



NEIL MITCHELL sent you a Direct Message.

yes, I have been "prophesying" that all year...but people kept peddling the false hope to victims....that there would be a Tribunal as the panacea to cure all ills :(((John Glen MP told me categorically in last 2 weeks - NO Tribunal NO Public Inquiry NO other legal / regulatory changes other than SuperFOS...oh and they don't actually know how to deal with issue of "retrospective compensation" The degree of political collusion from HM Treasury with FCA and RBS to "Close Down" RBS GRG "noise & nuisance" is now there for all to see...i only they would look...if people had listened to me a year ago - so much time & hope would not have been wasted. Now we have to fight - I have a fully worked up plan ;) I hope that you will support it once launched - imminently . I will let you know when best to meet next week - probably Wednesday or Thursday :)) My Best, Neil

Reply

Exhibit 2

From: R NEIL W MITCHELL
Sent: 16 November 2018 22:15
To: Brian Little
Cc: 'Kevin Hollinrake MP'; 'Heather Buchanan'; 'Nikki Turner'
Subject: Re: STRICTLY CONFIDENTIAL - not for Twitter ;)

Brian,

Received a couple more emails from you.
I have sent you another "test text"

I have not received the 8 page APPG-FBB policy document from Heather but I got it off your tweet which I have retweeted.

My Best,

Neil

Exhibit 3

From: Brian Little
Sent: 19 November 2018 07:14
To: 'R NEIL W MITCHELL'
Cc: 'BUCHANAN, Heather'; 'VENTRESS, James'; '- -'
Subject: TIMES article today and our Saturday telcon

Neil - thankyou for your telcon on Saturday – at least we know our respective Text and phones are working now.

I was delighted you were able to read the link to my tweet re the APPG Position 8 page Statement and you considered their “bullets were comprehensive and Statement articulate”. I totally agree and as I stated last week I believe we now have the foundation blocks in place for the next 60 / 100 days of politics and campaigning.....

I mentioned that the TIMES confirmed to me that morning that they were going to run an article on Monday (and at least more to follow in week commencing 3 Dec) and I attach a copy for you together with my comments though not sure why not on line yet. No doubt you will catch up with Heather and Nikki later this week. If you are a TIMES subscriber perhaps you can comment too.

Kind regards
Brian

Exhibit 4

On Tuesday, 20 November 2018, 06:53:24 GMT, Brian Little wrote

Neil - can you move to next step now on twitter (or email if you prefer at this time) recommending your Banking victim followers (530 +) write to their MPs etc re support for a Tribunal process AND any Ombudsman outside FOS etc (copy No 10, Chancellor and EST) - I think on balance we decided that rather than a letter template let all victims write in their language and preferred style – of course get them to feedback copy letter etc for your private records / stats etc

Exhibit 5

From: [R NEIL W MITCHELL](#)

Sent: 20/11/2018 12:13

To: Brian Little

Cc: Buchanan , Ventress , Hollinrake

Subject: Re: TIMES article today and our Saturday telcon FOLLOW UP

Retweeted KH tweet this morning...

I will be asking victims to write to their MP's...

Exhibit 6

On 25 Nov 2018, at 09:21, Brian Little wrote:

Neil PS - forgot to mention after the press coverage in TIMES and Guardian earlier last week that KH email and 14.11.2018 APPG FBB Position Statement was sent to all 650 MPs at 13.29 as they were returning to their constituencies on Friday afternoon (at 13.29). So I assume you can follow up with your own MP Patrick Grady ? (or vice versa) and ask him to respond appropriately on behalf of you and any other constituents he may have Perhaps he may choose to even influence the other SNP MPs to do likewise e.g. Steve Gethins MP who has spoken in prior debates too..

Brian

Exhibit 7

Financial Ombudsman Service in eye of a new storm

Should the arbiter for businesses and banks be replaced or just strengthened?

James Hurley December 3 2018, 12:01am, The Times

After years of bitter discord between small companies and financial institutions, there is agreement at last that business owners have scant access to justice when the relationship with their lender goes sour.

The Financial Conduct Authority, groups representing small employers, the government and even big banks have arrived at a consensus that business customers need somewhere independent to bring complaints when they feel that they've been mistreated.

Sadly, though, that's where the accord ends.

Small businesses can seldom afford to take legal action against a financier, and the lack of regulation of commercial lending means they are often left with nowhere to turn when they are mistreated. Compensation schemes set up and run by banks in recent years understandably lack the trust of victims because of the conflict of interest at their heart.

Among the banking industry and government, the preferred solution is an extension of the role of the Financial Ombudsman Service, Britain's financial arbiter, so that hundreds of thousands more small companies have access to its dispute resolution facilities. Yet the Treasury select committee and representatives of small companies, including the all-party parliamentary group on Fair Business Banking, believe a new financial services tribunal should be created.

As it stands, the ombudsman — the largest organisation of its type in the world — can help only the smallest of companies. Those with fewer than ten staff and a balance sheet of up to £2 million can get an independent view on their complaint and the ombudsman can compel financial organisations to pay compensation of up to £150,000. About one in three complaints from small businesses to it are upheld.

From April next year, the service will be extended so that companies with annual sales below £6.5 million and fewer than 50 staff, or an annual balance sheet below £5 million, will gain access it and the reward limit will rise to £350,000. On Friday, UK Finance, the banking industry trade body, said that seven leading banks were willing to fund the cost of going even farther, so that companies with sales of up to £10 million should be able to access a specialist ombudsman service, preferably run by the FOS. Under this extension, planned for September 2019, the award limit would rise to £600,000.

This year, the FOS was battered by a Channel 4 documentary, which suggested that poorly trained staff with little grasp of financial products were ruling whether or not claims should be upheld. It also has been claimed that it unduly favours banks in decisions to speed up its work. Despite highlighting some shortcomings, a subsequent independent review of the ombudsman service's work concluded that it provided an effective solution. **Many small business owners are unconvinced and the parliamentary business banking group says the ombudsman has a track record of "dubious decisions".**

Nikki Turner, a victim of a bank fraud with experience of complaining to the service, says: "The idea of extending the remit of FOS, which doesn't have a good track record and is already stretched to the point of collapse, is doomed to failure." Ms Turner, a director of SME Alliance, a group representing small businesses, added that even the higher compensation level would be inadequate for many of her members.

