

FOR IMMEDIATE RELEASE - NEWHAM PET SHOP DOUBLE BLUNDER TRIPLES

The third prosecution (another 60 summonses) of pet-shop owner Simon Gilbert by the London Borough of Newham has just been dismissed at Stratford Magistrates Court and the Legal Department have just confirmed that all its proposed appeals will not be pursued. Simon Gilbert says as follows:

I opened my pet shop more than quarter of a century ago, when I was just 15. I have never had, or been in, any trouble at all, until the RSPCA and local councils started raiding the local pet shops. On one occasion, six were raided the same day as us.

The RSPCA have been against pet shops and selling animals for a long time. I did not know that the Council had adopted the RSPCA's stance and it seems from the judgements that a considerable number of people at the Council may not have realised this either. However, my licence got more and more complicated every year. If a window was open, the wardens said it was draughty. If it was closed, they said it was not properly ventilated. Welfare specialist from the Bristol Vet School, Dr Sue Haslam, who was commended by the judges, said that conditions at our shop were better than the vast majority of veterinary surgeries.

Years of serious prosecutions and the best part of 200 summonses (all of which have been dismissed) have taken their toll on me and my staff. I had to move my family to Ireland to protect them from death threats and other animal rights activities. The so-called prosecution experts, including local vet Martin Lawton, were rightly criticised by the court. I am grateful to my legal team Nigel Weller and Jonathan Rich for uncovering what was going on and protecting my reputation against a malicious campaign waged unlawfully in the name of the London Borough of Newham. There must be other hard-working people in the area who have had similar experiences. I would urge them to contact their lawyers.

For my part, I have had enough and I am looking to leave. Having been here all my life, I feel unsafe from a Council to which I have paid hundreds of thousands of pounds in tax. In return, the Council improperly allowed out-of-control dog wardens to harass us and spend tens, if not hundreds of thousands, of pounds of our money pursuing an unlawful and dogmatic campaign against my pet shop. So many good local projects go begging for a little cash. Having dog wardens, following an animal rights agenda, politically opposed to my sale of Dalmatians and Spaniels, spending money like water, is like putting temperance campaigners in charge of our local pubs.

Attached, you will find:

- (1) a letter from RSPCA to all Councils, stating their opposition to pet shops;
- (2) article in "Cage and Aviary Bird" following the second dismissal; and
- (3) RCVS disciplinary findings in relation to prosecution vet, Martin Lawton.

For further information, contact animal welfare specialist Nigel Weller at:
Nigel Weller & Co Solicitors, 15 Market St, Lewes, East Sussex, BN7 2NB 01273 487123

Wednesday, 10 January, 2007

CONTENTS

News	2-9
Alderton's Diary & JBK	11
Letters & Opinion	12-13
British birds	14-15
Aviary maintenance	16
Bird collectibles	17
Canaries	18-19
Birds' health	20-21
Ask the Experts	22
Bargain Box	26

Cover image: Harlequin canary
by Mick Freakley

CAGE & AVIARY BIRDS
IPC Media,
King's Reach Tower,
Stamford Street,
London SE1 9LS

Editorial

① 020 7261 6116
Fax 020 7261 6095
E-mail Birds@ipcmedia.com

Editor Donald Taylor
Editorial administrator Lynn Sullivan
Deputy editor Kim Forrester
News editor Terry Murray
Layout sub-editor James Pringle
Senior layout sub-editor Rob Innes
Art editor Faye Winkley

Advertising

Head of sales
Chris Templeman 020 7261 5634

Classified Advertising

① 020 7261 2909
Fax 020 7261 6579
E-mail: spencer_hawkes@ipcmedia.com

Display Advertising

① 020 7261 7585
Fax 020 7261 6579

Classified advertising executive
Lyndsay Dixon 020 7261 2909
Advertisement manager
Spencer Hawkes 020 7261 6299
Direct mail list rentals
Hannah Nicholas 020 7261 7098
For inserts, innovator
Marketing executive
Joanna Strickland 020 7261 5069
Publisher Alex Robb

Subscriptions

Pet shop case fails on lack of evidence

By Graeme Kirk

A PET shop owner in the London Borough of Newham who was facing almost 100 summonses brought by Newham Council and the RSPCA has seen most of the charges dismissed by the Court in recent weeks.

