

IN THE POLICE MISCONDUCT TRIBUNAL

CIVIL NUCLEAR CONSTABULARY

-v-

FORMER POLICE CONSTABLE BENNETT

WRITTEN REASONS OF
THE MISCONDUCT PANEL

Introduction

1. The Misconduct Proceedings were held at Culham Innovation Centre on 23rd June 2025. The Appropriate Authority (“the AA”) was represented by Ms. E. Kyle-Davidson. Former Police Constable Bennett (“FPC Bennett”) was not represented and did not appear. Neither was he supported by a Police Federation Representative.
2. The Chair delegated the writing of this document to the LQP in accordance with regulation 43(1B) of the Police (Conduct) Regulations 2020 (“the 2020 regulations”).
3. There had been no pre-hearing in this matter in accordance with regulation 29(3) as the Chair had deemed it unnecessary. However, the Chair had previously directed that the public be notified of the scheduling of the proceedings in accordance with regulation 36(1) of the 2020 regulations.

The absence of FPC Bennett

4. As a preliminary matter, the Chair invited the AA to address him in respect of the contact that had been made with FPC Bennett so that the panel could be assured that he had been notified of the misconduct proceedings. Ms. Kyle-Davidson informed the panel that the alleged breach of the Standards of Professional Behaviour arose on 18th January 2025 when FPC Bennett gave a positive roadside breath sample for alcohol which resulted in his arrest and subsequent prosecution. FPC Bennett tendered his resignation on 21st January 2025. The Regulation 17 notice was e-mailed to the former officer's personal email address. No Regulation 18 response was received. The AA made further enquiries via their internal systems to establish FPC Bennett's last known address. It was to this address that postal communications were sent.
5. The regulation 30 notice was sent to FPC Bennett via e-mail on 30th April 2025. He did not acknowledge this nor send a read receipt. The AA posted the regulation 30 notice, accompanied by a covering letter to the former officer's home address on 12th May. This was sent via recorded delivery and signed for by him on 15th May. A copy of that signed receipt appeared within the evidence bundle. Ms. Kyle-Davidson said that both the e-mail and the letter gave the date, time and location of the misconduct hearing.
6. On 9th June 2025 the AA sent FPC Bennett an e-mail attaching the evidence bundle. The e-mail informed FPC Bennett that the Chair had determined a prehearing to be unnecessary in this matter. On 17th June 2025 the Police Federation informed the AA that they would not be representing FPC Bennett at the misconduct hearing.
7. Ms. Kyle-Davidson reminded the panel that regulation 37(1) required the former officer to attend the proceedings or alternatively, a lawyer or police friend could be nominated to attend on his behalf (regulation 37(3)(a)). Should an officer not attend the misconduct hearing, the regulations permitted the panel to proceed.

8. The panel determined, on the balance of probabilities, that the officer was aware of the proceedings evidenced by the numerous contacts that the police had with FPC Bennett both by post and via e-mail. In particular, the panel took account of the checks that the Constabulary had undertaken to confirm his home address, and the letter sent to him via recorded delivery on 12th May and which was signed for by him on 15th May. Therefore, the panel were content to proceed to hear the matter noting that regulation 37(3)(b) permitted such a course.

The Allegations

9. During the early hours of the 18th January 2025 a member of the public reported a vehicle being driven erratically in the area of Scaw Road, Workington. A police unit was dispatched, and the vehicle was followed into a McDonald's car park. The unit pulled up behind the vehicle and saw the driver's reverse lights illuminate, so the attending officer enabled his blue lights. The driver of the vehicle reversed backwards causing a minor collision with the police vehicle. The driver, now known as FPC Bennett, provided his key to the attending officer and when asked if he had been drinking, confirmed he had. He was off-duty at this time. FPC Bennett failed a roadside breath test and was arrested. At the police station he supplied two samples of breath, the lower reading being 76µg of alcohol in 100ml of breath.
10. On 3rd February 2025 FPC Bennett attended Workington Magistrates' Court and pleaded guilty to driving a motor vehicle where his alcohol concentration exceeded the prescribed limit. He was fined and orders to pay costs totalling £253.00 and disqualified from driving for 20 months, reduced by 20 weeks should he complete the drink drive rehabilitation programme by 15th March 2026.

The AA's submissions

11. Ms. Kyle-Davidson, on behalf of the AA, indicated that the facts of the allegations could be proven to the requisite standard by virtue of FPC Bennett's plea of guilty as documented within the certificate of conviction. His conduct in conjunction with the

conviction was incompatible with the role of a police officer and brings discredit upon the force and causes reputational harm. The AA were clear that this was a case of gross misconduct as opposed to misconduct simpliciter. A half empty bottle of whiskey had been found within the vehicle. He was reported as driving erratically and he bumped into a police car. When breathalysed he was over twice the legal limit.

