

In the matter of the British Transport Police (Conduct) Regulations 2020;

APPROPRIATE AUTHORITY FOR
THE BRITISH TRANSPORT POLICE

V

PC ANIL CHUTTE [0537]

CASE REF CM/180/25

Regulation 43 Outcome Report

Location: PSD Offices, 10 Toft Green, York, Y01 6JT

Date: 23-25 June 2026

Legally Qualified Chair: Julian Weinberg

Independent Panel Member: Vincent Walker

BTP Chief Superintendent: David Rams

Outcome: Gross Misconduct

Sanction: Dismissal Without Notice

1. The Appropriate Authority (“AA”) was represented by Ms Chloe Hill. The Officer was represented by Mr Felix Keating.

Background

2. The matter concerns allegations that during a period of approximately four months in 2025 the Officer retained a BTP vehicle at his home address without a legitimate policing purpose or appropriate authority. It is further alleged that he used this vehicle for personal purposes whilst off duty on eight occasions on 19 May, 20 May, 12 June, 13 June, 20 June, 9 July, 27 August, and 2 September 2025.
3. It is alleged that on being given an instruction to return the vehicle to the BTP in Nottingham on 1 September 2025, the Officer failed to do so until 4 September 2025.
4. The Officer in his regulation 31 response denied taking the vehicle without a legitimate policing purpose, but accepts that he did not have the appropriate authority. The Officer, admitted the facts of allegation b, d, e, h, l and j. He further admitted that his conduct amounted to a breach of the Standard of Orders and Instructions only. He denied breaching the Standards in relation to Discreditable Conduct or Honesty and Integrity (Integrity only).
5. In respect of the Standards of Professional Behaviour, he accepted breaching the standard in relation to Orders and Instructions, to the level of misconduct only.
6. The AA relied on a bundle of evidence presented by it which includes, but is not limited to, the following documentary evidence:
 - The Investigating Officer’s Report;
 - The Regulation 30 Notice including the allegations;
 - Statements of TDI Burn (currently PS Burn) dated 28 October 2025;
 - A copy of PS Burn’s pocket notebook entry;
 - The Officer’s signed prepared statements dated 4 December 2025;
 - Copy emails and WhatsApp messages;
 - The Officer’s Regulation 31 response;
 - Documentation relating to vehicle FG23 KBV;
 - A simplified version of Telematics;
 - The Driving Standard Manual v2.6; and

- A number of positive references/testimonials from colleagues in support of the Officer.
7. At the outset of the hearing, the Officer made the following admissions in relation to the facts:
- a), in part, in that he accepted he took the vehicle without lawful authority, but denied that he did so without a legitimate policing purpose;
 - b) admitted in full;
 - c) in part, in that he accepts some incidental personal benefit but that the vehicle was primarily used for operational reasons;
 - d) admitted in full;
 - e) admitted in full;
 - f in part in that PS Burn was unspecific as to when the vehicle had to be returned;
 - g, in part, in that the Officer accepted he drove the vehicle to a gym, but not to a retail park;
 - h) admitted in full;
 - i) admitted in full; and
 - J) admitted in full.
8. He admitted a breach of the standard of Orders and Instructions, but denied breaching the standards in relation to Discreditable Conduct and Honesty and Integrity. He accepted his conduct amounted to misconduct only.
9. DS Burn gave live evidence and the Panel also heard live evidence from the Officer.

Findings of fact

10. Having considered all the evidence before it, the Panel makes the following findings of facts. In doing so, it has had regard to the fact that the burden of proof in this case is on the AA and that the civil standard applies, namely proof on the balance of probabilities. It had regard to the Home Office Guidance (“HOG”) which states:

“9.10 In deciding matters of fact, the persons conducting the misconduct meeting or hearing must apply the standard of proof required in civil cases, that is, the balance of probabilities. Conduct will be proved on the balance of probabilities if the persons conducting the meeting or hearing are satisfied by the evidence that it is more likely than not that the conduct occurred. The balance of probabilities is a single unvarying

standard (i.e. there is no sliding scale). The seriousness of the allegation of misconduct and/or the seriousness of the consequences for the Officer do not require a different standard of proof, merely appropriately careful consideration by the Panel before it is satisfied of the matter which has to be established. The inherent probability or improbability of the conduct occurring is itself a matter to be taken into account when deciding whether, on the balance of probabilities, the conduct occurred.”

11. It is also mindful of the extent to which the passage of time may have affected a witness's memory and that memories can fade with the passage of time. Recollections may change or may become confused as to what did or did not happen at a particular time. It has borne in mind that an honest witness can be mistaken, and a mistaken witness is not necessarily wrong about every fact.
12. The Panel is also mindful not to assess a witness's credibility exclusively on their demeanour when giving evidence, but that their veracity should be tested by reference to objective facts proved independently in their evidence, in particular by reference to the documents in the case.
13. The Panel has taken into account the Officer's relative good character in considering the reliability of his evidence and his propensity to act as alleged. In that regard, the Panel has been informed that the Officer received a Final Written Warning in 2015 for a breach of the Standards of Orders and Instructions and Duties and Responsibilities having inappropriately removed Police uniform, a baton, spray and a body worn camera when seconded to another Police Station. It was mindful, in any event that how an Officer has acted in the past is not necessary an indicator of how he acted on the occasions in question. However, the Panel is entitled to take his character into consideration when assessing whether or not he acted as alleged.
14. The Panel has also borne in mind that whilst evidence of good character is relevant to credibility and propensity, the significance of such evidence ought not to be overstated and should not detract from the primary focus on the evidence directly relevant to the alleged wrongdoing: *Martin v Solicitors Regulation Authority [2020] EWHC 3525 (Admin)*.
15. As to individual pieces of evidence, the Panel was mindful that it is entitled to draw proper inferences, that is to come to common sense conclusions based upon the evidence which it accepts as reliable; but it must not speculate. Similarly, it must not speculate about what other evidence there might have been.

16. The Panel in its deliberations, has also taken account of its obligation, so far as it may be relevant to the facts of this case, to consider the applicability of Section 15 Equality Act 2010. The Panel noted that no such issues have been identified by the parties or by the Panel. No evidence has been adduced to the Panel that any health issues directly impacted on the Officer's alleged behaviour.
17. Whether any conduct that may be found proved amounts to either misconduct or gross misconduct is a matter for the Panel's independent judgment.

