

**THE APPEAL BOARD OF
THE GREYHOUND BOARD OF GREAT BRITAIN
IN THE MATTER OF THE APPEAL OF RICHARD BRAIN AND DIANE COX**

1. This is an appeal by Mr Richard Brain (Professional Trainer) and Mrs Diane Cox (kennel hand) against the decision of the Disciplinary Inquiry held on 9 November 2010.
2. The decision of the Disciplinary Inquiry was to impose on each of the Appellants a fine of £5,000 and an order that they be warned off for a period of 1 year.
3. The Appeal Board have seen a DVD of the Disciplinary Enquiry. The Appellants have also presented documents from a veterinary surgeon: the Appeal Board considered that material.
4. There was, in addition, further evidence produced by the Appellants. This further evidence was, however, withdrawn by the Appellants at the start of the hearing and has therefore been disregarded by the Appeal Board.
5. The Appellants were unrepresented before the Disciplinary Inquiry but had the benefit of legal representation by Mr Julian Lee for the purposes of this Appeal.
6. A brief summary of the events is as follows:
 - (i) On 20 May 2010 two bitches having been on a treadmill died.
 - (ii) On 26 May 2010 the Appellant, Mrs Cox, lodged documents with GBGB registering a retirement form for both bitches. The retirement forms were signed by Mrs Cox and dated 26 May 2010. The documents show that they were received at GBGB 2 June 2010.
 - (iii) On 2 June 2010 GBGB received an anonymous phone call reporting the death of two bitches at Mr Brain's kennels on 20 May 2010. It subsequently became known that the phone call was from Ruth Harris a former kennel hand to the Appellant, Richard Brain. Ruth Harris provided a witness statement that was before the Disciplinary Enquiry.
 - (iv) On 9 June 2010 Duncan Gibson, stipendiary steward, attended the kennel. The Appellant, Mrs Cox, asserted that both bitches had been "*booked out as taken by the owner*". There was, however, the same day a phone call received by the stipendiary steward from the Appellant Mr Brain confirming that the two bitches had died on 20 May 2010.
7. At the commencement of the proceedings Mr Lee on behalf of the Appellant confirmed that the appeal was against penalty only.
8. The Appeal Board considers this to be a very serious matter involving not only the death of two bitches but also misleading information being given to GBGB by way of written retirement forms and by false information being provided to the stipendiary steward. On behalf of the Appellants it was stated that they should be trusted as to the assertions that the Appellants now made before the Appeal Board. However, there were difficulties with regard to accepting assertions made by the Appellants at face value in the light of the deliberate misleading information provided earlier.
9. The Appellants gave assertions as to the general care of the dogs within their control. The Appeal Board also noted the new evidence presented from the vets.

10. The Appeal Board had concerns over the staffing level at the time of the deaths and vagueness of the Appellants' proposals for the future. The Appeal Board wishes to make it clear that it is not the function of the Appeal Board to lay down any guidelines for appropriate staffing levels generally nor could they give any guidance for any particular kennels in the absence of full and complete knowledge.
11. The Appeal Board considered the deaths of the bitches and the conduct of the Appellants thereafter which gave rise to serious concerns. The Appeal Board have full powers to impose any penalty imposed by the Disciplinary Inquiry. This means that the penalties can be greater or less.
12. The Appeal Board concluded as follows:
 - (i) With regard to the financial penalty it did not seem that this was being challenged by the Appellants. Further, there was no evidence provided to the Appeal Board as to the financial circumstances of either Appellant. The Appeal Board felt that the penalty was appropriate and there were no reasons to alter that part of the penalty.
 - (ii) Each Appellant had paid £750 appeal fee. The Appeal Board concluded that these fees should be forfeited.
 - (iii) The Disciplinary Inquiry had also warned off the Appellants for a period of 1 year. That decision had been suspended by the Appeal Board on a preliminary application for the Appellants. The Appeal Board could not criticise the decision of the Disciplinary Inquiry on the information provided before it. Indeed the Appeal Board felt that the length of the warning off was lenient. The Appeal Board would have considered and do consider that an 18 month warning off was the appropriate period.
 - (iv) We have, however, the benefit of further information, representations, correspondence and bills from the vets. We therefore take the view that the correct warning off period should be that of 18 months from today. However, we do order that that warning off will be effective from today until 1 January 2011. After that date the warning off will be suspended until the end of an 18 month period from today.
 - (v) As an aside we would expect GBGB to inspect the kennels with particular attention to the staffing level compared to the number of dogs. Any breach of the suspension should be brought back, if possible, before this Appeal Board. In those circumstances the Appellants should not expect anything other than the full amount of the period of the warning off to come into effect together with any additional penalty arising for the future breach.

Peter Harland Cadman (Chairman)