

Audio Recording Transcript Summary

This document records the exchange between DIO staff Mr [Name Redacted] and Mr MTB Rider.

The recording was made on the 18th of April 2021 at approximately 13:00 alongside Range No2 at Ash Ranges.

The following transcription has been created from a discreet recording taken by MTB Rider and extends to just under 14mins of exchange. Copy of the full transcript and source recording is available upon request.

Note: This document was updated on the 5th March to include legal advice received by counsel on powers of arrest. Counsel's view is powers of arrest beyond those authorised (such as MoD police) have been removed by the Serious Organised Crime and Police Act 2005.

1.1 Summary

Mr [Name Redacted]'s conduct during the engagement was reasonably polite but remains fundamentally flawed in both substance and support or evidence-based policy, engagement and enforcement. With early reference to fallacious risk the credibility of DIO's position was quickly established and proceeded to deteriorate during the conversation.

The evidence presented in the transcript is unequivocal. As individuals and as a corporate body the organisation repeatedly fails to adhere to the seven principles of public life. The conduct and leadership standards articulated here falls far below the expected minimum necessary to demonstrate compliance with truth, objectivity, transparency and leadership.

It is clear from Mr [Name Redacted]'s statement (section 1.18) accountability is both welcomed and expected. But it must not stop at the lower organisational levels. A lack of training coupled with general ignorance around the byelaws goes above Mr [Name Redacted]'s grade and each level in the chain of management has displayed failures to apply objectivity and transparency at every step, up to and including Col Cook and the "appetite for risk has changed" statement.

The application of accountability, in the context of this transcript and its consistent failings and the wider issues raised by DIO conduct is therefore urgently required.

1.2 Initial Engagement

Speaker	Statement	Comment
MTB Rider:	Oh right, well sorry...What was your name?	Because "we told you" is neither transparent nor objective and evidence to date shows there is no compelling reason to close the area and – crucially – no military training was underway. The range was not under red flag.
Training Safety Officer:	My name's [Name Redacted] I'm the Training Safety Officer for the area.	
MTB Rider:	Okay.	
Training Safety Officer:	Why are you inside this area that's closed off?	
MTB Rider:	Er, well...	
Training Safety Officer:	Or how did you get in to be perfectly honest?	
Simon	Well there's more than one way to get in. So, why do you think it should be closed off? That's the first question.	
Training Safety Officer:	Because we told you it was closed off.	

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MTB Rider:	Ah, okay, but- but um the Aldershot District Byelaws say that...	Seeking clarification is not arguing.
Training Safety Officer:	I'm not going to argue with you about what the Byelaw says though	

Mr [Name Redacted] states no desire to argue about the byelaws but goes on to quote and misquote byelaws extensively during the exchange.

1.3 Reason for Exclusion

<i>Speaker</i>	<i>Statement</i>	<i>Comment</i>
Training Safety Officer:	I- I'm here t- to f- for people's safety. So I'm not here to talk about Byelaws.	Potentially, it's the Byelaw permit this conversation to proceed, but that would require written authority
MTB Rider:	All right, so if you can outline why it's dangerous we can come back to why you won't talk about the Byelaw.	
Training Safety Officer:	Well at the moment for a Health and Safety reason there are many hazards on this area...	Specifically, the Health and Safety at Work Act is not relevant to recreational users of the lands – only those at work
MTB Rider:	Right.	
Training Safety Officer:	... which are dangerous.	
MTB Rider:	Yeah.	
Training Safety Officer:	As I'm sure you would agree.	
MTB Rider:	Not really.	
Training Safety Officer:	For example, there's a hole there.	Points to firing trenches – of the 340 acres of enclosed area the firing trenches represent a statistically insignificant area and are generally away from where people walk and cycle
MTB Rider:	Yeah.	
Training Safety Officer:	Someone could fall down there.	Whilst theoretically possible the claim is not objective – evidence suggests no recreational user has been hurt falling in a trench
MTB Rider:	I can see that the risk has been mitigated by a nice sign saying, warning steep drop.	Points to sign next to firing trench warning of steep drop in text and visual graphic
Training Safety Officer:	What if people can't read?	UK literacy rates are very high – not objective
MTB Rider:s	[laughs] Because there's a picture next to it.	For those who genuinely cannot read a visual image is provided
Training Safety Officer:	Some people can't read.	Literacy rates are acknowledged to be exceptionally high. Statement is devoid of objectivity and lacks rationale
MTB Rider:	Well cos there's a picture next to it. Are you suggesting perhaps that a blind person might fall in it?	Left with no other explanation a suggestion of who is at risk is offered

