguous categorical fraud policy definition and act on it because at the moment, allegedly, it does not have to. Who, from such misrepresentation representing itself as laudable policy can conclude fraud is not widespread in the Scottish Executive.

I sought information from Audit Scotland as to whether or not any Minister, persons representing Ministers, the corporate body, MSPs or former MSPs etc. had been in touch with Audit Scotland regards the Museum Hall. They refused me answer of my question.

It is thanks to **Scottish Ombudsman Watch** that I knew anything about this committee taking evidence etc. One hears occasionally that public consultation occurred on this or that but one also know that they were not part of the consultation. I do think anyone complaining for years about planning or any other departmental responsibility that responses to such complaints should also inform of any public consultation going on or about to be launched.

**May I also say that whilst the remit of this committee does not include the tragic and farcical nature of fraud management, ethical conduct deficits, probity of action deficits, representation of the people deficits, deplorable and outrageous planning deficits and systematic abuse of power these are words and accusation you have heard and bear in mind that all these accusations that go un-investigated bring the Scottish Parliament into disrepute and if The Ombudsman Service think whitewash can cover up such a dark cocktail of caustic attitudes then I think it will ultimately fail in it's objective.**

**For some years now a small number of people without competent argument against my accusations have given exercise to the malignant thoughts they harbour and are now reigned against me, compiling with some skill, a malicious character assassination campaign. Has this venom been exercised in Edinburgh? who can say? but what I can say is that accepting malice as a colorant for tainting evidence is a total devaluation of the integrity of that evidence.**

**“Many a man's reputation would not know his character if they met on the street.”**

Elbert Green Hubbard; American writer, publisher, artist, and philosopher.

David C Wilson