

**IN THE MATTER OF AN APPLICATION FOR A LICENCE TO TRAIN
CONCERNING MR PHILIP MCENTEE
BEFORE THE LICENSING COMMITTEE OF THE BRITISH HORSERACING
AUTHORITY**

75, HIGH HOLBORN, LONDON, WC1V 6LS

WEDNESDAY, 6th FEBRUARY 2013

RICHARD RUSSELL ESQ.

STEPHEN BATE ESQ. (CHAIRMAN)

RUPERT SWEETING ESQ.

REASONS

1. On 6 February 2013 the Licensing Committee (“the Committee”) met and decided that Mr Philip McEntee (“Mr McEntee”) was a suitable person to hold a Trainer’s licence. These are the reasons for that decision.
2. This hearing of the Committee was convened to consider the application of Mr McEntee for a renewal of his Trainer’s licence for the period 1 February 2013 to 31 January 2014. The application was referred to the Committee by the British Horseracing Authority (“the Authority”) pursuant to paragraph 30 of Schedule 9, General Manual (A) of the Rules of Racing in view of Mr McEntee’s conviction for common assault at West Suffolk Magistrates Court on 14 December 2012 for which he was sentenced to a Community Order with supervision and a restraining order and directed to pay compensation of £400 with costs.
3. Mr McEntee attended the hearing with his solicitor, Mr Michael Whatley of Whatley Lane, who had represented Mr McEntee in the criminal proceedings.
4. The brief background to the matter was as follows. Mr McEntee has trained under a Trainer’s licence since 7 May 1998. With one exception, he has had an unexceptional

disciplinary record until the events to which this hearing relates. That exception related to a period of suspension of 12 months in 2007/8 arising out of the supply of inside information in breach of the Rules of Racing. Although past breaches of the Rules of Racing are matters relevant to general suitability of a licence applicant, this was not a matter that was referred to the Committee for its consideration and in any event, had it been referred, is unlikely to have made a difference to the Committee's decision.

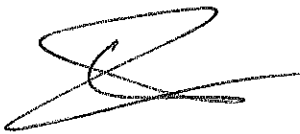
5. On 8 October 2012 Mr McEntee visited the Three Horseshoes public house in Newmarket to celebrate his first winner in 3 months. He drank so much that the next day he could not remember what had happened. In fact, he had assaulted the landlady of the pub, causing her facial injuries. He was arrested and on 14 December 2012 pleaded guilty to a charge of common assault under section 39, Criminal Justice Act 1988. The Authority was informed by Whatley Lane's letter of 8 January 2013 that in sentencing Mr McEntee, the court had been satisfied that he had expressed genuine remorse, had taken immediate steps to address his alcohol issues and had written a letter of apology to the landlady and paid for the damage. The court also had before it many letters of support for Mr McEntee, saying that what he had done was totally out of character. The Committee was told by Mr Whatley that the sentence imposed was towards the lower end of the scale for common assault.
6. Four days after the incident, Mr McEntee self-referred to the Alcohol Treatment Service of his local NHS Trust and sought the assistance of Racing Welfare. He has complied with the Community Order to date as set out in the letter dated 1 February 2012 from the Norfolk and Suffolk Probation Trust, which also stated that he had a good understanding of the impact of his actions on his victim, on those around him (i.e. his family) and the wider community and had also expressed genuine remorse for what he had done.
7. In his letter to the Authority dated 7 January 2013 Mr McEntee expressed his shock at the way he had allowed his behaviour to endanger the training business that he and his wife had worked so hard to build. He expressed his remorse for this 'one-off' event and hoped that the Authority would see how seriously he was taking the matter in view of his attendances at Alcoholics Anonymous and with Racing Welfare.
8. A criminal conviction is a matter that is relevant to suitability of a licence holder: see generally paragraphs 26-30 and 31.1 of the Guidance Notes relating to trainer's licences.

The Committee interviewed Mr McEntee who confirmed that nothing like this had ever happened before and would never happen again. He had not drunk at all since the events of 8 October 2012. He said that he rarely used to drink at all but appreciated after the events of that day that he could not drink at all because of the potentially destructive effects of alcohol on him. He realised that by behaving in the way he did he had brought shame on himself and had endangered the welfare of his family who rely on him. He also understood, as Mr Whatley stated, that he had brought racing into disrepute by his actions.

9. The Committee found Mr McEntee to be genuinely remorseful and accepted that he had a genuine determination to see that nothing like this ever happened again. It has considered the many references supplied together with all the relevant information before it. The Committee accepts that Mr McEntee is a suitable person to hold a licence, notwithstanding the conviction.

10. In announcing its decision on the day, the Committee warned Mr McEntee that should anything like the events of 8 October 2012 re-occur, this could have very serious effects on his future in racing. In making these observations, the Committee in no way seeks to fetter the decision-making of any future Committee. However, the reason why this warning is particularly important is that if there were to be a repetition of this type of violent conduct, this would mean that any future assurance he might give to the Committee as to his future behaviour might carry little conviction.

Dated 4 March 2013



Stephen Bate

for the Licensing Committee