

**APPLICATIONS FOR A RACECOURSE LICENCE
SUITABILITY POLICY**

Introduction

1. As part of the racecourse licensing process, the British Horseracing Authority (“**BHA**”) requires applicants to demonstrate that the individuals holding key roles (“**Relevant Positions**”) within a racecourse business (“**Relevant Persons**”) are, in all the circumstances, suitable to undertake their roles (i.e. that they are ‘fit and proper’). In considering whether an individual is ‘fit and proper’ the BHA has regard to, amongst other things, its licensing objectives, which are to:
 - Maintain high standards of welfare and safety for both our equine and human participants;
 - Ensure the sport is fair, clean and free from corruption;
 - Ensure there is a clear and transparent framework for access to participation in the sport; and
 - Promote participant and public confidence in the sport by ensuring proper standards of conduct and competence.

2. To determine whether an individual is ‘fit and proper’ to hold a Relevant Position, the BHA requires each Relevant Person to provide relevant information in response to the suitability questions on the Racecourse Licence Application Form (“**RLAF**”). The questions focus on criteria under the following headings: honesty and integrity, financial soundness, animal welfare, safety, betting and general. The table below details the Relevant Positions and the criteria against which each category of Relevant Position will be measured:

	HONESTY & INTEGRITY	FINANCIAL SOUNDNESS	ANIMAL WELFARE	SAFETY	BETTING	GENERAL
MEMBERS OF THE RACECOURSE MANAGING EXECUTIVE AND ITS NOMINATED POINT OF CONTACT	•	•	•	•	•	•
CHAIRMAN, DIRECTORS¹ (INCLUDING SHADOW DIRECTORS²) AND RACECOURSE COMMITTEE MEMBERS	•	•	•	•	•	•
SHAREHOLDERS (PERSONS WITH SIGNIFICANT CONTROL - “PSC”)³	•		•		•	•
RACECOURSE ‘MANAGER’	•	•	•	•	•	•
CLERK OF THE COURSE	•		•	•	•	•
STABLE MANAGER	•		•	•	•	•
APPOINTED SAFETY OFFICER (APPOINTED PURSUANT TO THE SAFETY AT SPORTS GROUNDS ACT 1975)	•		•	•	•	•
DESIGNATED SAFEGUARDING LEAD AND ANY DEPUTY	•		•	•	•	•
STAFF MEMBER(S) WITH FINANCIAL SIGNATORY AUTHORITY OF £10,000+	•	•	•		•	•

¹ Or equivalent positions, where the Racecourse applicant is not a corporate entity.

² “Shadow Director” means a person in accordance with whose directions or instructions the directors of a company are accustomed to act.

³ “Persons with Significant Control” means any person (including body corporate) that meets one or more of the following conditions of control: (i) more than 25% of shares in the company, (ii) more than 25% of voting rights in the company, (iii) the right to appoint or remove the majority of the board of directors. Where a PSC is a corporate entity, the individual directors of that corporate entity are required to complete the suitability questions.

3. This suitability policy (the “**Policy**”) should be read prior to completing the suitability questions on the RLAF. The information provided by the applicant/Relevant Person in response to those questions will be used by the BHA in assessing the suitability of that Relevant Person and may be used in conjunction with data obtained by the BHA from other sources. Should any matter be unclear, applicants are encouraged to contact the BHA Racecourse Operations Team for further confidential guidance.
4. In the event that the PSC of an applicant is not the ultimate beneficial owner of the racecourse, the BHA reserves the right to require other shareholders who may be able to exert control over the applicant (either through ownership of parent companies or if share/voting power are held across multiple people (i.e. family members) who act in concert) to complete the suitability questions, if information comes to light which indicates that there is, or may be, a serious issue relating to their suitability that could adversely impact the racecourse or the wider sport. This provision will only be used in exceptional circumstances and not in the ordinary course of the racecourse licensing process.
5. Where there is a change to a Relevant Position during the term of a racecourse licence, the applicant must notify the BHA, in writing, within fourteen (14) days of such change. The BHA strongly encourages that, where possible, the applicant notifies the BHA in advance of a new individual taking up a Relevant Position, so that the suitability assessment can be conducted, and any issues relating to suitability can be discussed between the BHA and the racecourse and resolved appropriately prior to the new individual being in post. Once notified to the BHA, the new individual will be required to complete the suitability questions, which will be used in conjunction with data obtained by the BHA from other sources in assessing the individual’s suitability. Where the BHA concludes that the individual is not suitable, this does not necessarily mean that the individual will not be able to take up the Relevant Position, or that a racecourse’s licence will be placed in jeopardy, and the BHA will follow the process set out in paragraph 10 of this Policy.