Findings of fact

Allegation a)

18. The Officer accepted that between 16 May 2025 and 4 September 2025, he took and retained BTP vehicle FG23 KBV ("the vehicle") without appropriate authority and therefore admitted this allegation on that basis alone. However, he denied that the vehicle was taken and retained without a legitimate policing purpose, stating that the vehicle needs to be driven to maintain the battery charge. It was not disputed by the AA that the vehicle had battery issues and was unreliable.
19. The Panel has also taken into account the contents of a Written Record of Meeting Form dated 4 October 2023 and signed by the Officer. That form confirms the details of a meeting between the Officer, PS Burn and TDI Wright in which, amongst other things, the Officer's use of CID vehicles was discussed. The form stated:

"As above, Anil has used the CID car to get home. It was explained to Anil that the view from DI Moss, DI Wright and DS Burn was that the use of CID cars to get home would only be allowed in exceptional circumstances and should not be a regular occurrence. In any case this if there [sic] was an exceptional circumstance, then authority would need to be gained from a Detective Sergeant."
20. The Panel did not consider it credible or rational that the Officer might conclude that the above instruction only applied to CID vehicles and no other cars as suggested in his Regulation 31 response, particularly given the Officer's obligation to comply with the Driving Standards Policy set out below.
21. The Officer stated in his Regulation 31 response, and confirmed his position in evidence that:

“At the time, he genuinely believed he was acting in the interests of operational readiness and effectiveness. He was advised in June that the vehicle had ongoing mechanical and battery issues, and that it needed to be driven regularly to prevent the battery from failing. His intention was to ensure the vehicle remained functional, without the risk of breakdown and was available for operational duties, including prisoner escorts, court appearances and CID enquiries.”

22. The Panel has had regard to the Driving Standards Policy that was in force at the time and had particular regard to the following paragraphs:

“6.

Taking a Vehicle Home

6.1

If planned, permission must be obtained by the driver’s second line manager and the Police vehicle should be parked in a garage or on an off-road driveway in a way here it is not obvious it is a Police vehicle.

6.2

In unforeseen circumstances the local Duty Officer may authorise a driver to take a Police vehicle to their home address.

6.3

In all circumstances a marked car must not be left at a driver’s home address. If a marked vehicle is to be used, then it must be parked at a local Home Office Police premises or secure Train Operating Company/Network Rail location.

6.4

Nothing in this section applies to the Dog Unit, the Covert Investigation Unit, or vehicles used by qualified Police Driving Instructors, where the vehicle is operationally required for Policing activity.

23. The Panel noted, however, that it was not the Officer’s case that the exemption as set out in paragraph 6.4 applied in this case, justifying him taking the vehicle to his home address for operational needs.

24. The Panel noted that the Officer had ample opportunity and a significant amount of time to seek the necessary authority to take the vehicle and leave it at his home address, if there was a legitimate reason for doing so, but he did not do so. Furthermore, when questioned, the Officer could provide no explanation as to why he

failed to disclose the fact that he had taken the vehicle home and explain his reasons for doing so.

25. In addition, as set out later in this determination, the Officer failed to log a number of journeys he made in the vehicle in the vehicle log, which he would have been required to do, even if he was just ensuring that the vehicle was sufficiently reliable to drive. Again, the Officer was unable to provide an explanation as to why he did not log any journey that was of personal benefit to him in the log book, noting that he failed to log a number of journeys that are not the subject of any allegation before this Panel.
26. In all the circumstances, the Panel concluded that it was more likely than not that the Officer retained the vehicle over the relevant period without a legitimate policing purpose or appropriate authority. As such, it found the facts of allegation a) proved.

Allegation b)

27. The Panel found the facts of allegation b) proved by reason of the Officer's admission

Allegation c)

28. The Officer accepted that he used the vehicle on the dates in question and that in doing so, there was an incidental personal benefit to him. However, he stated that the primary purpose of driving the vehicle was to ensure, given its unreliability issues, that it was regularly driven to prevent the battery from failing. As such, he maintained that there was a legitimate policing purpose to driving the vehicle.
29. In relation to each of the dates in question, the Officer stated the following:

19 May 2025

30. The Officer stated that on 16 May 2025, he collected the vehicle from Nottingham. He had taken a statement in Corby for CID and had then driven home. After the trip to Corby, he stated that the battery was low and he was concerned about it fully discharging, which had happened previously.
31. He stated that he drove to the nearest available charging point, which was approximately one mile from the gym he attends. Once the car was charged, he went to the gym as it was in close proximity. There were no charging facilities at the gym

itself.

32. Had the Officer simply ensured that the battery was charged and remained functional for policing duties, the Panel might have accepted that the journey was for a legitimate policing purpose, However, the Panel noted that it was open to the Officer to return home having charged the vehicle, but that he had chosen to then go to the gym, albeit “to decompress” in light of difficult personal family circumstances.
33. In the circumstances, the Panel concluded that the Officer’s use of the vehicle on 19 May 2025 was for personal purposes whilst off duty and therefore found the facts of allegation b) proved in relation to 19 May 2025.

20 May 2025

34. The Officer stated that he drove from his home address to his parents’ house. He made this journey because he was temporarily staying with his parents due to his then difficult personal circumstances.
35. It was his case that he was working from his parents’ home the majority of the week and was responsible for responding to enquiries and deployment. Because he was not staying at his usual home address, he believed he needed to keep the vehicle with him. He simply relocated it to the address where he was sleeping.
36. The Panel noted that the Officer drove to his parents’ address for personal reasons. The Panel noted that, in his handwritten statement dated 4 December 2025, he stated that he had access to, and was insured to drive his own vehicle, his wife’s car and his parents’ car. It was therefore open to him to go to his parents’ house in his own vehicle and if he was urgently needed for work, he could pick up the Police vehicle from his own house which was, he stated, only a couple of miles away. It was not his case that the journey was required to ensure that the vehicle remained functional.
37. In the circumstances, the Panel concluded that the Officer’s use of the vehicle on 20 May 2025 was for personal purposes whilst off duty and therefore found the facts of allegation b) proved in relation to 20 May 2025.

