

IN THE HIGH COURT OF JUSTICE

Claim No HQ13D05940

QUEEN'S BENCH DIVISION

B E T W E E N: -

TOBY ROWLAND

Claimant

-and-

ANDREW JOHN BOWER MITCHELL

Defendant

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UNILATERAL STATEMENT IN OPEN COURT

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Claimant's Solicitor – Jeremy Clarke-Williams, Slater and Gordon

I appear for Police Constable Toby Rowland, a Metropolitan Police officer of long standing. He is a member of the Diplomatic Protection Group whose duties include the security of Downing Street.

The events which gave rise to this litigation have received so much publicity that I need say relatively little about them. PC Rowland was the officer who let Andrew Mitchell MP, together with his bicycle, out of the pedestrian gate from Downing Street into Whitehall on the evening of 19 September 2012. What exactly Mr Mitchell said to PC Rowland as he left Downing Street became the crux of the so-called "Plebgate" controversy.

Two days after the incident on 19 September 2012, Mr Mitchell phoned PC Rowland and apologised to him for his behaviour at the gates. PC Rowland accepted that apology and wishes that had been the end of the matter. However, unfortunately the conduct of other officers which PC Rowland regarded as totally unacceptable led to an intensive police investigation, known as Operation Alice, within which all the

relevant CCTV footage of the incident in Downing Street was examined, and PC Rowland was twice interviewed at some length.

On Saturday 22 December 2012, PC Rowland was identified by name and photograph in the Mail Online website, and then in the Mail on Sunday newspaper the next day, as the police officer who had dealt with Mr Mitchell at the gates of Downing Street on 19 September 2012. Consequently, all the accusations made after that date by Mr Mitchell about the police officer who dealt with him were understood to refer to PC Rowland.

My client had hoped that Operation Alice would serve to vindicate him and so stayed his hand on any action against Mr Mitchell until the announcement of the result by the DPP, Ms Alison Saunders, on 26 November 2013. Her statement said that whilst a number of officers were to face (and were subsequently convicted of) criminal and disciplinary charges, the position of PC Rowland was quite different. The DPP stated that there was no evidence to justify proceedings against him.

However, on the very same day as the DPP's announcement, Mr Mitchell held a televised press conference accusing PC Rowland of having lied in his account of what Mr Mitchell had said at the gates of Downing Street and implying he should have been prosecuted. These allegations comprehensively undermined the vindication of PC Rowland by Operation Alice. It left PC Rowland with no option but to bring these defamation proceedings.

In November 2014 a trial took place to establish precisely what had been said at the Downing Street gates in the exchange between PC Rowland and Mr Mitchell. In his judgment delivered on 27 November 2014, Mr Justice Mitting reached the "firm conclusion" that Mr Mitchell had spoken "the words alleged [by PC Rowland] or something so close to them as to amount to the same, including the politically toxic word 'pleb'".

This judgment put the true position beyond argument. Since it was delivered, Mr Mitchell has abandoned the other defences he had raised to my client's claim and consequently terms of settlement have been agreed. The payment of £80,000 damages by Mr Mitchell sets the seal on PC Rowland's vindication, as well as providing compensation for the injury to his reputation and the distress caused to him and his family over many months.

PC Rowland never felt that the events in Downing Street were anything more than a minor incident. He was not responsible for the publicity which followed and would have much preferred that the whole matter had never entered the public domain. He now simply wishes to be left in peace to continue his police career.

With that I ask that the record be withdrawn.