ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

MR DAVID JOHN BIBBY DENNY MRCVS

DECISION OF THE DISCIPLINARY COMMITTEE
ON THE RESPONDENT’S APPLICATION TO DISPOSE OF THE CASE BY ADJOURNMENT OF
THE INQUIRY AND UNDERTAKINGS

1. The Respondent made an application to the Committee to dispose of this matter by:
   i. adjournment of the Inquiry into the Heads of Charge, dated 30th January 2017, generally, sine die (without date);
   ii. acceptance of the Respondent’s Undertakings that:
       a. the Registrar is requested to remove the Respondent’s name from the Register of Veterinary Surgeons (“the Register”), with immediate effect;
       b. the Respondent never apply to be restored to the Register, in any category;

   and that, in the event, if contrary to his Undertakings, the Respondent applies to be restored to the Register, the charges set out in the Notice of Inquiry, dated 30th January 2017, and additionally the breach of his Undertakings, will be considered by the Disciplinary Committee on the dates to be listed as soon as practical thereafter.

2. The Respondent is represented by Giles Colin of Counsel, and the College is represented by Andrew Hurst of Counsel.
3. The Committee was referred to previous cases by way of precedent, namely RCVS v Cartmell (2012), RCVS v Oliver (2013), RCVS v Lindridge (2013), and RCVS v Rodale (2015). In those cases, the Committee disposed of the case in the way requested by the Respondent in the present case. That being said, it is accepted that there will be cases where such a course is not an appropriate disposal.

4. The Heads of Charge set out in the Notice of Inquiry have been seen by the Committee, but the Committee has not seen the proposed hearing bundle, in accordance with the procedure adopted in the previous cases. The Heads of Charge related to three alleged incidents of inadequate treatment of three colts. No admissions are made in respect of the Charges.

5. The Respondent submits that his request is in the public interest, protects the welfare of animals and upholds the reputation of the profession. The Committee was asked to consider the following factors:
   i. The complainant has been consulted and agrees to the disposal in the manner sought;
   ii. The College supports this application and agrees to the disposal in the manner sought;
   iii. The Respondent, who was born on 29th February 1936, is now 81 years old;
   iv. The Respondent has devoted his entire working life to veterinary practice since qualification as a Veterinary Surgeon in January 1962. He established his own practice a few years after qualification and has acted primarily as a sole practitioner;
   v. There are no disciplinary findings against the Respondent in what was otherwise a long and unblemished career. In 2010, the Respondent won Petplan Equine Vet of the Year;
   vi. The Respondent has now retired;
   vii. The Respondent has closed his practice;
   viii. The Undertakings offered by the Respondent protect the welfare of animals because the Respondent is no longer in practice;
   ix. The reputation of the profession is upheld because the Respondent is no longer in practice;
   x. It would not be proportionate, or in the public interest, for there to be a lengthy contested hearing. In this case, the Hearing was listed for 5 days and would have involved lay, and expert, evidence on both sides;
xi. It is just and equitable to dispose of the case in the manner sought.

6. In the circumstances, the Committee was requested to grant the Respondent’s request as set out above.

7. The Committee notes that this proposal by the Respondent was discussed by all parties at a recent telephone case management conference, at which the Chair, advised by the Legal Assessor, agreed that this was a proper application to be placed before the Committee, with a recommendation that it be accepted. The application was formally made in writing by counsel for the Respondent, in a written Note dated 20 April 2017, which the Committee has read.

8. The Committee notes that this application is supported by the College, and by the complainant. The Committee also notes that the events leading to the Heads of Charge occurred almost two years ago.

9. The Legal Assessor advised the Committee that this application was in the public interest, protects the welfare of animals and upholds the reputation of the profession, for the reasons set out in paragraph 5 above.

10. The Committee has considered this application with care, and accepts that this is a proper case in which the Inquiry should be adjourned sine die, on the basis that the Undertakings offered, and contained in a document signed by the Respondent, are accepted by the Committee.

Disciplinary Committee

24 April 2017