

LICENSING COMMITTEE
FRANK BISHOP

1. The British Horseracing Authority (BHA) has referred Mr Bishop's application for a licence to train, dated 29 June 2022, to the Licensing Committee for its determination, pursuant to Rule(B)13.3 and (B)15.1 of the Rules of Racing. Mr Bishop's licence expired on 3 July 2022. The BHA's position was that he had failed to satisfy the BHA that he was a suitable person to hold a Trainer's Licence.
2. The Committee sat, virtually by agreement, on 22 December 2022. Mr Bishop appeared in person and the BHA's position was presented by Ms Charlotte Davison, BHA Regulatory Counsel. Although Mr Bishop's visual connection had problems his audio connection was solid, and he was content to proceed on the basis that he could see the parties but the other parties could only hear him. It was underlined that as he was unrepresented, he would be given every assistance to present his case fully.
3. Prior to the hearing the BHA had circulated a bundle running to over 500 pages covering all relevant documents, letters and photos in Mr Bishop's file. In addition, a detailed and helpful chronology tracing the history of his applications and the interaction with BHA inspectors had been prepared. Much of the background was covered by the statements of Mr Andrew Streeter, BHA Inspector, and by Ms Annette Baker, BHA Senior Integrity Supervision Manager. For his part, Mr Bishop provided a closely typed two-page A4 letter dated 20 December 2022 setting out his response, as well a letter from his veterinary surgeon and an agreement with Tattersalls recording staged monthly repayments of his debt of £4,703.68 commencing 21 November 2022.

Outline Licence History

4. Mr. Bishop was first granted a Flat licence to train, with conditions attached, on 4 April 2018. The letter notifying Mr Bishop of the grant of this License read:

It is a condition of issue that you adhere to the following two points

- i) *Quarterly accounts, with accompanying explanatory comments/notes & corresponding bank statements detailing the health of the business. Please note that the first set of accounts and bank statements must be received at these offices by no later than Wednesday 4th July 2018.*
- ii) *Should the business not appear to be profitable, you will be required to provide amended financial projections and an updated forecast, together with written comments outlining this.*

5. Mr Bishop's Licence was renewed, with similar conditions still attached in 2019, 2020 and 2021. His most recent Licence was valid from 4 July 2021 and expired on 3 July 2022.
6. Mr Bishop did not to apply for the renewal of his most recent licence until 29 June 2022 (at 19:31), just 4 days prior to its expiry on 3 July 2022, and only following a second reminder sent to him that same day (at 19:12), outlining what was required from him. This secondary reminder was sent as Mr Bishop made an entry for a race that was to be held after his current licence had expired. This email from the BHA further explained he had (again) not complied with the conditions of his current Licence. The delay in submitting the application, combined with significant and ongoing concerns held by the BHA, together with the continued inability of Mr Bishop to provide the required information and supporting documentation, in good time or at all, led to the expiration of Mr Bishop's Trainer's Licence on 3 July 2022 and the decision by the BHA not to renew it.

BHA Position regarding the 2022 Application

7. The concerns held by the BHA regarding Mr Bishop's suitability had been outlined to Mr Bishop, most recently in letters from Ms Baker, BHA Senior Integrity Supervision Manager, dated 21 September 2022, 28 October 2022 and 16 November 2022 and a letter from Ms Hall, Head of Regulation, dated 1 December 2022.
8. The areas said to be substandard are:
 - Failure to comply with BHA requirements/requests on time or at all
 - Failure to respond to advice/requests after BHA inspections
 - The poor performances of his runners
 - Installation of inappropriate stabling facilities
 - Business competence and financial soundness
9. The principal head of criticism was the repeated failure to comply with BHA requirements and requests. The first of these was his failure to comply with Licence conditions regarding the required quarterly provision of financial documentation. As was shown in the chronology, each year his Licence had been renewed was based primarily on his assurances of future improvement despite his continued failures to adhere to this condition.
10. In January 2019, and January 2020 the blame for this omission was placed at the door of a Mr Underhill. In a letter dated 1 April 2020 Mr Underhill apologised for the further late filing of Mr Bishop's accounts stating [REDACTED] no one picked up on the fact Mr Bishop's return was not completed. During this period the BHA also pointed out that Companies House records showed his company accounts due in March 2020

had still not been filed as of June 2020 and Mr Bishop stated in response of 23 June that this late filing was the fault of his accountant who 'had to stay in during the lockdown.'

