



**MINUTES OF THE MEETING OF  
MUSSELBURGH RACING ASSOCIATED COMMITTEE**

**TUESDAY 24 MARCH 2020  
MEETING HELD BY CONFERENCE CALL**

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**Committee Members Present (via Skype/Phone):**

Councillor F O'Donnell (Chair)  
Councillor A Forrest  
Councillor K Mackie  
Mr R Miller-Bakewell  
Mr R Anderson Green

**In Attendance (via Skype/Phone):**

Mr B Farnsworth, Racecourse General Manager  
Mr D Kennedy, Racecourse Financial Controller  
Mr A McCrorie, Chief Executive, ELC  
Mr C Grilli, Service Manager, Legal and Procurement, ELC

**Clerk (via Skype):**

Mrs L Gillingwater

**Apologies:**

Councillor S Currie

**Declarations of Interest**

None

## **1. PUBLIC MINUTES OF MEETING ON 28 JANUARY 2020 FOR APPROVAL**

The Committee agreed to approve the public minute of the meeting of 28 January as a true record.

## **2. PROCUREMENT/GENERAL UPDATE**

A report was submitted by the Depute Chief Executive (Resources and People Services) providing an update on the procurement process and other related matters, and also providing details relating to the investigation into the dual use of the Racecourse and Golf Course.

The Council's Service Manager – Legal & Procurement, Carlo Grilli, presented the report, advising that due to the COVID-19 situation, it had not been possible to finalise the contract with Chester. He undertook to keep the Committee updated with the situation on an ongoing basis, adding that the discussions to date had been very positive and there was nothing to indicate that the transfer would not take place.

Mr Anderson Green asked how the delay in signing the contract would affect the Racecourse licence. Mr Grilli reported that he had been in discussions with the BHA on this matter and that, given the uncertainties arising from the COVID-19 situation, he had requested an extension of the licence until the end of the 2020 calendar year.

Mr Miller-Bakewell asked why the transfer had not concluded on 1 March as was initially envisaged. Mr Grilli reminded him that the transfer was due to take place on 25 March, which was the date suggested by Mr Farnsworth to be the most suitable as 20 March marked the last day of the jump season. He noted that the delay beyond 25 March had been caused by the COVID-19 outbreak. The Chair stressed the importance of communicating this position with the Racecourse staff.

In response to concerns raised by Mr Anderson Green as to extending the licences until the end of 2020, Mr Grilli suggested that the transfer may take place before then, but that from an operational perspective, it was prudent to seek an extension to the end of the year. He also confirmed that, at the point of transfer, the current BHA licence would fall and Chester's licence would take effect.

The Chair agreed that this proposal would provide certainty for trainers and staff, reiterating that everyone was committed to the transfer taking place as soon as possible. Councillor Mackie and Councillor Forrest also spoke in support of the proposal to seek an extension of the BHA licence to the end of 2020.

Mr Farnsworth advised the meeting that this was the first indication that he'd received that the planned handover date was now 31 March; further, this had not been communicated to the Racecourse staff. Consequently, it was the view of the GMB representative that MRAC was in breach of its TUPE obligations. Mr Farnsworth asked that the Committee inform the Racecourse staff of the current

position. The Chair noted that there had been correspondence with the GMB on this matter.

As regards the Racecourse being used for other events, Mr Grilli informed the Committee that Chester was currently preparing a protocol and that they were aware of the restrictions in place.

With reference to the minute of 28 January, in relation to the risk assessment carried out on the Racecourse, Mr Farnsworth claimed that Bill Axon of EnjoyLeisure had approved the brief for the assessment, but that there had been disagreement over the conclusions of the assessor; he had supported the outcome, but Mr Axon had not. Mr Farnsworth requested that, before a decision is taken on this matter, a second opinion should be sought from an independent expert (selected from the original list of potential assessors). He proposed that the brief should be agreed, and that all parties should agree to accept the outcome of the assessment.

The Chair argued that independent experts had already been involved and she was not convinced that Mr Farnsworth's proposal would resolve the matter; she proposed that the Committee should take a decision on the matter now. She also noted that a protocol for the use of the Racecourse was currently being developed by Chester and that it was important for them be able to operate in accordance with what had been agreed.

