

ROYAL COLLEGE OF VETERINARY SURGEONS

INQUIRY RE:

GARY JAMES CASSIUS SAMUEL MRCVS

DECISION OF THE DISCIPLINARY COMMITTEE

1. On the 21 January 2016, following a trial before a District Judge in the Leeds Magistrates Court, Dr Samuel and his then partner were convicted of six offences of animal cruelty.
2. Four offences were of causing unnecessary suffering to a protected animal, contrary to sections 4(1) and 32(1) of the Animal Welfare Act 2006. Two offences were of failing to take all reasonable steps to ensure that the needs of an animal are met, as required by good practice, contrary to sections 9(1) and 32(1) of the Animal Welfare Act 2006.
3. Dr Samuel was sentenced to 12 weeks imprisonment which was suspended for 12 months, unpaid work of 150 hours a fine of £200 and a victim surcharge of £80. He was also disqualified from keeping animals indefinitely, with a prohibition against any application for termination of that disqualification for five years.
4. On the 4 April 2018, the Bradford Crown Court before a Recorder and two lay Justices, in an appeal hearing lasting 11 days, the appeal was dismissed in respect of five of the convictions and the appeal was allowed in respect of one conviction of causing unnecessary suffering to one cat. The sentence appeal against the sentence that was imposed by the Magistrates court was upheld save for a variation in the sentence in respect of the disqualification order. The indefinite disqualification order was varied to a fixed term order disqualifying Dr Samuel from keeping animals for 3 years. That order took account of the fact that Dr Samuel has already been disqualified for 2 ½ years. The 3 year order for disqualification took effect on 4 April 2018.

The Original Charges

5. The charges which Dr Samuel was notified of prior to the appeal to the Crown Court were:

That, being registered in the Register of Veterinary Surgeons:

1. (A) On 21 January 2016, at the Leeds Magistrates Court, you were convicted of the following offences, namely that you:
 - (i) Between 10 February 2015 and 24 February 2015, at Armley, Leeds, caused unnecessary suffering to protected animals, namely 12 dogs, by a failure to act, namely to explore and address their poor physical condition, and you knew or ought reasonably to have known that the [failure to] act would have that effect or be likely to do so, contrary to sections 4(1) and 32(1) of the Animal Welfare Act 2006;
 - (ii) Between 10 February 2015 and 24 February 2015, at Armley, Leeds, caused unnecessary suffering to protected animals, namely 3 cats, by a failure to act, namely to explore and address their poor physical condition, and you knew or ought reasonably to have known that the [failure to] act would have that effect or be likely to do so, contrary to sections 4(1) and 32(1) of the Animal Welfare Act 2006;
 - (iii) Between 22 February 2015 and 24 February 2015, at Armley, Leeds, caused unnecessary suffering to a protected animal, namely a Siamese cat, by a failure to act, namely failing to seek appropriate veterinary care to explore her deteriorating physical condition, and you knew or ought reasonably to have known that the [failure to] act would have that effect or be likely to do so, contrary to sections 4(1) and 32(1) of the Animal Welfare Act 2006;
 - (iv) Between 10 February 2015 and 24 February 2015, at Armley, Leeds, caused unnecessary suffering to a protected animal, namely a Ragdoll cat, by a failure to act, namely to seek appropriate veterinary care to explore her deteriorating physical condition, and you knew or ought reasonably to have known that the failure would have that effect or be likely to do so, contrary to sections 4(1) and 32(1) of the Animal Welfare Act 2006;
 - (v) On or about 24 February 2015, at Armley, Leeds, did not take such steps as were reasonable in all the circumstances to ensure that the needs of animals for which you were responsible, namely a number of dogs (identified as NC1 to NC5 and NC8 to NC26), were met to the extent required by good practice in that you did not ensure their need for a suitable environment in which to live, contrary to section 9 and 32(2) of the Animal Welfare Act 2006;
 - (vi) On or about 24 February 2015, at Armley, Leeds, did not take such steps as were reasonable in all the circumstances to ensure that the needs of animals for which you were responsible, namely a number of cats (identified as NC6, NC7 and NC27 to NC32), were met to the extent required by good practice in that you did not ensure their need for a suitable environment in which to live, contrary to section 9 and 32(2) of the Animal Welfare Act 2006; and

