IN THE POLICE APPEALS TRIBUNAL

IN THE MATTER OF THE POLICE APPEALS TRIBUNALS RULES 2020

POLICE CONSTABLE MIA KORELL

Appellant

-V-

THE METROPOLITAN POLICE SERVICE

(THE APPROPRIATE AUTHORITY)

Respondent

DETERMINATION OF THE APPEAL AND REASONS FOR THE DECISION

Introduction

1. PC Mia Korell ("The Appellant") appealed to the Police Appeals Tribunal ("the PAT") against a finding of gross misconduct made by a Police Misconduct Panel ("the Panel") on 28 January 2025. The disciplinary action imposed was a final written warning for five years. We heard the appeal on 21 November 2025. The Appellant was represented by Ms Rebecca Hadgett and the Respondent was represented by Mr Russell Fortt. We considered all the documentary evidence placed before us and all the oral submissions for which we were very grateful. We would like to thank both advocates for their assistance with this appeal and for their courtesy throughout.

The Brief Background

- 2. The Appellant had been an officer of the Metropolitan Police Service ("MPS") since 30 March 2015. She joined the Territorial Support Group ("TSG") in January 2019. In 2022 she was attached to MO8 Roads and Transporting Policing.
- 3. The case concerned the alleged use of the phrase "cotton pickers" in a derogatory way, to refer to black Territorial Support Group ("TSG") officers who did not agree with the Appellant's position that the TSG was a racist unit, during an off duty conversation with A/CI Alistair Phillips on 7 October 2022. (We refer to him as Inspector Phillips).

- 4. Inspector Phillips had worked in TSG as a police sergeant and acting inspector on the unit. Whilst in that role in 2019 he had worked with the Appellant on several occasions. His current role required him to still work with TSG and he regularly kept in contact with officers from all ranks for good working relations but since then had not had any contact with the Appellant before their meeting for over a year.
- 5. On Friday, 7 October 2022 Inspector Phillips said he was returning from a physio appointment when he "bumped into" the Appellant on Walnut Tree Close, Guildford. From the summary in the investigator's report he said what occurred was as follows:
- 6. They engaged in conversation and the Appellant then told him that she volunteered on the Inclusivity and Diversity Team in the MPS. They began discussing that and the doctorate she was currently doing at Surrey University. He said they discussed inclusivity and racial biases which were all a current concern of his.
- 7. The Appellant then allegedly stated that her doctorate paper would be equally shocking when it was finished, revealing racism and misogyny in the police and TSG. She said it would be the first paper written by a serving police officer. The Appellant allegedly then stated that she had spoken to other black officers on the TSG and asked if they felt it was a racist unit, but they had all said no and disagreed with her.
- 8. Inspector Phillips stated that the Appellant then referred to those black officers in a derogatory way saying, "They're just Cotton Pickers". He said he believed that by saying this, the Appellant was claiming any black officer that didn't agree with her point of view must have a slave mentality and said that it is not a phrase he would accept from any officer working for him.
- 9. Inspector Phillips stated that the Appellant then asked his opinion on the TSG and questioned him on his opinion. He said she seemed quite determined to push the narrative of a racist police force.
- 10. Inspector Phillips said that after the conversation they parted and went their separate ways.

