

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

**IN THE MATTER OF Mr RAYMOND WILLIAMS**

**APPLICATION FOR A LICENCE 1 OCTOBER 2010 – 30 SEPTEMBER 2011  
6 JANUARY - 30 SEPTEMBER 2012**

**HEARING DATE: 6 January 2012**

**Committee Members:**

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

**DECISION AND REASONS OF THE LICENSING COMMITTEE**

**Introduction**

1. Mr Williams applied for a renewal of his permit to train under Rule (C)6 of the BHA Rules of Racing by an application form dated 7 October 2010.
2. It is for Mr Williams to satisfy us he is a suitable person and meets all the criteria contained within the documents entitled “Applications for a Permit to Train Guidance Notes” and “The Schooling Facilities Guidelines”.
3. The Guidance Notes provide (amongst other matters) that:
  - “Applicants are required to demonstrate or confirm that:
    - They have the competence and capability to train;
    - They have access to appropriate training facilities;
    - They have security of tenure for the premises from which they wish to train;
    - They comply with relevant Health and Safety responsibilities;
    - They comply with all relevant employment responsibilities;
    - They have appropriate Public Liability Insurance and, where appropriate, Employers' Liability Insurance;
    - The necessary financial resources are available to the training operation; and
    - They are otherwise in all the circumstances suitable to hold a permit (i.e. that they are ‘fit and proper’).”
4. The hearing before the Committee on 6 January 2012 took place because of concerns which led to the Authority informing Mr Williams by letter dated 8 December 2011 that it was minded to refuse the application.

### **Period of The Permit**

5. There has been a delay in the processing of this application with the result that the period to which the application refers has past. The Committee is satisfied that the delay should not be attributed to any fault on the part of Mr Williams.
6. As a result the hearing proceeds on the basis that the application is for a permit for the period 6 January - 30 September 2012. A new application form for that period will need to be submitted together with the appropriate payment but during the course of the hearing Mr Williams identified the following, principal amendments to the existing application:-
  - 6.1. The stable yard will be at 1 Gladstone Terrace, Varteg, Pontypool, Gwent. This is Mr Williams' residence and he has had purpose built stables erected at the bottom of this land, as shown in photographs produced at the hearing.
  - 6.2. There is a paddock behind the stables.
  - 6.3. The gallops are some 200 yards from the stable yard at "School Fields".
  - 6.4. The schooling fences and hurdles to be used are new, as evidenced by photographs produced at the hearing.

### **The Issues Considered**

7. The issues which were of particular relevance to this application may be summarised as follows:-
  - 7.1. The existence of appropriate training facilities, the security of their tenure, compliance with relevant Health and Safety responsibilities and all relevant employment responsibilities and the existence of appropriate Public Liability Insurance and Employers' Liability Insurance;
  - 7.2. Whether Mr Williams is a suitable person to hold a permit in all the circumstances and taking into account in particular the above-matters and 2 previous Disciplinary Panel decisions which both found breaches of the Rules of Racing (the first on 28 July 2005 and the other on 13 July 2007). The disciplinary findings are summarised in Schedule 1 below.

### **Decision and Reasons**

8. The Committee in reaching its decision read the bundle of documentation prepared for the hearing and heard from Mr Williams and his partner, Nicola Yeates. Mr Williams provided additional references as well as the photographs referred to above.

9. The Committee in reaching its decision in particular took account of the following facts and matters:-
  - 9.1. The references received.
  - 9.2. A considerable period of time had expired since the last decision of the Disciplinary Tribunal and in addition, the Committee accepted that Mr Williams genuinely regretted the past breaches of the Rules and was committed to ensuring that his conduct would be appropriate for the holder of a permit and that he would comply with the Rules of Racing.
  - 9.3. The intended role of Miss Yeates and her potential control and influence arising from their relationship and from her experience as a local authority employee in relevant areas such as record keeping, administration and health and safety training.
  - 9.4. The building of the new stables and the provision of new schooling fences and hurdles which demonstrated an appropriate and acceptable commitment to future training by Mr Williams and supported his case that he is a fit and proper person to be granted a permit.
  - 9.5. Mr Williams is committed to racing, to the health and welfare of horses and has sufficient financial resources for the purposes of training under permit.
  - 9.6. Mr Williams made clear that his employee was required to wear all appropriate safety clothing equipment when riding.
  - 9.7. Mr Williams assured the Committee that he understood that he was required to inform the Authority immediately of any changes in circumstances and that he would do so immediately.
10. In those circumstances, whilst making clear that past offences weigh heavily against the grant of a permit and emphasising that in this case the Committee is satisfied that there is sufficient evidence to support the conclusion that Mr Williams would not re-offend, the Committee is willing to grant a permit.
11. However, that willingness is subject to the fact that the stable yard had not been inspected nor has there been a recent inspection of the gallops. In addition Public Liability Insurance and Employers' Liability Insurance certificates have not yet been supplied or examined. As a result and taking into account the need for a new application form, the grant of the permit is subject to fulfillment of the conditions listed in paragraph 14 below.