12 June 2025

38. The Officer stated that on 11 June 2025 the Officer had a trip to Swansea to pick up

a prisoner. When he started the car and began driving on 11 June a warning light appeared. He called the RAC and also rang DI 4397Smillie to tell him what had happened. He stated that he ended up taking the train from Loughborough to Swansea as the RAC advised him not to drive it due to the warning light. The warning light was a red battery symbol "BATTERY CHARGE FAULT – STOP THE VEHICLE". He stated that the RAC mechanic came out and recharged the battery. He stated that the mechanic advised him not to drive to Swansea as the car might break down again.

39. He stated that the car had had two breakdowns previously which were documented in the blue car logbook. The breakdowns were due to car battery issues. He stated that the mechanic advised the Officer to drive it regularly or the battery would keep dying, which would mean constant breakdowns and calling out the RAC if it wasn't driven. The Officer stated that he drove the car home from Loughborough station on 12 June 2026. The officer attempted to charge the car but the payment card was not accepted.
40. The Panel accepted that these journeys would have been for a legitimate policing purpose. However, the Telematics printout for later that day on 12 June 2025, showed that the Officer made a further journey of 13 minutes to a retail park, when he had his own personal vehicles available to him. That journey, the Panel concluded, was not for a legitimate policing purpose.
41. In the circumstances, the Panel concluded that the Officer's use of the vehicle on 12 June 2025 was for personal purposes whilst off duty and therefore found the facts of allegation b) proved in relation to 12 June 2025.

13 June 2025

42. The Officer stated that he drove the car as it had only recently broken down, He had lost confidence in it and with the warning from the RAC about the battery issue, the one successful very short journey the previous day did not reassure him that the issue was fixed. He drove it to the gym and back again to test the car, as it is a short journey and was an opportunity to test the car and drive it to keep the battery running.
43. The Officer was questioned why, if the journey was for a legitimate policing purpose, why he did not enter the journey in the vehicle's log book. He stated that he did not do so because it was only a short journey and that he felt there was no need to do so. However, the Panel noted that the Officer had noted other short journeys in the log

book (for example noting that he did record a 3 mile journey on 23 January 2025). In the circumstances, the Panel did not consider it credible or consistent that the sole reason for not entering the journey was because of the journey's short distance.

44. In the circumstances, the Panel concluded that the Officer's use of the vehicle on 12 June 2025 was for personal purposes whilst off duty and therefore found the facts of allegation b) proved in relation to 13 June 2025.

20 June 2025.

45. As with his journey on 20 May 2025, the Officer drove the car to his parents' house as he was staying there for personal reasons. It was his case that he did not want to leave the car at his home address as he was not staying there.
46. In the circumstances, the Panel concluded that the journey was made purely for personal reasons, it not being asserted that the journey was required to ensure the vehicle remained functional.
47. In the circumstances, the Panel concluded that the Officer's use of the vehicle on 12 June 2025 was for personal purposes whilst off duty and therefore found the facts of allegation b) proved in relation to 20 June 2025.

9 July 2025.

48. The Officer drove from his parent's house where he was staying to his own home to care for the children as his wife was unwell. He stated that he did not want to leave the car at his parents' house as he was not there for the night. He was also conscious that the following morning he had a prison escort and was travelling straight from there to the prison in Nottingham. He took the car to his home address as he thought keeping it wherever he was staying/sleeping was the best thing to do.
49. In the circumstances, the Panel concluded that the journey was made purely for personal reasons, it not being asserted that the journey was required to ensure the vehicle remained functional. The Panel reminded itself that the Officer had his own personal vehicle that he could have used to go to his parents and used to return home if urgently needed for work.
50. In the circumstances, the Panel concluded that the Officer's use of the vehicle on 12

June 2025 was for personal purposes whilst off duty and therefore found the facts of allegation b) proved in relation to 9 July 2025.

27 August 2025

51. The Officer stated that, on 19 August 2025, the vehicle had broken down again. The Officer took it to Vauxhall Leicester to be repaired on 20 August 2025. The exhibited note from the breakdown mechanic The note read: "*your battery was found to be unserviceable and requires replacement. – Have your battery replaced immediately. If you switch it off the engine it may not restart*". This, it was submitted, aligned with problems the Officer had already been experiencing in the months prior, which was why it was necessary to drive the vehicle off duty.
52. Following that advice, the Officer took the vehicle to Vauxhall, informed them of the RAC findings, and requested a battery replacement. However, later on that day, the Officer had nevertheless made a journey to his parents' house and to the shops to buy food. That journey, the Panel concluded, could not be said to have been for anything other than for personal reasons.
53. In the circumstances, the Panel concluded that the Officer's use of the vehicle on 12 June 2025 was for personal purposes whilst off duty and therefore found the facts of allegation b) proved in relation to 27 August 2025.

2 September 2025

54. The Officer went to the gym on this occasion "to decompress" from difficult personal circumstances at home. He drove the work vehicle instead of his own because he wanted to make sure it was working properly before the next day, when he had to go to court. He did not want to risk having to rely on trains as he had had previous experiences of cancellations and delays and it was important to arrive at court on time.
55. He stated that driving the vehicle was mainly for the reason of trying to keep the battery running and/or to test the car before a deployment/court. If the Officer did not drive the car on these short journeys, he stated that he genuinely believed there would have been a real risk that the car would have malfunctioned on the day of deployments or court, leaving him in a position where he could not attend or was significantly

delayed. This would have potentially resulted in high-risk offenders leaving prison and travelling on public transport, putting others at risk or him being potentially delayed or even missing court.

56. The Panel rejected the Officer's explanation. Had the journey been for legitimate policing purposes, the expectation would have been that the journey would have been entered in the vehicle's logbook, but it was not.
57. In addition, the Officer's assertion that he felt he had to make these regular short journeys was to ensure that the vehicle remained operative, was inconsistent with the fact that the Officer repeatedly left the vehicle unused for several days at a time. For example:
- on 20 May 2025, the vehicle remained parked and unused for 23 days;
 - on 13 June 2025, the vehicle remained parked and unused for seven days;
 - on 20 June 2025, the vehicle remained parked and unused for four days;
 - on 25 June 2025, the vehicle remained parked and unused for 14 days;
 - on 15 July 2025, the vehicle remained parked and unused for 35 days; and
 - on 22 August 2025, the vehicle remained parked and unused for five days.