Larry Berkovitz, owner of a small Essex-based property development company, asked the ombudsman to intervene over what he saw as inadequate redress for damaging derivatives products mis-sold to him by his bank. The ombudsman rejected Mr Berkovitz's complaint, with its decision influenced by a document provided by the bank it would not allow the

businessman to see, citing commercial sensitivity. “I don’t want to make accusations about collusion, but this sort of behaviour makes people suspicious,” he said. “It makes a mockery of fairness.”

The ombudsman service says that it invokes such a rule only in “limited circumstances”, but Abhishek Sachdev, chief executive of Vedanta Hedging, a financial advisory service for businesses, said he had regularly come across this issue. “There is opacity,” he said. “They rely on things that banks show them. Transparency is critical.”

Other issues include the fact that the ombudsman does not have the power to compel witnesses, take evidence under oath or test evidence by cross-examination. Since the service is more used to dealing with issues such as payment protection insurance than complex small business complaints, there are question marks, too, over how its expanded remit would be resourced. The service has about 350 ombudsmen and 1,670 case-handlers to investigate cases and make decisions. **It says it does not measure how many work on small business cases.** The FCA is recommending a “dedicated team of 20 SME investigators” is deployed.

Despite its shortcomings, Mr Sachdev agrees with the idea of a beefed-up Financial Ombudsman Service, so long as its processes are modified. “It is pragmatic . . . Of course I would like something like a tribunal, but the amount of time, energy, willpower and resource to create something from scratch means it is too difficult. I have issues with FOS, but they have also done a lot of good.”

The Democratic Unionist Party is among those who still believe a tribunal is needed. Jim Shannon, a DUP MP, said his concern over UK Finance’s exclusion of the tribunal is “compounded by the legitimate concerns of many SMEs about the independence of past bank-led redress processes”.

Comment: Tribunal would not be the best option for companies

Ten years on from the onset of the financial crisis, we continue to feel the aftershocks (John Glen writes). While we have made many significant changes there is more the industry needs to do to rebuild its reputation, particularly among small businesses.

Voluntary compensation schemes for companies who suffered at the hands of a restructuring scandal at RBS and the fraud at HBOS Reading were the right thing to do, but banks need to do more for all small businesses and I’m glad the industry has recognised this.

This week UK Finance, the banking trade body, announced that the sector will set up an independent scheme to give small businesses the chance to resolve a past complaint with their bank where it has not already been dealt with by an existing scheme. This is a step in the right direction.

There are those who have argued that a new financial services tribunal needs to be established to handle disputes between banks and small businesses. I understand why some might find this approach appealing, but I do not believe this would be in the interest of business. **Tribunals make decisions in accordance with the law, which means the government would need to start regulating lending to small businesses for the first time in our economy’s history. The likely result would be higher costs, fewer products and, ultimately, reduced access to credit for small businesses.**

Simon Walker, the former director general of the Institute of Directors, came to the same conclusion in his recent review of dispute resolution. He highlighted the fact that an ombudsman can make decisions based on what is “fair and reasonable” even when no law has been broken, as well as it being quicker and cheaper for small companies than a tribunal.

Some have justifiably challenged the current ombudsman approach, claiming that some businesses who are too large to go to the Financial Ombudsman Service (FOS), are also too small to have access to dedicated legal resources, meaning they are less likely to be able to take a bank to court. But that is exactly why there are plans to expand access to the FOS to more than 99 per cent of businesses in April, an extension which will give businesses a free, quick and impartial route for resolving a dispute with their bank. It is also why the banking industry has now agreed to set up a voluntary ombudsman scheme to give larger businesses — with a turnover of up to £10 million — the opportunity to deal with a banking dispute without the expense of going to court.

This ombudsman-led approach will ensure that small businesses are able to challenge the banks for their past mistakes, while also protecting them in the future — and without the added costs of a tribunal. **That’s why I believe it is the best approach to rebuild trust between business owners and their bankers.**

Exhibit 8

From: **Neil Mitchell** <neil.mitchell@banksclaimsgroup.com>

Date: Wed, Dec 5, 2018 at 9:11 PM

Subject: Fwd: PRESS RELEASE from Neil Mitchell

To: Brian Little , Heather Buchanan, Nikki Turner , SME Alliance 2014

Hi ! all - I write to you all together as I am aware that you are working closely together.

Following recent meeting & follow up communications with Brian and following a good chat with Nikki on the phone yesterday...I am now looking forward to meeting Nikki next week in London, meeting Kevin Hollinrake MP on 10th January 2019 and have been trying to get a meeting with Heather...

In the meantime I now send you the email brief I sent to my new team at 5.23am after the 00.01 Embargo this morning...

I also send you the email sent out to all my media contacts with Press Release, Photo, Application for Judicial Review & 3 legal verifications - for we have already filed & served our first Legal Action.

This is a completely new legal structure as a law firm (not a claims management company), is a 'multi-party action' (not a group action) is business-like with proper governance, transparency and financial management, has very different approaches and is supported by 20 + individuals in the team, specialist advisory firms, 2 international law firms and funders (Litigation & Opex) out of my army / network of 300+ people with helpful skillsets ...

It has no links to any other groups...you all know most of the people involved including the 'Victims Ambassadors' - some of whom are SME Alliance members...

I have 530 verified & validated RBS GRG claims already amassed in the last 15 months & new people have literally been registering today. - some are SME Alliance members

This PLATFORM will Fight victims claims en masse, will Campaign in the media / politically on issues (aligned to your own issues) and will be Victim / Claimant centric.

I trust that when you read this email trail, read the attachments, look at the very professional websites and meet with me...that you will both support this initiative and then we can work together to unite all interested parties in one last, Big concerted effort to force Justice & Compensation for ALL VICTIMS of RBS & Lloyds.

Doing My Best,

Neil

Exhibit 9

Press Releases.

