

B E T W E E N:
THE COMMISSIONER OF POLICE OF THE METROPOLIS
Appropriate Authority And

PC 261622 William Gilling The Subject Officer

NOTICE OF OUTCOME OF POLICE MISCONDUCT HEARING (REGULATION 43(1) POLICE (CONDUCT) REGULATIONS 2020)

Officer concerned: **PC 261622** (the Officer”).

Appropriate Authority: The Commissioner of Police of the Metropolis (“AA”).

Date of hearing: 10th -11th August 2026.

Panel members: Commander Chapple (Chair), and Ms Deborah Fajoye and Ms Sadhana Patel (IPMs) - (“the Panel”).

Legally Qualified Advisor (LQA): Ms Judith Seaborne.

The AA was represented by Ms Louise McCullough.

The officer was legally represented by Mr Tomas McGarvey and supported by the Federation Representative PC Shaun Robinson.

Relevant regulations: The Police (Conduct) Regulations 2020 (“2020 Regulations”).

This matter came to the attention of the AA on 7th May 2025.

Summary of Hearing

1. The misconduct alleged was set out in full in the Regulation 30 notice and in general terms related to an incident in the early hours (of) 18th January 2025 whilst on duty and whilst working on foot patrol in Greek Street London W1D in the company of colleagues, PC Gilling was dealing with a female member of the public over a suspected spiking incident. PC Gilling was approached by a member of the public Mr A. PC Gilling warned Mr A about his behaviour and advised him to leave the area. Mr A did not leave. The officer stated (that) Mr A was verbally and physically aggressive and at 3.05 am PC Gilling had Mr A

arrested for “assault emergency worker”. Mr A was detained and interviewed. PC Gilling signed a statement on 18th January 2025 which contained false allegations as to Mr A’s behaviour, in part to justify the wrongful arrest and in part to cover up the Officer’s own excessive and unjustified use of force on Mr A.

2. The Panel found the allegations not proven on the balance of probabilities and consequently found no breaches of the Standards of Professional Behaviour.

Representation

3. Throughout the misconduct proceedings and hearing, the AA was represented by Ms Louise McCullough (Counsel). Throughout the misconduct proceedings and hearing, the Officer was legally represented by Mr Tomas McGarvey (Counsel) and supported by the Federation Representative PC Shaun Robinson.

4. Preliminary Matters.

This hearing was conducted pursuant to the Police (Conduct) Regulations 2020 in Public.

The Panel heard no submissions from the Officer with regards to the anonymisation of his name and details. A Reporting Restriction direction had already been directed in these proceedings under Regulation 39(3)(c). The complainant in this matter would not be named and referred to throughout as Mr A.

5. Application to Adjourn

- i. On 6th August 2026, an application was made by the subject Officer to adjourn the hearing due to the unavailability of PC Atherton, who had been a required witness. The reason argued was that PC Atherton was best placed to assist the Panel with an impartial account of the various relevant factors that the Panel would be invited to consider, such as the general atmosphere at the relevant time, the conditions, how PC Atherton himself felt about the situation as it was developing, and perhaps of most significance, how he himself would have reacted had he been in PC Gilling’s place.
- ii. PC Atherton was signed off work until 14th September 2026. It was argued that there was nothing to suggest that a relatively short delay to secure the attendance of a

pivotal witness would have any adverse effect on Mr A, or the fairness of the proceedings and that it would be in the interests of justice for the application to be granted.

- iii. The AA did not suggest that the hearing be vacated to accommodate PC Atherton's recovery as the timeline for this was uncertain and the impact of his evidence on the ultimate issue perhaps unclear.
- iv. The Chair considered the application carefully including representations from Counsel for the AA and determined that a fair hearing could still take place and therefore the case should not be adjourned. The Chair referenced the following considerations:

Regulation 41(3) of the 2020 Regulations provides that the Chair "may from time to time adjourn the proceedings if it appears to them to be necessary or expedient to do so"- but this is subject to:

Regulation 41(4) of the 2020 Regulations provides that misconduct proceedings 'shall not, except in exceptional circumstances, be adjourned solely to allow the complainant or any witness or any interested party to attend'

'If a witness does not attend his statement may still be admitted as evidence but the Chair/Panel should hear submissions from the parties before deciding to do so. Careful consideration will have to be given to the 'weight' to be attached to it as it had been considered necessary in the interests of justice for him to attend to give oral evidence'.