(B) In relation to which convictions, on 7 March 2016, you were:

- (i) sentenced to 12 weeks' imprisonment, suspended for 12 months on condition that you complete 150 hours' unpaid work and pay a fine of £100;
- (ii) ordered to pay costs of £500 and a victim surcharge of £80;
- (iii) made subject to an indefinite disqualification order pursuant to sections 34(2), 34(3) and 34(4) of the Animal Welfare Act 2006, with immediate effect;

(Attached is the copy of the Memorandum of Conviction from the Leeds Magistrates Court);

AND THAT it is alleged that these convictions render you unfit to practise veterinary surgery;

- 6. Following a request by Mr Bradley on behalf of the College an application was made to amend the charges. Dr Samuel had been notified of the application on 12 June 2018. The proposed amendment to the charges reflected the outcome of the appeal hearing.
- 7. The Committee allowed the amendments on the basis that no injustice or prejudice was caused by the amendments since they accurately reflected the outcome of the appeal to the Crown Court. The amendments made reflected the alternation of the disqualification order and the allowing of the appeal against conviction in respect of one offence.

The Amended Charges

8. **That, being registered in the Register of Veterinary Surgeons:**

1. (A) On 21 January 2016, at the Leeds Magistrates Court, you were convicted of the following offences, namely that you:

- (i) Between 10 February 2015 and 24 February 2015, at Armley, Leeds, caused unnecessary suffering to protected animals, namely 12 dogs, by a failure to act, namely to explore and address their poor physical condition, and you knew or ought reasonably to have known that the [failure to] act would have that effect or be likely to do so, contrary to sections 4(1) and 32(1) of the Animal Welfare Act 2006;**
- (ii) Between 10 February 2015 and 24 February 2015, at Armley, Leeds, caused unnecessary suffering to protected animals, namely 3 cats, by a failure to act, namely to explore and address their poor physical condition, and you knew or ought reasonably to have known that the [failure to] act would have that effect or be likely to do so, contrary to sections 4(1) and 32(1) of the Animal Welfare Act 2006;**

- (iv) **Between 10 February 2015 and 24 February 2015, at Armley, Leeds, caused unnecessary suffering to a protected animal, namely a Ragdoll cat, by a failure to act, namely to seek appropriate veterinary care to explore her deteriorating physical condition, and you knew or ought reasonably to have known that the failure would have that effect or be likely to do so, contrary to sections 4(1) and 32(1) of the Animal Welfare Act 2006;**
- (v) **On or about 24 February 2015, at Armley, Leeds, did not take such steps as were reasonable in all the circumstances to ensure that the needs of animals for which you were responsible, namely a number of dogs (identified as NC1 to NC5 and NC8 to NC26), were met to the extent required by good practice in that you did not ensure their need for a suitable environment in which to live, contrary to section 9 and 32(2) of the Animal Welfare Act 2006;**
- (vi) **On or about 24 February 2015, at Armley, Leeds, did not take such steps as were reasonable in all the circumstances to ensure that the needs of animals for which you were responsible, namely a number of cats (identified as NC6, NC7 and NC27 to NC32), were met to the extent required by good practice in that you did not ensure their need for a suitable environment in which to live, contrary to section 9 and 32(2) of the Animal Welfare Act 2006; and**

(B) In relation to which convictions, on 7 March 2016, you were:

- (i) **sentenced to 12 weeks' imprisonment, suspended for 12 months on condition that you complete 150 hours' unpaid work and pay a fine of £100;**
- (ii) **ordered to pay costs of £500 and a victim surcharge of £80;**
- (iii) **made subject to a disqualification order for three years, pursuant to sections 34(2), 34(3) and 34(4) of the Animal Welfare Act 2006, with immediate effect;**

AND THAT it is alleged that these convictions render you unfit to practise veterinary surgery

Proceeding in Absence

9. Dr Samuel was not present and not represented at the hearing. The Committee found that Dr Samuel was served with the requisite notice on 19 September 2017 in accordance with Rule 5. 1 of The Veterinary Surgeons and Veterinary Practitioners (Disciplinary Committee) (Procedure and Evidence) Rules Order of Council 2004 ("the Rules"). The notice served on him included the information that the Committee had a

discretion to proceed in the absence of Dr Samuel if he did not appear at the hearing. He was served with a further formal notice on 12 June 2018 explaining that the hearing was postponed to the 10 and 11 July 2018. The Committee therefore decided that the notice of the hearing had been properly served on Dr Samuel in accordance with the Rules, specifically Rule 5 and Rule 22.5.