12. The willingness to grant a permit is also subject to the need to receive evidence that the paddock and the gallops will be available for use during the period of the permit ending on 30 September 2012. There is evidence from the owner of the land, Mr Llewellyn, that he has granted permission. It is understood that the permission is not on commercial terms and therefore no formal agreement exists but Mr Williams should produce a letter from Mr Williams identifying the land concerned and specifying that it will be available for the period of permitted use. This too will form a condition of the grant of the permit as set out in paragraph 14 below.
13. In addition whilst Mr Williams' competence as a trainer was not in issue, past results cause the Committee to advise Mr Williams that the horse(s) in his care need to prove themselves to be competitive in their races or this may weigh against him when making any further application
14. In all of those circumstances the decision is to grant a permit upon the following terms and conditions:-
  - i) *A completed renewal form for the period to 30<sup>th</sup> September 2012 is returned to these offices, with a cheque for £560.30 (inclusive of VAT) being the fee for the current permit period by 4.30pm on Friday 20 January 2012;*
  - ii) *An inspection of the training establishment, gallops and schooling facility which is to be carried out by the Authority within a reasonable period from today will result in the opinion of the inspector that these are suitable and appropriate training facilities.*
  - iii) *Confirmation of Public Liability Insurance meeting the licensing criteria to a minimum of £2 million covering Mr Williams as a Permit Trainer, including cover for racehorses at a recognised race meeting, is to be available at the above-mentioned inspection and a copy is to be received at the Authority's office for its records.*
  - iv) *Confirmation of Employers' Liability Insurance to cover the staff member assisting in the preparation of horses for racing is to be available at the above-mentioned inspection and a copy is to be received at the Authority's office for its records.*
  - v) *An understanding from Mr Williams that he will inform the British Horseracing Authority immediately should any change of circumstances occur affecting his premises, facilities or ability to train, as this may have implications for his Permit (which understanding has been established today to the satisfaction of the Committee) ;*

- vi) *A written authority from Mr B Llewellyn giving permission for the use of the paddock and schooling grounds to 30<sup>th</sup> September 2012, stating on what basis such permission is granted (i.e. unlimited access, whether payment is required) is to be received at the Authority's office for its records (it being noted that such authority will be required each year at renewal, should Mr Williams choose to make such an application).*

Signed:



For the Committee

**Schedule 1  
Disciplinary Panel Decisions**

- (1) 28/7/05 - The Panel found breaches of the Rules of Racing concerning:
- a) Training horses for persons not permitted by the permit;
  - b) Misleading stewards of the ownership of horses;
  - c) Entering a horse when not in fact being its trainer as misrepresented;
  - d) Entering a horse when not in fact being its owner as misrepresented;
  - e) Failing to notify the Racing Calendar Office of the arrival of a horse at the yard after purchase.
- (2) 13/7/07 - The Panel found breaches of the Rules of Racing concerning:
- a) Misstatements in the 2005/6 permit application form concerning accommodation and the identity of the person in charge during absence;
  - b) Misstatements during inspection for the purposes of that application concerning who lived on site;
  - c) Misstatements in the 1998/9 and 2005/6 permit application forms concerning ownership of the gallops;
  - d) As a result of those misstatements misleading the Licensing Committee concerning your suitability to be granted a licence;
  - e) A further misstatement concerning ownership of the gallops in a letter 18/8/06 in response to a written enquiry.

Those decisions led to fines and to him being informed that the Authority would be unwilling to consider further applications for a permit before 1/8/06 and 1/8/09 respectively.