

Appeal Board in the matter of

Ronald Paterson

Background

1. This is an appeal by Ronald Paterson against the decision of the Disciplinary Committee made on 8 June 2010. This decision was confirmed to Mr Paterson by letter of 9 June 2010 in the following terms:

"Dear Sir

Suspension of GBGB Professional Trainer's Licence

At the Disciplinary Hearing held on 8 June 2010 the Disciplinary Committee found you in breach of rules 152 (i) and 212 (xx) in that on divers dates between 2008 and 2010 you failed to provide adequate overnight supervision at Highfield View, Aislaby Road, Aislaby, Teeside.

The Disciplinary Committee ordered under rule 160 (vi) c that your licence be suspended from 14 June 2010 for 6 weeks pending a favourable report from the Area Stipendiary Steward that you are discharging your responsibilities under the rules of racing with regard to overnight supervision at the premises cited above..."

2. By letter of 10 June 2010 Mr Paterson appealed to the Appeal Board.

"Dear Sir

I wish to appeal the decision of the GBGB Disciplinary Committee taken on Tuesday 8th June 2010 to suspend my licence for a period of six weeks commencing Monday 14th June.

The decision taken was, I believe, (I have not received written confirmation and do not believe that I will in time to launch my appeal before my suspension commences) solely to do with the lack of satisfactory overnight supervision.

I do not dispute the decision, only the severity of my punishment and base my appeal on the following:-

1. *The suspension will cost me at least £11,000, as not only will I not be able to race my dogs for 6 weeks, it will be at least 8 or 9 weeks due to the fact that all my dogs will have to re-trial. I may be wrong, but is this the largest financial penalty ever imposed on a trainer?*
2. *As this is my only income, I will not be able to pay my staff and will have to lay them off, meaning that I will have no-one to help look after the dogs. I will not be able to pay for fuel or pay my own domestic bills but most importantly, I will not be able to afford to feed the dogs. Although I will try and struggle through, I do not believe that I will survive and will be left with difficult decisions regarding my beloved dogs, as I will not be able to re-home 45 dogs.*

3. *The six week suspension not only punishes me, it also punishes others such as my staff, my owners and Sunderland Greyhound Stadium, whom I believe will now be short of runners during that period.*
4. *The punishment is appropriate and does not fit the crime and when compared to other penalties imposed, appears inconsistent.*

Given the timescales involved, I would request that my sentence is suspended pending the appeal. Otherwise, in my opinion, the appeal would be a farce as my punishment would have already taken place.

As per the appeal rules, I attach a copy of the documentation and witness statements placed before the Disciplinary Committee in connection with the decision appealed against. I request an oral hearing of the appeal as soon as possible.

I also request relief from the appeal fee requirement as, quite simply, if you do not agree to suspend my sentence I will need every penny I have to feed my dogs, etc. I will not be able to afford the £750 fee, which I will happily submit if my sentence is suspended pending my appeal.

Finally, as the timescales are tight, I would appreciate an immediate response (by e-mail to r.Paterson@live.co.uk) as I will have to confirm my availability or not to the Racing Manager at Sunderland”.

3. Mr Paterson applied for the penalty to be suspended pending his appeal. That temporary suspension was granted.

Appeal

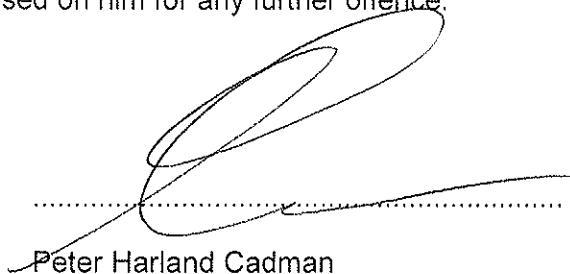
4. The hearing of the appeal took place on 21 June 2010.
5. Mr Paterson confirmed the hardship that he would suffer as a result of the decision of the Disciplinary Committee. In particular he emphasised the following:
 - i. The effect of a 6 week ban would be that his dogs would be unable to race in effect for 3 months.
 - ii. He employed two employees, one was disabled and one had learning difficulties.
 - iii. Hardship would be caused to the dogs as a result of lack of income.
 - iv. He confirmed that he is having a hearing aid fitted from the local hospital and a doorbell fitted to ensure that at any future attendance there would be no question of him not being able to hear.
 - v. He confirmed that he had a wooden chalet where he would remain to ensure overnight supervision.

6. Mr Paterson also raised a number of matters which the Appeal Tribunal felt were of peripheral relevance to the appeal.

Conclusion

7. This is an appeal against penalty only.
8. This was a serious case with a series of visits.
9. The Appeal Board took animal welfare as a matter of the utmost importance.
10. The Appeal Board were, however, impressed with the evidence provided as to the mitigation presented.
11. The Appeal Board is persuaded to allow the appeal in part and imposes the following penalty:
 - i. The 6 week suspension imposed by the Disciplinary Committee remains but that suspension is itself suspended for a period of 12 months from 21 June 2010.
 - ii. The appeal fee of £750 is forfeit.
 - iii. There is a further financial penalty of a further £750.
12. The effect of the suspension was explained orally to Mr Paterson. It was confirmed that if there was any repetition of absence of adequate overnight supervision within the next 12 months the 6 week suspension would be brought into force by a future Disciplinary Committee. Further, Mr Paterson will be at risk of a further penalty being imposed on him for any further offence.

Signed:



Peter Harland Cadman

Dated this 28th day of June 2010