10. Dr Samuel responded to the notice in an email dated 15 June 2018. Dr Samuel stated that

"I have no intention of attending any inquiry the reasons being legion:

- i. I cannot afford legal representation and feel that defending himself would not be feasible*
- ii. Regardless of the outcome of the inquiry the 3 year ban will still be patent*
- iii. The entire ordeal has been mentally taxing and emotionally draining".*

He respectfully asked for a suspension for 3 years to run alongside the existing disqualification order.

11. In a letter from the College to Dr Samuel dated 19 June 2018, Dr Samuel was again warned that the Committee had the power to make a decision on sanction in his absence including making an order that his name be removed from the register.

12. In email dated 19 June 2018, Dr Samuel said *"I cannot contribute any further information but following the events this is left up to the imagination. I do not think I can offer you any further information or assistance since the Bradford Crown Court decision is final".*

13. In an email dated 20 June 2018 Dr Samuel said *"I wrote the letter to be read at the sitting on 10 July. Regarding the stress both psychological and emotional stress do the summary yourself, I lose my business livelihood reputation and relationship.... I did attend no medical faculty."*

14. In an email dated 9 July 2018, Dr Samuel reiterated the defence he had advanced in the Crown Court that all responsibility for the animals found and seized by the RSPCA from his veterinary premises and home upstairs, was the responsibility of his then partner and not his. Dr Samuel also stated that a week or two before the RSPCA had attended, another vet had visited the premises and seen a dog with hydrocephalus and that vet had not expressed any concern.

15. Dr Samuel was also invited to provide any medical evidence in a letter dated 19 June 2018. The Committee noted that Dr Samuel had been invited to attend a case management conference on 20 June 2018 and he had not attended by telephone. He was also invited to attend the hearing by telephone or video link in a letter from the College dated 9 July 2018.

16. The Committee went on to consider whether it should proceed in Dr Samuel's absence pursuant to Rule 10.4 of the Rules. It applied the tests set out in the cases of R v Jones [2002] UKHL 5, Tait v Royal College of Veterinary Surgeons [2003] UKPC 34 and GMC v Adeogba & Visvardis [2016] EWCA Civ 162.
17. Dr Samuel had corresponded with the College and had stated that he had no intention of attending the hearing. He had not provided medical evidence to support his claim of stress despite having been invited to do so. The Committee concluded that Dr Samuel had knowledge about the time and date of the hearing and that he had therefore voluntarily absented himself from the hearing. These were serious matters and Dr Samuel stated he had no intention of attending the hearing. So, the Committee did not consider there was any purpose in adjourning the hearing. It did not find that there was any medical evidence before it to show that Dr Samuel was unable to attend the hearing due to any ill-health. It therefore decided that since the notice had been properly served and that Dr Samuel had indicated he had no intention of attending it was in the interests of justice to proceed in his absence.

Background

18. The background to the convictions are set out in a judgement delivered in the Crown Court by a Recorder sitting with two lay justices which the Committee had within its bundle of papers. The facts referred to below come from that judgement.
19. Dr Samuel was practising as a veterinary surgeon, including (probably on two days of each week) from a veterinary practice of which he was the principal, at Armley Veterinary Practice, Town Street, Armley, Leeds. The premises were owned by him and comprised of a terraced house with a vet's surgery downstairs and living accommodation upstairs. His then partner, lived there since early 2012.
20. Police were called by Dr Samuel's ex-partner on 24 February 2015 following a report of a domestic incident. They entered the premises and described an immediate and strong smell of stale urine mixed with a strong smell of faeces. Having entered through the rear of the premises, they found themselves in an examination room, where there appeared to be a dirty towel with instruments on a table. As they moved onwards, they found cages, two of them occupied by husky-type puppies. They did not appear to have any water or bedding. An officer opened a chest freezer and discovered meat that appeared to be off. In the main bedroom Dr Samuel was found. He was sitting on a bed, he had a laptop on his knees and he put his headphones on as a police officer approached him.
21. The police noted that there were five animals in the bedroom including two small dogs and two cats. Dr Samuel told the police about a cellar and showed them a trap door, covered by a carpet and a table. Dr Samuel turned on the light and officers saw that there were a large number of dogs in cages in a cellar. Dr Samuel said "*these are her animals, she collects them, she never feeds them*".

