

Accelerated Misconduct Hearing

Finding and Outcome

PC Garry Smith (P257586)

Date of hearing: 18 May 2026

Standards Breached:

- Integrity
- Discreditable Conduct

Appearances

Chair: Commander Andy Brittain

Legal Advisor: Mr Simon Barnes (Barrister)

Counsel for the Appropriate Authority: Ms Louise McCullough

Counsel for PC Smith: Ms Miranda Zeffman

PC Smith (“Officer”) was present.

The hearing was conducted in public.

Allegations

Allegation 1

On 15th May 2025, 20th May 2025, 25th May 2025, 30th May 2025, 9th June 2025, 10th June 2025, 1st July 2025, 29th July 2025, 8th September 2025, 29th September 2025 PC Smith signed a declaration to [REDACTED] asserting that he would comply with statutory rest requirements and fitness to drive. Tachograph and CARMS data between 21st June 2025 and 26th September 2025 proved that to be false.

Allegation 2

Between 21st June 2025 and 26th September 2025 PC Smith failed to comply with the legal obligations under EU Regulation 561/2006 and the Transport Act 1968 which mandate minimum rest periods for drivers. These obligations are reinforced by MPS policies on secondary employment and safe working practices.

Allegation 3

3. On 31st December 2025 PC Gary Smith pleaded Guilty to a number of offences contrary to Section 96 (11A) of the Transport Act 1968 before the Westminster Magistrates Court

Allegation 3.1

Being a driver of a motor vehicle failing to take at least 24 hours reduced weekly rest period after 6 daily driving periods - EC

Particulars

- i. On 22/06/2025 at Gravesend in Kent, being the driver of a motor vehicle, namely A Passenger Carrying vehicle at a later date in scope of the drivers hours regulations, took a reduced weekly rest period of less than twenty four consecutive hours, namely 22 Hours and 15 minutes, after six daily driving periods ending at 2200 hours on 22/06/25 in contravention of Article 8(1) and (6) of the Community Drivers' Hours Regulation.

Allegation 3.2

Being a driver of a motor vehicle failing to take at least 24 hours reduced weekly rest period after 6 daily driving periods - EC

Particulars

- ii. On 07/07/2025 at Gravesend in Kent, being the driver of a motor vehicle, namely A Passenger Carrying vehicle at a later date in scope of the drivers hours regulations, took a reduced weekly rest period of less than twenty four consecutive hours, namely 23 Hours , after six daily driving periods ending at 0600 on 07/07/25 in contravention of Article 8(1) and (6) of the Community Drivers' Hours Regulation.

Allegation 3.3

Being a driver of a motor vehicle failing to take at least 24 hours reduced weekly rest period after 6 daily driving periods - EC

Particulars

- iii. On 28/07/2025 at Gravesend in Kent, being the driver of a motor vehicle, namely A Passenger Carrying vehicle at a later date in scope of the drivers hours regulations, took a reduced weekly rest period of less than twenty four consecutive hours, namely 22 Hours , after six daily driving periods ending at 0700 on 28/07/25 in contravention of Article 8(1) and (6) of the Community Drivers' Hours Regulation.

Allegation 3.4

Being a driver of a motor vehicle failing to take at least 24 consecutive hours reduced weekly rest period after 6 daily driving periods - EC

Particulars

- iv. On 04/08/2025 at Gravesend in Kent, being the driver of a motor vehicle, namely A Passenger Carrying vehicle at a later date in scope of the drivers hours regulations, took a reduced weekly rest period of less than twenty four consecutive hours, namely 19 Hours 45 minutes , after six daily driving periods ending at 0500 on 04/08/25 in contravention of Article 8(1) and (6) of the Community Drivers' Hours Regulation.

Allegation 3.5

Being a driver of a motor vehicle failing to take at least 45 consecutive hours weekly rest period after 6 daily driving periods - EC

Particulars

- v. On 05/08/2025 at Gravesend in Kent, being the driver of a motor vehicle, namely A Passenger Carrying vehicle at a later date in scope of the drivers hours regulations, took a weekly rest period of less than forty five consecutive hours, namely 22 Hours, after six daily driving periods ending at 0500 on 05/08/25 in contravention of Article 8(1) and (6) of the Community Drivers' Hours Regulation.

