



Special commission on the resignation
of the Commissioner of Police of the Metropolis

Report

Sir Thomas Winsor, ws

Formerly Her Majesty's Chief Inspector of Constabulary

24 August 2022

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The review was commissioned on 25 March 2022
by instrument of appointment given on behalf of the Home Secretary,
containing the Terms of Reference specified in Annex 5

The commission was given to –

Sir Thomas Winsor, WS

Formerly Her Majesty's Chief Inspector of Constabulary

The advisers to the commission are –

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Definitions

In this report, the following terms and abbreviations have the meanings assigned to them below

GLA	Greater London Authority
IOPC	Independent Office for Police Conduct
local policing body	police and crime commissioner and, in London, MOPAC; in the West Midlands, West Yorkshire and Greater Manchester, the mayor
MOPAC	Mayor's Office for Policing and Crime
MPA	Metropolitan Police Authority
Policing Protocol / Protocol	Policing Protocol made by the Home Secretary under section 79 of the Police Reform and Social Responsibility Act 2011
section 38	section 38 of the Police Reform and Social Responsibility Act 2011, which enables a local policing body other than MOPAC to call upon a chief constable to retire or resign
section 42	section 42 of the Police Reform and Social Responsibility Act 2011, which provides for the appointment of the Commissioner of the Metropolitan Police
section 48	section 48 of the Police Reform and Social Responsibility Act 2011, which provides for MOPAC to require the Commissioner of the Metropolitan Police to resign or retire
statutory removal process	process under either section 38 or section 48, under which a chief constable or, as the case may be, the Commissioner of the Metropolitan Police may be required to resign or retire

Introduction

1. By a special commission from the Secretary of State for the Home Department (“the Home Secretary”) of 25 March 2022, I was appointed to review the circumstances and implications of the stepping aside of the Commissioner of Police of the Metropolis.

2. My Terms of Reference of the same date set out that I am to:

Establish and assess the full facts, timeline of events and circumstances which resulted in the stepping aside of Dame Cressida Dick as Commissioner of Police of the Metropolis;

Establish and assess whether due process was followed under the Police Reform and Social Responsibility Act 2011 and other relevant rules of law and applicable conventions, having regard to their terms, purpose and spirit.

3. These two aspects of the special commission are distinct from the third (below), and I have termed them together as Part 1 of my report. Part 1 comprises my findings in fact as to what happened, based on the evidence provided to me, at paragraphs 26 - 162 below, and my assessment of the conclusions to be drawn from those facts, at paragraphs 163 - 225 below.

4. I emphasise at the outset the point made expressly in the Terms of Reference at paragraph 4 that my review “*will not assess the merits of the performance of the Commissioner or the Metropolitan Police ... the review is concerned with process, not substance*”. I express no view in this report as to the performance of the Commissioner personally or the force she led, and I have not sought or obtained evidence which would allow any conclusions to be drawn on those points. Some of the areas of recent public and/or media criticism of the Metropolitan Police are referred to in my report where they have been raised, and they are of background relevance to my findings as to what happened and my assessment as to why.

5. Paragraph 1 of my Terms of Reference further requires me to:

Provide the Home Secretary with advice, options and recommendations on how accountability and due process in these respects may be strengthened.

6. I address this aspect of my review in Part 2, in paragraphs 225 - 381. Although it is obviously contextually informed by the matters addressed in Part 1, it is in effect a free-standing and largely separate analysis of how the Police Reform and Social

Responsibility Act 2011 works (or does not work) in the context of the policing of London and the unique role of the Metropolitan Police.

7. I have borne in mind that, as set out in paragraph 2 of my Terms of Reference, this special commission does not extend to a review of the operation of local policing bodies outside London, and I do not make any specific recommendations in relation to that wider model. However, I agree with the view expressed to me by a number of interviewees that my recommendations are likely to have implications for the legal model as it applies outside London – including in particular to other areas where the local policing body is a directly elected mayor – and it may be that the Home Secretary will wish to consider a wider review of the current model as a whole in due course.
8. I address in Part 2 of my report the terms of service established between the Commissioner and the Mayor’s Office for Policing and Crime, and the interplay between those and the Commissioner’s appointment by Royal Warrant, as required by paragraph 3 of my Terms of Reference.
9. My conclusions in relation to Part 1 are that:
 - (a) Due process was not followed by the Mayor of London and the Mayor’s Office for Policing and Crime in their taking of actions which led, on 10 February 2022, to Dame Cressida Dick stepping aside as Commissioner of Police of the Metropolis. The Commissioner is not an employee of the Mayor, but she was in effect constructively dismissed by him.
 - (b) Those acting on behalf of the Mayor told the Commissioner that the Mayor intended publicly to announce his loss of trust and confidence in her, and that he intended to commence the statutory removal process, on the afternoon of 10 February 2022. The Commissioner was given a very short period in which to consider her position following that news. She was left in a position whereby she felt, even if others might have felt differently, that she had no option but to announce that she would step aside, in part to protect the Metropolitan Police itself. The circumstances in which she reached that view had been largely created by the actions of the Mayor and his staff. No good reason has been identified as to why such a resolution had to be reached on 10 February 2022 itself. The Mayor’s actions on 10 February 2022 failed to respect the dignity of the Commissioner as an individual, and as the holder of high public office. He did not act, in particular on 10 February 2022 itself, in accordance with the legislative scheme, still less its spirit.

10. My conclusions in relation to Part 2 are that:
- (a) The role of the Commissioner of the Metropolitan Police is wide enough and needs no enlargement; nor is it appropriate or expedient to reduce the remit of the force to exclude its national and international functions so as to enhance the case of the Mayor of London for more control.
 - (b) London is much more than the largest city in the United Kingdom; it is a national asset, the seat of the Monarchy, government and Parliament, the location of the senior judiciary, the country's financial, cultural and technological capital and where what happens often has national and international implications; the primacy of the Home Secretary in relation to the Metropolitan Police should be maintained, whilst fully respecting and accommodating the role of the Greater London Authority and the democratic mandate of the Mayor as the head of the country's largest local authority.
 - (c) The terms of appointment of the former Commissioner are not consistent with the legal status of the Commissioner or the constitutional and legal relationship between the Commissioner and MOPAC; the accountability of the Commissioner is a function of statute not purported contract, and is not a master-servant, employer-employee one; future terms of appointment should be issued by the Home Secretary, not the Mayor.
 - (d) The regime for the forced resignation or retirement of the Commissioner under the Police Reform and Social Responsibility Act 2011 is sound, but material problems can arise when they are circumvented or violated, and where the terms, principles and spirit of the Policing Protocol are not honoured. In cases where a determined politician has created conditions which apply undue, oppressive and perhaps intolerable pressure on the Commissioner, in particular by making or threatening to make a public statement of no confidence irrespective of the grounds for doing so, or indeed without stating what those grounds may be, nothing can prevent the making of such a statement. It is therefore necessary for the political price of doing so to be as high as possible. I have specified several measures which could be taken – most of which would require primary legislation – to improve the checks and balances of the system to protect a Commissioner in such circumstances and make a Mayor think twice before engaging in inappropriate conduct.

Methodology

11. Prior to turning to the substance of my report, I set out briefly the methodology I have adopted in writing it.
12. In relation to Part 1, I have sought to interview those directly involved in the timeline of events, essentially between 19 January 2022 and 10 February 2022. In essence, there are two 'parties' to these events. The first is Dame Cressida Dick, and her senior staff at the Metropolitan Police. The second is the Mayor of London, and his senior staff both in his office and in the Mayor's Office for Policing and Crime (including the Deputy Mayor for Policing and Crime).
13. I have received extensive co-operation from Dame Cressida and the Metropolitan Police. The Metropolitan Police have provided, from the outset, a very detailed written account of the view of the timeline of events from those involved. All those with direct evidence to provide made themselves available to me to be interviewed, from the outset. I have interviewed Dame Cressida at length and on more than one occasion. I have also interviewed (then) Assistant Commissioner Helen Ball, the Chief of Corporate Services (Robin Wilkinson), Sir Stephen House (Deputy Commissioner at the time) and Chief Constable Alan Pughsley of Kent Police and Deputy Chief Officer Ian Drysdale, Vice-Chair of CPOSA (Dame Cressida's formal CPOSA friends and representatives, who were present on 10 February 2022 to provide her with support). On 20 August 2022, I provided Dame Cressida with a gist of my proposed criticisms of her and have considered her response.
14. Regrettably, I have not received the same degree of assistance or co-operation from the Mayor and those for whom he is responsible, notwithstanding the expectation of full and timely co-operation set out in paragraph 12 of my Terms of Reference. I first wrote to the Mayor on 7 April 2022 indicating that I would wish to meet with him and the Deputy Mayor for Policing and Crime. In subsequent correspondence I repeated my invitation to them, and to the Mayor's Chief of Staff (David Bellamy) and the Chief Executive of the Mayor's Office for Policing and Crime (Diana Luchford) to speak with me. In total, some nine invitations to attend an oral meeting with me were issued. Not until 25 July 2022 did any response on behalf of the Mayor indicate any agreement of any person to meet with me in relation to Part 1 of my commission - and then only the Deputy Mayor and his Chief of Staff, but not before 15 August 2022 (after which the term of this commission would have ended, if it had not been further extended to 24 August 2022). I only received a short and high-level account from the Mayor of the circumstances leading to the Commissioner's stepping aside on 24 May 2022, together

with a small number of items of correspondence between MOPAC and the Commissioner, and no further material engagement on Part 1 until I received a response in relation to the draft findings in fact on 25 July 2022, late in the evening on the 14-day deadline I had set for a response. The response on 25 July 2022 to my draft findings was the first occasion, nearly four months after the establishment of the special commission, on which any detailed engagement with the timeline and facts was forthcoming from the Mayor and his Office. On 27 July 2022 I drafted and sent to MOPAC a letter identifying the gist of the criticisms I proposed to make on the basis of the information I had received. The initial response to that letter, on 29 July 2022, for the first time indicated that the Mayor was prepared to meet with me to discuss what had happened, for one hour and accompanied by the Deputy Mayor and his Chief of Staff, but only after 15 August 2022. A fuller response to the gist of the proposed criticisms was sent on 4 August 2022.

15. I subsequently requested a further extension to my commission from the Home Secretary to allow that meeting to take place. An extension to 24 August 2022 was granted, for which I am grateful. On 17 August 2022 I met with the Mayor, the Deputy Mayor, his Chief of Staff and the Chief Executive of MOPAC for slightly over an hour and a half. That meeting was a valuable opportunity to hear the Mayor's account of events and to test that account to the extent possible in the time available. I remain very disappointed that this degree of engagement was far too little and far too late in the process, and that I was not able to speak to the relevant individuals separately and at greater length. It is also unfortunate that a result of this approach has been that the Metropolitan Police and Dame Cressida have provided me with a detailed positive account, whereas for the most part the Mayor's Office have simply responded to that account (where I accepted it in the draft findings) rather than providing their own detailed positive account.
16. On 18 August 2022, I received a letter from the Mayor's legal advisers seeking to reiterate aspects of the account given in the interview and to supplement it to some extent with further or clarificatory information. I have also taken that into account.
17. On Saturday 20 August 2022, I received a lengthy set of legal submissions from leading and junior counsel on behalf of MOPAC, addressing what they had purportedly identified to be legal (and in some cases factual) errors in the gist of my proposed criticisms. No other party has provided legal submissions, but I have considered them carefully. Given the degree of revision I had been undertaking since 27 July 2022 when I provided the gist (in anticipation of the commission ending at an earlier point), many of the criticisms were no longer of relevance, regardless of whether or not they had any merit. Where the submissions were of potential relevance, I have sought to address them where appropriate in my assessment. However, I wish to reiterate my considerable dissatisfaction with the course of events: the legal submissions were

provided over three weeks after I provided MOPAC with the gist, and three working days before the end of this commission. No explanation has been provided for this. It is very hard to escape the conclusion, considering the degree of engagement of MOPAC and the Mayor across the totality of this commission, that the Mayor only began to take this commission seriously when the provision of the gist made apparent to him that my report might be critical of his decision-making and conduct. That is a long way short of the co-operation which the Home Secretary, and I, expected of those involved.

18. I have received a written account from the Home Secretary concerning her knowledge of the events in question, but it is clear from that account that she did not have direct evidence to provide and I did not seek to interview her or Home Office officials in connection with Part 1.
19. In accordance with good practice, I sent a gist of a draft of my proposed criticisms in this report to those affected by them, and provided a short period in which to give any response. The effect of that on the engagement of the Mayor I have indicated above. I have taken very carefully into account all the responses I have received and made adjustments to my assessment where I have considered that to be appropriate. In the letter of 18 August 2022, it was suggested on behalf of the Mayor that I should provide a further draft of my factual findings and my conclusions, together with supporting evidence for them. As I had made clear at the conclusion of the interview on 17 August 2022, I did not and do not consider that such a process is justified or proportionate. The Mayor and MOPAC have had a detailed opportunity to respond, have taken that, and the process does not require repeated rounds of drafts or representations. No report of this nature would ever be concluded if that were the case. There would not, in any event, be time to do so before the conclusion of my commission. I am satisfied that across the commission as a whole, the Mayor and MOPAC (and indeed everyone else) have had a fair opportunity to provide me with all the information and evidence that they wish to, and to comment on any proposed conclusions which are critical of them.
20. I have reviewed and revised my draft findings and assessment of those findings, where I considered it justified and appropriate, in the light of the written and oral information and submissions provided to me in the final weeks of my commission by the Mayor's Office. It is neither necessary nor appropriate to comment on the evolution of my findings and assessment, save to emphasise that many amendments have been made of both minor and material matters, and that had the Mayor and MOPAC shown the same level of engagement prior to my reaching provisional findings and conclusions those earlier provisional views would doubtless have been differently expressed. At all times, I have reached my conclusions on the basis of the

evidence available to me at the time, and where that evidence has changed, I have been prepared to change my conclusions – or aspects of my conclusions – too.

21. Ultimately, I have formed my own view of the facts based upon the totality of the evidence provided to me. In substance, and as one would expect, large parts of the timeline of events and its detail were not in any material dispute. However, some aspects of the factual accounts have differed in important respects. Where there has been a dispute of fact, I have generally been able to attribute more weight to evidence by reference to: its consistency with contemporaneous documents (although I have received relatively few of these); the degree to which it is corroborated by the accounts of others; its detail and specificity; my ability to test it in interview with the person concerned, including their willingness and ability to answer questions put to them; and its inherent credibility and coherence. No single factor is more important than any other; each has been relevant to differing extents in relation to different aspects of the evidence. I have borne in mind that memories are imperfect and a person may have convinced themselves of an account which was not in fact correct in every respect. I have equally borne in mind that although notes of a meeting or conversation may be a good indicator of the content of that discussion, they have not been provided on a verbatim basis. I have also had some regard to the fact that police officers are particularly experienced in the need to recall with accuracy events and discussions subsequently, so as to provide evidence to the criminal standard before the criminal courts, although I have not accepted the account of any police witness on that basis alone. I have throughout applied the balance of probabilities standard.
22. In relation to Part 2, I have interviewed a large number of people with significant experience at the highest level of: central government and the Home Office; local government, including specifically in London; and having responsibility for the Metropolitan Police and other major police forces. I have spoken to former Home Secretaries, a former Mayor, former Deputy Mayors and former Metropolitan Police Commissioners, amongst many others. In some instances, I have also received written views which I have taken into account. I set out in Annex 2 to this report a list of those interviewed in connection with Parts 1 and 2.
23. I have not interviewed the Home Secretary in relation to Part 2: that would not have been appropriate where my recommendations are made to her, and any policy decisions she wishes to take having considered those recommendations will be a matter for her. I have interviewed Dame Cressida in connection with Part 2 as well as Part 1. The limited time I was given for an interview with the Mayor did not permit discussion of Part 2 with him, but I have taken account of his written response and what was said on his behalf in my interview with his Director of Strategy & MPS Oversight.

24. The views I express in Part 2 are mine, informed by the extremely helpful and often divergent opinions and experiences which have been provided to me. On occasion, I describe those opinions and suggestions by way of synthesis but I have not named those who have expressed them. That has allowed participants to express themselves frankly, and I have found that frankness invaluable.

25. I received invaluable support from Kellie McMillan, on secondment from HMICFRS, for the initial period of this special commission before her return to active policing in the Police Service of Northern Ireland. I have received legal support and assistance throughout from counsel, Christopher Knight and Ailsa McKeon, for which I am grateful. I have received legal advice on a specific subject from David Perry QC, for which I am also grateful.

Part 1

FINDINGS IN FACT

Background

26. I set out below the findings in fact I make, on the balance of probabilities, in connection with the circumstances of the resignation of the Commissioner of the Metropolitan Police. As I have noted in the introduction to this report, it is unsurprisingly the case that the vast majority of the facts set out below are not in dispute, or where disputes arise they are minor and immaterial. I accordingly set out my findings generally without reference to each of the many sources of the evidence I have received. There are a small number of material disputes of fact. Where these arise, I identify them directly, explain the contending accounts and explain which account I have preferred and why.
27. On 22 February 2017, the announcement was made that Cressida Dick would be the next Commissioner of the Metropolitan Police. She was appointed by Her Majesty The Queen on the recommendation of the Home Secretary, pursuant to the process set out in section 42 of the Police Reform and Social Responsibility Act 2011, which included the Home Secretary's consideration of the views of the Mayor of London. At the time of Cressida Dick's appointment, the Home Secretary was Amber Rudd, while the Mayor of London was, and remains, Sadiq Khan. Pursuant to section 42(2) of the Police Reform and Social Responsibility Act 2011, "[a] constable holds office as the Commissioner of Police of the Metropolis at Her Majesty's pleasure".
28. On 30 March 2017, Cressida Dick signed a document purporting to be 'Terms and Conditions for the Commissioner of Police of the Metropolis, Cressida Dick'. This document was issued by the Mayor's Office for Policing and Crime¹ and was counter-signed by Rebecca Lawrence, then Chief Executive of MOPAC, on 3 April 2017. The document stated that Cressida Dick was appointed to the office of Commissioner for a period of five years, from 10 April 2017 to 9 April 2022, in accordance with her Royal Warrant. I address the 'Terms and Conditions' from MOPAC in Part 2 of my report.

¹ Section 3 of the Police Reform and Social Responsibility Act 2011 establishes the Mayor's Office for Policing and Crime as a corporation sole, and the office is to be occupied by the person who for the time being is the Mayor of London. However, in practice, this term is used to encompass the group of people who aid in the carrying out of the statutory functions set out in section 3, and that is the sense in which references to the Mayor's Office for Policing and Crime or MOPAC are to be construed unless otherwise stated. Section 3(6) of the Police Reform and Social Responsibility Act 2011 provides that MOPAC must secure the maintenance of the metropolitan police force and that the force is efficient and effective. Section 3(7) provides that MOPAC must hold the Commissioner to account for the exercise of the Commissioner's functions and the functions of persons under the Commissioner's direction and control.

August 2021

29. In late August 2021, the Mayor of London had a telephone call with the Home Secretary, now Priti Patel, to discuss what would occur following the end of Cressida Dick's five-year term. During early September 2021, correspondence was exchanged between the Mayor of London and the Home Secretary confirming that the Commissioner's appointment would be extended for a further two years. That correspondence shows that the Mayor had expressed a preference for a three-year extension, to enable the Mayor elected in May 2024 to play a role in selection of the next Commissioner. However, the Home Secretary preferred a two-year extension, to April 2024, as was ultimately agreed.
30. The reasons for this extension included the need for continuity and stability in the Metropolitan Police following the COVID-19 pandemic. In addition, as the Mayor observed in a letter to the Home Secretary of 6 September 2021, "[his] *expectation [was] that the Commissioner will deliver the priorities which will be set out in my forthcoming Police and Crime Plan, including preventing and reducing violence in all its forms ... and increasing trust and confidence among London's diverse communities*".

September 2021

31. On 8 September 2021, the Permanent Secretary of the Home Office wrote to the Commissioner to advise that, having considered the views of the Mayor, the Home Secretary intended to write to Her Majesty The Queen to recommend a two-year extension of the Commissioner's appointment. The Commissioner replied the same day, stating that, "[s]ubject to the considerations for Her Majesty the Queen, I would be very pleased to continue to serve as Commissioner for a further two years ... up to April 2024". The Home Secretary then wrote to the Commissioner on 10 September 2021 to "*confirm [that] a two-year extension to your current fixed term appointment as Commissioner of Police of the Metropolis was granted by Her Majesty the Queen*". This was also confirmed in a Written Ministerial Statement of the same date.² Each letter confirmed that these steps were taken having had regard to the recommendations of the Mayor.
32. On 15 September 2021, the Commissioner wrote to the Home Secretary and the Mayor expressly thanking them both for their support in extending her appointment until April 2024.
33. Each of the letters of September 2021 acknowledged that the Metropolitan Police faced significant challenges which needed to be overcome. The Home Secretary's Written Ministerial Statement specifically justified the extension as providing continuity for

² HCWS281.

the force when facing “challenges”, which were identified as including “driving down violent crime, boosting the confidence of women, girls and ethnic minorities in law enforcement and responding to the concerns that have emerged from the report of the Daniel Morgan independent panel”.

34. On 27 September 2021, the Metropolitan Police launched a new Strategy for Inclusion, Diversity and Engagement (STRIDE) 2021-2025³ setting out how it would take action, together with communities and partners, to make the changes important for Londoners’ safety and confidence.

October 2021

35. On 2 October 2021, the Commissioner wrote to the Home Secretary and the Mayor to set out the plan the Commissioner was leading to build trust in police standards and improve safety for women and girls.
36. On 3 October 2021, an officer serving with the Metropolitan Police Parliamentary and Diplomatic Protection Command was charged by the Hertfordshire Constabulary with rape after having been arrested the previous day. That evening, a call took place between the Mayor, the Deputy Mayor for Policing and Crime (Sophie Linden), the Commissioner, and the Deputy Commissioner (Sir Stephen House) to discuss the case.
37. The Mayor was particularly concerned that the officer had been in the same team as Wayne Couzens, who had abducted, raped and murdered Sarah Everard in early 2021, and been sentenced for these offences in late September. There was some discussion about how the situation should be handled, both in relation to the media and to the relevant police unit. At the end of the meeting, the Mayor said to the Commissioner and the Deputy Commissioner, “*This is the last chance saloon. I worry about what is going to happen. You need to throw everything at this*”.
38. The Mayor spoke with the Home Secretary by phone later that night and again on the afternoon of 4 October 2021. During that phone call, the Mayor asked the Home Secretary whether she still had confidence in the Commissioner. She said that she did, but wanted to continue the conversation. The Mayor responded that two days previously, he, too, had had confidence but that this was now shaken. The Mayor and the Home Secretary agreed that they needed to continue to hold the Commissioner accountable.

³ <<https://www.met.police.uk/SysSiteAssets/media/downloads/force-content/met/about-us/stride/strategy-for-inclusion-diversity-and-engagement-stride-2021-2025.pdf>>

39. On 5 October 2021, the Commissioner published online a 'Key Strategy' entitled 'Rebuilding Trust',⁴ setting out various steps aimed at addressing some of the challenges identified. On 8 October 2021, the Commissioner wrote a further letter to the Mayor setting out plans to rebuild public trust in Metropolitan Police standards and announcing that Baroness Casey of Blackstock would be leading a review into the culture and standards of the Metropolitan Police. On 15 December 2021, the Commissioner published a progress report on the Rebuilding Trust plan.⁵

January 2022

40. On 19 January 2022, a trilateral meeting requested by the Commissioner in September 2021 took place between the Home Secretary, the Mayor and the Commissioner. This was the last formal conversation between the three individuals before the Commissioner stepped aside on 10 February 2022. At the 19 January 2022 meeting, the Mayor praised the positive work that the Metropolitan Police had been doing, particularly to address areas of public concern. He said that the Metropolitan Police was in the strongest position it had been in since the start of his mayoralty and that he had never had more confidence in the foundations for a positive year for the force. The Home Secretary also emphasised the importance of collective action between the three offices. In particular, she discussed with the Mayor and the Commissioner what they could do collectively to improve public confidence.
41. The Mayor's recollection of this conversation when he was interviewed in August 2022 was that he had been expressing confidence in relation to the Metropolitan Police's action on tackling violent crime and similar matters. The understanding of the Commissioner and her team was that the Mayor's comments had not been intended so narrowly at the time. The Home Secretary, in a letter to me dated 6 June 2022, recalled that the Mayor had "*expressed the view that he had never had more confidence in the foundations for a positive year, noting specifically the Police Uplift Programme recruitment in London, the success of the Violence Reduction Unit in driving down crime, and engagement with health and education partners*". There is no suggestion that the Mayor (or indeed the Home Secretary) expressed any concerns about their confidence in the Commissioner on 19 January 2022.
42. On 21 January 2022, the Commissioner wrote her weekly letter to the Mayor. She stated that she was "*pleased we were able to meet this week, along with the Home Secretary, to discuss the work of the Met and the positive start we have made in 2022*". The

⁴ See <<https://www.met.police.uk/police-forces/metropolitan-police/areas/about-us/about-the-met/rebuilding-trust/>>.

⁵ <<https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/rebuilding-trust-update-on-progress.pdf>>

Commissioner was “*delighted to hear you talk about your confidence in the year ahead – that ‘all the building blocks are in place’*”. The letter added that “*You and I are in regular contact, and I hope that our bilateral meetings and correspondence are providing a clear sense of grip and progress on rebuilding trust*”. There has been no suggestion from MOPAC that the Mayor wrote to disagree or correct the Commissioner’s understanding of his expressions of confidence.

Operation Hotton

43. Operation Hotton was a series of nine linked, independent investigations into the behaviour of certain serving Metropolitan Police officers between 2015 and 2017. Most of those individuals investigated were police constables serving out of Charing Cross Police Station. The allegations related to bullying and harassment; failure to report, challenge, or appropriately deal with allegations of bullying and harassment; domestic assault; misogynistic behaviour; drug use; the use of steroids and the failure to challenge or report this; the deliberate deletion of material relating to a criminal investigation; discriminatory actions and behaviour; and sleeping and engaging in sexual activity whilst on duty.
44. The first allegation which ultimately fell within the scope of Operation Hotton was made in March 2017, the month before Cressida Dick took up her post as Commissioner. The Metropolitan Police referred the allegation to the Independent Office for Police Conduct who decided it should be investigated by the Metropolitan Police. The Metropolitan Police investigated but the Crown Prosecution Service determined that no further action should be taken in relation to the criminal allegation. The Metropolitan Police launched a conduct review, following which a further referral was made to the IOPC.
45. The IOPC began its investigations in March 2018. One officer who was involved to a significant extent in discriminatory and highly inappropriate behaviour resigned in May 2018. Another officer was prosecuted for and found guilty of having made improper use of a public electronic communications network in January 2019 and was dismissed from the Metropolitan Police shortly after. As a result of the IOPC investigation, both of these officers were also subject to disciplinary proceedings conducted by the Metropolitan Police during August and September 2021. Charges of gross misconduct were found proven against both, with the result that both have been placed on the barred list.⁶ Although these two officers had by then already left the force, others investigated in the course of Operation Hotton were still serving with the Metropolitan Police, and two had since been promoted. This information had not been made available to MOPAC by the Metropolitan Police at this stage.

