

CALENDAR NOTICE (to be published ... 2018)

Disciplinary Committee Inquiries

The Disciplinary Committee of the GBGB were in attendance at a meeting held on 6 July 2018:-

Mr H Starte (in the chair)

Mr R Coughlan

Mr A Hunt

1. MR T. TANNER – WELFARE OF GREYHOUNDS

Former registered sales agent Mr Tom Tanner was found in breach of rules 2, 152 (i) and (ii) and 174 (xi) in respect of the welfare of greyhounds in his care, namely 24 greyhounds that he transported from his kennels in County Cork, Ireland, and presented at an unlicensed sale at Kinsley Stadium on 22 January 2016.

Mr Louis Weston of counsel appeared for the GBGB, instructed by Ms Danielle Sharkey of Charles Russell Speechlys LLP. Mr Tanner was in attendance, represented by Mr Matthew McDonagh of counsel, instructed by Mr Simon Eastwood of Eastwoods Solicitors.

The Committee heard that Mr Tanner had now admitted the breaches pursued against him by the Board. These were: that in breach of Rule 174 (xi) Mr Tanner had caused or permitted greyhounds to be treated in such a manner as caused or was likely to cause unnecessary suffering; that in breach of Rule 2 he had failed to ensure the needs of greyhounds for which he was responsible were adequately met; and that by these breaches he was in breach of Rule 152 (i) and also in breach of Rule 152 (ii) in that he had acted in a manner prejudicial to the integrity, proper conduct and good reputation of Greyhound racing.

Mr Weston informed the Committee, and Mr McDonagh confirmed, that all the breaches were admitted by Mr Tanner on the basis that he did not challenge but admitted the evidence before the Committee in the form of the report by stipendiary steward Mr P. Rosney of his inquiry into the matter and supporting witness statements.

That evidence included statements from Mr Andrew Mascarenas, the Kinsley Stadium Racing Manager, Dr Steven Bossuyt, the vet who examined the greyhounds presented for sale on 22 January 2016, and statements from Mr John Curran, Promoter and Welfare Officer at Kinsley Stadium, from kennel hand Ms Nicole Jobling, from Professional Greyhound Trainer Mr Geoffrey Douglas, from Professional Greyhound Trainer Ms Linda Wilson and from Professional Greyhound Trainer Mr Mark May.

Mr Tanner had delivered 24 greyhounds to an unlicensed sale at Kinsley Stadium on 22 January 2016, arranged with the cooperation of the stadium, offering the dogs on a sale or return basis for a price of £350 per dog, payable if the dog subsequently achieved the

stadium's grading time. He transported the greyhounds overnight from his kennels in County Cork via the Belfast to Liverpool ferry, arriving at the stadium before 8.30am.

Several trainers viewing the dogs raised concerns with stadium management about their very poor condition. Mr Mascarenas and Mr Curran had both inspected the greyhounds and they too had been seriously concerned by their condition and the conditions in which they had been transported. They had asked the duty vet at that day's BAGS meeting, Dr Steven Bossuyt, to examine the greyhounds. They had asked trainers to take greyhounds into their care so that they would not have to travel back to Ireland with Mr Tanner and to provide water and bedding for the greyhounds that could make the journey.

Dr Bossuyt examined 15 of the 24 greyhounds. In summary, he found five to be seriously underweight, in one case by some 20%, in three cases with suspected worm infestation. All 15 were flea infested, some heavily so. Five greyhounds had longstanding, untreated wounds, either caused or aggravated by self-mutilation, probably in response to flea infestation. Two had multiple pressure sores. One had urine scalding to both hocks. Six were dehydrated. The condition of eight of the 15 meant they should not have made the journey to Kinsley Stadium and were not fit for transport but had to be homed locally.

As for conditions on the journey from Ireland, Mr Curran noted there was little bedding in the van and what there was had been covered in urine. Ms Jobling saw little bedding and noted urine coming from the cages. Mr Douglas saw no bedding, with dogs lying in their own urine, and insufficient drinking water. Ms Wilson said there had been insufficient bedding and insufficient water and noted the smell of urine. Mr May also saw no bedding and noted the smell of urine, with one greyhound, LETS GO BADGER, curled up in its cage, lying on its own excreta. Mr Tanner admitted to him that the greyhound was dehydrated.

