

IN THE BIRMINGHAM EMPLOYMENT TRIBUNAL

BETWEEN

Tyson & Others

Claimant

AND

MAG (UK) Ltd

Respondent

I, IAN GEDDES MUTCH, WILL SAY as follows:

1. I was a founder member of MAG in 1973 and worked in a voluntary capacity intermittently from then until 1983 when I left a career as a navigating officer in the merchant navy to make a new career in journalism.
2. In 1995 I was invited to take on the role of publishing MAG's bi-monthly publication. I have done that ever since, changing the A5 mono publication into a tabloid newspaper and subsequently into a full colour 84-page A4 magazine 'The ROAD'.
3. The ROAD covers a broad spectrum of motorcycle-related issues from motorcycle reviews to emphatically political articles that relate to legislation that affects motorcycling. The political content is the critical element of the magazine as MAG is a political lobbying organisation.
4. Since Nich and Paddy provided political input to the magazine I worked with them, mostly using email as the medium of communication.
5. With the passage of time their dissatisfaction with the magazine became more aggressively expressed. On one level they objected to technical inaccuracies that might, by a dispassionate observer be viewed as no more than helpful criticism. However over the course of time they became in my view obsessive and exaggerated to the point that I began to feel undermined in my role. On one occasion I recall Paddy asking me if I had an alternative source of income from which I inferred against the context of the discussion that he hoped I might like to surrender my role to someone else before too long.

6. The expressions of petulance that greeted the publication of each issue of the ROAD and the fiercely critical analysis grew to a point that I felt was beyond reasonable. Few members ever contact me to complain about the magazine and the overwhelming number of responses by way of contributions to the letters page have been characterised by unmitigated praise. Paddy at one point persuaded the board to allow him to come to my home and assist with the production during the closing days. This led to me working far into the early hours of the following mornings altering things that I often felt were very minor and often had as much to do with personal preference as with editorial maxims. I became irritated by the interference and felt that my editorial responsibility was being subverted. By way of an alternative strategy to satisfy the appetite for perfection that Nich and Paddy seemed to think essential, I engaged a paid proofer. This was an old friend, a professional sub editor with 40 years of experience in journalism. I paid him £200 per issue to correct the kind of 'literals' that Nich and Paddy seemed obsessed by. Still I got complaints from them and on consulting my paid proofer for his opinion, he asked in graphic terms just what qualifications these people had. I spent about £800 of my own money in an effort to stem the river of complaints that came almost exclusively from these two staff members before terminating the arrangement as I sensed it was never going to satisfy my critics and I was running into financial problems.

7. I would often praise articles that they had written if I thought they were particularly good but never can I recall a single positive remark about an issue of the magazine from Nich or Paddy. What I have had for a couple of years by way of response has been a ceaseless tide of criticism and contempt. In a state of some despair about the unalloyed criticisms I asked Nich on one occasion if he could find a single good thing to say about what was the latest issue. "It has 84 pages and they're all in colour," he replied.

8. Last year Nich took a written critique of The ROAD to a board meeting in order to illustrate what he projected as an illustration of professional contempt for the publication. It was claimed that the report's author was an editor of a magazine, a motorcycle title I believe, though the name of the phantom editor was not revealed to the meeting. It was no coincidence I believe that this revelation was exposed at one of the few meetings I had not been able to attend and for which absence I had apologised in advance. Clearly the intention was that I should not be told about this but an outraged director emailed me to tell me what had transpired at the meeting so I confronted Nich with my knowledge. He felt that there was little to be gained from revealing the name of the supposed editor who had disparagingly criticised my efforts, to which lame response I suggested that the editor did not exist and that the analysis of The ROAD was the work of himself and Paddy. I got no sensible answer to this suggestion and let the matter drop. In short I was satisfied with the high moral ground that I felt the exposure of underhand tactics afforded me.

