

CALENDAR NOTICE (to be published 27 March 2015)

Disciplinary Committee Inquiries

The Disciplinary Committee of the GBGB were in attendance at a meeting held on 17 March 2015:-

Mr R Woodworth (in the Chair) CBE
Mr J Akerman
Mr H Starte

1. Former Professional Trainer Mrs A McCarroll – Licence Conditions

Former Professional Trainer Mrs Ann McCarroll was found in breach of Rule 174 (xiv) (a) and (b) by failing to respond to correspondence from the Director of Regulation and in breach of conditions imposed by the Disciplinary Committee at a hearing on 5th November 2013 for the suspension for 2 years of indefinite withdrawal of her trainer's licence.

Paul Illingworth, Senior Stipendiary Steward was in attendance. Former Professional Trainer Mrs A McCarroll did not attend and offered no explanation. Mr SC McCarroll ("Mr McCarroll Jnr"), Mrs McCarroll's son and former Head Kennelhand, and Mr SF McCarroll ("Mr McCarroll Snr"), Mrs McCarroll's husband, both invited to attend to show cause why they should not be warned off, did not attend the Inquiry and offered no explanation.

At a Disciplinary Committee Hearing on 5 November 2013 former licensed Professional Trainer Mrs Ann McCarroll was found in breach of rules 152(i) & (ii) and 174(vi) of the GBGB Rules of Racing following her flagrant breach of the Director of Regulation's imposed licence conditions regarding the number and condition of greyhounds kennelled by Mrs McCarroll. She was fined £500. Her licence was withdrawn indefinitely, with withdrawal suspended for a period of two years provided Mrs McCarroll complied with conditions established by the Director of Regulation. Those conditions were set out in the Director of Regulation's letter of 6 November 2013 to Mrs McCarroll, with adherence to be assured by monthly kennel visits by the area stipendiary steward.

The area stipendiary steward, the late Eric Vose, arranged a monthly kennel visit to Mrs McCarroll's kennels on 27 March 2014. The Committee heard that, upon his arrival at the property, Mr Vose telephoned Mrs McCarroll and was told that her son Mr McCarroll Jnr, at that time licensed Head Kennelhand would be present at the kennels. In the event Mr Vose was met by Mr McCarroll Snr - Mrs McCarroll's estranged husband and someone never licensed by GBGB - together with Mr McCarroll Jnr. In written evidence dated 27 March 2014 Mr Vose stated that Mr McCarroll Snr quickly became abusive and made a number of threats against Mr Vose and his daughter. Mr Vose stated Mr McCarroll Jnr had made no attempt to intervene.

Following a letter dated 30 April 2014 from the Director of Regulation to Mrs McCarroll, Senior Stipendiary Steward Paul Illingworth convened a Local Inquiry on 9 June 2014 at Newcastle Stadium which Mrs McCarroll was invited to attend. On the day Mrs McCarroll claimed that she could not attend the Local Inquiry because of a family issue. The Inquiry was conducted by telephone link with a written statement of her telephone evidence being posted to Mrs McCarroll on 10 June 2014. All subsequent letters and

warnings to Mrs McCarroll, Mr McCarroll Jnr and Mr Carroll Snr from Paul Illingworth had gone unanswered.

The Committee noted that, at the Local Inquiry, Mrs McCarroll expressed her surprise if her estranged husband had acted in a threatening manner, and that Mr McCarroll Snr had offered to apologise if he had offended Mr Vose in any way. The Committee also noted that Mrs McCarroll had admitted the breach of the GBGB Rules in not replying to the letter from the Director of Regulation.

The fine of £500 imposed in November 2013 was not paid by Mrs McCarroll and she was placed on the forfeit list in May 2014 when she was automatically disqualified in accordance with Rule 179.

The Disciplinary Committee found that Mrs Mc Carroll had breached the licence conditions imposed by the Director of Regulation on two counts. Firstly, Mrs McCarroll had failed to ensure that the inspection of her kennels on 27 March 2014 could be carried out in accordance with Rule 4(B) of the GBGB Rules of Racing and the direction of the Disciplinary Committee on 5 November 2013. Secondly, Mrs McCarroll had subsequently failed to co-operate with the Inquiry by responding to correspondence sent by the Director of Regulation on 2 April 2014, including a failure to provide the Director of Regulation with an assurance that she had taken steps to ensure that the situation faced by the area stipendiary steward on 27 March 2014 would not be repeated should further inspections be arranged.