- 11. Inspector Phillips subsequently spoke to the Appellant's line manager PS Andrew Miller and at PS Miller's request, Inspector Phillips sent an email to him setting out what he said had occurred during the meeting.
- 12. The Appellant gave her account in her MG14 prepared statement and later in her Regulation 31 response. From the summary in the investigator's report the Appellant said in her MG14 statement:
- 13. She had bumped into Inspector Phillips and engaged in conversation. She explained she was studying for a PhD and specifically researching the experience of black police officers and how race is handled in the MPS.
- 14. She said Inspector Phillips gave a fairly muted response when she explained what she was studying and he stated that in the past, he has had to investigate racial incidents in his command. He mentioned that he had experience of officers' claim of racism but discussed that some of them may actually simply just be bad at their jobs and were being managed.
- 15. She said she was aware that there was some research around why some officers' mistakes are noticed more due to their race or ethnicity but did not offer her opinion on the matter. She said she remembers commenting that it is good to understand what triggers lead to research report being conducted. Inspector Phillips allegedly then asked the Appellant what she liked to research and she commented that she had read both the Scarman and the MacPherson Report furthering her knowledge about racism in the police.
- 16. The Appellant then said that Inspector Phillips then asked her why she thought the TSG was racist and she explained that her experience in the TSG could be different to others; she was in no way the spokesperson for black officers on the TSG. She also stated that the TSG had previously looked into why black officers would not join the command and that she had conducted that research.
- 17. She explained that when she joined TSG she was on the Diversity and Inclusion Panel and would essentially advocate for black officers joining TSG. She also stated that she created an anonymous questionnaire, which was approved by the Diversity and Inclusion Panel that then was sent out to Black Police Staff associations. She said that when the

questionnaires were returned, the replying officers said that black officers were not joining the TSG because they thought the unit was racist.

- 18. The conversation then developed into speaking about the highest ranking black female officer in the MPS and how Inspector Phillips had made her cry the first time they met. She said that she felt Inspector Phillips was almost trying to brag about the fact he had upset her, which she thought to be a little bit strange.
- 19. She said she wanted to go home as it had been a long day at University, so ended the conversation by telling Inspector Phillips that if he wanted anything, or some more reading suggestions he could let her know. They both then went their separate ways.
- 20. The Appellant said that at no point during that conversation did she refer to anyone as "Cotton Pickers" and said that Inspector Phillip's account was not an accurate one. She denied the allegation that had been made against her, and denied that her behaviour breached the Standards of Professional Behaviour.

The Allegations

21. The allegations set out in the Regulation 30 Notice were as follows;

Being an officer of the Metropolitan Police Service, on 7 October 2022 you breached the Standards of Professional Behaviour as set out in Schedule 2 to the Police (Conduct) Regulations 2020 in that:

ALLEGATIONS OF FACT

- You have been an officer of the Metropolitan Police Service ("MPS") since 30 March 2015.
- 2. You joined the Territorial Support Group ("TSG") in January 2019.
- 3. In 2022 you were attached to MO8 Roads and Transport Policing.
- 4. On 7 October 2022 you bumped into Inspector Phillips on Walnut Tree Close, Guildford.
- 5. You were both off duty.
- 6. Inspector Phillips had been attending a physiotherapy appointment.
- 7. You told Inspector Phillips you were there as you were studying at Surrey University.

- 8. You had previously worked with Inspector Phillips in 2019 whilst in the TSG.
- 9. You had a conversation with Inspector Phillips.
- 10. You discussed being at Surrey University to study for a Doctorate, and you explained that you were writing about racism in the police and the TSG in particular.
- 11. You discussed inclusivity and racial biases.
- 12. You told Inspector Phillips that you had spoken to other black officers on the TSG about whether they felt it was a racist unit.
- 13. You told Inspector Phillips that those officers had said they did not agree that the TSG was a racist unit.
- 14. Referring to those black TSG officers who had said they did not agree that the TSG was a racist unit, you said "they're just cotton pickers."

ALLEGATIONS OF MISCONDUCT

Your said conduct as particularised at paragraph 14 breached the Standards of Professional Behaviour of Equality and Diversity, Authority, Respect and Courtesy, Discreditable Conduct in that:

- a) You used a disrespectful and discourteous term to describe black officers who did not agree that the TSG was a racist unit.
- b) You used a discriminatory and/or racist term to describe black officers who did not agree that the TSG was a racist unit.
- c) The language used could reasonably have or have had the effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for other officers;
- d) The language used could bring the police service into disrepute and/or damage the relationship of trust and confidence between the police and the public.

Your said conduct amounts to gross misconduct.

22. The Appellant denied the allegation of misconduct. The Misconduct Panel heard evidence from Inspector Phillips and from the Appellant. It was accepted by both officers that a conversation took place; essentially the issue for the Panel was whether they were satisfied in accordance with the appropriate test that the phrase was used.