11. Mr Bishop again breached the conditions of his Licence in May 2021 stating this was [REDACTED]
[REDACTED] Between October 2021 and 16 December 2021 he was sent repeated emails through different forms of media connection chasing the missing financial information. After missing an early December deadline, he was chased again by 'WhatsApp' message and provided some information by email on 22 December stating he was getting a 'new book keeper so I won't be this late in the future' and that he would make sure the next set of documentation would be provided on the correct date.
12. These did not appear and after chasing on 30 March 2022 Mr Bishop stated he would provide all necessary information by no later than 12 April 2022. He provided material on that day but then failed to respond to the follow up queries sent by the BHA.
13. The final quarterly accounts were due on 3 June 2022 with his application for renewal. He again breached this condition. On 29 June 2022 he was sent an email pointing out this further breach and that his current Licence would expire on 3 July 2022 and that he had failed to submit an application for renewal. He made an application that day and sent an email on 1 July 2022 stating he had attached 'all' required information. He had not and had to be chased again for outstanding material and explanations. By this stage, as the BHA had warned him, his Licence had expired due to the lateness of the application and his continued failure to provide all required material in good time, or at all.
14. Mr Bishop's responded in a letter dated 14 October 2022:

Firstly, I would like to send my sincere apologies for not adhering to the date I agreed to send you my balance sheets and bank statements. Going forward I can assure the licencing committee that this will not happen again. The reason being that my mother has now taken up the responsibility of being F.B Racing (Worcester) Ltd., secretary.

Many of my previous e-mails were NOT ARRIVING in my inbox. This will be monitored by my racing secretary on a daily basis and I will provide you with a further e-mail address to allow you to copy in my racing secretary with all future correspondence.

[REDACTED]

15. It was noted that Lavinia Bishop was already registered with the BHA as a full-time secretary at Mr Bishop's yard since 1 March 2019 and that the email address provided for Mrs Bishop was a gov.uk address, suggesting that Mrs Bishop worked for Wyre Forest District Council and so did not work full time for Mr Bishop. Further, the conditions of his Licence were well known

to Mr Bishop as were the the dates agreed with him and he should not have been reliant on email reminders to comply with them.

16. A second area of concern was that Mr Bishop has repeatedly failed to respond promptly, properly, or on some occasions, at all, to advice and instructions given during BHA Stable Inspections. In the result, Mr Bishop has failed, or will continue to fail to have in place such measures as are required by the Health and Safety Executive or other competent body such facilities and procedures as are required by law and/or are reasonably necessary in connection with the provision of a safe system of work and health and safety. Additionally, staff were employed without sufficient regard to standard conditions of employment, established by the National Joint Council for Stable Staff, set out at Rule (B)29.3 of the Rules of Racing
17. Mr Bishop's response to the BHA letters of concern regarding race results do little to allay such concerns given the ongoing nature of the issues and the absence of any detail of the 'new stock' referred to by Mr Bishop, nor what his plans are for his current horses, nor any evidence to support his assertions, including regarding the use of professional and apprentice jockeys for work riders. Paragraph 6 of the Guidance Notes makes it clear previous performances of horses will be taken into account and renewal is not automatic. Each year Mr Bishop has been asked for explanations and comments surrounding the poor performance of his runners and there has been little or no improvement.
18. Issues surrounding Mr Bishop's yard and in particular his repeated installation of entirely inappropriate stabling facilities prompted the BHA's concerns as to his competency and capability of training horses with due regard to the welfare of horses in his care (para 7 of the Guidance Notes). Although on his application in 2016 he put his yard forward as suitable for a formal Stable Inspection, it was clear to Mr Streeter in January 2017 that the stabling proposed was unsuitable and welfare hazards were present on the yard. A suitability interview also took place during which Mr Bishop was unable to demonstrate the required knowledge expected of a prospective trainer, particularly surrounding issues of basic stabling requirements and the application process had to be halted.
19. The continued presence of an immediately neighbouring barn used by members of Mr Bishop's family to stable horses despite its collapsed walls and sections of roofing seemingly unsupported for a period of well over 3 years after Mr Bishop's original application, despite repeated assurances from him it was to be demolished and not in use, also raised obvious concerns.
20. Mr Bishop's yard status could not be reduced from 'high risk' until 4 October 2019 when the derelict barn was finally dismantled. However, on the very next Stable Inspection on 12 August 2020 Mr Bishop was found to have had erected 6 steel-framed, tarpaulin rooved temporary