For the Board, Mr Weston submitted that most of the greyhounds were suffering from conditions likely to cause discomfort and suffering, some to the extent that they were unfit to travel to Kinsley Stadium. The nature and state of those conditions meant that they had been suffering from them for some time before that journey. The conditions in which they had been kept and transported showed that Mr Tanner had not exercised any proper or sufficient husbandry of the greyhounds. This was about as bad a case of neglect as there could be. Mr Tanner was shown to be someone who simply should not be allowed to be involved in greyhound racing. He should be kept out of the sport. The appropriate penalty was that he be warned off indefinitely.

The Board also sought an order that Mr Tanner should pay its legal costs of instructing solicitors and counsel to bring this matter before the Committee. These totalled £16,841.

In mitigation, Mr McDonagh said the breaches were an isolated incident by a man of good character whose 15 year career involved with greyhound racing had been unblemished by any similar conduct. Mr Tanner had been involved in supplying greyhounds to the UK for 10

years, during which time he had sold in excess of 1,000 dogs without any similar complaint against him. In November 2015 he had taken 24 greyhounds to a licensed sale at Kinsley Stadium. There had been no complaint about the condition of the dogs but he had only sold 6. He had left with 18 dogs, although he had then sold two privately elsewhere. Although Mr Tanner had previously run a commercial operation with some 200 dogs in his control, he had reduced the scale of his business to keeping a few racing dogs at his home kennels, so that by November 2015 he had been keeping some 35 dogs in his home kennels. Taking in the 16 dogs left from the November 2015 Kinsley Stadium sale meant he had in excess of 50 dogs in his home kennels. In December 2015 he had decided to take those 16 dogs back to Kinsley Stadium to sell them on 22 January 2016. Mr Tanner accepted the vet's judgment that the condition of the dogs had been "an appalling state of affairs" and that he should have been aware of their condition. He could only say that, with some 40% more dogs than usual in his care, he had let things get away from him and had simply not realised the extent of the injuries to the greyhounds or the degree to which they had become underweight. He thought he may not have recognised the problem with flea infestation because it was unusual for this to happen in winter. Of the 24 greyhounds taken to Kinsley Stadium on 22 January 2016, there had been no complaint about the condition of seven. Five of the 17 he had not brought back had been returned to him subsequently. Of the remaining 12, one had been euthanased because of a condition for which Mr Tanner was not at fault, but the remaining 11 had gone on to race. None of the dogs for whose condition he was at fault by these breaches had been permanently damaged or prevented from racing.

There had been a previous hearing of these matters by the Disciplinary Committee in April 2016 which had resulted in Mr Tanner being warned off indefinitely. Mr Tanner had successfully appealed that decision to the Appeal Board which, on 25 January 2017, decided he had been prejudiced by procedural flaws in the hearing. Ordering that the matter be remitted for rehearing, the Appeal Board had expressed the hope that would happen as soon as possible. The Board admitted there was no good reason why it had taken until May 2018 to start the rehearing process.

The result, Mr McDonagh said, was that Mr Tanner had already been warned off for nine months from April 2016. He had disposed of the 20 greyhounds in his care for the period he had been warned off and his income from greyhound racing had been limited. He had sold a second home in Ireland to fund his appeal, in which he incurred legal costs of about £25,000. He could not recover any of these legal costs from the GBGB when his appeal was successful because the law was that regulatory bodies such as the GBGB could only be required to pay costs in exceptional circumstances not present in his case.

Mr McDonagh said Mr Tanner had sold about 120 dogs by private sales since January 2017, including about 12 to owners and trainers attached to Kinsley Stadium, without any criticism. Mr Tanner was appalled by what he had allowed to happen in January 2016, recognised he had made a terrible mistake and had a real desire to "get it right" and be able

to work for another 20 years in the industry, not for the money but for the love of dogs and greyhound racing.

On costs, Mr McDonagh said this hearing, for which the GBGB instructed solicitors and counsel, had only happened because of the mistakes of the Committee in conducting the first hearing in April 2016. Mr Tanner had to appeal that hearing and had had to incur the irrecoverable legal costs of doing so. The Board would not have instructed solicitors and counsel if the matter was not being reheard after that appeal. Nor had it in fact been necessary for the Board to instruct solicitors and counsel to prepare and prosecute the rehearing. Mr Tanner should not have to pay any of the GBGB's costs.

The Committee's view was that these were breaches of the most serious kind of the Rules intended to protect the welfare of greyhounds and the proper conduct, integrity and good reputation of the sport of greyhound racing. Mr Tanner had disgracefully neglected the proper care of the 24 greyhounds that he had taken to sell at Kinsley Stadium in January 2016. He had caused them serious, unnecessary suffering both by the state into which he had allowed them to decline before the sale and by the appalling conditions in which he had transported them to that sale.