Allegation 3.6

Being a driver of a motor vehicle failing to take at least 45 consecutive hours weekly rest period after 6 daily driving periods - EC

- vi. On 12/08/2025 at Gravesend in Kent, being the driver of a motor vehicle, namely A Passenger Carrying vehicle at a later date in scope of the drivers hours regulations, took a reduced weekly rest period of less than forty five consecutive hours, namely 38 Hours and 52 minutes, after six daily driving periods ending at 2152 on 12/08/25 in contravention of Article 8(1) and (6) of the Community Drivers' Hours Regulation.

Allegation 3.7

Being a driver of a motor vehicle failing to take at least 24 hours reduced weekly rest period after 6 daily driving periods - EC

- vii. On 14/08/2025 at Gravesend in Kent, being the driver of a motor vehicle, namely A Passenger Carrying vehicle at a later date in scope of the drivers hours regulations, took a reduced weekly rest period of less than twenty four consecutive hours, namely 22 Hours, after six daily driving periods ending at 2152 on 14/08/25 in contravention of Article 8(1) and (6) of the Community Drivers' Hours Regulation.

Allegation 3.8

Being a driver of a motor vehicle failing to take at least 24 hours reduced weekly rest period after 6 daily driving periods - EC

- viii. On 26/08/2025 at Gravesend in Kent, being the driver of a motor vehicle, namely A Passenger Carrying vehicle at a later date in scope of the drivers hours regulations, took a reduced weekly rest period of less than twenty four consecutive hours, namely 22 Hours, after six daily driving periods ending at 0900 on 26/08/25 in contravention of Article 8(1) and (6) of the Community Drivers' Hours Regulation.

Allegation 3.9

Being a driver of a motor vehicle failing to take at least 24 consecutive hours reduced weekly rest period after 6 daily driving periods - EC

- ix. On 06/09/2025 at Gravesend in Kent, being the driver of a motor vehicle, namely A Passenger Carrying vehicle at a later date in scope of the drivers hours regulations, took a reduced weekly rest period of less than twenty four consecutive hours, namely 22 Hours, after six daily driving periods ending at 0700 on 06/09/25 in contravention of Article 8(1) and (6) of the Community Drivers' Hours Regulation.

Allegation 3.10

Being a driver of a motor vehicle failing to take at least 45 consecutive hours weekly rest period after 6 daily driving periods - EC

- x. On 14/08/2025 at Gravesend in Kent, being the driver of a motor vehicle, namely A Passenger Carrying vehicle at a later date in scope of the drivers hours regulations, took a weekly rest period of less than forty five consecutive hours, namely 37 Hours and 53 minutes, after six daily driving periods ending at 0700 on 14/09/25 in contravention of Article 8(1) and (6) of the Community Drivers' Hours Regulation.

Allegation 3.11

Being a driver of a motor vehicle failing to take at least 24 consecutive hours reduced weekly rest period after 6 daily driving periods - EC

- xi. On 25/09/2025 at Gravesend in Kent, being the driver of a motor vehicle, namely A Passenger Carrying vehicle at a later date in scope of the drivers hours regulations, took a reduced weekly rest period of less than twenty four consecutive hours, namely 22 Hours, after six daily driving periods ending at 0605 on 25/09/25 in contravention of Article 8(1) and (6) of the Community Drivers' Hours Regulation.

Professional Standards of Behaviour

In the circumstances, the Appropriate Authority contends that your actions breached the Standards of Professional Behaviour as set out in the Regulation 5 and Schedule 2 of the Police (Conduct) Regulations 2020 (as amended by the Police (Conduct) (Amendment) Regulations 2024, namely:

- (i) Honesty and Integrity
- (ii) Orders and Instructions; and
- (iii) Discreditable Conduct

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

As a result of that stated herein, if proven, your conduct individually or cumulatively amounts to gross misconduct and your dismissal may be justified.

