

## **CALENDAR NOTICE (to be published 10 October 2014)**

### **Reconvened Hearing of the Inquiry held on 18 September 2014**

The Disciplinary Committee of the GBGB were in attendance at a meeting held on 1 October 2014:-

Dr AJ Higgins (in the chair)  
Mr R Woodworth CBE  
Mr A Hunt  
Mr H Starte (observing)

Decision of Disciplinary Committee.

Apologies had been received from Henlow Stadium and Mrs Hazel Kemp, who was represented by Mr R Holloway.

The Chairman said that the Disciplinary Committee had discussed the evidence and had reached a decision.

1. Mr Kevin Boothby. Authorised representative, Henlow Stadium.

The Disciplinary Committee found Mr Boothby in breach of rules 2, 152(i) and (ii) and 174(xi) of the GBGB rules of racing.

- (a) Rule 2: in that, as authorised representative of Henlow Stadium, he failed to have full regard to the welfare of a greyhound HARRYS QUEEN on 5 September 2013;
- (b) Rule 152(i): in that, as authorised representative of Henlow Stadium, he was wholly or partly responsible for failing to take action he was expressly or impliedly required to take under the rules, and, as such,
- (c) Rules 152(ii): he acted in a manner prejudicial to the good reputation of greyhound racing.
- (d) Rule 174(xi): in that he permitted a greyhound, HARRYS QUEEN, to be treated in such a manner as caused, or was likely to cause, the greyhound unnecessary suffering.

2. Mrs Hazel Kemp. Trainer of HARRYS QUEEN

The DISCIPLINARY COMMITTEE found Mrs Kemp in breach of rules 2, 152(i), Appendix II (19 and 23) of the GBGB rules of racing.

- (a) Rule 2: in that she failed have full regard to the welfare of a greyhound HARRYS QUEEN on 5 September 2013;
- (b) Rule 152(i): in that she was wholly or partly responsible for failing to take action she was expressly or impliedly required to take under the rules.
- (c) Appendix II (19): in that the temperature of the vehicle she used to transport HARRYS QUEEN to Henlow stadium on 5 September 2013 was not maintained at between 10°C and 26°C at all times during transit. Moreover, a remote monitoring device, as stipulated in the rule, was not in place to display the temperature in the greyhound cabin, and temperatures were not adequately monitored or records kept;

- (d) Appendix II (23): in that the maintenance of temperature and ventilation was not possible when the vehicle was stationary.

It is the submission of the GBGB that the DISCIPLINARY COMMITTEE must look at each alleged rule breach for each Affected Party. GBGB submit that the breaches have been proven and that the case is a serious welfare issue and one that could have been prevented. GBGB rejects the defence that the death of HARRYS QUEEN was simply 'one of those things'.

Reasons for our decision:

1. First of all, we are disappointed that the Licensed Track Veterinary Surgeon, Ms Olivia Cook, was not present at the Inquiry as she is licensed by GBGB and was given due notice to attend. There were a number of issues we would have wished to raise with Ms Cook. In particular:
  - a. Her decision not to take the temperature of HARRYS QUEEN on arrival when the bitch was in her written evidence 'mildly stressed and panting', or subsequently. We noted the comment by Expert Witness Mr Chandler that this failure was a 'tragic mistake' and that Ms Cook should have insisted on taking the dog's temperature;
  - b. Her failure to take blood and/or urine samples from the dead animal for analysis. Neither Mr Chandler, nor the second Expert Witness Mr Payne, saw this as a major technical problem. Moreover, under rule 173(iv) the track veterinary surgeon is required to take samples when a dog dies unexpectedly at a GBGB racecourse.
  - c. Her submission that HARRYS QUEEN may have died from malignant hyperthermia. In Ms Cook's absence and in the light of the evidence of the two Expert Witnesses we are unconvinced that malignant hyperthermia caused the death of HARRYS QUEEN.
2. With regard to Henlow, we noted the evidence that the duct work was exposed some 2 weeks before the fatal meeting on 5 September, and was replaced on 10 September, 5 days after the meeting. Mr Mellor gave conflicting evidence as to whether or not thermometers were present in the kennels on 5 September but we conclude on the balance of probabilities, supported by Ms Sams's evidence, that none was in place. We found the views of Mr Mellor worryingly complacent concerning the ambient temperatures on 5 September, a day when we know from the Meteorological Office that temperatures in Henlow Town were 27°C at 2 p.m. High temperatures are compounded by humidity and would therefore be expected to be high in a small kennel inhabited by a panting and possibly wet dog. We were distressed to learn that no instrument was used to measure airflow in the kennel and by Mr Mellor's evidence that he assessed airflow simply using his hand.
3. Mr Payne gave evidence of the uneven airflow to the kennels and that the hot metal duct would have increased the temperature of the air feed. He opined that the temperature in HARRYS QUEEN's kennel would have been at least 30°C and we noted that, in his opinion, supported by scientific data, depending on the humidity the limit of tolerance for a dog is 27°C.
4. Mr Boothby told us that other pipework had not been covered and there had been no deaths. However, we point out that HARRYS QUEEN did die and, on the balance of probabilities, supported by the two Expert Witnesses, we accept that the lack of duct covering contributed to the heat overload that killed the dog, probably between 1940h and 2015h. Indeed, Mr Chandler commented that the removal of the duct cover was the most serious factor in the death of the dog and its removal must be seen as a 'serious welfare concern'.