View press releases from December 2018

PRESS RELEASE – BANKS CLAIMS GROUP LIMITED

EMBARGO ENDS 00.01 hrs WEDNESDAY 5th DECEMBER 2018

PRESS RELEASE – BANKS CLAIMS GROUP LIMITED

(For ease of reporting please see BOLD highlights especially)

There is now a widespread belief amongst bank crime victims, cross party politicians, the media and the general public that RBS through it's SLS-GRG- Restructuring division acted unlawfully and that many UK and overseas businesses loses are a direct consequence of fraudulent misconduct and deserve proper Compensation. Equally, following the successful criminal prosecution and incarceration of bankers and others involved in the HBOS - Reading fraud there is a need to secure proper Compensation for victims of HBOS - Reading and also against Lloyds HBOS BSU UK wide.

Persons affected are due justice, compensation for such damages and for the consequential losses which resulted from this intentional widespread, systematic, institutionalised, co-ordinated fraudulent behaviour.

Today; after many years of investigation, intelligence gathering, evidence collection, research and analysis **Neil Mitchell, Businessman and leading Campaigner announces the set up of 'Banks Claims Group Limited' as the 'one-stop shop' Litigation Management company** with the purpose to take a

business approach to Litigation Management of Bank Claims handling predominantly through 'Multi-Party' Actions across certain UK and overseas jurisdictions to pursue avenues of compensation.

Following his role as CEO, Torex Retail Plc and then Whistleblowing to RBS & the banking syndicate, London Stock Exchange AIM Market, FCA & the Serious Fraud Office for what has become a most significant, most successful investigation in the UK into Corporate Fraud, Neil Mitchell has put 'people in prison' already and as a result has become experienced in banking regulation, corporate fraud identification and overall corporate governance.

Mr Mitchell is acknowledged as the whistleblower who brought allegations of the 'systematic, institutionalised corporate governance failures, regulatory breaches, and possible criminal fraud on an industrial scale in RBS GRG to the attention of the Chairman and CEO of RBS and civil servants & members of the British Government in April 2010.

Neil Mitchell will now take on leading & directing the 530 verified, validated cases already amassed pre-launch. They have a conservative asset value of £ 2.5 Billion which means as claims they will have a number of heads of damages and the Claim will have a starting quantum of circa £ 15 Billion - which is material given that RBS only has a market capitalisation today of £ 26.26 Billion.

Furthermore Neil's role will be to draw attention to the prospective Litigations and grow the number of Claimants into thousands of Claims.

Neil Mitchell has literally an army of 300 + associates to call upon to fight claims, campaign and through a team of 'Victims Ambassadors' support all victims of bank crime.

'Banks Claims Group Limited' is an entirely new Claims Management 'Platform' and process with new approach, new structure and new people, We will have no funding from financial institutions. Instead the new organisation will be an ABS – Alternative Business Structure i.e. a law firm regulated by the SRA and run in a professional business-like manner with effective governance, transparency, financial management with legal costs and litigation funding negotiated on the best achievable terms.

Initially being set up to manage the prospective RBS GRG Group Litigation type of claim in UK and Ireland and to take civil and criminal legal actions in Germany and USA in a division to be known as "RBS - GRG Claims". All of these three Claims will have targeted senior bankers as Defendants to pinpoint personal culpability as well as the bank itself as a regulated financial institution.

Also within a “Lloyds HBOS Claims” division consideration is being given to launching fully prepared Claims against Lloyds on a product by product basis having been mis sold by HBOS Corporate lending but covered by Consumer regulation (a breakthrough legal point). Furthermore consideration is currently being given to the prospect of claims being brought in a type of Group Litigations against Lloyds – HBOS BSU UK wide and HBOS Reading.

There is a secure Claims & Campaign office set up in the City of London.

There is a satellite office in Edinburgh as one director is based there permanently.

Clarification of purpose is to take £ \$ € multi Billions legal actions against RBS and Lloyds Banks in UK and overseas jurisdictions as the only way to get ALL victims of RBS and Lloyds who apply and are registered on the Banks Claims Group Limited site proper levels of Compensation and to enable us to make targeted individuals and the banks pay.

In Q1 2019 ‘Banks Claims Group Limited’ is prepared to seek Criminal & Regulatory actions against RBS in Germany.

Matters raised with the European Commission – FSMA in Brussels in September 2018 will be directed under their guidance to ESMA in Paris.

In Q1 2019 ‘Banks Claims Group Limited’ will engage with USA Federal & State Prosecutors & Regulators and the SEC and will begin a form of “class actions” against RBS GRG N.A. and RBS GRG Citizens.

In the UK the headline claims in the litigations will be that RBS and Lloyds HBOS through their respective GRG and BSU restructuring units systematically sought to defraud their customers for their own commercial purposes targeting cash and asset rich businesses which they then funnelled into their GRG and BSU units on the basis of the pretext of a default (often invented), applied heavy charges, placed them into a manufactured insolvency process and then in many cases obtained their key assets at below market value prices, or had them sold off by complicit advisers, accountants and administrators to associated vulture funds or in the case of RBS often sold to their own company West Register.

These claims against banks will be large scale, complex and complicated - exactly why Banks Claims Group Limited has been set up to manage all possible heads of claims through common causation. Relevant causes of action which may be used against RBS and Lloyds are for example ‘unlawful means conspiracy’, ‘dishonesty’, ‘deliberate concealment’ (from so many possibilities). The leading cause of action in each claim has not yet been chosen.

Banks Claims Group Limited is focused upon identifying potential claims that raise common misconduct by RBS and Lloyds HBOS and especially elements of fraud and deliberate concealment in RBS's and Lloyds behaviours.

Ways have been found to potentially overcome the six year statute of limitation thus opening up RBS claims to go back to the 1992 set up of it's restructuring unit and similarly with Lloyds HBOS.

Based upon verbal opinions solicited already it is believed that by defining the 'Governing mind (Board)' and 'Controlling mind (CEO and Senior Executives)' as being in the UK **we will be able to include both claims in Northern Ireland and Eire against RBS – Ulster Bank in the UK Action.**

For each of the Claims Letters Before Action, Claim Forms, Particulars of Claims and Applications will be issued during 2019.

Various individuals have pursued costly individual actions against RBS and Lloyds and have then suffered further at the hands of the banks, their lawyers and advisers in terms of legal, financial, health issues and security violations.

Today it is time to start to Fight in 'multi-party' Actions.