Mr Grilli reminded the Committee of the decision taken at the meeting of 28 January to delegate this matter to the Racecourse Secretary, Mr McCrorie, and that his conclusions were set out within the report (Sections 3.7 and 3.8).

Mr Farnsworth argued that the proposals set out by Mr McCrorie were contrary to the advice of the independent risk assessor, and that they would result in unnecessary restrictions on the use of the links. He urged the Committee to consider seeking a second opinion on the matter. He also argued that the Committee had agreed only to receive a progress report, and not that delegated authority had been given to Mr McCrorie to take a decision. The Chair pointed out that it was for the Committee to take a decision on the recommendations put forward by Mr McCrorie.

Mr Farnsworth questioned the wording at Section 6.2 of the report: 'There will be an impact on employees in response to COVID-19'. Mr Grilli advised that this was related to the delay in the signing of the contract with Chester.

The Chair moved to the vote on the recommendations, as set out at Sections 2.1 and 2.2 of the report:

Recommendation 2.1

For	5
Against	0

Recommendation 2.2

For	3
Against	2

## **Decision**

The Committee agreed to:

- i. note the position on the hand over date to Chester Racecourse; and
- ii. note and approve the Racecourse Secretary's position regarding the dual use of the Racecourse and the Golf Course on non-racedays.

### **3. HEALTH AND SAFETY REPORT**

A report was submitted by the Racecourse Health and Safety Officer advising the Committee of health and safety management at the Racecourse.

Councillor Forrest asked if the Committee members could have copies of contractors' documentation, for example their insurance policies. Mr Farnsworth agreed to take this forward with Mr Horlick (the Racecourse Safety Officer).

Mr McCrorie asked if the fire risk assessments had been carried out in February. Mr Farnsworth believed this to be the case, as Mr Horlick was now in possession of the Racecourse Safety Certificate for the period 1 April 2020 to 31 March 2021, which was issued by the Council. He would seek confirmation that the assessments had been completed.

On the condition of the access road, grandstand and parade ring, Mr Anderson Green asked if this had been raised with Chester. Mr Grilli confirmed that this matter had not formed part of the negotiation with Chester and would not feature in the main contract.

Mr Farnsworth asked if, once the contract had been signed, Chester would be required to maintain those areas and ensure they were fit for purpose. Mr Grilli indicated that on completion of the transfer, any works requiring to be carried out to comply with health and safety regulations would become the responsibility of Chester.

## **Decision**

The Committee agreed to note the report.

### **4. FINANCE REPORT**

A report was submitted by the Racecourse General Manager and Financial Manager updating the Committee on the profit/loss forecast for the year 1 April 2019 to 31 March 2020.

Mr Farnsworth provided a summary of the report, highlighting the key aspects. On exceptional costs, he noted that £53,000 was budgeted for; however, the Racecourse Secretary had suggested allowing £75,000 for such costs. Mr

Farnsworth noted that £26,700 had been spent to date, and if the budget for exceptional costs was increased to £75,000, that would leave a balance of £48,000. He asked for an indication of the additional expenditure incurred between now and 31 March 2020. The Chair assured Mr Farnsworth that the figure given was an estimate and may include expenses incurred on behalf of MRAC. Mr McCrorie added that he was being prudent by providing an estimate of £75,000 to cover exceptional costs, and that the costs incurred by him and Mr Grilli, together with the bill from Harper McLeod, were still to be taken into account. He advised that further work on this would be carried out at the year-end, adding that costs would be kept to a minimum.

Mr Miller-Bakewell voiced his concern that the level of exceptional costs had not been determined, with only a week of the financial year remaining, adding that the accounts would require to be signed off by the Committee. Mr McCrorie recommended that an additional meeting of the Committee would be required to approve the accounts (to take place by Skype/teleconference). The Chair added that other business would also require further consideration by the Committee.

On staff training, Mr Farnsworth confirmed that the training had been paid for, but had not yet taken place due to the closure of the Racecourse.

As regards income from annual members of the Racecourse, Mr Farnsworth advised that the Racecourse had written to those individuals, and that further contact would be made as required in relation to future fixtures once the situation became clearer. He noted that racing may be set up on a regional basis, and that Musselburgh would be well placed to be used as a regional turf track.