Allegation d)

58. The Panel found the facts of allegation d) proved by reason of the Officer's admission

Allegation e)

59. The Panel found the facts of allegation e) proved by reason of the Officer's admission

Allegation f)

60. The Panel heard from PS Burn who gave details of his meeting with the Officer who disclosed to him that he had been using a Police vehicle for "personal things". PS Burn made a written record of the conversation in his pocket notebook stating:

"WHAT, IF YOU DO THINGS LIKE THAT YOU WILL END UP GETTING NICKED FOR TWOC." "I JUST MEAN THAT WHILST WORKING FROM HOME IVE USED IT TO NIP OUT AND GET SOME LUNCH, THATS ALL."

I replied, "WHY HAVE YOU GOT THE CAR AT HOME? YOU'VE NEVER ASKED ME."

He replied "THE CAR BROKE DOWN AND THE RAC SAID THAT WE NEED TO USE THE CAR EACH WEEK, EVEN FOR A QUICK DRIVE TO KEEP THE 12 VOLT BATTERY CHARGED."

I said, "YES, BUT YOU COULD DO THAT FROM HERE (MEANING BTP NOTTINGHAM) BECAUSE YOU WORK FROM HERE SEVERAL DAYS A WEEK ANYWAY."

He said, "I THOUGHT IT WOULD BE EASIER DOING IT FROM HOME."

I said, "NO, THE CAR SHOULD BE HERE AT THE STATION, NOT AT HOME. WHERE IS IT NOW?"

He replied, "ITS AT HOME."

I said "WHY DID UOU LEAVE IT AT HOME WHEN WE ARE BOTH HERE IN THE OFFICE? WHAT HAPPENS IF WE NEED TO GO SOMEWHERE?" He shrugged. I said "YOU NEED TO MAKE SURE THAT YOU GET THE CAR BACK HERE AND DON'T TAKE IT HOME UNLESS I SAY." He said something similar to "OK," and at that conversation ended [sic].

61. Mr Keating on behalf of the Officer submitted that, having made the written record some two days after the event, that PS Burn could not be sure as to the words used. The Panel nevertheless accepted that, even if the record did not represent a 100% accurate transcript of the conversation, the account given by PS Burn reflected the nature of the conversation in that he made it clear that the vehicle was to be returned, even if it was not made explicit as to when the vehicle had to be returned.
62. Having heard from Ms Hill that the AA's case rests on the request to return the vehicle, rather than the precise timing as to when that had to take place, Mr Keating conceded on behalf of the Officer that the request for the vehicle's return was made.
63. The Panel concluded that PS Burn's evidence was credible and reliable, consistent with the warning given in October 2023, and therefore concluded that the facts of allegation f) were proved.

Allegation g)

64. This allegation was accepted by the Officer, save to the extent that he stated that he did not drive to a retail park, but to the gym for the specific purpose of checking that

the vehicle was operating correctly before attending court in Peterborough on 3 September.

65. He stated that, given the vehicle's history of battery and mechanical issues, and the fact that the RAC had previously attended for similar problems, he was genuinely concerned that it might malfunction on the morning of court. He needed to confirm it was working properly so that he could make alternative arrangements if necessary.
66. The gym provided a suitable distance to check the vehicle's performance. He did not go there for shopping or any other personal errands. The purpose of the journey was operational, to ensure the vehicle was reliable for court the next morning.
67. The Panel rejected the Officer's explanation. The Officer could have driven the vehicle without going to the gym, and in any event, the Officer did not record the journey in the vehicle's log book which would have been required if it was a legitimate journey for operational purposes.
68. Similarly, the Panel rejected the Officer's explanation for the reasons as set out in paragraph 57 above.
69. In relation to the destination, the Panel has relied on the telematics summary in ascertaining the destination.
70. In all the circumstances, the Panel found the facts of allegation g) proved

Allegation h)

71. The Panel found the facts of allegation h) proved by reason of the Officer's admission.

Allegation i)

72. The Panel found the facts of allegation i) proved by reason of the Officer's admission

Allegation j)

73. The Panel found the facts of allegation j) proved by reason of the Officer's admission

Breaches of the Standards of Professional behaviour

74. Having found the facts of allegations a) to j) proved, the Panel then went on to consider whether the Officer acted in breach of the Standards of Professional Behaviour ("SPB").

75. The Standard of Professional Behaviour in relation to Orders and Instructions states:

"Police officers only give and carry out lawful orders and instructions. Police officers abide by police regulations, force policies and lawful orders."

76. The Code of Ethics 2014 states:

5.1

According to this standard police officers must obey any lawful order that is given and must abide by Police Regulations.

77. The Standard of Professional Behaviour in relation to Discreditable Conduct states:

"Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty".

78. The Code of Ethics 2014 states:

9.1

As a police officer, member of police staff or other person working for the police service, you must keep in mind at all times that the public expect you to maintain the highest standards of behaviour. You must, therefore, always think about how a member of the public may regard your behaviour, whether on or off duty.

9.2

You should ask yourself whether a particular decision, action or omission might result in members of the public losing trust and confidence in the policing profession.

9.3

It is recognised that the test of whether behaviour has brought discredit on policing is not solely about media coverage and public perception but has regard to all the circumstances.

79. The Standard of Professional Behaviour in relation to Honesty and Integrity states:

“Police officers are honest, act with integrity and do not compromise or abuse their position.”

