

INQUIRY INTO THE HILLSBOROUGH  
STADIUM DISASTER

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The Rt Hon Lord Justice Taylor

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Your Ref:  
JMW/MIS

Date

3 November 1989

Dear Mr. Webber,

HILLSBOROUGH STADIUM DISASTER INQUIRY

Thank you for your letter of 9 October to Lord Justice Taylor in which you raise two issues. The first concerns the request which the Police Federation made to have separate representation at the oral hearings in Sheffield.

As you rightly say, Mr Browne's application to that effect was refused by Lord Justice Taylor on 15 May 1989. Both Mr Browne and Counsel for the South Yorkshire Police, however, accepted that there was at that stage no conflict of interest, and it was on that basis that Lord Justice Taylor reached his decision. In doing so, he emphasised that, should any conflict of interest emerge subsequently, it would be open to those acting for the Federation to make a further application for representation. He said:-

"You are free to come back at any time and, of course, there is nothing to stop the Federation from having someone here with a watching brief ..." (Transcript Day 1 15 May 1989 p. 7 - copy attached).

No such application was made to Lord Justice Taylor during the remainder of the oral hearings.

Your second point concerns evidence relating to the behaviour of Liverpool fans which you say has been overlooked. Lord Justice Taylor finds this assertion surprising. Throughout the course of the oral hearings, he made clear that every opportunity would be afforded to any of the represented parties to have any witness called whom they wished. He expressed that view at the outset of the hearings on 15 May (Transcript Day 1, 15 May 1989 p.11 F-H)

and it was reiterated on a number of occasions right to the end of the oral hearings. If such evidence existed, it should have been brought to the Inquiry's attention at that stage.

Lord Justice Taylor feels that ample opportunity has already been given to present all relevant evidence, and is not prepared at this stage to consider the matter further.

*Yours sincerely,*

*R M Whalley*

R M WHALLEY  
Secretary to the Inquiry

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p 10

Russell Jones & Walker

SOLICITORS

The Right Honourable Lord Justice Taylor,  
c/o The Circuit Administrator,  
The Royal Courts of Justice,  
The Strand,  
LONDON,  
WC2A 2LL

Your Ref:

Our Ref: JMW/MIS

Date: 9th OCTOBER, 1989

My Lord,

re: HILLSBOROUGH INQUIRY

We are instructed by the Police Federation of England and Wales in connection with all legal issues arising out of the events at Hillsborough on April 15th 1989 which relate to members of the Federated Ranks. The Federated Ranks are those below the Rank of Superintendent.

On the 15th May 1989, through Mr. <sup>Stuart</sup> Steven Brown of Counsel, the Police Federation applied to be granted the right for the Federated Ranks to be represented by Counsel at the Hillsborough Inquiry.

Mr. Brown indicated that there was a potential conflict of interest between Senior Ranks and Federated Ranks who were at that stage principally represented at the Inquiry through the auspices of those representing the South Yorkshire Council.

It had also become apparent following the disaster, that members of the Federated Ranks might be subjected to some criticisms during the Inquiry. Separate representation of the Federated Ranks was refused.

We remain instructed by the Police Federation on behalf of all those members of the Federated Ranks who may now be subjected to disciplinary or criminal investigations arising out of the incident, and thereafter in connection with any Inquest that may be convened.

On the 15th May, when the application was made to you by Mr. Steven Brown, the necessity for detailed representation of individual officers in potential criminal or disciplinary proceedings had not been identified. However, the position has become substantially more clear since the parameters of the wide-ranging inquiry being conducted by the West Midlands Police Force have been clarified.

In particular it has been indicated to us that inter alia, consideration will be given to any common law criminal offence which might be considered on the basis of "failure to do one's duty".

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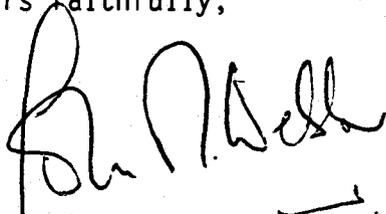
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We are of the view that had this position been made clear prior to the commencement of the Inquiry, that Counsel appearing for the officers would have pursued the question of separate representation further.

In the course of our general preliminary discussions with officers of the Federated Ranks of the South Yorkshire Police, several officers have drawn our attention to certain aspects of the preliminary conclusions of the Interim Report, particularly those relating to the behaviour of the visiting Liverpool fans. There is a considerable weight of evidence available which they believe shows a level of behaviour less acceptable than that referred to in the Interim Report. The concern relates specifically to the extreme behaviour of certain numbers of fans during the morning and early afternoon of the 15th April, and the way in which this behaviour affected normal policing methods in a variety of situations in the vicinity of Hillsborough. There is considerable concern that the unique problems associated with excess drinking and aggressive behaviour experienced on the 15th April, and that the manner in which this behaviour caused or contributed to the disaster, have been overlooked.

It is the wish of the Police Federation that we write to you requesting a review or reconsideration of aspects of the evidence which relate to these matters.

Yours faithfully,



JOHN M. WEBBER  
RUSSELL JONES & WALKER.

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