boxes described by Mr Streeter as *'of similar build to the ones on our initial visit which were not up to standard. These issues all posed a potential welfare issue'*. Mr Streeter's statement goes on to explain that had it not been for the emergency provisions in place due to Covid-19 related issues, Mr Bishop's yard would have been returned to 'high risk' status.

21. Concerns as to his competence worsened again in 2022 and after a further Stable Inspection on 25 February 2022 Mr Bishop's yard status was raised back to 'high risk'. Five makeshift pens had been erected in the (incomplete) new barn on site which Mr Streeter describes as *'dangerous and a safety hazard to the horses'*. He was advised *'in the strictest terms that the design and construction of these pens was substandard and that they must not be used for horses in Mr Bishop's care or control'*. This was now the third time Mr Bishop was seen to be or had sought to use stabling facilities that posed a welfare risk to horses. When the yard was re-inspected a month later, two of the five makeshift pens were still in use. Mr Bishop was described as apologetic and assured Mr Streeter alternative arrangements would be made as matter of urgency.
22. Mr Bishop informed Mr Bradley of the Licensing Team on 31 March 2022 that the pens were no longer in use. An unannounced Stable Inspection was undertaken on 1 July 2022 and once again horses were found stabled in the same makeshift pens. Mr Streeter describes his own *'shock'* at finding the pens still in use following his previous strict advice and Mr Bishop's assurances to him that such practice had ceased.
23. Mr Bishop was asked by Ms Baker to address the concerns, to set out the minimum standards he adhered to and to provide an explanation for providing inaccurate explanations. His seven-line response in no way demonstrated what was necessary and resulted in further requests having to be made by Ms Baker by way of her letter dated 28 October 2022. Mr Bishop's next response described the use of the pens as simply 'a mistake' and an apology for *'any inconvenience caused to [Mr Streeter] and the licensing team'*. Subsequently, Mr Bishop demolished the old pens and installed new boxes assessed by Mr Streeter as *'of moderate design but providing an acceptable stable environment'*
24. Mr Streeter set out that Mr Bishop has required significantly more involvement from the stable inspection process than is typical throughout the previous five years in order to meet even the minimum licensing criteria (regarding the condition of his gallops as well as stabling). Further, despite Mr Streeter spending more time dealing with Mr Bishop's yard, than he does with the vast majority of other trainers and going further than should ever be required, Mr Bishop continually failed to meet acceptable standards.

