

## **CALENDAR NOTICE (to be published 22 May 2015)**

### **Disciplinary Committee Inquiries**

The Disciplinary Committee of the GBGB were in attendance at a meeting held on 12 May 2015:-

Mr K Salmon (in the chair)

Mr J Akerman

Dr AJ Higgins

Professional Trainer Mrs Toni Tungatt was found in breach of rules 152 (i) & (ii), 174 (i)(a) and 217 of the GBGB Rules of Racing in that a urine sample taken from the greyhound SILVERVIEW GIN at Poole Stadium on 16 September 2014 was analysed by LGC Health Sciences as containing the presence of diclofenac; and that she allowed a substance to be administered that could affect the performance and/or wellbeing of the greyhound.

Mrs Tungatt was in attendance, accompanied by her husband, Ian Tungatt, and legally represented by Nigel Weller. Colin Betteridge, stipendiary steward, Mike Tasker, sampling officer, and Professor Tim Morris, independent scientific adviser, were also in attendance. Ian Sillence, racing manager of Poole Stadium, apologised for his non-attendance. Louis Weston and Ben Rees legally represented the GBGB.

The Disciplinary Committee received evidence from Professor Tim Morris, Independent Scientific Adviser, stating that diclofenac is in the class of drugs described as non-steroidal anti-inflammatory drugs (NSAID's) that are used to relieve pain, reduce fever and reduce inflammation. Diclofenac is not available as a veterinary medicine in the UK. Diclofenac has been shown to lead to gastrointestinal ulceration and bleeding in dogs and, as such it is a substance which by its nature could affect the performance or prejudice the welfare of a greyhound. Diclofenac was present in the greyhound SILVERVIEW GIN at a concentration which Professor Morris described as biologically active, i.e. capable of having a biological effect on the body. In Professor Morris's opinion it was possible that the diclofenac found in the urine of SILVERVIEW GIN could have entered the greyhound's system by a variety of ways including in the manner described by Mrs Tungatt.

Mrs Tungatt's explanation was that the positive test must have resulted from the greyhound or its food being contaminated by Voltarol Emulgel gel which both her mother-in-law and her husband used for the relief of pain caused by arthritis.

Both Mrs Tungatt and her husband Ian Tungatt gave oral evidence to the Committee, having previously made written statements. The Committee considered their evidence with the greatest care. Mr Weller urged the Committee to accept that Mr and Mrs Tungatt lacked communication skills which affected the nature and quality of their evidence. The Committee accepted that there was some force in this submission. Mr and Mrs Tungatt both described themselves as dyslexic, and the Committee felt that Mrs Tungatt in particular may have been somewhat overawed by the inquiry and the proceedings. However, having made all due allowances, the Committee was unable to accept their version of events, which was found to be contradictory and unsatisfactory to an extent

that could not be explained simply by a lack of communication skill. The Committee formed the view that neither of them was trying to tell the truth.

Mrs Tungatt's oral evidence was at times inconsistent both with itself, and with her written statement, and with the account she had given at the Local Inquiry, and with the evidence of Mr Tungatt. Mr Tungatt's evidence was also found to be inconsistent in the same manner.

Mr Weston on behalf of GBGB urged a number of points upon the Committee relating to inconsistencies and discrepancies in Mr and Mrs Tungatt's evidence. He drew the Committee's attention to their evidence about the packaging of the Voltarol medicine which they had supplied to the Local Inquiry and the inquiry before the Disciplinary Committee and their explanations relating to that packaging, to their accounts of who was responsible for reading the Calendar and making sure GBGB notices were seen at Mrs Tungatt's kennel, and Mr Tungatt's evidence about food preparation. It was unclear from the evidence as to whether Mr Tungatt had failed to wash his hands after using Voltarol, as he said in his statement, or washed his hands as he said in his oral evidence, or wiped them with baby wipes as Mrs Tungatt stated. The Committee considered that there was considerable force in Mr Weston's submissions.

The Disciplinary Committee was very concerned by Mr and Mrs Tungatt's apparent disregard of the Calendar notice regarding NSAID gels published in March 2014, which they found particularly surprising and disturbing in light of Mrs Tungatt's previous breaches of the rules of racing.

Mr Weller urged the Committee to place considerable reliance upon Professor Morris's evidence that it was possible that the diclofenac found in the urine of SILVERVIEW GIN could have entered the system in the manner described by Mrs Tungatt. He made the submission that this was very significant evidence which supported Mrs Tungatt's case. The Committee considered that Mr Weller's submission went too far. Although it was possible that the positive test came about as a result of contamination other explanations were equally possible.

Having rejected Mr and Mrs Tungatt's account as contradictory and untruthful the Committee reached the conclusion that there must have been some other explanation for the presence of the diclofenac in the greyhound which Mr and Mrs Tungatt were trying to conceal. For that reason the Committee found Mrs Tungatt in breach of rule 174(i)(a) of the GBGB rules of racing. It was not possible to say on the evidence exactly how diclofenac was administered to SILVERVIEW GIN but the Committee was satisfied on the balance of probabilities that at the very least Mrs Tungatt allowed such administration, and possibly her involvement amounted to more than that.

This is Mrs Tungatt's third breach of the GBGB rules of racing relating to prohibited substances since 2010. Prior to that in 1999 and 2001 she was found in breach of the NGRC rules of racing for similar breaches. On each occasion she was severely reprimanded and fined.

The Disciplinary Committee was deeply disappointed to see Mrs Tungatt before it again following yet another positive test. They commented that she had been given chance after chance. A severe reprimand was just one step away from withdrawal of licence and on previous occasions the Disciplinary Committee has warned Mrs Tungatt that it did not expect to see her again. Given her

disciplinary record, the Committee considered that were she to retain her licence there would be a clear and substantial risk of further breaches relating to prohibited substances.

These breaches have very obvious implications for the welfare of greyhounds in Mrs Tungatt's care and for the integrity of greyhound racing. The Committee is mindful that in every case in which she was in breach of the rules the substances involved were such that by their nature could affect the performance or prejudice the welfare of a greyhound. In the present case the Committee reminded itself of Professor Morris's evidence that diclofenac is an anti-inflammatory drug, used to relieve pain and has been shown to lead to gastrointestinal ulceration and bleeding in dogs. Equally, the Committee was well aware that the public has the right to expect that any greyhound running on GBGB licensed tracks will be free of prohibited substances.

In those circumstances even had Mrs Tungatt only been in breach of the less serious offence under rule 174 (i)(b) of the GBGB Rules of Racing the Committee would have had no alternative other than to impose a period of disqualification. Given that she was found to be in breach of the more serious breach under rule 174(i)(a) the least period of disqualification the Committee could impose was 12 months.

In addition, following submissions from Mr Weston and Mr Weller, the Committee ordered a payment of £4,000 towards the costs of GBGB.