1.1

According to this standard you must:

act with honesty and integrity at all times

80. The Panel has found that the Officer took a police vehicle home and used it without a legitimate policing purpose or appropriate authority and used it on multiple occasions for personal purposes. By doing so, he failed to comply with force policy relating to the taking home and use of police vehicles having previously been warned about unacceptability of taking police vehicles home for personal use. Notwithstanding that the discussions in October 2023 related to CID vehicles, the panel did not consider it credible that the Officer might conclude that it did not relate to other vehicles as suggested in his Regulation 31 response. In any event, it was incumbent on him to familiarise himself with, and comply with the Driving Standards Manual which mirrored the conversation he had had with PS Burn and TDI Wright in October 2023.
81. In the circumstances, the panel concluded that the Officer’s conduct as found proved at allegations a) to j) amounted to a serious and repeated breach of the Standard of Professional Behaviour in relation to Instructions and Orders.
82. The Panel, however, also had regard to the AA’s submission that the Officer failed to comply with a lawful order given by TDI Burn on 1 September 2025 to return the vehicle on 2 September 2025 and instead continued to use the vehicle for personal purposes. Having had regard to the record made of the meeting with PS Burn, the Panel concluded that the required timing for the return of the vehicle was ambiguous in that it did not record that PS Burn explicitly stated that the vehicle be returned on 2 September. The Panel did not therefore find a specific breach of the standard in relation to Orders and Instructions in relation to this limited aspect of the Officer’s conduct.
83. The Officer had kept and retained a Police vehicle which he has used for his own benefit over a significant period of time. By doing so, not only had he acted in breach of a specific requirement in relation to police vehicles, but his conduct prevented that vehicle being available to other Officers if required. It was apparent that for several months, the location of the vehicle was unknown to PS Burn as the Officer did not

disclose what he had been doing until September 2025.

84. In the circumstances, the Panel concluded that such conduct amounted to a serious breach of the Standard of Discreditable Conduct.
85. In relation to the issue of integrity, the Panel has had regard to the case of *Wingate, Evans and Malins v SRA* (2018) EWCA Civ 366 in which it was explained as a broader, more nebulous concept than dishonesty and therefore harder to define. "*In professional codes of conduct, the term 'integrity' is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members.....The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards.*". it was said that integrity connotes adherence to the ethical standards of one's own profession and professional integrity is linked to the manner in which that profession professes to serve the public. That involves more than mere honesty. The Court of Appeal has therefore ruled that dishonesty and lack of integrity cannot be treated as synonymous; integrity was about more than simply acting honestly. There is no requirement that a Respondent must appreciate subjectively that his conduct lacks integrity.
86. The Officer had retained a Police vehicle for his own use, without seeking appropriate authority for doing so, in breach of prevailing policy, when he had been previously warned about use of Police vehicles. Having done so, he used the vehicle for his own benefit, over and above any need to drive the vehicle to maintain the battery. As such, the panel concluded that the Officer's conduct amounted to a serious breach of the Standard in relation to integrity.
87. In summary, therefore, having had regard to the standards under the Code of Ethics, the Panel was satisfied that the Officer's conduct amounted to serious breaches of both the standards of Orders and Instructions, Discreditable Conduct and Honesty and Integrity (integrity only).

Findings of Misconduct / Gross Misconduct

88. Having found all the factual allegations proved, and that the Officer's conduct amounted to breaches of the Standards of Professional Behaviour as set out above, the Panel went on to consider whether the Officer's conduct amounted to misconduct

or gross misconduct. Misconduct is defined in Regulation 2(1) as a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action. Gross misconduct is defined as a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.

89. The Panel has had regard to Regulation 41(16) of the Conduct Regulations, which instructs panels that they must not find the conduct of the Officer concerned amounts to misconduct or gross misconduct unless:
- they are satisfied on the balance of probabilities that this is the case; or
 - the Officer admits it is the case.

Submissions on behalf of the Appropriate Authority

90. Ms Hill submitted that the charges and breaches of the Standards of Professional Behaviour clearly amount to gross misconduct in that they are so serious that immediate dismissal was justified.
91. She submitted that the Standard of Orders and Instructions was breached as follows:
- i. In that the Officer took a police vehicle home and used it without a legitimate policing purpose or appropriate authority.
 - ii. In that he used the vehicle on multiple occasions for personal purposes.
 - iii. In that he failed to comply with force policy relating to the taking home and use of police vehicles.
92. In relation to the standard of Discreditable Conduct, Ms Hill submitted that the Officer's behaviour is capable of undermining public confidence in, and bringing discredit upon, the British Transport Police.
93. In relation to the standard of Honesty and Integrity (Integrity Only), Ms Hill submitted that the Officer used a police vehicle for non-policing purposes and retained it for his own use, knowing that such use was not authorised and knowing that he was required to return the vehicle.
94. Ms Hill submitted that that the Officer knew or ought to have known the rules around taking Police cars home, not just because of the force policy which he is expected to be acquainted with, but because he had previously been warned in October 2023 about taking a Police vehicle home without authorisation. She submitted that the

Officer did not have a legitimate policing purpose for keeping the car at home for nearly four months, and that on being told by TDI Burn that he needed to return it, the Officer knew or ought to have known that meant to return it immediately.

95. She's submitted that these matters individually and/or cumulatively amount to gross misconduct, namely a breach of the Standards of Professional Behaviour that, if proved, are so serious as to justify dismissal.

Submissions on behalf of the Officer

96. Mr Keating made submissions on the basis that the admissions made amounted solely to a breach of the Standard in relation to Orders and Instructions and that the Officer's actions resulted from a misunderstanding, rather than being a deliberate attempt to deceive.

97. Mr Keating referred the Panel to the Officer's written statement as part of his Regulation 31 response in which he stated:

"I accept that I breached the Standards of Professional Behaviour in respect of orders and instructions, but I believe this was a case of Misconduct arising from genuine misunderstandings rather than any deliberate or reckless disregard for policy. At no point did I intend to ignore instructions, misuse the vehicle, or gain any personal advantage. My actions were based on mistaken assumptions, poor judgement, and a failure to clarify expectations — not dishonesty or wilful disobedience.

I want to reiterate my apology. I am genuinely sorry for the mistakes I made and for the position this has put the organisation in. I have reflected deeply on this throughout the investigation, and I fully understand why my actions fell below the standards expected. I should have sought explicit permission, revisited the policy, and clarified any uncertainty instead of relying on my own interpretation. I recognise now how important it is to check assumptions, communicate clearly with supervisors, and ensure that I fully understand the authority I do or do not have.

I have learned a great deal from this experience. If I am allowed to continue serving, I will take this learning forward and ensure that nothing like this happens again. I will be far more proactive in seeking guidance, confirming instructions, and ensuring that I am fully compliant with policy. This has been a difficult but important lesson for me, and I am committed to applying it in my future practice.