25. in the light of Mr Bishop's failure to appreciate the severity of these issues, or to identify for himself significant hazards that could affect the welfare of horses in his care, the BHA submitted it could not assess him as suitable to hold a Trainer's Licence at that stage.
26. Ms Baker's full written report outlined historical and ongoing causes for concern in the area of business competence and financial soundness. In her letter of 29 September 2022 she listed the information required to try and address such concerns. Mr Bishop's email response and manner of attaching numerous documents improperly labelled and with little context did little to prove his business competence and resulted in Ms Baker having to write to Mr Bishop again to point out what was still outstanding and to seek clarification on the nature of some of the documents provided.
27. Issues had arisen following the 2016 application. Mr Bishop's previous involvement as sole director of *Blakeshall Racing Ltd* and later 18 months spent as a disqualified person due to unpaid debts to the BHA meant his suitability had to be carefully assessed. In seeking to fulfil the financial reference requirement set out at para 39.5.1 of the Guidance Notes he asserted that he had £60,000 of working share capital available. He was unable to provide evidence of this and the assertion was contradicted by Companies House records listing the current share capital of *FB Racing Worcester Ltd* as only 1 allotted share with an aggregate nominal value of £1. Ultimately, Mr Bishop satisfied this requirement by [REDACTED] £40,000 in the business account. The BHA were eventually satisfied that a Licence was appropriate, but the concerns held warranted the imposition of the conditions set out in paragraph 4 above.
28. It was necessary for these conditions to remain every year the Licence was renewed. By the time Mr Bishop applied for his renewal at the end of June 2022, Ms Baker reported a '*confused financial position*'. Detailed analysis of the documentation provided by Mr Bishop over the period of his most recent Licence (4/7/21 – 3/7/22) raised further concerns about Mr Bishop's business competence and financial soundness. Ms Baker's consolidated balance sheet analysis showed a recent negative Profit and Loss figure and also noted the true ownership of 4 horses was unclear as Mr Bishop has listed them as company assets yet the Racing Admin system and the invoices provided by Mr Bishop showed them as owned by Mr Frank Bishop personally.
29. Her analysis of Mr Bishop's invoices compared to the Racing Admin records of horses recorded as being in the care of Mr Bishop raised further issues. The records did not match the number of horses being invoiced for and Mr Bishop failed repeatedly to provide all invoices requested. The invoices themselves were confusing as, for example, invoices numbered 53 – 78 were provided by Mr Bishop in one scanned document and were obviously numbered

sequentially. However, the dates of the invoices did not follow chronologically leading to questions about when these documents were actually written. The comparison of his invoices to his bank statements showed further potential anomalies.

30. The review of Mr Bishop's Training Agreements (which were provided following a number of requests) comparing the amounts invoiced to each owner showed further inconsistencies. Some periods where horses were in training or in Mr Bishop's care appear not to have been billed for, and amounts invoiced did not match the rates outlined in the Training Agreements. The amounts charged for transport also did not represent the terms within the Training Agreements and no farrier or veterinary charges appeared on any invoices. It was still unclear if the debt owed to Tattersalls has been legally reassigned to Mr Bishop personally and no details had yet been provided as to the agreed repayment plan.
31. Other matters that emerged and were raised included his failure to properly record the status of his horses, leading to them appearing to run in races in breach of the Running Requirements Code. Mr Bishop's simple statement that this was another 'mistake', added to concern as to the required business competence for a Trainer's Licence.
32. Mr Bishop has also failed to adequately explain the amounts of Pool Money paid against the Distribution Criteria (of those provided), which states the payments will be divided equally (on a pro-rata basis). The required explanation has still not been provided and as payments are made in cash it is unclear whether relevant taxation of these amounts has been applied
33. Additionally, when Mr Bishop made his latest application for renewal of his Licence on 29 June 2022 an out-of-date lease agreement which expired on 20 July 2020 remained attached. This was pointed out by Ms Baker in her letter dated 29 September 2022, together with issues surrounding the parties to the lease agreement and the permissions for use granted within it. Ms Baker explained a copy of the current agreement to occupy the premises was required (paragraph 4 of the Guidance Notes). In response Mr Bishop provided the document *Assured Tenancy Agreement*. On examination it is signed and dated 3 January 2022 but includes the following passage at paragraph 12:

'The landlord will make the following improvements to the Property; the landlord will once the tennant receives his trainers licence will rebuild the neighbouring stable block for more stabling'.