⁶ See <<https://www.college.police.uk/ethics/barred-list>>.

46. The IOPC did not recommend other gross misconduct proceedings, and of the remaining officers investigated for misconduct, management action or similar was provided to those in relation to whom misconduct (*simpliciter*) was found proven. For those who were found by the IOPC to have no case to answer, the Metropolitan Police either took no further action or required an undertaking of reflective practice. At this stage, MOPAC was still not aware of these details, nor that several of the officers investigated were still working for the Metropolitan Police.
47. It was also unknown to MOPAC that two of the remaining officers had been promoted. One of those promotions, from constable to sergeant, occurred in January 2018 before the IOPC investigation commenced. That officer ultimately faced management action for failing to report or challenge another officer's alleged misconduct. The second promotion occurred in 2021. The relevant officer had faced a misconduct meeting during Operation Hotton in connection with an allegation of deleting material relevant to a criminal investigation, but that charge was not proven against him.

27-28 January 2022

48. Having conducted its investigations, the IOPC began drafting a 'Learning Report' to make recommendations aimed at preventing similar behaviour. On Thursday, 27 January 2022, the IOPC provided the Metropolitan Police with a copy of the Learning Report and advised that this was to be published the following Tuesday, 1 February 2022. MOPAC's Head of MPS Oversight - Governance and Professionalism was copied into the communication, receiving the report on 27 January 2022. The Mayor also saw the Learning Report on that date.
49. This was the first time that the precise details and content of text messages sent between officers in WhatsApp conversations were revealed to MOPAC. However, the Metropolitan Police had briefed MOPAC on the outcome and rationale of the gross misconduct hearings in relation to Operation Hotton in September 2021. This briefing included references to the type of material contained in the messages, namely offensive and racist comments and images about women, Black, Asian and Muslim people, and people with disabilities. MOPAC had additionally received a written briefing in March 2019 which referenced a witness appeal that the Metropolitan Police was undertaking, in conjunction with the IOPC, in relation to Operation Hotton. The witness appeal document included descriptions of the behaviours of concern under investigation.
50. The following day, 28 January 2022, the Deputy Mayor for Policing and Crime, Sophie Linden, sent a message to Assistant Commissioner for Professionalism, Helen Ball, asking to speak briefly concerning the IOPC's impending publication of the Learning

Report on Operation Hotton. The two spoke on the telephone at 11:30 and discussed the briefing of various individuals, including the Home Office, MOPAC and the Mayor, before the Learning Report was published. The Deputy Mayor suggested that briefings should also be provided to the shadow Home Secretary, Baroness Casey, and Dame Elish Angiolini (who had been appointed by the Home Office to lead a review of the murder of Sarah Everard by Wayne Couzens, a serving officer). In that conversation, the Deputy Mayor suggested that the Metropolitan Police ought to have ready a statement that the force should aspire to be an anti-racist organisation. She also advised Assistant Commissioner Ball that the force should know exactly where the officers who had been investigated (and who were still serving in the force) were currently working, and how the force was managing them.

1 February 2022

51. On 1 February 2022, the IOPC's Learning Report was published.⁷ It detailed the behaviour that had been uncovered among some of the officers investigated, including bullying and aggressive behaviour; 'banter' used to excuse oppressive and offensive behaviours; discrimination; toxic masculinity, misogyny and sexual harassment; and issues around challenging and reporting improper conduct. The Learning Report contained extracts from text messages communicated amongst officers in group chats that were misogynistic, racist, homophobic or constituted discrimination against persons with disability. The IOPC's Regional Director, Sal Naseem, described the behaviour uncovered as "*disgraceful*" and "*well below the standards expected of the officers involved*".⁸ The Learning Report went on to say that:

*"The team at Charing Cross where we identified these problems has now been disbanded, yet we have seen evidence of this behaviour in subsequent investigations. We believe these incidents are not isolated or simply the behaviour of a few 'bad apples'."*⁹

52. The IOPC acknowledged the work done by the Metropolitan Police to address these problems, including the Rebuilding Trust strategy, but stated that more needed to be done. In relation to the WhatsApp messages, the IOPC stated that "*[t]he seriousness and frequency of such comments that went unchallenged suggested a systemic cultural issue that allowed the behaviour to pervade and persist*".¹⁰ The Learning Report also observed, in general terms in the Foreword, that:

⁷ See

<<https://www.policeconduct.gov.uk/sites/default/files/Operation%20Hotton%20Learning%20report%20-%20January%202022.pdf>>.

⁸ <<https://www.policeconduct.gov.uk/news/iopc-recommendations-tackle-met-culture-after-investigation-uncovers-bullying-and-harassment>>.

⁹ At [5].

¹⁰ *Ibid*, at [30].

“Although the matters we investigated occurred three years ago, we know through our independent investigations, the communities we engage with and concerns raised by officers and the wider public, that these were not isolated incidents.”

53. The same day, the Metropolitan Police issued a press statement acknowledging that *“reprehensible behaviour”* and *“appalling conduct”* had been uncovered, and apologising for what had taken place. It was emphasised that such behaviour *“does not represent the values of the Metropolitan Police Service”* and that steps had been taken since to address it. The statement set out what had happened with the officers who had been subject to investigation, and what the force had done.
54. Also on 1 February 2022, the Mayor issued a press statement expressing disgust at the behaviour identified in the IOPC report. The Mayor’s statement said that *“the Met has set out the immediate action it is taking to rebuild trust and confidence”*, and that he wanted to *“assure Londoners that I will continue to hold the Met to account on delivering these commitments [that is, to taking steps for change] so that we see the changes needed and the public deserve.”* The Mayor said: *“It is right that the team concerned has been disbanded and the police officers found to be involved have been dismissed, disciplined or have left the police”*, and that he had *“been clear with the Commissioner about the scale of change that’s needed to rebuild trust with Londoners”*. A press statement was published by the Home Secretary as well, echoing the others’ sentiments and stating her expectation that the Metropolitan Police and the Mayor of London would implement the Learning Report’s recommendations as soon as practically possible.
55. Also that day, the Chief of Staff to the Commissioner spoke with the Mayor’s Director of Operations. The Director of Operations said the Mayor was frustrated and he wanted to meet the Commissioner to discuss the issues in the IOPC report. The Commissioner received a text message from the Deputy Mayor asking her and Assistant Commissioner Ball to attend a meeting with the Mayor.

2 February 2022

56. On 2 February 2022, the Home Secretary appeared before the House of Commons Select Committee on Home Affairs. In her remarks, she said *“there can be no excuses for the appalling behaviours we have seen in the IOPC report”*. She added: *“We are not seeing one-off instances. We have seen too many times, too many instances, where in policing we have just seen the most appalling behaviours, the most appalling conduct.”* She said this *“shows a failure of leadership in some quarters”* and *“there are cultural issues there”*.
57. On 2 February 2022, the *Evening Standard* reported that: *“A source close to the Mayor said today: ‘Sadiq was furious reading the findings of this report and is deeply concerned this further damages ... the trust and confidence of Londoners in the Met. These cultural issues aren’t*

historic but under the current Met leadership's watch, Londoners need to see evidence that the Met is changing". The same day, PoliticsHome reported that a source close to the Mayor had said the Mayor would "*call in Dick to explain how she will ensure that this kind of behaviour will stop*" and placed responsibility for cultural issues in the Metropolitan Police with its current leadership.

58. The Commissioner and Assistant Commissioner Ball travelled to the Mayor's Office in Union Street for a meeting at 14:15 on 2 February 2022. When the Mayor arrived with his Chief of Staff, David Bellamy, and Deputy Mayor for Policing and Crime, Sophie Linden, he asked the Assistant Commissioner to leave the room. She, the Deputy Mayor, and the Mayor's Chief of Staff waited outside while the Mayor and the Commissioner spoke alone for about 40 minutes.
59. Once that meeting was underway, the Mayoral Director of Operations spoke to the Commissioner's Chief of Staff to inform her that the Mayor had requested to speak to the Commissioner one-to-one at the start of the meeting, and that it was expected that it would be a difficult meeting given the Mayor's strength of feeling.
60. No note was taken of the one-to-one meeting. The Commissioner has provided a relatively detailed recollection of what was said in that meeting. The Mayor has not provided his own account, but has responded to some specific aspects of the recollection of the Commissioner. Those responses have identified some highly material disputes of fact.
61. During this one-to-one meeting, the Mayor expressed shock and anger about the content of the IOPC report. The Mayor referred to how the IOPC report reminded him of the attitudes of some police officers in the 1970s and 1980s, and he said that if he were giving a statement to the media today, he would have described the Metropolitan Police at that point as institutionally racist, homophobic and sexist. The Mayor asked whether the Commissioner would agree; she said she did not. She told the Mayor that she was also appalled by what had happened and that she accepted there was work to be done, but that describing the Metropolitan Police in those terms would not assist. The Mayor further expressed concern for public confidence. He made a broad statement that public attitude surveys were at rock bottom, and that he was concerned that it would be difficult for him to have confidence in the Metropolitan Police and, by extension, the Commissioner, after Operation Hotton. The Mayor has not indicated any dispute with the Commissioner's recollection of these aspects of their meeting.
62. The Mayor's expression of surprise at the IOPC report came as a surprise to the Commissioner, and she said so. She explained that the Mayor's team had regularly

been briefed on Operation Hotton, which had in itself been running for four years.¹¹ The Mayor does not dispute this recollection of the Commissioner, although he has reiterated (as I accept) that he had not previously been provided with the detail of the contents of the messages in question, and that earlier reports had not referred to systemic cultural issues.

63. The Commissioner's recollection of what occurred next was that the Mayor said to her that she should dismiss all the officers investigated during Operation Hotton and that that was what the public would expect. The Mayor denies that he said this; instead, he says he explained that Londoners found it inexplicable that the officers were still serving.
64. Following the Mayor making this comment in the private meeting, the Commissioner says that she explained the IOPC and misconduct processes to him. She told him that upon reading the IOPC report, he would see that in the cases of some officers, the IOPC had found there was no case to answer, and in some cases the misconduct was of a lower-level nature.
65. The Commissioner explained that she had no power to act as the Mayor wanted; it would be *ultra vires* and she had to comply with due process. She said that to try to increase the sanctions or come to a different determination on guilt in the absence of any new evidence would be wrong, as would dismissing all the officers. She said it was important to comply with the law and to be fair. The Mayor replied, she told me: "*Do it anyway*". The Commissioner said she was amazed that the Mayor, himself a lawyer, should make this demand since he must understand the importance of acting correctly. She added that if she complied with the Mayor's purported direction to her, she would be successfully legally challenged, and that she must uphold the law. The Mayor replied, in the account of the Commissioner provided to me, that: "*You're wrong. Your job is to uphold the criminal law. Don't worry about the civil law. Let them JR [judicially review] you. The public will support it.*" The Commissioner replied that this would be irrational, particularly several years after the event, and would send a very bad message about how the Metropolitan Police was run. In relation to those officers

¹¹ The matters investigated in Operation Hotton had been discovered in the first instance in March 2017 and had been set out publicly by the IOPC in statements on 26 April 2018 and 30 April 2019. There had also been newspaper stories about the investigation: see *The Guardian*, the *Evening Standard*, the *Mirror* and *The Independent* on 30 April 2019, and *The Sun* on 1 May 2019. The IOPC had completed its investigatory work some considerable time ago; the February 2022 IOPC report was a learning lessons report, following conclusion of all the disciplinary and other legal proceedings which came after the IOPC investigation. Under the relevant police disciplinary regulations, in the case of gross misconduct cases (dealing with the most serious allegations), MOPAC recruits legally qualified chairs, from among whom the Metropolitan Police select a chair for each hearing; an independent panel member is requested thereafter. This procedure was followed in the appropriate cases arising out of Operation Hotton. Moreover, a draft of the IOPC report had been sent to MOPAC in September 2021, when the draft was also provided by the IOPC to the Metropolitan Police.

who were still with the force, they had either received an appropriate sanction for misconduct or it had been found that they had no case to answer. The two main culprits had left the force through dismissal or resignation, and had been placed on the barred list. She was satisfied those were the appropriate outcomes and there was no lawful basis for taking any further steps against those officers.

66. The Commissioner also explained to the Mayor when and why two of the 14 officers had been promoted. This information was also included in the Metropolitan Police's 6 February 2022 briefing for MOPAC on all the facts of Operation Hotton. Nonetheless, in subsequent statements to the media (for example, on BBC Radio 4's *Today* programme on 9 February 2022), the Mayor maintained that he did not understand the outcomes of the Operation Hotton investigations, including the promotions.
67. The Mayor's recollection of the discussion in this meeting concerning the position of the remaining officers was that he did not understand why they remained in post, and that the Commissioner should seek external legal advice about whether there was any way to challenge the IOPC's position in relation to those officers. He emphasised that challenging the IOPC had been at the core of his conversations with the Commissioner on 2 February 2022. It was his view, as expressed at the time, that she and the Assistant Commissioner should have challenged the IOPC in relation to the charges it had pursued against the other officers (that is, misconduct rather than gross misconduct). He explained to me that even if she knew there was nothing to be done and external legal advice said as much, this would have enabled her to tell the public in a credible fashion that she had done everything lawfully possible to hold all officers involved to account.
68. In connection with his demand that the Commissioner dismiss the officers, the Commissioner's evidence concerning the private meeting was that the Mayor had referred to the case of Peter Connelly (Baby P), saying that the Commissioner should act as the Secretary of State for Children, Schools and Families (Ed Balls MP) had done in that case, regardless of the consequences in the civil law.¹² The Mayor had acknowledged that in that case the Secretary of State had had to make a large financial settlement to the public official who had been unlawfully dismissed, but that did not matter because it was what the public had wanted. The Commissioner recalls that he said: "*You should do that.*" According to the recollection of both the Commissioner and

¹² Peter Connelly was a 17-month-old child who died in August 2007 at the hands of his carers despite having been seen by health professionals in the London Borough of Haringey Children's Services and the NHS. Shortly after news of Peter's death became public, in a press conference broadcast live the Secretary of State for Children, Schools and Families removed from office the Director of Children's Services in the London Borough of Haringey, Sharon Shoesmith. The Court of Appeal said that the Secretary of State's removal of Ms Shoesmith was unlawful: *R (Shoesmith) -v- Ofsted & Others* [2011] EWCA Civ 642; [2011] PTSR 1459.

the Assistant Commissioner, this was said again after the pair were re-joined by the Deputy Mayor, the Mayor's Chief of Staff, and the Assistant Commissioner. The Mayor denies that he raised the Baby P case in connection with removing the Operation Hotton officers, or that he made the suggestion the Commissioner recollects. He accepts that some mention of the Baby P case was made in the one-to-one meeting, and recalls mentioning that he knew Mr Balls as a result, but he could not recall who brought up the case. As for the fuller meeting, there is no record in Mr Bellamy's note of the Baby P case being mentioned, and Mr Bellamy did not recall any such mention. The Deputy Mayor denied that the Baby P case was mentioned in connection with the removal of the Hotton officers, but did accept when pressed that she could recall mention of Mr Balls.

69. The Commissioner recalls that the Mayor stated, both during the one-to-one meeting and later, that if the Commissioner did not dismiss the officers, he would bring proceedings by way of judicial review against the Commissioner and the IOPC (although he did not explain what his grounds for doing so would be). The Mayor does not directly dispute this recollection, and the note of the fuller meeting with others present taken by the Mayor's Chief of Staff goes some way to confirming this: it records the Mayor as stating that he intended to take legal advice on options to challenge both the IOPC and the Metropolitan Police.
70. After these points were covered, the conversation then became less heated, and the Commissioner and the Mayor discussed the changes that needed to be made as well as work that was already underway. The Commissioner did not agree with all of the Mayor's views but accepted it was a difficult time for policing and that the Metropolitan Police needed the help of the Mayor. The Mayor ultimately stated that they - the Metropolitan Police and MOPAC - needed a joint plan, which his team would help the Commissioner's staff to produce, and the two teams should get together as soon as possible.
71. The Assistant Commissioner, the Deputy Mayor, and the Mayor's Chief of Staff then joined the Mayor and the Commissioner, and the Mayor's Chief of Staff took a note of that meeting (which is not suggested to be verbatim, but which is detailed). The Commissioner explained what had been discussed in the one-to-one meeting, including - per the note - that "*the Mayor had expressed frustrations including regarding the disciplinary process and the limited number of sackings of officers who featured in Op Hotton*". The Mayor then reiterated that all the officers should be removed. The Assistant Commissioner explained the IOPC's processes, and noted that some of the Mayor's questions suggested he believed officers who had sent offensive text messages were still serving and had been promoted. The Assistant Commissioner explained this was not the case; she identified the dates of the misconduct, noted that the IOPC had acknowledged the force's learning actions, and pointed out that MOPAC

had been copied into the communication by which the IOPC report had been sent. She indicated that the Metropolitan Police believed that the IOPC had reached the correct outcome on the disciplinary charges for all officers involved.

72. Given what had been said about possible judicial review proceedings, it was agreed that the Metropolitan Police would send details of the case to MOPAC so that MOPAC could consider how such a judicial review application might be formulated. The meeting participants also discussed the difficulty of communicating the facts of the case and the outcomes of its investigation (in particular, the removal or resignation of the officers who had committed gross misconduct, and the fact that some officers had been found to have had no case to answer) so that the public understood them. The IOPC had acknowledged the Metropolitan Police's learning actions. It was agreed during that meeting that the Metropolitan Police and MOPAC would work together on a joint plan for action, communications and engagement, as discussed in the one-to-one meeting, although the Mayor's recollection – and the account of the note taken – was that the support to be provided by MOPAC was to focus on the communications aspect rather than the wider plan the Mayor wished to see from the Commissioner. The note also records the Mayor's wish for the wider work to be "*joint*". A deadline of 4 February 2022 was set for this to be produced. This deadline was not stated at the outset of the meeting but was established by a text message sent by the Deputy Mayor to the Commissioner after the meeting on 2 February 2022 and the following day in their scheduled bilateral. There was no discussion as to when this would next be discussed with the Mayor, including by reference to the bilateral meeting scheduled for 10 February 2022. The note of the meeting records the Mayor stating that Operation Hotton might be the 'straw that broke the camel's back' regarding public confidence in the force.
73. Towards the end of the fuller meeting, the Deputy Mayor asked about the Metropolitan Police's position on institutional racism and anti-racism. The Commissioner explained that she did not think the Metropolitan Police was institutionally racist, and would not be willing to change that position on the basis of the findings in relation to Operation Hotton. Nonetheless, she was clear that the Metropolitan Police was anti-racist and that she would be (and had been) very willing to say so. The note records that the Mayor commented that he "*hadn't previously known that the MPS was an anti-racist organisation*". It bears noting that the Commissioner had, however, previously made comments to this effect: for example, in a statement dated 13 November 2020, she acknowledged that discrimination and racism were issues that the Metropolitan Police had to contend with, but went on to say that "*In the Met we have zero tolerance of racism. My job is to continue to try to eliminate any such racism and*

discrimination, however it appears".¹³ Similarly, in *STRIDE: The Met's Strategy for Inclusion, Diversity and Engagement* launched under Cressida Dick's Commissionerhip in September 2021, the ongoing determination was expressed "*to eliminate such racism and discrimination [in the Metropolitan Police] as we maintain our zero tolerance approach to such unacceptable behaviour*".¹⁴

74. At the end of the meeting as a whole, the Mayor said to the Commissioner words to the effect that "*one or other of us is going to end up being substituted*". This was a continuation of a footballing analogy earlier used by the Mayor when he likened the current situation to being "*5-0 down at half-time*". Both of these phrases are recorded in the note of the fuller meeting and they are not disputed. The Mayor explained that he had meant that these were serious issues that needed to be approached with a degree of urgency, and which might have an adverse effect on his standing for election in 2024 and the position of the Commissioner, which had been extended to run to the same date. The Commissioner told me that she understood the phrase as a threat to her continuation in office. The Mayor accepted in interview with me that he could see why she might have thought that, in view of his reference in October to "*last chance saloon*" and the decline in public confidence.
75. It is apparent that there some serious areas of factual dispute which arise from both the one-to-one meeting and the fuller meeting at which others were present, which go in particular to the Mayor's conduct and inform my assessment of the process he adopted. These may be summarised as being: (i) whether the Mayor insisted that the Commissioner should dismiss all the officers involved in Operation Hotton; (ii) whether he said that she should do so notwithstanding that it would not be lawful; (iii) whether he drew an analogy with the Baby P case and the actions of the Secretary of State in that context unlawfully dismissing a local authority official; and (iv) whether the Mayor threatened the Commissioner with removal in his 'substitution' reference. Other areas of dispute are more minor and need not, in my view, be resolved. However, I do make clear that I am satisfied that the Commissioner understood that the plan the Mayor wished her to produce urgently was to be jointly developed with MOPAC and that, at the least, that was a reasonable understanding to have reached from both parts of the meeting.
76. As to (i), I find that the Mayor did insist that the Commissioner dismiss all the officers involved. The Commissioner's recollection of the meeting was clear, and it is not surprising that such a demand would have stayed in her memory as being striking. It

¹³ <<https://www.met.police.uk/notices/met/commissioner-statement-working-with-londons-communities-build-further-trust-confidence-police/>>.

¹⁴ <<https://www.met.police.uk/SysSiteAssets/media/downloads/force-content/met/about-us/stride/strategy-for-inclusion-diversity-and-engagement-stride-2021-2025.pdf>> at 8.

is also consistent with what the Mayor accepts he said, is noted as having said in the fuller meeting, and repeatedly said to the press subsequently: i.e. that he could not understand why they had not all been dismissed. Given that there were very good reasons, set out in the IOPC report, why different approaches had been taken in different cases to reflect varying levels of culpability, the reasonable interpretation of the Mayor's repeated comments is that he believed that they should all be dismissed, regardless of their specific factual circumstances. If that was his belief, it is credible that he would have pressed the Commissioner privately to achieve that outcome. In interview with me, the Mayor expressly denied having threatened to remove the Commissioner if she did not do so – as was reported by the *Times* on 17 February 2022 – but that was not her allegation to me. On any view, a reference to removing the Commissioner – as arises under (iv) – was more subtle, implicit and not made directly or solely in connection with the sacking of the Hotton officers.

77. I consider that (ii) and (iii) are closely linked. Ultimately, I accept the broad account given by the Commissioner. I do not need to make a finding on the specific language used by the Mayor, but I find that the Commissioner's recollection of the substance of what was said is to be preferred. The Mayor spoke to her about dismissing the Hotton officers in a manner which made clear that he believed that she should dismiss them even if it were unlawful to do so, and that the Baby P case and the actions of Ed Balls in connection with it was a good precedent to follow. I reach that view because:
- (a) The Commissioner had a specific recollection of the Mayor raising the Baby P case. The Mayor did not. Rather, the Mayor recollected that it had been mentioned in the one-to-one meeting and referring to knowing Ed Balls, but could not recall who raised it and generally denied that it was in the context of asking the Commissioner to act unlawfully or indeed that he made any such suggestion.
 - (b) The Mayor's position on this is not tenable. The only reason anyone would have for referring to Ed Balls was in the context of his actions in the Baby P case. The only reason the Commissioner would have for raising the Baby P case – if she did – was because it was a prominent example of a person sacking an official unfairly and unlawfully so as to be seen to be 'doing something', and that the Mayor was asking her to do the same thing. No other explanation for how Baby P and/or Ed Balls could have come up in the discussion makes sense. It would otherwise be totally irrelevant to the subject-matter.
 - (c) The response of the Mayor, that if he had made these points he would have done so in the later fuller meeting, does not assist either, because that is precisely what both the Commissioner and Assistant Commissioner allege he did do. I do not accept Mr Bellamy's note was a verbatim account or that it accurately captured everything discussed: the Deputy Mayor admitted that there had been some

mention of (at least) Mr Balls, which the note does not record. There is, therefore, an accepted part of the discussion which the note does not capture.

- (d) Again, it is not credible that there would have been any discussion in the fuller meeting in a manner which caused the name of Mr Balls to be mentioned other than in the context of the Baby P case, and therefore in connection with a parallel between the unlawful treatment of Ms Shoemith by Mr Balls and the Mayor's belief that all of the Hotton officers should be dismissed.
 - (e) I do not think it at all surprising that the Commissioner should have a good recollection of both parts of the meeting, given that it was a very important meeting to her both at the time and in the immediate aftermath on which she will have dwelled to a much greater extent than the Mayor.
78. As to (iv), there is no dispute as to the Mayor's language and he accepts that the Commissioner might reasonably have understood his reference to be one of him removing her from office, given previous expressions of concern. Although it is true that he might be 'substituted' at an election two years away, I consider it more plausible that the Mayor's choice of language was intended as a veiled threat that if actions were not taken by the Commissioner in accordance with his concerns, he would act to 'substitute' her. That is the more natural meaning of the words used, including in the context of the meeting. The Commissioner had, of course, no power to do the same to him.
79. The Commissioner understood from the meeting that developing the requested plan discussed was important. However, it was not made clear that this would be critical to her continued tenure as Commissioner. That only became apparent to her after a spokesperson for the Mayor addressed the media that evening and stated that the Mayor had put the Commissioner "*on notice*"; the Deputy Mayor texted the Commissioner with the full quote and also offered to speak with her. In this message, the Deputy Mayor reiterated the 4 February 2022 deadline for the Commissioner's plan, and that the bilateral meeting the following day would be available for discussion of the issues.
80. When interviewed, the Mayor explained to me that the deadline of 4 February 2022 had been imposed owing to the importance of trust and confidence to the ability to fight crime, such that a swift response was required. He assumed that the Metropolitan Police would have already started to work on a response well before the 2 February 2022 meeting, given their long-standing knowledge of the issues identified in Operation Hotton.

81. At 17:20, the Mayoral Director of Operations sent the Metropolitan Police Strategy Director a quote issued to the press on the Mayor's behalf, stating:

"The Mayor and the Commissioner had a very frank discussion which lasted well over 90 minutes. The Mayor made clear to the Commissioner how angry he is with a return to the bad days of the Met of his childhood in the 1970s and 80s, and that neither he nor Londoners will put up with this. He has put the Commissioner on notice. He said the Met needs to urgently show it has an effective plan for restoring the trust and confidence of Londoners in the police and to drive out the culture of racism, homophobia, bullying and misogyny which clearly still exists within its ranks".

82. At 18:46, the Metropolitan Police Strategy Director messaged the Deputy Mayor to "check in with you about what we are working up following the meeting with the Mayor" and to "check we are on the right track with what we are working on". A call was scheduled for 08:30 the next day.