How the BHA conducts suitability assessments

6. Applications are considered on their individual merits, within the framework of the Policy. It is not possible to produce a definitive list of all matters that may be relevant to a particular application. The BHA may take into account any fact or matter that it considers appropriate. This Policy therefore seeks to provide guidance as to the sorts of considerations that the BHA will have in mind when making such an assessment and to assist each applicant and Relevant Person to understand what information should be provided in response to the suitability questions. For example, whilst many questions are relevant to, and must be answered by, all Relevant Persons (see the table above) there will be some questions that have a greater or lesser relevance to each individual depending upon the Relevant Position held by that individual.

Note that whilst questions 1 to 11 are specific as to their focus, question 12 provides the opportunity for each Relevant Person to provide relevant information that is not elicited by questions 1 to 11.

7. In relation to each applicable section below, the BHA expects full disclosure from the applicant in relation to each Relevant Person. The applicant is required to disclose matters known to it and those which it can be expected to discover by making reasonable and lawful enquiries. This duty is on-going, during the term of the licence. The suitability questions included in the RLAF are required to be completed by or on behalf of each Relevant Person (i) at the time of application for a racecourse licence in respect of 2020 (the first year in which this Policy is operative) and every 5 years thereafter, and (ii) on or before appointment of a new individual to a Relevant Position. It is incumbent on applicants to ensure that each individual employed in a Relevant Position has consented to such information being provided to the BHA and used in accordance with the BHA’s privacy policy, a copy of which is available for review at <https://www.britishhorseracing.com/about/data-protection/>.

8. A person whose personal qualities and/or professional qualifications (including conduct, character, or competence) are not in accordance with those which, in the reasonable opinion of the BHA, are expected of a Relevant Person in the role for which they have been named by the applicant, may not be considered suitable. In those circumstances the BHA will work with the racecourse to establish what further training and/or professional development may be appropriate.
9. In some cases, a single factor may lead to the conclusion that someone is not suitable, whereas in another case the determination of whether someone is not suitable may depend upon the cumulative assessment of a number of matters.
10. In the event that the BHA concludes that a Relevant Person is not suitable, this does not necessarily mean that a racecourse's licence will be placed in jeopardy, or that the BHA will form the view that the individual will be unable to continue in post. The BHA will form its view on a case by case basis and will look to support the racecourse involved in working through the issue with minimum possible impact on the running of its day to day business and the sport as a whole. In the event that the BHA decides that it is appropriate to impose a condition or restriction on a licence in respect of a Relevant Person, or to refuse or suspend or withdraw a licence for reasons related to the suitability of a Relevant Person, the applicant shall be entitled to appeal such decision to the independent Licensing Committee, in accordance with Rule (B)19.

Honesty and Integrity

This section relates to suitability questions 1-4

11. The facts and matters that are relevant to the BHA's assessment of honesty and integrity include the following:

Suitability questions 1 and 2

- 11.1 Particular consideration will be given to:
 - 11.1.1 offences of dishonesty, fraud and those relating to sexual conduct and violence;
 - 11.1.2 any proceedings of a criminal nature; and
 - 11.1.3 any adverse finding by a judge in any civil proceedings, or settlement of civil proceedings brought against the Relevant Person.
- 11.2 A Relevant Person should disclose whether they are aware of circumstances which may lead to them being charged with the particular offences noted at paragraph 11.1 above.