- v. The Chair was mindful that the proceedings must be conducted fairly in accordance with the principles of natural justice.
- vi. The Chair considered that the Panel were due to hear from PC Atherton. However, PC Atherton was signed off work until 14th September 2026. There was no information before her which would help assess whether/when PC Atherton would return to work, and/or be well enough to give oral evidence to the Hearing. She therefore considered that she did not know at that point, with sufficient clarity, when PC Atherton would be available to attend and give evidence to the hearing in the short or long term.
- vii. The Panel did have the written statement of PC Atherton, which was able to be admitted as hearsay evidence, and weighted accordingly. The Officer's and Mr A.'s

account of the incident were available as was CCTV footage and accounts of other Officers.

- viii. The Chair further made enquiries of PC Ibrahim (one of the Officer's present at the scene) and made arrangements for him to give live evidence (via video link), and make himself available for cross examination, should the subject Officer require it. The Chair made it clear that she did not require PC Ibrahim to be called to give live evidence.
- ix. On the first day of the hearing, no renewed applications were made for an adjournment, and Mr McGarvey declined the facility/opportunity for PC Ibrahim to be called to give live evidence.

6. Transitional Arrangements for 'Use of Force' cases commenced before 30th June 2026 and heard after that date.

- i. The LQA spoke to both legal representatives regarding [The Police \(Conduct\) \(Amendment\) Regulations 2026](#) ('the regulations') which came into force on 30 June 2026 and amend the use of force Standard of Professional Behaviour so that the "criminal law test" will apply instead of the "civil law test", when deciding if a police officer has a case to answer for breaching it. This followed the decision of the Supreme Court in *R (on the application of Officer W80) v Director General of the Independent Office for Police Conduct and others* [2023] UKSC 24.
- ii. The LQA referred both parties to the IOPC Policy on applying the amended Use of Force Standard of Professional Behaviour to transitional cases. This case came to the attention of the AA on 7th May 2025 and was heard on 10/11th August 2026. The IOPC Policy was not binding on the AA or the Panel, but all agreed the 'civil law test' applied in the circumstances of this transitional case and in accordance with the IOPC policy.

7. Application to adduce 'Bad Character evidence' in respect of Mr A.

The Panel heard an application by the subject Officer's legal representative to adduce into evidence a caution administered to Mr A for battery in 2008, which had been disclosed by the AA. It involved Mr A pushing another male in the street outside Club Boulevard. Representations were made as to its relevance to the instant proceedings, its potential probative value and procedural fairness. The AA emphasised the caution was administered 18 years ago (17 years prior to the allegation being determined).

The Chair allowed the caution to be put to Mr A, given the similarity of circumstances to the incident under consideration and potential probative value.

The Factual Allegations – PC Gilling

The Panel was referred to a final Regulation 30 notice wherein it was alleged:

1. PC Gilling applied force to Mr A, which was unnecessary, disproportionate and unreasonable in all the circumstances.
2. PC Gilling had Mr A arrested by his colleagues for “assault emergency worker” when there were no reasonable grounds for doing so.
3. PC Gilling then later that day signed a statement and signed a declaration as to the truth of its contents. This statement asserted that Mr A *“had violently thrown a right-handed hook-style punch to his head narrowly missing”* it.
4. This part of the statement was false, and the officer knew it to be false.

Standards of Professional Behaviour

The AA contended that PC Gilling’s actions breached the Standards of Professional Behaviour as set out in Regulation 5 and Schedule 2 of the Police (Conduct) Regulations 2020 (as amended by the Police (Conduct) (Amendment) Regulations 2024 namely:

- (i) Use of Force- *Police Officers only use force to the extent that it is necessary, proportionate and reasonable in all the circumstances.*
- (ii) Honesty and Integrity- *Police Officers are honest, act with integrity and do not compromise or abuse their position.*

In that his conduct may bring the police service into disrepute and damage the relationship of trust and confidence between the police and public.

