

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

RE: SUZANNAH (Suzi) BEST

**APPLICATION FOR A COMBINED TRAINER'S LICENCE;
19 June and 12 September 2017**

COMMITTEE MEMBERS:

**HIS HONOUR BRIAN BARKER CBE QC (CHAIRMAN)
RICHARD RUSSELL, ESQ.,
EDWARD DORRELL, ESQ.**

REASONS

1. Following the conclusion of the hearing on 12 September 2017 the Committee informed Mrs Best that it would grant her application for a combined licence to train, subject to a number of conditions. The reasons for that decision follow.

Background:

2. The appearances of her husband, Mr Jim Best, before the Disciplinary Panel are an inextricable part of the history of this application. In April 2016 having been found guilty of not giving proper instructions to his jockey and of conduct prejudicial to horseracing in relation to two occasions, Mr Best was disqualified for four years. A successful appeal followed. On 20 December 2016, following a rehearing by a different Panel and a finding of guilt, a suspension of six months was substituted.
3. The yard of 'Jim & Tom Best Racing Ltd.' was run from Grandstand Stables, Old Lewes Racecourse, East Sussex. Jim Best was granted a licence in 2004. Jim married Suzi in 2004 and they have two sons.
4. The yard is in the sole ownership of sister-in-law Leona who assists with administrative work, has a separate unconnected business, and a home in Heathfield. Tom, Jim's brother, lives adjacent. The Best family home is a bungalow within the yard. Jim's father, Leon also lives at the yard and does part-time, unpaid work.
5. Mrs Best started part time work in yards at the age of 14 and went on to obtain a BTEC diploma in Equine Studies from Plumpton College. She began full time racing work aged 22, working with a local trainer. The records show that she was a full-time assistant to Jim Best from January 2005 until May 2015 when she became part-time and unpaid in order to spend more time with her growing children. She started her training modules in the summer of 2016. These have all been completed successfully.
6. The second Jim Best hearing concluded on 25 November 2016. Advance warning of the decision was given and on 8 December 2016, an on-line application from Mrs Best was received by the BHA. It was acknowledged on the 16 December 2016, and on 20 December 2016 the Panel announced its decision and penalty. On 18 January 2017 the BHA sent a letter requesting missing requirements and further information. It also set out various concerns relating to his suspension and her fitness and propriety. They proposed an inspection and a short interview. These took place on 27 January 2017.

7. The BHA sent a detailed letter of general concern on 21 April 2017 and indicated that they had identified areas that should be explored further, and that the application would be placed before the Licensing Committee of the BHA for its consideration.
8. A response and submissions was received from her solicitors Messrs. Harrowells dated 3 May 2017 the essence being that:

“the circumstances surrounding the suspension of her husband’s training licence has obviously forced Mrs. Best’s hand somewhat and it is fair comment to say that the suspension precipitated our client’s application and completion of various training modules. Nevertheless, it has always been Mrs. Best’s lifetime ambition to train racehorses and she now has all the means at her disposal to do so.”
9. The basis of Mrs Best’s application was that although the initial contact with the BHA indicated that the main reason for the application was to establish a ‘holding operation’ for the owners until her husband’s suspension was served; by the New Year she saw a golden opportunity in the resulting state of affairs to take forward her ambition to become a trainer. In the event, she said, Mr Best had become disillusioned and was set on leaving training, becoming a hairdresser, and handing over the running of the business to her. She had been operating the yard on a pre-training basis since the suspension and enjoyed the support of a number of owners. She has been able to put into place the required financial safeguards.

The General Manual and the Guidance Notes:

10. By paragraph 3 of Part 1 to Schedule (A)9:

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

The onus is therefore on Mrs. Best.
11. Of particular relevance is the Guidance Note:

“4. Applicants are required to demonstrate or confirm that... They are otherwise in all the circumstances suitable to hold a licence (i.e. that they are “fit and proper”)...”

J. General Suitability (‘Fit and Proper’)

26. 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 licence. Relevant considerations include the applicant’s honesty and integrity, business competence and capability and financial soundness.”

The Approach of the BHA:

12. Their letter of 21 April 2017 underlined the importance that in granting a licence the BHA had to be satisfied that such a decision would not be prejudicial to the reputation of, or public confidence in, horseracing in this country. This involved consideration of the continuing trust and confidence in the profession of training and secondly the collective trust of the industry and the BHA’s stakeholders in its ability to uphold and enforce its own Rules, regulations and decisions.
13. The main grounds needing evaluation were:
 - (a) Concerns relating to the accuracy of information provided
 - (b) The unusual factual circumstances in relation to her spouse

- (c) The potential consequences for the perception/integrity of horseracing in relation to the outcome of the application

Hearing 19 June 2017.