Simon Gilbert, who runs Simons Pets, at Balaam Street, London, was raided on April 12, 2005, along with six other local pet shops. He was summonsed on the best part of 100 charges, mainly for alleged technical breaches of his pet shop licence.

At Snaresbrook Crown Court last month, Judge Andrew Collender QC, declared 12 of the summonses

to be a nullity. His judgment called into question whether any criminal or civil proceedings taken by Newham had been approved by the council.

Finding that the first prosecution of Mr Gilbert was both a nullity and an abuse of process, Judge Collender QC held that the power to institute proceedings fell to the head of Newham's Legal Services, Helen Sidwell. The judge said that her authorisation could have been as little as signing an authorisation

attached to a recommendation from a junior legal officer to institute proceedings, but she had not done this and had, therefore, not authorised this prosecution.

"It seems to us that the process by which prosecution was decided in this case was sloppy and informed to a degree that renders these proceedings a nullity and they cannot proceed," the judge said. He added that the decision-making process breached to a considerable degree both the Code for Prosecutors and the Enforcement Concordat, although Council officers professed to have followed them.

"What makes the matter particularly difficult when reviewing the decision is that simply no records were made of when decisions were made, why decisions were made or the process by which the decisions were arrived at," the judge added.

Judge Collender said that the initial decision to recommend for prosecution had been made before any written evidence had been gathered. "It is extraordinary that that should be the position," he said. "It seems to us that it is axiomatic before a prosecution is commenced that there is at least a document recording the evidence."

Charges 'not sustainable'

SITTING at Stratford Magistrate's Court on November 29, District Judge Hayden Gott had already dismissed 17 summonses against Simon Gilbert at half time because there was not enough evidence to support them.

In a reserved judgment, Judge Gott dismissed the remaining 31 summonses saying that Mr Gilbert had always been licensed to operate a pet shop by Newham Council and that he had taken veterinary advice in relation to the running of his shop and the welfare of his animals at least weekly.

Judge Gott said it was unfortunate that Newham had chosen to issue 48 separate summonses against Mr Gilbert, many of which were not sustainable on any view, and that this had caused the case to run for seven days of court time.

SHG highlights system flaws

THE failed prosecution of Mr Gilbert has prompted the Self Help Group (SHG), which sets out to assist pet owners, farmers and others experiencing difficulties with the RSPCA, to again call for every animal welfare prosecution to be scrutinised by the CPS.

The SHG's Anne Kasica called the case an outrageous waste of public resources. "This prosecution was the inevitable result of the RSPCA's political activities and Mr Gilbert and his family have suffered dreadfully,"

she said. "We call on the Government to ensure that the new Animal Welfare Act is amended to ensure that this never happens again, and that strict training and continued review of all personnel responsible for enforcing it is imposed."

The SHG believes there should be no RSPCA involvement in local authority prosecutions and that when the new inspectors are appointed under the Animal Welfare Act, steps should be taken to ensure they are not infiltrated by those with a political

axe to grind. The SHG's Ernest Vine said it was imperative that the use of expert witnesses in prosecutions of any sort was immediately reviewed by the Government.

"The system is failing to provide professional, objective and fair assessments of prosecution evidence," he said. "The animal-owning public deserves to be protected from the activities of extremists who do not believe in pet shops, or in some cases even the owning of pets."

Other cases questioned

SPECIALIST animal welfare solicitor Nigel Weller, who defended Mr Gilbert in both cases, said that the "sloppy and extraordinary conduct" in the prosecutions had probably been replicated by the London Borough of Newham in other cases since its new scheme of delegation was put in place in 1999.

"The consequences would be that any prosecution could be a nullity," he said.

"Every case which the full council or Ms Sidwell have not approved must be examined forthwith."

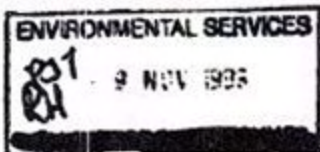
Mr Weller said Mr Gilbert was now calling on Newham Council to contact every person it had prosecuted since 1999 without the approval of the Council or Ms Sidwell. It had to accept that each such case was a nullity and an abuse of process as it not been properly authorised.