22. The police noted the dirty state of the premises and that the cages in the cellar were dirty. There was only water in one cage and the lack of water was a common theme throughout the premises. Upstairs there were a large number of cats found in the kitchen which were also surrounded by urine and faeces.
23. During the trial there was evidence from two Veterinary Surgeons for the prosecution and one Veterinary Surgeon for the defence. There were also some admissions made in respect of a further defence Veterinary Surgeon's report.
24. In total Dr Clarke who gave evidence for the Prosecution, found 24 dogs, 22 of them being husky-type dogs of which six of them were puppies. 16 were kept in pens in the cellar and four of the puppies were kept in the upstairs bedroom with two kept in a cage.
25. One puppy from the cage had to be euthanased. The remaining animals were checked and most of them appeared to be underweight. None of them appeared to be being kept in an appropriate environment. The conditions were overcrowded and dirty and there was little or no sign of any basic care.
26. Identification exhibit numbers were given to each of the animals. Dr Samuel denied in interview and at his trial that he had any responsibility for the animals, saying that they were his then partner's sole responsibility. He said he had nothing to do with the animals since his relationship with her had deteriorated. He said that he had had some concern about the condition of some of the animals for some months. He said in terms that it would have been difficult to treat any of the animals because his then partner could be aggressive. He said in retrospect he probably could have done more but the dynamics of the relationship had prevented him from doing so.
27. Dr Samuel gave evidence before the Crown Court. He described how the number of dogs in the flat had increased from the original four or five to about sixteen during 2014. He said that most of them were rescue dogs that his then partner was trying to re-home and it was a similar story with the cats. Dr Samuel told the court that the animals were the responsibility of his then partner. He also said that the cages in the cellar had been built in October or November of 2014 and he said, this had been in response to letters from the Royal College of Veterinary Surgeons recommending that he expand the practice, although he went on to say that he was fed up of the place and was looking for somewhere more suitable.
28. Dr Samuel accepted that he would treat the various animals being looked after by his then partner but he claimed that he looked on her as a client rather than his girlfriend. He suggested he did not have much to do with the animals. He had looked after them for five days in 2011 when his then partner went on holiday. Sometimes he might buy a bag of food and sometimes he took his partner to the supermarket or a halal butcher to buy food or collect chicken carcasses and other meat waste products because she mainly fed them on a raw diet.