9. The undermining tendency I had experienced was demonstrated in Paddy's treatment of a long-time MAG supporter and contractor, Neil Stevenson, who for years has organised and managed MAG's recruitment stands at public events. Like me, Neil might be described as 'old school' and in view of this became a victim of an undermining operation that led to him being 'left out of the loop' as regards the style and operation of the stand. Distrust grew and reached a peak when Neil Stevenson discovered, while at a major show in Scotland, that a composite manhole cover was to feature on the stand, leaving no room for the custom motorcycle that he had promised the owner would occupy pride of place for the duration of the show. This angered the bike's owner and caused Neil acute embarrassment as a result of which, shortly afterwards, he resigned his position as stand manager. Nich and Paddy saw the loss of Neil Stevenson as nothing to be too upset about. In discussions with them they made it clear that they considered him an anachronism within the context of modern MAG and were delighted at his departure.
10. I was disturbed by this attitude and went to Yorkshire on a diplomatic mission to persuade Neil Stevenson to reconsider his resignation. That he did and his resignation was withdrawn on the understanding that he would be in charge of the stand and products. He said he was happy to take advice and accept help but was concerned that he should not be undermined or ignored in determining the nature of the stand.
11. Paddy was openly angry and critical of me for persuading Neil to withdraw his resignation, which he clearly viewed as a desirable outcome. Neil also handles MAG's products such as T-shirts and patches. This was another area where Paddy had trodden on Neil's toes by setting up alternative products and suppliers. Again on the face of it, these illustrations might seem like little more than the innocent enthusiasm of an eager employee but they served to demoralise, fostering distrust, resentment and division. In short Paddy consistently thinks he can do other people's jobs better than they can and tends to undermine those he feels are obstructing his plans for re-shaping the organisation.
12. The Get A Grip campaign illustrated the kind of insensitivity that led to friction within the organisation. Both Nich and Paddy were enthused by a new product that offered motorcycle tyres superior grip, particularly in the rain. The product is a composite manhole cover that offers advantages over the old iron ones. To be fair there was nothing wrong with the campaign per se. It provoked interest on MAG stands where it was exhibited and was embraced by Nich and Paddy as demonstrating the new face of MAG as a responsible body concerned about the safety of riders.
13. I was not astonished by the enthusiasm Nich and Paddy had for what was badged the 'Get A Grip' campaign. Nich is an ex road safety officer and is naturally disposed to enthuse about something of this kind. The problem arose from the profile the issue was afforded and the none too subtle way in which MAG's political agenda was subordinated to the promotion of a commercial product at major shows.

14. At the big bike show at the NEC in 2011, the MAG stand, staffed by Nich and Paddy was joined to a stand exclusively promoting the Get A Grip Campaign. This emphatically conveyed the impression that MAG had been taken over by a commercial concern peddling a road safety product. Nich went to great lengths to explain to me that should I take a tape measure I would see that the stand was split 50% MAG 50% Get A Grip and I am sure he was right. What he failed to grasp was that the immediate visual impression overwhelmed the geometric characteristics he felt justified the display. In short they had managed to portray MAG as a body absorbed into a commercial entity and they refused to recognise this. It was as graphic a case of mission creep as one could imagine and yet all who described it thus were derided in terms of mounting exasperation by Nich and Paddy.
15. Louisa has been employed on the administration side of MAG and has worked hard despite facing serious health problems but this cannot obscure the fact that she can be rather stropky and obstructive. I tried for many months to get a list of our affiliated clubs from her so I could email them material. The excuses for why this could not be done varied, but the common factor was that it was best that I should not have the list. I was irked that an admin employee should be telling the organisation's President what he could and couldn't have but I restrained myself from bawling her out in deference to her medical condition.
16. Nich demonstrates a similar characteristic in perpetually articulating reasons to delay doing things that is intensely exasperating. One of my roles besides producing the magazine is to issue press releases. Since these are commonly of a political nature it makes sense for Nich and Paddy to be involved in vetting and contributing to them but Nich spends so long pontificating on the content and style of them and researching the background to stories that the moment and relevance tends to be lost. It's in his nature to be very careful but it's a genetic feature that he indulges to an extreme degree that becomes obstructive and challenges the command structure of the organisation. The recent plethora of emails around the subject of member contact details represents a monument to that prevarication.
17. The staff obviously found the meeting on 18 March 2013 at which Neil Liversidge spelt out the issues rather challenging but it could have been avoided had they had a little humility and been prepared to accept what is after all only the norm of an employer/employee relationship.
18. It gives me no pleasure to record all of this. It makes me deeply uncomfortable in fact as I've worked closely with these people. My historic defence of them to others who think me naive for so doing, reflects what may be an optimistic conceit that my long-standing service for the organisation will protect me from any subterfuge.