3-8 February 2022

83. On 3 February 2022, *The Times* reported that, according to a source close to the Mayor, if the Commissioner was unable to restore trust, the Mayor would "have to consider whether she is the right person to lead the change needed at the Met".
84. That same day, the Commissioner and Deputy Mayor attended a scheduled bilateral meeting. Also present were Deputy Commissioner Sir Stephen House, the Metropolitan Police Strategy Director, the Metropolitan Police Chief of Staff, the MOPAC CEO and a member of MOPAC staff. The Deputy Mayor reinforced the seriousness of the Mayor's position and the importance of developing the required plan. She suggested that the bilateral agenda be replaced so that the focus could be on trust and confidence. The Commissioner responded to this by saying the discussions on trust and confidence should only take five minutes. The Deputy Mayor again emphasised this was critical and a priority. Despite this, the Commissioner insisted on talking about the tabled agenda items first.
85. When the meeting turned to the plan, and recalling the suggestion that the plan was to be developed jointly, the Commissioner asked what City Hall would be looking for from the Metropolitan Police. The Deputy Mayor said it was not possible to second guess what the Mayor's reaction to the plan would be. However, she indicated that there would need to be acceptance in communications of the seriousness of the issues, including that they existed across the Metropolitan Police, and a 'game-changer' response.

86. The Deputy Commissioner noted that a Met-wide approach was being taken to addressing the issues. This included Baroness Casey's review and other specific measures. The Metropolitan Police Strategy Director asked if the Mayor wanted to increase the power of the Commissioner to remove people who did not uphold the necessary standards. The Commissioner noted that the current system took too long and took time to change. A number of actions for inclusion in the plan were also proposed and discussed at this meeting.
87. The Deputy Mayor made it clear to the Commissioner and Metropolitan Police attendees that she would not be able to second guess the plan; it was for them to set out what they were doing, how they would acknowledge the severity of the situation, and how this would be communicated to Londoners. The Deputy Mayor stated that the language being used by the Metropolitan Police indicated a failure to understand the gravity of Londoners' loss of trust and confidence in the Metropolitan Police. Plans to address this needed to be more externally-focussed. The Deputy Mayor clearly articulated the gravity of the situation and the need for a "*game changing*" approach from the Metropolitan Police. The MOPAC CEO also stated that this plan was about taking the whole organisation on the journey.
88. Later, around 19:00, the Metropolitan Police Chief of Corporate Services, Robin Wilkinson, received a phone call from the MOPAC CEO, Diana Luchford, who emphasised the Mayor's anger about what had been revealed by the IOPC's Learning Report and the need for the plan to be very good. The Chief of Corporate Services asked for any further insight available and whether the Mayor had already decided that he had lost confidence in the Commissioner. The MOPAC CEO said that she could not say but emphasised that the position was grave. She stated that she herself was in a difficult position in terms of how to advise the Mayor, although she did not elaborate on this. The Chief of Corporate Services took this to mean advice both on due process and advice in relation to the consequences of destabilising the leadership of the Metropolitan Police.
89. The Chief of Corporate Services followed the call with an exchange of messages in which he thanked the MOPAC CEO for the call, and said he noted and fully understood the seriousness. He asked if there was anything that could be done to pave the way for a constructive two more years, or whether it was "*now an issue of when not if*". The MOPAC CEO responded that everyone wanted "*a constructive two years...*", adding that this was why there was "*worry about destabilising the Met*".
90. The next day, 4 February 2022, the Chief of Corporate Services and Strategy Director for the Metropolitan Police worked with colleagues to produce the plan required by the Mayor, as well as an all-staff message from the Commissioner concerning her expectations in relation to professional standards and challenging poor behaviours.

Both drafts were sent to the MOPAC CEO during the course of that morning for MOPAC's comment and feedback. The Chief of Corporate Services then sent a message to follow up and request substantive feedback, before calling around 11:00. During that call, the MOPAC CEO stated that the all-staff message was good; she had not had time to consider the plan carefully but thought it was too long and would require more external focus, such as a campaign or listening exercise "*led personally by the Commissioner*". Given that the Metropolitan Police and the Commissioner had already conducted a number of engagement events across London, the Chief of Corporate Services asked the MOPAC CEO for her views on what else MOPAC considered appropriate for inclusion. Her response was that the plan was for the Metropolitan Police to develop on its own.

91. The MOPAC CEO also noted that the draft plan contained nothing about communication of the outcomes of Baroness Casey's review. She said it was a 'red-line' item for the Mayor that the Casey review should report to him directly, even though the Commissioner had established the Casey review on the basis that it would report only to the Commissioner. MOPAC emphasise that the 'red-line' was that the review should report to the Mayor in addition to the Commissioner. The Commissioner's position was that it was important that the review be done 'with' the Metropolitan Police rather than 'to' it. The Chief of Corporate Services also asked whether the Mayor had already reached a decision on the Commissioner's future, but the MOPAC CEO did not offer a view.
92. Nonetheless, around 13:00, the Chief of Corporate Services spoke again with the MOPAC CEO to discuss the possible consequences for the Metropolitan Police if the Commissioner were to be dismissed.
93. Later, around 16:00, the Chief of Corporate Services spoke with the Deputy Mayor and asked for her views on the current position. The Deputy Mayor emphasised the plan's importance and that of building public trust.
94. The Commissioner ultimately wrote a four-page letter to the Mayor around 17:00 on Friday 4 February 2022, noting the "*full discussion we had on Wednesday [2 February 2022] about trust and confidence in the Met*". She wrote that she fully shared his concern, and recognised the seriousness and need for urgent action. The Commissioner acknowledged that "*failures of officers and staff to abide by the high standards I expect, and that the public rightly expect, are plain and simply unacceptable*". She highlighted the multiple current and future actions planned by the Metropolitan Police to address the challenges. The letter concluded, "*I look forward to discussing this further with you at the earliest opportunity*".

95. Annexed to the Commissioner's letter was the 16-point plan of action developed at the Mayor's request which built upon the existing Rebuilding Trust strategy. Although the Mayor had, on 2 February 2022, indicated that the plan should be jointly developed, MOPAC had not provided any material input into the content of the plan submitted by the Commissioner on 4 February 2022. The Mayor received the letter and plan late on Friday, 4 February 2022, and read and considered them over the following two days.
96. At 17:33 on 4 February 2022, the Chief of Corporate Services sent a message to the Deputy Mayor emphasising the Commissioner's commitment to leading change within the Metropolitan Police and suggesting that a compromise might be reached in relation to reporting on Baroness Casey's review. The Deputy Mayor replied the following morning (Saturday, 5 February 2022) asking that potential compromise solutions be provided by Monday morning.
97. At 11:49 on 5 February 2022, the Deputy Mayor sent a message to the Metropolitan Police Chief of Corporate Services acknowledging receipt of the plan and asking to be talked through it. As a result, the Chief of Corporate Services met with the Deputy Mayor and the MOPAC CEO via video-call at 17:30 and explained the plan. The Deputy Mayor and MOPAC CEO wanted to know more about how the Metropolitan Police would engage with communities. They also raised the lack of mention of reporting on Baroness Casey's review and asked when reviews into historic misconduct cases (as promised in the Rebuilding Trust strategy) would be finalised.
98. The Chief of Corporate Services then asked for MOPAC's feedback on the plan, but beyond the questions asked in the discussion, none was provided. The Deputy Mayor and MOPAC CEO stated that they had simply wanted to ensure they understood the plan but emphasised that it was a matter for the Metropolitan Police. This stood in contradiction to the agreement reached on 2 February 2022 that a plan should be prepared jointly between the Metropolitan Police and MOPAC. The Mayor explained to me that there had been no substantial feedback on, or joint development of, the plan because that was what the 10 February 2022 meeting was intended to be about. That meeting had been confirmed on 26 January 2022 as a regular bilateral between the Commissioner and the Mayor.¹⁵
99. There was then a one-to-one conversation between the Chief of Corporate Services and the Deputy Mayor, at which the Chief of Corporate Services asked when MOPAC's feedback on the plan would be received. By this time, it had become clear to the Commissioner and some of her staff that the Mayor might be contemplating her removal from office. The Chief of Corporate Services therefore said that planning was

¹⁵ See paragraphs 72, 79 and 84 below.

being undertaken for various scenarios, as if she were to leave office, the Commissioner would want to do the right thing for the Metropolitan Police and wanted her dignity, and that of the force, to be respected. The Deputy Mayor said that she was to have a meeting with the Mayor the following Monday. She later sent a message to the Chief of Corporate Services suggesting that they talk the next day to prevent “*the scenario planning that you describe ... lead[ing] to misunderstandings*”. The two therefore spoke late on the morning of Sunday 6 February 2022. The Deputy Mayor said that no decisions had been made about the Commissioner’s future and emphasised that everything needed to be considered carefully. The Chief of Corporate Services expressly asked whether the Deputy Mayor expected the situation to escalate the next day. Her initial response was that she did not know because she had not spoken to the Mayor, but she then expressed the opinion that she did not expect it to escalate.

100. Around 14:30, the Chief of Corporate Services sent a message to the Mayor’s Chief of Staff. He said he knew the situation was serious and hoped that the Chief of Staff had seen the further commitments and communications from Friday. The Chief of Corporate Services added that he had been in touch with the Deputy Mayor and MOPAC, which had been helpful, and he understood there was to be a meeting with the Mayor the next morning (Monday, 7 February 2022). The Chief of Corporate Services offered a conversation if that would be useful. The Mayor’s Chief of Staff responded saying that: “*I have seen Cress’ letter to Sadiq and her message to staff and I know Sadiq has too. I will speak to Sadiq about this on Monday ... Thanks for reaching out, let’s keep in touch ...*”. The Chief of Corporate Services responded that there were “*a range of options*” and there was “*resolution here to act – and of course a strong sense of duty in doing the right thing*”.
101. Shortly before 20:00, having consulted with Assistant Commissioner Ball, the Chief of Corporate Services sent the Deputy Mayor and the MOPAC CEO a briefing on Operation Hotton for the Deputy Mayor to consider giving to the Mayor. This responded directly to a number of incorrect statements the Metropolitan Police believed that the Mayor had publicly made. The Chief of Corporate Services also sent a proposal concerning reporting on Baroness Casey’s review, including six-weekly structured meetings between the Mayor, the Deputy Mayor, the Commissioner, and Baroness Casey.
102. On the morning of 7 February 2022, the Home Secretary’s office asked for a call with the Commissioner to discuss public confidence following Operation Hotton, as well as the latest data on tackling serious violence. This call was scheduled to take place at midday.

103. By this point, the Metropolitan Police had received from the Mayor no substantive feedback on the plan sent on 4 February 2022; the only feedback had been the Deputy Mayor's personal views on some aspects at the weekend. Around 16:15, the Metropolitan Police Chief of Corporate Services sent a message to the Deputy Mayor to ask if there would be any feedback on the plan or wider issues. He sent a similar message to the MOPAC CEO shortly before 18:00. The Deputy Mayor replied at 18:45 that there would be none that day, while the MOPAC CEO's response was that the Mayor was still considering the plan so there was no feedback to give at that point. These responses are not consistent with the Mayor's indication to me in interview that it was never the intention to provide any substantive feedback in advance of the 10 February meeting; if that had been the case, I would have expected the Deputy Mayor and/or the MOPAC CEO to make that point in terms.
104. On the morning of 8 February 2022, the Home Secretary's office contacted the Commissioner's office to arrange a bilateral meeting between the Home Secretary and the Commissioner, to take place on 10 February 2022 from 12:30 to 13:00. This would cover the work done by the Metropolitan Police to rebuild trust as well as its performance in tackling crime. However, this meeting was cancelled at short notice by the Commissioner and, at the time, the Home Secretary was not informed why.
105. Later in the day, the Metropolitan Police Chief of Corporate Services spoke with the MOPAC CEO over the telephone, seeking feedback on the plan and an indication of the Mayor's thinking, including as to his confidence in the Commissioner. The MOPAC CEO gave no substantive response, saying that she had not seen the Mayor and did not know; it was a matter for the Mayor.
106. The Metropolitan Police Press Office then learned that the Mayor was planning media interviews for the following day, 9 February 2022. The Chief of Corporate Services sent a message to the MOPAC CEO saying that the inference to be drawn from MOPAC's silence on the plan was that the Mayor was likely to say that week that he no longer had confidence in the Commissioner. The MOPAC CEO said the Deputy Mayor would ring the Commissioner.
107. During the evening of 8 February 2022, the Deputy Mayor called the Commissioner and sought to reassure her about the media interviews planned for the following morning, including on Radio 4's *Today* programme. The Deputy Mayor explained that the Mayor would be talking about his mentoring proposals and would not offer any new information about the Metropolitan Police or the Commissioner. She said she did not know what the Mayor thought of the plan. The Commissioner pressed the Deputy Mayor on whether the Mayor was going to say anything the next day about her position. The Deputy Mayor insisted that the Mayor would not be talking about the Commissioner's position, and said "*this is not an ambush*". She said "*your dignity is*

paramount in the coming days, weeks and months and it will be respected". She said the Mayor would not be discussing the plan because he had not yet fully absorbed it. The Commissioner asked about the Mayor's views on the post-Hotton remedial plan. The Deputy Mayor first said she had not seen the Mayor, and then that she had but had not discussed the plan so she did not know what he thought of it. The Commissioner's recollection of this conversation has not been materially disputed by the Deputy Mayor.

108. At 19:05, the Mayor's Chief of Staff sent a message to the Metropolitan Police Chief of Corporate Services referring to the call between the Deputy Mayor and Commissioner. The Chief of Corporate Services responded that the Commissioner had *"been assured by Sophie [Linden, the Deputy Mayor] that the Mayor is not planning on saying anything negative about Cress tomorrow in the media"*.

9 February 2022

109. On the morning of 9 February 2022, the Mayor participated in a scheduled interview on BBC Radio 4's *Today* programme. Without prior notice, the *Today* programme chose to lead with questions about the Commissioner. No other outlet with which the Mayor spoke that morning did this – they all led with the mentoring scheme which had been the agreed topic of discussion.
110. The Mayor responded to the questions he was asked by saying that, the next time he saw the Commissioner, he wanted *"to see what her response is the examples of not one officer, of 14 officers being involved in racist, sexist, misogynistic, homophobic, anti-Semitic, Islamophobic and the like behaviour, nine of whom are still serving, and secondly, what her plans are to win back the trust and confidence that's both been knocked and shattered as a consequence of these cases"*. He went on: *"In the words of the IOPC, ... these cases aren't historic, they're not isolated, and that's why it's important for the Commissioner, when I next see her, to answer me those two big questions"*. The Mayor added that *"Londoners can't understand why nine of the 14 police officers are still serving ... two of them have been promoted"*. When asked if he had confidence in the Commissioner, the Mayor responded: *"That will be contingent on the response from the Commissioner the next time I see her"*. He added, *"Anybody who works for me who hasn't got my trust and confidence, or more importantly, hasn't got the trust and confidence of Londoners, I won't keep silent about that, I will take action"* and that *"I believe in due process. I think it is only fair for me to allow the Commissioner to come back and answer the two big questions I've got ..."*. The Mayor concluded this part of the interview by reiterating that, *"If it's the case that I no longer have trust and confidence in anybody who works for me, I'll make that quite clear and take action"*.

111. Also on 9 February 2022, the Mayor was interviewed on ITV. He said: *“What we saw in Charing Cross wasn’t one officer – it was 14 officers behaving in an unacceptable way. I have been clear to Dick. She needs to show she understands how serious this is, and has a plan. She needs to deal with trust and confidence which has been knocked and shattered.”* He was asked if he would *“get rid of”* the Commissioner. His response was: *“I have been quite clear in terms of my expectations. I believe in due process. Let’s see what she comes back to me with”*.
112. When asked in August 2022 why he did not close down questions about the Commissioner, the Mayor’s response was that it was effectively impossible to do so on the *Today* programme; having done so would have caused difficulties for the Commissioner; and it was his statutory responsibility to hold the Commissioner to account. He had been clear there would be due process, and had referred to *“days and weeks”* during his media appearances because he thought he and the Commissioner could resolve the issues. He did not want to say that he had seen the draft plan or lacked confidence, because he and the Commissioner were to meet about this on 10 February, but he also did not wish to telegraph to the wider world precisely when that discussion would occur. Having read the draft plan after receiving it on 4 February, however, he could not unequivocally say that she had his full trust and confidence. When asked whether this was because to say that would have been untrue, the Mayor said that he could not go back in time and that, had he been asked whether he had confidence in the Commissioner on 9 February 2022, he did not know what his mind would have been. I did not find this answer credible: the Mayor must have known where his confidence in the Commissioner stood, even if he was not prepared to state it publicly.
113. Again on 9 February 2022, an article in *The Guardian* said: *“a Whitehall source made clear if he [the Mayor] declares he lacks confidence in Dick, they would not fight to save her. ‘This is his call and his decision,’ said the source.”* The article stated that, according to a Whitehall source, *“... there is [no] way if the mayor of London says he has no confidence in the commissioner that her position is tenable. It would not be for us to intervene or say anything. If Sadiq Khan comes out and says the Commissioner should go, it is within his competency to say that, in the same way any other PCC could”*. The newspaper did not identify the Whitehall source.
114. A regular bilateral meeting was due to take place between the Mayor and the Commissioner on 10 February 2022 for one hour from 16:00. On 26 January 2022, the Mayor’s office had communicated with the Commissioner’s office requesting that the meeting take place at New Scotland Yard. The Commissioner’s office confirmed New Scotland Yard as the venue for the meeting. However, at some point on or around 9 February 2022, the Mayor’s office said that the meeting should take place at Union Street instead.

115. When asked in August 2022 why the meeting location had been changed, the Mayor said that it had not, and that his diaries published online would confirm this. The Mayor's Chief of Staff emphasised that, leaving aside the pandemic, the Mayor's meetings always took place at City Hall, unless there was a reason to do otherwise (as information sent to me by MOPAC had also stated). However, later in the same meeting, the Deputy Mayor said that the Metropolitan Police's Chief of Corporate Services had told her that the Commissioner's team had believed that Union Street (where City Hall was at the time) was being used as the venue for the meeting so as to allow the media to be invited.
116. That comment and the belief it outlined (which was also set out to me by those who were present with the Commissioner at New Scotland Yard on 10 February 2022) support the position of the Commissioner's team that the meeting location was moved to Union Street at the request of the Mayor's office. Similarly, commentary from MOPAC on my draft factual findings for the purposes of this commission explained that *"The reason that the diary invite [for 10 February 2022] was not changed [from New Scotland Yard to City Hall] was to protect the confidentiality of the Commissioner's whereabouts"*. The Mayor's diaries as published online go only as far as April 2021 and I have not been provided with any current material; as the foregoing demonstrates, the published diaries do not always show the final picture in any event. The diaries published from before the COVID-19 pandemic show that the bilateral meetings were held both at City Hall and at New Scotland Yard, although significantly more at the former than the latter. I am satisfied that the meeting venue was changed to City Hall in Union Street at a late stage.
117. Just before 19:00 on 9 February 2022, the Deputy Mayor spoke with the Metropolitan Police's Chief of Corporate Services on the phone. During this 20-minute conversation, the Deputy Mayor said the Mayor wanted to discuss the plan with the Commissioner at their meeting the following day. The Chief of Corporate Services said, having regard to what the Mayor had said in media interviews that day, it was clear he intended to escalate matters. The Deputy Mayor said she was surprised at this conclusion as he had said nothing more than he had said the previous week. The Chief of Corporate Services challenged this and indicated that the Mayor had made incorrect or misleading statements in the media about not having received the plan and in relation to Operation Hotton. The Deputy Mayor said the Mayor was angry about the case and intended to bring judicial review proceedings against the Metropolitan Police and the IOPC.
118. When asked if the plan was 'in the right place', the Deputy Mayor said the Commissioner would have to discuss it with the Mayor when they met the next day. The Chief of Corporate Services said it was unacceptable not to have any feedback on the plan before that meeting. It had been prepared in quick time to meet a deadline set

by the Mayor. The Chief of Corporate Services asked if a view had been reached already by the Mayor. The Deputy Mayor said the Commissioner would have to discuss it with the Mayor.

119. The Chief of Corporate Services asked if there would be media outside Union Street when the bilateral meeting was taking place. The Deputy Mayor said City Hall would not be briefing the media about the meeting. The Chief of Corporate Services asked if the meeting could be moved back to New Scotland Yard, but was told that the Mayor was clear he wanted the meeting to take place at Union Street.
120. The Chief of Corporate Services asked the Deputy Mayor if the Mayor had concluded that he had lost confidence in the Commissioner and whether he intended to announce that the next day. The Deputy Mayor replied that the Commissioner would have to discuss it with the Mayor. The Chief of Corporate Services reiterated that the position was unacceptable. The Mayor had chosen to provide no feedback on the plan ahead of what was an important meeting and had escalated matters in the media. Moreover, he said that if the Mayor's intent the next day was to tell the Commissioner he no longer had trust and confidence in her (and to do so in the media), that would be utterly wrong and not in line with due process or respect for the Commissioner's dignity. The Chief of Corporate Services made this point on three occasions, after which the Deputy Mayor said she had heard it and would 'take it away'. Neither MOPAC nor the Deputy Mayor dispute this account of the conversation, or the views expressed by the Chief of Corporate Services as to the need for the Commissioner to have some indication of the Mayor's view as to her position.

10 February 2022

121. On the morning of 10 February 2022, the Commissioner was interviewed on BBC Radio London in a regular and pre-arranged slot. There, she explained the IOPC's investigation in Operation Hotton and the outcomes for the officers involved. She acknowledged that this and other unacceptable things had happened, but emphasised that she was *"absolutely determined to be getting out there and rooting out any further individuals"*. She also stated that she *"expected to be held to account; it's a big job and I'm quite used to being asked to account for things and I will go on doing so in the future"*. The Commissioner stated, in answer to a question, that she had *"absolutely no intention of going and I believe that I am, and have been actually for the last five years, leading a real transformation in the Met"*. Finally, she acknowledged that her position depended *"absolutely on those two role holders, the Mayor of London and the Home Secretary, holding me to account. It depends yes on them having trust and confidence in me. They extended my contract just a few months ago. I sat at a meeting with them just three weeks ago at which the Mayor said he had never had more confidence in the Met's ability to deliver"*. She had *"been asked to send another plan to the Mayor, which I did last Friday, and I'm looking forward to*

discussing it with him". Callers to the Radio London show that day repeatedly expressed dissatisfaction with the Metropolitan Police.

122. Around 11:15 on 10 February 2022, the Deputy Mayor called and spoke with the Chief of Corporate Services, who asked what the intention was for the planned bilateral meeting that day. MOPAC record that this call was prompted by indications that the Commissioner might not attend the meeting with the Mayor that afternoon. The Deputy Mayor advised the Chief of Corporate Services that the meeting should proceed and assured him this would be a private meeting. At this point, the Deputy Mayor provided the Mayor's first feedback on the plan. She said the Mayor thought the all-staff message was good, but he was not satisfied with the plan. He did not consider it provided sufficient assurance that the Commissioner accepted the scale of the problem. She said that the Mayor considered the plan to be too internally focused: there was not enough about winning back the trust and confidence of Londoners. The Deputy Mayor said the Commissioner would have to work hard to convince the Mayor on these points at the meeting scheduled for 16:00. The Chief of Corporate Services asked if there was any possibility of the Mayor being satisfied by what the Commissioner could say in the meeting. She replied that *"it is a possibility he will not be satisfied"*.
123. The Chief of Corporate Services asked her for further assurances on the framing of the meeting and what the plans would be for after the meeting. The Deputy Mayor replied that these matters would need to be dealt with in the meeting. The Chief of Corporate Services said this was unacceptable and unreasonable; it was vital there would be some pre-work to create the conditions for a constructive discussion.
124. He also asked about media. The Deputy Mayor said that no media was planned and that the meeting was still shown in City Hall diaries as taking place at New Scotland Yard. At that point, the Mayor's office had already written to the Metropolitan Police to confirm the change of location to Union Street. The Chief of Corporate Services explained his view that it was unacceptable, inappropriate and wrong not to have a back-channel open at this time to understand what was happening and seek a way forward.
125. There were further communications between the Chief of Corporate Services and the Deputy Mayor seeking clarification and engagement before the later bilateral meeting. No substantive response from MOPAC was received.
126. Meanwhile, the Home Secretary's office was informed that the Commissioner would not be able to attend their scheduled bilateral meeting that day. An alternative time was to be arranged.

127. Owing to increasing concerns within the Commissioner's office, on or around 9 February 2022 the Commissioner had made contact with the Chief Police Officers' Staff Association ("CPOSA"). CPOSA instructed Corinne Aldridge of Kingsley Napley to attend at New Scotland Yard to provide legal advice in relation to the Commissioner's position. Also present were Alan Pughsley, Chief Constable of Kent, and Ian Drysdale, Deputy Chief Officer for Kent and Vice-Chair of CPOSA. Mr Pughsley attended as 'CPOSA Friend' to the Commissioner (i.e. an informal advisor and an equivalent to a union representative).
128. At 12:58, in advance of the meeting scheduled for 16:00 that day, the Commissioner wrote to the Mayor referring to the *"ambitious programme of work I am leading on trust and confidence and the plan I sent to you last Friday, 4th February"*. This letter was written *"in view of [the Mayor's] extensive comments in the media yesterday which related to [the Commissioner]"*, by which she had been *"very surprised ... because of the assurances from your Deputy Mayor Sophie Linden ... that this would not be the case"*. The Commissioner was *"concerned to ensure that there is a suitable basis for a constructive meeting and one that it [sic] is in the interests of sustaining good operational performance in the Met. This is my intention and I would like to understand that it is yours ahead of any meeting"*. The Commissioner added that she was *"deeply concerned by the implication of a number of comments – as reported – including that you had yet to receive the plan of action we're taking"*. By then, the Mayor had had the plan for several days, and had read it over the weekend.
129. The Commissioner observed that the plan, which built upon existing strategies, had been sent and that her team had attempted to engage with the Deputy Mayor and MOPAC CEO about this on numerous occasions: *"Since sending the Plan, we have been seeking feedback from your team all this week given the urgency I attach to it. To date, none has yet been formally received ... [Y]our views are critical in how we can move forward"*. The Commissioner noted she was *"disappointed that the briefing we have provided to your senior team was not reflected in the comments you made in the media yesterday"* and that no formal feedback had been received despite requests.
130. The Commissioner's letter continued: *"Six months ago you gave me the mandate to continue the work I've been leading"*, adding that *"My contract extension provides a further two years to finish the job ..."*. However, the Commissioner observed, *"I can only effectively perform my role with your continued support and your full confidence"* and stated, in view of the media reporting and lack of feedback, *"I need to be clear what your position is"*. The letter concluded by requesting a meeting between senior colleagues from the Metropolitan Police and City Hall to identify the issues existing between the Commissioner and the Mayor in advance of the meeting planned for later that day.