Mr Bishop in fact had a Trainer's Licence on 3 January 2022, and it did not expire until seven months after the date this Agreement was purportedly written and signed by Mr Bishop (on behalf of *FB Racing (Worcester) Ltd* and his father (witnessed by his mother).

34. The conclusion of the BHA overall was that there were demonstrable ongoing concerns regarding Mr Bishop's competence to care for and train horses with due regard to their welfare. Secondly that repeated advice was not heeded, and finally that he had not demonstrated his yard and business affairs were run with the necessary care, skill and diligence.

Mr Bishop's Case

35. The letter dated 20 December 2022, written after he had been provided with the BHA's case submissions and bundle, formed the basis of Mr Bishop's courteous oral evidence. He had left school at 16 and had been involved with horses all his life, establishing a good reputation. He was apologetic for the trouble that he had caused to the BHA and was apologetic for his admitted shortcomings. There had been [REDACTED] and by setting up dedicated email addresses, problems with missed emails would be eradicated. He had been let down by his accountant leading to difficulties and he had now just put into place a new firm who could also deal with employment matters. His was a close-knit family and now that his mother was working part-time with the local authority she would have more time to be involved and to assist with the paperwork and with for example the Racing Administration Service. The pool money records had errors and he was aware of where things had gone wrong, but everyone had been paid out.

36. He had never intended to mislead in relation to the stabling conditions and the last unsatisfactory pens in the barn had been put up by an incapable member of staff. There had been no issues as to welfare and the letter from his veterinary surgeons confirmed regular visits and appropriate recording. The old barn had been in a satellite yard, and he had built a run of purpose wooden boxes in his area. The unfinished new barn would have more use as the business grew. He was always happy for the inspectors to walk anywhere including his landlord's property and for them to take any photos they liked.

37. He appreciated in relation to qualifications to run that there had been errors in record keeping and he now keeps a wall calendar showing the first available date on which a horse was able to run

38. Mr Bishop said he found criticism levelled at his business competence upsetting. He operated as a well-run limited company and his returns had been accepted by Companies House. He had no rent to pay and no major cost in relation to the animals. He understood the tenancy agreement with his parents to be binding on him from the date of signing. Under the Trainer's Agreements he did not charge milage, only diesel costs went on invoices. Farrier fees were in with training costs and the farrier was paid in cash. Sometimes amounts due to Mr Bishop were paid inconsistently.

39. He currently had eight horses in his care and nine licensed boxes, and with three new owners, and he was expecting two new horses the next day. Currently no one was riding out, but he had arranged for a new girl to start on Monday. He produced a copy of his agreement to pay off his debt of £4,703.68 to Tattersalls in six monthly instalments commencing 21 November 2022.
40. Points touched on by Ms Davison in questioning, included that he accepted that the pens built in the new barn were unlicensed and that they should have been taken down after Mr Streeter's February visit, and further that his own horses should not have been in there in the summer.
41. Going forward he had his new accountants and that if there were any problems he would be straight on to Ms Baker. His mother would help although it was true that she had no experience as a racing secretary. He accepted that there was an obvious error on the face of the January lease. He did not understand how the sequencing of the invoice numbers did not fit with the dates and observed that 'it looked a mess.' The Tattersalls debt arose out of a purchase in 2020, but despite the agreement he had not yet paid the November or December instalments.
42. In his closing remarks Mr Bishop emphasised that he did not intend to bring racing into disrepute and that it was not his nature to hide anything. He could only apologise for the current situation. He had trusted people and always taken care of his horses. He did not wish to repeat the experience of the last six months and that his main ambition was to train winners. His new owners had faith in him. He would take any advice from Mr Streeter in order to do this and appreciated that if his licence was granted that it would be his last chance.