As for the conditions in which they made the 15 hours-plus journey from County Cork to Kinsley Stadium, the evidence was that greyhounds were provided with insufficient water and had either inadequate or no bedding in their cages. The bedding that Mr Curran saw was covered in urine. All the witnesses at Kinsley Stadium commented on the strong smell of urine in the van. Mr Douglas and Mr May saw dogs lying in their own urine. The greyhound LETS GO BADGER was lying in faeces and urine. The van, said Mr May, was in a terrible condition and the dogs had been treated in a disgusting manner.

As for the condition of the greyhounds making the journey, LETS GO BADGER was 20% underweight with an infestation of fleas that could not have been treated for a month. It was dehydrated and had a large, infected, untreated wound, at least a week old, that was causing it obvious suffering. BROSNA GIRL was about 10% underweight, flea infested, and had two one or two-week-old, untreated wounds on the shoulder and back, probably aggravated by the dog licking, biting or scratching its flea infestation. PIERSI ZACH was 20-25% underweight, dehydrated, flea infested, and had two one or two-week-old, untreated wounds to its ribcage and front left leg, causing particular discomfort when travelling in a confined space. BEST VISIT was about 10% underweight, flea infested, and had wounds on both hind legs, caused either by confinement or self-mutilation, reacting to flea infestation. UNKNOWN ECLIPSE was seriously underweight, dehydrated, flea infested, and had pressure sores on all 4 legs caused over some time by a lack of bedding and self-mutilation, making it difficult to rest comfortably at all and causing considerable discomfort when travelling. Ms Wilson described this greyhound as "in disgusting condition" and as "a skeleton on legs", saying she had not seen a greyhound in such a condition in 50 years greyhound racing.

All the other 11 dogs examined by Dr Bossuyt were also flea infested, with JUBRI JUKE particularly heavily infested. BECKYS DIVA was also dehydrated and had a large, old wound on the right flank, making it unfit to travel back to Ireland. SANDI SPEC and DOUBLE DINER were also dehydrated and unfit to travel. DERREW DIXIE also had a pressure sore on the left front foot. UNKNOWN ELSA was not examined by Dr Bossuyt, but Mr May described how she was in very poor condition, being underweight, dehydrated and flea infested.

Accepting this was a “one-off” incident and there was no evidence of similar previous conduct, Mr Tanner’s disgraceful maltreatment and neglect of the greyhounds in this case made these breaches of the most serious kind. The injured, neglected and distressed greyhounds that arrived at Kinsley Stadium in January 2016 had been in Mr Tanner’s care since the previous November. Their dreadful condition was entirely his responsibility. It was no excuse or even a credible explanation for him to say he took his eye off the ball and did not notice their condition because he was unused to accommodating 50-plus greyhounds in his home kennels. Nor that he did not notice their flea infestation because he did not expect it in winter. He must have noticed the condition these greyhounds had got into, at the very latest when he loaded them into the cages in his van for their miserable, overnight journey to be sold by him at Kinsley Stadium. Mr Tanner caused all the identified greyhounds unnecessary suffering, in some cases extreme suffering. He failed lamentably and with serious consequences to ensure the welfare of all these greyhounds, failing to provide them with a suitable environment, failing to provide at least a significant number with a suitable diet and failing to protect them from pain, suffering and injury. It was no mitigation that he had not been detected in any similar conduct since January 2016, nor that he had protracted the misery for himself by appealing the decision made by this Committee in April 2016. Mr Tanner had shown no remorse or contrition for his conduct and treatment of these greyhounds until that expressed by his counsel at this hearing.

The Committee had no doubt the appropriate sanction was that Mr Tanner be warned off indefinitely. Not being warned off since January 2017 thanks to his successful appeal had been a period of undeserved reprieve. The fact he had chosen to resist the case when it was resumed against him and had had the anxiety and expense of doing so was no mitigation. In addition to being warned off, Mr Tanner should also pay a fine of £5,000.

On costs, there was something in the argument that the Board need not have incurred costs of solicitors and counsel in the early stages of preparing the proceedings following his successful appeal, at least up to notice of the renewed proceedings being served on him in May this year. But from that point Mr Tanner had failed to engage and actively resisted the proceedings until today. In the circumstances, the Committee ordered that Mr Tanner pay half the costs claimed by the Board, namely £8,420.