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Training Safety Officer:	No, I'm not suggesting that at all...	What is being suggested? The evidence base is weak-to-irrelevant
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The premise what is being suggested as risk fundamentally lacks objectivity – the risk is mitigated – and only the visually impaired may be at risk of harm from what is an insignificant area typically away from public use areas. Furthermore, the same risks are present at Henley Park and Stoney Castle ranges (zero access restrictions beyond red flags) and the wider estate is littered with dug trenches.

1.4 Legality of Exclusion

<i>Speaker</i>	<i>Statement</i>	<i>Comment</i>
Training Safety Officer:	... but I'm saying that you shouldn't be in here.	Repeating same assertion does not establish credibility unless objectivity and accountability are applied
MTB Rider:	Okay.	
Training Safety Officer:	Because the area is closed off under the Byelaws.	The byelaws were something not to be argued about, yet we have returned to them
MTB Rider:	Yeah, but that's my question. Is what part of the Byelaws allow you to close it off? [cross talk 01:25]	A simple quote of the exact section would suffice – not provided
Training Safety Officer:	It's an enclosed area...	No reference to precise section of byelaws that permits exclusion when not in use
MTB Rider:	Yes.	
Training Safety Officer:	... under the Byelaws...	
MTB Rider:	Okay.	
Training Safety Officer:	... under the Aldershot and District...	
MTB Rider:	Yeah.	
Training Safety Officer:	... Military Lands Byelaws 1976.	
MTB Rider:	Yes, okay, so...	

Mr [Name Redacted] is unable or unwilling to quote any section of the Aldershot Byelaws that can permit closure irrespective of the lands being in use, or not.

It is impossible to accept the word of Mr [Name Redacted] and take it at face value, if he really is tasked with enforcing the byelaws (there is doubt over his authority – please see 1.14).

1.5 Statement Contrary to Byelaws Section 2

<i>Speaker</i>	<i>Statement</i>	<i>Comment</i>
Training Safety Officer:	No, no, no, it doesn't have to be in use for closing it off.	This assertion is not supported by legal advice – later Mr [Name Redacted] confirms employer has not provided any training on the byelaws or legal advice

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Speaker	Statement	Comment
Training Safety Officer:	No, that's not quite right is it? It's actually, because it's an enclosed area we can shut it off.	Again, in use is very relevant as that is not what the byelaws say

Trail Action Group have received qualified legal opinion that is contrary to Mr [Name Redacted]'s assertion. For an area to be subject to restrictions it must be *in use*.

1.6 Low Level Intimidation

Speaker	Statement	Comment
Training Safety Officer:	So, I mean at the end of the day I can ask one of the policemen to come over and give you a Warning Off Notice.	Threat of escalation to achieve agreement or compliance? The issuance of a Warning Off Notice is irrelevant if there is no legal basis for doing so

Mr [Name Redacted]'s first attempt to assert authority by escalation and low level intimidation.

1.7 Enforcement by Unqualified Individual

Speaker	Statement	Comment
Training Safety Officer:	[02:58 inaudible] the area because it's an enclosed area and we're entitled to do so.	
MTB Rider:	Well no, I don't think... the Byelaws are quite clear...	
Training Safety Officer:	Again, again [03:01 inaudible]	
MTB Rider:	This is very important. Very, very important.	
Training Safety Officer:	It is yeah.	
MTB Rider:	Recreational access is permitted at all times and all areas unless it's in use.	
Training Safety Officer:	Exactly and as you can see, it's enclosed.	Agreement...but then contradiction
MTB Rider:	But this isn't in use.	
Training Safety Officer:	No, but apart from when it's enclosed.	
MTB Rider:	Yeah, okay. So- so who told you, just out of interest? That interpretation?	
Training Safety Officer:	I've just read the Byelaws. Since no-one's told me.	Concern - No legal advice or instruction from employer

If correct Mr [Name Redacted] has not received any formal training with respect to the Byelaws and their interpretation.