So today; to show that we mean business, in the public interest and in the wider interests of the banks crimes victims as the individual who leaked the FCA S166 investigation Report for the whole world to see and worked on a deconstruction of every word & number in the 351 page report; **Neil Mitchell announces that he has funded a Barrister to draft, file and have served upon the FCA as a 'Defendant' and RBS as an 'Interested Party' an unprecedented Application in the Royal Courts of Justice in London for a Judicial Review of the FCA regarding misconduct in public office over the process of the S166 investigation into & report on RBS GRG.**

Please see attached confirmation of 'New' Application, Judicial Review Claim Form, Front page citing both FCA and RBS and the entire Court stamped & sealed Application filed on 31st October 2018 and served on FCA and RBS on 6th November 2018.

Neil Mitchell commented: “ The bailout of RBS & Lloyds caused Austerity and we all still suffer 10 years on but here we have claims of alleged fraudulent misconduct by a State bailed out, State majority owned (RBS), State supported, State regulated RBS & Lloyds HBOS.

Theresa May's government has refused all calls for a Public Inquiry, a new Tribunal system, legal & regulatory changes or Compensation for what has been called 'the Largest Theft Anywhere Ever'.

There are 5 million Small businesses in the UK employing 20 million people who are the growth engine of our economy – 30,000 British Businesses have been destroyed by RBS, NatWest and Ulster Bank.

Banks Claims Group Limited provides a platform to hold the banks to account on a large scale to pursue justice & compensation for all victims of alleged RBS GRG and Lloyds HBOS misconduct.”

Forthcoming other actions that Banks Claims Group Limited are significantly involved in:

- “Larger than Watergate” document release by associate William May.
- Lafferty Group Global conference on ‘Business Banking” to be held in London in 2019.
- Paradiso Films Documentary “Spank the Banker” coming to cinemas across UK early in 2019.

Political Support:

There is cross-party support for these actions but I would suggest media enquiries should be directed to my MP – Patrick Grady SNP Chief Whip and Jonathan Reynolds MP – Labour Party Shadow City Minister.

Media Contact:

R NEIL W MITCHELL

Founder & Spokesman

BANKS CLAIMS GROUP LIMITED

Email: Neil.Mitchell@banksclaimsgroup.com

Mobile: +44 (0)7379 436580

24/7 Office contact: +44 (0)7555 579361

Registered Office: 102 Bowen Court, St Asaph Business Park, LL17 0JE

Website: www.banksclaimsgroup.com

Photograph: Please use attached official photo of Neil Mitchell wherever possible.

Exhibit 10

From: **Neil Mitchell** <neil.mitchell@banksclaimsgroup.com>
Date: Wed, Dec 5, 2018 at 5:23 AM
Subject: Fwd: PRESS RELEASE from Neil Mitchell
To: Neil Mitchell <Neil.Mitchell@banksclaimsgroup.com>

Team,

00.01hrs today CONFLICT MANAGEMENT GROUP LIMITED and BANKS CLAIMS GROUP LIMITED were brought into the public domain.

Starting with the set up of Banks Claims Group Limited...

Below is the email sent out to all my media contacts with Press Release, Photo, Application for Judicial Review & 3 legal verifications - for we have already filed & served our first Legal Action.

Also launched 2 websites (and with mobile phone versions) for 'topco' and 'opco'

<https://www.conflictmanagementgroup.solutions>

Banks Claims Group Limited website includes a research survey tool & claims builder.

<https://www.banksclaimsgroup.com>

New Banks Claims Group Limited Twitter account gone live @BanksClaims and I have modified my twitter @RNW_MITCHELL into a personal account...

It is Starting...The FIGHTBACK against RBS, Lloyds, FCA & HM Treasury...

There will be a 2nd 'surprise' to follow before the 'meaningful vote' on the 11th December 2018.

Thank you for all your support....now WE WILL MAKE A DIFFERENCE.

Neil

EMBARGO ENDS 00.01 hrs WEDNESDAY 5th DECEMBER 2018

Exhibit 11

From: **Neil Mitchell** <neil.mitchell@banksclaimsgroup.com>
Date: Wed, Dec 5, 2018 at 9:11 PM
Subject: Fwd: PRESS RELEASE from Neil Mitchell
To: Brian Little , Heather Buchanan, Nikki Turner , SME Alliance 2014

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Doing My Best,

Neil

Exhibit 12

----- Forwarded message -----

From: R NEIL W MITCHELL <rnwmmwm@yahoo.co.uk>
To: Kevin Hollinrake MP
Cc: KEENE, Adam ; VENTRESS, James ; BUCHANAN, Heather ; Nigel KNAPTON
Sent: Thursday, 17 January 2019, 22:26:01 GMT
Subject: Re: Meeting

Kevin,

It was an absolute pleasure to meet you today in Portcullis House with Heather & James.

I respect you as a man, property / businessman, see what you do both in support of your Constituency and on issues in Parliament especially for SME's and business at large through the APPG-FBB.

Our core objectives are exactly the same Justice & Compensation for all Victims of Bank Crime especially at the (blood dripping hands - with reference to the Billboard we talked about) of RBS and Lloyds HBOS.

Going back to day 1 of George Kerevan chairing the APPG - FBB I have enjoyed good relations with APPG-FBB and I want this to resume by way of mutual support.

I respected you laying out your view of where we are at, the need to fight and that it will take more time and I agree with you that the damn will burst.... as we both agree that at some point HM Treasury; rather than achieving their planned complete CLOSEDOWN of "noise" relating to 'bank crimes' is going to have to concede defeat both on a mechanism for delivery of compensation and proper amounts of compensation

I do not intend to be the little boy with his finger in the hole in the dam...instead I intend to blow the dam up !

Since 5th December 2018 I have already assembled at Banks Claims Group Limited heading for 600 verified & validated GRG claims with a minimum legal quantum of £ 15 Billion plus - which is material to the ability for RBS to trade in future and should have an effect on the share price when filed in court & thereby on the Chancellor's position on selling more RBS shares.

I agree that even more pressure must be brought to bear on John Glen MP, City Minister and Philip Hammond MP, Chancellor.

We discussed and agreed completely on the FCA's grossly unacceptable position on the RBS GRG S166 investigation & report, their apparent collusion with RBS and their misleading / false representations to the Treasury Select Committee.