14. Mrs Best was questioned on her understanding of the business background and general arrangements, including the change from wishing to operate as a sole trader to being an employee of her company. She appeared less than confident with some of her answers. An application dated 17 February 2017 to Companies House to register "S. Best Racing Limited" (SBRL) with Mrs Best as the single director was produced. Research had revealed, however, that on the previous day the same accountants applied for the registration of a company "J & T Best Racing UK Limited" with Mr James Best as the single director. It was the shortening to 'J & T' and the addition of 'UK' that distinguished this company from Mr Best's original company. Apart from recognizing the name of the family accountants, Mrs Best had no knowledge of the new company in the name of her husband and brother in law, and said it could not have anything to do with her own business.
15. This development was clearly a matter of concern for the Panel.
16. After some further questioning and then reflection, Ms Kate Gallafent Q.C., for the BHA, submitted that further information was required and that Mrs Best should have the opportunity to investigate and make any subsequent representations as to the company and financial backing. It was agreed that the hearing should be adjourned.

The Interim:

17. In a letter dated 7 July 2017, the BHA requested clarification for the purpose of confirming to the Guidance Notes in relation to:
- (a) confirmation of the corporate details of 'SBRL'
 - (b) a copy of the contract of employment
 - (c) in relation to 'SBRL', a profit and loss and cash flow projection for the first 12 months of training, and a financial reference from a satisfactory source
 - (d) an outline of the proposed participation by other members of the extended family in the business arrangements
 - (e) copies of all invoices raised with owners since the submission of the application as well as bank accounts for the same period
 - (f) any documentary evidence of Mr Leon Best emailing owners regarding the proposed permanent change to 'SBRL'
 - (g) further comment on reasons behind the creation of J & T Best Racing UK Ltd when the stated position was that Mr Jim Best had no further interest in training.
18. Messrs. Harrowells responded on 31 July 2017 providing further details of the director and officer structure of 'SBRL' and including a number of explanatory documents covering financial transactions. In addition, a statement was provided from Mr Jim Pritchard, a Partner in Spurling Cannon Chartered Accountants and dated 26 July 2017, regarding the incorporation of J & T Racing UK Ltd. He stated that he had been an accountant for the family for two years and that in February 2017 he had been instructed by Mr Leon Best to create a new limited company for their business. Having done so, the next day Mr Leon Best was in contact again saying that he had not reviewed the details properly and what really was required was a new company for Mrs Best's new venture and the consequent closing down of the first company. Due to an internal error that company was not closed down immediately but the process had begun and the company had never traded.

19. Clarification was requested by the BHA relating to some of the material supplied. Messrs. Harrowells wrote on 6 September 2017 providing further information and pointing out that 'the company is very much in an embryonic stage' and had to take a 'short term view' while awaiting the result of the application. Included was a change in the structure of 'SBRL' with Mr Jack Callaghan taking over as finance director from Mrs Margaret Best (who, it was said, should not have been appointed to that post, but remained as company secretary); and a full list of horses currently in the care of Mrs Best.
20. Additionally, the discrepancy between the profit and loss forecast and the figures on the invoices was explained by the fact that without a licence she was unable to charge full fees.

Hearing 12 September 2017:

21. The hearing resumed with Mrs Best being represented by Mr Brendan Kelly Q.C. Mrs Best gave further evidence explaining the new structure and conceded that she could be sacked by the other directors, although without her there would be no business. She pointed to the business experience she could call on from Mr Jack Callaghan, an owner and successful businessman in his own right. Preparation of invoices had been delegated and she reviewed those paid for work done by various members of the family, including some specific tasks by her husband who 'was helping out.'
22. Mr Pritchard gave evidence over a telephone link. He had clearly been called out of a meeting, did not have his statement with him and was not particularly well prepared. He conceded that he had no recollection of the first conversation with Mr Leon Best, had not taken notes, and would have made the application directly on line. He had never spoken to Mrs Best and his contact had always been with Leon who he thought 'had not really understood what he wanted to do.'
23. In her closing submissions Ms Gallafent Q.C. argued that little points added up to indicate that she would be acting at the behest of 'the family' and that not enough steps had been taken to ensure that inappropriate influence was not at work. Further it was difficult to fathom what really happened in relation to the registration of the companies, and how much Mr Leon Best was a guiding mind. The inference to be drawn was that the business arrangements and her understanding were unsatisfactory and that we were not being given the full picture.
24. Mr Kelly Q.C. for Mrs Best addressed the central issue of the effect of Mr Best's continuing presence in the yard on Mrs Best's ability to remain in charge and give direction. He pointed out that the 'spectre of Jim Best' could easily be controlled. Her determination was obvious. The successful completion of all the required modules gave her an overview and that she was entitled to rely on the administrative experience of other members of the family who had contributed successfully to the earlier business.
25. In Mr Best's case, the only, albeit serious, complaints related to December 2015 and it would be unfair to assume that he would continue to be a risk. His major interest was now elsewhere, although she had never denied that he might have some specific, directed roles in the yard when required.
26. Despite all the difficulties, the yard had managed to survive in the only form allowable and had maintained the loyalty of a number of owners. She should be allowed the opportunity to prove her worth subject to appropriate conditions to ensure that the public were protected and the integrity of the sport was upheld.