Terminology

“AA” – the Appropriate Authority, namely the Metropolitan Police Service (“MPS”)

“Regulations” – the Police (Conduct) Regulations 2020 (as amended)

“Outcomes Guidance” - Guidance on Outcomes in Police Misconduct Proceedings issued by the College of Policing

“2025 Regulations” – the Police (Conduct, Performance and Complaints and Misconduct) (Amendment) Regulations 2025

Background

1. In summary, intelligence was received by the AA that police officers were working part time for a coach company undertaking driving work and were failing to record their working hours in compliance with EU Regulation 561/2006 and the Transport Act 1968. Tachograph data was obtained and analysed by a specialist unit within the AA. This was correlated with CARMS duty records and revealed infringements by three officers, one of whom was PC Smith. The infringements involved failing to take the required rest periods from driving and discrepancies between declarations made to the coach company and the actual hours worked.
2. PC Smith was prosecuted and pleaded guilty to a number of offences contrary to Section 96 (11A) of the Transport Act 1968 before the Westminster Magistrates’ Court.

Evidence

3. I was provided with a bundle of evidence which included:
 - a. Witness statement of [REDACTED], Transport Manager of the coach company
 - b. AA’s Business Interests SOP
 - c. EU Regulation 561/2006 - relevant EU regulations underpinning s96(11A) Transport Act 1968
 - d. Declarations to the coach company signed by the Officer
 - e. Tachograph and CARMs comparison spreadsheet
 - f. Witness statement of PC Joanna Dowse who analysed the CARMS data
 - g. Witness statement of PC Dan Hives who analysed the Tachograph data
 - h. Record of the Officer’s convictions by Westminster Magistrates’ Court
 - i. Character evidence relating to the Officer

Application to adjourn the hearing

4. At the beginning of the hearing, and as alluded to in the Officer's Regulation 54 response, Ms Zeffman made an application to adjourn the hearing for four weeks on two grounds.
5. First, in order to obtain an expert report regarding the Officer's possible [REDACTED]. It was submitted that this was relevant to the alleged breach of the standard of Honesty and Integrity because the Officer's case was that the errors were genuine, inadvertent errors and [REDACTED] was obviously relevant. Ms Zeffman stated that there had been insufficient time to obtain funding.
6. Second, to obtain from the AA disclosure of the full tachograph data. The AA had informed the Officer that they were unable to provide the data because they did not have it, and in any event, it would require special training and software to view it. Ms Zeffman stated that this cannot be correct because documents in the bundle referred to [REDACTED] emailing the data to PC Hives, and PC Hives described receiving the data via email and importing it into Tachoscan software and analysing it. Ms Zeffman submitted that the Officer will be cross examined on the spreadsheet contained in the bundle and, as a matter of fairness, should have the opportunity to look at the underlying data.
7. The AA opposed the adjournment on the basis that, with regard to the first ground, the Allegations were based on the convictions and it was in the public interest for the Officer to cease being a police officer without delay. Ms McCullough questioned how an expert report would assist in undermining the convictions.
8. With regard to the second ground, Ms McCullough submitted that the Allegations were predicated entirely on the Officer's guilty pleas and the AA did not intend to cross examine the Officer about the data.
9. I received and accepted the following advice from the Legal Advisor:
 - There was an overriding duty to ensure that the proceedings were fair
 - Police misconduct proceedings are subject to the provisions of the Equality Act 2010 and the matters raised by the Officer were capable of being protected characteristics
 - On the other hand, this was a case about criminal convictions
 - I should apply the guidance in CPS v Picton (2006) EWHC 1108
10. I handed down the following decision which is set out below in italics.

I have listened carefully to the submissions of both parties and have accepted the advice of the Legal Advisor. I am mindful of my duty to be fair to both parties

and of my duties under the Equality Act 2010. In my view, the primary issue in this case is that the Officer has been convicted of a number of criminal offences and I have approached my decision on that basis.