I hope for / expect the full support of the APPG - FBB for my personal endeavours on behalf of all parties who are dissatisfied with the role, approach & conduct of the FCA - a 'captured / captive' regulator in strongly / vocally / publicly supporting the Application for a Judicial Review of the FCA's (mis)handling of the process of the S166 investigation and report.

I am now happy & fully prepared to liase / share intelligence / report on actions far more closely again with the APPG-FBB and yourself going forward.

Please feel free to ask if you require any inputs from me or any of the 20 + individuals who have agreed to work to support the roll out of Banks Claims Group Limited, our array of lawyers & expert advisors, my army of 300 + multi-skilled contacts (build up over the 11 years journey of putting this together) and the near 600 victims of RBS & Lloyds I now lead & represent.

As fast as funding can be raised & deployed I will scale this up over 2019.

We are at your disposal.

As I have said all along this will take direct actions on a number of battlefronts and in a number of jurisdictions.

It would be best for everybody especially victims if the fight was fought & promoted on as a united front.

My Best Regards,

Neil

R NEIL W MITCHELL

Mr Patrick Grady (Neil Mitchell's MP) and referred to as press contact in 5 December 2018 press release is also Chief Whip of the SNP. All of whose MPs have endorsed a FST.

THE TIMES MONDAY 18 FEBRUARY 2019 45

Business

There is wide support for a financial services tribunal, so act now

Stewart Hosie



If you or I have a dispute with our bank, a typical method of resolution is to go to the Financial Ombudsman Service. It exists to provide a free route for individuals to fight back against powerful, lawyer-laden financial institutions.

Yet for many small and medium-sized businesses, the only option to settle such disputes that cannot be directly resolved with the bank in question is going to court, which can be time-consuming and costly. Many business owners, therefore, lack any viable means of seeking justice.

Attempting to remedy this, the financial regulator announced last year that more small companies would be allowed access to the FOS. The Treasury committee has welcomed this step, but has questioned the Financial Ombudsman Service's readiness and suitability for the expanded role.

The Treasury select committee and many individual MPs have been contacted by numerous people with concerns that the ombudsman service has failed to act with due diligence in their cases and public confidence in the FOS has been shattered.

With this in mind, it is doubtful that the Financial Ombudsman Service is prepared for the increase to its remit that begins in April, especially considering that it's not well equipped to resolve the kind of higher-value and more complex disputes that businesses will bring.

Rather, as the committee has recommended in our report on SME finance, a financial services tribunal is needed. This proposal, developed by a cross-party parliamentary group on fair business banking, would provide small and medium-sized companies with an avenue for resolving disputes

that is both suitably rigorous and cost-effective. In essence, it would level the playing field between SMEs and banks.

Despite widespread support for this proposal, the government and industry have chosen not to embrace it. Instead, they are proposing an even greater expansion to the remit of the FOS, effectively opening it up to businesses with a turnover of up to £10 million. This is ill-advised. It fails to address numerous fundamental problems with the Financial Ombudsman Service's approach to dispute resolution. The FOS, for example, lacks the power to compel witnesses or to force the disclosure of information. Consequently, large and more complex disputes may not be assessed with the rigour that they truly warrant.

The government's dismissal of the proposal is all the more disappointing given that it has amassed strong cross-party support. In this log-

Brexit must not crowd out other critical elements of policy

jammed parliament, where anything other than Brexit struggles for bandwidth, anything that can garner bipartisan support deserves attention. Brexit must not crowd out other critical elements of the policy agenda. The government should reconsider its position urgently.

Only the creation of a financial services tribunal will ensure that the UK's small businesses are no longer denied justice. A system is needed for dispute resolution and redress that gives smaller companies the confidence to engage with financial services providers, safe in the knowledge that they are not vulnerable to exploitation and mistreatment.

Stewart Hosie is Scottish National Party MP for Dundee East and a member of the Treasury select committee

March 11 2019, 5:00pm, The Times

Companies should be allowed to choose how best to deliver justice

Ned Beale



It has taken many years longer than it should have done, but there is finally a consensus that small and medium-sized companies deserve better options for resolving disputes with high street banks.

The problem is that the government doesn't agree with the preferred method of many business owners, campaigners and MPs for levelling the playing field — the creation of a financial services tribunal to resolve such disputes.

The debate hinges on whether small companies are better served by independent arbitration, as groups including the Treasury select committee believe, or by an expansion of the remit of the existing Financial Ombudsman Service, the solution favoured by the government and banks.

In December John Glen, the City minister, gave five reasons why the ombudsman was a better route than a tribunal. With growing support across all six political parties for both options to co-exist, I suggest that the government's arguments miss the bigger picture.

First, Mr Glen states that a tribunal would impose an unnecessary regulatory burden on banks, given that lenders have signed up to new standards governing fair treatment of customers. However, there is no sanction if lenders breach these voluntary guidelines. The standards will be meaningless without an effective enforcement mechanism. Rules need teeth to have bite.

He also argues that a tribunal can only apply strict legal principles, whereas the Financial Ombudsman Service can rule on a "fair and reasonable" basis, leading to better outcomes for consumers. That is not necessarily correct. There is a long established legal concept of tribunals ruling on an "on right and good" basis. Parties arbitrating under the rules also can agree to be bound by additional substantive rules, for example the FCA Principles for Businesses.

Third, the minister suggests that going to arbitration will be more expensive for consumers than going to the ombudsman. However, the arbitration scheme could be specifically designed to cater for business owners with no, or limited, legal representation.

It is also argued that the ombudsman would be quicker than arbitration. However, a whistleblower from within the organisation recently reported to MPs that 30,000 ombudsman cases were awaiting allocation to an investigator. The average duration of these cases is six months, with a significant number lasting longer than a year. Employment tribunals are a powerful precedent for swift, efficient tribunal processes.

Finally, Mr Glen states that a tribunal would require primary legislation. This is not entirely correct. “Arbitral tribunals” can have legal standing under the Arbitration Act 1996.