As a result of that stated herein, if proven, his conduct individually or cumulatively amounts to Gross Misconduct, in that his actions amount to a breach of the Standard of Professional Behaviour relating to **Use of Force** and **Honesty and Integrity** and his dismissal may be justified.

Evidence

The Panel was referred to a bundle of documentary evidence consisting of 130/131 pages.

During the misconduct hearing the Panel heard live evidence from Mr A and the subject Officer PC Gilling. All other evidence had been agreed, including CCTV and BWV evidence.

The Panel particularly considered the Officer's statement (MG11) dated 18th January 2025, his voluntary interview under caution (MG15) dated 3rd October 2025, his Regulation 31 Response dated 23rd June 2026, his Use of Force Form (pages 88-90) together with his live evidence at the Hearing.

Additionally, the Panel received an Opening Note from the AA and 15-character statements/commendations and awards for the subject Officer. All parties agreed they were relevant to PART 1 of the proceedings, given the allegation of breach of the Honesty and Integrity Standard of Professional Behaviour.

Evidential findings of the Panel

The breakdown of the Panel's findings follows:

In coming to its conclusions, the Panel reminded itself that the burden of proof remained on the AA throughout and the standard of proof was on the balance of probabilities. All decisions made by the Panel were made in accordance with this standard of proof.

The Panel considered all the evidence presented in this case, the accounts provided in the written form, submissions, by BWV/CCTV and verbally as part of the hearing.

The breakdown of the Panel's findings was as follows. All findings were made on the balance of probabilities i.e. more likely than not to have occurred.

Panel findings of fact:

The Panel carefully considered the key evidence which was pertinent information to assist in assessing the specific allegations.

The Panel concentrated on the Standard of Professional Behaviour Use of Force- *"Police Officers only use force to the extent that it is necessary, proportionate and reasonable in all*

the circumstances”, PC Gillings honestly held belief at the relevant time, and the first two ‘Use of Force’ allegations in the first instance.

- a. In considering **Mr A’s evidence** namely, his Statement dated 4th August 2026 (Pages 130-131), his police interview dated 19th January 2025 (Pages 77-78) and his live evidence at the hearing the Panel noted the following;

In his police interview dated 19th January 2025 (Pages 77-78) he asserted that;

“The girl I made a passing comment to was with the officer, we were opposite the girl who was spiked, she is from my country, I mentioned that it may have been one to many drinks. I didn’t speak to him, she made a comment to me, the officer then got in my face and asked me to move aggressively, I asked if I was committing an offence, he mentioned a few sections, I said I knew my rights, He then grabbed me aggressively, in a few seconds. He has then lunged at him. I was shocked, I didn’t throw any punches or swear, I was shocked, he didn’t say anything. He just grabbed me, 30 seconds later I was on the floor”

In his statement dated 4th August 2026 (Pages 130-131), he stated;

“PC Gilling then literally grabbed me in an aggressive way; it happened in a split second. He mentioned something, I don’t know if it was about the dispersal order. He mentioned a few sections anyway and he just lunged at me.

That was the context and I was shocked, I didn’t throw any punches, no headbutt, no spitting, nothing, I didn’t even swear. I was the victim; PC Gilling assaulted me”

Mr A gave evidence to the Panel that;

“PC Gilling asked me 2-3 times aggressively to move. He grabbed me by the throat and pushed me up against a car. Officers were already around the scene. Three Officers were around her. He approached me and aggressively asked me to move 3-4 times then he grabbed me by the throat and put me up against a car”

Under cross examination and being shown Exhibit JAI/02 @ 1.09 secs, Mr A acknowledged PC Gilling putting his hand on Mr A’s shoulder with the words “yes I can see that”. Mr A agreed that in response he pulled his arm back when PC Gilling touched him.

- b. In considering **PC Gilling’s evidence**, namely the Officer’s statement (MG11) dated 18th January 2025, his voluntary interview under caution (MG15) dated 3rd October 2025

(Pages 92-128) and his Regulation 31 Response dated 23rd June 2026, his Use of Force Form (pages 85-87) together with his live evidence at the Hearing.