With regard to the expert report, the Officer has had some time to obtain an expert report and any such report would not change the fact of his convictions for a number of offences to which he pleaded guilty. There is a public interest in misconduct cases proceeding without undue delay and I am not persuaded to adjourn the case on the basis of an expert report.

With regard to disclosure of the tachograph data, the AA have confirmed that they do not seek to cross examine the Officer in detail on the tachograph data and in any event the Officer has been provided with data in the form of a spreadsheet. I am therefore not persuaded to adjourn the case on this basis either.

As such, the application to adjourn is refused and the hearing will proceed.

Facts, Standards of Professional Behaviour and Gross Misconduct

11. The Allegations were read out, and Ms Zeffman confirmed the Officer's position as follows.
12. Allegation 1- the Officer accepted signing the declarations. It was his intention to comply with the rest requirements, and he believed he was filling out the forms honestly and complying.
13. Allegation 2 – the Officer accepted having inadvertently failed to comply.
14. Allegation 3 - this was accepted. The Officer had pleaded guilty and did not seek to go behind the convictions.
15. Ms McCullough presented the AA's case. She referred to the evidence in the bundle and submitted that the facts alleged were proved on the basis of the Officer's convictions, his signed declarations to the coach company, and the tachograph and CARMS data.
16. She submitted that there was a breach of the standard of Orders and Instructions because there had been a breach of the driving regulations. With regard to Honesty, the Officer had submitted signed declarations to the coach company which were false. She submitted that the professional standard of Discreditable Conduct was breached on the basis that the conduct brought the police into disrepute and undermined public confidence. She submitted that the conduct was so serious as to be Gross Misconduct because the Officer had been convicted of offences. She referred to the Outcomes Guidance dealing with convictions and submitted that any conviction with serious, would impact public confidence, and would be disclosable in any criminal proceedings in future. She also submitted there had been an inherent risk created by the Officer in breaching the driving regulations because it gave rise to a risk that he was too

tired to drive.

17. The Officer gave evidence.

18. In his evidence in chief, he stated that it had always been his ambition to join the police but he had struggled with the academic learning. He had started working for the coach company in order to pay for expensive vet bills. He was aware of the driving time regulations and in signing the declarations to the coach company he genuinely believed he'd been complying with his hours and he had worked them out correctly. He explained that when he was recording his driving hours he would write out his working hours 28 days in advance. He had been advised to use this method by the coach company and he illustrated his points by referring me to an example in the bundle. He explained that the error had come about because a police working day was between 7:00 am to 7:00 pm and a coach company working day was between 6:00 am to 6:00 pm. The different times caused confusion and what he described as a 'cascading effect' which then put all the figures for that month out of sync. He also stated that his shifts for the police could sometimes finish late out of necessity, for example if he was dealing with a prisoner, and because he had written out his hours in advance, this again led to errors.

19. He stated that he did not gain from the errors because they either meant that he was eligible or ineligible for work and essentially the errors cancelled themselves out. He had pleaded guilty because he accepted that he had committed the offences, however he believed at the time that the information he had recorded was accurate. Nevertheless, he accepted that he had made mistakes and that was why he pleaded guilty. He immediately informed the police about the situation and had acted with full transparency. It was also pointed out that the Traffic Commissioner had found that he had not been dishonest and the Traffic Commissioner had before them the same information as in these misconduct proceedings. He was devastated that his honesty and integrity were being questioned and this was a genuine error.

20. In cross examination, he stated that he had worked part time for the coach company since 2023. He could not recall making any other declarations to the coach company apart from those contained in the bundle. He had recorded his hours by hand and had not used a spreadsheet because that was a method which worked for him, but he now appreciated it would have been better to have used a spreadsheet.

21. In answer to my questions, he stated that he was aware that the purpose of the driving regulations was to ensure road safety and compliance with the working time directives and, most importantly, to ensure that drivers had the required rest periods so they were not too tired to drive. He agreed that he had done a lot of overtime including working on his police rest days. I asked him whether he thought that he should have revisited the hours submitted to the coach company. He stated that in hindsight he could have done the recording in a

better way, but he accepted that having worked out the working hours in advance, he did not then review that data to ensure that he had recorded the actual hours he had worked.