5. We accept Mr Payne's evidence that the death of HARRYS QUEEN was consistent with heat stroke following a prolonged period of thermal stress compounded by the facilities at Henlow, the transportation of the dog and the hyperactive temperament of the dog itself.
6. With regard to Mrs Kemp. We noted Mr Payne's favourable report on his visit to the training kennels and we heard the submission from Mr Holloway concerning Mrs Kemp's welfare record and her experience in training, racing and transporting greyhounds. Nevertheless, the conditions were extreme on 5 September, dogs were seen to be stressed when coming off trials, and HARRYS QUEEN was mildly stressed and panting on arrival. There was some inconsistency about whether Mr or Mrs Kemp checked on HARRYS QUEEN at 1940h and clearly there was limited visual scope to assess the dog in the kennel but she was thought to be lying down and panting. She was dead by 2015h.
7. We feel that Mrs Kemp should have been more alert to the condition of the dog, which was known to have a hyperactive nature, known to be mildly stressed on arrival and known to have been panting on arrival. Mrs Kemp should also have given more thought to using the air conditioned car (rather than the van) for transporting for 90 minutes a dog that was known to be excitable. It is questionable whether the dog should have been taken to the track at all given the ambient temperature she said she recorded at the garden centre of 33°C. We also feel she should have encouraged the veterinary surgeon to assess the temperature of the dog on arrival.
8. We note that some lessons have been learned. Mr Boothby assured us that, for example, thermometers have been fitted in the kennels, new procedures are in place, fans have been upgraded and there has been some additional training of paddock staff. However, more is needed, particularly with regard to monitoring and recording air flows, better visibility of dogs in kennels, the provision of cool air into the kennels in hot weather and the responsibilities of the track veterinary surgeon.
9. We would advise GBGB to monitor developments at Henlow rigorously in the future. We would also suggest GBGB consider:
  - a. Rule 109(f) (h) and (i) and the need to be able to see dogs in kennels, the monitoring of kennel temperatures and air flow, the provision of cool air into the kennels in hot weather, and the standard of veterinary services.
  - b. Revising rule 109(i) so that the temperatures of the kennels are monitored at all times, not only when a greyhound has just raced.
  - c. Reviewing the procedures under rule 107 for the abandoning of race meetings so providing guidance to local stewards at times of extreme weather conditions;
  - d. Considering Appendix II (19) on the temperatures in vehicles transporting greyhounds and how this clause can be better worded and enforced;
  - e. Establishing more reliable processes to ensure that following the sudden death of a greyhound blood and urine samples are taken and analysed by the forensic laboratory and the results forwarded to GBGB.
  - f. Finally, Rule 6 as written places the responsibility on GBGB. For there to be an offence, the breach needs to be specified, possibly in rule 109, or as necessary.

There was no mitigation offered by Henlow Stadium but the Director of Regulation stated that Mr Boothby had applied for and recently received a grant from the BGRF for new kennel ventilation.

Mitigation was presented by Mr Holloway on behalf of Mrs Kemp. Mr Holloway submitted that it was unfair on Mrs Kemp (1) that the Henlow Stadium veterinary surgeon had not been present at the Inquiry, (2) that trainers are unable to over-rule the decision of a track veterinary surgeon and (3) that no temperatures had been monitored at the stadium.

The GBGB made a submission on penalties.

The Disciplinary Committee retired to consider the penalty.

Penalties:

1. Mr Kevin Boothby, Authorised Representative of Henlow Stadium

The Disciplinary Committee find Mr Boothby in breach of rules 2, 152(i) and (ii) and 174(xi) of the GBGB rules of racing and the sanction is a £5000 fine plus a severe reprimand.

The Chairman said that Mr Boothby should be under no illusion that the committee considered withdrawing Henlow's licence, but there was some evidence that lessons had been learned and the BGRF grant had assisted in this. The committee stressed that they would not expect Henlow Stadium or Mr Boothby to appear before them again with regard to welfare or veterinary issues.

2. Mrs Hazel Kemp, Professional Trainer

The Disciplinary Committee find Mrs Kemp in breach of rules 2, 152(i) and Appendix II (19) and (23) of the GBGB rules of racing and the sanction is a £500 fine plus a reprimand.

The Chairman said that the committee had listened carefully to Mr Holloway's mitigation and gave due weight to the expert evidence on the condition of her kennels. However, the committee does feel that Mrs Kemp should have given more thought on the night in question to the transport of HARRYS QUEEN, racing the bitch, and in monitoring the greyhound once it had been kennelled. We find she was clearly mistaken in not allowing the track veterinary surgeon to take the dog's temperature on arrival. The committee is confident that GBGB will review and advise Mrs Kemp on the airflow and temperature controls in her van. The committee also expects GBGB will carefully examine licensed veterinary surgeons' procedures in the light of the comments expressed in this Inquiry.

The Chairman thanked all for attending and concluded the meeting stating that the results would be published in the Calendar in the usual way.