As a result of these failings Mrs McCarroll was found in breach of Rule 174 (xiv) a. and b. by failing to supply information to the Director of Regulation and obstructing the inquiry into the events of 27 March 2014 and in breach of the conditions under which indefinite suspension of her licence had been suspended for two years in November 2013, in that the area stipendiary steward was no longer in a position to visit her kennels on a monthly basis in order to determine compliance with the licence conditions laid down by the Director of Regulation. The Committee therefore ordered that the suspension of the withdrawal of Mrs McCarroll's licence should be lifted with immediate effect, resulting in the indefinite withdrawal of her Trainer's licence. The Committee imposed no further penalty for Mrs McCarroll's breaches of Rule 174 (xiv).

The Committee found that Mr McCarroll Snr had acted in a wholly unacceptable manner in making abusive and threatening remarks to a GBGB official carrying out his duties. Whilst Mr McCarroll Snr has never been a licensed person, the incident in which he made the remarks occurred on licensed premises. The Committee considered Mr McCarroll Snr's conduct to be prejudicial to the integrity and proper conduct of greyhound racing and ordered that he be warned off in accordance with Rule 160(vi)(d).

The Committee found that Mr McCarroll Jnr, a licensed person at the time of the incident involving Mr Vose, had failed to take any action to stop or prevent the unwarranted and abusive actions of his father directed at a GBGB official carrying out his duties. Mr McCarroll Jnr had not attended the Inquiry to explain any reasons for his failure to intervene. The Committee did not consider that his conduct in the incident was of sufficient seriousness to justify warning him off, however they noted that his kennelhand's licence was withdrawn immediately pursuant to Mrs McCarroll's disqualification in May 2014. The Committee also noted that Mr McCarroll Jnr had not co-operated with the Inquiry by failing to respond to correspondence from the senior stipendiary steward, and considered that this failing should be taken into account by the Director of Regulation should he re-apply for a kennelhand licence.

2. Peterborough Stadium - GLENADDA PRIDE – Professional Trainer Mrs E Gowler

Professional Trainer Enid Gowler was found in breach of rules 152(i), 174(i)(a) and 214 of the GBGB Rules of Racing in that a urine sample taken from the greyhound GLENADDA PRIDE at Peterborough Stadium on 15 October 2014 was analysed by LGC Health Sciences as containing the presence of hydroxylated metabolites of pentobarbital and quinalbarbital.

Former licensed kennelhand George Smalley was found in breach of rules 152(i) and (ii) and 174(i)(a) of the GBGB Rules of Racing in that he admitted to purchasing Category 2 meat and feeding it to Mrs Gowler's racing greyhounds without her knowledge.

Mrs Gowler was in attendance. Area stipendiary steward Adrian Smith and independent scientific adviser Professor Tim Morris were also present along with authorised representative Con Baker and Paul Miller, racing manager at Peterborough Stadium. Former kennelhand Mr G Smalley did not attend the Inquiry and offered no explanation.

Professor Morris's evidence to the Committee was that both pentobarbital and quinalbarbital are available as veterinary medicines used as a concentrated solution for injection for euthanasia of animals. They affect dogs, as they did other animals and humans, with increasing doses causing sedation, anaesthesia and then death through respiratory failure and cardiac arrest. They are substances that could affect the performance of a greyhound or prejudice the wellbeing of a greyhound.

Mrs Gowler's evidence was that she was aware of the GBGB's advice to feed only Category 3 meat to racing greyhounds and accordingly had instructed her kennelhand Mr G Smalley so to do. She produced receipts for Category 3 meats purchased on the 8 October 2014 from a legitimate supplier and also produced a copy of her DEFRA licence dated 3 February 2011 authorising her to use Animal by-Products. However after the positive sample, kennelhand Mr G Smalley - who had since surrendered his licence - gave a written statement that he had purchased Category 2 meat from an unauthorised supplier to feed to Mrs Gowler's non racing greyhounds and had negligently "mixed" some of this with Category 3 meat against Mrs Gowler's orders and without her knowledge.

Professor Morris advised that the most likely source of the metabolites of pentobarbital and quinalbarbital was Category 2 meat contaminated with the residues of pentobarbital and quinalbarbital used for euthanasia.

Mrs Gowler stated that she had reminded Mr Smalley on a regular basis of the importance of feeding only Category 3 meat to her racing greyhounds. Mrs Gowler assured the Committee that she had now changed her feeding regime for her racing greyhounds and no longer feeds red meat.

The Disciplinary Committee accepted Mrs Gowler's explanation that she was unaware that some Category 2 meat had been purchased on her behalf and fed to her racing greyhounds. The Committee were however concerned that Mrs Gowler had failed to exercise proper supervision and control of the feeding process for the second (main) feed, which provided the opportunity for Mr Smalley to feed Category 2 meat to her racing greyhounds, whether negligently or otherwise. The Committee were disappointed that Mr Smalley had not attended the Inquiry to answer their questions on his role in the matter.