22. After the Officer had given evidence, Ms Zeffman made submissions. She submitted that the conduct was at a level of severity which was Misconduct but not Gross Misconduct. She stated that the Officer accepted that he had breached the standard of Discreditable Conduct because he should have been more careful. With regard to the professional standard of Orders and Instructions, she submitted that it was not clear how the Officer had breached the policy on business interests which was in the bundle. The AA had not identified any specific policy provision which was said to have been breached.
23. With regard to the professional standard of Honesty, she referred to the test in Ivey v Genting Casinos and submitted that the Officer genuinely believed that he was recording the hours correctly, these were strict liability offences with no element of dishonesty involved, the Officer struggled with academic learning and he had made genuine errors which had cascaded through the figures for the whole month. He had not gained anything from his mistakes. She referred to the Officer's character evidence.
24. With regard to the standard of Integrity, this could include failing to act in the right way, or not doing the right thing. She referred to the case of Wingate that Officers should not be expected to meet unrealistically high standards. She submitted that if it was accepted that the errors were genuine, then it could not be said that the Officer lacked integrity.
25. With regard to Gross Misconduct, she submitted that the conduct was not so serious as to justify dismissal.
26. With regard to culpability, this was not conduct that was intentional, targeted or planned. There was no presumption that a criminal conviction must result in Gross Misconduct. She urged me to examine closely the circumstances of the offending and form my own view of the gravity of the case. She submitted that if the public knew that the errors were inadvertent then it would not undermine public confidence in the police.
27. With regard to harm, she submitted that there was no direct harm. She drew attention to the decision of the Traffic Commissioner who found that it was not likely that the Officer would have been too tired or unfit to drive. The nature of the offences did not involve dishonesty and this was not a conviction which would give rise to a concern about the Officer's ability to act in the evidential chain. The Officer had gained nothing from his conduct, there was no ill intent. The Officer had expressed remorse. He also had [REDACTED].
28. I accepted advice from the Legal Advisor as follows.

- The burden of proof is on the AA and the standard of proof is the balance of probabilities.
- I may find matters proved on the basis of the Officer's admissions so long as I am satisfied that the admissions are clear, informed, and unequivocal.
- I should take the convictions at face value and not seek to go behind them.
- With regard to Allegation 2, the facts alleged are supported by the convictions in Allegation 3.
- With regard to Allegation 1, it is not in dispute that PC Smith signed the declarations. The allegation states that tachograph and CARMS data between 21 June 2025 and 26 September 2025 proved that to be false. The word 'false' can mean deceptive or deceiving, which would be relevant to dishonesty; or it can mean something more neutral such as 'wrong' or 'incorrect'. PC Smith's case is that he made an honest mistake. If I should find the facts of Allegation 1 proved, then I should make it clear whether or not I have found the declarations to have been honest mistakes; or deceptive or deceitful.
- Character evidence. Evidence of good character, whether that is an absence of any disciplinary findings against an officer, or evidence of positive good character derived from testimonials, is not a defence to the allegations. Evidence of the Officer's good character should be taken into account in two respects:
 - a. First, when assessing the credibility of his account; and
 - b. Second, when assessing the propensity for the Officer to behave as alleged.

This is especially relevant to the allegation of dishonesty.
- Equality Act 2010. At paragraphs 7 and 8 of his Regulation 54 response, PC Smith has indicated that he may have two conditions which are capable of being protected characteristics. However, he has not provided any independent expert evidence on the basis that there is insufficient time in the Accelerated Misconduct Hearing process to do so. In the absence of independent expert evidence, I should note the position, but do not have sufficient evidence before me to take those issues any further.
- Dishonesty. In Fish v General Medical Council [2012] EWHC 1269 (Admin), the High Court stated that an allegation of dishonesty against a professional person is one of the allegations that he or she fears most because it can be career ending. The Court stated that an allegation of

dishonesty should be clearly particularised so that the person against whom it is made knows how the allegation is put and can seek to answer it. In this case, the offences to which PC Smith pleaded guilty did not involve dishonesty. The misconduct allegations themselves do not specifically allege dishonesty other than the use of the word ‘false’ in Allegation 1. Honesty is included as one of the standards alleged to be breached, but there is no further explanation in the Regulation 51 notice as to basis on which PC Smith is alleged to have been dishonest. I was advised that, before proceeding to consider the test for dishonesty, I should first consider whether I am satisfied that the AA have clearly particularised its case in this regard.