23. The Panel concluded that they were satisfied the phrase was used and therefore found the allegation of fact proved. They also found that the facts proved amounted to Gross Misconduct. The outcome was the imposition of a final written warning for five years.

The Grounds of Appeal

24. The Appellant appealed on two grounds both under rule 4(4)(a) that the "finding [made by the Panel] was unreasonable"

The Appellant said: "More specifically"

Ground 1 - the Panel's finding that the officer used the term "Cotton pickers" was unreasonable, in the light of the evidence before the Panel and the Panel's own findings as to the conversation in issue.

Ground 2 – the Panel failed to give any or any proper consideration to the credibility of the officer's own account when reaching their findings of fact.

25. We reminded ourselves that an appeal to the PAT "is a review. It is not a re-hearing on the facts" (R (Montgomery) v Police Appeal Tribunal [2012] EWCA 936 (Admin) at paragraph 17.

The unreasonable ground of appeal -4(4)(a)

- 26. The PAT's approach on the issue of unreasonableness under Rule 4(4)(a) has been set out in a number of cases. We noted that reference was made by both parties to these cases in the Grounds of Appeal and the Response.
- 27. Most recently In <u>The King (on the Application of the Commissioner of Police of the Metropolis) and PAT & Michel and Charnock [2022] EWCA 2711</u> Mrs Justice Heather Williams said (at paragraph 57) after reviewing the case of <u>Montgomery</u> that in determining whether a Panel's finding of misconduct/gross misconduct was "unreasonable" within the meaning of rule 4(4)(a):
 - The PAT must ask itself whether this finding was one that was within or outside of the range of reasonable findings that the Panel could have made;

- ii. The PAT should keep in mind that the rule 4(4)(a) test is not met simply by showing a deficiency in the Panel's reasoning or a failure to consider a particular piece of evidence or similar error, if the finding of misconduct / gross misconduct was nonetheless one that the Panel could reasonably have arrived at. The question is whether that finding is unreasonable;
- iii. The PAT will be careful not to substitute its own view as to what should have been the outcome of the charges. Whether the PAT agrees or disagrees with the Panel and whether it thinks it would have found the allegations proven if it had been Hearing the disciplinary proceedings is not in point, as this in itself does not indicate that the Panel's finding was "unreasonable". In many circumstances, different and opposing views can both be reasonable; and
- iv. The PAT should consider all of the material that was before the Panel, whether or not the Panel made express reference to it in the decision.

Discussion and Analysis

- 28. We were particularly mindful that, following <u>Michel and Charnock</u>, the PAT must be careful not to substitute its own views on the finding made by the Panel. Whether the PAT agrees or disagrees with the Panel decision is "not in point", as this in itself does not indicate that the finding was "unreasonable". In many circumstances, different and opposing views can both be reasonable. The issue is whether the finding was one that the Panel could reasonably have arrived at. The question is whether the decision was unreasonable.
- 29. Further that Police Misconduct Panels are to be afforded a degree of "latitude" in their reasoning. It is "right to adopt a generous approach to the reasoning provided by a Misconduct Panel, the decision reached still needs to demonstrate engagement with the relevant factors identified on the evidence adduced in the particular case." *R(on the application of West Midlands Police) v Police Misconduct Panel and Officer A* [2020]EWCA 1400(Admin) at paragraph 58 and 59.