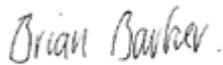
Conclusion

27. This application has caused the Committee some anxiety. The integrity and perception aspects remained firmly in the foreground. It is impossible to ignore the findings of the Panel regarding Mr Best and the natural assumption of the onlooker that Mrs Best's application is merely a front to enable Mr Best to continue his profession. We are impressed with the thoroughness with which both the BHA Licensing Team and Mrs Best's solicitors have approached their respective tasks, and are grateful for the assistance that we have been given.
 28. The first stage is to be satisfied that the basic requirements for suitability have been met. It appeared to us that there was no doubting Mrs Best's enthusiasm, and the opportunity she has had over the years to learn enough of the trade. She has successfully completed the required modules. Our initial concerns about business competence have been allayed by the arrangements that have now been put in place, and the criticisms as to some of the paperwork issued this year is understandable given the shoestring operation that was necessary while awaiting the results of the application. Financial soundness, evidenced by the production of bank statements, has additionally been addressed sufficiently.
 29. The question of Mr Best's inevitable presence in the yard, however, remains. The appearance of Mr Best's new company in April is still something of a mystery and was not something about which that Mr Pritchard gave us much help. Nevertheless, the fact is that on instructions he registered Mrs Best's company the next day and it may be that various wires had become crossed. We are assured that Mr Best has no interest in running the yard directly or indirectly, and it is a relevant consideration that there should be no directing or decision making input.
 30. Having reviewed all matters placed before us we have concluded that Mrs Best is a fit and proper person to hold a licence. Given the various unusual features, the granting of the licence will be conditional, and subject to the acceptance of the conditions below, we grant the application of Mrs Best.
 - (i) A satisfactory re-inspection of Grandstand Stable, to be completed when Mrs Best advises the BHA that her yard, facilities and administrative requirements meet minimum standards, including all matters set out in the BHA's letter of 27 February 2017 have been attended to; and
 - (ii) Receipt of a satisfactory financial reference on behalf of S(uzi) Best Racing Limited (SBRL) from the bank; and
 - (iii) A completed and satisfactory 'Business Officers' form has been received from Mrs Margaret Best.
1. The following conditions will also be attached to the Licence:
 - (i) Mrs Best shall produce a written communication setting out the basis on which her Licence has been granted and the conditions attached to it (the substance of this communication is to be seen and agreed by the BHA in advance). The document shall be provided to all owners and individuals added to the Register of Stable Employees (including those who join her during the course of the licence validity)
 - (ii) As and when any horse trained by Mrs Best runs, Mr Jim Best will not be in attendance at that racecourse or in any way connected to the runner;
 - (iii) Mr Jim Best will not have any contact with the Press or media, regarding Mrs Best's Trainer's Licence or horses, nor will he act as spokesperson or represent Mrs Best or SBRL to owners or the wider industry in relation to any horses in her care or control;

- (iv) Neither Mrs Best nor SBRL shall act on any instructions from Mr Jim Best that may prejudice the independence of the training operation run by Mrs Best;
- (v) Mr Jim Best will not have any official or regulated function in relation to the training operation, save that of riding work on an ad hoc basis;
- (vi) Neither Mrs Best nor SBRL shall register, or cause to be registered, an Authority to Act for Mr Jim Best;
- (vii) Mr Jim Best shall not become a business officer or shareholder of SBRL;
- (viii) Mrs Best shall not accept into her care or control any horse whose ownership is linked to, or managed by, Mr Jim Best
- (ix) Mrs Best shall not apply for any individuals to be licensed with her, as an Apprentice and/or Conditional Jockey;
- (x) That the BHA and/or Mrs Best may apply to the Licensing Committee for the addition, revision, and/or amendment to these conditions during the currency of the licence, if good cause be shown.

Dated: 28 September 2017

Signed for the Committee:



Brian Barker.