

IN THE BIRMINGHAM EMPLOYMENT TRIBUNAL

BETWEEN

Tyson & Others

Claimant

AND

MAG (UK) Ltd

Respondent

I, NEIL FRANCIS LIVERSIDGE, WILL SAY as follows:

1. I am 50 years of age, started work at 16 and was appointed to my first management role at age 19. Most of my working life has been spent in financial services variously as an administrator, compliance and data protection officer, researcher, analyst, adviser and company director. In a break from financial services 1989 - 1992 I ran the fitting operation of a large local furniture company and for a time worked as a private detective investigating commercial fraud. I now run my own IFA company and am a director of our trade body, APFA the Association of Professional Financial Advisers. I also do management consultancy work, broadcast regularly for the BBC on TV and radio, and write a regular column in the trade newspaper *Money Marketing*.
2. MAG was formed in 1973. It is a civil rights organisation seeking to influence political decisions and social attitudes for the benefit of motorcycling and motorcyclists. I started riding motorcycles on the road in March 1981 aged 17 and joined MAG in February 1982. I joined MAG's National Committee (NC) in 1988. Elected National Chairman in 1989 I served until 2002. I incorporated MAG (UK) Ltd in 1990 and served as a Director from 1990 - 2004 and again since 2012.
3. From 1989 to 2002 I authored most of MAG's campaigns. With continental colleagues I set up the Federation of European Motorcyclists' Associations (FEMA) in 2000. From 1989 when I became MAG National Chairman to 2004 when I set up my own company, most of my evenings, weekends and annual holidays were given to MAG activity. I was responsible throughout that period for all staff matters and put in place proper contracts and benefits such as pensions. I believe I have always treated MAG's staff fairly as I do the staff in my own company.
4. The business and employment activities of MAG (UK) Ltd are run by a Board of Directors. Directors are automatically members of the NC which also encompasses Regional Representatives and 'political' officers such as the National Chairman. Historically the National Chairman has tended also to be a Director, and certainly I always held a Board seat, but it is not automatic. The current National Chair is not a Director. The Board reports to the NC which oversees its work, but the Board has complete Constitutional authority in all business and employment matters.

5. To understand the inter-relationship of MAG Members, paid staff, Board Directors and the wider National Committee, think of the Co-Op. If a worker has a dispute with her manager she must resolve it within line management, not go to Co-Op members, customers, or to the political 'wing' of the Co-Operative movement, the Co-Op Party. To use another analogy with a 'normal' company, if Marks & Spencer PLC employ an individual who happens to own some M&S shares and who shops in M&S, he can vote at the M&S AGM and he can choose to spend or not spend his money as he wishes in M&S stores. However, any matters he wishes to raise about his employment have to be raised with his line management, not by going outside the management structure to the shareholders, customers or media.
6. I have known Nich Brown since 1989. We fell out in 2002 when he was part of a cabal of Motorcycle Industry Association (MCIA) employees that engineered the campaign to remove me from MAG's National Chairmanship. They wanted me out because I was opposing their efforts to make MAG a surrogate lobbyist for the industry's objectives. When I heard, however, that he had been appointed MAG General Secretary in 2008 I was quite content. I had put his previous behaviour down to another industry individual exercising having been a bad influence on him. I expected Brown would run the office competently as he has a clerical / administrative background.
7. At the Spring 2011 Annual Group Conference (AGC) in Beverley, East Yorkshire I was disturbed to hear that the head count and salary bill was as high as it was. **(Page 89)** Tyson, who I had never met before, defended his **'Get a Grip'** campaign against critics, some of whom were friends of mine. I vocally supported **'Get a Grip'** and still do. I make my own mind up on the facts, regardless of what my friends think. The conference was told that Tyson's campaigns were bringing in a lot of money and new Members and that he was starting a lot of new groups. This claim was repeated by Brown throughout 2012 – 2013 at pretty much every Board meeting.
8. Magic Action Promotions Ltd (MAP) is a company formed by MAG Members in Yorkshire to run fundraising events for MAG nationally. At the MAP meeting in September 2011 a few weeks before the Yorkshire MAG Region (YMAG) AGM, MAG's National Chairman Paul Turner offered an automatic seat on the board for any member nominated by Yorkshire, due to YMAG's exceptional fundraising for the national organisation. He also expressed the view that it would be a good idea if the Northeast MAG also had a director as the other big fundraising region. He stated that co-option was "a done deal" as MAG UK LTD had director vacancies.
9. On 22 October 2011 I attended the Yorkshire MAG Region (YMAG) AGM in Barnsley. There was much unhappiness expressed at Central office's performance. Members asking for information to support their campaigning were constantly being fobbed off with the excuse that the database was to blame. YMAG discussed this at length and many Members present wished to cease donating funds to MAG (UK) Ltd, instead setting up a separate administration centre in Yorkshire. There was a general feeling that Central was badly run. I was disturbed at the idea of cutting off funding to MAG (UK) Ltd and believed having two offices would be inefficient. I persuaded Yorkshire to maintain its donations and Yorkshire MAG nominated me for a seat on the M.A.G. (UK) Ltd Board.