19. The people concerned have done good work for the organisation but in light of the reservations I hold about their long-term ambitions and questionable tactics I find it more than a little ironic that they should be accusing others of bullying them.
20. I recognised the signs to which others think me blind. In the case of Nich and Paddy I have displayed what some consider patience and toleration to a point that has provoked doubts about my appetite for survival. The truth is, that like explosive material I had hoped that Nich and Paddy's energy could be controlled indefinitely without a major detonation derailing the MAG mission. Sadly we seem to have reached the point that I had naively hoped might be indefinitely delayed.
21. **Neil Liversidge**
Though it did not threaten me in any way, the transparently obvious effort to stop Neil Liversidge joining the board of MAG UK did not do Nich or Paddy any credit. Since Louisa had at that time, to the best of my knowledge, never met or even spoken to Neil I doubt she could have formed such a strong and adverse view of him without being told that he had to be kept off the board. As Paddy had had no prior contact with Neil either, that could only have come from Nich.
22. I know Nich was anxious about Neil Liversidge joining the board as he told me as much, but as an employee it was not right that he should have tried to influence the composition of the board. Moreover Neil Liversidge is generous by nature. I know for a fact that he bore Nich no ill will and he was adamant that Nich should be kept in post, actually against the wishes of many others.
23. I was at the board meeting where Neil attended to present his credentials for board membership and witnessed the farce that ensued. Den Powell was chairman at that time and asked Neil and myself to leave the room while a decision was reached. Being a contractor without a voting board position I didn't object to this as I attend board meetings by virtue of a special dispensation arrangement in respect of my long time with MAG and my responsibility for publishing its magazine.
24. What surprised me was how long we had to wait outside the boardroom as those remaining were clearly trying to manufacture a reason why Neil's application could be legitimately declined. This may, to a dispassionate analyst of these testimonials read like pure conjecture, but given my experience of the organisation, all the players involved in this and the circumstances, some things are just as crystal clear as they are unacceptable.
25. When we finally re-entered the room the chairman announced that Neil's application could not be accepted on the basis of some argument that was as spurious as it was ill-informed. Neil elucidated the board with a point of information drawing on his knowledge of the constitution that he understands and can recall in detail as he wrote much of it. This threw the meeting into confusion and we were asked to leave the room again.

26. Half an hour later we were readmitted to be told that Neil's application was unacceptable on grounds as ill-founded as before and he left in disgust.
27. I found the proceedings embarrassing as the conclusion of the meeting did the board of MAG no credit at all. I don't recall the detail of what was said after Neil's departure but it was clear to me that the board feared that had Neil's application been approved then there was doubt that Nich, Paddy and Louisa would wish to continue working for MAG. I doubt if a bluntly worded ultimatum had been presented by these staff members but there is no doubt in my mind that they had made it known to Den that were Neil to join the board they would find it very difficult to continue working for MAG. This conviction was reinforced by Pete Walker who some time later asked Den if she had been approached with such a thinly veiled threat and she admitted to Pete that she had.
28. Subsequent to that meeting in January or February, Neil Liversidge contacted Central Office to ask for a formal acknowledgement of his nomination that he had of course hand delivered complete with a manifesto on the night of his aborted co-option meeting in mid December of 2011. Several people had received it so there could be no doubt as to its delivery. I personally saw the envelope handed over with multiple copies, as did others. Neil was then told that his manifesto and nomination, which included a proposer and seconder, complete with membership details, could not be traced. Eventually Neil's nomination was accepted and legally he should have been elected on a walkover. In the event he was put through a 'ratification' vote at the Annual Group Conference, which in any case he won handsomely.
29. Subsequent to his election, it seemed to me that he and Pete Walker were afforded negligible co-operation by Nich, Paddy or Louisa. Neil kept at them to release club contact details to me but even by March 2013 Louisa was still giving me a variety of excuses as to why they could not be provided.
30. Similarly, Neil tried to get them to release member contact details to the Regional Reps. This was pure common sense as membership has been at best static and everything possible needed to be done to encourage renewals. As with the club contact details I wanted, Neil was given a succession of excuses, most of them centring on the Data Protection Act (DPA). In my experience most refusals of information based on the DPA are nothing more than the unnecessarily obstructive behaviour of 'jobsworths.' It was plain that this frustration was having a negative impact on Neil, as he is a busy man with a business to run and a wife and three children to look after. My experience of Neil is that logic is his religion and efficiency, hard work and common sense are his substitutes for the Father, Son and Holy Ghost. Other businesses pay for his expertise as a management consultant, something he does as a sideline to his main business as an Independent Financial Adviser. We were getting it for free and yet the staff were wasting his time without good cause.

