

**BEFORE THE LICENSING COMMITTEE OF THE BRITISH HORSERACING
COMMITTEE**

IN THE MATTER OF Mrs MERRITTA ANNE JONES

APPLICATION FOR A LICENCE TO 31 JANUARY 2012

HEARING DATE: 24 June 2011

Committee Members:

**RICHARD RUSSELL ESQ
CLIVE H. JONES ESQ (Chairman)
RUPERT SWEETING ESQ**

DECISION AND REASONS OF THE LICENSING COMMITTEE

1. By an application form dated 3 June 2011 Mrs Jones applied for a combined trainer's licence until 31 January 2012 on the basis that she will be an employee of Equine Enterprises Limited ("EEL").
2. The application is made in circumstances of EEL's previous trainer, Mr Milton Harris, having been refused a renewal of his licence for the year ending 31 January 2011 and his appeal having been dismissed on 25 May 2011. The consequence of this for EEL was that it needed to find a replacement trainer. Mrs Jones has been granted a temporary licence pending determination of her application. This was on the basis that she had a good case for satisfying the criteria contained within the guidance notes which accompany each application form and in circumstances where otherwise the business of EEL would have had to cease pending this hearing.
3. The full details of the refusal to grant Mr Milton Harris a licence and of the circumstances that led to that decision can be found within the published Committee decisions and need not be repeated here. However the following material points arise from the factual matrix:-
 - 3.1. EEL is now owned by Mr Fox who is the sole director and Mr Milton Harris is no longer either a shareholder or an office holder. This is now Mr Fox's company and Mr Milton Harris will have no part in its management.
 - 3.2. Mr Milton Harris remains an employee. His job description is now that of Assistant Trainer and Racing Manager. In this context it is to be borne in mind that EEL was first established by Mr Milton Harris and he has been responsible for building up its business to its current position and has been the person to whom the owners of the horses are most closely connected.

4. Those points have caused the Committee to decide that it is necessary for Mrs Jones to satisfy us that in practice she will in fact be EEL's trainer and that her appointment is not an appointment in name only.
5. Subject to that issue the Committee is satisfied by the information that has been provided by Mrs Jones that she is a suitable person and meets all the criteria identified in the Guidance Notes that accompany each application form.
6. The Committee having met Mrs Jones and discussed her application with her today is very impressed by her understanding and appreciation of the potential difficulties of becoming a trainer in the circumstances summarised within paragraph 3 above; in particular when Mr Milton Harris is to be the Assistant Trainer and Racing Manager and knows all the owners, employed the staff, established the training regime and built up the business. We consider the fact of that understanding and appreciation to be an important background of and foundation for her application.
7. We have discussed whether her position will enable her to be the trainer in practice. We have heard and accept her insistence that she will be, that she will be the person in charge and that her role will mean that she is responsible for the training and well being of the horses. She has provided us with detailed information concerning her current and future role which satisfies us that this insistence is realistic and will most probably prove to be correct. Mrs Jones explained that she has not made extensive changes to date and that she appreciates that she is taking over from a training set up which has been successful in the past and is running well. As a result she should tread carefully when training in those circumstances. However, we consider that to be a realistic and sensible approach and not one which in any way undermines her case that she will in practice be the trainer and Mr Milton Harris the assistant.
8. In reaching our decision we have taken into account her very apparent commitment. This is evidenced by the information she provided us with a clear enthusiasm for her return to training. It is notable that she has been attending every day at the stables and she has immediately taken steps to monitor the horses both with regard to their health and their racing prowess. We also note that she has sought to ensure that she gets to know the other employees and they her. This includes Mr Milton Harris and she has not been critical of him or of his attitude or approach.
9. We are satisfied that Mrs Jones wants her role to be the trainer as a matter of fact. We also note (without in any way suggesting that she expects this to occur) that her position is that she would not stand for her position being undermined so that she is not able to fulfil her responsibilities and duties. In that context she was appreciative of the fact that she would obtain the Authority's support both via the Licensing Committee and generally should she find this occurs. We mention that

specifically because it is an important feature of her application. However we should emphasise that this is being considered on a hypothetical basis. In practice she expects and has cause to expect Mr Fox's full support.

10. Mrs Jones recognised that she might prove to be a caretaker trainer. Mr Milton Harris is likely to reapply for his licence. We obviously make no comment upon that. However, we do note that her response, which we accept, is that this will not affect the fulfilment of her duties and responsibilities on a day to day basis. We also note that she has missed racing and very much wants to succeed both in the short term and, if possible, in the long term. We are quite satisfied that she has not applied for the position of trainer and that she has not been appointed as a trainer on the basis that she is seen in practice as a cipher. Indeed we have reached quite the opposite view and anticipate that she will prove to be a very considerable asset as the licensed trainer of EEL.
11. We therefore grant this licence. We do so with certain conditions. Neither Mrs Jones nor Mr Milton Harris has their contracts of employment as yet. Since these documents will set out the roles of each of them, we consider it important to see them. We remain of the view that it is important that Mr Fox remains the director of EEL. Obviously a request to vary this condition can be made if required. We have in mind the history of financial difficulties previously faced by EEL. We believe that Mr Fox has resolved this and will ensure that EEL is run on a sound financial footing. However, we will make conditions relevant to ensuring that Mrs Jones is employed by a solvent employer. We also consider it appropriate to include a condition which will be applicable should in fact Mrs Jones face difficulties in carrying out her duties and responsibilities. She should be required to inform the Authority of this. We trust, however, this will be a safeguard that will not be required in practice. Finally we will require notification of this decision to the owners.

Decision

As a result of the matters above we are satisfied that Mrs Jones is a suitable person and meets all the criteria identified in the Guidance Notes that accompany each application form. We grant her application for a Combined Trainers Licence to be employed by EEL, valid until 30th January 2012, subject to the following conditions of issue:

1. You or EEL should send to the Licensing Committee (via this office) copies of your contract of employment and of the contract of the Assistant Trainer/Racing Manager, Mr Milton Harris, by 4.30pm on 8th July 2011.
2. Mr David Fox ("Mr Fox") or some other person reasonably acceptable to, and approved in writing by, the Licensing Committee shall be the sole director of EEL.
3. You shall notify the Licensing Department forthwith of all relevant facts known to you upon you becoming aware of:-

- i) any judgment having been entered, or legal proceedings of any kind having been commenced against EEL;
 - ii) any change of circumstances that you consider may be preventing or may in the future prevent you from being able to fulfil your duties and responsibilities as a trainer under the term of this licence
4. Your employer, EEL, must be solvent applying a balance sheet test, and it must pay its debts as they fall due.
 5. You must inform the owners of the horses currently placed with EEL of this decision immediately.

Signed: C. H. JONES (Chairman)

For the Committee