29. Dr Samuel provided the court with evidence that he was only in Leeds for 15 out of the 27 days when he was back in the country between 27 January and 24 February 2015. He said he had been away in the USA in January 2015 and he proved the same with stamps from his passport. He said upon his return he was made aware of dogs in the cellar although he did not go there himself to look. He said he wasn't happy about it but he and his then partner were not talking to each other and he said he asked her to go and he thought she was making preparations to leave.
30. Dr Samuel categorically denied any responsibility for the cats or the dogs in the property. He said that if there had been a problem, his partner would have told him but he said he stayed out of the areas where the animals were kept. There was a relatively small number of rooms and a large number of animals, including cats, living in the kitchen and sometimes the bathroom.
31. Dr Samuel's partner gave evidence and stated that she had moved in with Dr Samuel in 2012 and she had brought 10 dogs with her. She spoke about taking in rescue dogs and rehoming cats and dogs. She accepted that there came a time when there were too many animals under one roof. Although her intention was to only provide temporary shelter there were times when she was unable to find new homes and so the numbers built up. She also said she had noticed a problem with one husky in December 2014 and Dr Samuel and she had discussed the results of a blood test and he had advised her that there was nothing significant in the results and that she should worm the dogs and increase the amount of food. She said the condition of the dogs was a topic of discussion between her and Dr Samuel right up to and into February after his return from the USA. She said he both saw and touched the dogs. Dr Samuel had also advised her in relation to two of the cats. She said she had not planned to put the dogs in the cellar and she could not remember when she started doing that. She said that she did not normally leave them in the cellar overnight. She said that they had been put down there on 22 or 23 February and that she did that after Dr Samuel said he was poisoning them and so she did it for their own protection.
32. Essentially, she said that she asked Dr Samuel for his help and advice regarding the physical condition of the animals and that, as he was a vet, she deferred to him and followed his advice. She said that the unfortunate living conditions for the animals on 24 February did not represent the normal situation, it was a temporary situation caused by Dr Samuel's behaviour.
33. The Judgement of the Crown Court hearing the appeal found that Dr Samuel did have responsibility towards the animals for the purposes of Charges 1-4. It further found to the criminal standard, that is so that it was sure, that Dr Samuel was the owner of the premises and that he therefore had control over what happened within them. The Judgement stated the fact that he was away for part of each week and had taken time to visit the USA did not absolve him of that responsibility. The Crown Court was satisfied that Dr Samuel was involved in the care and welfare of the animals through helping to provide food, accommodation and veterinary services. It noted that its own

observations of Dr Samuel giving evidence in the Crown Court led it to be sure that everything that happened in that building would require his permission or at least his acquiescence.

34. It also found that Dr Samuel's then partner was responsible for the animals as their primary carer.
35. The finding on appeal was that each of the animals specified in three of the criminal charges suffered both physically and mentally. Physically due to malnutrition caused by underfeeding over a period of at least four weeks and mentally due to the overcrowded conditions. It also found that the suffering was unnecessary. It further found that by the start of 2015 a huge volume of food would have been necessary to look after the number of animals found. It took the view that there had been a steady downward spiral regarding the animals which coincided with Dr Samuel's changing attitude towards his partner. Dr Samuel was found to be present sufficiently frequently even on his own account during February 2015 and that as a trained profession he could see what was happening and it did not accept his assertions that he never went where the animals were kept due to the size and layout of the premises.
36. The Crown Court allowed the appeal against conviction in respect of charge 3 because the pathological evidence could not explain why that cat was so ill. Although the Court had taken the approach of looking at the overall picture regarding the other animals and it was able to see that they had recovered with an appropriate diet, it was unable to be sure with the cat that was the subject matter of charge 3 because it was euthanased shortly after the arrival of the police.
37. The Judgement made plain that Dr Samuel failed to explore and address the issue of the health of the animals. It found that the one set of blood test results that he discussed with his partner should have been a warning to anyone that the animals were declining due to malnutrition and their environment. It found that when Dr Samuel returned from the USA, he had decided to end his relationship with his partner and he was behaving differently towards her. It was sure that he had withdrawn his help and support and was completely indifferent to the plight of the animals. It found he must have been aware of their suffering and that he effectively tried to wash his hands of the situation by ignoring it. As a person who had accepted shared responsibility for the animals on his premises, it found this to be a failure in his duty to help them.
38. In answering the question whether Dr Samuel knew that an animal suffered or was likely to suffer, it found it was in no doubt that he did know that each of the animals was likely to suffer with the exception of the one cat which was euthanased.
39. The Crown Court judgment clearly found both Dr Samuel and his then partner jointly responsible for the welfare of the animals and that both failed to take such steps as would have been reasonable to ensure that needs of each of the animals was met to the extent required by good practice. It also found the huskies in the cellar had been there without a break for 48 hours in cramped conditions with no natural light and that

they had been spending long periods in the cellar for at least several weeks. It found the cages in the cellar were in fact built to house the huskies. It found the animals that had been kept upstairs were also in an unsuitable environment. Eight cats living in the kitchen and sometimes being put into a toilet 'spoke for itself' and having dogs and cats confined to a bedroom was 'equally unsuitable'. It found the conditions were cramped, dirty and inappropriate.