131. The evidence of the Mayor, the Deputy Mayor, and the Mayor's Chief of Staff when interviewed on 17 August 2022 was that the 10 February 2022 meeting was to have been one at which the Mayor and the Commissioner would discuss the plan in a collaborative manner and develop a way forward. The Mayor referred to various examples of instances in which direct engagement between the Mayor and Commissioner had allowed compromises to be reached on areas of dispute and sensitivity between them. I have no doubt that there were numerous examples of such occasions, and that the previous working relationship had been effective. The Mayor also pointed to the Commissioner's letter, as outlined above, as demonstrating that that was the intention.
132. However, the letter demonstrates that, although the Commissioner was by then aware that the plan was to be one item on the agenda for the bilateral meeting, she was far from clear that that meeting was likely to be constructive. Rather, the opposite impression had been given by the dearth of feedback forthcoming from the Mayor's office, as well as the Mayor's media commentary on her position during the previous day.
133. At 13:36, at the Mayor's request, the Mayor's Chief of Staff called the Metropolitan Police Chief of Corporate Services. The Mayor's Chief of Staff said they had received the Commissioner's letter and his call was their response to it. The Mayor recognised the initial steps taken by the Metropolitan Police, but he had very significant concerns that the Commissioner did not fully accept the scale of the problems and that the plan was insufficient to win back trust and confidence across London. Whilst he was disappointed and dissatisfied with the Commissioner's plan, the Mayor would be happy still to meet the Commissioner that afternoon to discuss the matter further. (The Mayor has also stated, in a letter to me of 24 May 2022, that he had wished to provide the Commissioner with the opportunity, at the 16:00 meeting, to augment the plan with additional material or otherwise persuade him that her leadership would restore trust and confidence in the Metropolitan Police. He reiterated and emphasised that in interview on 17 August 2022.) Nonetheless, the Mayor's Chief of Staff explained that unless the Commissioner could give the Mayor some satisfaction regarding these issues, his conclusion would be that he no longer had confidence in the Commissioner.
134. The Mayor's Chief of Staff stated that it was important to the Mayor to respect the Commissioner's dignity and to act in the best interests of the Metropolitan Police and London. He repeated that the Mayor would meet the Commissioner that afternoon to discuss the issues, and repeated that the Commissioner had "*days or weeks*" to win back confidence. He emphasised that if the meeting took place it would be in private. He added, however, that if the Commissioner were to indicate instead a willingness to resign at the end of her initial period of appointment (9 April 2022), the Mayor would seek to emphasise in public comments that she had achieved much.

135. The Mayor's Chief of Staff said that the Mayor was aware of the statutory process for seeking the removal of the Commissioner¹⁶ and that the Mayor was now prepared to start that process if the Commissioner did not either (a) persuade him (i.e. in the respects stated in paragraph 133 above) or (b) resign. The Chief of Staff said that there had been no discussions with the Home Office about the Commissioner leaving office; this was in order to preserve confidentiality. He added that the Mayor would issue a statement that day if he decided to invoke the statutory procedure, although he wanted to keep things confidential until he had met with the Commissioner to agree the way forward. He said that the Mayor was determined that these matters be resolved that day, as it was in the public interest to do so.
136. In response, the Metropolitan Police Chief of Corporate Services asked if the Commissioner might have more time to consider these issues. The Mayor's Chief of Staff reiterated that the Mayor wanted matters to be resolved that day.
137. The Chief of Corporate Services asked whether, if the Commissioner did decide to step aside, the Mayor would want that to be effective immediately, or whether it would be possible to agree a plan for her voluntarily to leave her post earlier than planned. In response, the Mayor's Chief of Staff said the Mayor would want an orderly process, and that he felt that the "*end of her current contract*" (that is, her original term of appointment) in April 2022 was the appropriate break point.
138. The Chief of Corporate Services pointed out that the Commissioner had had a 'contract extension', such that her term was now due to end in April 2024. The Mayor's Chief of Staff said they did not accept this, as contractual notices for the extension had not been signed. The Chief of Corporate Services disagreed with this position.
139. It is clear to me, as both a matter of fact and law, that the Commissioner's term in office had been extended for a period of two years, to end in April 2024, by the Home Secretary with the agreement of the Mayor during September 2021. There was no need for any contractual arrangements with MOPAC for that extension to take effect and any suggestion otherwise was incorrect.
140. The Chief of Corporate Services asked about terms, should the Commissioner be willing to step aside. The Mayor's Chief of Staff said the Mayor would be willing to pay her six months' salary and that this was not open to negotiation. The Chief of Corporate Services said this was unacceptable.

¹⁶ Police Reform and Social Responsibility Act 2011, section 48(3)-(8); Police Regulations 2003, regulation 11A.

141. The Mayor's Chief of Staff concluded by saying the Commissioner either needed to meet with the Mayor, or to confirm she was content to step aside "*on these terms*". The Mayor would want to announce something by the end of the day. The call ended with the Chief of Corporate Services saying that the timescale was unreasonable, and the 'take it or leave it' terms unacceptable, but that the position had been understood and he would discuss it with the Commissioner.
142. The Mayor's Chief of Staff does not (or does not materially) dispute this account of the telephone call. As to why the Commissioner's position had to be resolved that day, the Mayor said in interview that it could have occurred at any point before 10 February 2022, but did not elaborate on why there had had to be a conclusion by that evening. The Mayor's Chief of Staff stated that it was impossible for either the Mayor or the Commissioner to go about public business without it being addressed, and the Mayor went on to indicate that there was clearly a problem if the Commissioner was not prepared to meet with him and discuss the key issues. It would also have been a problem if she had considered the plan complete. However, the Mayor emphasised that he had not prejudged the issue of his confidence in her on the assumption she attended the meeting to discuss the plan with him.
143. After the 13:36 call, the Chief of Corporate Services relayed its content to the Commissioner, Corinne Aldridge (a solicitor from Kingsley Napley), Alan Pughsley (Chief Constable of Kent Police), Ian Drysdale (Deputy Chief Officer, Kent Police), and Roisha Hughes (Metropolitan Police Director of Strategy & Governance), who were in attendance at New Scotland Yard. These individuals were also present for subsequent calls later that afternoon, and were joined by the Deputy Commissioner, Sir Stephen House. Those calls were not conducted using a speakerphone or otherwise broadcast to the room; the Chief of Corporate Services again took the calls himself and relayed their content to others present.¹⁷
144. This was the first time the Mayor's team had indicated that the Mayor was not only not satisfied with the plan, but was also prepared to invoke the statutory process to seek the Commissioner's removal. There had been no prior discussion about the invocation of the statutory process, nor any indication of grounds for doing so.

¹⁷ In fairness to all concerned, I should note that a draft version of these findings indicated that those present with the Chief of Corporate Services were listening into the call directly, as opposed to being present and able to hear the Chief of Corporate Services' side of the conversation. MOPAC raised very considerable objection to this conduct and I understand entirely that concern. However, it has been clarified to me that my draft was not accurate in this respect and the correct position is as set out in the body of the text. I accept that clarification. The concerns and criticisms of MOPAC accordingly fall away.

145. At 15:13, the Metropolitan Police Chief of Corporate Services sent a message to the Mayor's Chief of Staff regarding discussions and options, but added that getting terms agreed on the day looked difficult. (Although not stated in the message, there was concern amongst the Commissioner's team that if she accepted leaving on six months' pay, it would appear that she was leaving voluntarily when that was not the case.) The Chief of Corporate Services noted that the Mayor had offered a meeting with the Commissioner, but that it was better to talk between the Commissioner's advisers and the Mayor's Chief of Staff to seek an amicable outcome.
146. The bilateral meeting that had been due to take place between the Mayor and the Commissioner between 16:00 and 17:00 on 10 February 2022, as scheduled on 26 January 2022, did not take place because the Commissioner decided not to attend.
147. At 16:33, the Mayor's Chief of Staff texted to say that he had spoken to the Mayor about the Chief of Corporate Services' message, and asked for a return call. This took place four minutes later.¹⁸ The Mayor's Chief of Staff noted they were getting calls from the Home Office and time was passing. He made clear that the Mayor was still willing to meet the Commissioner, but reiterated that without that meeting, the Mayor no longer had confidence. If that remained the Mayor's ultimate conclusion, he intended to speak to the media that afternoon confirming he would start the statutory process to seek the removal of the Commissioner. He would announce this decision to Londoners as swiftly as possible, given the significance of these events. The Chief of Corporate Services said there were no grounds for starting the statutory process and asked what those grounds would be. The Chief of Staff said that they had grounds, but he did not say what they were; they understood the first step was to engage with the chief inspector of constabulary. In interview, the Mayor's Chief of Staff confirmed that officials within MOPAC had commenced work on preparing a draft case for the removal of the Commissioner - although he did not explain when - but that that document had not been provided to the Mayor for his consideration and review. The Mayor confirmed that he had not seen that document on (or before) 10 February 2022. I accept that evidence.
148. The Mayor's Chief of Staff repeated - on a 'without prejudice' basis - that if the Commissioner wished to 'resign' and 'not take up her contract extension', the Mayor would be willing to make a six-month severance payment and to discuss on a goodwill basis certain future considerations. He said that the Commissioner had until 17:15pm (that is, 30 minutes) to decide whether or not she was willing to accept these terms. The Mayor's Chief of Staff, when interviewed in August 2022, denied having given the Commissioner only 30 minutes to make a decision, referring instead back to the 13:36 call and stating that she had had four hours instead. I accept that the earlier call

¹⁸ Present in the room with the Chief of Corporate Services for this call, and able to hear his side of the conversation, were the individuals referenced in paragraph 143.

involved the clear indication that the Mayor would conclude he had lost confidence in the Commissioner if she did not attend the meeting and satisfy him of her plan, and that a resolution had to be reached that day (although not why). I accept that the earlier call put some measure of choice to the Commissioner. However, it was the second call which set a very specific and very short deadline, which was ultimately about an hour, in which the Commissioner had to make a final decision on her career. By reference to the day as a whole, the Commissioner was given a very short timeframe to decide how to proceed.

149. The Chief of Corporate Services said this timescale and the unilateral approach being taken were, in his view, unacceptable and unreasonable. He said what the Mayor was seeking to do was to force the Commissioner to step aside with a gun to her head, *"my terms, or I will go to the media to effectively sack you"*. This, he explained, was wrong, without due process, and completely failed to respect the Commissioner's dignity or her long public service. He asked the Mayor's Chief of Staff to relay this to the Mayor whilst urgent views were sought from the Commissioner.
150. As the call had taken 16 of the 30 minutes the Mayor had given the Commissioner to make a decision, the Mayor's Chief of Staff agreed that the Mayor would wait until 17:30 before making a public statement. The Chief of Corporate Services again said that was unreasonable. He sent a message to the Mayor's Chief of Staff to say that the Commissioner would be *"reasonable in a negotiation. But it is right that the process of negotiation takes place. That is the reasonable position. There are a whole host of issues to work through"*.
151. At 17:11, the Chief of Corporate Services called the Mayor's Chief of Staff. He emphasised his view that the process had become outrageous and that it was unacceptable. He said that the pressure on the Commissioner to make such a significant decision for her and for the Metropolitan Police, on such a truncated timescale, having had no feedback on the plan she had sent to the Mayor the previous Friday, was utterly unreasonable and wrong.
152. He made it clear that the Commissioner's appointment had been extended until April 2024 by the Home Secretary following approval by Her Majesty The Queen. It was not for the Mayor to intervene in that process. He emphasised that the Commissioner still felt she could continue to act as a strong Commissioner and to transform the force. Nonetheless, the Commissioner recognised that it was impossible for her to remain in the role without having the confidence of the Mayor. The Mayor had made it clear that he no longer had that confidence. On this basis, and believing that she no longer effectively had any choice in this matter, the Commissioner would be willing to step aside as this was clearly in the best interests of the Metropolitan Police, given the Mayor's position. Whilst she was confident that the Mayor would be unable to secure

her removal through the statutory process as no sufficient grounds could be established, the Commissioner felt a long and protracted battle on this would undermine the Metropolitan Police. She was not willing to allow this to be the case.

153. However, in agreeing to step aside, the terms set by the Mayor were unacceptable. The Commissioner would need confidence that there would be:
- a genuine and open discussion between lawyers to agree a suitable severance package that recognised the validity of the Commissioner's contract extension, in which negotiations the Commissioner would want to be reasonable;
 - agreement on communications, including the timing of communication of the announcement of her stepping aside, such that her dignity was respected; and
 - discussions on security matters.
154. The Metropolitan Police Chief of Corporate Services asked the Mayor's Chief of Staff to take this back to the Mayor and to relay to him again in the strongest terms how unreasonable this process had become. Although MOPAC dispute heavily whether the views expressed by the Chief of Corporate Services were correct and justified, there is no dispute that he conveyed his position and that of the Commissioner in these terms.
155. At 17:34, the Chief of Corporate Services called the Mayor's Chief of Staff. The Chief of Staff had spoken to the Mayor and, as a result, he could agree to instruct lawyers to approach discussions on a severance package in a reasonable way. The following plan was developed during the call:
- The Commissioner would step aside on the basis that she accepted that she no longer had the trust and confidence of the Mayor.
 - The Commissioner was stepping aside not by choice but because of the Mayor's stated position. This was not a voluntary resignation or retirement.
 - Severance terms would need to be agreed. The Mayor withdrew his position that six months' severance was a final offer; he would instruct his lawyers to engage in discussions in a reasonable way.
 - Those discussions would include all other matters, including security.
 - The Commissioner would remain in office for a few weeks to ensure an orderly transition. The timing would be determined in due course by the Commissioner but would not extend beyond April 2022.
 - Communications would be agreed by each party.
 - The Commissioner would be allowed to issue her statement first that evening, followed by the Mayor.

- An absolute commitment was given by the Mayor's Chief of Staff that there would be no leaks or prior briefing by City Hall ahead of the Commissioner's statement. The Mayor's office also made it clear that they did not expect any leaks or prior briefing to be made by New Scotland Yard ahead of any announcement.
156. Instead of the agreed plan regarding the sequencing of the announcement of the Commissioner stepping aside, City Hall issued communications ahead of the Commissioner doing so, because knowledge of the Commissioner's intended departure had become public. The Mayor also went on television and announced that the Commissioner had "*resigned*" (rather than "*stepped aside*") before the Commissioner was able to issue her statement or make calls to those she felt should have been allowed to hear this news from her first, rather than from the media. Although City Hall had been working toward a 'deadline' of 18:30, this had not been agreed with the Commissioner and the Metropolitan Police.
157. At 19:40 on 10 February 2022, the Mayor spoke to Sky News. He said that the previous week he had "*made clear to the Metropolitan Police Commissioner the scale of the change I believe is urgently required to rebuild the trust and confidence of Londoners in the Met and to root out the racism, sexism, homophobia, bullying, discrimination and misogyny that still exists*". He said he was, however, "*not satisfied with the Commissioner's response*". The Mayor said: "*On being informed of this, Dame Cressida Dick has offered her resignation, which I have accepted*".
158. The Commissioner also issued a statement that evening. She explained that, "*following contact with the Mayor of London today, it is clear that the Mayor no longer has sufficient confidence in my leadership to continue ... He has left me no choice but to step aside as Commissioner of the Metropolitan Police Service.*" The Commissioner's language of 'stepping aside' was deliberate, because she did not intend formally to resign her office (and did not do so) until the terms of her departure had been agreed. Rather, she had confirmed her intention to resign in the near future.
159. It is clear that the Home Secretary was given no advance notice that Cressida Dick's continued tenure as Commissioner was being questioned by the Mayor. The first the Home Secretary knew of it was when the Commissioner telephoned her late on the afternoon of 10 February 2022 to state that she had agreed to step aside following the Mayor's confirmation that he had no confidence in her ability to lead the Metropolitan Police.

Aftermath

160. On 11 February 2022, the Commissioner wrote to the Mayor, as she did on a weekly basis. She acknowledged that she no longer had the confidence of the Mayor but expressed her intention to lead the Metropolitan Police effectively over the coming weeks. The same day, the Home Secretary issued a press statement thanking Cressida Dick for her service as Commissioner and stating that “*strong and decisive new leadership*” would be required to restore public confidence in the Metropolitan Police.
161. The Home Secretary spoke with the Commissioner by telephone about the process by which she had come to step aside. During that conversation, the Commissioner expressed frustration about the steps taken by the Mayor, particularly given the positive remarks he had made during the trilateral meeting on 19 January 2022. The Commissioner informed the Home Secretary that a plan had been developed at the request of the Mayor but no feedback had been received from MOPAC. Moreover, the Commissioner mentioned to the Home Secretary that the Mayor had wanted her to dismiss officers investigated as part of Operation Hotton. The Commissioner reported that she had been clear to the Mayor on her reasons why she would not, and could not, take those actions. The Commissioner and Home Secretary also discussed planning for the Commissioner’s orderly exit.
162. Dame Cressida Dick’s last day as Commissioner of the Metropolitan Police was 24 April 2022.

ASSESSMENT

163. My commission requires me both to establish the facts which led to the decision of Dame Cressida Dick to “*step aside*” (and eventually resign)¹⁹ from the role of Commissioner of Police of the Metropolis, and to assess them. The commission’s terms of reference expressly exclude any consideration of the performance of the Commissioner or whether it was justifiable that she be compelled to leave office before the end of her extended appointment. A substantial portion of the material I received from the Mayor, and/or from MOPAC, during this commission has been to that substantive issue, on which I express no view.
164. My findings in fact are in paragraphs 26 -162 above. I am required to provide an assessment of what happened and to say whether due process was followed in this case. In my view, it was not.

The legislative scheme

165. The Commissioner is appointed by Her Majesty The Queen by warrant under Her sign manual, and holds office at Her Majesty’s pleasure. The appointment is made on the recommendation of the Home Secretary, who must first have regard to any recommendations made by MOPAC. The appointment is subject to regulations under section 50 of the Police Act 1996.²⁰
166. MOPAC was created by section 3 of the Police Reform and Social Responsibility Act 2011. It is a corporation sole and the Mayor of London is the occupant of MOPAC.²¹ References to MOPAC in this legal framework may accordingly be read as being, in practice, to the Mayor. By section 3(7), MOPAC “*must hold the Commissioner of Police of*

¹⁹ It was explained to me by the Commissioner and those who had been present with her during the call between the Mayor’s Chief of Staff and the Chief of Corporate Services that the term “*step aside*” was deliberately used, rather than “*resign*”. The Mayor’s office understood this to have related in some way to the Commissioner’s pension. However, I accept the explanation given by Dame Cressida and others present with her that this was to protect her position in relation to the negotiation of suitable terms for her departure, which would include questions of financial compensation (including, potentially, in relation to a pension) and timing that could not be resolved on the afternoon of 10 February 2022. Her resignation was intended to follow agreement of satisfactory terms. It was effectively a confirmation of an intention to resign. It is beyond dispute that the Commissioner did ultimately resign. However, this could only have occurred by her offering her resignation to the Home Secretary as the representative of Her Majesty’s Government; the Commissioner serves at “*Her Majesty’s pleasure*”: Police Reform and Social Responsibility Act 2011, section 42(2).

²⁰ Police Reform and Social Responsibility Act 2011, section 42.

²¹ Police Reform and Social Responsibility Act 2011, section 3(2)-(3).

the Metropolis to account for the exercise of her functions, and the exercise of functions by those for which she is responsible.

167. One way in which MOPAC may hold the Commissioner to account – and the most draconian way – is by exercising the power afforded by the Police Reform and Social Responsibility Act 2011 to MOPAC to commence the statutory power of removal of the Commissioner from office.
168. The Commissioner may be suspended from duty by MOPAC, but only with the prior approval of the Home Secretary.²² In this case, the Commissioner was not suspended, nor was it ever suggested that the Mayor had the grounds for or intended to seek her suspension.
169. MOPAC may call upon the Commissioner to resign or retire and, if he does this, the Commissioner is required to do so. Before doing so, however, MOPAC must comply with certain procedural requirements. Those procedural requirements differ from those which apply to the compulsory removal of the chief constable of a force outside London. The most significant difference for the purposes of this case is that the Home Secretary has a veto; MOPAC must have her approval before he may use his statutory power to call upon the Commissioner to leave office.²³ (It is also noteworthy that, unlike police and crime commissioners outside London, MOPAC is not required to notify the police and crime panel of the London Assembly of such an intention.)²⁴
170. However, before seeking the Home Secretary's approval, MOPAC must first obtain the views in writing of the chief inspector of constabulary and have regard to them.²⁵ MOPAC must then give the Commissioner a copy of the chief inspector's views at the same time as he gives the Commissioner a written explanation of the reasons why he

²² Police Reform and Social Responsibility Act 2011, section 48(1). The Home Secretary does not have such a role in relation to the suspension of any other chief officer of police.

²³ Police Reform and Social Responsibility Act 2011, section 48(3).

²⁴ The Home Secretary may also direct the Mayor to follow the statutory procedure for the removal of the Commissioner: Police Act 1996, section 42. Before doing so, the Home Secretary must inform the Commissioner of her intention and the grounds on which she relies for that intention; and she must give the Commissioner an opportunity to make representations to her, and she must consider the Commissioner's representations. Rather than mandatorily consulting the chief inspector of constabulary, the Home Secretary is required to appoint one or more persons to hold an inquiry into the matter and to report to her, and she must consider the report. (One of those persons may be the chief inspector, but the Home Secretary is not obliged to appoint him to the inquiry.) The Commissioner and the Mayor are entitled to make representations to the inquiry. After following all these requirements, the Home Secretary may then direct the Mayor to force the Commissioner to resign or retire.

²⁵ Police Regulations 2003, regulation 11A.

is proposing to call on the Commissioner to resign or retire. MOPAC must then give the Commissioner an opportunity to make written representations about his proposal to require her removal and he must consider those representations.²⁶ Having taken all these steps, if MOPAC still proposes to call on the Commissioner to resign or retire, he must obtain the approval of the Home Secretary. The Home Secretary may give or withhold her approval on any rational basis she chooses.

171. The Police Reform and Social Responsibility Act 2011 does not address the circumstances in which the removal process under section 48 may come to be exercised. In his representations to me, the Mayor has set out that his actions in inviting the Commissioner to produce a plan of action went “*above and beyond*” the requirements of the Act. I do not agree that that is an accurate suggestion.
172. It is right that the Police Reform and Social Responsibility Act 2011 does not purport to regulate the circumstances in which the section 48 power may be used, or what process must be followed before it is commenced. It does not follow that those matters are uncontrolled. In the first place, MOPAC must act in accordance with the principles of public law, including to act rationally and with procedural fairness.
173. Moreover, the wider legislative scheme does impose a set of standards which govern the relationship between MOPAC and the Commissioner more generally. By section 79 of the Police Reform and Social Responsibility Act 2011, the Secretary of State must issue a “*Policing Protocol*”. MOPAC is required to have regard to the Policing Protocol in exercising its functions. That Protocol is contained in the Schedule to the Policing Protocol Order.
174. The Protocol (in which references to police and crime commissioners and to Chief Constables include MOPAC and the Commissioner respectively) relevantly provides that:

“8. The establishment and maintenance of effective working relationships by these parties is fundamental. It is expected that the principles of goodwill, professionalism, openness and trust will underpin the relationship between them and all parties will do their utmost to make the relationship work.

...

10. All parties will abide by the seven principles set out in Standards in Public Life: First Report of the Committee on Standards in Public Life (known as —the Nolan Principles).

...

²⁶ Police Reform and Social Responsibility Act 2011, section 48(5).

14. *The public accountability for the delivery and performance of the police service is placed into the hands of the PCC on behalf of their electorate. The PCC draws on their mandate to set and shape the strategic objectives of their force area in consultation with the Chief Constable. They are accountable to the electorate; the Chief Constable is accountable to their PCC ...*

...

22. *The Chief Constable is accountable to the law for the exercise of police powers, and to the PCC for the delivery of efficient and effective policing, management of resources and expenditure by the police force. At all times the Chief Constable, their constables and staff, remain operationally independent in the service of the communities that they serve.*

...

36. *The relationship between the PCC and Chief Constable is defined by the PCC's democratic mandate to hold the Chief Constable to account, and by the law itself: primary legislation and common law already provide clarity on the legal principles that underpin operational independence and the Office of Constable.*

...

42. *The PCC is a publicly accountable individual who together with their Chief Constable will need to establish effective working relationships in order to deliver policing within England and Wales. Where differences occur they should be resolved where possible locally between the PCC and Chief Constable. Professional advice may be offered by HMIC."*

175. In *R (Crompton) -v- Police and Crime Commissioner for South Yorkshire* [2017] EWHC 1349 (Admin), the Divisional Court held, at paragraph 71, that these provisions of the Protocol (and others) were "*critical to the proper functioning of the new arrangements for which the [Police Reform and Social Responsibility Act 2011] makes provision*", and that MOPAC and the Commissioner are "*obliged to conduct their relationship with each other in accordance with the principles to which we have just referred. An absence of goodwill, professionalism, openness and trust, or of efforts to work together, is likely to destroy the proper working relationship*" (paragraph 72).

176. The Protocol does not contain binding rules of law, but regard must be had to its terms and there must be a good reason to depart from them. They may be fairly described as encapsulating the spirit in which the Police Reform and Social Responsibility Act 2011 is to be followed, as well as some of the conventions attached to it.²⁷

²⁷ It was, in this context, a considerable surprise that in the lengthy legal submissions provided to me on behalf of MOPAC on 20 August 2022, in the name of leading and junior counsel, the discussion of 'due process' made no reference whatsoever to the Protocol or its terms. The Protocol is an integral part of the legislative scheme and, as noted, was the subject of direct analysis in the leading judicial decision on the subject. I am not prepared to assume that the Mayor and MOPAC are unaware of the Protocol: on the contrary, the Mayor's written submissions to me in connection with Part 2 of my report in a letter dated 30 June 2022 made direct reference to the Protocol, some of its terms, and its importance to the relationships involved. The alternative, and more likely explanation, is that the legal submissions made to me did not address the Protocol because doing so would not assist the Mayor's position.

177. Accordingly, any steps taken by the Mayor to alert the Commissioner to concerns about her performance or that of the force, and to address them, do not go ‘above and beyond’ the legislative scheme: they are the minimum required by that scheme, by reference to the Protocol generally and to paragraph 8 in particular.

The present context – An overview

178. In practical terms, there are three ways in which the Commissioner of the Metropolitan Police may leave office before the end of her appointed term. First, she may resign of her own motion, owing to health or other personal reasons.²⁸ Second, she may be required to resign or retire, having been called upon to do so by the Mayor pursuant to the procedure set out in section 48 of the Police Reform and Social Responsibility Act 2011. Third, she may find herself in circumstances in which she believes she must resign, either because she has no realistic alternative or because it is in the public interest that she do so. The circumstances in which the third alternative may arise may be any along a wide spectrum, but include the application of political pressure.
179. In my view, in this case, the Commissioner faced political pressure from the Mayor to resign, that pressure being of a character and intensity which was effectively his calling on her to leave office, outside the established statutory procedure and contrary to the wider legislative scheme.
180. Shortly after the Commissioner expressed her intention to resign, the Deputy Commissioner, Sir Stephen House, wrote to the Home Secretary expressing grave misgivings about due process not having been followed. For the reasons I give below, I have concluded that he was correct.