- Honesty. If I find that the AA has clearly particularised its case on dishonesty, I should then apply the well known test derived from Ivey v Genting Casinos (UK) Ltd [2017] UKSC 67:
 - a. What did the Officer know or believe as to the facts and circumstances in which the alleged dishonesty arose?
 - b. Given the Officer’s knowledge and belief of the circumstances he was in, was his conduct dishonest by the standards of an “ordinary decent person”?
- Integrity. A finding of a lack of integrity can be made absent any dishonesty. Integrity is a broader concept than honesty and was considered in the well known Court of Appeal decision of Wingate and another v Solicitors Regulation Authority; Solicitors Regulation Authority v Malins [2018] EWCA Civ 366. The Court held that ‘integrity’ expresses the higher standards which society expects from professional people and which the professions expect from their own members. The underlying rationale is that the professions, in this case the police, have a privileged and trusted role in society and in return they are required to live up to their own professional standards. Integrity connotes adherence to the ethical standards of the profession and involves more than mere honesty.
- I was also reminded of the statutory definitions of Orders and Instructions and Discreditable Conduct.
- Gross Misconduct means a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal. In deciding whether any breaches of the professional standards are Gross Misconduct, I was advised to follow the approach in the Outcomes Guidance for assessing severity.
- With regard to culpability, my attention was drawn to paragraph 4.17 onwards of the Outcomes Guidance which deals with criminal

convictions.

29. I handed down the following decision which is set out below in *italics*.

I have carefully considered the submissions from both parties and I have had regard to the Officer's character evidence.

With regard to Allegation 1, it is not in dispute that the Officer signed the declarations exhibited in the bundle. He admitted that he had made errors in doing so which, in his words, then cascaded through the data in each working month, leading to generalised errors. However, the AA puts its case on the basis that it is the CARMS and tachograph data between 21 June 2025 and 26 September 2025 which proves that the declarations were false. I find this allegation partially proved on the basis that only the declarations dated 1 July 2025, 29 July 2025 and 8 September 2025 fall within the date range of the CARMS and tachograph data relied on by the AA. With regard to the allegation that the declarations were "false", I find that the errors were negligent rather than deceitful.

With Allegation 2, I find that PC Smith failed to comply with his legal obligations under the EU Regulation 561/2006 and the Transport Act 1968 on the basis of his convictions. I could not identify any specific element of the Met Police policy on secondary employment which was breached and therefore I find that element of Allegation 2 not proved.

With regard to Allegation 3 – this was not denied and I find this proved on the basis of the Officer's admissions and the certificate of conviction.

Standards of Professional Behaviour

Dishonesty – I am not convinced by the AA's case that the Officer was dishonest. I do not find a breach of the standard of Honesty.

Lack of Integrity – the Officer recorded base shifts in advance of working the shifts in question, and then chose not to go back and adjust the hours based on what he had actually worked. Integrity is a broader concept than Honesty which expresses the higher standards which society expects from professional people and which the professions expect from their own members. As a police officer and an experienced coach driver, PC Smith would have been well aware of the importance of complying with driving time regulations and he should have known the importance of accurately recording this data. I therefore find that his conduct whilst not dishonest, lacked Integrity.

Discreditable Conduct – I find that PC Smith breached the standard of Discreditable Conduct on the basis that his conviction for multiple offences discredits the police service and will undermine public confidence in it.

Orders and Instructions – as I have not found that PC Smith breached an internal policy, I do not find this standard to have been breached.

Gross Misconduct

I have followed the approach in the College of Policing Outcomes Guidance for assessing seriousness.