10. After nomination I was first told by then-Chair Paul Turner that I had been co-opted. (**Page 92**) so I started work immediately trying to get up to speed, finding out what people needed to work effectively as volunteers etc. Ian Mutch asked for clubs and Reps' email addresses which he had been requesting for some time without success. (**Pages 94 to 95**) I tried to gather other vital management information (MI) which I knew I would need, making the first of many attempts to get a reliable number of functioning local groups (**Page 97**).
11. Next I was told I had *not* been co-opted but must submit a manifesto and be interviewed. Whilst it is normal to require manifestoes for candidates for election it is not usual to require one for co-options. Candidates for co-option are invariably 'known' people with a significant background in MAG. I at that time had 30 years' in MAG, fifteen on the NC. Anyhow I submitted a manifesto (**Page 99**) and attended the next Board meeting. At my 'interview' Denise 'Den' Powell asked me two irrelevant questions which I answered nonetheless. Nobody else asked me anything. After being kept waiting some two hours before being refused co-option with Denise Powell, Di Pugsley and Pat Val Aalst voting against. As I suspected my refusal was a foregone conclusion. Powell stated that my nomination would have to go on to the AGC to be decided.
12. After she became National Chairman in April 2012 Den Powell stated to the Board that Brown had 'blackmailed her' by threatening to resign if I was co-opted. I later learned that similar pressure to refuse my co-option was put on then-Chairman Paul Turner by Jenny Cook who lists her occupation as 'Marketing and Social Media at Overland Magazine', the magazine published by Brown and Tyson's company Shuvvy Press Ltd.
13. In early 2012 I enquired of Brown as to why I had received no acknowledgement of my nomination for the upcoming AGC as the Constitution provided. He claimed my nomination had not been received. This was patently false as all present had received it and seen it hand delivered by me.
14. While the validity of my nomination was being argued I discussed my concerns over staff numbers on email with Paul Turner (**Page 101**). I made it clear that Nich's position was rock solid and the safest job in the office so far as I was concerned. Paddy I needed to be convinced about, and I was certain that the office should only need two support staff rather than the three – Julie, Carol and Louisa – we then had. This was just based on 30 years 'experience of running offices in general and my MAG experience in particular. Replacing Nich would have been difficult and utterly pointless and I quite simply had no desire to do it; I would just have been making more work for myself. Recruitment is an expensive process and I am not in the habit of cutting off my nose to spite my face. I tried using Ian Mutch as an intermediary to get Nich to understand he had nothing to worry about (**Page 111, pages 113 to 119, pages 121 to 122, 124 to 125**). I found it exasperating and incomprehensible that Nich seemed determined to pick a fight with me when I was not the slightest bit interested in having one with him. I could not understand why an obviously intelligent man should be so determined to antagonise somebody – me - who stood an excellent chance of being elected and placed in management above him. It made no sense and seemed totally illogical to me.
15. Come the 2012 AGC and the Board elections, despite being elected employees who were

supposed to be neutral in such matters both Brown and Tyson showed themselves to be highly partisan, parading Jono Broad around the conference venue the night before the elections in an effort to whip up support. Den Powell and Paul Turner met with Pete Walker the next morning and discussed Tyson's lobbying for Broad. Powell stated that me she took Tyson outside the hall and reprimanded him for the bias he had displayed, promoting Broad's candidacy at the party.

16. As mine was one of only two nominations in by 31 December 2011, for two of three vacant Board seats, I should have been returned as elected automatically. Instead there was a clamour generated mainly from the section of the hall filled with Andrew Pyatt's Warwickshire members and the local Thames Valley members for a 'ratification' vote. As some were obviously not in a mood to listen to the rational arguments around the legalities of how elections are conducted, I agreed to participate in such a vote to keep the peace. On my way to the platform to speak in support of my nomination I was subject to cat-calls and shouts of abuse from Andrew Pyatt and others in his section of the hall such as no other candidate had to endure. I said my piece and was duly ratified by 158 votes to 84, 65.3% of the popular vote
17. Next was the election between Pete Walker and Jono Broad. In this Pete appeared to lose by 122 votes to 115. There was however an obvious miscount in the part of the hall counted by the teller Russell Cort, a Thames Valley member and known friend of the claimants. Broad's majority over Pete was 7 votes which was just 2.9%. MAG's Constitution provides for an automatic recount where the majority is less than five per cent of the total votes cast. I therefore requested a recount. Cort and his wife went wild but the meeting saw the logic. Obviously concerned to avoid a recount that would show up their attempt at ballot-rigging, Andrew Pyatt proposed co-opting Pete Walker as an eighth director. Pete refused as there are only 7 Board seats. Pyatt then convinced Paul Turner to stand down creating a vacancy. Pete was then duly elected.
18. At the very short NC meeting immediately post the AGC, Pete and I sought to close down the pointless spat between the office and 'Right to Ride' – (RTR). RTR consists of Trevor Baird And Elaine Hardy two Northern Ireland Members who run a two-person lobbying, information gathering and analysis effort. We had to argue this point with the claimants from April when we were elected, well into August (**Pages 139 and 140**). They wanted to carry on hostilities against RTR. On 28 August 2012 (**Pages 139 to 145**) I discovered Smith considered part of her job to be that of 'monitoring' Facebook for perceived negative comments by RTR. This struck me as a waste of her time and our money. I got the feeling that the claimants enjoyed their pointless war with RTR far more than they enjoyed their routine daily tasks such as sorting out the database problem and keeping Members. Brown and Tyson made it clear that they hated RTR's research being contrasted with the material they produced and that they also hated Trevor and Elaine personally, generally referring to them as 'Trevaine'. My view was simply that I wanted reliable information and all contributions were welcome, especially if they didn't cost us any money. Nich was obviously displeased with my stance. **Pages 141 to 144** illustrate his reaction, at great and unnecessary length. Here Brown raises the 'duty of care'. He seems to interpret this to the effect that nobody should ever be allowed to do or say anything he does not like. My reaction is on **Page 145**. With

diplomacy and good will Pete and I did close down the conflict. Since then RTR has been generous at sharing information with MAG, all provided completely free of charge and of very high quality. Their analytical work is held in high regard by others in FEMA whose judgement I trust, i.e. the Norwegians, NMCU. Brown accuses me (**Page 29**) of planning to recruit Trevor as his replacement. Utter tosh, for more reasons than I can be bothered to explain.