Guiding Principles

43. In granting a licence, the BHA must be satisfied that such a decision will not be prejudicial to the reputation of, or public confidence in, horseracing in this country. Those involved in racing are entitled to rely on the fact that the trainers they interact with are properly licensed, and meet the high standards set by the BHA. Equally, other Licensed Trainers are entitled to be satisfied that only duly qualified and suitable individuals are granted licences to train, and that their licensed counterparts are carrying out, to the same expected standard, the obligations imposed on licence-holders.
44. The position of a Licensed Trainer is well-respected and one of significant responsibility. It is a privilege to be granted a licence and the BHA considers that Licensed Trainers represent the sport; they are responsible for the health, wellbeing and welfare of animals in their care or control, they are responsible for the employment, health and safety of staff on the yard, running a business with due care and skill with regard to legal responsibilities and paying Owners, and much more. Therefore, there is a reputational aspect to the BHA's licensing

regime so that the sport is not undermined in any way. A person who does not demonstrate these qualities should not be afforded the privilege of holding a licence to train. If any sport suffers from doubts over the capabilities of its participants, its reputation suffers and it risks decline.

Conclusion

45. The Committee was conscious that when assessing an application, the BHA had to consider the individual's general suitability. The BHA had to be satisfied that the applicant has demonstrated that they were in all respects suitable to hold a licence, taking into account any fact or matter that it considered appropriate. It was their considered view in this case that overall Mr Bishop did not meet that threshold.

46. The same criteria applied to the Committee when considering the referral, and it had in mind that encouragement has to be given to small and emerging establishments. The Committee had paid careful attention to all the material and oral evidence that Mr Bishop put forward and took into account the difficulties presented by the Covid strictures. On the positive side they accepted that he had worked with horses all his life, that he had support from his family and that there was no suggestion of poor treatment.

47. Nevertheless, the picture that emerged over the period since the granting of his licence with conditions, was one of little progress and insufficient appreciation of the structure and objective standards required in his yard. Mr Streeter in particular having highlighted issues had regularly gone out of his way to give clear signals as to improvement. These were not taken sufficiently on board. Each time he has offered apologies and remedial promises. It may well be that Mr Bishop's sentiments were heartfelt on each occasion, but on an overview too often so little resulted.

48. The conditions when his license was first were granted were attached for good reason, and considerable latitude was extended to enable Mr Bishop to provide timely evidence of proper organisation and the keeping of orderly records. What was required was made clear and often ignored. What finally emerged was late and rarely sufficient and to the point. He has each year been in breach of the imposed conditions. The burden was on Mr Bishop to comply with accepted industry standards and to respond appropriately, not for the BHA to have to continually check and chase.

49. The Committee were also disturbed by the lack of urgency in dealing with the yard's structural and procedural inadequacies as well as by the lack of demarcation from family activities, and with the ongoing poor and incomplete record keeping. The enthusiasm of Mr Bishop is not in question, but the racing record of the Parkside Racing Stables has been well below his expectations (and is something to be taken into account), and the lack of a professional

framework to the essential office side has also been below the standards expected of the racing industry.

50. Since the non-renewal of his licence, and in the period close to the hearing, it is evident that some steps have been taken to improve the conditions of his stabling and gallops and to address deficiencies in the office organisation for the future. This, however, sits uneasily particularly when it is evident that opportunities had come in the past and gone with little or nothing to show for it.
51. The Committee finds that the unsatisfactory areas specified and presented by the BHA in Mr Bishop's operation in recent years and set out in the autumn letters from Annette Baker, BHA Senior Integrity Supervision Manager, and in a letter from Ms Hall, Head of Regulation, dated 1 December 2022, and at the hearing, to have been established. The Committee concludes that his inability to take on board guidance and to make good frequent unfulfilled promises bring into question his reliability and general competence which also could have led to welfare issues.
52. The cumulative result leaves Mr Bishop at this stage below the line required to be a suitable applicant to have the privilege of holding a licence. For the reasons examined the Committee agree with the BHA's view that the granting of a licence is not appropriate.

His Hon. Brian Barker CBE KC

Chloe Farley

Alison Royston

5 January 2023