The stepping aside of the Commissioner

181. In this case, none of the statutory steps set out in section 48 of the Police Reform and Social Responsibility Act 2011 and summarised above were followed. The Mayor, through his Chief of Staff, gave the Commissioner an ultimatum on 10 February 2022: if the Commissioner did not attend a meeting and convince the Mayor that her plan of 4 February 2022 would be improved, he would make a statement to the media. That statement would make clear that he no longer had trust and confidence in the Commissioner, and that he intended to start the statutory process for her removal. When the Commissioner did not attend that meeting, the Mayor’s Chief of Staff reiterated the Mayor’s position and gave her less than one hour to decide what to do. She felt intimidated by this process into stepping aside, and I can understand that

²⁸ Included within this category is the more extreme circumstance of a Commissioner dying in office.

reaction. The Commissioner felt that, in the interests of Londoners and the Metropolitan Police, she had to “*step aside*”, as a prelude to her eventual resignation.

182. As stated in paragraph 157 above, the Mayor issued an oral statement to the media on the evening of 10 February 2022 saying that the Commissioner had offered her resignation, which he had accepted. However, the Commissioner resigns to Her Majesty The Queen, via the Home Secretary; she does not resign to the Mayor and it is not for the Mayor to accept the Commissioner’s resignation. I nonetheless accept that she did agree to “*step aside*” on 10 February 2022 and ultimately resigned, leaving office on 24 April 2022. Although the Mayor’s public statement that the Commissioner had resigned was not technically accurate, I would accept that for the purposes of conveying what had happened to the public, the distinction between resigning and stepping aside as a prelude to resigning was not a significant one.
183. The Mayor never made an explicit public statement that he had lost confidence in the Commissioner. Having heard that the Commissioner intended to “*step aside*”, I understand that he believed he did not need to. However, it is clear that the communications from MOPAC staff to the Commissioner’s staff were to the effect that he would do so on the evening of 10 February 2022, thereby rendering the Commissioner’s position extremely difficult. That was enough for the Commissioner to decide that in her view she had little choice but to “*step aside*”. I return to that choice, and the extent to which it was a choice, below.
184. In relation to trust and confidence, it is striking, to say the least, that at a trilateral meeting with the Home Secretary and the Commissioner on 19 January 2022, the Mayor praised the work of the Metropolitan Police. He said the force was in the strongest position it had been since the start of his mayoralty (in 2016), and that he had never had more confidence in the foundations for the year ahead. That statement is extremely important in seeking to understand what subsequently happened, because it was made after a number of events which had caused criticism of the Metropolitan Police (and in some instances, the Commissioner personally), but which did not prevent the Mayor supporting an extension of the Commissioner’s term of office. Indeed, in early October 2021, after the extension of the Commissioner’s appointment, the Mayor had said to the Commissioner that the Metropolitan Police was in the “*last chance saloon*” following the arrest of a second officer on accusation of serious sexual offences. Yet on 19 January 2022, the Mayor’s praise and confidence was effusive and without express caveat. Even accepting that those statements in January were directed toward operational matters, it is difficult to reconcile the Mayor’s position then with his loss of confidence in the Commissioner, such that she ultimately resigned, just three weeks later. It is necessary therefore to establish and analyse what happened in those three weeks. I emphasise that I do not do so with a view to assessing whether or not the Mayor had substantive grounds for wishing to remove the Commissioner

and/or indicating a loss of trust and confidence,²⁹ but rather to understand and place in context the actions which led to the events of 10 February 2022 and the process which was followed.

The events leading to 10 February 2022

185. As the findings in fact record, the Commissioner's term was extended by a period of two years in September 2021, so that she was to remain in office until April 2024. This fact, and the Mayor's expressions of confidence in the Metropolitan Police during January 2022, suggest that the Commissioner had fallen significantly in the Mayor's estimation by early February 2022.
186. On the evidence I have obtained, the only material adverse event affecting the Metropolitan Police between those dates was the publication of the IOPC's Learning Report concerning Operation Hotton, on 1 February 2022.
187. It has been suggested by the Mayor and MOPAC that this was the "*straw that broke the camel's back*". I note that, on 23 February 2022, when questioned by the London Assembly's police and crime committee about the Commissioner's resignation, the Deputy Mayor said that there had been no sudden change in the Mayor's attitude to the Metropolitan Police since the Commissioner had been given a two-year extension to her appointment. Paradoxically, during the same session, the Deputy Mayor said three times that trust and confidence in the Metropolitan Police had been "*shattered*" over the preceding few years. It is difficult to reconcile this latter statement with the Mayor's expression of confidence on 19 January 2022. There is no reason to suppose that the Mayor had expressed anything other than his genuine opinion at the trilateral meeting.
188. In his letter to me dated 24 May 2022, the Mayor cited a number of issues which he said had contributed to the erosion of trust and confidence in the Metropolitan Police (he did not explicitly say trust and confidence in the Commissioner), in relation to which he saw the Operation Hotton report as the 'final straw'. They were:
- (a) the abduction, rape and murder of Sarah Everard by a serving police officer in London on 3 March 2021;
 - (b) the policing of the vigil on Clapham Common in respect of Sarah Everard, on 13 March 2021;

²⁹ The legal submissions of 20 August 2022 on behalf of MOPAC place great emphasis on an assertion that any consideration of whether the Mayor was entitled to see the IOPC's Learning Report as the "*final straw*" falls outside my terms of reference. I agree, and have always agreed, with that. But as I explain, that does not make considering what happened between 19 January and 10 February 2022 irrelevant to understanding the reasons for, and the validity of, the process adopted.

- (c) police advice given on 30 September 2021 that women should wave down a bus if they had concerns after being stopped by a lone police officer;
- (d) serving police officers, on 6 June 2020, sharing photographs of, and making derogatory comments concerning, the murder victims Nicole Smallman and Bibaa Henry;
- (e) the June 2021 report of the independent panel into the case of murder victim Daniel Morgan;
- (f) the December 2021 inquests into the deaths of the victims of serial murderer Stephen Port;
- (g) the vehicle stop and search, in July 2020, of Bianca Williams, her partner and child;
- (h) the inspectorate's report, on 22 March 2022, in respect of the police's counter-corruption arrangements and other matters relating to the Morgan panel; and
- (i) the strip search, in December 2020 of a 15-year old Black girl, known as Child Q, by police officers at a school in Hackney.

189. I recognise the potential importance of those events, individually and cumulatively, to the Mayor and to the public. However, none of these events took place between 19 January 2022 (when the Mayor expressed high confidence and optimism) and 10 February 2022 (when it was said he had lost, or was about to lose, confidence in the Commissioner). Some of them post-date 10 February 2022, or only came to public notice after that date. The Mayor nonetheless presents these events as a wider context in which the events at Charing Cross police station uncovered in 2018, reported in February 2022, must be seen.

190. While that is true, most of these events preceded the extension of the Commissioner's term of appointment, which the Mayor supported. I have been given, and can identify, no coherent rationale to explain why the Commissioner's leadership on issues of policing culture was apparently satisfactory at that stage, despite these issues having arisen, but that with the addition of the IOPC's Learning Report, it was apparently not. From the evidence and accounts I have been provided, it appears that the operating factor directly precipitating the Mayor's lack of confidence in the Commissioner was her failure to produce a plan which addressed, to his satisfaction, cultural issues within the Metropolitan Police that had been identified in the IOPC's Learning Report, and her decision not to attend the meeting with him on 10 February 2022 to discuss that plan. It was expressly stated that unless the Commissioner could reassure the Mayor in relation to the plan's deficiencies, he would conclude that he had no confidence in her and commence the statutory process. The reasons for this bear further exploration in order to understand and consider the process adopted.

191. MOPAC had been aware of the misconduct proceedings involving 14 officers at Charing Cross police station for several years (the events in question having taken place in the term of office of the Commissioner before Dame Cressida, although the investigations into them took place after she took office). These events had been reported in national newspapers in April and May 2019. However, the precise contents of the WhatsApp messages exchanged between some officers were not known to the Mayor himself until he received the IOPC report at the very end of January 2022.
192. The contents of those messages were indeed shocking, and the Mayor was justifiably angered by them. Nonetheless, it is difficult to understand how receipt of the Learning Report on Operation Hotton was sufficient of itself to damage so severely his confidence in the Metropolitan Police or the Commissioner. The events in question took place at least four years earlier, before the Commissioner had been appointed. Although the IOPC's Report made reference to other, similar issues, there was no particularisation of what that meant, in what timeframe these had occurred, or how the Metropolitan Police had dealt with them.³⁰ Institutional culture is, of course, the responsibility of those in positions of leadership. Nonetheless, in organisational terms, the events which gave rise to the IOPC's Learning Report were largely historic, and changes had been and were still being made within the Metropolitan Police to reform culture. If the Mayor was dissatisfied with those steps, the appropriate means of addressing this would have been to engage closely with the steps being taken, the changes he felt were required to them, and appropriate measures of progress. If considered justified, the commencement of the statutory removal process could have followed in the context of this engagement.
193. In fact, I do not understand the Mayor to differ materially from that view. His emphasis to me was that his insistence to the Commissioner that she produce a plan for how the Metropolitan Police would address these issues, and his desire to discuss with her his concerns about that plan, had been for precisely that reason. As noted above, I disagree with him that this went 'above and beyond' the legislative scheme in a manner for which he should be praised: it was no more than what was required by the terms of the Protocol and the spirit of the Police Reform and Social Responsibility Act 2011. The problem arises, in my view, from the circumstances in which that plan was demanded from the Commissioner, and the subsequent actions of the Mayor and MOPAC between 2 and 10 February 2022.

³⁰ Indeed it did not say in terms that such other incidents involved the Metropolitan Police. In *The Times* newspaper on 22 August 2022, there is a report of allegedly inappropriate WhatsApp messaging by police officers in Bedfordshire and Hertfordshire. The IOPC's remit covers all of England and Wales.

194. By that time, MOPAC knew – and the Mayor had been briefed – that the Commissioner did not have the power to dismiss any officer, that the officers who were the authors of the offensive messages had been dismissed or resigned, and that several officers had no case to answer. I have found, notwithstanding his denials, that the Mayor nonetheless pressed the Commissioner to dismiss all remaining officers who had been investigated and were still serving with the Metropolitan Police.
195. On 2 February 2022, the Mayor knew that what he was demanding the Commissioner do would be unlawful. I have found that he made reference to the case of Baby Peter Connelly and the illegal actions of the Secretary of State, Ed Balls, who had dismissed the Director of Children’s Services of the local authority responsible for the child’s care. The Mayor must have known not only that what the Secretary of State did in that case – and which he was demanding be done in this case – was unlawful, but that it had led to a large financial settlement out of public funds for the public official who had been scapegoated. The Mayor therefore knew, or must have realised that the likely effect was, that if the Commissioner acted unlawfully at his demand, legal proceedings would result and substantial public funds would have to be paid out of the Metropolitan Police budget to compensate officers unlawfully dismissed.
196. The political overtones of this conduct are obvious. The Mayor is an elected official and was clearly sensitive to the impact the IOPC Learning Report might have on his political fortunes, hence his veiled statement to the Commissioner on 2 February 2022 to the effect that *“one or other of us is going to end up being substituted”*. (There is no dispute that this comment was made.) I do not consider that this could seriously have been intended to be anything other than a threat to remove the Commissioner from office, if the Mayor felt that he was paying a political price for the performance (actual or perceived) of the Metropolitan Police. That colours the subsequent actions of, and on behalf of, the Mayor. In general terms, it is to be expected that political office-holders will have regard, even close regard, to the political implications of issues as they arise and there is nothing inherently problematic about that. In that context, I accept that the Mayor’s belief was that any further dismissals, although unlawful, would serve the public interest in a general sense. However, in my view, the Mayor’s comments were wholly improper. No political office-holder should ever seek to persuade or pressure an independent public servant to act contrary to the law, still less on the basis of political expediency.
197. It is surprising that the Mayor should have thought it appropriate to attempt to persuade the Commissioner to act beyond her powers. His unconvincing denial to me of having done so was, in my view, a recognition that having done so was unjustifiable: certainly no attempt was made to justify such comments. Whilst the Mayor may have believed that he was acting in the wider public interest, his conduct created the risk of causing the Commissioner to embark on a course of conduct that would not have

withstood legal challenge, to say nothing of the personal impact on the individual officers who were blameless of any wrongdoing and were being targeted as scapegoats. The Commissioner was right to refuse to countenance the Mayor's insistence that she act unlawfully. Any other course would have been obviously improper. Public officials should strive to uphold the law rather than break it (or incite others to break it) on the basis that they themselves are best placed to judge what is right.

198. The meeting between the Commissioner and the Mayor on 2 February 2022 was, in my view, a sharp turning point in their relationship, which is why I have dealt with it in some detail. The Mayor was understandably angry about what he had read in the IOPC's Learning Report, but the Commissioner still, at that point, did not believe that her job was at risk. That quickly changed over the course of the next few days.
199. By the evening of 2 February 2022, the Mayor's language had become almost hostile. He had put the Commissioner "*on notice*". The Mayor's statement to the press said he was angry, and he would not put up with a return to the bad days of the 1970s and 1980s. His statement (at paragraph 81 above) implied that what had been revealed in Operation Hotton was indicative of the culture of the Metropolitan Police as a whole in 2022. However, while the IOPC's Learning Report acknowledged that the events investigated during Operation Hotton were not isolated incidents, it was nonetheless retrospective, examining specific incidents that had taken place within a confined radius over four years previously, with prospective recommendations. The report acknowledged the work done by the Metropolitan Police in the intervening years to address some of the cultural issues identified (including the Rebuilding Trust plan launched during the Commissioner's tenure) and recommended that the Metropolitan Police continue its progress in ensuring the eradication of racism within the force. Evidently work remained to be done, and the IOPC made some non-specific references to other more recent incidents which would rightly have been of concern to all, but the report cannot properly be read as an indictment of culture in the Metropolitan Police at large as at February 2022.
200. After 2 February 2022, it appeared that there was more negative briefing to the media about the Commissioner's future. Communications between staff of both the Metropolitan Police and MOPAC reinforced the darkening of the atmosphere. There were communications about the risk of destabilising the Metropolitan Police, implying that that might be the effect if the Commissioner were forced out. The atmosphere quickly became one which was entirely inconsistent with the obligation contained in paragraph 8 of the Protocol.
201. It is also noteworthy that although the Commissioner understood on 2 February 2022 that the remedial plan the Mayor wanted developed should be a joint one, the

Metropolitan Police were subsequently told by MOPAC that the plan was to be developed by the Metropolitan Police on its own. I consider it extremely surprising that in the period between 2 February 2022 (when the one-to-one meeting took place) and 9 February 2022 (when the Mayor was interviewed on the *Today* programme), the Commissioner and her staff were given very little feedback on the remedial plan which they had timeously provided. MOPAC staff appeared – whether deliberately or through ignorance of what the Mayor intended – to be stonewalling the Commissioner’s staff in relation to their, or the Mayor’s, views on the draft plan.

202. The approach taken by the Mayor appears to be me to be disappointingly similar to that discussed and criticised by the Divisional Court in the *Crompton* case at paragraphs 119 - 121. I consider it unsurprising that the silence from MOPAC on the draft plan caused increasing suspicion and anxiety on the part of the Commissioner’s senior team about the Mayor’s true intentions. It is a reasonable inference that the remedial plan – and the opportunity for the Mayor to reject it as unsatisfactory – may have been used as a pretext for what, in my view, became a political ambush of the Commissioner on 10 February 2022 (even though the Deputy Mayor had insisted on 8 February 2022: “*this is not an ambush*”). As the Divisional Court explained, it is not acceptable for an elected official to whom the Commissioner is accountable to ‘sit on his hands’ if he considers that an error is being made or a request was not being met.
203. Although the Mayor by then knew – because he had been told – that several of the 14 officers had no case to answer and others had not warranted severe disciplinary action, he maintained that he wanted action taken against all 14 accused. In his ITV interview on 9 February 2022, the Mayor said all 14 officers had behaved in an unacceptable manner. He expressed similar views on the *Today* programme as well. Those statements are remarkable in themselves. As Sir Stephen House said to the Deputy Mayor at the police and crime committee of the London Assembly on 23 February 2022: “*Just because you are part of an investigation does not mean you are guilty*”. The Deputy Mayor’s reply was unsatisfactory, inasmuch as she failed explicitly to acknowledge that the innocent should not be punished, and said: “*Londoners deserve an explanation as to how and why those officers are still serving, two of whom have been promoted.*” The Deputy Mayor knew that an explanation had in fact been given; so did the Mayor. On such an important – by now, pivotal – matter, I doubt either had forgotten.
204. In the Baby P case to which I have found the Mayor referred on 2 February 2022, *R (Shoosmith) -v- Ofsted* [2011] EWCA Civ 642, the Court of Appeal referred to an earlier decision in which the Court had said: “*It seems the making of a public sacrifice to deflect press and public obloquy, which is what happened to the appellant, remains an accepted*

expedient of public administration in this country."³¹ In *Shoesmith*, the Court also said that it was not its task to determine whether and to what extent Ms Shoesmith was blameless or blameworthy: "That is not the business of this Court. However, it is our task to adjudicate upon the application and fairness of procedures adopted by public authorities when legitimate causes for concern arise, as they plainly did in this case. Whatever her shortcomings may have been (and, I repeat, I cannot say), she was entitled to be treated lawfully and fairly and not simply and summarily scapegoated." There are, in my view, close parallels with the present context, both in relation to how the Mayor wished the Operation Hotton officers to be treated, and how the Commissioner was ultimately treated. Similarly, as in *Shoesmith*, my role is to focus on the process in a context where, whatever shortcomings the Mayor may have believed the Commissioner had (on which I express no view), she was equally entitled not to be scapegoated and to have her position addressed in accordance with the legislative scheme and the Protocol.

205. In refusing to act unlawfully, the Commissioner took the only position that she legitimately could have. She had emphasised to the Mayor several times, orally and in writing, her shared disgust at the actions of some of the Charing Cross officers investigated by Operation Hotton, and her determination to ensure such attitudes and behaviours should be ruthlessly expunged from the Metropolitan Police. Nonetheless, it appears that the Mayor saw the IOPC's Learning Report as a 'game-changer'. That report was the only material event to occur between the Mayor's enthusiastic confidence on 19 January 2022 and his reported lack of confidence on 10 February 2022. On 9 February 2022, the Mayor said that "*trust and confidence ... has been knocked and shattered*". I fully accept that a variety of other incidents in the relatively recent past – including many identified by the Mayor to me – could and would have caused concern to the Mayor about the performance of the Metropolitan Police and to public confidence in it. I accept the effect of the Learning Report must be seen against that background. However, in my view, in the light of his position on 19 January 2022, the proximate cause of the loss of trust and confidence the Mayor identified on 9 February 2022 can only have been attributable to the IOPC's Learning Report in connection with Operation Hotton.
206. I do not consider that this change of position on the part of the Mayor can be justified. I do not make that observation to doubt or even examine whether the Mayor had a substantive justification for his claimed loss of trust and confidence in the Commissioner on 10 February 2022: that is outside my terms of reference and I do not in any event know how the Mayor would have formulated such a case. It is, however, relevant to the question of due process, because the more objectively surprising or unexpected any concerns held by the Mayor were, the greater the need to ensure that those concerns were fully and fairly set out to the Commissioner and an opportunity

³¹ Sedley LJ in *Gibb v Maidstone & Tunbridge Wells NHS Trust* [2010] EWCA Civ 678 at paragraph 42.

afforded to her to address them directly before any likely irreparable step in the relationship was to be taken. In contrast, the Mayor tied his ongoing trust and confidence in the Commissioner to a plan that he required to be produced within less than 48 hours, without informing her from the outset of the critical importance of that plan, and implicitly reneged on his stated position that the plan would be a joint one with MOPAC by providing almost no feedback on its contents and failing to engage constructively with it. This conduct did not, in my opinion, meet the standards to be expected of the Mayor. It was a course of action entirely inconsistent with the spirit of the applicable legislation – particularly as specified in paragraph 8 of the Protocol – and the conventions of proper conduct by a public office-holder.

207. The Commissioner was given little or no timely and proper warning that the Mayor intended to secure her removal, whether by her hand or his. Instead, she was increasingly left to infer his position, and to do so in the face of denials or evasions from the Deputy Mayor and the MOPAC Chief Executive. The Mayor's silence on the plan to which he attached so much importance until almost the last was striking. His statements in the media seriously undermined the Commissioner's position. Having put her "*on notice*" on 2 February 2022, his interview on the *Today* programme on 9 February 2022 was a masterclass in signalling his negative view of the Commissioner whilst not expressly doing so.
208. The Mayor emphasised to me that he had sought to protect the Commissioner in that interview by explaining that he wished to discuss her plan with her, without setting a timescale so as not to put her under public pressure, and that he would follow "*due process*". I do not find this convincing. While I accept that the Mayor could not avoid or refuse to answer questions about the Commissioner, his use of the phrase "*due process*" can only sensibly have been understood to mean that he intended to follow a process: no-one listening would have believed that that meant for any other purpose than to remove her. The insistence that the meeting take place in Union Street and not in New Scotland Yard, as I have found occurred, led the Commissioner's advisers to believe that the media would be waiting, putting the Commissioner in an invidious position.
209. The criticism was made to me by the Mayor and his officials that the Commissioner's staff had entered, in that period in February, a defensive 'bunker mode', in which everything MOPAC said or did (or did not say or do) was perceived as being a threat to the Commissioner. There is likely to be some truth in this, but the greater truth, it seems to me, is that those around the Commissioner had justification for their building concern that the draft plan requested by the Mayor would be used as a pretext to remove the Commissioner. The Mayor's public statements, and the actions of his officials, contributed to that concern.

210. On 10 February 2022, the Mayor's Chief of Staff had told the Metropolitan Police Chief of Corporate Services that the Mayor wished to give the Commissioner an opportunity to improve what he (now) said was an unsatisfactory plan at the meeting scheduled for 16:00 that day. The Chief of Staff said that the erosion of public trust and confidence in the Metropolitan Police had deepened during her Commissionership. He said that unless the Commissioner could convince the Mayor that she could deal with this issue, the Mayor had concluded he no longer had confidence in her as Commissioner.
211. The Mayor emphasised very strongly to me that he was open to being persuaded by the Commissioner at that meeting that she could make changes to the plan which would satisfy him, and that they could find suitable compromises to allow matters to proceed. He gave me examples of previous occasions where difficult debates between them had been the subject of compromise. On balance, I accept that the Mayor had not completely closed his mind to the possibility of the Commissioner remaining in post, at least in the short term, if she made the changes he wished to see to the draft plan: that is consistent with the tenor of the message conveyed by his Chief of Staff to the Metropolitan Police. However, my assessment is that the degree of possibility of a positive outcome from that meeting was very much smaller than the Mayor suggested. His tone in media interviews had hardened, and the messages conveyed to the Metropolitan Police by his staff were stark. The clear impression was being created that the Mayor did not want compromise at the meeting, he wanted concessions. If he did not get them, his Chief of Staff had made clear that the Commissioner's time was up.
212. Notwithstanding this, in my view the Commissioner was wrong not to attend that 16:00 meeting. The Protocol placed obligations to attempt to maintain a working relationship with the Mayor on her, just as it did on him. I can understand why the Commissioner and/or those advising her believed that the meeting would not be constructive, or a forum for genuine discussion and dialogue. I can understand the concern that the Commissioner might be humiliated in that meeting by being pressed to agree to the changes the Mayor wished to see, or face the public invocation of the statutory removal process. However, the Mayor has a statutory duty to hold the Commissioner to account. The production of a plan to address the IOPC's Learning Report could, in principle, have been an appropriate way for the two parties to try to address a further difficult development for the Metropolitan Police, and the Mayor wishing to discuss it directly was similarly, in principle, reasonable. Even if the Mayor had wished to meet with the Commissioner in order to inform her that her plan was unacceptable and that he wished, without more, to commence the process to remove her from office, it would still have been appropriate for the Commissioner to attend to hear that decision in person. Her attendance was a matter of professional courtesy at the least, as well as being part of her obligations under the Protocol.

213. In that light, I similarly accept the position of the Mayor conveyed to me that the Commissioner's failure to attend that meeting posed, in his language, "*a very serious problem*". Indeed, the way in which the Mayor appeared to set out his position to me in interview – which had departed somewhat from his original position in writing – was to suggest that the non-attendance was in fact the proximate cause for his loss of trust and confidence in the Commissioner. That cannot be right – given all the events which took place between 2 February 2022 and 16:00 on 10 February 2022 – but it does underline the error of judgment on the part of the Commissioner in this respect.
214. The subsequent communications between the Mayor's Chief of Staff and the Metropolitan Police Chief of Corporate Services at around 16:40 on 10 February 2022 were, in my view, unjustifiably politically brutal. For any public servant – least of all one so senior and long-serving – to be given under an hour to decide whether to resign or to challenge the Mayor's position was entirely unacceptable. The timetable imposed was wholly arbitrary. There has been no explanation why the Commissioner's position had to be publicly resolved in such a short space of time, giving her barely time to consult her representatives, her senior colleagues and her loved ones. The Mayor was entirely incapable in interview of explaining why he believed he had to make a public statement on the Commissioner's position on the evening of the 10 February 2022. There is no explanation. MOPAC's own account is that the Mayor had not yet even seen a draft of the written reasons to justify commencing the Commissioner's removal under section 48. Even acknowledging that her non-attendance for the meeting was seen as unacceptable by the Mayor, there is still no reason why an announcement (in relation to a meeting that the Mayor was at pains to emphasise to me he had carefully not told the media was taking place, in order to protect the Commissioner) had to be made within hours of that non-attendance. Where there has never been any suggestion of any personal misconduct on the part of the Commissioner, there can be no justification for the Mayor's conduct in this respect. It was contrary to the terms and spirit of the Protocol, and it was unfair.
215. It is my opinion that what was done by the Mayor and MOPAC on 10 February 2022 was not only oppressive and unreasonable treatment of the Commissioner, but the threat publicly to invoke the statutory removal procedure amounted to calling upon the Commissioner to resign. It came to the same thing. The pressure to resign was considerable, and it succeeded.
216. The Mayor emphasised that it was the Commissioner's choice to step aside, rather than to follow the statutory process and challenge his reasons (whatever they may have been) in accordance with them. He argued that given that it would be impossible practically to operate the section 48 process in confidence, Parliament must have expected that the Mayor could act as he had, and the Commissioner would not see it as inevitable that she must resign rather than face that process.