With regard to culpability, in his evidence the Officer admitted that he had not properly recorded his hours and he had chosen to rely on data which he prepared in advance and then did not amend based on actual hours worked. As a police officer and former professional coach driver he would have been well aware of the importance of doing this and the risk that was created to the public through driving over the lawful number of hours. He has been convicted of a number of offences and I find that these are serious matters because the purpose of the driving regulations is to ensure that professional drivers are properly rested and are safe on the road. Were the public to learn that police officers were driving in breach of the regulations and were potentially not safe on the road, then this will have a negative impact on public confidence. I find that PC Smith is fully culpable for his actions.

With regard to harm, there is harm to public confidence and damage to the reputation of the Met police by virtue of an officer being convicted of these offences.

Aggravating circumstances

There are multiple convictions and there is a pattern of sustained behaviour.

Mitigating circumstances

PC Smith pleaded guilty and has cooperated throughout. He has accepted responsibility and demonstrated remorse and insight.

Overall assessment of seriousness

These driving regulations exist to keep the public safe on the roads and breaching them on multiple occasions is serious and I therefore find that the proven conduct is Gross Misconduct.

Outcome

30. Ms McCullough reminded me that there was a presumption of dismissal unless I found there to be exceptional circumstances.
31. Ms Zeffman accepted that the presumption of dismissal applied. She submitted that there were exceptional circumstances in this case. Those are raised both from personal mitigation and the underlying facts.
32. With regard to personal mitigation, there had been no dishonesty or financial gain. The Officer had cooperated fully throughout the criminal and misconduct proceedings. He had behaved impeccably and had kept his managers fully informed at all times. He was remorseful and this behaviour was very out of character. This was supported by the reference from his line manager in particular. The Officer had come from a difficult background and had worked his way up to being a police officer. He was passionate about working for the police.

33. With regard to the facts underlying the Gross Misconduct, Ms Zeffman submitted that the Officer had breached what was a very complicated provision of EU law and in some cases the breach was simply by a couple of hours. The Officer had not derived any benefit from the breach, and there was no dishonesty.
34. Ms Zeffman submitted that in all the circumstances this was a rare example of a conviction which would not reduce public confidence in the police if the public were fully aware of the underlying facts. She invited me to impose a less severe sanction.
35. I accepted the advice of the Legal Advisor that the Police (Conduct, Performance and Complaints and Misconduct) (Amendment) Regulations 2025 apply because the conduct came to the attention of the AA on 19 December 2025 which was after 28 May 2025 when the 2025 Regulations came into force. As I had found Gross Misconduct, I must impose disciplinary action which must be dismissal without notice, or if I were satisfied that there are exceptional circumstances which justify it, a final written warning. There is no law or guidance on the meaning of “exceptional circumstances”, so I should give the words their ordinary and natural meaning. Any such circumstances would need to have a definable quality which makes them ‘exceptional’.
36. I had regard to the Officer’s record of service and character references. I followed the approach in the Outcomes Guidance and handed down the following decision which is set out below in *italics*.

I have already undertaken a detailed analysis of culpability, harm, aggravating and mitigating circumstances and I do not repeat that. My overall assessment of seriousness is that breaching the driving regulations on multiple occasions is serious. I have reminded myself of the threefold purpose for imposing outcomes in police misconduct proceedings and of paragraph 4.4. of the Outcomes Guidance which states:

“The most important purpose of imposing disciplinary sanctions is to maintain public confidence in, and the reputation of, the policing profession as a whole. This dual objective must take precedence over the specific impact that the sanction has on the individual whose misconduct is being sanctioned.”

I have carefully considered the personal mitigation and character references and whether there are any exceptional circumstances which would dislodge the presumption of dismissal.

However, I am not persuaded that the factors in this case are exceptional. This means that the only outcome can be dismissal without notice and the Officer placed on the Barred List.

Publication and Barred List

37. There is no reason to depart from the usual position that this report and the Officer’s Barred List entry are public.

Right of Appeal

38. There is a right to appeal against this decision to a Police Appeals Tribunal.

Commander Andy Brittain

Chair

20/05/2026