31. Previously I had seen a succession of Directors leave the Board in exasperation at the attitude of the staff, Tony Cox in particular springs to mind. One worry was that Neil would do the same. That said, he is not one to walk away from a problem. He is very direct with people and if there is a problem he tackles it and sorts it out. I could therefore envisage a point where there would have to be a showdown for want of a better word.
32. Eventually this came about. Board member Selina Lavender had been worn down by Nich and in the beginning of March tensions were obviously rising over Central's on-going refusal to comply with simple instructions to issue data, all of which seemed lawful to me and liability for which would in any case be the liability of the Board, not the staff. Thus it was that Neil and Pete were appointed to look after the HR function.
33. Without ado Neil called a staff meeting for the following Monday 18th March. No sooner was this announced than the staff had Den Powell working the NC list to try and stop the meeting. I watched her antics in pure dismay. Despite all her efforts to undermine Neil and Pete however the NC saw sense and agreed that the meeting should proceed. I was appointed its independent observer. I duly attended at MAG Central on 18th March 2013 in the company of Neil and Pete.
34. The recordings made covertly by Den Powell and Nich Brown speak for themselves. How Den, Nich, Paddy or Louisa imagine that their behaviour does them any credit at all is beyond my imagining. Neil Liversidge and Pete Walker are in a somewhat unenviable position. On the one hand for the last six months rumours have been manufactured implying that these recordings would somehow show them up to be unreasonable tyrants. On the back of that, the other side's various supporters have been trying to have Neil and Pete side-lined or replaced as directors, presumably with a view to installing somebody of the claimants' choosing. At least one person on the National Committee has worked against them as the leaked documents evidence. The story has been put about for the claimants that MAG would be bankrupted by a Tribunal award once these recordings were played as the tribunal would surely award in the claimants' favour. The intention would seem to be to try and psyche out MAG's National Committee with a view to having Neil and Pete replaced. Probably this originates from the threats issued by the claimants' solicitors in their correspondence from the time at the start of the case when they tried themselves to deal with Den Powell and others rather than Neil who was the appointed person.
35. On the other hand, whereas the recordings actually show Neil and Pete in an extremely good light it would still probably be harmful to MAG for them to be made public. To understand why, one must understand the mechanics by which MAG is funded. Many members give unstintingly to fund the organisation that is a major part of their lives and they do so in the greater part by donating their time in fundraising efforts, mainly motorcycle rallies. For those involved, it means giving up paid work or annual holiday. In recent years it has meant giving up annual holiday to work as marshals standing up to their knees in mud in a deluge of pouring rain. These people do not want to hear about internal controversy that is a distraction from MAG's purpose.