217. I have some sympathy with this argument. It was clearly open to the Commissioner to stay in post and fight the Mayor's use of section 48 if she believed it was unjustified, as occurred in *Crompton*. Indeed, in my view, it would have been better for the police service as a whole if she had done so, at least until she had had sight of the Mayor's written reasons for his decision and could evaluate them. Stepping aside too readily risks encouraging elected local policing bodies to make public declarations of no confidence in a chief officer, in expectation that they will render the officer's position untenable and their decision effectively unchallengeable. That would be an unacceptable outcome and would gut the statutory process of its purpose and effect. This concern is dealt with more fully in Part 2 of this report.
218. However, numerous interviewees I have spoken to from policing, London and central government have all recognised that the particular position of the Commissioner is effectively rendered untenable by a public declaration of no confidence in her by the Mayor of London. A private warning that he is about to make such a declaration inexorably has the same effect. Fighting such a declaration takes a great personal cost, and as Dame Cressida emphasised to me, puts the police force they lead in the political centre of that fight, contrary to its interest and to the public interest. I believe Dame Cressida when she says she felt it was the only thing she could do to protect the Metropolitan Police and the wider interests of Londoners. At the least, that was a rational decision for her to reach.
219. Parliament created a procedure for an elected local policing body (in this case, the Mayor) to follow. The Mayor had no choice but to follow that procedure, and he failed to do so. He did not indicate to the Commissioner, even informally, the basis upon which he intended to commence the removal process. He did not, her having not come to the meeting with him, seek to speak to her directly at any point on 10 February 2022 whether by telephone or otherwise. He pre-empted the outcome by his application of pressure on the Commissioner, in the expressed hope (through his Chief of Staff) of avoiding the need to follow that process. The Commissioner did not short-circuit the statutory procedure; the Mayor did.
220. I do not attribute any weight to the circumstances in which a previous Mayor of London, Boris Johnson, caused the-then Commissioner (Sir Ian Blair) to resign in 2008 following an indication that a public statement of no confidence would be made by the Metropolitan Police Authority of which the Mayor was, by then, the chairman. I have not been asked to investigate that incident, and although I have received some evidence about it from some of those involved, I am not in a position to make any detailed factual findings or assessment. From the information I do have, I would have similar concerns about the Mayor's approach to the Commissioner then, too (albeit that it predated the Police Reform and Social Responsibility Act 2011 and the Protocol).

On no view can this assist the Mayor in the present case: prior wrongful conduct cannot establish a convention in support of such behaviour, as the Mayor has asserted to me.

221. The provisions of the statutory procedure are there to be followed, not emptied of content and rendered redundant. It is not uncommon in other walks of life for a person's working position to be rendered so practically difficult as to justify them treating the contract of employment as having been breached, entitling them to resign and claim to have been constructively unfairly dismissed. That they resigned and were not formally dismissed is no answer to such a situation. The Commissioner is an office-holder and not an employee (still less an employee of the Mayor), but what happened on 10 February 2022 was, in the circumstances set out, in my view a classic instance of a constructive dismissal. That was plainly contrary to the legislative scheme of the Police Reform and Social Responsibility Act 2011, including both the specific procedure in section 48 and the standards set by the Protocol under section 79. The failure of the Mayor to comply with that legislative scheme was, in my view, an abuse of the power conferred upon him.
222. In my view, the Commissioner was not treated fairly, and the dignity in departure to which she was entitled was denied to her for no good reason.
223. It is my considered view that, for the reasons set out above, due process was not followed in this case.
224. This has potentially adverse implications for other chief officers and local policing bodies. Everyone, including chief police officers, is entitled to be treated fairly. The special position of police officers, holding a near monopoly of the physical coercive power of the state in peacetime, and the need for sound democratic accountability of the police to politicians, intensifies the need for political decisions on the removal of police officers to follow fair procedures established by Parliament. As the Divisional Court put the point in paragraph 93 of their judgment in *Crompton*:
- "The Chief Constable is not the PCC's employee. He leads, and is responsible for, his force. He occupies an office of considerable constitutional significance. As [counsel] submitted, the stability or fragility of a police force depends to a significant degree on the way in which a Chief Constable is treated. If Chief Constables can too readily be removed, there is a serious risk of the stability of the force being undermined."*
225. Regrettably, I take the view that the evidence available to me means that I can only conclude that the Mayor's actions in relation to Dame Cressida Dick bear out precisely the concern of the Divisional Court.

Part 2

INTRODUCTION

226. My terms of reference require me to provide the Home Secretary with advice, options and recommendations on the strengthening of accountability and due process in respect of the role, appointment and removal of the Commissioner.
227. I am also required to consider the terms of service established between the Commissioner and the Mayor's Office for Policing and Crime, and the interplay between those terms and the appointment to the office of Commissioner by Royal Warrant and the tenure of the Commissioner at Her Majesty's pleasure.
228. I am not asked to discuss the powers of local policing bodies in respect of the appointment and dismissal of chief police officers outside London, although it is appropriate that parallels, where they are available, are drawn to illustrate the London regime and how it may be improved.
229. As stated in paragraph 4 above, nor am I commissioned to make any assessment of the merits of the performance of the Commissioner or the Metropolitan Police; this review is concerned with process, not substance.
230. It may at this stage be noticed that I do not express myself by reference only to the policing of London. That is because the Metropolitan Police has national and international functions which are not exercised by other police forces. I deal with those in paragraphs 238 - 259 below.
231. At the outset of this Part of my report, I emphasise that when I speak of the Mayor and MOPAC I am referring to those offices and, unless expressly stated otherwise, not to the present Mayor, Mr Khan.
232. I can deal with the first two aspects of the remit quite shortly.

ROLE OF COMMISSIONER

233. The role of the Commissioner is immense, and requires no enlargement or intensification. I consider the Commissionership to be probably the second hardest job in the United Kingdom, after the prime minister. All the evidence I have, from my professional experience and the views given to me by others, make me certain that it is a job of extraordinary demands and risks, and requires qualities of resilience,

professionalism, leadership, management and institutional and political courage unlike any other.

234. There is no necessity here to particularise the duties of the Commissioner. They are well known and properly and fully explained in detail elsewhere. The Commissioner is, of course, the most senior police officer in the United Kingdom, and commands by far its largest force, some 25 per cent of the police in England and Wales. London is special, for the reasons given in paragraphs 238 - 259 below. The national and international functions of the Metropolitan Police are of critical national importance; they go well beyond the policing of London. These special characteristics make both the leadership of the Metropolitan Police and its relationship with democratic entities unique.
235. In my view, the Commissioner's powers of direction and control over the force and its civilian staff are sufficient in all but one respect. Serious consideration should be given to enlarging beyond the current fast-track procedure the right of chief officers of police, including the Commissioner, to dismiss police officers. It appears that the pendulum of leniency in the current regime may have swung too far, and officers who should not be in the police but who have not been dismissed present material problems to chief constables who struggle to find work with which they can be trusted. Therefore, and although this is not an issue which forms part of my terms of reference and I do not address it in detail, I believe there should be a review of the efficacy of the operation of the current regime of discipline and dismissal by separate tribunals. I am aware that work is being undertaken by the College of Policing and Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services which is relevant to any consideration of police appointment and disciplinary procedures, and the Home Secretary will wish to consider that more detailed and specific work in this context.
236. In this respect, I emphasise that I do not believe that the officers dealt with in Operation Hotton received anything but justice; I have no reason to think that any of the Hotton officers were dealt with unduly leniently.

PRIMACY - HOME SECRETARY OR MAYOR?

237. For 170 years, the only police authority for London was the Home Secretary. For all that time, the Home Office refused to allow London local authorities to have substantial authority over the Metropolitan Police. A brief account of the history of the accountability of the Metropolitan Police is in Annex 1.
238. The Metropolitan Police polices beyond the 607 square miles of the metropolitan police district. It has national and international functions. It is the lead force for counter-

terrorism, and its Assistant Commissioner for Specialist Operations (ACSO) is the head of the national counter-terrorism network, which has separate financing from the Home Office.

239. The Metropolitan Police provides protection for diplomatic premises and Parliament, the Royal Family and politicians and others who require close protection, through the auspices of the Executive Committee for the Protection of Royalty and Public Figures (RAVEC) (for which the Home Secretary is accountable to Parliament and responsible in law). It also leads on disaster victim identification and cases involving Britons abroad. It also handles espionage cases.
240. In relation to terrorism and special protection, the Commissioner's accountability is predominantly to the Home Secretary, and the Mayor is a secondary actor. That is the general view of the former Home Secretaries I have interviewed and, in fairness to the current Mayor, he recognises this too.
241. The Home Secretary also has extensive powers in relation to national policing policy, including powers of intervention. Those powers apply to every chief constable and every local policing body.
242. Some interviewees argued that the Mayor of London should have primacy over the Home Secretary. The Mayor of London complained that maintaining the primacy of the Home Secretary in London policing is materially inconsistent with Home Office policy to *"withdraw from day-to-day policing matters"* and *"allowing local communities to hold the police to account"*. He points out that it is Home Office policy that the reserve powers of the Home Secretary are to be used only as a last resort and should not be used to interfere with the democratic will of the electorate within a force area. The Mayor refers to the current Home Office consultation on reform of the Policing Protocol which he describes as having the appearance of *"an attempt to rip up the existing constitutional settlement on policing by positioning PCCs as accountable to the Home Secretary ... as well as undermining the operational independence of Chief Constables"*; he warns of the creation of a constitutional position which is *"dangerous"*.
243. The Mayor also remarks with adverse criticism the fact that, as the head of the largest police force, the Commissioner attends the National Policing Board, but the Deputy Mayor does not. He remarks that the Commissioner, unlike any other chief constable, has quarterly meetings with the Home Secretary, and that on a new Commissioner's appointment the Home Secretary attends the photo opportunity.
244. The Mayor remarks that the power of the Home Secretary to commission work by the inspectorate is used disproportionately in respect of things happening in London. He gives the examples of the follow-up to the criticisms of the Metropolitan Police's

investigatory practices and the use of search warrants after Operation Midland (which involved non-recent allegations of child abuse), and the policing of the vigil on Clapham Common after the murder of Sarah Everard (an event which attracted national and international attention). His principal objection is that these things emphasise the primacy of the Home Secretary to the disadvantage of the Mayor.

245. The basis of the Mayor's principal objective appears to me to be a recognition that most of what happens in London predominantly affects London alone, and the Commissioner should be the chief constable of London and no further, accountable to the Mayor as police and crime commissioner. The Mayor's case was that that would be consistent with his democratic mandate from London voters. (It may be noticed here that MOPAC is designated in the Police Reform and Social Responsibility Act 2011 as a *local* policing body.)
246. In order to achieve this primacy for the Mayor, a number of interviewees – particularly but not only politicians – advocated stripping out and transferring to another law enforcement body (possibly the National Crime Agency, or a national infrastructure police force) the national and international functions of the Metropolitan Police.
247. In criticising the present dual accountability of the Commissioner, one interviewee said that in London, the democratic accountability of the Metropolitan Police is “*a fudged approach to governance*”. Interviewees spoke of “*blurred accountability which needs sorting out*”. One interviewee described the dual accountability of the Commissioner as “*walking a tightrope*”, making decisions that may upset one or other of the politicians yet needing to remain objective. It may here be objected that pleasing politicians is not the job of the police. It is the impartial discharge of the police's obligation to prevent crime, protect people and property, and apprehend offenders and bring them to justice. Of course, the police must have regard to local policing priorities set by local policing bodies as the voice of the public. But, as explained, ‘have regard’ does not mean take and carry out orders, still less please politicians.
248. Another interviewee described the duality as inevitably productive of tension between the two politicians, and that it amounted to a “*structural and constitutional weakness*”. Most interviewees saw it the same way. However, a former Home Secretary said that for most of the time, the system worked satisfactorily and the Home Secretary and the Mayor got along well, saw policing the same way and provided the Commissioner effectively with a single accountability model.
249. One former Home Secretary described the present position as an inconvenient model, and said that the Mayor of London should have primacy so that he and not the Home Secretary would take the blame if something went wrong. Indeed that was the

position taken by the then policing minister in the House of Commons on 29 June 2022 when the inspectorate placed the Metropolitan Police in Engage status (sometimes erroneously referred to as ‘special measures’); he insisted that the political blame for this rested with the Mayor of London. (In reply, opposition politicians in the House of Commons blamed the government for lack of funding of the police.)³²

250. After very careful consideration, many interviews and extensive research, I do not find the case for relegating the Home Secretary to secondary status in the policing of London persuasive.
251. Whilst the primacy of the Home Secretary as the police authority for London lasted for many decades, it is not, as some have suggested, an historical overhang or accident. The present structure of policing in London, particularly the role played by the Metropolitan Police in national and international counter-terrorism, with close and effective co-operation with others, is critical, and works very well. The capacity of the Metropolitan Police, as a single force, to provide surge capability in the case of a terrorist attack is also of very great importance. To disturb all that would be risky, expensive and unnecessarily disruptive. The same is true in relation to the protective work which the Metropolitan Police does. In my view, upsetting functions of law enforcement and public protection which work probably the best of any in the world simply in order to facilitate a transfer or intensification of political power to or in a locally elected politician makes very little sense.
252. London is unique.
253. As the capital city, London is the seat of the Monarchy, of central government and of the national legislature; it is the location of highest judiciary; all are national institutions. London is by far the largest city in the country, and the focal point for national life. The most conspicuous and violent public protests and demonstrations take place in London, usually on national controversies, and so receive national attention and affect people and places well outside London. London has much higher levels of interest and attention in matters of politics, and remains the centre for the national media. What happens in the policing of London can very often affect public confidence in policing everywhere.³³

³² House of Commons, *Official Report*, 29 June 2022, cols 313-329

³³ In *The Government and Misgovernment of London*, Robson wrote: “The proper government of London, in the wide sense in which the term is used here, is a question of national importance. ... The size, growth, and development of the metropolis have nationwide effects which are felt ultimately in remote quarters of Great Britain.” That was in 1948; it is even more true today.

254. London accounts for approximately 40 per cent of serious organised crime. Approximately 60 per cent of terrorism is planned or takes place in London. London has by far the greatest concentration of high value and high profile terrorist targets.
255. The Metropolitan Police accounts for 25 per cent of all policing in England and Wales. (That is partly by dint of the sheer size of London, which also, I recognise, goes to the size of the democratic mandate of the Mayor.)
256. No country in Europe leaves the policing of its capital city solely to the supervision of a local authority. The Metropolitan Police is not just a local police force.³⁴
257. In short, London is the constitutional, financial, governmental, legislative, technological and cultural centre of the country. It is quite unlike any other city in the United Kingdom.
258. It is natural, therefore, for the Home Secretary to be called to account for the policing of these national factors, many of which are inseparable from the policing of the individual boroughs of London. The Home Secretary is accountable to Parliament for them, and the Mayor is not. The Mayor's accountability is to the London Assembly, a local authority, and to the local electorate of London.
259. In short, what happens in London frequently and sometimes significantly affects people, businesses and institutions far beyond the metropolitan police district. It may affect to a far greater extent than elsewhere the United Kingdom's international reputation and relations. It is therefore both inevitable and necessary that the Home Secretary, a senior Cabinet minister, is answerable to the nation in Parliament for these things, and so must have the final say on who leads the Metropolitan Police.
260. It is of course also necessary that the Metropolitan Police has a direct accountability to Londoners for local policing. That is the function of the Greater London Authority, which is constituted of the Assembly and the Mayor. That accountability is already intense.³⁵

³⁴ Travers refers to the Metropolitan Police as a "*quasi-national institution*": Travers, T. (2006) *Policing and Public Order*, Local Government Studies Vol 32, No 3, 341-356 (London: Routledge)

³⁵ A former Deputy Commissioner told me that, on average, he spent two days a week dealing with MOPAC. The Assembly's police and crime panel meets regularly and questions not only the Deputy Mayor but also senior officers of the Metropolitan Police. These sessions are searching and intensive, even though the committee lacks significant power. MOPAC has a staff of over 150 people, although some of them work on community safety and other projects allied to but not directly concerned with policing.

261. For these reasons, in my view there should be no change to the primacy of the Home Secretary. The case for restructuring the Metropolitan Police to facilitate the increase in the power of the Mayor is weak and should fail.

APPOINTMENT OF COMMISSIONER

262. The appointment of the Commissioner remains in the hands of Her Majesty by warrant under her Sign manual, and the Commissioner holds office at Her Majesty's pleasure.³⁶

263. The Home Secretary makes the recommendation to Her Majesty to appoint a person as Commissioner. Before doing so, the Home Secretary must have regard to any recommendation of MOPAC.

264. In reality, the Home Secretary will always obtain the approval of the Prime Minister before making that recommendation. One former Home Secretary said that the appointment of the Commissioner is effectively a Prime Ministerial decision.

265. The present Mayor of London objects to this, and argues that his position in relation to the Commissioner should be substantially increased to be consistent with the positions of the mayors of other conurbations in relation to their chief constables, and of police and crime commissioners in relation to theirs.

266. In this respect, the Mayor describes the current accountability of the Metropolitan Police as "*complicated and confused*", leaving the voters of London disenfranchised in the matter of the appointment and removal of the Commissioner. He argues for the right to veto the Home Secretary's recommendation to Her Majesty on the appointment of the Commissioner, and also for the repeal of section 42 of the Police Reform and Social Responsibility Act 2011, which provides for the Home Secretary to make the decision on appointment. He advocates the repeal of the Home Secretary's veto on dismissal under section 48. He says that this would correctly bring the regime in London into line with the system which applies to forces outside London and so "*remedy[...] Londoners' democratic deficit*".

267. For the reasons I give in paragraphs 238 - 259 above, I do not agree. The Metropolitan Police is a quasi-national institution and its leadership is a matter of national as well as local significance. The Home Secretary is accountable to Parliament; the Mayor is not.

³⁶ Section 42, Police Reform and Social Responsibility Act 2011

COMMISSIONER'S TERMS OF APPOINTMENT

268. My commission also requires me to consider the terms of service established between the Commissioner and the Mayor's Office for Policing and Crime, and the interplay between those terms and the appointment to the office of Commissioner by Royal Warrant and the tenure of the Commissioner at Her Majesty's pleasure.
269. Section 4 of the Police Reform and Social Responsibility Act 2011 provides that the Commissioner is appointed and holds office in accordance with sections 42 and 48 of the Police Reform and Social Responsibility Act 2011 and the terms and conditions of the appointment.
270. The Police Regulations 2003 make provision for certain allowances and other limited matters to be determined and agreed between a local policing body and the chief officer. That is unobjectionable. But that is as far as things should go.
271. I have considered the document signed in April 2017 by Dame Cressida and the then chief executive of MOPAC. It contains provisions which are surprising and inconsistent with the statutory scheme.
272. Those provisions are drawn as if the Commissioner is appointed by MOPAC. They read very like a contract of employment. Indeed in five places they refer to the Commissioner as MOPAC's employee and her relationship with MOPAC being an employment one.³⁷ No police officer is an employee; that is well and long established, and has been stated and restated in case law over many years.³⁸
273. The document of April 2017 contains peremptory terms which, in my view, are not appropriate or consistent with the legal status of the Commissioner.
274. Even more significantly, they purport to add to, and contradict, the terms of the relevant legislation inasmuch as they require the Commissioner to work to "*deliver[...] the Mayor's Police and Crime Plan*" when the statutory obligation is only to have regard to his police and crime plan (see section 8(4) of the Police Reform and Social Responsibility Act 2011). It also provides that the Commissioner is expected to

³⁷ In his letter to me of 30 June 2022, the Mayor also refers to one of the Assistant Commissioners as an employee, although of the Metropolitan Police and not MOPAC.

³⁸ *Fisher v Oldham Corporation* [1930] 2 KB 364 at 369-371 per McCardie J; *Attorney-General for New South Wales v Perpetual Trustee Co Ltd* [1955] AC 457; *Rodwell v Minister of Health* [1947] KB 404 at 413-414 per Morris J; *Metropolitan Police District Receiver v Croydon Corporation* [1957] 2 QB 154. See too sections 200 of the Employment Rights Act 1996 and 280 of the Trade Union and Labour Relations (Consolidation) Act 1992.

undertake additional duties “to meet the needs of the Mayor’s Office for Policing and Crime ...”.

275. These provisions are misconceived and unsatisfactory. The Commissioner is appointed by Her Majesty on the recommendation of the Home Secretary after consulting MOPAC. MOPAC cannot displace that regime: in my view such terms are unenforceable.

276. They may reveal a mistaken attitude of MOPAC in respect of the relationship with the Commissioner. In his interview on the *Today* programme on 9 February 2022, the Mayor referred to “*anyone who works for me*”, in the context of his relationship with the Commissioner. On 10 February 2022, after the Commissioner had announced her intention to step aside, the Mayor said: “... *Dame Cressida Dick has offered her resignation, which I have accepted*”. The Commissioner does not work for the Mayor, and her resignation is given to Her Majesty, not the Mayor. It is not, in law, for the Mayor to accept the Commissioner’s resignation.

277. It is unsatisfactory that MOPAC should proceed in this way. The relationship between the Commissioner and MOPAC is not one of master and servant, employer and employee.

278. The chief inspector of constabulary’s annual report, *State of Policing 2020*, said:

“Police and crime commissioners are not the line managers of chief constables; it is not a relationship of master and servant, and should not be understood as such. Police and crime plans are not sets of directions or orders, and cannot override the common law obligation of the chief constable to enforce the criminal law with objectivity and impartiality. If a PCC were to threaten to invoke the procedure for dismissal of a chief constable – under section 38 of the 2011 Act – simply because the chief refuses to carry out improper instructions, that would be illegal.”

“The principles and policy of the Policing Protocol are founded on there being a professional relationship between PCC and chief. It is of course impossible to make detailed prescription for every factual permutation in the relationship. Policing is too complex for that. The trust and confidence in the proper operation of the relationship must be high, and that includes respect for the principle of operational independence.”

279. Given that the appointment of the Commissioner is made by Her Majesty on the recommendation of the Home Secretary, it is the Home Secretary not the Mayor who should establish the Commissioner’s terms of appointment. The limited range of matters which are for agreeing with MOPAC should be just that: limited to the things provided for in the Police Regulations 2003. They may not be enlarged upon by MOPAC.

280. In future, a document of the type provided to Dame Cressida Dick (and, as I understand it, her predecessor) should not be supplied by MOPAC to any Commissioner, and no Commissioner should appear to accept them.

FORCED RESIGNATION OR RETIREMENT

281. This Part of my report discusses the accountability of the Commissioner insofar as it has a bearing on a decision to remove him or her from office. My report does not extend in any material way to a full analysis of the efficacy of the entire regime of democratic accountability of the Commissioner, even though it is a matter of controversy and difference in London and, in particular, in the London Assembly.
282. A proper analysis of the removal regime requires an assessment of the dual accountability of the Commissioner. He or she faces direct accountability to the holders of two political offices, namely the Home Secretary and the Mayor of London (as the occupant of the Mayor's Office for Policing and Crime). This dual accountability, in the nature and intensity of it which exists in London, is not found elsewhere in England and Wales. It is unique, because – for the reasons given in paragraphs 238 - 259 of this report – London is unique.
283. That dual accountability has the potential to give rise to problems where the Home Secretary and the Mayor of London take different views on a matter of importance. The decisions on the appointment or removal of the Commissioner are probably the most important of all, because the leadership of the Metropolitan Police is critical to efficient and effective policing and the confidence of those affected or likely to be affected by it. Removal is, of course, the ultimate form of accountability mechanism, even if there is a risk – repeatedly seen in the case law in different contexts – of a conflation by political office-holders of accountability with removal; there are many and varied ways in which a person may be held to account short of removal from their office.
284. In each case, as long as the statutory processes are followed, the final decision is in the hands of the Home Secretary, as it has always been.
285. In common with chief constables elsewhere, the Commissioner may be removed from office under two separate and non-overlapping regimes.

286. The first is misconduct. This report is not concerned with misconduct.³⁹
287. The second is on grounds unspecified in legislation, but usually broadly equivalent to a failure in the efficiency or effectiveness of the force. That will probably most often be translated into a loss on the part of the local policing body of trust and confidence in the chief officer.
288. To compel the Commissioner to resign or retire, under section 48 of the Police Reform and Social Responsibility Act 2011 and regulation 11A of the Police Regulations 2003 the Mayor must:
- (a) first state in writing his reasons for requiring the Commissioner to resign or retire;
 - (b) submit those reasons, for consideration, to the chief inspector of constabulary;
 - (c) have regard to the chief inspector's views;
 - (d) give the Commissioner a copy of the chief inspector's views and provide the Commissioner with a written explanation of why he is proceeding;
 - (e) give the Commissioner an opportunity to make written representations;
 - (f) consider the Commissioner's representations; and
 - (g) obtain the approval of the Home Secretary.
289. This process will probably take several weeks.
290. Outside London, the process is different inasmuch as, first, it involves the local policing body also consulting the local police and crime panel (who may also obtain the views of the chief inspector of constabulary) and, second, there is no Home Secretary veto.
291. As said in paragraphs 174 - 177, 193, 204 - 206, 212 - 214, 221 and 305 of this report, the Policing Protocol applies throughout.

³⁹ See *Operational Independence and the New Accountability of Policing* (The John Harris Memorial Lecture 2013) (London: HMICFRS)

292. This statutory scheme has never been used to remove a Commissioner of the Metropolitan Police. The scheme applying outside London⁴⁰ has been invoked twice in the ten years it has been in place, and tested through the courts only once.
293. In the first case, in 2015 the chief constable of Avon and Somerset faced removal by his local policing body. The statutory process was begun by the local policing body, and the views of the chief inspector of constabulary were provided. Shortly after that, the chief constable resigned, and the process stopped then.
294. The only other case concerned the chief constable of South Yorkshire, in 2016.
295. That was a case where the local policing body suspended and then invoked the statutory procedure for the removal of the chief constable.
296. The basis for the local policing body's intention to force the chief constable out was a loss of public trust and confidence in him. The grounds were narrow, and concerned the chief constable's media management – the issue of a press release – following the announcement of the verdict of the Hillsborough inquest jury on 26 April 2016.
297. The chief constable was asked by the local policing body to resign, and refused to do so. He believed – correctly, as the chief inspector of constabulary considered and the Divisional Court found in *R (Crompton) -v- Police and Crime Commissioner for South Yorkshire* [2017] EWHC 1349 (Admin) – that the local policing body's grounds for requiring his resignation were unsound and irrational. And so he decided to stand and fight.
298. It is appropriate here to refer to the statutory views of the chief inspector of constabulary in that case, as they are apposite in a consideration of the statutory removal procedure in London too. The full document, running to some 26 pages, is available on the inspectorate's website.⁴¹
299. The chief inspector of constabulary's document contains an analysis and discussion of the statutory regime for the forced removal of the chief constable. It is worth quoting at some little length:

⁴⁰ For forces outside London, the statutory procedure is in section 38 of the Police Reform and Social Responsibility Act 2011 and regulation 11A of the Police Regulations 2003.