Royal Society for the Prevention of Cruelty to Animals

Patrons HM The Queen, HM Queen Elizabeth The Queen Mother, Her Patron His Grace The Archbishop of Canterbury



Registered charity no. 213044



November 5th, 1999

Dear Sir/Madam,

I am writing to ask if the Council will support an RSPCA campaign to improve animal welfare in pet shops.

The RSPCA is opposed to the sale of animals in pet shops. This opposition is based on our experience of the public buying pets on impulse and also on the poor welfare standards our staff witness in some shops themselves.

The sale of exotic species is cause for particular concern as staff may not be well-versed in how to care for them and consequently new owners often have even less knowledge of the animals' complex requirements. For example, they may not even be informed as to how long their pet will live or what size it will grow to. At best animals can become bored. At worst, they are becoming sick, suffering injuries and being abandoned when the scale of the commitment hits home.

Despite public concern and advice from organisations such as ourselves, many pet shops still sell live animals. The RSPCA is experiencing an alarming increase in pet shop cruelty and neglect. In the year Oct 98-99 the Society brought 68 cruelty convictions against pet shop staff compared with 26 the previous year. In many of these cases we believe that a more robust and comprehensive inspection and licensing regime would have prevented this unnecessary suffering.

In response to what it sees as a pressing problem, the RSPCA is calling on all local authorities across England and Wales to adopt the policies listed below when licensing pet shops (see attached).

The RSPCA is launching a national media campaign on November 10th to highlight the inadequacy of the current system to guarantee the welfare of animals in pet shops. I would be delighted to hear from you if you already do, or intend to, take a tough stance on licensing. You may be contacted by your local media with regard to your stance on pet shops.

By taking action now, the Council would be playing a vital part in improving the welfare of pet animals sold in your area.

If you would like any further information and advice, please do not hesitate to contact me.

Yours sincerely,

Valerie Jones

[Text Only](#) | [How to use this site](#) | [Contact us](#) | [How to find us](#)

Search: [Advanced Search](#)



Promoting & sustaining
public confidence
in veterinary medicine

[Home](#) | [About RCVS](#) | [Veterinary Surgeons](#) | [Veterinary Nurses](#) | [Visitors](#) | [Practice Standards](#) | [Find a Vet](#) | [RCVS Trust](#) | [Latest News](#) | [Publications](#) |

You are here: [Latest News](#) > [Latest News](#) > [Latest News](#)

Latest News

[Search the Latest News archive](#)

[Contact the RCVS Press Office](#)

Subscribe to RCVS e-news

Name:

Email:

[Donate to RCVS Trust](#)

[Contact Us](#)

Website Toolbox

[Print this page](#)

[Using PDFs](#)

[Sitemap](#)

[Feedback](#)

Essex vet criticised for reprehensible behaviour

1 December 2003

The RCVS Disciplinary Committee last week dismissed a charge of disgraceful conduct in a professional respect against a veterinary surgeon, but criticised his conduct towards a client. Reasons have now been given for that decision.

Mr Martin Lawton, of the Exotic Animal Centre in Romford, Essex, stood accused of being aggressive towards Mrs Stephens, a client, and causing her distress and minor injury. Mrs Stephens visited Mr Lawton's practice with her friend Mrs Mills. Mrs Stephens visited for eye tests to her Golden Retriever; Mrs Mills visited for eye tests for a litter of puppies. The incident described in the charge lasted seconds.

The Committee heard that there had been a disagreement concerning the certification of eye tests for the litter of puppies. Mr Lawton was concerned that he did not have the proper information or documentation to put his professional name to a formal certificate. Having then experienced the manner in which Mrs Stephens and Mrs Mills gave evidence, the Committee accepted and understood Mr Lawton's exasperation in trying to explain his position to them. The Committee decided that Mrs Stephens and Mrs Mills had "challenged [Mr Lawton's] professional decision in an offensive manner" and "were vociferous in expressing their opinions" to him.

Considering the importance of veterinary certification, the Committee considered that Mr Lawton's stance was reasonable, since he was personally liable for his signature on the certificate.

Mr Lawton accepted that his behaviour had been reprehensible, which he regretted, and he apologised for it.

Chairman of the Disciplinary Committee, Mr Brian Jennings, said, "Although Mr Lawton's behaviour is clearly open to criticism, we do not accept that his conduct, on this occasion, amounts to disgraceful conduct in a professional respect."