40. It also found that in respect of charges 1, 2 and 4 that most of the animals were not given a suitable or sufficient diet and many were close to starvation. It found all the animals would have been unable to display normal behavioural patterns due to the conditions in which they were kept.
41. On appeal the Crown Court accepted that Dr Samuel concluded that Dr Samuel's then partner was a principal and Dr Samuel a secondary party to the offending in terms of culpability but that matters were evened out by their respective abilities. It therefore upheld the substance of the sentences imposed by the District Judge in the Magistrates Court and it did not alter the substantive sentence imposed below. It agreed with the District Judge's assessment that the case fell within the Sentencing Council's Guideline in the borderline of the top category and the middle category. It further agreed that the reason to suspend the sentence was because of the peculiar circumstances which led to this offending, 'borne as it was out of domestic strife rather than two people setting out on a course of conduct to be deliberately cruel to animals in the first place'.
42. The Crown Court did however decide to vary the disqualification order because this was a 'case of animals rescue which then went horribly wrong in the midst of the deterioration of a chaotic relationship'.
43. The Crown Court also heard evidence from character witnesses who spoke in positive terms about Dr Samuel's qualities as a vet.

Findings of Fact

44. The Committee noted that Dr Samuel stated in his email dated 10 July 2018 that the dogs were his then partner's and that he had "*zero contact with her dogs..... and some of these animals I have never ever laid eyes on.*"
45. The Committee found that the facts of the particulars of charge 1 numbering 1(A)(i), (ii)(iv)(v)(vi)(B)(i)(ii)(iii) were proved. It was satisfied in respect of each subheading so that it was sure having relied upon a certified copy of the certificate of conviction from the Crown Court and the Magistrates Court and the Judgement of the Crown Court in respect of the convictions. It considered Dr Samuel's continued denial that he did not know about the dogs and had no contact with them but it concluded that over an 11 day appeal before a Crown Court Judge sitting with two lay magistrates and a trial before a District Judge his case had been properly considered. It therefore found that

the Judgement of the Crown Court was evidence upon which it could be sure that facts set out in the charges were proved.

Fitness to Practice Veterinary Surgery

46. Mr Bradly relied upon the background to the convictions, and a description of the conduct on the part of Dr Samuel which has been found to have been criminal. He asked the Committee to refer to the judgment of the Crown Court in the appeal,
47. The College relied on the convictions of five criminal offences which it submitted cumulatively and individually rendered him unfit to practise veterinary surgery because:
- (a) given that Dr Samuel's convictions concern animal welfare they go to the heart of his practice as a veterinary surgeon and to the core responsibility of all veterinary surgeons;
 - (b) in the circumstances described at (a) above, Dr Samuel has behaved in a manner which is wholly incompatible with registration as a veterinary surgeon;
 - (c) while it may be right to observe that all of the offences relate to the same period of time and his failures as regard the animals all arose in the same circumstances, the numbers of animals adversely affected by this veterinary surgeon's failures is staggering: 16 animals were the subjects of charges 1, 2 and 4 (12 dogs in charge 1, 3 cats in charge 2, the (ragdoll) cat in charge 4) (charges 5 and 6 made a different allegation in relation to the dogs as one group and the cats as the other). It is remarkable that a veterinary surgeon can have failed in his core responsibility at all, let alone on such a vast scale;
 - (d) while a distinction must of course be drawn between the deliberate infliction of harm upon animals with the intention to cause them to suffer on the one hand and causing animals suffering by failing to act (neglect) on the other, that distinction may be of less significance here than it was in the criminal court, given that this committee is concerned with the responsibility of veterinary surgeons to animals and the public and the central responsibility of veterinary surgeons is to care for, to protect and act in the best interests of animals in all circumstances;
 - (e) similarly, the fact that these offences occurred in the context of domestic strife may be of less significance here than it was in the criminal court: the circumstances of these offences mean that Dr Samuel allowed his own interests to take precedence over the interests of the large number of animals he knew were being left to suffer on his premises;
 - (f) while it was Dr Samuel who notified the police of the animals in the basement of his premises, having done nothing for them himself, he did not do so in their interests but in his own interest in getting his partner/former partner into trouble;

- (g) Dr Samuel maintained throughout the criminal proceedings that he had no responsibility for the animals on his premises. That is an extraordinary position for a veterinary surgeon to take, and neither the College nor the Committee has received any indication from Dr Samuel that he has reflected on that position;
- (h) the concept of fitness to practise involves three elements: the protection of animals, maintenance of public confidence in the profession and the declaration of standards of conduct for the membership of a profession. Without doubt all three elements are acutely engaged here.

