

FREETHS

Charles Russell Speechlys LLP
DX:19 London/Chancery Lane

Direct dial: +44 (0)845 274 6902
Direct fax: +44 (0)845 050 3255
Switchboard: +44 (0)115 936 9369
Email: robert.nieri@freeths.co.uk

By email and DX: james.eighteen@crsblaw.com

21 March 2016

Our Ref: RDN/1308/2114984/1/ag
Your Ref: JAE/083026/00001

Dear Sirs

OUR CLIENTS: DAVID HOUFTON, DAVID SMITH, JOSEPH FISHER, STUART MASON,
NICHOLAS WILEMAN AND JOHN GARDNER
YOUR CLIENT: GREYHOUND BOARD OF GREAT BRITAIN

We act for the above six individuals and have been instructed to respond on their behalf to the identical letters dated 2 March 2016 you have sent to each of them concerning the demonstration that took place on Thursday 28 January 2016 outside your client's London offices.

In doing so we also note the comments of your client's chairman Tom Kelly reported in the Racing Post of 5 March 2016:

"...it was an illegal demonstration. Our staff were abused, one woman for instance was called scum. It was threatening and defamatory, comparing the GBGB with Fifa, and all extremely unpleasant too.

Our staff and directors feared for their safety and, in those circumstances, we are duty bound to react – and this is indeed a lawyers' letter that outlines what will happen.

The people who attended on January 28 seem to think they can say whatever they like and make whatever malicious statements they pluck out of thin air ... but it's simply unacceptable behaviour."

In responding to your letter it is necessary to set out the background to why the demonstration came about, before then dealing with the demonstration itself.

Background

The gathering was an organised and peaceful expression of widespread anger and frustration, not only of the individuals present, but of many hundreds of members of the wider greyhound racing

community, over questions into the governance and operation of your client which threaten to undermine the reputation of licensed greyhound racing and its continued self-regulation.

The demonstration took place on the day of the meeting of the directors of your client when they resolved to remove from the board Ricky Holloway, the Racing Practitioner Director nominated by the Greyhound Trainers Association (GTA) to serve on it, who had been appointed in July 2015 in accordance with Article 42.3.2 of your client's Articles of Association.

Mr Holloway had genuine concerns about the legality of certain industry operations and had shared these with Mr Kelly in his capacity of GBGB chairman, in the absence of any formal whistle blowing policy document.

During his discussion with Mr Kelly Mr Holloway made clear that he did not know for certain of any illegal practice but was concerned to discharge his statutory duties of a director of your client and he suggested that your client should appoint an accountant to conduct an exercise to hopefully lead to a clean bill of health for the GBGB to help the greyhound industry move forward.

Mr Holloway confirmed his concerns in writing to Mr Kelly by letter dated 14 December 2015. In that letter he recounted how at the GBGB board meeting held the previous week (on 10 December) he had been asked to explain comments attributed to him in the Racing Post, but as he had started to explain himself he had been prevented from doing so by loud heckling from a number of your client's board members, including two who loudly told him that he was a "disgrace and a liar" and that he was a "*vile human piece of scum*".

A number of directors had continued to shout abuse at Mr Holloway (who has a heart problem) and he had felt verbally and physically intimidated by the board ganging up on him and that his right of reply to questions had not been permitted nor protected.

After the meeting Mr Holloway experienced chest pains and went to hospital.

Mr Kelly chose not to respond to the detailed points of Mr Holloway's letter of 14 December¹ but instead wrote to him on 21 December 2015 to provide formal notice of the decision taken by the directors at their board meeting on 10 December 2015 to table a resolution at the following board meeting scheduled for 11:00am on Thursday 28 January 2016, to remove Mr Holloway as a director of your client.

Mr Holloway was scheduled to undergo heart surgery on 6 January 2016². The following day the acting chair of the GTA Linda Jones wrote to Mr Kelly to inform your client that Mr Holloway would not be able to attend the next board meeting on 28 January and asking to attend in his place and also requesting that the motion to dismiss Mr Holloway be postponed because he had been unable to prepare an effective defence to that motion on account of his ill-health.

¹ Mr Kelly stated in a letter dated 22 December 2015 that he had no intention of responding to the "*ridiculous, malicious and irrelevant content*" of Mr Holloway's letter and did not intend to correspond further with him on it.

² although in the end he had an angiogram that day and has since had three separate hospital treatments and one stent procedure

Despite having previously told Mr Holloway that he was entitled to challenge the decision of the directors at the meeting on 28 January Mr Kelly then refused Ms Jones' request to postpone the motion, effectively giving Mr Holloway no further opportunity to defend himself.