To succeed, such a tribunal would need to be operated by a recognised neutral body. One of the UK’s best known arbitral institutions, the Chartered Institute of Arbitrators, is assessing how such a scheme could be implemented. Some consumers will want their “day in court” that only a tribunal can provide. Some claims — for example, for higher-value consequential losses — are inherently unsuitable to the ombudsman. The Chartered Institute of Arbitrators is exploring, too, how the owners of insolvent businesses can be awarded damages under the scheme.

I encourage Mr Glen and HM Treasury to reconsider the advantages of combining the ombudsman with the creation of a fresh arbitration scheme so that business owners can choose which is most likely to deliver them justice.

Ned Beale is a litigation partner at City law firm Trowers & Hamlin

For completeness and past commentary

Exhibit 15

Ombudsman may be able to help more small companies

James Hurley, Enterprise Editor November 13 2017, 12:01am, The Times

Small business advisers have expressed cautious support for a proposal to extend the remit of the Financial Ombudsman Service to allow it to help more companies to resolve disputes.

The City regulator is due to launch a consultation on boosting the service amid concerns that companies have nowhere to turn when they feel mistreated by a financial services provider.

The Financial Conduct Authority believes that a more extensive “standing scheme” is necessary to avoid ad hoc redress programmes being set up each time that a commercial lending scandal emerges.

Small companies have little protection at present, as commercial lending is unregulated and small business owners can rarely afford to turn to the courts. The Financial Ombudsman

Service already offers an alternative as it can rule on disputes, make binding decisions on lenders and award up to £150,000 in compensation. However, it can look only into complaints from “micro” businesses — companies with fewer than ten staff and either annual sales of less than €2 million or a balance sheet worth less than that amount.

Andrew Bailey, the FCA’s chief executive, has expressed a preference for a new formal approach to help small companies, such as an independent tribunal process, but this would require legislation. Amid suggestions this is not a realistic prospect in the near future, the FCA is looking instead at extending the powers of the ombudsman.

The all-party parliamentary group on fair business said that an accessible, independent and transparent process to fillet out genuine claims and settle them fairly was “essential to restore confidence in UK banks lending to small and medium-sized companies”. However, Lord Cromwell, the group’s chairman, said that expanding the Financial Ombudsman Service without other reforms would represent the “easy way out . . . This is a good service, but not equipped or appropriate to tackle the sort of cases envisaged.”

Some are concerned that the organisation lacks the skills and experience to deal with more complex complaints. However, a spokeswoman said: “We’re a flexible organisation that’s used to managing a large caseload. In the last financial year we received 1.4 million enquiries and took on around 321,000 new complaints for a more detailed investigation. Just over 4,530 of those came from small businesses.”

Conrad Ford, founder of Funding Options, a business finance comparison site, said that many small businesses “still feel overlooked, sidelined, or poorly treated by the banks . . . Broadening the ombudsman’s remit is a very positive move.”

Mike Cherry, national chairman of the Federation of Small Businesses, welcomed the consultation. “Small businesses have a right to permanent protection. It’s the only way to restore their faith in the financial services sector and encourage them to seek finance for growth,” he said.

Exhibit 16

Scandals force door ajar at financial ombudsman

James Hurley, Enterprise Editor

January 23 2018, 12:01am, The Times



Andrew Bailey said the right to redress was a pressing issue

More companies could get the right to complain to the Financial Ombudsman Service amid efforts to tackle an “imbalance in power” between small businesses and banks, the City regulator has said.

Facing concerns that the owners of small and medium-sized businesses have nowhere to turn to resolve financial disputes, the Financial Conduct Authority plans to allow as many as 160,000 more companies to access the service, which previously has been restricted to consumers and the smallest firms.

The FCA has proposed extending access to the financial ombudsman’s free resolution services to all businesses with fewer than 50 staff, annual sales of less than £6.5 million and a balance sheet value of under £5 million. Only those with fewer than ten staff and a balance sheet of up to £2 million qualify at the moment.

The service’s award limit of £150,000 would remain unchanged unless legislation was passed to raise it, the FCA said.

The plans are partly a response to recent small business lending scandals, including the misselling of interest rate hedging products to thousands of companies; their systematic mistreatment at the hands of Royal Bank of Scotland’s Global Restructuring Group; and a fraud at HBOS that led scores of entrepreneurs to lose their livelihoods. As commercial lending is not regulated and access to the courts can be prohibitively expensive, those who suspect that they have been mistreated often feel that they have no route for redress.

The FCA said that its plans ultimately may “improve the way financial services businesses handle SME complaints. This may, in turn, lead to fewer complaints and a better standard of service for SME customers.”

However, the Federation of Small Businesses said that the proposals fell “short of the mark”, noting, for example, that the financial ombudsman route would not be open to those who had lost their businesses.

Mike Cherry, the group’s national chairman, said: “During the downturn, we had entrepreneurs forced under by complex, unregulated products. They then struggled to achieve redress because their businesses no longer existed. It’s not clear that, under these proposals, there would be enough protection for small businesses if they were faced with similar circumstances in future.”

He added that it was “strange” that increasing the award limit did not form part of the proposals. “Under the FCA’s proposals, there will still be firms in an unhappy middle ground where they have a case that’s too big for the FOS but don’t have the necessary resources to go through the courts.” Mr Cherry said that “serious consideration” must be given to legislating for an independent tribunal system.

Andrew Bailey, chief executive of the FCA, told *The Times* that he would support such a move. “We want to solve this problem. [*The Times* has] highlighted it extensively and there is clearly a gap in the framework for having affordable complaints resolution for small firms. Whether it comes from a tribunal system or the Ombudsman, frankly, providing it works, I’m indifferent.” However, he said: “The FCA can’t create the tribunal system. That requires parliament.”

Mr Bailey added: “I feel this issue is really quite pressing and we’ve got to get on and put out our proposal. If others want a different route, I’m happy to talk about it.”

Kevin Hollinrake, vice-chairman of the all-party parliamentary group on fair business banking, said: “Many of these cases are highly complex and only an experienced judge supported by financial experts would allow a proper analysis of the facts and allow the inappropriate and sometimes illegal actions of banks to be heard by the press, public and politicians.”

The FCA predicted that the service, which is funded by a levy and case fees charged to the firms it deals with, would have to handle 1,500 more disputes a year as a result of the planned expansion of its role. A consultation on the plans closes on April 22.