On forecast income, Mr McCrorie commented that this was dependent on the contract with Chester being concluded. He asked Mr Farnsworth and Mr Kennedy to take this into account at the year end.

Mr Farnsworth advised that the cash position on the balance sheet was £52,000. He provided an explanation as to how the media rights money was accounted for, and of the need to keep the accounts open until this money had been received. He suggested scheduling MRAC meetings for the remainder of the 2020 calendar year, which would cover the period of the proposed licence extension and the period during which the accounts were kept open. The clerk undertook to identify suitable MRAC dates in September and December 2020, noting that there was already a date set for a meeting in June 2020.

As regards the position with Britbet, Mr McCrorie advised that Mr Grilli would discuss this further with Mr Farnsworth following the meeting. He confirmed that the accounts could be kept open (accounts would be closed down within the usual timescales with appropriate accruals).

Mr Anderson Green raised a question as regards additional fees incurred. The Chair stressed that this was a confidential matter and could not be discussed during the public session.

The Chair concluded the debate by thanking Mr Farnsworth, Mr Kennedy and the Racecourse staff for their work.

## **Decision**

The Committee agreed:

- i. to note and approve the financial performance to date for the year 1 April 2019 to 31 March 2020; and
- ii. to note that the handover to Chester was still to be confirmed by East Lothian Council, and that the report assumed that the MRAC would be operating the Racecourse for the full year, including the flat fixtures in 2019 and the jumps fixtures in 2019/20; and
- iii. that dates for MRAC meetings should be set for September and December 2020.

## **5. GENERAL MANAGER'S REPORT**

A report was submitted by the Racecourse General Manager providing the Committee with an update on the general management of the Racecourse and any matters requiring the attention of the Committee.

Mr Farnsworth expressed his concern at the condition of the access road and the tarmac around the grandstand area. He advised that the condition of the access road had deteriorated more quickly than anticipated, and that it had been virtually unfit for use at the last race meeting. Although £10,000 had been spent on maintaining it over the winter, the potholes had now returned, and he was of the view that the road could no longer sustain vehicles driving on it for any length of time. He stressed that the road would require to be resurfaced at some point, and suspected that Chester would not want to invest in infrastructure that was not owned by them. Mr Farnsworth also advised that the tarmac around the grandstand had not deteriorated as much as anticipated. However, he believed that this area would also require to be resurfaced at some point. He sought agreement in principle from the Committee that the access road was not fit for purpose and would need to be resurfaced, and that at some stage, the area around the grandstand would also need to be resurfaced.

Councillor Forrest asked how many vehicles were using the access road at any one time. He observed that the road was being used by a large number of vehicles and questioned whether this use could be reduced. Mr Farnsworth explained that all vehicles using the access road on racedays were essential, and that it was also well used on non-racedays by, for example, Council and golf course workers.

The Chair referred to the current uncertain financial outlook, and suggested that the situation with the access road and grandstand area should be kept under review. She therefore proposed an amendment to the recommendation to the effect that the Committee should continue to review the condition of the grandstand area and access road.

Mr McCrorie agreed that this amendment would not commit the Committee to expenditure in this area.

Mr Farnsworth suggested that if MRAC did have available funds, they could be spent on resurfacing the access road and grandstand area. He confirmed that planning permission was in place to resurface those areas.

Councillor Mackie seconded the Chair's proposed amendment to the recommendations.

### **Decision**

The Committee agreed to approve in principle, but to keep it under review, that the grandstand area and Racecourse access road requires resurfacing.

### **SUMMARY OF PROCEEDINGS**

The Chair informed the MRAC that they would exclude the public from discussion of the minute of private business from the meeting on 28 January 2020, and Items 6 and 7, which contained exempt information by virtue of Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

#### **Private Minute of the MRAC Meeting of 28 January 2020**

The private minute of the meeting of 28 January 2020 was approved, subject to a number of amendments.

#### **Contingency Business and Financial Planning Report**

A private report submitted by the Racecourse General Manager concerned with contingency business and financial planning was approved.

#### **HR Matters**

A private report concerning a number of HR matters was approved.