36. By any estimation Nich Paddy and Louisa were on a very good deal. They were well paid, had very flexible working conditions and, whatever they might wish to pretend, a very reasonable employer in the shape of a board that exhibited extraordinary patience in the face of inexcusable inefficiency. For at least a couple of years the board was fobbed off with excuses and assurances that an enhanced database would soon be operational. It slowly dawned on me that the office and specifically Nich Brown suffered a strange kind of paralysis with regard to making one scintilla of progress in an area fundamental to MAG's operation as a lobbying organisation. For a long time I put this down to work overload and Nich's serious issues with prioritising that which was most important. I am conscious of the fact that stress can cause gross inefficiency. What I had not believed was that the stress might be a product of trying to lead a kind of Jekyll and Hyde life, running MAG's office and political programme while simultaneously endeavouring to develop a publishing business in the shape of Overland Magazine. With the benefit of hindsight, the probability of this being the case seems far more credible to me.
37. I suspect that both Nich and Paddy may have been surprised by how much time and effort publishing a magazine involves. I recall Paddy once suggesting to me that producing The ROAD was really only a part time job.
38. It is easy to look at a finished product and falsely conclude that it has taken little effort to achieve it. Such a simple assessment ignores the reality that what is finally published represents the conclusion of a process that has involved the exploration of a variety of alternatives in order to find what works. Just as the simplest of TV commercials may reflect thousands of hours of effort and multiple rejected scripts, so a magazine's published form belies an effort that would surprise most people. My speculation is that having launched Overland, its owners found themselves on a treadmill that continually derailed their efforts to lead the double life effectively. In short they found themselves in the hopeless position of those disparagingly referred to in the bible for trying to serve two masters.
39. I am inclined to believe that Nich and Paddy thought they could effectively reconcile their day jobs with their publishing ambitions but became progressively disillusioned with their inability to do this. It seems probable to me that the stress of which they continually complained was in part a product of this unsustainable balancing act.
40. From the time that Neil returned to the Board. Nich seemed to develop a fatalistic conviction that his days working for MAG were numbered. He must have realised that the work schedules of all in the office would come in for close scrutiny as Neil's past record of working for MAG had been characterised by meticulous attention to detail and exploration of anything that aroused his suspicions or offered opportunity for change in ways to maximise efficiency. Attempts to get the staff to provide analysis of how they spent each day were made and particularly in Paddy's case the co-operation was very limited.

41. I had believed that Paddy's efforts in touring the country for the purpose of starting new groups was bringing in hordes of new members. Indeed the National Committee was told that MAG's membership had passed the 10,000 point which was a couple of thousand up on where we had been a couple of years ago. I recall we issued a press release about the recruitment of member 10,001. To discover that this membership rise was fantasy and that membership had not risen at all was profoundly depressing. When challenged about the erroneous membership claims Nich blamed some double counting of a section of the membership database. It didn't sound very credible to me and I was left with the impression that the exaggerated membership claim was at best an illustration of incomprehensible inefficiency and at worst a deliberate effort to paint a false picture of membership growth. The only plausible reason I can think that such a deliberate deception might have been attempted is to sustain the notion that Paddy's recruitment programme was a great success.

42. After the meetings of 18th March Neil and Pete were extremely unhappy at the behaviour they had encountered. This was a sentiment I shared, moreover I was baffled by what the staff members concerned hoped to achieve by such behaviour. The general feeling was that Nich at least, as the senior staff member, should be put through a disciplinary procedure and that really all three merited it. The behaviour of all three but particularly Nich and Paddy was one of uncooperative belligerence. At one point Paddy began putting on his bike gear with the intention of leaving. I did my best to calm him down and persuade him to take part in the meeting but he and Nich seemed irrationally opposed to the very idea of taking part. Nich was almost hysterically emphatic in insisting that the meeting could not take place as he felt that the grievance procedures he had initiated provided some kind of legal obstacle. It struck me as nothing more than humbug that was no more than a desperate tactic to avoid a legitimate meeting between an employer and employees.

43. I could not defend the claimants' obstructive behaviour but in the belief that Paddy had done all the good that his self-publicity had us believing, I did oppose any sackings. In the course of their work for MAG these staff members have made many contacts in political circles as well as in the civil service and media. My concern was that the pool of potential recruits from which we might find replacements and who would have similar contacts and the right kind of political experience, was extremely limited. MAG's campaign programme occupies a very small niche within the political lobbying spectrum and I feared we would be 'fishing in a very small pond' in order to find suitable replacements.

44. My instinct was to keep the present staff 'warts and all,' as I saw this as being the 'lesser evil.' In fact there was no intention to sack anyone. I sought clarification about the way Neil and Pete were thinking and they were emphatic in insisting that they just wanted MAG Central to operate effectively and perform duties as directed by the board. They did not want staff interfering in the democratic process of MAG as they had done in the past.

45. I must confess to having some residual sympathy for Louisa in view of her recent poor health and also for the fact that she has no doubt been led by Nich. That said, she is a mature adult and old enough to make her own decisions in life.
46. I wish Nich and Paddy no ill but equally I wish they had not sought to bring this vexatious case against the organisation. I see no merit in their claims and it will represent a serious and ironic miscarriage of justice if their complaints are upheld.

I believe the facts stated in this witness statement are true to the best of my knowledge and belief.

Signed: 

IAN GEDDES MUTCH

Dated: 14 October 2013