Exhibit 17 - Email trail

From: Brian Little
Sent: 19 November 2018 07:14
To: 'R NEIL W MITCHELL (RNWM@mwmglobal.com)'
Cc: 'BUCHANAN, Heather'; 'VENTRESS, James'; '- -'
Subject: TIMES article today and our Saturday telcon

Neil - thankyou for your telcon on Saturday – at least we know our respective Text and phones are working now.

I was delighted you were able to read the link to my tweet re the APPG Position 8 page Statement and you considered their “bullets were comprehensive and Statement articulate”. I totally agree and as I stated last week I believe we now have the foundation blocks in place for the next 60 / 100 days of politics and campaigning.....

I mentioned that the TIMES confirmed to me that morning that they were going to run an article on Monday (and at least more to follow in week commencing 3 Dec) and I attach a copy for you together with my comments though not sure why not on line yet. I have asked Richard to check. No doubt you will catch up with Heather and Nikki later this week. If you are a TIMES subscriber perhaps you can comment too.

Kind regards
Brian

PS I look forward to you sharing your bullet points re CASE analysis re RBS .. GRG / Ulster etc - e.g. fraudulent signatures etc etc Thx b

From: Brian Little [mailto:brian@fortfield.com]
Sent: 29 July 2019 07:46
To: 'rnwmmwm@yahoo.co.uk'; 'R NEIL W MITCHELL (RNWM@mwmglobal.com)'; 'Neil Mitchell'
Cc: 'Nikki Turner'; 'Kevin HOLLINRAKE'; 'BUCHANAN, Heather'; 'Ian Lightbody'; 'VENTRESS, James'
Subject: FW: TIMES article today and our Saturday telcon FOLLOW UP

Neil - you blocked me on twitter a number of months ago when I tweeted that it was important that legacy banking victims had a choice between whether they could go to court or a DRS (or now the www.thebbrs.org. and that in the medium and long term it needed to be assessed on its intent and results.

Last Thursday you tweeted out "Meanwhile also yesterday within minutes of issue I had a multiple copies of the 2 latest Emails to members by SME Alliance..... " therefore you will know that I have been the nominated representative of SME Alliance on the Eligibility sub group of the DRS. Your assertions in the tweets are not based on any facts or evidence. Indeed you do a disservice to those of us working to get a credible scheme. As you will have gathered Nikki , I and others have determined that there are substantive matters which are not properly addressed in relation to Eligibility and as the new independent company from UK Finance (Business Banking Resolution Service Limited) has now been incorporated and matters proceeding there now is the time to finally get the remaining Eligibility matters addressed with considerable time and effort of the APPG Fair Business Banking (see website letters etc) and SME Alliance and politicians.

As you know when we spoke in November you indicated to me that you had (as in Exhibit 1 attached) a fully worked up plan. Although you wouldn't tell me the detail at the time I discerned it was something further on the RBS GRG reports (hence the Judicial Review against the FCA filed within time and publicly declared on 5 December 2019 with the coincident press release at Exhibit 9..... I now understand from the FCA Public meeting webcast that you had costs awarded against you and from your questioning have some other legal claim against Mr Randall and Mr Bailey which they appear and have stated they are unaware of.)

I was glad that you deferred your Press release and emails until immediately after HMT . John Glen MP confirmed what he had said to you and reflected in your tweet on 11 November 2018.

As you know the EST published his extensive remarks in the TIMES on 3 December 2018 at the conclusion of an article "Financial Ombudsman Service in eye of a new storm" (Exhibit 7). A subsequent article in the TIMES by Ned Beale on 11 March 2019 entitled "Companies should be allowed to choose how best to choose justice".

Anyway the purpose of this email is two fold

1. You state that your primary objective (like ours) is to help banking victims. You assert that you have the largest number of victims on your files (530- 600+) – some of whom are common to the Membership of SME Alliance and the other victims groups though your documentation exclusively focuses on RBS and Lloyds - org chart on website. As you know you have chosen to help those victims through Banking Claims Group Limited (of which whilst you are 75% shareholding and have the unilateral right to remove and appoint Directors you are however not a Director yourself – though I am sure would be a “shadow” director. To choose that court etc route is fine and available to those who choose that route.

As you know the DRS scheme primary eligibility terms are that there has been a complaint made to the Bank between 1 December 2001 to 31 March 2019 and that there has been no settlement , court outcome or live litigation pending. It is also assessed that where a complainant could have taken the matter to court then it was for them to do so. Where the Balance Sheet is less than £7.5M (still the subject of argument) then other Eligibility tests become relevant (also the subject of argument). I do know that you have stated that the Claims against RBS run in to billions so the 530-600+ people may not have many who fit in to this category and can afford to go to court and legal claims with you.

However now is a good time that I ask you to review your Files / Members? and identify those cases amongst the 600+ with less than £7.5m Balance Sheet (as per FOS definitions) and assess whether those people would wish to be considered or have a choice to go forward in to the final DRS/BBRS. After identifying this cohort so you should then refer back to the APPG Fair Business Banking document (as per Exhibits 2 thru 5 and recent letters on their website – 3 May 2019 to Chancellor and 24 July to UK Finance) and establish whether there are other systemic items which we need to consider and aim to secure during this “suspension” or “exit” / “remain” period to enable a reasonable argument to be made and sustained. Just to be absolutely clear I want to be sure that we have considered all aspects of what is needed (whilst reasonable and fair) as we progress or not the discussions with key stakeholders in the coming days and weeks. I have written this as I am the person who has known you for the longest since 1991-1992 at Bae.

2. A request that you stop personally attacking us in public in the language you use and without any factual or evidential basis for doing so. If you don't desist from doing so immediately then I will publish the attached document and ensure a significant circulation in Twitter etc so everyone is clear on your position. It simply isn't right

I would appreciate a constructive input for us to consider by next Monday please.

Kind regards

Brian

From: Brian Little
Sent: 03 August 2019 06:36
To: 'R NEIL W MITCHELL (RNWM@mwmglobal.com)'; 'Neil Mitchell'
Subject: FW: TIMES article today and our Saturday telcon FOLLOW UP (UPDATE)

Neil - a couple of points

(1) In my email below I asked at (1) if you could give me your input by next Monday. As it happens the key meeting begins in the latter half of next week so It would be fine to receive your input by Wednesday at 8 am instead if that is of help to you.