This is not an isolated incident nor is it the first example of a Training Area Safety Marshal failing to respect Section 2 of the Byelaws – complaints raised with Mark Ludlow (DIO) and Ministerial Correspondence Unit. Both complaints remain unacknowledged or responded to.

1.8 Avoidance of Direct Challenge

<i>Speaker</i>	<i>Statement</i>	<i>Comment</i>
Training Safety Officer:	Yeah, so you know you shouldn't be in here then. So	The individual clearly does not agree and repeating the assertion does not change anything
MTB Rider:	No I don't- I don't agree with your interpretation of the Byelaw so I think I should be in here and I think this area should be open and I think the...	
Training Safety Officer:	[03:43 inaudible] [03:43 cross talk]	
MTB Rider:	... Freedom on Information [03:47 Access?] that we- we've issued against the DIO to say, okay prove that there is a risk and there is a danger, has demonstrated no-one's been hurt in the last five years and the risk is, kind of, just made up.	
Training Safety Officer:	Okay, we can go here all day doing this.	No response or defence to assertion of failing to apply objectivity and transparency to risk of harm

Mr [Name Redacted] does not provide a satisfactory answer or response to the challenge of a lack of evidence.

Mr [Name Redacted] is perpetuating a series of lies intended to deliver a misguided outcome. This fails to meet minimum expected standards and individual and joint responsibility still apply.

1.9 Reverting to Threat

<i>Speaker</i>	<i>Statement</i>	<i>Comment</i>
Training Safety Officer:	You understand that I don't work at this level.	Indicates with raised hand
MTB Rider:	I understand.	
Training Safety Officer:	I'm here...	Indicates with lowered hand
MTB Rider:	Yes.	
Training Safety Officer:	... and at the end of the day...	
MTB Rider:	I know where the problem lies.	Problem lies with employer, lack of training and embedded culture failing to respect Section 2
Training Safety Officer:	... you are an enclosed- in an enclosed area.	
MTB Rider:	Yeah.	
Training Safety Officer:	You should abide by the Byelaws.	
MTB Rider:	Well that's where we disagree.	
Training Safety Officer:	Okay we may disagree but... [cross talk 04:16]	
MTB Rider:	Yeah.	
Training Safety Officer:	I would imagine I could go and get one of the MoD policemen to give you a Warning Off Notice...	Threat of escalation again

<i>Speaker</i>	<i>Statement</i>	<i>Comment</i>
Training Safety Officer:	... but at the end of the day where's it going to get us?	

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MTB Rider:	Well, what I should hope it gets somebody, eventually and... is actually to Court because I firmly believe this needs challenging and it needs due process and it needs legal redress applied to it because I think to be honest... [04:45 cross talk]	Court action – often threatened but never commenced – may settle the matter
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Mr [Name Redacted] again repeats the threat to involve MOD police. Without adherence to the byelaws the involvement of MOD police is largely irrelevant yet any lesser informed member of the public may see this threat as real, even if no action is possible.

1.10 Consultation Compromise

<i>Speaker</i>	<i>Statement</i>	<i>Comment</i>
Training Safety Officer:	But you know [04:47 inaudible] [the byelaws being reviewed]	Not connected with previous assertion – avoiding direct challenge
MTB Rider:	I do, yes.	
Training Safety Officer:	There's been delays, obviously as you...	
MTB Rider:	Many times, yes.	
Training Safety Officer:	COVID, etc, etc, whatever.	
MTB Rider:	I think people objecting might be an [04:54 inaudible]	
Training Safety Officer:	Those Byelaws are going to change some of the things that can be done on the trai- training areas.	This statement pre-empts byelaws public consultation

<i>Speaker</i>	<i>Statement</i>	<i>Comment</i>
Training Safety Officer:	I'm just saying that- that this is all part of the review for the Aldershot and District but it won't include here because there's also the Aldershot, sorry Ash Ranges Byelaws as well, as you know...	Pre-empts byelaws consultation

Mr [Name Redacted] ignores the challenge and benefit of court action to test the laws and introduces a new topic; Byelaws review.

By declaring how the new byelaws will introduce changes – and being very assertive – the validity of consultation (legally required) is being drawn into question.