The Committee accepted Mrs Gowler's assertion that there was no deliberate attempt on her part to administer a prohibited substance to GLENADDA PRIDE, however she was found in breach of Rule 174(i)(a) as her casual approach to feeding her racing greyhounds had allowed the situation to arise. In light of the expert advice, the Committee accepted that the most likely source of the substances was through the feeding of contaminated Category 2 meat.

The Disciplinary Committee acknowledged the Director of Regulation's recommendations concerning the breaches and noted with concern a previous breach of the rules by Mrs Gowler in April 2012 that was also meat related and for which she was cautioned and fined £250. They acknowledged Mrs Gowler's admission of responsibility and her apology, her statement that she was no longer feeding red meat and her attendance at the Inquiry. The Committee also took into account comments by Con Baker in support of Mrs Gowler. In all the circumstances of the case the Committee ordered that Mrs Gowler be reprimanded and fined £400.

The Disciplinary Committee considered that Mr Smalley had been culpable in this matter by admitting to purchasing some Category 2 meat on Mrs Gowler's behalf and feeding it to her racing greyhounds in defiance of her instructions and without her knowledge. The Committee suspected that Mr Smalley was acting in breach of the Animal By-Product Regulations by purchasing and supplying meat from an unregulated source, however there was insufficient evidence to prove this on the balance of probability. The Committee found Mr Smalley's absence from the Inquiry unhelpful in this regard. Mr Smalley was found to have acted in a manner prejudicial to the proper conduct and integrity of greyhound racing. The Committee took into account his admission and ordered that he be severely reprimanded and fined £600.

3. Kinsley Stadium - HAGGSWOOD SKYE – Professional Trainer Mr R Thompson

Professional Trainer Ronald Thompson was found in breach of rules 152(i), 174(i)(a) and 217 (all admitted) of the GBGB Rules of Racing in that a urine sample taken from the greyhound HAGGSWOOD SKYE at Kinsley Stadium on 25 November 2014 was analysed by LGC Health Sciences as containing the presence of guaifenesin.

Former Professional Trainer Mr R Thompson was in attendance along with area stipendiary steward Jack Robinson, Andrew Mascarenhas, racing manager at Kinsley Stadium and independent scientific adviser Professor Tim Morris.

Before commencement of proceedings the GBGB withdrew the alleged breach of rule 152 (ii) of the GBGB Rules of Racing. The proceedings were therefore dedicated to consideration of the nature of the drug, how it might have entered the dog's system and on mitigation.

Professor Morris's evidence was that guaifenesin is available as a veterinary medicine indicated as a muscle relaxant in horses which affects dogs as it does other animals. It might cause sedation and an overdose would result in breathing disorders and muscle spasms. Whilst it has been used in the past for treating coughs in dogs there is little evidence to support its use. In Professor Morris's opinion, guaifenesin is a substance which by its nature could affect the performance of a greyhound or prejudice the wellbeing of a greyhound.

Mr Thompson's evidence was that he had administered Benylin to HAGGSWOOD SKYE intermittently over a two month period. A treatment to the Greyhound for kennel cough is recorded in the Treatment Book on 17 September 2014, more than two months before the positive test on the 25 November 2014. In oral evidence Mr Thompson said that he had spoken to his veterinary surgeon who had not raised concerns regarding the administration of Benylin for kennel cough.

Professor Morris advised that some but not all Benylin products contain guaifenesin but that as kennel cough is normally self-limiting he would not have considered the intermittent administration of Benylin from 17 September to 25 November 2014 to be appropriate. He advised that guaifenesin is not a well proven treatment for coughing in dogs and prolonged treatment is inappropriate.

The Committee noted that HAGGSWOOD SKYE had run in four trials in eleven days around the time of the positive sample, and noted an assurance by Mr Thompson that the greyhound did not trial on days that it

coughed. The Committee was satisfied on the balance of probability that Mr Thompson was not administering Benylin in order to conceal the greyhound's ability in trials. However, by his own admission Mr Thompson was intentionally administering the drug to suppress the symptoms of a cough. The Committee concluded that this action was probably intended to allow the Greyhound to continue to trial during its bouts of coughing but could have affected its performance.

The Disciplinary Committee considered the explanations provided and took into account Mr Thompson's attendance at the Inquiry, his previous good record and comments made by Andrew Mascarenhas in support of Mr Thompson. In all the circumstances of the case the Committee ordered that Mr Thompson be reprimanded and fined £350.