

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

**RE: ANDREW CHRISTOPHER WILSON**

**APPLICATION FOR A PERMIT TO TRAIN**

**Hearing Date: 15 OCTOBER 2013**

**Committee Members:**

**RICHARD RUSSELL ESQ. (Chairman)**

**RUPERT SWEETING ESQ.**

**SEBASTIAN PRENTIS ESQ.**

**REASONS**

1. On 15 October 2013 the Committee met Andrew Wilson. It decided that provided he made a new application for a permit to train by 12 November 2013, being 28 days from the hearing date, then for the purposes of assessing that application it regarded him as a suitable person. These are the reasons for the Committee's decision.

**History and background**

2. Mr Wilson is aged 50 and based in Cumbria. He held a permit to train from 16 March 2006 until 30 September 2012. Within that period he had 79 runners, of which three won and fourteen were placed.
3. On 24 January 2012 the British Horseracing Authority (BHA) received from Mr Wilson an application dated 15 January 2012 for a Combined Trainer's Licence for the period to 31 January 2013 ("the Licence Application"). He identified three horses which he was currently training, providing a short descriptive summary of each, and stated "All owned by Mrs H.J. Wilson", being his mother. One of those horses was "PLATINUM (IRE)".
4. Also enclosed with the Licence Application was a letter in support from a Barry Johnson which referred to Mr Wilson looking after a horse for him. On investigation by the BHA it was found that that horse, "DEER FIN (IRE)", had been trained by Mr Wilson between 22 February and 25 June 2010; had run three times within that period; and had throughout the time been registered as under the ownership of Mrs H.J. Wilson.
5. The DEER FIN (IRE) issue was raised at an interview between Mr Wilson and the BHA's Integrity Team on 21 February 2012. That interview was not generated by the Licence Application but by a separate investigation which, among other matters, concerned "QUELL THE STORM (FR)". Mr Wilson was the registered Trainer of QUELL THE STORM (FR) between 11 August and 30 September 2011; it ran for him on 25 August and 30 September; and the Registered Owner from 11 August 2011 was, again, his mother.
6. At the interview Mr Wilson stated that he had taken advice from a Rory MacNiece to tell the truth. He said that he had trained QUELL THE STORM (FR) for one Joe Nixon and that he realised that that was in breach of his permit. He said that he had trained DEER FIN (IRE)

while that horse was owned either by Barry Johnson or his son Paul. He also said that PLATINUM (IRE) was another horse he had trained for Joe Nixon.

7. Mr Wilson was PLATINUM (IRE)'s registered Trainer between 2 December and 23 December 2011. His mother was its Registered Owner between 2 December and 26 December 2011. PLATINUM (IRE) did not race for Mr Wilson.
8. On 4 March 2012 the BHA informed Mr Wilson that owing to the on-going investigations by the Integrity Team it would defer consideration of the licensing application, on which they might bear.
9. On 21 September 2012 Mr Wilson submitted an application to renew his permit to 30 September 2013. By letter dated 15 October 2012 the BHA said that it was also deferring consideration of this until the conclusion of the Integrity Team's work.
10. On 8 January 2013 Mr Wilson was invited to attend an Inquiry of the Disciplinary Panel, which he did. It found that in breach of the Rules of Racing Mr Wilson had:
  - 10.1 trained DEER FIN (IRE), QUELL THE STORM (FR) and PLATINUM (IRE) under his mother's name, when the horses had been owned by others;
  - 10.2 been paid to train QUELL THE STORM (FR) and PLATINUM (IRE);
  - 10.3 run DEER FIN (IRE) and QUELL THE STORM (FR) on five occasions;
  - 10.4 in respect of each of the horses submitted wrong ownership information to Weatherbys;
  - 10.5 in the Licence Application wrongly identified the owner of PLATINUM (IRE).

As a result, Mr Wilson was fined £800 and prevented from applying for a Licence or Permit to Train before 1 June 2013.

11. On 21 May 2013 the BHA received a further application by Mr Wilson for a permit for the period 1 October 2012-30 September 2013 ("the Permit Application"). Attached to it was a letter of 19 May 2013 in which Mr Wilson referred to his ongoing suspension and said that having "had 8 months to reflect on the situation" he regretted what had happened, was apologetic ("I am truly sorry"), and stated that "there will never be another re-occurrence".
12. The BHA wrote to Mr Wilson on 6 September 2013 to inform him that it had been "unable to satisfy itself... that you are a suitable individual to hold a Permit to Train", and that it was therefore sending the Permit Application to the Committee for determination. The letter reviewed Mr Wilson's history and the penalties imposed by the Disciplinary Panel and concluded:

"The BHA considers such breaches to be of a serious nature. You should be aware that your breaches of the Rules of Racing fundamentally undermine not only the structure by which the Permit to Train is regulated, but the very nature of its purpose - to provide a means in which an amateur trainer can train and run their own horses under Rules in National Hunt Races against professional Licence Holders."
13. In response the BHA on 24 September 2013 received a handwritten letter from Mr Wilson ('the Letter'), together with some further references in his favour. We shall refer to parts of the Letter below.

## The General Manual and the Guidance Notes

### 14. By paragraph 3, Schedule (A)9 of the Rules of Racing

"An applicant for the grant or renewal of a licence, permit or registration is required to satisfy the Authority that he meets all the criteria contained within the guidance notes which accompany the prescribed form."