How can a consultation be valid if Mr [Name Redacted] is certain the byelaws will change things?

1.11 From Comedy to Farce

<i>Speaker</i>	<i>Statement</i>	<i>Comment</i>
Training Safety Officer:	... so I'm now going to ask you to leave.	Mr [Name Redacted] was unable to produce a key for the padlock on the gate.
MTB Rider:	That's fine, I'll leave.	
Training Safety Officer:	And how're you gonna get out?	Mr [Name Redacted] kindly offered to help lift the bike over the fence but no assistance was required.
MTB Rider:	Climb over the fence or do you wanna open the gate? [05:46 inaudible] mm?	
Training Safety Officer:	Where'd you come in?	
MTB Rider:	Through the back.	
Training Safety Officer:	I probably won't make it in that will I?	
MTB Rider:	Uh-uh. Happy to leave by the main entrance.	
Training Safety Officer:	It's not happening.	
MTB Rider:	Why's that?	

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Training Safety Officer:	Cos there's a protest outside.	Departure was achieved and the gate was climbed...in spite of these statements to the contrary
MTB Rider:	Cos it wouldn't look good would it?	
Training Safety Officer:	[chuckles] I- I'll let you out but at the end of the day...	
MTB Rider:	Yeah.	
Training Safety Officer:	... there's a lot of people [06:03 inaudible] I can let you out of one of the side gates here.	
MTB Rider:	Or I could just climb on couldn't I? It's no bother.	
Training Safety Officer:	I don't want you to climb on because that doesn't- that doesn't give a good look either does it. A DIO representative letting MTB Rider climb over the fence.	

Mr [Name Redacted] did not expand on why the presence of people at the main gate prevented it being used to enable a safe and simple exit. Climbing a gate introduces additional and unnecessary risks and contradicts the claims of being safety conscious.

1.12 Safety and More Divergence

<i>Speaker</i>	<i>Statement</i>	<i>Comment</i>
Training Safety Officer:	... and I just want to look after your safety.	This is insulting to a grown adult capable of evaluating risk and making personal judgements
MTB Rider:	I- I [laughs]	
Training Safety Officer:	Your safety is paramount.	
MTB Rider:	I appreciate your concern but as a fully grown adult, I am more than capable of...	
Training Safety Officer:	And how many people say that and then injure themselves on MOD land and they sue us?	The issue of safety is often repeated but the evidence of use vs harm vs number of litigants demonstrates a lack of objectivity is being applied. DIO displays an almost irrational fear of risk and litigation – falling down holes being one example
MTB Rider:	Hmm, how many have done it here?	
Training Safety Officer:	I...	
MTB Rider:	I can tell you. Zero. Absolutely none.	
Training Safety Officer:	So we're doing a good job then aren't we?	The closure has not improved safety – those who climb fence at greater risk of harm
MTB Rider:	No, I don't think you are because...	
Training Safety Officer:	Well we are cos they're not.	
MTB Rider:	All right so how many [06:54 inaudible] a week.	
Training Safety Officer:	Have you ever worked on an industrial site, have you.... a site where there's hazards? Yeah.	

The evidence of a “safe space” persisted before the ranges were closed. No evidence to support third party litigation or threat of litigation for injuries received has ever been produced.

Where an member of the public works is irrelevant and is an attempt to apply authority (again) where none exists.

<i>Speaker</i>	<i>Statement</i>	<i>Comment</i>
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MTB Rider:	Well 59,000 hours a week nobody sues you, why do you need to close this off?	Always a risk in the Parish of Ash; no warning signs communicating risk of falling in the canal, numerous roads offer proven risk of harm...publicly accessible firing trenches at Henley Gate and Stoney Castle ranges have risk mitigated by signs (text and graphics). Risk of serious harm is prevalent whilst range complex offers respite from canal and roads
Training Safety Officer:	Because...	
MTB Rider:	And if you're putting up signs to warn people. I would say the risk of anyone injuring themselves out here is practically zero.	
Training Safety Officer:	There's always a risk though and as... you were at that meeting...	
MTB Rider:	But it has to be proportionate.	

The residents of Ash have confirmed the following risks; falling down a back door step, falling in the canal, steep drop present at Ash railway station platform, busy roads.