I also want to acknowledge the personal circumstances that were affecting me at the time. My marriage was breaking down, and my uncle — who was like a second father to me — became suddenly and terminally ill. I spent much of June and July supporting him through end-of-life care, and his death had a significant impact on my mental health and emotional wellbeing. These events affected my ability to fully engage at work and contributed to the misunderstandings and poor decisions I made. I am not offering this as an excuse, but as context for why my judgement was not as clear as it normally would be.

I have served for 12 years and I have always taken pride in being reliable, professional, and compliant with policy. This incident is completely out of character for me. I hope the panel can see that I have shown insight, remorse, and a genuine commitment to learning from this, and that my actions were not deliberate, dishonest, or motivated by personal gain. For these reasons, I believe the appropriate finding is Misconduct rather than Gross Misconduct,”

The Panel's decision

98. In reaching its finding, the Panel has carefully considered all the evidence presented to it and the submissions made by Ms Hill and those of Mr Keating.
99. The Panel, in finding both the factual allegations proved, has identified significant breaches of the standards required of an Officer. The Panel is mindful that it does not follow that a finding of misconduct and/or gross misconduct must follow from an identified breach. Given the nature of the failings identified, relating as they did to unauthorised taking and retaining of a Police vehicle which was subsequently used for his personal use, and corresponding breaches of the applicable standards, the Panel has concluded that the Officer's conduct fell significantly short of the standard expected of him.
100. When assessing the severity of the breaches, it assisted the Panel to assess the seriousness of the conduct by reference to the harm caused by the breaches with reference to the College of Policing's guidance on outcomes in police misconduct proceedings. Such harm encompasses both harm to an individual but also to the standing and reputation of the profession as a whole.
101. In reaching its decision, the Panel has taken into account the following paragraphs

from the College of Policing Guidance on outcomes in police misconduct proceedings 2023:

“4.26 Honesty and integrity are fundamental requirements for any police officer. Treat any evidence that an officer is dishonest or lacks integrity seriously. In the words of Lord Justice Maurice Kay in Salter v Chief Constable of Dorset, police officers: ‘[...] carry out vital public functions in which it is imperative that the public have confidence in them. It is also obvious that the operational dishonesty or impropriety of a single officer tarnishes the reputation of his Force and undermines public confidence in it.’

4.66 Harm will likely undermine public confidence in policing. Harm does not need to be suffered by a defined individual or group to undermine public confidence. Where an officer commits an act that would harm public confidence if the circumstances were known to the public, take this into account. Always take misconduct seriously that undermines discipline and good order within the police service, even if it does not result in harm to individual victims.”

102. Having considered all the evidence and submissions before it, the Panel found that the Officer’s actions represent a serious falling short of the standards expected of him. The Panel therefore concluded that, both individually and cumulatively, the Officer’s conduct justified dismissal from the Police Service.

103. As such, the Panel found that the Officer’s conduct amounted to gross misconduct.

Finding on outcome including any aggravating or mitigating factors affecting the seriousness of the failures in standards

Submissions on behalf of the Appropriate Authority.

104. Ms Hill referred the Panel to the “Guidance on outcomes in police misconduct proceedings” 2023 version, (“the Outcomes Guidance”) which sets out the staged approach to be adopted in reaching its decision, and the outcome options available. She submitted that the Officer should be dismissed without notice.

105. In terms of culpability, Ms Hill referred to the following paragraphs of the Outcomes Guidance which states:

“4.10 Conduct that is intentional, deliberate, targeted or planned will generally be more culpable than conduct that has unintended consequences, although the

consequences of an officer's actions will be relevant to the harm caused.

4.12 Culpability will also be increased if the officer was holding a position of trust or responsibility at the relevant time. All police officers are in a position of trust, but an officer's level of responsibility may be affected by specific circumstantial factors, such as rank, their particular role and their relationship with any persons affected by the misconduct."

106. Ms Hill also referred the Panel to paragraph 4.26 above and paragraph 4.66 which states:

"4.66 Harm will likely undermine public confidence in policing. Harm does not need to be suffered by a defined individual or group to undermine public confidence. Where an officer commits an act that would harm public confidence if the circumstances were known to the public, take this into account. Always take misconduct seriously that undermines discipline and good order within the police service, even if it does not result in harm to individual victims."

107. In terms of harm, Ms Hill submitted that the level of harm caused was high given the impact of the Officer's conduct on the reputation of the Police Service. She also reminded the Panel that over the relevant period when the Officer kept the vehicle at home, it was not available to others. However, she accepted that there was no evidence that the Officer's conduct posed anything more than a risk, rather than actual inconvenience being caused.

108. Ms Hill submitted that the Panel should be cautious as to the limited effect of mitigation in line with the Outcomes Guidance, and that such mitigation should only be considered after the Panel had made its finding on seriousness.

109. She reminded the Panel to have regard to the need to maintain public confidence in, and maintain the reputation of the Police Service and made reference to a number of authorities which supported that position, namely *Redgrave v Commissioner of Police of the Metropolis* [2003] 1 WLR 1136, *R (Green) v Police Complaints Authority* [2004] UKHL 6; [2004] 1 WLR 725, *Bolton v Law Society* [1994] 1 WLR 512 and *Salter v Chief Constable of Dorset Police* [2012] EWCA Civ 2012,