In his MG11 dated 18th January 2025 (Pages 46-48);

“I have then placed my hand on A’s right shoulder and encouraged him towards the West-side pavement.....We have stepped behind one of the parked cars and A has violently thrown a right-handed hook style punch to my head narrowly missing. This has put me in immediate fear of danger as he was aiming to cause serious injury to me..... I have then pushed him away from to prevent any further attempts to assault me... In doing this single push, A has fallen against the boot of the vehicle.”

In his MG15 dated 3rd October 2025 (Pages 92-128);

“And I’ve sort of touched his elbow or his arm or something, never mind, and said, alright step out the road, and then his arm has come up and swung, or my perception was that he swung at me and so I’ve then pushed him once”

In his ‘Use of Force Form’ dated 19th January 2025;

PC Gilling referenced a ‘punch’ in response to the question ‘How were you assaulted’.

Absent of any contrary evidence from the AA, the Panel accepted the evidence of PC Gilling that the electronic ‘Use of Force’ Form gave him no option to clarify it was an attempted punch.

PC Gilling gave evidence to the Panel that;

“Put my hand on his arm. He was moving his arms about in close proximity. I needed a reactionary gap. I could have stepped back, but that would have exposed the female. I was forced into using policing powers- looked back and asked him to come over to the pavement again. I touched him on the upper arm. I never grabbed him round the throat. As I placed my hand on him, he swung his arm across which I interpreted as an attempted punch at me. He swung in front of my body; I was able to push him away”.

c. Statements of other Officer’s present.

The Panel considered the agreed statements of PC Nally (Page 49), A/PS Pache (Page 50) PC Sookhee (Pages 51-52), PC Ibrahim (Pages 53-54 and 59) PC Atherton (Pages 55-57) and PC Kovacs (Page 58).

Taken together they painted a picture of what was happening at the relevant time but did not capture the specifics of the moments the Panel had to determine, save for the references below.

PC Nally describes in the Transcript (SM3) BWV of PC William Gilling, exhibit WGG/01(Page 129) *"I saw him do something and then I saw him push into a guy"*

PC Atherton's account came closest to describing the pertinent moment/incident;

"Standing facing PC Gilling to maintain communication and tactical oversight — I could see that the male was not complying with instructions. He became increasingly loud and confrontational, drawing attention and obstructing officers. As PC Gilling gave further instructions, I observed the male raise his hands in an agitated manner, appearing to escalate the encounter.

Due to his non-compliant and aggressive behavior, I stepped in to assist PC Gilling. Multiple officers became involved due to the level of disruption and the busy environment. We attempted to guide the male away, but he actively resisted. He was safely taken to the ground using appropriate control techniques and was arrested by PC Ibrahim for Assault on Emergency worker".

d. Character evidence presented by the Officer and submitted as agreed by the AA into PART 1 of these proceedings

The Panel noted that two Chief Inspector's give character evidence for the subject Officer.

The Panel found the references, commendations and awards impressive. It was apparent to the Panel that the subject Officer had a passion for initiatives to combat 'violence against women and girls' noted his desire to serve the public and that he was a hardworking officer.

e. Character direction.

The LQA gave a full 'Good Character' direction to the Panel in respect of PC Gilling, as follows;

The "good character" direction.

"You have heard that the Officer is a man of good character [not just in the sense that he has no conduct findings recorded against him, but witnesses have spoken of his positive qualities.]

Of course, good character cannot by itself provide a defence to the allegations but when deciding whether the AA has proved the allegations against him on the balance of probabilities the Panel should take it into account in his favour in the following ways.

a. If the Officer has given evidence, as with any man of good character it supports his credibility.

This means that it is a factor which the Panel should take into account when deciding whether they believe his evidence and what weight they should attach to it. The Panel should bear in mind that it was made by a person of good character and take that into account when deciding whether they can believe it.

b) In the second place, the fact that he is of good character may mean that he is less likely than otherwise might be the case to commit the conduct as alleged.

These are matters to which the Panel should have regard in the Officer's favour. It is for the Panel to decide what weight they should give to them in this case".

Mr A's character.