48. Mr Bradley submitted that Dr Samuel's convictions bring the profession of veterinary surgery into dis-repute. The criminal behaviour they encapsulate is wholly incompatible with membership of this profession and any veterinary surgeon who acts with such wholesale and serious disregard of his/her professional responsibility to promote the welfare of animals is unfit to practise.

Decision on Unfitness to Practise

- 49. The Committee noted that Dr Samuel's has no disciplinary findings against him and an unblemished regulatory record. However, the facts underlying the criminal convictions for five offences of animal cruelty went against the fundamental core responsibilities of Veterinary Surgeons, breached the Code of Practice for Veterinary Surgeons and went to the heart of the profession.
- 50. The disqualification imposed under section 34(2), 34(3) and 34 (4) of the Animal Welfare Act 2006, which took effect on 4 April 2018 (and superseded a previous 2½ year disqualification) meant that Dr Samuel remains disqualified from owning animals, from keeping animals, from participating in the keeping of animals, and from being party to an arrangement under which he is entitled to control or influence the way in which animals are kept, from dealing in animals, transporting animals, and from arranging for the transport of animals, until 4 April 2021. This was the most obvious reason why Dr Samuel was currently unfit to practise.
- 51. The Committee further noted that the Crown Court Judgement referred to these offences as falling within the borderline of the top category and middle category of sentencing for these types of offences. The offences took place in the premises and the Veterinary practice which Dr Samuel owned. They also directly referred to matters well within his knowledge, the welfare of cats and dogs. The Committee considered those matters directly relevant to its judgement on whether Dr Samuel was fit to practise.
- 52. In the Committee's judgement Dr Samuel's neglect and omission to protect the health and welfare of so many animals was extremely serious and breached a fundamental tenet of a Veterinary Surgeon's practise.

53. The Committee accepted the points submitted by Mr Bradly as to why Dr Samuel was unfit to practise.
54. The Committee took into account the email correspondence sent by Dr Samuel inviting the Committee to take account of his lack of knowledge of the animals that his then partner brought onto the premises. It considered that the email dated 9 July 2018 in which Dr Samuel continued to submit that he had no knowledge about the animals illustrated his complete lack of insight. The Committee was therefore satisfied that Dr Samuel continued to pose a risk to animals in the future.
55. Just as the judgment of the Crown Court and the Magistrates Court had found, the Committee also found that Dr Samuel must have known that the animals were in distress and were in a neglected state. The Committee was sure that Dr Samuel must have been aware of the animals notwithstanding his continued denial. The Committee concluded that Dr Samuel was unfit to practise because of the facts underlying the convictions. Dr Samuel had an overriding duty of care for the animals and to take action in relation to their health and welfare because they were living under the roof of his veterinary practice.
56. The Committee was satisfied that the conduct it had found proved in the particulars of Charge 1 brought the Veterinary Profession into disrepute and therefore for this additional reason Dr Samuel was unfit to practise. It further decided that in order to uphold proper standards of conduct of the profession the convictions rendered Dr Samuel unfit to practise.
57. The Committee did not agree that the circumstances of domestic strife which led to the offending made Dr Samuel's position less serious. In the Committee's judgement a Veterinary Surgeon had a duty to act when faced with large number of animals requiring care and the reasons as to how the animals came to be within the premises might pertain to mitigation rather than any fitness to practice.
58. The Committee therefore concluded that Dr Samuel is currently not fit to practise as a veterinary surgeon. It is satisfied that the type and nature of his criminal conduct fell far below the standard to be expected of a member of the profession.