### 15. By paragraph 22 within the same Schedule the standard of proof is the balance of probabilities.

### 16. Section H of the Guidance Notes addresses the requirement that the applicant be suitable, meaning fit and proper. So:

*"24. In considering any application, the BHA must also be satisfied, taking into account any fact or matter that it considers appropriate, that the applicant is suitable to hold a Permit to Train. Relevant considerations include the applicant's honesty and integrity..."*

*25. ...the BHA expects full and frank disclosure from the applicant, who is required to disclose matters known to him/ her and those which he/ she can be expected to discover by making enquiries. Failure to do so will be a relevant factor in the assessment as to an applicant's... honesty and integrity.*

*26. A person whose conduct, behaviour or character is not in accordance with that which, in the opinion of the BHA, should be expected of a permitted person, may not be considered suitable and therefore may be refused a permit."*

### 17. Paragraph 29 sets out non-exclusive criteria "to which the BHA will have regard in assessing honesty and integrity". Among these are:

*"29.4 The applicant's record of compliance with the regulatory requirements of the BHA..."*

*29.5 Whether the applicant has been candid, open and truthful in all his/ her dealings... with the BHA in relation to the present or relevant past licence applications..."*

*29.8 Whether the applicant has engaged in conduct or there are circumstances which may render the applicant susceptible to pressure from persons seeking to corrupt horseracing and whether the applicant is likely to or may engage in such conduct."*

### 18. It follows from those provisions that the Committee can and should take into account matters which have already been before the Disciplinary Panel even where, as here, the applicant has served a consequent penalty.

## The Letter

### 19. In the Letter Mr Wilson admitted that he had at all times been aware that he was acting in breach of the Rules of Racing. He sought to explain his breaches by saying that:

19.1 at the time he had "certain financial difficulties", which no longer exist;

19.2 although he knew he should not accept payment for training, he had not anticipated that the Rules would be so strictly enforced;

19.3 he had intended to apply "imminently" for a Combined Trainer's Licence and had "made the mistake of 'getting ahead of myself'";

- 19.4 in respect of QUELL THE STORM (FR) and PLATINUM (IRE), he had been put under "considerable pressure" by Joe Nixon.
20. The Letter also emphasised that Mr Wilson had "been involved in horse racing throughout my adult life", and that the lapse of his permit had "had a massive impact on the quality of my life, and outlook...". It recognised that he could have no real objection if the Committee decided that he was not suitable, but having learned his lesson he sought a "second chance". During the meeting Mr Wilson expressed similar sentiments.

### Reasons

21. At the meeting the Committee had a detailed and frank discussion with Mr Wilson. Mr Wilson was, largely, open about what had occurred and why; and when probed on aspects of the Letter he was willing to amend what was, in parts, a glossed-up account.
22. The final position is as follows.
- 22.1 Mr Wilson took DEER FIN (IRE) as a favour to Barry Johnson who, he thought, wanted to save some money. He received no payment, but Mr Johnson had bought feed and other necessities. At the time Mr Wilson had no active plan to set up as a full-time trainer: at most it was an idea at the back of his mind. Registering DEER FIN (IRE) in his mother's name had been Mr Wilson's idea.
- 22.2 In respect of QUELL THE STORM (FR) and PLATINUM (IRE), while Joe Nixon had been talkative and persuasive it was not right to say he had used "considerable pressure". Mr Wilson was in need of money for his everyday expenses, and Mr Nixon paid him £700-800 to take QUELL THE STORM (FR) and perhaps £1,000 to take PLATINUM (IRE). Again, registration was Mr Wilson's idea.
- 22.3 Mr Wilson's financial state is no longer so tight: he continues working in a pub/restaurant, and is again working in a yard; and his mother, who remains supportive, has also recently come into some money through a legacy.
- 22.4 DEER FIN (IRE) and QUELL THE STORM (FR) raced not on Mr Wilson's recommendation, but because their respective owners told him that that was what they wanted.
- 22.5 Mr Wilson recognised that in the Licence Application he had not only identified PLATINUM (IRE) as his mother's horse when it was Mr Nixon's, but he had included the horse when it was no longer in his training and at a time when he had no belief that it would be in his training again.
- 22.6 In each case Mr Wilson knew at the time that he was acting wrongly.
23. The BHA's letter of 6 September in the passage already quoted expressed why these are serious breaches. The Committee would add to those reasons that running a non-family horse under a supposed amateur's permit is itself a deceit on the betting industry. What is more, it appears that Mr Wilson's breaches may actually have had other significant consequences; and while those have not influenced the Committee, because it accepts that Mr Wilson did not deliberately bring them about, they do demonstrate the practical importance of compliance with the Rules.
24. From its discussions with Mr Wilson the Committee has been persuaded that he has reflected on his actions; that having had no permit since 1 October 2012 he has come to appreciate what his situation would be like if he were deprived of one permanently; and that

given his manifest love for the sport he is now unlikely to do anything which may jeopardise his future in racing. The Committee's view is supported by a letter of 18 September 2013 which Nicky Richards sent to the BHA. As the Permit Application has now lapsed by effluxion of time Mr Wilson must make a new one, which will go through the ordinary approval processes; but provided that that new application is made by 12 November 2013 and that no new facts become apparent, he should be regarded as a suitable person.

25. Finally, the Committee wishes to emphasise to Mr Wilson that if he should breach the Rules in the future, he will be at real risk of his involvement in the sport being at an end.

Dated: *Friday 1st. November 2013*

Signed for the Committee:

A handwritten signature in black ink, appearing to read "David G. Benson". The signature is written in a cursive style with a large, looping initial 'D'.