19. Pete believed – and warned me – that Brown would be looking for an excuse to have me removed from the Board or to concoct a constructive dismissal claim. To protect myself I avoided verbal communications that were not witnessed by at least one other reliable person, but I also tried to reassure Brown that he need have no fears for his job (**Pages 120 and 133 to 134**).
20. Fearing being set up by Brown, I do not recall ever phoning the office to speak to him, keeping my communications in writing by email so there could be no dispute over what was said. I had no direct communication with Smith or Tyson whatsoever. Pete needed to call the office more often and when he did call Brown would only speak to him on speakerphone. Pete believed Brown was either recording his phone calls or else having Smith listen in. Pete repeatedly opined to me that Brown was planning a constructive dismissal claim. Initially I had not believed that to be the case, thinking that nobody would be silly enough to gamble a highly paid job at a time of poor economic conditions but as time has proven, Pete was right. The Qdos HR consultant Gail Puttock in her interview with Pete, when she was investigating the grievance, concluded the same, that they had planned the exercise. She states ***“There is an element of me, you know, that feels that some of this has been um you know planned in a way”***. (Transcript - Page 531).
21. At the June 2012 Board, Brown apprised us of Smith's health status. I proposed she be kept on full pay until the year end so that she would not be placed under any financial pressure. Brown told us he was inundated with emails and cited this as one reason why he had not progressed the database project. We made clear that no additional paid staff could be contemplated but I offered to work some time in MAG Central myself on a voluntary basis and I also suggested he forward each day's emails to me so I could identify common themes and formulate a bank of standard responses to use via autotext (**Page 134**). He refused both offers out of hand. Brown was very hostile to the idea of me working in MAG Central, though I had done so previously in the 1990s with his full support. I have a lot of experience in organising offices and improving systems.
22. My first main concern was to get the database up and running, the issue that resulted in me going on the Board. It soon became clear that Brown was doing little or nothing to progress chase the project and had no interest in getting to grips with it. (**Page 136**). I did at one point suggest daily reporting back from him to me on its progress but he was against it and not wishing to be accused of over managing him, I let it go. Pete Walker focused on sorting problems over products where specific Board instructions re' suppliers and websites had been ignored by Brown and Tyson.
23. On 28 August 2012 I reported back on the Northeast MAG AGM and requested Central supply Member details to Regional Reps to encourage renewals. (**Pages 146 to 149**). Brown argued against, citing the database and Data Protection Act as reasons why this could not be done. It took me until 12 March 2013 to get this information released by MAG Central in the face of determined

resistance by Brown and Smith. All the while we were struggling to keep up membership numbers and improve our finances. To begin with Brown and Smith cited the database as the reason why Membership information could not easily be supplied. Later the Data Protection Act and Telephone Preference Service were invoked as reasons for not supplying it. In reality it was pure defiance by Brown aimed at provoking me. The DPA and TPS had NEVER prevented us from issuing Member details to regions and locals for renewal-chasing in all the 13 years of my Chairmanship and **Page 83** shows Smith herself had previously issued them without demur. To put their attitude into words, it was *"If Neil wants anything, make up a reason why he can't have it, whatever it is, waste his time and wind him up"*.

24. Pete and I became concerned as to how Brown and Tyson were using their work time. Pete could seldom if ever get Brown on the phone in the mornings. Usually a call would be passed to Smith who would make some excuse and a short while later Brown would call Pete back from his mobile. We later learned from Julie Sperling that Brown routinely came in late and the other staff covered for him (**Page 733**).
25. Tyson was incurring significant expenses and accruing very significant amounts of Time Off in Lieu (TOIL) - 26.5 days for the ten months to October 2012 - making evening visits to bike clubs. Brown repeatedly claimed that these activities were successfully increasing membership and that he was launching many new groups. I assiduously tried to pin Brown down on specifics and he just as assiduously avoided giving me straight answers. MAG's finances didn't show any significant increase in membership income and I knew it was fanciful for anyone to pretend that they could singlehandedly launch multiple new groups, having launched Wakefield MAG personally in 2002.
26. At the time of our election we were aware that Brown and Tyson were running their own magazine publishing business '**Overland**' alongside their MAG employment. As time wore on we became concerned that Tyson's visits to clubs were aimed more at promoting their own business than MAG's. This was borne out when Pete Walker and other East Yorkshire MAG Members attended a talk given by Tyson to a club in Hull where the main effort and emphasis was all on **Overland**.
27. Gradually it became clear to us that the likely reason why projects such as the database were being neglected was that Brown and Tyson were more focused on their business than ours. Brown was perfectly positioned to cover for Tyson and Smith gave every impression of covering for them both. Meanwhile many administrative failings were becoming obvious. Corporate renewals were not being chased, as I knew from the failure to send me a renewal notice for my own company's affiliation a year or so before. Later we learned that many more corporates had been left to lapse. Similarly commission cheques for our insurance deal were being sent to the old office address and going uncashed with nobody at MAG Central even noticing their non-appearance.
28. That **Overland** was being produced on MAG's time is not a matter of mere suspicion or conjecture, it is a matter of officially minuted fact. The minutes of the August 2012 NC meeting (**Page 138**) record: *'Nich Brown stated that they are very conscientious regarding the separation of MAG time and Overland time. Den Powell backed this up noting that on an occasion when she was in the office an urgent Overland matter had been put to one side despite an offer*

from her to deal with it at the time. For it to be 'put to one side' it had to be on the table in the first place, ergo *Overland* was encroaching on MAG working hours. Numerous emails relating to ***Overland*** have been received at their old MAG email addresses since March 2013.

29. In my experience, running my own business and having helped to run many others, to run most businesses you have to be able to operate in normal office hours. Even businesses that are mainly nocturnal such as night clubs have to conduct their routine affairs Monday to Friday 9 to 5 dealing with suppliers, accountants, advertising etc. The idea that a publishing and touring business can operate without making calls, sending or receiving emails and post, weekdays between 9am and 5pm, is laughable. They have to work when the rest of the world is at work doing business.
30. Brown and Tyson sought to portray *Overland* as merely a hobby. In reality it was and is a full time business, incorporated as a company, Shuvvy Press Ltd. While Tyson and Brown were employed by MAG the reality is that their business was run to some extent at MAG's expense and using facilities for which MAG was paying. This even extended to them using a container rented at MAG's expense, ostensibly to store old office furniture but actually used mainly to store copies of *Overland* awaiting distribution. We know this because we found a copy of *Overland* that had dropped down the back of a stack of desks when he cleared the container. All the furniture had been stacked tight to the rear of the container for no obvious reason, leaving a large empty area at the front of it where they had clearly been storing their magazines. On top of this they were also using their *overland* business to promote non-MAG events that competed with major MAG fundraisers. **Page 153** shows how they promoted an event on 4 August 2012 in competition with the Yorkshire Pudding Rally (YPR) which is one of our six biggest fundraisers. This was utterly infuriating and very demoralising for the Members who were giving up their time to run the YPR, as the money made by the YPR was going to pay Brown and Tyson's wages.
31. By 11 September 2012 I had been on the Board five months and a number of concerns had crystallised in my mind. These – 10 originally, growing to 13 over the next few days – I put before the Board. Pat Van Aalst was hostile from the start as was Steve Peake who, whilst not a Director, was inputting as MAG Vice Chair. Subsequently they both conceded the concerns were valid and there was general agreement that the 13 concerns should be addressed. **Pages 154 to 175.** Pat Van Aalst then agreed that there were problems at Central (**Page 175**). When it was agreed that the concerns needed to be addressed I wanted to put them in a memo to Brown and ask for a formal response. Van Aalst opposed this so it was instead agreed that they would be addressed piecemeal. This was a mistake as it only served to drag out the process. Looking back now I can see that at every step Van Aalst would agree that there were problems but he would then undermine or obstruct all attempts to actually resolve them.
32. One ongoing concern was that Brown would refuse point blank to leave Board meetings so that the Directors could deliberate in private; getting him to leave was like persuading a cat to take a bath. Whilst it was essential to have him present for part of the meeting it was equally essential that the Directors might freely express themselves. This had been a longstanding problem and previous directors had complained about it, Den Powell included. Brown's presence stifled free debate.