⁴¹ <<https://www.justiceinspectorates.gov.uk/hmicfrs/publications/section-38-south-yorkshire-police/>>

“Section 38 of the 2011 Act gives to a police and crime commissioner the power to call upon the chief constable to resign or retire, in which case the chief constable must do so. This is, in effect, a power of dismissal of a statutory office-holder and there is, accordingly, a detailed procedure which applies to any proposed use of section 38. [Para 12]

“No power of a public authority is unfettered. Whilst the checks and balances in the system for the forced resignation or retirement of a chief constable do not constitute a power of veto on the decision of a police and crime commissioner, neither is it the case that a police and crime commissioner can dismiss a chief constable at will. For that to be the case, we would have arrived at the politicisation of the police, and in the United Kingdom we are probably the furthest from that position of any country in the world. Like every public authority, the police and crime commissioner must act lawfully, rationally (including proportionately) and in a manner which is procedurally fair. [Para 18]

“The chief constable is, rightly, accountable for the performance and conduct of the force he leads. So too is the police and crime commissioner in respect of his functions. Effective and sustainable leadership of a police force requires the confidence of others, particularly in the area policed by the force in question. [Para 19]

“However, accountability does not equate to the conclusion that in response to every public campaign or concern a senior figure must lose his or her job. [Para 20]

“It seems to me that the inclusion of [Her Majesty's Chief Inspector of Constabulary] within the section 38 process is to ensure that a voice is included early in the section 38 process, which is independent and separate from both the police service and the political environment in which police and crime commissioners operate. HMIC is an essential element in the mechanisms for holding the police service to account, and ensuring that it is serving the public in the manner that they, and Parliament, reasonably expect. My role, as HMCIC, in the section 38 process is to play a part (a) in ensuring that police and crime commissioners are able to hold chief constables to account in serious cases through the use of the ultimate power of removal, and (b) in ensuring that chief constables are fairly treated through that process, and that the power of removal is not exercised improperly. HMCIC is particularly well placed to strike that balance. [Para 21]

“I agree that trust and confidence of the public served by a police force in the leadership of that force is an important element of policing by consent. I also agree that a breakdown of trust and confidence between the chief constable and the police and crime commissioner for a reasonable and proper cause may mean that the use of the section 38 power is appropriate ...”. “... I do not accept that there was a reasonable proper cause for any breakdown in trust and confidence [in this case]. [Para 65]. [Emphasis added]

“The exercise of the power given to a police and crime commissioner in section 38 must be undertaken only in cases in which there is no realistic alternative. It must be used only for proper reasons and on a basis which withstands reasonable scrutiny. The use of it will deprive a senior police officer of his job, his reputation and possibly his career. In short, the use of section 38 must be fair and appropriate.” [Para 94] [Emphasis added]

300. These passages illustrate and explain the basis on which a chief constable – and therefore the Commissioner of the Metropolitan Police – may be forced to resign or retire. The subsequent analysis of the Divisional Court was to very similar effect.

301. If the local policing body’s or Mayor’s grounds for a loss of trust and confidence are inadequate or absent, or have not been properly explained and assessed by the chief inspector of constabulary, and those grounds are the basis for the intended forced removal, then the removal should not proceed. In the South Yorkshire case, the local policing body’s case was fundamentally flawed, and the chief constable was successful in his subsequent judicial review of the local policing body’s decision. All four of the local policing body’s decisions were found to be irrational and were quashed.

302. The Court also addressed the role of the chief inspector of constabulary and the weight which must be attached to his views, as part of the statutory procedure. It accepted that the inclusion of the chief inspector of constabulary within the process *“is to ensure that an independent view is heard and seriously considered”* (paragraph 150). It accepted that where the view expressed *“takes the form of detailed and reasoned views, what rationality [in the decision of the local policing body] requires by way of departure from those views must be commensurately greater”* (paragraphs 150-151). The Court said that a further and significant element of the statutory removal regime is the requirement for the local policing body to consider the views of the chief inspector of constabulary.

303. The Court went on to say:

“HMCIC’s independence, statutory function and experience makes him especially well equipped to provide a view on the wisdom of a proposal to call on a chief constable to retire or resign. In our view, the independence, statutory function and institutional experience of the inspectorate means that it would be irrational of a PCC to fail to give particular weight to the views of HMCIC. That is especially so where the expression of those views is detailed, thorough and closely reasoned.” (paragraph 154)

304. The Court said:

“In our judgement, the observations provided by HMCIC here were much more than mere advice which the PCC was free to follow or not as he chose. It was guidance of a type which any PCC should consider with great care, and from which he should depart only if he has cogent

reasons for doing so. ... The PCC's response, in our judgment, failed to engage with the substance of much of [the chief inspector's] observations and failed to provide cogent reasons for taking a different view. ... We regret to say that we are left with the clear impression that the PCC had decided upon his course of action on 27 April and was unwilling to recognise or properly address the powerful points made by [the chief inspector] in opposition to his proposal. In all those circumstances we regard the [PCC's] decision as irrational." (paragraphs 156, 159 and 160)

305. In that case, the Divisional Court also placed considerable weight on the requirements of the Policing Protocol. In this connection, see paragraph 175 of this report. It follows that the statutory removal process matters greatly. It should be adhered to scrupulously.
306. In London, in the case of suspension of the Commissioner, the Mayor requires the approval in advance of the Home Secretary. In the case of forced removal, the Home Secretary's veto applies at the end of the process. It follows that the Mayor may initiate the forced removal process – and do so publicly – without informing the Home Secretary and against her will.
307. If made public, the very fact of the initiation of the process may well operate to undermine the position of the Commissioner, and set up for later a trial of strength between the two politicians. This is undesirable, and may place the Commissioner in a very difficult position.
308. A majority of the witnesses interviewed for this report expressed the view that the statutory process for the forced removal of the Commissioner is (in my paraphrase) little more than a constitutional courtesy with little if any real effect in the rough world of high politics. They said that if either politician – Home Secretary or Mayor – has lost confidence in the Commissioner, or is prepared to say that he or she has, the Commissioner has no choice but to go. Their view was that no high public officeholder can continue in such circumstances, at least not for very long. Their belief, therefore, was that we have, in effect, a system of dismissal at will, whether or not the politician expressing a loss of trust and confidence has adequate reasons or any reasons.
309. I do not agree.
310. The statutory scheme matters. It has been established by Parliament to be followed, not ignored or circumvented. It contains important checks and balances, and in the *Crompton* case the Divisional Court emphasised their importance. The Court also emphasised the need for the local policing body's reasons to be lawful, rational, proportionate and procedurally fair, to be properly and thoroughly assessed by the

chief inspector of constabulary, and for that assessment to be taken into consideration. That is due process.

311. For none of this to happen by the simple expedient of a public statement by the local policing body, whether rational or not, without due process, brutalises and politicises the removal of a chief officer beyond anything which could be regarded as fair.
312. Everyone is entitled to be treated fairly. The statutory procedure – the due process mandated by Parliament – is much more than a constitutional courtesy which political office-holders can disregard.
313. When a chief officer is denied reasons for the local policing body's loss of trust and confidence or other grounds for forced removal, or those reasons when disclosed are regarded as inadequate, the chief officer is fully entitled to stand and fight; to put the local policing body to the test. The chief officer is entitled to due process, to the discharge of the local policing body's obligations under the statutory removal process. It may be a purifying ordeal, but it is one he or she is entitled to go through. The chief officer is not obliged to resign prior to being statutorily required to do so.
314. This is not to say that no chief officer is entitled to resign, but that resignation must be a genuinely voluntary one. The chief officer may realise in discussions with the local policing body that resignation is the right thing to do. That should happen in the professionally respectful dialogue which both are required to engage in under the Policing Protocol. It may come about through the mediation process which the Protocol contemplates, carried out by the regional inspector of constabulary. Alternatively, expert external mediation may be resorted to. (The chief inspector of constabulary cannot mediate because of the possibility that he will later be required to provide his views under the section 38 or section 48 process.)
315. But where the resignation is not genuinely voluntary, where undue political pressure has been applied, then the chief officer is entitled to stand and fight, by which I mean he or she should see why the local policing body wants to force his or her resignation or retirement. He or she should at least see what the chief inspector of constabulary makes of it. As explained, this is what happened in the Avon and Somerset case.
316. It must be remembered that stopping the statutory removal process before it is complete is not only in the hands of the chief officer through resignation. Once the local policing body has seen the views of the chief inspector of constabulary, he or she may realise that the forced removal should not proceed. Either party can stop it, although I recognise that in the real world it will be very difficult for a local policing body which has publicly commenced the removal process then to publicly terminate it early on receipt of the chief inspector's views (or at any other stage).

317. A considerable number of witnesses said that a chief officer choosing to stand and fight is futile, even if the chief officer prevails. This is because the relationship between the chief officer and the local policing body is important and, they said, could not be carried on after a battle which the local policing body has lost. That relationship would have been irretrievably damaged, and so the efficiency and effectiveness of the force would be compromised.
318. I disagree.
319. It is not impossible for the relationship to be restored to a professional working level. A local policing body which refused to do so would be in violation of the requirements of the Policing Protocol. Having failed to remove the chief officer by reason, for example, of illegality or irrationality, the local policing body may be weakened in public opinion and exercise more caution in future. In other words, a failed attempt to destabilise the chief officer may hurt the local policing body. It is not inevitably the end of the relationship.
320. Resistance can be successful, even in the face of considerable political hostility.⁴² There are times when it must be done, both in the interests of the individual and in the wider public interest as a matter of principle.
321. Even though a determined politician – a local policing body – may always speak to the media and the public, and short of persuasion or an injunction nothing will stop him or her doing so, it is extremely important that the political cost of circumventing or ignoring due process is as high as it can be made to be. In the words of one interviewee, the system should make it more political hazardous for the Mayor to try to remove the Commissioner without sound reasons.
322. In this case, the Commissioner told me she decided to intimate her intention to resign because she believed that if she remained and put the Mayor to the test – that is, required him to go through the section 48 removal process – she would be exposing the Metropolitan Police to persistent negative public criticism. She told me she was quite prepared to fight, but believed her resistance would have “*plunged the Met and the Commissionership into party political activity*” and that she wanted “*to avoid a bloody fight*”.⁴³ In short, she believed that although she considered the Mayor’s likely grounds

⁴² See, for example, the case discussed at House of Commons, *Official Report*, 13 November 2001 cols 715-771 and House of Commons, *Official Report*, 24 October 2005 cols 21-88; also *Weir -v- Secretary of State for Transport* [2005] EWHC 2192 (Ch).

⁴³ A former Home Secretary put it to me like this: “*If the Commissioner defies the Mayor, the Mayor may bombard the Commissioner with negative Evening Standard headlines until the Commissioner finds it intolerable*”. Another interviewee remarked on the capacity of the Mayor (by which they meant any Mayor, not specifically the present incumbent) “*to regularly humiliate the Commissioner in public*”. Another said: “*The Mayor is more likely to grandstand than is the Home Secretary.*” He said constant

for her forced removal – she did not at that time know what they would be – were unsound and she would have prevailed in the statutory process (on which I express no view), the public interest and the interests of the force were better served if she succumbed.

323. As I said in Part 1 of this report, that was a rational decision, but it was not the only rational decision she could have taken.
324. In future, other Commissioners and chief officers may take the same view. But if they always do, we will have reached a point close to the system which prevails in much of the United States, where the police chief goes in and out of office with the mayor, serves at the pleasure of the mayor and is dismissible and dismissed at will.⁴⁴ That is true politicisation.
325. We have seen too many instances of local policing bodies prepared – whether deliberately or through ignorance – to apply undue political pressure on their chief constables, and to try to curtail chief constables’ operational freedoms: some interviewees have drawn my attention to such instances and I am aware of others. These are not theoretical fears.
326. Most of those who spoke to me about the danger of this degree of politicisation – dismissal at will – agreed that that is a state of affairs very much to be avoided, and that additional protections need to be built into the system to take to the irreducible minimum the chances of this happening. They said the Commissioner needs protection against perverse or arbitrary decisions by the Mayor, or indeed the Home Secretary.

negative briefing against the Commissioner makes the job too hard to do, and would therefore undermine the Commissioner’s position to an intolerable extent. A separate interviewee described the Mayor of London as “*a national politician on a local stage*”. Another described the dual accountability model as “*the wild west*” and having so much power in one pair of hands as “*too risky*”. To be fair, I should also record that in interview, both the current Mayor and his Chief of Staff emphasised very strongly that had the Commissioner declined to step aside on 10 February 2022 there would have been no briefing of the press from City Hall, that such a concern was offensive to them, and that it would be likely to be counter-productive to the Mayor in any event because his electorate see him as responsible for policing (and indeed for the extension of Dame Cressida's term of office). The present issue is a hypothetical and general one, and no doubt the extent to which the media would be used – and by whom – would vary in different contexts and at different points.

⁴⁴ One interviewee spoke of “*a slippery slope towards the intense politicisation of policing on the United States model*”, and advocated a system where the Mayor should be prevented from operating without reference to a separate police authority. A former Commissioner said that “*playing politics with the role of the Commissioner leads to the US system*”, where the brightest and best are deterred from becoming police chiefs.

327. A few interviewees said that with the Commissioner and the policing of London, it should just be accepted that a serious clash is inevitable and what happened in this case will one day happen again, as indeed it had in a slightly different form and context in 2008 between the-then Mayor (Boris Johnson) and the-then Commissioner (Sir Ian Blair). I do not agree with that fatalism.
328. Most interviewees agreed that if summary dismissal is available and practised, in whatever form it may take, apart from the unfairness to the Commissioner and the Metropolitan Police, two further detriments would follow.
329. The first is the chilling effect such a regime may have on all chief constable appointments; if it can happen in London, it can happen anywhere. That may mean that able candidates do not come forward for promotion for fear of the inherent instability of the job.
330. The second detriment is the implication for the operational independence of the Commissioner and other chief constables. Knowing that they can be effectively driven from office on a whim, on any grounds or none, chief officers may bend to the political will of the local policing body, permit or fail to resist incursions into their operational independence, and over time and in that way allow the destruction of the system of objective and professional policing which has served this country for almost two hundred years. If the line of operational independence is crossed – contrary to the oath of office of the local policing body – very serious adverse consequences could follow. They could include the political direction of criminal investigations, and the policing of public protests according to political and not public safety and law enforcement criteria. The precious model of impartial policing would be lost.
331. The application of undue political pressure on the police is a violation of the principle that policing must be politically neutral. This is at the heart of our democratic ideals.
332. It cannot be denied that the heightened risk of undue politicisation of policing is a function of the single-person local policing body model. There is one Mayor of London, one MOPAC, and in most other parts of England and Wales one police and crime commissioner.⁴⁵ The local policing body is directly elected, and is weakly accountable to the local police and crime panel. Except in cases of misconduct, there is no legal system of sanction or recall.

⁴⁵ In Greater Manchester, the West Midlands and West Yorkshire, there are mayors with police and crime commissioner functions.

333. There are few political executive positions in England and Wales where all the power of the office is vested in a single pair of hands, and fewer still where the consequences of malfeasance (in the sense of acting improperly) are extraordinarily weak.⁴⁶
334. Local policing bodies are amongst them.
335. By way of contrast, the Prime Minister may be compelled to resign by his party, as may council leaders. Cabinet ministers may be removed by the Prime Minister for any reason or none. Although all politicians may be removed at an election, elections are often years away, and voters' memories may be short; elections are never fought on a single issue, even elections for police and crime commissioners. Judicial review – coupled with an injunction – can work, and truly urgent cases can be heard quickly. But proceedings of that kind are expensive and require considerable attention by the chief officer.
336. As explained, in enacting the statutory removal process, Parliament intended it to work. In this case, it did not. It follows that consideration must be given to how the checks and balances of the system can be strengthened, to make inappropriate conduct less likely and less attractive to a determined politician. It appears that in some cases statutory monitoring officers may make little effective difference.
337. My commission requires me to provide options and recommendations for reform.
338. Almost all the options which follow will require primary legislation. They apply only to the case where the Commissioner's resignation – or statement of an intention to resign, as in this case – is not genuinely voluntary, and where the section 48 process is not being followed.

Option 1 - Policing Protocol

339. The Policing Protocol is undergoing amendment following the now closed consultation carried out by the Home Office. However it is changed, the statutory obligation under section 79 of the Police Reform and Social Responsibility Act 2011 remains: it requires local policing bodies to have regard to it. Although "*have regard*"

⁴⁶ The leaders of the police and crime panel of the London Assembly expressed considerable frustration at their lack of effective power. Police and crime panels elsewhere are weak. There is only one case, in the last ten years, in which the police and crime panel has had an effective role in the resignation of the police and crime commissioner, and that is the case of the police and crime commissioner for North Yorkshire, after a vote of no confidence in him by the panel. Following that vote, he resigned, but he did not have to. By contrast, the police and crime commissioner for South Yorkshire, having heavily lost the judicial review of his decisions in relation to the forced removal of his chief constable, remained in post, and was re-elected.

means much more than “*read it and put it aside*”, there is too little appreciation of what it truly means.

340. At the very least, the Home Office should explain the true legal nature of that obligation in guidance to all relevant persons. Monitoring officers should be assiduous in their scrutiny of its adherence.
341. Legislation may be introduced to replace the obligation to have regard to the Protocol with an obligation to comply with it, perhaps with relief from the firmness of that obligation in exceptional circumstances which must be explained in writing.
342. Although the Protocol is expressed in language of exhortation and encouragement, I see no difficulty with a requirement to adhere to it. All relevant persons should abide by the spirit and purpose as well as the letter of legislation. However, I recognise that this option may not provide clarity in all cases: it is likely that in circumstances in which the section 48 process is being contemplated, there will be materially contested views between the Mayor and the Commissioner as what the requirements of the Protocol mean in practical terms, given its open-textured language. Nonetheless, the Court in *Crompton* felt that the Protocol was “*critical*” (paragraph 71) and could be employed in a legal context. There is no reason why in many instances it could not provide assistance if its contents were more understood and the need to follow its terms more clearly set out.

Option 2 - Mandatory mediation

343. Where the Commissioner appears to have been, or be about to be, forced into resignation, legislation could provide that before that resignation may have effect, MOPAC and the Commissioner must engage in mandatory mediation.
344. A former Commissioner advocated a standing mediator or arbitrator, available at short notice to step in and, if possible, defuse trouble. This would be available to all police chiefs, not only the Commissioner of the Metropolitan Police.
345. Mediation is a valuable, easily accessible and highly effective way of defusing and resolving differences.
346. The chief inspector of constabulary’s annual report, *State of Policing 2021*, said:

“There is also a strong case for difficulties of this kind [police-politician differences] to be mediated at an early stage, so far as possible to defuse tensions and restore what Parliament intended to be a harmonious and respectful relationship of trust and confidence between police and politician. While always capable of improvement, the current local accountability model

has considerable strengths and advantages. Police and crime commissioners have had many commendable successes when their relationships with chiefs have been good, and in these cases the public interest has been well served. These benefits need to be protected and intensified, not risked."

347. The mandatory mediation option would be an enlargement of the existing mediation provisions of the Policing Protocol.

Option 3 - Home Secretary's powers under section 40A, Police Act 1996

348. Section 40A of the Police Act 1996 permits the Home Secretary to give directions to a local policing body (which of course includes MOPAC) if she is satisfied that that local policing body *"is failing to discharge any of its functions in an effective manner, whether generally or in particular respects"*. The directions require the local policing body *"to take specified measures for the purpose of remedying the failure"*.
349. The power to give directions also applies if the Home Secretary is satisfied that a local policing body will fail in the stated respects in future.
350. Section 40A contains considerable procedural requirements with which the Home Secretary must comply before she gives a direction, all of which will take time.
351. There are two principal problems with relying on section 40A, as it stands, in every case to enable the Home Secretary to prevent a local policing body acting inappropriately.
352. The first is that the Home Secretary must know what is happening before it occurs. In a case such as this, and in 2008, the Home Secretary was taken by surprise.
353. The second is a legal problem. Section 40A permits the giving of directions to take specified measures for the purpose of remedying a failure of the local policing body to discharge its functions in an effective manner. It almost certainly does not permit the directions to operate by way of injunction, that is an order by the Home Secretary not to do something, namely not to circumvent the statutory removal procedure in section 48 of the Police Reform and Social Responsibility Act 2011.
354. If the local policing body is following the statutory removal procedure, there will be no need for the Home Secretary to intervene at an early stage if the checks and balances of the system are being followed. But if the local policing body has created the conditions in which the chief officer feels compelled to resign and is not complying with section 48, the Home Secretary's directions will come too late.

355. An option would be to amend the legislation as follows:
- (a) the Commissioner's resignation may not have effect unless the Home Secretary has been informed of the matter, and has been provided with the reasons for the resignation; and
 - (b) section 40A is amended to make it clear that the Home Secretary's directions can operate as an injunction, both on an interim and permanent basis; in other words, the Home Secretary may veto the resignation; or
 - (c) as an alternative to (b) above, the Home Secretary may veto the resignation, just as she may veto a suspension under section 48(1) of the Police Reform and Social Responsibility Act 2011.
356. It would of course be necessary for the Commissioner to be entitled to ask the Home Secretary not to exercise those powers, in the case of a voluntary resignation or retirement.

Option 4 - Delayed resignation - HMCIC

357. Where the Commissioner indicates an intention to resign, the matter must first be investigated by one or more persons appointed for the purpose by the Home Secretary. This is the regime which applies under section 42 of the Police Act 1996 where the Home Secretary intends to direct MOPAC to force the Commissioner's removal.
358. The chief inspector of constabulary could be required to investigate the matter, but the Home Secretary should be free to appoint one or more persons of her choice.
359. MOPAC and the Commissioner should have the right to make representations to the investigation.
360. The investigation should be given powers of compulsion, to be able to require MOPAC and the Commissioner to explain their positions, including, crucially, what has happened to persuade the Commissioner to intimate his or her intention to resign. They should have the power to require the production of documents and other evidence. If MOPAC fails to co-operate and provide information to the investigation in a timely manner, the investigation should assume that MOPAC has no reasons, and should report accordingly.
361. The report should be given to the Home Secretary, who may then veto the resignation.

Option 5 - London Assembly

- 362. The London Assembly was established by the Greater London Authority Act 1999 to scrutinise the Mayor and hold him to account.
- 363. Legislation could be introduced to amend section 48 of the Police Reform and Social Responsibility Act 2011 to require MOPAC to obtain the approval of at least two-thirds of the London Assembly to any invocation of the statutory removal procedure. This protection would be in addition to the Home Secretary's veto, which would remain.
- 364. Although this could not prevent the Mayor circumventing the statutory removal process, it would raise the political cost to him of doing so.
- 365. If the London Assembly's right to approve or veto the Mayor's removal of the Commissioner were denied by circumvention, the Assembly could be required to consider a vote of no confidence in the Mayor.

Option 6 - Veto by HMCIC

- 366. Section 48 of the Police Reform and Social Responsibility Act 2011 could be amended to provide that if the chief inspector of constabulary concludes that MOPAC's proposal to remove the Commissioner should not proceed, that amounts to a veto.
- 367. In such a case, legislation might provide that the Commissioner's resignation may not have effect unless the chief inspector of constabulary has approved it, whether the statutory removal process has been followed or circumvented.

Option 7 - Home Secretary veto at beginning of process

- 368. At present, section 48 of the Police Reform and Social Responsibility Act 2011 provides the Home Secretary with a veto on MOPAC removing the Commissioner at the end of the statutory removal process.
- 369. Legislation could be introduced to provide for a veto in the hands of the Home Secretary both at the beginning and at the end of the statutory removal process.
- 370. The Commissioner may be less likely to resign rather than make MOPAC start the statutory removal process if he or she knows that the Home Secretary can stop it at the beginning.

Option 8 - Recreate the Metropolitan Police Authority

371. Between 2000 and 2012, the principal local democratic accountability of the Metropolitan Police was in the hands of the Metropolitan Police Authority, a committee of the London Assembly. Until 2008, the chair of the Metropolitan Police Authority was separate from the Mayor. That changed in 2008, and the Mayor was empowered to appoint himself as chairman of the Metropolitan Police Authority, and did so. But until 2012, when MOPAC was created, it was still a committee.
372. A former Commissioner advocated the recreation of the Metropolitan Police Authority as a body separate from the Mayor (and so the Mayor could not be its chairman) because *“the Mayor is one man with his own agenda”*. He added: *“If you haven’t got the police authority with you, you’ve got nothing.”* He said the one-person model of democratic accountability is *“too dangerous”*.
373. In its time, the Metropolitan Police Authority provided an extra layer of accountability and amounted to a firebreak between the Commissioner and the Mayor.
374. A former very senior politician in London said he thought the single-person mayoral model was unsatisfactory and gave too much power to one person. He preferred the model in which the leader of the Greater London Council was the leader of the largest political party. As such, in major decisions the leader needed to take his colleagues with him; they operated as a brake or restraint which was valued. He advocated a return to a similar model.
375. Legislation may be introduced to abolish MOPAC – which is a single-person authority in the person of the Mayor – and re-establish the Metropolitan Police Authority, with a committee rather than single-person authority. The Deputy Mayor for Policing and Crime might be its chairman.

Option 9 - Removal of power of MOPAC to remove Commissioner

376. Under section 42 of the Police Reform and Social Responsibility Act 2011, the Mayor is a consultee in the decision of the Home Secretary to appoint a person as Commissioner. This reflects the unique status of the Commissioner and of London, discussed in paragraphs 238 - 259.
377. It appears to me that those reasons apply with equal force to a decision to remove the Commissioner, and indeed that is why the Home Secretary has a veto under section 48. As explained, the veto may come too late, and the Mayor may have created conditions intolerable to the Commissioner.

378. It may be less likely that the Mayor will apply such undue pressure on the Commissioner if he is denied the right to initiate the statutory removal process in the first place. Of course he will still be able to make statements critical of the Metropolitan Police and its Commissioner, but they will have reduced power if he does not have the power to start the statutory removal process.

RECOMMENDATIONS

379. As I have said, none of these options, if enacted, can prevent a determined politician making a public statement of no confidence in the Commissioner. And if the Mayor is prevented from removing the Commissioner by legal means – the statutory removal process – he may still create intolerable conditions for the Commissioner. However, the above options should in my view make a Mayor think more carefully before behaving inappropriately, and some of them could be adopted in combination. Each is designed to discourage a violation of due process.
380. Options 1 (hardening the Policing Protocol) and 2 (mandatory mediation) are the softest of the options, but they are worthwhile; their circumvention would still bring considerable political and public criticism. Option 3 (Home Secretary power of direction) is much stronger, and as an effective injunction could effectively stop a Mayor proceeding with an inappropriate course of action. Option 4 (HMCIC investigation) has features in common with this commission, but is far stronger since it involves powers of compulsion and the availability of a remedy in the form of a veto in the hands of the Home Secretary. Option 5 (two-thirds majority in the London Assembly) is attractive because it involves a much higher democratic element and an important and cross-party condition on forced removal. Options 6 and 7 (vetos) are worthwhile controls; the Home Secretary veto of course has a higher democratic legitimacy than a veto in the hands of the chief inspector of constabulary. Option 8 (the recreation of the Metropolitan Police Authority) is probably a step too far. The London Assembly and the police and crime panel are well-established and, adequately informed and resourced, can work well, especially if Option 5 (two-thirds majority in the Assembly) is adopted. Option 9 (removal of MOPAC's power to initiate the section 48 forced removal process) places almost all power in the hands of the Home Secretary, and is consistent with her necessary primacy as well as aligning that aspect of the scheme with the appointment of the Commissioner.
381. I have not expressed a preference for any single option, or combination of options. My recommendation is that all of them be the subject of careful consideration by the Home Secretary and her officials. Any one of them would result in an improvement to the existing position, which I consider warranted and desirable. Where the most appropriate balance lies requires an assessment of the wider legislative and policy landscape (including the operation of the Police Reform and Social Responsibility Act

2011 outside London) that is beyond the terms of this commission. It seems to me that although some change is in my view required, the precise terms of that change is ultimately less important than the signal that any such change being made would generate.