The closure of Ash Ranges is not proportionate to the risk and Mr [Name Redacted] could not produce any evidence to suggest otherwise.

1.13 Third Party Blame

<i>Speaker</i>	<i>Statement</i>	<i>Comment</i>
Training Safety Officer:	... the Zoom meeting with Colonel [07:31 Pick?]	Colonel Cook was present at the meeting Risk appetite unsupported with evidence and thus remains subjective. This statement fails to meet standards for objectivity or transparency and remains unaccountable Should a superior make a statement or take a decision that is not adhering to standards in public life then subordinates must raise concerns and challenge accordingly – no suggestion this has occurred No evidence provided to suggest risk assessment has been conducted with evidence and closure is therefore disproportionate
MTB Rider:	Yes.	
Training Safety Officer:	Were you there?	
MTB Rider:	I was, yes.	
Training Safety Officer:	He's my boss.	
MTB Rider:	Yeah.	
Training Safety Officer:	And he gave a very clear thing that it's... basically the risk appetite isn't there.	
MTB Rider:	But that has to...	
Training Safety Officer:	I can't argue what he said.	
MTB Rider:	No you're right but I would equally counter that that has to be balanced with proportionality and crucially, objectivity.	
Training Safety Officer:	And it has been.	
MTB Rider:	And...	
Training Safety Officer:	From our point of view.	
MTB Rider:	And that is where it falls down because DIO have been unable to produce a scrap of evidence to support their assertions. Even asking a simple question, how much is the vandalism costing? Impossible to supply a breakdown, or indeed just any costings if the number is anything like an accurate reflection of the truth. That falls down on the seven principles of public life.	

Mr [Name Redacted] has been unable to offer any evidence to suggest proportionality or objectivity has been applied to the closure of Ash Ranges and makes it clear challenging the structure of command is not possible.

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Blaming those further up the chain does not absolve personal responsibility to maintain standards in public life.

1.14 False Claims

Speaker	Statement	Comment
Training Safety Officer:	I was going to say, they actually state that anyone in uniform can enforce the Byelaws.	Section 7 states who can enforce the byelaws and written authorisation required – none produced or offered TSM smartly dressed but clearly not serving military or police – any uniform does not convey powers Unsure of reasons for sharing length of previous employment, beyond a poor attempt at asserting authority when none exists? Intended to apply authority outside of current scope? <i>Update: Legal counsel has confirmed powers of arrest are likely to have been removed by Serious Organised Crime and Police Act</i> Point to distant police cars Starts to withdraw threat of arrest
MTB Rider:	Yeah, that's fine.	
Training Safety Officer:	I could arrest you now.	
MTB Rider:	Ah, you're not in uniform, you're a civilian. I would need to see... no, actually PACE, Police and Criminal Evidence Act.	
Training Safety Officer:	I was a [Job redacted] for 28 years.	
MTB Rider:	Yeah, but that... the PACE Act I think, took away the power of arrest from somebody like yourself and I want to see that proved.	
Training Safety Officer:	Look, two police guys over there.	
MTB Rider:	Yeah but you just said you could do it.	
Training Safety Officer:	I could but being a retired [Job redacted] ...	
MTB Rider:	Mmm.	
Training Safety Officer:	... I wouldn't cos I know all the pitfalls that might happen.	

Being smartly dressed by itself does not meet the minimum standards of Section 7 of the byelaws. Mr [Name Redacted] is attempting to portray a level of authority and powers that may not have been granted and has failed to provide (or offer up) written authority to act.

Furthermore, there is now doubt as to who can be authorised as the positions able to authorise are believed to no longer exist. Whilst the byelaws have been updated to increase the level of fine (from £20 to £500) the section on relevant authority may have been overlooked.

The level of ignorance displayed here is deeply concerning and reflects a lack of training and accountability for both Mr [Name Redacted] and DIO.

1.15 Denying What is Said

Speaker	Statement	Comment
MTB Rider:	Well... so why even threaten it?	
Training Safety Officer:	No I didn't threaten it.	"I could arrest you now" clearly contradicts this statement
MTB Rider:	[makes sound of incredulity]	
Training Safety Officer:	No, I didn't threaten it, I just said to you...	