Some directors were reticent and would not say what they felt should be said for fear of upsetting him. Pete and I wanted all seven directors to be able to speak freely and pool their honest thoughts, thereby to find a way through the difficulties that beset the organisation.

33. On 13 September we discovered by accident from the Overland Facebook page that Brown and Tyson planned to take time off together in early 2014 to run a guided motorcycle tour in South Africa. **(Page 166 and 739)** Prior to this the Board had no idea they were also operating a touring venture in addition to the magazine. Whereas Brown had been given permission for a magazine business he had certainly **not** sought or been given permission to extend it into touring which obviously would place yet greater demands on his time and further divert his attention from his MAG work.
34. The prospect of having our two most senior people absent together was completely unacceptable and this additional new business of theirs was a clear breach of contract by both Brown and Tyson. We raised this in the October Board meeting and Brown undertook *not* to go on the trip. Then, at his subsequent private meeting with Selina, when she mentioned her concern as to whether he had taken it on board that their planned simultaneous absence was unacceptable, she reported back that his reply was **"well thanks for that without even giving me an opportunity to explain how it could work"**. As of 9 December they were still advertising that both would be 'joining the tour'. We felt both prioritised Overland over their MAG employment. This was also illustrated by their Linked In profiles which prioritised Shuvvy Press Ltd before MAG office **(Pages 554 and 555)**.
35. MAG had tended to have a high turnover of the more junior staff over the years so, as part of ensuring all possible problems could be headed off, I wanted to ensure that well-documented procedures were in place in MAG just as I have them in place in my own business. The object was to cut training times in the event of another leaver needing replacing. I had first asked for copies of documented procedures in late 2011 but despite being assured they existed I had not received them. On 17 September 2012 I asked again and the following day Brown confirmed their existence but did not send copies. I asked again and he sent me a screen shot to 'prove' that they existed but still did not send copies. I asked again and finally I got them on 21 September 2012. Again, 'classic Nich Brown' petty obstructionism, withholding information and playing the 'knowledge-is-power' game. **(Pages 170 to 173)** As of 8 October **(Page 179)** he was still withholding the Word copies of the documents I had asked for
36. Throughout 2012 we had been trying to get to the bottom of how many individual and joint Members we really had. Brown had several times given us figures which were obviously exaggerated, given the membership receipts. I therefore pressed Van Aalst on the question who as finance director should have known how many Members we had. I even had ordinary Members out in the country calling me to insist our figures were wrong and exaggerated. This was very important in terms of MAG's credibility. In my years as National Chairman I had always insisted that we tell the truth about our Membership figures, which to my recollection had been between 10,000 and 18,000 individuals approximately at various times between 1989 and 2002. Our competitor organisation the British Motorcyclists Federation had habitually claimed 140,000

members, which was transparently false as could be seen from its membership receipts in its accounts. The BMF drew a lot of derision for its fakery. I had always been determined that MAG should not lay itself open likewise. My dictum was and is ***"Tell the truth, however ugly or bad. Honesty is the best policy."*** I'd had minor spats with Brown in the Board over membership numbers and he would become very heated if his figures were queried. Simple requests for accurate information were invariably interpreted as attacks, not having regard for his health and welfare, the Board not exercising our duty of care etc.

37. At the October 2012 Board meeting, out of the blue, Brown suddenly delivered a long and highly technical presentation on membership figures complete with coloured charts and a long-winded explanation which must have taken a full day to prepare. It could however be simply summed up as ***"the Membership figures were wrong, we had double counted the joint Memberships"***. This came after I had been pressing him on the truthfulness of the numbers directly for six months, and others had been pressing him for more than 18 months.
38. MAG has counted its Members in the same way for at least 25 years, to my certain knowledge. The Directors all felt the figures had been deliberately inflated along with supposed new local group start-up numbers. The effect was to create the appearance that Tyson was having a far more beneficial effect than was actually the case. Given the timing, there is also no doubt in my mind that behind the scenes Van Aalst had told him the game was up and he'd need to come up with a plausible explanation as to why the NC had been given false figures for the best part of two years.
39. In the October Board meeting Brown raised the idea of employing Jeff Stone who had been made redundant by the BMF. This was turned down flatly and it was reiterated that no additional personnel would be engaged. We did however vote through a 3% pay rise for the existing staff (**Page 209**). Despite our strictures on not engaging any more paid people in any capacity we later discovered Brown had engaged Craig Whitney as a paid contractor without our permission, deliberately concealing that fact from us (**Page 174 and 722 – 723**) and deliberately circumventing our purchase authorisation policy. He had completely ignored the decision the previous June that we would not employ any more staff which was reiterated in my email of 13 July (**Page 136**). The phraseology in **page 722** suggests Van Aalst was complicit with Brown in concealing Whitney's engagement. When we discovered this we were dismayed that he had gone through the October, December and February Board meetings without once taking the opportunity to admit what he'd done.
40. In October 2012 I drafted appraisal notes to assist Den Powell with Brown's appraisal. **Pages 185 to 187**. These specifically **did not** require Brown to admit to any past wrongdoing but **did** make clear what conduct would be required in the future. The idea was to draw a line under his past behaviour and obtain acceptance of the requirement for neutrality on Brown's part in the nicest possible way without any prejudice to his employment record. I also on 21 October proposed appointing Julie Stevenson as Personnel Officer. Julie works in local government, was MAG's finance director for many years and has many professional qualities that I and others in MAG admire. The idea did not gain any traction however, mainly down to the fact that Den Powell was ill