Despite the 2008 caution for battery being introduced into evidence, the Panel did not rely on it as 'Bad Character' evidence to distinguish between the disputed interpretation of facts between Mr A and PC Gilling. It did however go to assist the Panel in correcting a misleading picture Mr A painted of himself, when initially in evidence he denied ever being violent outside a club and that he was not a violent person. Mr A went on to refuse to answer any questions regarding the caution and maintained he was very young when it happened and he had forgotten about it.

f. Video/CCTV/BWV evidence.

Having studied all the footage provided, the Panel concluded there was nothing shown in any of the footage that demonstrated conclusively a punch or swing from Mr A towards PC Gilling at the relevant point in time, as the most insightful footage in Exhibit JAI/02 or SM15 was a view of Mr A from behind.

It did however show @ 1.09 secs, that as PC Gilling put his hand on Mr A's right arm- Mr A's right arm is raised, bent with his elbow uppermost. The Panel was unable to determine where Mr A's arm went next. Mr A presented as taller than PC Gilling.

g. Further Considerations

It appeared to the Panel that the situation at this point was clearly becoming more heightened, with raised voices and an altercation/argument between Mr A and PC Gilling as described by PC Atherton in his written statement.

PC Atherton- *“had been standing facing PC Gilling and he could see the male was not complying with instructions. He became “increasing loud and confrontational, drawing attention and obstructing officers” and “PC Atherton stepped in to assist PC Gilling, and multiple officers became involved due to the level of disruption and busy environment. They attempted to guide the male away, but he actively resisted”*

Mr A accepted in evidence that other officers came to join PC Gilling but denied it was as a result of the volume of his voice, insisting he was calm throughout and denied getting louder or aggressive in tone. The Panel preferred the evidence of PC Gilling and PC Atherton with regards to this issue.

The Panel noted that PC Gilling immediately shouted to his colleagues for Mr A to be arrested for ‘assault emergency worker’ which appeared to the Panel to corroborate his belief that Mr A had swung a punch at him.

PC Sookhee- *“I had my back turned away and as I was facing away, I heard PC Gilling shout words to the effect of ‘you’ve just tried to punch me, you’re under arrest for assault on an emergency worker’ as I have heard this, I have immediately turned around and took hold of this male along with PC Ibrahim and PC Atherton”*

The Panel further noted that PC Gilling, at the scene, appeared confident that the swing/punch would be apparent from CCTV footage. PC Gilling made his MG11 statement, not having seen any CCTV or BWV footage and asserted that Mr A *“has violently thrown a right-handed hook style punch to my head narrowly missing”* lending weight to the subject Officer’s honestly held belief that CCTV would cover the crucial part of the incident and show what the Officer maintained had happened. The Officer could not have known at this stage that the CCTV footage would not cover the required angle.

Conclusion

The Panel found that on the balance of probabilities, PC Gilling’s honestly held belief was that Mr A attempted to punch him, in the instant of him raising his arm immediately following PC Gilling placing his hand on Mr A’s shoulder.

In these circumstances the Panel determined the following;

- h. PC Gilling applied force to Mr A, which was unnecessary, disproportionate and unreasonable in all the circumstances. The Panel found this allegation not proven.

- ii. PC Gilling had Mr A arrested by his colleagues for “assault emergency worker” when there were no reasonable grounds for doing so. The Panel found this allegation not proven.
- iii. PC Gilling then later that day signed a statement and signed a declaration as to the truth of its contents. This statement asserted that Mr A *“had violently thrown a right-handed hook-style punch to his head narrowly missing”* it. The Panel found this allegation not proven.
- iv. This part of the statement was false, and the officer knew it to be false. The Panel found this allegation not proven.

The Panel found these allegations not proven and consequently there were no breaches of the Standards as alleged.

i. Decision on Publication

The Panel heard no representations as to why the Panel’s decision should not be published. The Panel decided that the decision should be published in accordance with the requirement in Reg. 43(6) 2020 Regulations since it was important that misconduct hearings and decisions were transparent.

Commander Chapple (Chair)

Ms Deborah Fajoye and Ms Sadhana Patel (IPMs)

12th August 2026