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MTB Rider:	[laughs] I can arrest you.	
Training Safety Officer:	I could...	
MTB Rider:	Hang on a minute, I could arrest you. Well yeah, go on then but you know...	
Training Safety Officer:	No, no, no.	
MTB Rider:	But you're now saying, hang on a minute, no it'll cause me a world of a pain. So it's either one or the other it can be...	
Training Safety Officer:	You're twisting it and...	
MTB Rider:	No.	
Training Safety Officer:	... you- you've read the Byelaws.	
MTB Rider:	Mmm.	
Training Safety Officer:	And it does say, in uniform...	<p>Upon checking it needs more than uniform. Section 8 details exactly who can and cannot arrest.</p> <p>At no time did Mr [Name Redacted] produce, or offer to produce, copy of written authority</p>

Mr [Name Redacted] did assert he could arrest (See Section 1.14) but is now claiming that was not said. The record stands for itself here. Plus the incorrect “in uniform” assertion is again repeated.

1.16 Powers of Arrest

<i>Speaker</i>	<i>Statement</i>	<i>Comment</i>
Training Safety Officer:	... but I'm not gonna [arrest] because I'm a sensible person.	
MTB Rider:	But I th...	
Training Safety Officer:	You know, I understand the pitfalls of making a common law arrest, all right an arrest under the Byelaws.	Which is it? What “powers” is Mr [Name Redacted] attempting to assert here?
MTB Rider:	Yeah, but...	
Training Safety Officer:	So I'm not gonna do that but...	
MTB Rider:	But- but equally I- I do come back to the point that I think PACE Act 1980, 1990, whatever it was did remove that power and that is something I'd urge you to check. Police and Criminal Evidence Act.	<i>Update: Legal counsel has confirmed powers of arrest are likely to have been removed by Serious Organised Crime and Police Act</i>
Training Safety Officer:	Yeah I'm- I'm familiar with it.	This statement lacks credibility
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MTB Rider:	I would check it.	
Training Safety Officer:	1984.	
MTB Rider:	Yeah.	
Training Safety Officer:	I don't think it does but, I'm not gonna do it anyway.	Willing to continue to assert lies without validation or verification
MTB Rider:	Well again the only place to test it's in Court innit but...	
Training Safety Officer:	It is, I mean I...	

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MTB Rider:	We don't wanna go there.	DIO do not want to go there...because they would lose
Training Safety Officer:	I don't wanna go there but a police officer might because he's [10:16 inaudible].	Baseless threat of escalation again.

Setting aside the lack of written evidence, Mr [Name Redacted] is tasked with enforcing the byelaws yet is unclear what powers of arrest to use, or if they remain valid.

Anyone holding such powers must display a deep and credible understanding of the law – this is severely lacking.

1.17 More Threats

<i>Speaker</i>	<i>Statement</i>	<i>Comment</i>
Training Safety Officer:	It is, it is and I'm just, obviously I'm here to do a job and that is to stop people coming on here, whether you agree with that or not and ensure your safety and again...	Doing a job does not absolve oneself from standards in public life. The safety reasoning has failed basic test of objectivity and transparency
MTB Rider:	Yeah, don't agree with that either.	
Training Safety Officer:	I think you're fully aware that you shouldn't be here and I could go on, I could issue a Warning Off Notice to you now but you wouldn't take notice of it.	For all the reasons stated vehemently oppose closure lacking objectivity, transparency or objectivity Another baseless threat to issue Warning Off Notice

No further comment necessary.

1.18 Expects Accountability

Training Safety Officer:	Yeah, I agree that we should be held to account, whatever because we are a public office.	Jeremy Quin MP – please take note and take action
MTB Rider:	Mm-hmm.	
Training Safety Officer:	We should be doing things correctly. Now whether...	Should be doing things correctly...but failing on many levels
MTB Rider:	Mmm.	
Training Safety Officer:	... or not...	
MTB Rider:	[laughs] Sorry, going back to the £170,000 worth of vandalism that no-one can actually prove or breakdown or actually explain where that number come from, how does that fit into standards and public life? And how does that fit into accountability? If you cannot account for that money. Just as a simple example, how on earth can you...	

At this point the engagement is interrupted by a phone call and the issue of evidence surrounding the costs of vandalism remains unanswered.

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What is clear is Mr [Name Redacted] fully expects to be held accountable.