with cancer and nobody wanted it to look as if we were writing her off and removing her powers. That was a mistake though as in the event Powell did not do a proper appraisal but rather just had a cosy chat as I had feared would be the case. She did not even give the Board a proper report back. We heard about it via Facebook. I therefore emailed the NC (**Page 191**) clarifying the requirement for future impartiality, so Brown could not claim he was unaware of what we required in terms of professional impartiality and to afford him the opportunity, if he disagreed, to say so.

41. On 31 October 2012 (**Pages 198 to 203**) I offered again to help sort out the admin' problems in Central. Brown replied suggesting that I do other things instead. His email of 1 November also promised the club contact details that Ian Mutch had asked me for a year before. In reality he had no intention of supplying these and had ordered Louisa Smith to withhold them (**Page 354 third paragraph**). Brown and Smith consistently lied to us for a year on this issue, blaming the database when in fact it was simple decision by Nich Brown, aided and abetted by Smith, to obstruct the volunteer work Ian Mutch undertook on MAG's behalf.
42. On **Page 203** the other side have disclosed an email which appears to have been written for the record with these proceedings in mind. Brown also prepares the ground for an undermining of me just as he similarly undermined Powell when she previously sought to resolve problems with him. That email contains many untrue allegations. In reality all I had done was request accurate MI as any director would. As for how I supposedly treated the staff, the only staff member with whom I'd had any dealings was Brown himself.
43. The December 2012 Board meeting saw a shortfall of £30,000 projected by our Finance Director. In an effort to plug the funding gap I came up with the idea of '**MAG Night**' fundraising events throughout the UK to be held by local groups mid February. My region, Yorkshire, raised more money than any other toward the funding total for MAG Night, to pay the staff's wages, but it was not a success nationally and we still had a large loss projected. With serious concerns about how weather would affect fundraising events in 2013 it was obvious that costs must be cut.
44. At the December 2012 Board meeting Den Powell was stood down as a Director as she was seriously ill with mouth cancer and not inputting to the Board's work. It is also true though that the Board had little confidence in her. Even before she became ill, as she seemed to regard the Chair more as a vehicle for self-aggrandisement than as a position of service.
45. At the 8 December NC meeting the question came up of the NC's recommendations for Directors. Brown and Tyson argued that this need not be decided that day. I said that the paid staff should not be trying to put the NC on a go-slow. I suspected they were going to go looking for a patsy candidate of their own like Jono Broad who they had briefly succeeded in installing in April 2012, and that they wanted more time to get their act together for a repeat performance.
46. On 20 December (**Page 215 to 217**) Brown and Tyson tried to 'bounce' the Board into employing an intern by offering to give up their cost of living pay rise in an email addressed to the entire NC. I politely pointed out in an email that such was the province of the board only. This was a typical instance of how they continually sought to bypass the Board on such matters. This would have increased the head count to six full-time and one part-time, plus Craig Whitney who they'd not told

us about. We now run MAG very successfully with three full-time and one part-time. It was always possible to do so if it was run right and if those employed actually did what they were paid to do and co-operated with the volunteers.

47. In late December 2012 Gerard Livett, President of FEMA, sent an email complaining about Ian Mutch's press release critical of the BMF. Brown wanted MAG to issue a press release effectively disowning Ian Mutch. What Brown did not tell us was that he was the one that had prompted the email from Livett by phoning him, completely without our authority, as Livett confirmed to me when I phoned him. This was further evidence to me of how Brown was trying to demoralise and marginalise Mr Mutch with a view, I believed, to obtaining for him and Tyson the contract to produce MAG's in-house magazine *The Road*, the contract for which Mr Mutch held.
48. As relations were not improving on 13 February 2013 I proposed sending Brown a formal memo (**Pages 247 to 249**) making the Board's requirements clear. Its content was much the same as my subsequent speech of 18 March. Again Pat Van Aalst opposed this and so nothing got done.
49. On 27 February 2013 Tyson emailed Selina Lavender with a copy to Smith, accusing Ian Mutch of '***perverted image choice***' in relation to *The Road* (**Page 255**). Whilst this may have been open to interpretation, his subsequent statement to Qdos, documented by Gail Puttock, confirms that he was specifically accusing Ian Mutch (**Page 486**) of using "***pictures of scantily clad pre-pubescent girls***". This was a disgusting, utterly false, wicked and deliberate lie aimed at and undermining Ian Mutch as our President and magazine editor.
50. Around this time, late February 2013, Tyson also intimated that he wished to terminate his employment with MAG and to go onto a self employed contract. (**Page 258**)
51. In an effort to speed up MAG's response on high-profile issues it was agreed in early March 2013 that a press committee would be formed consisting of me, Ian Mutch and MAG's National Chairman John Mitchell (**Page 260 to 261**). Reaction and response times had previously been poor. This discussion had taken place on the NC list to which all staff had access. The staff chose not to input to this discussion but afterward complained about the outcome (**Page 267 to 268**). The new arrangement works perfectly. Since we put it in place we can generally get a response out on any issue within 3 hours and often within one hour or even less. Tyson's email complaining about this (**Page 267**) also made a typically absurd and exaggerated claim that he had five new group launches '***Tabled for the first two weeks of April***'.
52. My attempt to get Member contact details for Regional Reps which had started in August 2012 dragged on into March 2013 thanks to staff stalling (**Pages 262 to 266**). On 11 March 2013 Selina Lavender asked Pete Walker and I if we would take over responsibility for managing the staff. The claimants were game-playing, deluging her with calls over trivia, Louisa Smith in particular. This was harming her relationship with her employer at work and her partner at home. Selina's requests of the office that Members' details should be issued to Regional Reps and that clubs and Reps email contact details should be issued to Ian Mutch were being ignored just as mine had been. Selina told us she felt she was being deliberately gamed by the claimants.