110. In conclusion, she submitted that dismissal without notice was the only rational outcome.

Submissions on behalf of the Officer

111. The Panel heard submissions from Mr Keating and had sight of a number of character references in support of the Officer. The Panel was also provided the Officer's record of service.
112. Mr Keating accepted, on behalf of the Officer that, given the Panel's findings in relation to allegation 1, that dismissal without notice was a likely outcome. However, he submitted that in relation to allegation 3, seen in isolation, the Panel should consider imposing a final written warning which could be of between two and five years' duration.
113. He submitted that dismissal from the Police Service would be disproportionate and that, dismissal without notice should be reserved for the most serious cases, this case, he submitted, falling mid way in the spectrum of seriousness. He invited the Panel to bear in mind the positive character references provided which attested to the Officer's professionalism and the difficult personal circumstances that existed at the time.
114. He submitted that there was no evidence of there being any practical impact resulting from the Officer's actions. Mr Keating reminded the Panel that the Officer had made admissions both as to the facts and in relation to a breach of the Standards, as well as to misconduct, and that he had shown remorse, insight and had taken responsibility for his actions. He further submitted that the Officer made the initial disclosure that he had been using the vehicle for his own use of his own volition and that the Officer should be given credit for that. he also invited the Panel to take into account the references that had been provided including those from close family members who addressed the Officer's difficult personal circumstances.
115. The Officer also chose to make a statement at this stage. He apologised for his mistakes and accepted that his conduct fell below the standard expected and that he took responsibility for his actions. He accepted that he should have checked that it was appropriate to take the vehicle home and conceded that he had put the organization in a difficult position. He reminded the Panel that he had had 12 years' service as a Police Officer, having been a PCSO before that. he stated that the experience of these proceedings had been hard and painful and that he had learned from the experience.
116. In conclusion, Mr Keating submitted that confidence in the Police Service and the

regulatory process would not be undermined if the Officer was made the subject of a final written warning.

Decision

117. In reaching its decision on outcome, the Panel has had regard to the public interest, which includes the need to protect the public, to maintain confidence in the Police Service and to declare and uphold proper standards of conduct and behaviour. The Panel has carefully considered all the evidence and submissions made during the course of this hearing. It has borne in mind that the purpose of imposing a sanction is not to be punitive although it may have a punitive effect. The Panel is mindful that its role is to protect the public and to maintain confidence in the policing profession. It has taken into account the Officer's interests, the Guidance on outcomes, and the need to act proportionately. It has taken into account any aggravating and mitigating factors in this case and in doing so, the Panel has exercised its own independent judgment.
118. It has taken into account the principle derived from the case of *Towuaghantse v The General Medical Council [2021] EWHC 681 (Admin)* in that It is not procedurally fair for an Officer to face the risk of enhanced sanctions by virtue of having robustly defended allegations made against them.
119. It has also had regard to the principle as set out in the case of *Bolton v Law Society [1994] 1 WLR 512* applied in that the collective reputation of the profession was more important than the fortunes of the individual. The maintenance of high professional standards and the reputation of the profession are established principles.
120. The Panel first considered the seriousness of the behaviour it found proved.
121. In assessing culpability, the Panel has had regard to the paragraphs of the Guidance on outcomes identified by Ms Hill.
122. The Panel concluded that the level of the Officer's culpability was high because:
- a) The conduct was intentional, deliberate and targeted: paragraph 4.10;
 - b) The officer could reasonably have foreseen the risk of harm: paragraph 4.11;
and
 - c) The conduct related to integrity: paragraph 4.26;

123. The Panel next considered the level of harm caused by the misconduct found proved. In doing so, it considered that the following paragraphs of the Outcomes Guidance on outcomes were relevant:

Type of harm

4.64 The types of harm caused or risked by different types of police misconduct are diverse. Victims may suffer:

...

reputational harm

Effect on the police service and/or public confidence

4.66 Harm will likely undermine public confidence in policing. Harm does not need to be suffered by a defined individual or group to undermine public confidence. Where an officer commits an act that would harm public confidence if the circumstances were known to the public, take this into account. Always take misconduct seriously that undermines discipline and good order within the police service, even if it does not result in harm to individual victims.

4.67 Assess the impact of the officer's conduct, having regard to the factors in the Discrimination section of this document and to the victim's particular characteristics.

4.69 How such behaviour would be, or has been, perceived by the public will be relevant, whether or not the behaviour was known about at the time.

4.74 Where gross misconduct has been found and the behaviour has caused – or could have caused – serious harm to individuals, the community and/or public confidence in the police service, dismissal is likely to follow. A factor of the greatest importance is the impact of the misconduct on the standing and reputation of the profession as a whole.

124. In addition, given the nature of the gross misconduct found proved relating as it does to a lack of integrity in relation to the unauthorised retention and use of a Police vehicle over a significant period of time, the Officer's conduct additionally significantly damages the reputation of the Police Service. The Panel are justifiably entitled to expect that Police Officers act with integrity and comply with policies.
125. In terms of harm, the Panel concluded that the level of harm caused was towards the centre of the spectrum of the scale of seriousness for the following reasons:
- a) There was an ongoing failure to comply with policy;
 - b) A lack of integrity which causes reputational harm to the Police Service.

126. Given the failure to abide with the Officer's professional obligations, the Panel concluded that confidence and trust in policing would be undermined by the Officer's conduct.
127. As a result, the Panel concluded that in all the circumstances, taking the facts of this case in isolation from the events of 2015 and 2023, the level of seriousness of the Officer's gross misconduct was at the centre of the spectrum of seriousness.
128. The Panel then went on to consider aggravating and mitigating factors. In terms of aggravating features, the Panel identified the following factors:
- a) the Officer's conduct occurred after he had previously been warned about his unauthorised use of Police vehicles and represented a significant deviation from instructions / policy;
 - b) he had been given a previous Final Written Warning for unauthorised removal of Police equipment, albeit in 2015. As a result, the Officer should have been acutely aware of his responsibilities in relation to removal of Police property without authorisation;
 - c) his unauthorised use of the vehicle was deliberate, concealed and continued for over four months until eventually disclosed by him; and
 - d) there have been multiple proven allegations and/or breaches of the Standards of Professional Behaviour.
129. In terms of mitigating features, the Panel identified the following factors:
- a) the Officer made a number of admissions in his Regulation 31 response and at the outset of this hearing, and he has reflected on his conduct demonstrating a level of remorse and insight;
 - b) the Officer's conduct only came to light when he chose to disclose what had occurred to PS Burn;
 - c) he was facing difficult personal circumstances at the time; and
 - d) he has provided a number of positive testimonials and references, but the Panel has balanced this against his regulatory history.
130. The Panel has already identified that the gross misconduct found proved by the Officer amounted to a significant falling short of the standard expected of him and undoubtedly undermined the reputation of the Police Service. It has therefore

considered the outcomes available to it in respect of each charge as set out in Regulation 42(3)(b) of the 2020 Regulations, namely imposing a final written warning or dismissal without notice.