Mr Kelly also refused Ms Jones' request to allow her to deputise for Mr Holloway at that meeting.

Given no opportunity of representation at your client's board meeting on 28 January, this is why demonstrators representing the view of greyhound owners and trainers demonstrated outside your client's offices on the morning of 28 January 2016.

The demonstration on 28 January 2016

During the demonstration participants directed questions and statements towards employees and directors of your client entering the offices that day, in particular calling for a forensic audit of the GBGB accounts. Some participants chose to walk alongside the GBGB employees and directors until they reached the entrance, before stepping aside to allow those people to enter the building.

The participants in the demonstration expressed genuine opinion based on matters of fact, not '*scandalous, false and unsupported allegations*'

At no point were any employees and directors of the GBGB physically threatened or intimidated by the participants.

On the contrary, your client's director Mr Curran directed extensive verbal abuse at participants in the demonstration of such hostility that he had to be restrained and escorted inside the building by an employee of your client, to avoid any escalation of Mr Curran's aggressive conduct.

Pointing his finger at various demonstrators Mr Curran shouted at them, "*Fuck off you, Fuck off, scumbag, scumbag, scumbag, scumbags, shits the Fucking lot of you*".

This disorderly and offensive behaviour was undeniably intended to be abusive and to cause distress to those individuals present. Mr Curran has since publicly stated that he stands by his words.

The purpose of the demonstration was to obtain answers to questions. The demonstration was not held with intent to prevent or deter pursuance of lawful activities within the offices.

One participant noted they were "*sad to say*" that such a "*bad impact*" to greyhound racing would occur but there was no intention for the demonstration to have "*a bad impact on Greyhound racing in the United Kingdom*"; the intention was to bring about transparency and accountability within your client.

You have written to six individuals who were present at the demonstration, to put each on notice that your client reserves its position to pursue civil or criminal proceedings against them, without further warning, yet you have provided no detail of specific allegations against any of them.

In particular:

- Mr Smith was present in the capacity of interviewer only, merely asking reasonable questions to each employee and director entering the building. This included but was not limited to "... *what's your opinion on the GBGB not giving a forensic audit that has been requested by the GTA?*"
- Mr Houfton, Mr Fisher and Mr Wileman were present at the demonstration and were simply standing in support of the protest and holding banners. At no point were these gentlemen involved in questioning any employee or director of your client.
- Mr Mason was one of several who held a banner at the demonstration. He was interviewed by Mr Smith prior to any employee or director arriving at the offices. His response was calm and controlled and his references to greyhound racing as an industry in general cannot be depicted as abusive towards the employees or directors of your client that day.
- Mr Gardner made statements of genuine opinion prior to any employee or director arriving at the offices and stood with a banner at the demonstration.

The City of London Police complimented the demonstrators on their peaceful conduct.

None of the above conduct can be said to have involved oral abuse, unsupported allegations, obstruction of free passage into the GBGB offices or physical intimidation.

If your client maintains these allegations against any of our clients then you must provide details upon which these are based or retract them.

In your letter you refer to Rule 152(ii) of the GBGB Rules. In light of:

- the conduct of a number of the directors of your client, generally in connection with the removal of Mr Holloway from the board of directors merely for seeking to properly discharge his statutory and fiduciary duties and, particularly, the manner in which he was treated during the board meeting held on 10 December 2015 and thereafter; and
- the conduct of Mr Curran outside your client's office in public view on 28 January 2016,

if anyone has engaged in conduct "*prejudicial to the integrity, proper conduct or good reputation of GBGB Greyhound Racing*", then it is members of the board of directors of your client and not our clients, who are expressing the view that as a governing body your client should operate in a transparent manner and be properly accountable to the licensed greyhound racing industry it represents in order to promote its best interests, as it is required to do by its own Articles of Association.

Our clients have not engaged in conduct amounting to unlawful harassment and have no intention of doing so in the future. Their intention in demonstrating is not to breach Rule 153 but instead to uphold the integrity, proper conduct and good reputation of the licensed greyhound racing industry.

In light of the above and with reference to Mr Kelly's comments to the Racing Post on 5 March 2016:

1. How was this an "illegal" demonstration?
-

2. Which staff of your client were abused?
3. Which woman was called "scum"?
4. Which staff and directors feared for their safety?

In the absence of specific allegations against our clients we require you to apologise unreservedly for the allegations made against each of them in your letters dated 2 March.

We require a response to this letter by 5pm 31 March 2016 and in the meantime we reserve all our clients' rights.

Finally, we note that your client is open and willing to investigate any reasonable, evidenced criticism that is made of it.

Yours faithfully



Freeths LLP

Please respond by e-mail where possible