53. On 12th March 2013 Pete Walker and I were appointed to the HR function. On 12th March 2013 Pete Walker and I were appointed to the HR function. I notified Brown of this in a polite email that made available to the staff all my personal contact details that are otherwise only available to my PA and family. After more argument that day (**Pages 291 to 292**) Smith finally released Reps and clubs email contacts to Ian Mutch after a 16 month wait justified by all kinds of spurious excuses from Smith and Brown, usually relating to the database. Smith's disclosed notes (**Page 354 paragraph 3**) show Brown had deliberately instructed Smith to withhold the information from Ian Mutch. All their excuses had been lies as was Brown's statement in his email (**Page 198**) that **'club contact work is almost complete'**. **Page 354** shows he never had any intention of giving Ian the contacts. The recording of our one-to-one staff meeting with Smith has her justifying her inaction by way of it being 'difficult'. Not once did she take the opportunity to tell us the truth about this – that she was withholding the information deliberately on Brown's instructions and nor did Brown. Brown had no right whatsoever to make such a decision. We, his Board, the Directors, had repeatedly made it crystal clear to Brown that he was to supply this information to Mr Mutch. This was a calculated provocation by him with Smith's willing collusion.
54. In an email at 16.31hrs on 12 March (**Page 293**) Brown informed me that 'one Member of staff' was insisting on legal representation at the forthcoming staff meeting notified by me that morning. However a lawyer had no rights of audience and as he was the manager he should have communicated that fact as soon as it was raised. Instead he encouraged the staff in disputing our right to meet them. He was not managing on our behalf.
55. On 13 March in an email mistimed 17.34 Smith emailed me demanding an agenda (**Page 304**) In an email mistimed 16.43hrs on 12 March (**Page 303**) Brown emailed the entire NC re' attending a meeting in Brussels, travelling Monday evening and staying overnight. He did this despite me previously telling him NOT to go over the Board's head. I checked the flight times (**Page 318**) and found he could easily get the Brussels Airlines flight SN2048 at 20.50 from Birmingham. Then on Friday 15th March at 13.46 Tyson issued an email (**Page 316**) stating that the meetings were being held on Monday and Tuesday in Brussels. This was a blatant lie as Brown's statement to Gail Puttock (**Page 495 paragraph 8**) confirms the actual timing of the Brussels meeting. Tyson's email was aimed at giving Brown an excuse not to attend the scheduled staff meetings. I emailed Brown (**Page 318**) insisting he meet us. In the event he did not bother going to Brussels at all.
56. In an email mistimed at 10.54hrs on 15 March 2013 (Brown's computer clock was ahead of the actual time, but by how much is uncertain) Brown admitted breaching line management by emailing Den Powell seeking her intervention. This email stated he had written to her the previous day, i.e. the 14th but that was obviously a lie as Powell's email of the 15th timed at 11.56 (**Pages 313 to 315**) stated he'd emailed her on Tuesday 12th as soon as we were appointed. Brown then refused to communicate with me and 'directed' me to communicate with Den Powell. Tyson then sent an email mistimed at 10.47. I replied at 10.33 (correct time) telling him the same as I had told Brown; **'Den is not an officer of the company and you will attend the staff meeting'** Then in another email mistimed 10.44 Brown forwarded an email from Smith refusing a meeting and telling me she had 'elected' Den Powell to act on her behalf. The similarity of both content and style across all

three emails was obvious, all three having colluded to derail the planned meetings. Meanwhile Powell had secretly emailed the NC at on that Friday (**Pages 313 to 315**) urging them to replace Pete and me. The NC discussed this for a day or so and then backed us.

57. On Friday 15th March 2013 Smith and Tyson filed letters notifying their 'intention to raise a formal grievance'. Brown filed his 'intention' the following Monday morning, handing it to us as we entered the office. Similarity of style and content was obvious again. By then the original purpose of the meetings – to find out what was going on in Central and who was doing what, clarification of roles and responsibilities and a discussion with Tyson re' his contract proposal – had obviously gone to pot. Before we could do anything useful we had to assert the authority of the Board as the claimants appeared determined not to participate in any kind of constructive dialogue and to continue disputing our right to manage. On entering the office, as well as handing us his notice of grievance, Brown also told us he had met with our insurers the previous Friday, had told them about the grievances, and as a result our liability insurance that covered us for employment claims had been cancelled. There had been no intimation of this however in Brown's email of 16.33 on 15 March (**Page 327**) I felt his intention was to put pressure on us, thinking that without insurance we would abort the planned meetings. We went ahead as planned. We later discovered that what he had told us about the insurance was not true and our cover could have been kept in place had we submitted an organisational chart. Foolishly we took him at his word and as a result what cover we did have was withdrawn with effect from the renewal date.
58. We had planned to do a general presentation to all staff followed by meetings with individual staff members. On starting my general presentation I asked all to join us around the main table. Den Powell was present, brought in by the claimants against our express instructions. I had to ask Tyson at least three times to join the rest of the group as he rudely ignored me, remaining at his desk as though the staff meeting was nothing to do with him. The rest of the presentation was as per the recording with interruptions by Brown, Smith, and Powell (**Pages 362 to 366**) We then broke for individual meetings for which I decided to use Julie's office to Nich's obvious annoyance. No sooner had the three of us entered Julie's office for the first individual meeting than Brown burst in and demanded we leave the premises immediately. I told him to leave the room. We then had short meetings with Carol and Julie. Den Powell covertly recorded the general staff meeting and Julie's meeting completely without our knowledge or permission and 'driver' was meanwhile loudly dispensing cod legal advice from the next office along the corridor, expounding vocally his views on what the Board could and could not do. His behaviour added to the efforts at disruption by Powell, Brown Tyson and Smith. All put together they created a general air of mayhem aimed at running us out of the office. We stood our ground and insisted on our right to manage.
59. As can be heard on the recording, Smith left her meeting without permission while Powell was being disruptive. Contrary to her assertions she was not tearful, as the recording evidences. When challenged over her obstructiveness toward Ian Mutch she made no mention of the fact that Brown had secretly told her to withhold information him, (**Page 354**) but instead blamed the database. Powell stated that the recording was only for her own benefit and it would not be made available to anyone else which in the light of subsequent events was obviously a lie. Later on

when I went over to Smith in the car park, where Pete was talking to her, she was sitting down and repeating "I'm having a panic attack; I'm having a panic attack." I have seen people have genuine panic attacks. In no case did the behaviour of the person concerned resemble the alleged attack Smith claimed to be suffering. I believe now as I believed at the time, that her behaviour was a sham aimed at getting her out of a meeting she had tried every other way to avoid. Anyhow we agreed with Smith that we would resume her meeting later on, after meeting Tyson and Brown.