382. The best outcome is of course assiduous adherence to the principles and spirit of the Policing Protocol and the scheme mandated by Parliament. On the proper, professional and honourable conduct of those charged with the precious stewardship of one of our most important national institutions depends a very great part of the welfare, safety and security of London and beyond.

Annex 1 - Accountability of the Metropolitan Police

Beginnings

1. Policing in England long predates police forces in any form recognisable today. Parish constables appeared in 1252, and policing has developed considerably over the centuries. In the English constitution, the constable is an ancient office, based on the ancient obligation of every citizen to suppress crime and apprehend offenders. That obligation remains today.
2. As is well known, after the failures of the London policing system established by Henry Fielding in the 1750s and based at first in Bow Street, the first police force in its modern form to be established in England was the Metropolitan Police, by virtue of the Metropolitan Police Act 1829. In 1839, the River Thames force was amalgamated into the Metropolitan Police, as were the Bow Street foot patrol. The 1839 Act enlarged the boundaries of the metropolitan police district to an area whose radius was 15 miles from Charing Cross.
3. The Metropolitan Police is the oldest metropolitan institution in London.
4. Under the 1829 Act, there were to be two Commissioners. In the Metropolitan Police Act 1856, the force was placed under a single Commissioner, and there has been a single Commissioner ever since.
5. The Metropolitan Police Act 1829 placed the Commissioners under the sole authority of the Home Secretary. It provided that orders about the general government of the force be subject to the Home Secretary's approval. The Home Secretary therefore became answerable to Parliament for the activities of the Metropolitan Police. The degree of the Home Secretary's control of the force was uncertain for many years. What is plain is that the Home Secretary's control – such as it was – was of a degree higher than his control over provincial police forces, when they were later established in the second half of the 19th century.
6. Questions in Parliament about the policing of London were frequently tabled and answered by the Home Secretary. However, in relation to county and borough police forces Members of Parliament for constituencies outside London were frustrated and objected that they could not ask questions about policing in their areas because the rules of Parliament prohibited the Home Secretary being asked questions about forces for which he was not responsible; those questions had to go to the relevant local

authority.⁴⁷ This – the unsatisfactory state of police accountability outside London – was one of the reasons why the Government established the Royal Commission on the Police, whose final report was published in 1962. In relation to that accountability, the Royal Commission said that in provincial forces *“Parliament was impotent to intervene effectively in the matter”*.⁴⁸

7. Since the 19th century, the development of the constitution and accountability of the Metropolitan Police has proceeded in parallel with, but not in step with, the development of London-wide democratic institutions.
8. To begin with, and until 2000, the Metropolitan Police was not the responsibility of any local authority. It came directly under the Home Secretary. The historical reason for this was when the Metropolitan Police began, in 1829, there were no county or borough councils in London. Sir Harold Scott says, for that reason: *“it would have been quite impossible to give control to the innumerable vestries and other bodies responsible for local government at that time”*. In 1954, there were six county councils in London, and 97 separate borough and district councils in Greater London. He continued: *“They are very different from the miscellaneous and untidy collection of authorities which they superseded ...”*. He concluded: *“But the need for a unified police force in the Metropolis is so obvious as to need no argument, and one force means one authority, which is the Secretary of State.”*⁴⁹

London-wide democratic institutions

9. Until the London County Council was established in 1889 (under the Local Government Act 1888), there was therefore no London-wide democratic local authority. The London County Council was the principal local government body for the County of London (the City of London being separate) until 1965, when it was replaced by the Greater London Council, established by the London Government Act 1963.
10. After significant political disagreements between the leadership of the GLC and the Conservative Government, the GLC was abolished in 1986 by the Local Government Act 1985, and its powers were devolved to the London boroughs and other entities (for example, the London Fire Board). For the next 14 years, there was no single elected authority for the whole of London.

⁴⁷ Critchley, T. (1967) *A History of Police in England and Wales* (London: Constable), pp 268-9

⁴⁸ Royal Commission on the Police, Final Report, para 9

⁴⁹ Scott, Sir Harold (1954) *Scotland Yard* (London: Andrew Deutsch), p.19

11. The Labour Government elected in 1997 was committed to creating a new London-wide local authority, and the Greater London Authority Act 1999 created the Greater London Authority, composed of the Mayor of London and the London Assembly. This is a quasi-presidential structure, with considerable powers in the hands of the Mayor. He is held to account by the London Assembly, composed of 25 members.
12. The Greater London Authority shares local government powers with the 32 London boroughs and the City of London Corporation.

The parallel accountability of the Metropolitan Police

13. Between 1829 and 2000, the accountability of the Metropolitan Police remained stable: sole accountability to the Home Secretary. Until 2000, it did not develop in sympathy with the waxing and waning of London-wide democratic accountability.
14. In relation to the police outside London, there have been several changes since the mid-19th century. Until 2012, the most significant was as a result of the final report of the Royal Commission on the Police in 1962 and the enactment of the Police Act 1964. The 1964 Act established police authorities for county and borough forces, but left the Metropolitan Police accountable exclusively to the Home Secretary.
15. Police authorities were created for the counties and boroughs; none had to be created for the metropolitan police district because the Home Secretary was already its police authority.
16. For the forces outside London, the Police Act 1964 established a tripartite arrangement – referred to as a partnership – of the Home Secretary, police authority and chief constable. In London, it remained bipartite.
17. All members of the Royal Commission regarded a national system of police accountability – that is accountability to the Home Secretary – as constitutionally preferable to a system of purely local authority accountability because the Home Secretary is accountable to Parliament and local authorities are not.⁵⁰ They also thought that such a system of accountability to the Home Secretary would be more efficient and economical. But they accepted that local links were important, and so for the non-London forces the tripartite compromise was arrived at.
18. The Royal Commission advocated stronger central control, with additional powers for the Home Secretary in respect of county and borough forces. Again, no additional

⁵⁰ Critchley, T. (1967) *A History of Police in England and Wales* (London: Constable p 285

powers were necessary in the case of the Metropolitan Police. The Home Secretary was to have statutory obligations to promote police efficiency. Those obligations now extend to all police institutions.

19. The policy and purposes of the 1964 Act was therefore to establish a coherent system of democratic control of all police forces, with the Home Secretary responsible to Parliament for overall police policy, and powers of direction and intervention if things appeared to be going wrong. Local accountability was always to be subordinate to the Home Secretary, and so it remains. But it has been amended in some significant respects, as discussed in this report.
20. The Police Act 1996 was a consolidation statute rather than a reforming one. The overall regime of the Home Secretary's primacy in police policy and powers of intervention under the 1964 Act was maintained. Part II of the 1996 Act is entitled 'Central Supervision, Direction and Facilities', and section 36 requires the Home Secretary to exercise his or her powers "*in such manner and to such extent as appears to him [or her] to be best calculated to promote the efficiency and effectiveness of the police*".
21. As said, the reforms of 1964 passed the Metropolitan Police by.⁵¹ It was not until 2000 that there was any material change to its accountability, a regime which had lain very largely undisturbed since 1829.
22. That accountability underwent two major changes in the first twelve years of this century.
23. First came the Greater London Authority Act 1999 and then the Police Reform and Social Responsibility Act 2011.
24. In the few years before 2000, a Metropolitan Police Committee was established, but had no formal legal status. It was set up to provide a version of accountability to the London boroughs and others in London, to make up for what some saw as a London democratic deficit.
25. The Greater London Authority Act 1999 established the Mayor of London and the London Assembly.

⁵¹ See, for example, para 222 of the final report of the Royal Commission on the Police: "*The police authority for the Metropolis is the Home Secretary, and local authorities play no part in the administration of the Metropolitan Police, although they contribute almost half of its costs.*" In para 223, the Royal Commission recommended no change in the Home Secretary's position as police authority for the metropolitan police district.

26. It also established the Metropolitan Police Authority, which provided accountability of the Metropolitan Police to a single London authority for the first time. That accountability did not displace the force's accountability to the Home Secretary, but it did affect it, in ways relevant to the principal purpose of this report.
27. Six years after its establishment, Parliament provided for changes to the membership of the Metropolitan Police Authority.⁵² It gave the Home Secretary the power to make regulations about the number of members of the Authority and connected matters.
28. Under the 1999 Act and the regulations made under it, the Metropolitan Police Authority was constituted of 23 members. Twelve of them were appointed by the Mayor in proportion to the political representation on the London Assembly. The Mayor could appoint himself to the Authority and be its chairman. Ten of the 23 members were appointed by the existing members of the Authority from a short-list of independent members, and one of the ten had to be a lay justice for an area within the Metropolitan Police district. Notably and probably because of the special position of London as the national capital, the remaining member of the Authority was appointed by the Home Secretary.⁵³
29. These new arrangements came into effect on 1 October 2008⁵⁴, and lasted until the further reform of the democratic accountability of the Metropolitan Police under the Police Reform and Social Responsibility Act 2011, with effect from November 2012 when the Mayor's Office for Policing and Crime was established.
30. The Police Reform and Social Responsibility Act 2011 effected one of the most significant reforms to police accountability ever seen. Outside London, it replaced police authorities with directly elected police and crime commissioners. Broadly speaking, police and crime commissioners have the same functions of the police authorities they replaced, and some additional ones in connection with community safety and crime prevention.
31. Their primary purposes are three. First, they must secure the maintenance of the police force, in setting the budget, and secure that the police force is efficient and

⁵² Under the Police and Justice Act 2006, in an amendment of the Police Act 1996.

⁵³ Metropolitan Police Authority Regulations 2008/631, Regulations 5-9.

⁵⁴ On 1 October 2008, the Mayor of London (Mr Johnson) became the chairman of the Metropolitan Police Authority. The then Commissioner of the Metropolitan Police (Sir Ian Blair, as he then was) resigned shortly afterwards, having been told by the Mayor that he would face a vote of no confidence in the Metropolitan Police Authority and that the Mayor expected the Commissioner to lose.

effective. Second, they must establish in a police and crime plan the PCC's police and crime objectives, the policing to be provided, the financial resources to be provided to the chief officer and associated matters. The chief officer is required to have regard to the police and crime plan. Third, they must appoint and may, after due process, remove the chief constable.

32. In London, these functions, with important differences (particularly in respect of the appointment and removal of the Commissioner), are discharged by the Mayor in the statutory role of the Mayor's Office for Policing and Crime.
33. MOPAC must secure the maintenance of the Metropolitan Police and secure that it is efficient and effective. He must hold the Commissioner to account for the exercise of the Commissioner's functions and the functions of the members of the force.⁵⁵
34. The Mayor must also hold the Commissioner to account for his or her duty to have regard to the Mayor's police and crime plan, to have regard to the strategic policing requirement, to have regard to codes of practice issued by the Home Secretary, for the Commissioner's arrangements for co-operating with others, for his or her arrangements for engagement with local people, the achievement of value for money obligations, the exercise of the Commissioner's duties in respect of equality and diversity and in relation to the safeguarding of children and the promotion of child welfare.
35. The Commissioner must have regard to the Mayor's police and crime plan.
36. The Commissioner is also required to exercise his power of direction and control over the Metropolitan Police *"in such as a way as is reasonable to assist the Mayor's Office for Policing and Crime to exercise that Office's functions"*.⁵⁶ That means that the Commissioner must not obstruct MOPAC in doing what MOPAC is required by legislation to do, and should where consistent with the Commissioner's overriding duties to enforce the law and maintain public safety facilitate it. Neither obligation is one to obey MOPAC.

⁵⁵ Police Reform and Social Responsibility Act 2011, section 3(6) and (7)

⁵⁶ Police Reform and Social Responsibility Act 2011, section 4(5).

Annex 2 – Interviews conducted

Interviewee	Position	Interview date(s)
Aldridge, Corinne	Partner, Kingsley Napley	31 May 2022
Bailey, Helen	Chief Executive, Mayor’s Office for Policing and Crime 2012-2016	9 July 2022
Ball, Helen	Assistant Commissioner, Metropolitan Police	17 June 2022
Barber, Sir Michael	Chairman, Delivery Associates	25 July 2022
Bellamy, David	Chief of Staff to Mayor of London	17 August 2022
Blair, Lord Ian	Commissioner, Metropolitan Police 2005 – 2008	4 April 2022 26 May 2022 8 June 2022
Bowie, Kenny	Director of Strategy & MPS Oversight, Mayor’s Office for Policing and Crime	29 July 2022
Brain, Dr Tim	Chief Constable, Gloucestershire 2001-10	29 July 2022
Calam, Mary	Director-General, Crime and Policing Group, Home Office 2013-16	16 June 2022
Cashell, Kathie	Director, Strategy and Impact, Independent Office for Police Conduct	2 August 2022
Chapman, Kayleigh	Deputy Director, Head of Police Strategy and Reform Unit, Policing Policy Directorate, Home Office	11 May 2022
Clarke, Charles	Home Secretary 2004 - 2006	27 July 2022
Condon, Lord Paul	Commissioner, Metropolitan Police 1993 – 2000	9 May 2022
Cooke, Andrew	HM Chief Inspector of Constabulary	6 July 2022
Cunningham, Michael	Her Majesty’s Inspector of Constabulary 2014-18 Chief Executive, College of Policing 2018-20	7 June 2022
Desai, Unmesh	Deputy Chair, Police and Crime Committee, London Assembly	30 June 2022

Interviewee	Position	Interview date(s)
Dick, Dame Cressida	Commissioner, Metropolitan Police 2017-22	25 May 2022 6 July 2022 26 July 2022
Drysdale, Ian	Vice-Chair, Chief Police Officers' Association	31 May 2022
Fahy, Sir Peter	Chief Constable, Greater Manchester Police 2008-15	23 May 2022 24 August 2022
Fairley, Damon	Deputy Head, Police Strategy & Reform Unit, Public Safety Group, Home Office	11 May 2022
Godwin, Tim	Acting Commissioner, Metropolitan Police 2011	14 July 2022
Greenhalgh, Lord Stephen	Minister of State, Home Office 2020-22; Deputy Mayor for Policing and Crime 2012-16	8 June 2022
Hall, Susan	Chair, Police and Crime Panel, London Assembly	30 June 2022
Harris, Lord Toby	Chairman, Metropolitan Police Authority 2000-04	17 May 2022
Herbert, Lord Nick	Chairman, College of Policing Minister of State for Policing and Criminal Justice 2010-12	22 June 2022
Hewitt, Martin	Chairman, National Police Chiefs' Council	24 May 2022
Hogan-Howe, Lord Bernard	Commissioner, Metropolitan Police 2011- 17	24 May 2022
House, Sir Stephen	Deputy Commissioner, Metropolitan Police	23 May 2022
Hughes, Roisha	Director of Strategy, Corporate Services, Metropolitan Police	19 July 2022
Jones, Marc	Chairman, Association of Police and Crime Commissioners	2 August 2022
Jukes, Matt	Assistant Commissioner, Metropolitan Police	19 June 2022
Khan, Sadiq	Mayor of London	17 August 2022

Interviewee	Position	Interview date(s)
Lawrence, Rebecca	Chief Executive, Mayor's Office for Policing and Crime 2016-19	24 May 2022
Linden, Sophie	Deputy Mayor for Policing and Crime	17 August 2022
Lister, Lord Edward	Deputy Mayor of London for Policy 2011-16	18 July 2022
Livingstone, Ken	Mayor of London 2000-08	31 May 2022
Lockwood, Michael	Director-General, Independent Office for Police Conduct	2 August 2022
Mackey, Sir Craig	Deputy Commissioner, Metropolitan Police 2012-18	13 July 2022
Mackinlay, Harriet	Deputy Head, Police Workforce & Professionalism Unit, Public Safety Group, Home Office	11 May 2022
Malthouse, Kit	Minister for Policing and Crime 2019-22 Deputy Mayor for Policing and Crime 2008-12	26 May 2022
Marsh, Ken	Chairman, Metropolitan Police Federation	12 April 2022 11 May 2022
May, Theresa	Home Secretary, 2010-16 Prime minister, 2016-19	25 May 2022
Muir, Rick	Director, Police Foundation	23 May 2022
Orde, Sir Hugh	President, Association of Chief Police Officers 2009-15	22 July 2022
Owens, Dame Lynne	Director-General, National Crime Agency 2016-21	16 June 2022
Parr, Matt	Her Majesty's Inspector of Constabulary (London and national law enforcement)	17 May 2022 7 June 2022 16 June 2022
Pidgeon, Caroline	Member, Police and Crime Committee, London Assembly	30 June 2022
Pughsley, Alan	Chief Constable, Kent	31 May 2022
Rowley, Sir Mark	Commissioner, Metropolitan Police (from September 2022)	14 July 2022

Interviewee	Position	Interview date(s)
Rudd, Amber	Home Secretary 2016-18	30 May 2022
Russell, Caroline	Member, Police and Crime Committee, London Assembly	30 June 2022
Sedwill, Lord Mark	Permanent secretary, Home Office 2013-17 Cabinet Secretary 2018-20	15 June 2022
Sherman, Professor Lawrence	Professor of Criminology, University of Cambridge	19 May 2022
Stephenson, Sir Paul	Commissioner, Metropolitan Police 2009-11	10 May 2022
Stevens, Lord John	Commissioner, Metropolitan Police 2000- 2004	5 July 2022
Straw, Jack	Home Secretary 1997-2001	17 May 2022
Travers, Professor Tony	Professor in Practice, Department of Government, London School of Economics and Political Science	12 July 2022
Wilkinson, Robin	Chief of Corporate Services, Metropolitan Police 2018-22	18 May 2022

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Annex 5 – Terms of appointment for special commission

REVIEW OF THE CIRCUMSTANCES AND IMPLICATIONS OF THE STEPPING ASIDE OF THE COMMISSIONER OF POLICE OF THE METROPOLIS

Appointment and scope of review

1. Sir Thomas Winsor (the “Assessor”) is hereby appointed by the Secretary of State for the Home Department to:
 - (a) establish and assess the full facts, timeline of events and circumstances which resulted in the stepping aside of Dame Cressida Dick as Commissioner of Police of the Metropolis;
 - (b) establish and assess whether due process was followed under the Police Reform and Social Responsibility Act 2011 and other relevant rules of law and applicable conventions, having regard to their terms, purpose and spirit; and
 - (c) provide the Home Secretary with advice, options and recommendations on how accountability and due process in these respects may be strengthened.
2. The review applies to the existing legal regime in respect of the role, appointment and removal of the Commissioner. It does not extend to the powers of local policing bodies in respect of the appointment and dismissal of chief police officers outside London.
3. The review will consider the terms of service established between the Commissioner and the Mayor’s Office for Policing and Crime, and the interplay between those terms and the appointment to the office of Commissioner by Royal Warrant and the tenure of the Commissioner at Her Majesty’s pleasure.
4. The review will not assess the merits of the performance of the Commissioner or the Metropolitan Police. In respect of the Commissioner’s stepping aside, the review is concerned with process, not substance.

Timing

5. The review will begin on 1 April 2022 and be completed by 31 May 2022, with up to 20 payable days of work. Should more time be required, this period is extendable by up to 10 payable days and to 30 June 2022 upon notice with the permission of the Home Secretary.
6. The Assessor will provide the Home Secretary with his report no later than 30 June 2022.
7. It is acknowledged that progress with the review is likely to be dependent on the co-operation of third parties, as to which see paragraph 12 below.

Status, co-operation and other terms

8. The Assessor is appointed by the Home Secretary under the Royal prerogative to a non-statutory office for the period of the review. Annex A, paragraph 2 deals further with his status.
9. The review is independent of all affected parties and persons.
10. The senior Home Office sponsor for the review is the Policing Director.
11. The review should proceed with all due despatch in the obtaining of evidence and its engagement with principal participants and interested parties in policing.
12. In giving and publishing these terms of reference, the Home Secretary requests and expects the full and timely co-operation of:
 - (a) the Commissioner, the Deputy Commissioner and their officers and staff;
 - (b) the Mayor of London, the Deputy Mayor and the staff of the Mayor's Office for Policing and Crime; and

such other persons as the Assessor may ask for information, documents, material or assistance.

13. Annex A concerns other matters in respect of the appointment, forms part of this instrument of appointment, and has effect.

Confidentiality

14. The Assessor's report will be confidential to the Home Secretary, and may be published by her to the extent, upon conditions and at such time (if any) as she determines.

Note: The end-date provided for in paragraph 5 was extended to 24 August 2022.

Annex A – Further terms of appointment

Resources

1. To assist and support him in the review, the Assessor will be provided with such resources as he reasonably requires. These will include but are not limited to:
 - (a) the services of a senior staff officer provided by HM Inspectorate of Constabulary and Fire and Rescue Services;
 - (b) the services of his choice of junior counsel on the Attorney-General's panel; and
 - (c) the assistance and co-operation of Home Office officials.

Employment, remuneration and expenses

2. In carrying out the review, the Assessor is not and will not become an employee of the Home Office or any other part of the state, and nothing in these terms of appointment may be construed as, or taken to create, a contract of employment, a contract of service or a contract for services.
3. The Assessor will be remunerated at the rate of £900 per day, payable in arrears. All of the Assessor's remuneration is taxable and subject to deduction of income tax and Earnings Related National Insurance (ERNIC) at source under the PAYE scheme. The Assessor is advised to consult HMRC about personal tax affairs and any queries relating to the tax treatment of office holders should be directed to HMRC's Public Department 1 Compliance & Liaison Section.
4. If VAT is chargeable (which it is believed it is not), it is acknowledged that the remuneration and compensation provided for here is net of VAT, and in those unexpected circumstances the Assessor will raise an appropriate VAT invoice for payment by the Home Office.
5. The Home Office will promptly reimburse the Assessor for all reasonable expenses (including travel, subsistence and other expenses) properly incurred in the fulfilment of official duties, in line with Home Office policies.
6. When making expenses claims, the Assessor must have regard to the general conduct and accountability expectations of a public office holder. The Assessor should refer to the Home Office Police Workforce and Professionalism Unit for further guidance on whether expenses are reasonable.
7. Income tax is payable on the amounts of expenses of travelling between the Assessor's normal location and any other place in which he carries out his duties. Any subsistence allowances or payments for meals or accommodation are also taxable where these relate to the cost of staying at a place where official duties are performed other than the Assessor's normal location.

Pension

8. The appointment is not pensionable. If the Assessor is in receipt of a pension (as defined in section 1 of the Pensions Schemes Act 1993 as a public appointee), the payments provided for in this document or the pension may need to be abated to comply with the Government's policy on abatement.

Disclosure

9. The remuneration provided for in this document is subject to disclosure in the Home Office's resource accounts under HM Treasury Resource Accounting Manual rules. The Assessor consents to this disclosure.

Holidays

10. There is no entitlement to holidays.

Location

11. The Assessor's normal location is his home address. If his home address changes, the Assessor must inform the Home Office.

Performance and conduct

12. This appointment is subject to the Nolan Seven Principles of Public Life (see Annex B).
13. The Assessor is expected to adhere to the highest personal and professional standards, and he should comply with the principles in the Cabinet Office Code of Conduct for Board Members of Public Bodies June 2019.
14. The Assessor is expected to co-operate with any process established by the Home Office to investigate and determine any complaint made in respect of his conduct in the non-statutory office to which he is appointed, including attending meetings, providing material, co-operating with any investigation and responding in a timely manner to correspondence in each case as may be reasonably required. The complaint process must afford the Assessor protections as to procedural fairness no lower than those which apply in and to a misconduct hearing in the case of a chief constable.
15. The Assessor must declare any personal or business interests which may, or may be perceived by a reasonable member of the public to, influence his judgment in performing his duties. Conflicts of interest may arise from financial interests and more broadly from official dealings with or decisions in respect of individuals who share his private interests.

16. All information on potential conflicts of interest will be held by Home Office HR and could be disclosed to the public under the Freedom of Information Act 2000. The Assessor consents to this disclosure.

Gifts and hospitality

17. The Assessor is expected to ensure that any acceptance of gifts and hospitality can stand up to public scrutiny. Gifts should be declined wherever possible, and any offers should be reported to the Policing Director at the Home Office.
18. Where it would be ungracious or otherwise not to accept, the Assessor should inform the Home Office of the gift, its estimated value and the donor, and ensure that a record is placed in the Home Office's hospitality register. Care must be taken to ensure that no extravagance is involving with working lunches and other social occasions held in relation to the duties provided for in this document.

Confidentiality / use of official information

19. In his use of official information acquired in the course of his appointment, the Assessor is required to exercise the same care required of an official employed in the civil service. The Assessor is subject to section 1(1) of the Official Secrets Act 1989.
20. Unauthorised disclosure of information gained in the course of the appointment, or its use by the Assessor for personal gain or advancement, could result in the appointment being terminated with immediate effect and/or criminal prosecution.
21. Paragraphs 19 and 20 apply both during the term of the appointment and after it has ended.

Liability and indemnity

22. In respect of and in connection with any claim (including legal proceedings) contemplated, threatened or commenced, made or brought against the Assessor by any person in connection with the review, the Home Secretary will meet, and will indemnify the Assessor against, any civil liability of the Assessor and all costs.
23. The indemnity applies to the extent that the Assessor acted diligently, honestly and in good faith, and did not act recklessly, in relation to the matter in respect of which the claim was made.
24. The indemnity includes legal costs incurred in connection with resisting or defending any such claim, including any costs ordered or agreed to be paid by the Assessor if the claim is successful, compromised or settled.
25. The indemnity is an enduring one and survives the conclusion or termination of the appointment.

Termination

26. The Home Secretary may at any time terminate the appointment of the Assessor upon one month's notice to him, with her reasons.
27. The Home Secretary may also at any time terminate the Assessor's appointment with immediate effect if she is satisfied that:
 - (a) he has failed without reasonable excuse to discharge his duties for a continuous period of four weeks;
 - (b) he has been convicted of a criminal offence;
 - (c) he has been made the subject of a bankruptcy order, his estate has been sequestrated, or he has made a composition or arrangement with, or granted a trust deed for, his creditors;
 - (d) he has failed to comply with these terms of appointment; or
 - (e) he is otherwise unable or unfit to carry out his functions.
28. The Assessor may at any time resign the appointment upon one month's written notice to the Home Secretary, with his reasons. In such a case, the Home Secretary may elect to terminate the appointment earlier.

Acceptance

29. By accepting this appointment, the Assessor accepts these terms of appointment, and countersigns them as confirmation.

Annex B – The Seven Principles of Public Life

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public

duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.