(2) You will recall you attended the RBS meeting last February in which they passed Resolutions re share buybacks etc. I don't know what you have said on twitter (as I am blocked) but it seems that this manifested itself as the special dividend in yesterdays Announcement. We have always recognised the centrality of the HMT in the crisis and since so it would seem to me that you could very reasonably campaign with your RBS "Members" that the £1 billion be set aside to support legitimate claims from former RBS GRG customers as compensation in the legacy BBRs scheme. I am sure you will be aware that Nikki , Heather and Kevin are all active members in the PG/insolvency working group which meets weekly to progress that subject matter..... just a thought for your consideration
.....

"TIMES this am - This overshadowed a bumper £1.7 billion dividend that was bigger than the stock market had expected and a jump in bottom-line first-half profits attributable to shareholders from £888 million last year to £2 billion, the highest since 2007. **The dividend will hand £1 billion to the government.**

The Edinburgh-based lender, which has 19 million customers and owns the RBS, Natwest and Ulster Bank brands, **is 62 per cent-owned by the taxpayer.**"

Kind regards

Brian

From: Brian Little
Sent: 24 August 2019 08:16
To: 'R NEIL W MITCHELL (RNWM@mwmglobal.com)'
Cc: 'Nikki Turner'; 'Ian Lightbody'; 'BUCHANAN, Heather'; 'VENTRESS, James'; 'HOLLINRAKE, Kevin'
Subject: FW: Information Request - survey

Neil - further to my emails below work continues in relation to the BBRs discussions with the participating banks (www.thebbrs.org) - you have asserted that you have "600" + Members (some of which are likely to be common to the four other banking victims groups)

It would be helpful if you could provide the following information to assist in those discussions.

1. A breakdown by Bank - where not in this list count these under a eighth category and all Bank X.
2. How many have been subject to Personal Guarantee / Insolvency matters – we call Stream 1
3. How many have had a negative outcome decision from FOS in the past
4. How many have been the subject of prior “Bank-led” compensation scheme (e.g. Griggs , Blackburn etc)
5. How many have had an negative outcome from the FCA IRHP scheme (but BS less than £7.5m)
6. How many have a Balance Sheet value of less than £7.5m at the date of their complaint between 1 December 2001 and 31 March 2019

If I need to clarify any of this just give me a call – number as before

Many thanks and kind regards

Brian

Wednesday 8 am 7 August 2019

R NEIL W MITCHELL (RNWM@mwmnglobal.com); Neil Mitchell
neil.mitchell@banksclaimsgroup.com

Copy Nikki Turner : Kevin HOLLINRAKE ; BUCHANAN, Heather ; Ian Lightbody
'VENTRESS, James'

FW: TIMES article today and our Saturday telcon FOLLOW UP (UPDATE) and FINAL FOLLOW UP

Neil

Further to my email below at Point 1 it has now just gone 8 am and I haven't heard from you so I have to seal the documents index and presentation now. I will assume you had nothing further to add in the last eight months and remain content that the DRS/BBRS scheme eligibility etc ought to as set out in APPG FBB 14 NOV doc or better whilst larger businesses continue to have the court process available.

I have updated the story / communications and attach for completeness.

Kind regards

From: Brian Little [mailto:brian@fortfield.com]
Sent: 19 August 2019 06:45
To: 'R NEIL W MITCHELL (RNWM@mwmglobal.com)'
Cc: Nikki Turner'; 'HOLLINRAKE, Kevin ; Buchanan Heather'; 'VENTRESS, James'; 'Ian Lightbody'
Subject: FW: TIMES article today and our Saturday telcon FOLLOW UP (UPDATE) and FINAL FOLLOW UP - TIMES today and Members?

Neil - regarding my email on 3 August at Point (2) you will find the TIMES article this morning interesting for those PG / Insolvency victims who had Balance Sheets of less than £7.5m at the time of their complaint and should now be proceeding through BBRs.

How many of your 600 Banking Victim Members (RBS GRG and others) would be eligible for this BBRs scheme.... could you let me know by Friday 30 August 2019 please.

Many thanks and kind regards

Brian

From: Brian Little
Sent: 24 August 2019 08:16
To: 'R NEIL W MITCHELL (RNWM@mwmglobal.com)'
Cc: 'Nikki Turner'; 'Ian Lightbody'; 'BUCHANAN, Heather'; 'VENTRESS, James'; 'HOLLINRAKE, Kevin'
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6. How many have a Balance Sheet value of less than £7.5m at the date of their complaint between 1 December 2001 and 31 March 2019

If I need to clarify any of this just give me a call – number as before

Many thanks and kind regards

Brian

29 August 2019



NEIL MITCHELL
@RNW_MITCHELL



. @efgbricklayer Nicky
Turner, Andy Keats, Brian Little
& secretly Ian Lightdick all
measuring up/picking colours
of the curtains for their offices
in BBRs...having sold their
souls to Banks for jobs offers &
money & honours as they
create careers out of it
[twitter.com/efgbricklayer/...](https://twitter.com/efgbricklayer/)

Ian Lightbody - How come Derek's missed out ??

Lewis Shand Smith - "That could not be further from the truth"



NEIL MITCHELL
@RNW_MITCHELL

. @lan_Fraser 'Look behind the Veil' Letter is a pre-prepared set up with BBRS for some very public back & forth "negotiation". Brian Little stupidly told me entire gameplay....along with the Nikki Turner threathend "walkaway" but actually onside with BBRS

[twitter.com/lan_Fraser/sta...](https://twitter.com/lan_Fraser/status/1234567890)

Tweet your reply

5

7

6



Kevin Hollinrake ✓ @... · 15h ▾

Yes, and that's what we're trying to change appgbanking.org.uk/wp-content/upl...

5

5

6



Ian Fraser ✓ ▾

@Ian_Fraser

Replying to [@kevinhollinrake](#)
[@efgbricklayer](#) and 7 others

That's a good letter Kevin. I hope the BBRS is taking your points on board.

08:23 · 12/09/2019 · [Twitter for](#)

[Tweet your reply](#)