Sanction

59. The Committee noted the following aggravating factors:
- actual injury to an animal
 - risk of injury to an animal
 - misconduct repeated over a period of time
 - no insight
 - the animal cruelty took place within Dr Samuel's veterinary practice and home
60. The Committee noted the following mitigating factors:

- Dr Samuel had no previous disciplinary findings against him
- He had been a registered vet since July 1999

61. The Committee decided that a postponement of judgment was not appropriate because the maximum period for postponement was two years which was less than the period remaining for the disqualification order imposed by the Crown Court and therefore there would be no purpose in delaying judgement for Dr Samuel because at the end of any postponement he would still be subject to the criminal disqualification.

62. The Committee decided a 'reprimand' or 'warning' were wholly inappropriate for the serious nature of the charge found proved.

63. The Committee considered whether to suspend Dr Samuel for a period of 2 years 9 months to align with his criminal disqualification as he had requested in his email to the RCVS.

64. Ms Charbit, the legal assessor, asked the Committee to consider on Dr Samuel's behalf and in his absence, that Dr Samuel's case in mitigation appeared to be that these offences arose out of a situation of 'domestic strife' and that he would not have committed the offences were it not for the deterioration of his relationship with his then partner.

65. The Committee noted that the Disciplinary Procedure Guidance Manual states at paragraph 49:

Suspension may be appropriate where some or all of the following apply:

- a) The misconduct is serious, but a lesser sanction is inappropriate;
- b) The respondent veterinary surgeon has insight into the seriousness of the misconduct and there is no significant risk of repeat behaviour;
- c) The respondent veterinary surgeon is fit to return to practice (after the period of suspension)

66. The Committee was satisfied that the behaviour found proved in this case was serious. There were animals found starving in a cellar without water and Dr Samuel directed police to them when the police attended his practice. The Committee was not satisfied on the evidence before it that Dr Samuel had insight into the serious nature of what he had done particularly where he continued to deny responsibility in his recent email to the College dated 9 July 2018. It therefore found no evidence to satisfy it that Dr Samuel no longer posed a risk to animals in the future. Although it accepted that the offending arose out of a domestic arrangement, the Committee was concerned that Dr Samuel maintained that he lacked any responsibility for the offending and that he had allowed animals to suffer when they lived under the roof of his veterinary practice and home.

67. The Committee noted that the concept of fitness to practise involves three elements: the protection of animals, maintenance of public confidence in the profession and the declaration of standards of conduct for the membership of a profession. Furthermore,

the Committee was not satisfied that a suspension order would maintain public confidence in the profession or uphold proper standards of conduct for the profession.

68. The Committee noted that Disciplinary Committee Procedure Guidance stated at paragraphs 50-51

*50. Removal from the register may be directed where the respondent veterinary surgeon's behaviour is so serious that removal of professional status (and the rights and privileges accorded to this status) is the only means of protecting animals and the wider public interest. Removal is imposed in order to protect animals and the wider public interest. It is not imposed as a punitive measure, although it will almost invariably adversely affect the respondent veterinary surgeon.*²⁶

51. The Privy Council has stated that a disciplinary committee should not feel bound to remove from the register:

'An otherwise competent and useful [practitioner] who presents no danger to the public in order to satisfy [public] demand for blame and punishment.'

Equally, the reputation of the profession is more important than the interests of one veterinary surgeon and Lord Bingham, Master of the Rolls stated:

'The reputation of the profession is more important than the fortunes of an individual member. Membership brings many benefits, but that is a part of the price.'

69. The Committee decided that the behaviour found proved was fundamentally incompatible with being a Veterinary Surgeon because in this case there had been a serious departure from standards as set out in the RCVS Code of Professional Conduct for Veterinary Surgeons in particular 1.1. "Veterinary Surgeons must make animal health and welfare their first consideration when attending to animals".
70. Furthermore, there had been serious harm caused to a number of animals and a risk of serious harm caused to a number of animals.
71. Whilst the Committee accepted that the situation arose due to a domestic arrangement it was not persuaded that this was a sufficient mitigating factor to allow Dr Samuel to remain on the register because his omission to act at that time was fundamentally incompatible with a core tenet of the veterinary profession to protect the health and welfare of animals.
72. The Committee therefore directs that the Registrar remove Dr Samuel's name from the Register of Veterinary Surgeons.

**DISCIPLINARY COMMITTEE
11 JULY 2018**