60. In their meetings – which they recorded - both Tyson and Brown both went out their way to be as visibly rude and obnoxious as possible, looking up at the ceiling or the wall, slouching in the chair, exaggerated yawning, looking at their watches and so on. Their general demeanour was highly reminiscent of comic actor Harry Enfield's character 'Kevin' who he portrays as a sulky, petulant and immature teenager. The transcript (**Pages 362 to 383**) does not convey the hostility, insubordination and disruptiveness we had to face, but hearing the recording conveys it perfectly. Moreover the actual recordings demonstrate that we treated them in a perfectly proper and civilised manner, albeit that we acted firmly as the circumstances required.
61. We reconvened Smith's meeting near the end of the morning and Powell again recorded it. We demanded disclosure of the recording but the other side deny it exists. Smith was not given notice of any disciplinary meeting whatsoever. I would guess this second meeting with her lasted five minutes maximum, much of it consisting of her reiterating that she would not discuss anything.
62. From memory I recall I reminded her of her rudeness to me at a Yorkshire event a year or two before and asked why, having never before met me, she had acted in such a way. I do also recall explaining to her that we as Directors were entitled to make a commercial decision re' the dissemination of Members contact details and that we were the ones legally liable, not her.
63. We asked Brown back in for a concluding meeting which he recorded. Again we have requested disclosure and again the other side deny it exists. I asked Brown if he wanted to settle the whole mess informally with some good will like two people who had been friends and had known each other for 25 years. He point blank refused this offer twice. I told him that Smith was to be re-titled Senior Administrator from Deputy General Secretary to which he objected. We left around noon.
64. No sooner had I arrived home than Brown and Smith started bombarding me with emails concerning a supposed disciplinary meeting for Smith on the Wednesday 20th March which in reality she had NOT been asked to attend. I was booked by the BBC to cover the budget that Wednesday and had never intimated that she or anyone else would have a disciplinary meeting on that day or for that matter on any other day. Emails came in as follows:
 - From Brown at 17.50
 - From Brown at 08.09 the next morning 19th March
 - From Brown at 08.19
 - From Smith at 10.58
 - From Smith at 12.45

- From Brown at 16.08

I thus had my time wasted by six emails all concerning a non-existent 'meeting' Smith had never been asked to attend in the first place. **(Pages 359-361 and 398 to 405)**. They were now harassing me as they had previously harassed Selina, making it impossible for me to get on with my work and stopping me from earning my living, as indeed they had done in the week before.

65. Following the meetings the Board decided that as Brown had clearly acted as ringleader of what was nothing less than a revolt, we would take disciplinary action against him, subject to legal advice. Our lawyers agreed and Brown was suspended on 20 March 2013 pending a disciplinary process to be held on completion of his grievance process. Smith and Tyson both signed off sick with alleged stress almost immediately after the meetings of 18th March. Both used their time off to work on their Overland magazine and touring business **(Page 778 to 780)**.
66. We needed to source a HR consultant to handle the grievances. I wanted to let our lawyers, Jordans, appoint a firm. Our fellow director Pat Van Aalst, however, sourced HR consultancy Qdos, assuring us that we would be covered by their insurance so long as we did as they told us. We sought to include correspondence in the bundle showing how Van Aalst gained control of the process by falsely asserting that their insurance covered us. It did not. There was no such insurance. This correspondence is available but the other side would not agree to its inclusion.
67. Having thus gained control of the process as the 'link-man' with Qdos, he then briefed them against us. Qdos admit this in their letter of 13/06/13 **(Page 711 point 24)**. Van Aalst admits telling Qdos that they could withhold from us all the documentation that Brown did not want to disclose. **(Page 720 to 721)**. Gail Puttock of Qdos clearly knew this was unjust as she expressed her concern. **(Page 556)**. Notwithstanding the manifest lack of natural justice she complied with his wishes. In the transcript of my telephone conversation with her **(Page 501)** she clearly tells me ***"You're not allowed to see it [the documentation]. They are entitled to see everything."***
68. I was stunned by Puttock's assertion that we had no right to see the material adduced against us. I could not challenge something I could not see. As the transcript shows, apart from grudgingly telling me that Smith was citing an email from me to Brown about her, Puttock gave me no details at all as to what specific allegations were being made. Only through disclosure did we learn that the allegations made by Tyson include the gross lie about Ian Mutch that attempts to portray him as a publisher of child pornography. Puttock also allowed Brown to finesse the minutes of their meeting. He who writes the minutes defines the outcome. We were afforded no such courtesy and it took months of argument with Qdos to obtain the sound files and transcripts of mine and Pete's telephone interviews with Puttock, me having to resort to a threat to sue Qdos if they would not provide them.
69. We checked with ACAS who confirmed that we should have been shown all the material adduced against us. Using our volunteer network to access the necessary expertise, we cross-checked with a senior HR manager at Rolls-Royce PLC who said the same. She was also adamant that the grievance hearings should only have considered matters that pre-dated their filing, i.e. matters alleged before 9am on Monday 18th March 2013. This was confirmed by another HR expert, a

MAG volunteer Mr Michael Waudby, who sits as a lay member on Employment Tribunals and who is a candidate for the General Medical Council. Puttock however had pulled-in all the events after the grievances were filed, i.e. the meetings.