Findings of Fact

12. The panel accept that on 18th January 2025 the officer was apprehended by the Cumbrian Police for driving on a public road with alcohol in his system and which was over the prescribed legal limit. The panel had considered the attending officer's statement, the MGDDA form completed at the time of the station breath test, and the former officer's guilty plea as reflected in the certificate of conviction.

Standards of Professional Behaviour

13. The panel also found that such conduct amounted to discreditable conduct. Schedule 2 of the 2020 regulations 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".

The officer at the time was a law enforcement officer who has now been convicted of a criminal offence where he was more than twice the prescribed legal limit for the operation of a motor vehicle. The reading in this case increased the severity of the matter. The panel felt that this in itself was disreputable, and the majority of the public in receipt of such information would believe likewise.

Severity Assessment

14. The panel considered carefully whether such conduct amounted to misconduct, gross misconduct or neither. The panel reminded themselves of regulation 2(1) of the 2020 regulations which stipulates that gross misconduct is a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal. Misconduct means a

breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action.

15. The panel found that having considered the alcohol reading, the report that the former officer was driving erratically on a public road in conjunction with the fact that he had a collision with a stationary police vehicle inescapably amounted to gross misconduct. He has since been convicted of a criminal offence and disqualified from driving. Therefore, the conduct was so serious that dismissal may be justified.

Outcome

16. The AA reminded the panel that the former officer provisions applied as per schedule 1 of the 2020 regulations. The panel were provided with a summary of FPC Bennett's service record showing that at the time of his offending he was a probationary officer. The panel were also addressed regarding matters relating to the former officer's performance.
17. The AA addressed the panel on the approach to take when assessing seriousness and submitted that disciplinary action was appropriate and that the only realistic outcome, when considering all the facts of this matter was for the officer to be dismissed had he not resigned. The AA reminded the panel that as a former officer, FPC Bennett could not receive a final written warning.
18. When determining the appropriate outcome to impose, the panel considered the purpose of police misconduct proceedings:
- a. To maintain public confidence in, and the reputation of, the police service,
 - b. to uphold high standards in policing and to deter misconduct,
 - c. to protect the public.¹
19. The panel's approach to determining the appropriate disciplinary outcome was as follows:

¹ Para 2.3 [Guidance on outcomes in police misconduct proceedings 2022](#)

- a. Firstly, the panel would assess the seriousness of the misconduct.
- b. They would keep in mind the purposes for imposing outcomes in police misconduct proceedings.
- c. Finally, they would choose the outcome that most appropriately fulfilled that purpose, given the seriousness of the conduct in question¹.

20. The panel took the structured approach when determining outcome:

- a. **Culpability** – the panel found FPC Bennett’s culpability to be high. Their reasoning was as follows. As a law enforcement officer FPC Bennett would have known that by drinking heavily and driving he would have been in contravention of the law. He voluntarily went behind the wheel and alcohol was located within the vehicle. This was a deliberate act on his part.
- b. **Harm** – the panel considered most relevant the risk of harm in respect of other road users, and the risk of harm to the reputation of the Constabulary. In respect of both, the panel found the risk of harm to be high. FPC Bennett was reported by a member of the public as driving erratically. His alcohol reading was over twice the legal limit. This increased the risk of a road traffic collision. The public would be concerned hearing the full facts of this matter, which created the potential for the reputation of the Constabulary to be tarnished.
- c. **Aggravating features** – the panel found there to be no aggravating features. The fact that FPC Bennett was reported as reversing into a stationery police vehicle was considered, but the panel took the view that

this was a minor feature of this case and neither was any damage reported to the police vehicle.

- d. **Mitigating features** – the panel accepted that this was a single episode. In addition, FPC Bennett made full admissions at the roadside, cooperated at the police station and pled guilty at the first available opportunity.

¹ Fuglers LLP v Solicitors Regulation Authority [2014] EWHC 179 (Admin), paragraph 28.

21. Personal mitigation carries limited weight in the context of misconduct proceedings but in any event no personal mitigation had been submitted or relied upon. However, the panel noted that this was FPC Bennett's first matter of misconduct albeit in a relatively short career. The panel found that poor performance without any context or further information was not relevant to these proceedings and therefore this aspect was not considered as part of his service record.
22. The panel found that disciplinary action was appropriate in this case to maintain public confidence in policing, to uphold high standards, and also to serve as a disincentive to others to act in a likewise manner, thus protecting the public. Should disciplinary action not be taken in circumstances where the officer had been convicted of such serious criminal offending, which posed a risk to public safety, the public would rightly be critical of, and lose confidence in, the police misconduct process.
23. The panel determined that had the officer not resigned, he would have been dismissed. This was the only possible outcome under para. 20.66(e) of the Home Office Guidance.
24. At the time of writing, the legislation does not permit former civil nuclear police officers to be added to the Police Barred list.

Publication

25. In the absence of representations to the contrary, the panel determined that this decision document should be made available within the public domain in accordance with regulation 43(6) of the 2020 regulations.

Jeremy Webster (Independent Member)

John Jones (Independent Member)

Laura Austin (LQP)

26th June 2025