131. In considering outcome, the Panel has had regard to the principles laid down in the case of *Williams v PAT [2016] EWHC 2708 (Admin)* (albeit that that case related to an allegation of dishonesty) in which it was said:

“In my judgment, the importance of maintaining public confidence in and respect for the police service is constant, regardless of the nature of the gross misconduct under consideration. What may vary will be the extent to which the particular gross misconduct threatens the preservation of such confidence and respect. The more it does so, the less weight can be given to personal mitigation... This does not mean, of course, that personal mitigation is to be ignored. Nothing in the Salter principle suggests it must be ignored. On the contrary, it must always be taken into account. I therefore reject the submission that the effect of the Salter principle is that dismissal will invariably be the sanction whenever gross misconduct is proved. But where the gross misconduct threatens the maintenance of public confidence and respect in the police – as gross misconduct often will – the weight which can be given to personal mitigation will be less than would be the case if there were no such threat, and if the disciplinary body were a court imposing a punishment. Whether the circumstances are such that the sanction of dismissal is necessary will be a fact-specific decision: where the facts show dishonesty, case law establishes that dismissal will almost always be necessary, and dismissal will often also be necessary where there the misconduct involves a lack of integrity; where the facts show that one of the other Standards has been breached, the appropriate outcome will depend on an assessment of all the circumstances, with proper emphasis being given to the strong public interest in the maintenance of respect and confidence.”

132. The Panel considered whether a final written warning would be appropriate and concluded that in all the circumstances, it was not given that the gross misconduct relates to a lack of integrity. In reaching its decision, the Panel has borne in mind that the Officer was subject to a Final Written Warning, albeit over 10 years ago. Despite that, the Officer was subject to a further warning for the unauthorised removal of Police property in 2013 prior to the matters currently before this Panel. However, given the aggravating factors identified, and the serious nature of the gross misconduct found proved, the Panel concluded that such an outcome would neither be

appropriate nor proportionate to meet the public interest.

133. The Panel has borne in mind its role in maintaining the reputation of the Police Service and declaring and upholding proper standards of behaviour. Notwithstanding the mitigating factors identified in this case, the Panel has concluded that in all the circumstances, a final written warning would not meet the public interest, and that dismissal without notice was the only appropriate and proportionate outcome.

134. The overall disciplinary action imposed is therefore one of dismissal without notice.

Decision on publication

135. Ms Hill submitted that the decision should be published. Mr Keating requested that the decision not be published given the reasons that were previously raised in an anonymity application.

136. Having considered the submissions, the Panel concluded that the need for openness and transparency in these hearings outweighed any potential prejudice to the Officer and his family.

137. In the circumstances, the Panel ordered publication pursuant to Regulation 43(6).

Appeal Notice

You have a right of appeal to the Appropriate Authority, but may only appeal on the following grounds:

- The finding or disciplinary sanction imposed was unreasonable;
- There is critical new evidence that could not have reasonably have been considered at the misconduct hearing; or
- There was a serious breach of the procedures set out in the British Transport Police (Conduct) Regulations 2020 or other unfairness which could have materially affected the finding or decision on disciplinary action

If you wish to appeal you must do so in writing to the British Transport Police Authority. Please email btpa-enquiries@btp.police.uk within 10 working days of receipt of this letter. Your letter should state the grounds for appeal, whether you require a transcript of the hearing in whole or part and whether or not you consent to the appeal being dealt with without a hearing.

Regulation 30 Notice

Allegation of Gross Misconduct

The description of your conduct that is the subject matter of the case is as follows.

- a) Between 16 May 2025 and 4 September 2025, you took and retained BTP vehicle FG23 KBV without a legitimate policing purpose or appropriate authority.
- b) During this period, you kept the vehicle at your home address and at your parents' address.
- c) You used the vehicle on multiple occasions for personal purposes whilst off duty, namely on 19 May, 20 May, 12 June, 13 June, 20 June, 9 July, 27 August, and 2 September 2025.
- d) You did not seek or obtain permission from a supervisor to take the vehicle home or to use it for non-operational purposes.
- e) Telematics data shows that the vehicle was inactive for extended periods, including one uninterrupted period of 23 days from 20 May 2025 and a further period of 35 days from 15 July 2025.
- f) On 1 September 2025, you were given clear and specific instructions by TDI Burn to return the vehicle to BTP Nottingham, not to use it for any purpose other than work related enquiries, and not to take it home without permission.

g) On 2 September 2025, whilst off duty, you drove the police vehicle from your home address to a retail park. This journey was recorded on the telematics system.

h) On 3 September 2025, after completing your duties at Peterborough Magistrates' Court, you reported that the vehicle had broken down near Loughborough and required recovery. This location is not on the direct route between Peterborough and BTP Nottingham and is instead close to your home address.

i) Once the vehicle was recovered and operational, you drove it to your home address rather than returning it to BTP Nottingham.

j) On 4 September 2025, you became aware of an email sent by TDI Burn on the afternoon of 3 September 2025 which reiterated the instruction to return the vehicle by the end of that day. Upon becoming aware of this instruction, you returned the vehicle.

Breaches of the Standards of Professional Behaviour

The matters set out above breach the Standards of Professional Behaviour of:

Orders and Instructions

- i. In that you took a police vehicle home and used it without a legitimate policing purpose or appropriate authority.
- ii. In that you used the vehicle on multiple occasions for personal purposes.
- iii. In that you failed to comply with a lawful order given by TDI Burn on 1 September 2025 to return the vehicle on 2 September 2025 and instead continued to use the vehicle for personal purposes.
- iv. In that you failed to comply with force policy relating to the taking home and use of police vehicles.

Discreditable Conduct

- i. In that your behaviour, as set out above, is capable of undermining public confidence in, and bringing discredit upon, the British Transport Police.

Honesty and Integrity (Integrity Only)

- i. In that you used a police vehicle for non-policing purposes and retained it for your own use, knowing that such use was not authorised and knowing that you were required to return the vehicle.

Honesty and Integrity (Integrity Only)

- i. In that you used a police vehicle for non-policing purposes and retained it for your own use, knowing that such use was not authorised and knowing that you were required to return the vehicle.

It is alleged that these matters individually and/or cumulatively amount to gross misconduct,

namely a breach of the Standards of Professional Behaviour that, if proved, are so serious as to justify dismissal.