70. Qdos found against Pete and I, effectively declaring us 'guilty' of bullying and harassment. Van Aalst deliberately withheld this information from us (**Pages 589 to 594**) but simultaneously instructed Puttock to send out notifications to the claimants that included her 'advice' to MAG. I first found out that Qdos had issued its outcome letters on the evening of 24th April and that Qdos had also given to Brown, Tyson and Smith its advice to the Board, on the instructions of Van Aalst, entirely without the permission of the other directors. Our solicitors and the HR consultants they use declared that they had never seen a case where a HR firm issued to claimants the advice that should have been given privately to the firm that engaged them. No sooner had he done this than Van Aalst was seeking in an email of 22 April 2012 at 12.11hrs to put Pete and I through a 'disciplinary' process with the National Committee. He more than anyone else had resisted all attempts to straighten out central office yet here he was now jumping at the first opportunity to have Pete and me on a disciplinary with the NC. At this point we weren't aware that he had also brief Qdos specifically to find reasons to remove us. We didn't learn of that until Qdos's letter of 13 June. Van Aalst also deliberately withheld Brown's appeal letter, wrong-footing us to stall disciplinary the process. Likewise he deliberately overpaid Tyson and Smith full pay instead of the SSP decided by the Board. Van Aalst has apologised and accepted a censure motion by the Board.
71. The completion of Brown's grievance appeal procedure took longer than expected owing to his lack of co-operation and his departure for Tibet in the middle of the process to 'scope' it, for tours by their **Overland Explore** venture as Tyson's email to Rick Sherman confirms (**Page 729 to 731**). The process was also elongated by Pat Van Aalst's convenient failure to pass on Brown's appeal to the outcome of his grievance which he, Brown, had sent to Van Aalst instead of sending it to Qdos as he should have. Eventually however Lynn Bradley the HR consultant appointed by our lawyers interviewed Brown. Unlike Puttock she also interviewed all the directors. She subsequently advised we had solid grounds to dismiss Brown and should call him to a disciplinary meeting.
72. Smith appealed the Qdos decision which only upheld one point out of 4. Richard Binch of Hayfield HR heard dismissed her appeal stating he would not have upheld any part of her original grievance. (**Pages 676 to 679, especially point 1 of page 677**)
73. Tyson did not appeal the outcome of his grievance. Instead he resigned and immediately went on a tour of Tibet with Brown, having remained on MAG sick pay right up to the moment of departure.
74. The Board discussed the Qdos findings and the methods Qdos had employed in 'investigating' the grievances. The Directors rejected the methods and findings as grossly unfair. They resolved that Qdos's advice should not be implemented and that Brown's disciplinary investigation should proceed once his appeal against the findings of his grievance procedure had been completed.
75. On Brown's return from Tibet arrangements were made by our lawyers for Brown's appeal against the Qdos grievance outcome to be heard by another HR consultant, Ms Dorcas Sturgess. As she


had no suitable premises at which to hold a meeting I made available a private room at the offices of my business from which I do all my MAG work. Brown then resigned with immediate effect and without serving any notice period.

76. Brown refers in several instances to my 'past history' etc. The fact is that when I ran MAG as National Chairman from 1989 to 2002 I did so very successfully, which is why the Members re-elected me thirteen times consecutively and why I only lost my fourteenth election by some twelve votes out of nearly five hundred. I turned MAG into a professional lobbying organisation and at the same time for a full ten years I lived under threat of severe harm and even death from a violent so-called 'motorcycle club', just because I resisted its attempt to control MAG and MAG events. I also recovered control of MAG's major fundraising event from the control of two people who were stealing the profits, working to that end for many months even after I was deposed as National Chairman. I also resisted attempts by Brown and other to make MAG a surrogate lobbyist for their then-employer the Motorcycle Industry Association, something which would have been the equivalent of the Consumers' Association 'Which?' being controlled by the British Bankers' Association.
77. What was inexplicable and incomprehensible to me, why Brown should be so determined to be in conflict with me, is now, with the benefit of hindsight, crystal clear. Brown more than anyone knows that I will dig to get to the bottom of a question. He knew that I would spot the lies that were being told about Membership numbers and local group starts ups. He knew I would find out that actual start-ups were in low single figures and membership was at best static. He knew I would rumble the fact that Tyson was spending our money promoting their business not ours. He knew that if I was elected the game was up for him and Tyson, that no longer would they be able to run their business on MAG's time and at MAG's expense. That's what caused his attack of 'stress'.
78. Since leaving MAG's employment the claimants have done their utmost to undermine MAG and those of us who run it. This has taken many forms including entrapment stratagems by which friends of theirs have caused trouble for their MAG Regional Reps who have then been forced to ask for our side of the story. In the course of responding we have then found ourselves being covertly recorded as happened to me at Aberystwyth MAG in July. In the case of the entrapment attempt by Russell and Beverley Cort (**Pages 668 to 669**) while they were demanding a meeting with us it is clear they were in touch with Louisa Smith and the claimants' legal representatives.
79. For the last 27 months Pete and I have had endured a concerted hate-campaign of character assassination, a 'lost' nomination, entrapment exercises, covert recordings, ballot-rigging and a skewed 'grievance' procedure that perverted every tenet of natural justice. The claimants have also sought to undermine us from inside MAG's National Committee with both Neil Daniell and Juliet MacVe acting as their agents, searching MAG's records for documents to pass on to them. Stories, quite untrue, have been circulated on social media alleging that the office is in disarray and that the phones are not being answered. In its final manifestation our Executive Officer Julie Sperling has had to suffer harassing phone calls from Louisa Smith. I invite the Tribunal to compare our accounts with the recordings and transcripts which were not shared with us until 5

September 2013. Our accounts, from the very earliest, given entirely from memory, are borne out by the transcripts and recordings. They convey the polite and reasonable - albeit firm - tone we used throughout. The claimants had access to the recordings from day one yet their various accounts are contradicted by them in many instances as set out herein. If the claimants' hands are clean, why so many dirty tricks? If the claimants have an honest case, why so many lies?

- 80.** In the course of all these events, and finally in the course of writing up this witness statement, I have had to ask myself many questions. The final one I now ask myself now is "Is your conscience clear?" **The answer is an unequivocal "Yes".**

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

Signed: 
NEIL FRANCIS LIVERSIDGE

3 February 2014