Suitability question 3

- 11.3 Particular consideration will be given to the Relevant Person's record of compliance with the regulatory requirements of the BHA or its predecessors, of any other Racing Authority or of a regulator of any other sport in which he/she has participated or has been otherwise involved.
- 11.4 The BHA will also consider whether the Relevant Person has been candid, open and truthful in all his/her dealings:
 - 11.4.1 with the BHA in relation to the present or relevant past licence applications; and
 - 11.4.2 with any other Racing Authority or other sports regulator.

Suitability question 4

- 11.5 Particular consideration will be given to whether the Relevant Person has engaged in conduct seeking to corrupt horseracing and whether the Relevant Person is likely to or may engage in such conduct in the future.

- 11.6 A Relevant Person's fitness and propriety includes assessment of the fitness and propriety of those with whom he/she is associated or connected with in their personal or business dealings. For example, if a Relevant Person has close personal or business dealings with an individual who has been disqualified or excluded by the BHA, this may be taken into account.

Financial Soundness

This section relates to suitability questions 5-8

12. The facts and matters that are relevant to the BHA's assessment of financial soundness include the following:
- 12.1 Whether the Relevant Person has been the subject of any judgment debt or monetary court award in Great Britain or elsewhere, which remains unpaid or was not satisfied within a reasonable period;
 - 12.2 Whether the Relevant Person has, in Great Britain or elsewhere, made arrangements with his/her creditors, filed for bankruptcy, had a bankruptcy petition served on him/her, been adjudged bankrupt, or been the subject of any other bankruptcy process (including any restrictions order or undertaking or sequestration of assets), within the last 10 years;
 - 12.3 Whether the Relevant Person has been a director or other officer or shareholder of a company which has gone into insolvent liquidation or has been placed into administration while the Relevant Person was so connected to the company or within 12 months of his/her ceasing to be so connected, within the last 10 years.

Animal Welfare

This section relates to suitability question 9

13. The BHA will take into account whether the Relevant Person is currently the subject of any investigation (conducted by any competent body), or has any unspent convictions, relating to animal welfare.

Safety

This section relates to suitability question 10

14. The facts and matters that are relevant to the BHA's assessment of safety include the following:
- 14.1 Whether the Relevant Person:
 - 14.1.1 has any unspent HSE convictions;
 - 14.1.2 is the subject of any ongoing HSE investigation; or
 - 14.1.3 has been served with any enforcement notice issued in respect of a racecourse's safety certificate.

Betting

This section relates to suitability question 11

15. The BHA requires the Relevant Person to disclose details if they are actively engaged as or employed by a betting organisation or have a financial interest (5% shareholding or above) in any betting organisation. A betting organisation means:
- 15.1 any bookmaker;
 - 15.2 any pool betting operator;
 - 15.3 any company offering spread betting; and
 - 15.4 any company offering a person-to-person betting exchange
- in each case that offers betting on horseracing in Great Britain.
16. The fact that a Relevant Person may be engaged as, employed by, or have a financial interest in a betting organisation does not automatically mean that individual is unsuitable. However, this is information that the BHA should be aware of in order to carry out its integrity function.

General

This section relates to suitability question 12

17. The BHA requests that the Relevant Person discloses any other information that they believe relevant to assist the BHA in its consideration of their suitability to hold the Relevant Position, that is information:
- 17.1 that could impair his/her ability to meet the regulatory requirements of the BHA; or
 - 17.2 that means he/she poses a risk to the:
 - 17.2.1 health, welfare or safety of others involved in horseracing; or
 - 17.2.2 the integrity of the sport; or
 - 17.3 which could reasonably be said to materially affect his/her suitability to hold the Relevant Position.