- 30. We noted that in <u>Commissioner of Police of the Metropolis v A Police Misconduct Panel</u> & <u>Russell and Strickland</u> [2022] EWCA 2857 Mostyn J said: "it is axiomatic reasons for a decision will always be capable of having been better expressed. It is well known that a reviewing court should not subject a decision to narrow textual analysis. Nor should it be picked over or construed as though it were a piece of legislation or a contract."
- 31. It was not suggested that the Panel did not apply the correct test on the burden and standard of proof when they said that the burden was on the Appropriate Authority to prove on the balance of probabilities that the officer behaved in the manner that is alleged and that in doing so she breached the Standards of Professional Behaviour, and that the manner of the breach is of such a nature or degree that it amounts to misconduct or gross misconduct. The Panel reminded itself that it does not need to make a finding on every issue and need only make findings on those issues which it believes to be relevant and material to the allegation. There is no complaint made about this by the Appellant.
- 32. We were mindful that the Panel saw the witnesses give their evidence and were able to assess their credibility and reliability. We noted the authorities referred to at paragraph 14 of the Response particularly <u>Southall v GMC</u> [2010]EWCA Civ 407 and <u>Gupta v</u> <u>GMC</u> [2002] 1 WLR 1991. A full judgement in <u>Southall</u> was provided to us.
- 33. <u>Southall</u> quoted from other cases particularly: "as a matter of general law it is well established that findings of primary fact, particularly if founded upon an assessment of the credibility of witnesses, are virtually unassailable:....more recently that the test has been put that an appellant must establish that the fact-finder was plainly wrong;.....further the court should only reverse a finding on the facts if it can be shown that findings were sufficiently out of tune with the evidence to indicate with reasonable certainty that the evidence had been misread"

Ground 1 - the Panel's finding that the officer used the term "Cotton pickers" was unreasonable, in the light of the evidence before the Panel and the Panel's own findings as to the conversation in issue.

34. The Appellant is correct that the Panel were presented with two conflicting accounts of the key exchange, from Inspector Phillips and from the Appellant.

- 35. The Panel set out its' findings of fact. It was accepted that the two had met on 7 October 2022. The Appellant had been at the University of Surrey earlier that day. She stopped to say "hello" to Inspector Phillips whom she knew from the TSG and they engaged in conversation. That the Appellant admitted the conversation included that she had started a PhD at the University of Surrey and that it concerned the issue of race within the Metropolitan Police Service.
- 36. There were different accounts given by the Appellant and Inspector Phillips as to the conversation relating to racism in the TSG. The Appellant said that Inspector Phillips asked her whether the TSG was racist, and she responded by describing some research that she had carried out for the task force which said that it was. When this was put to Inspector Phillips in cross examination he gave a different recollection of the conversation. He said it was the Appellant who asked him if he thought the TSG was a racist unit and said she had spoken to officers on the TSG about whether they thought the unit was racist. Inspector Phillips said it was in this context that the Appellant used a phrase "Cotton Pickers".
- 37. The Panel, having considered the written and oral evidence of both Inspector Phillips and the Appellant said that they found: "that their conversation covered a number of topics and lasted for around 10 to 15 minutes. The Panel finds the conversation included a discussion of her newly started PhD course and her previous research as a representative on the Taskforce Diversity and Inclusion Panel which included researching why black police officers weren't applying to join the TSG".
 - "The Panel accepts this research had not included black TSG officers, but finds that the officer had black friends who were fellow officers in the TSG, who had told her about their own experiences and views that there was racism in the TSG. The Panel finds that in the context of this conversation with Inspector Phillips, the officer did use the term "Cotton pickers" to describe black TSG officers who did not agree with her own view that there was racism in the TSG."
- 38. The complaint is made that first, in the context of their finding immediately preceding the last sentence (above), and on the evidence before the Panel, this makes no logical sense. The Panel accepted that the research conducted by the officer pertained to officers not in TSG and accepted that the Officer's friends had expressed the view that there was

- racism in the TSG. As such there was no other officers to whom the officer had spoken who disagree with the Officer's views.
- 39. The second issue the Appellant says is the Panel's route to this finding. The Panel must have dismissed part of Inspector Phillips' evidence on what the Appellant says is "on the key part of the pair's exchange and seemingly accepted the Officer's evidence on that issue." But the Panel gave no explanation how they could on the one hand reject Inspector Phillips' evidence on the conversation immediately prior to the use "of the contentious term" but on the other hand go on to rely on his account of the use of the term "Cotton Picker".
- 40. The Respondent accepts that the Appellant is correct that the Panel accepted her account that the research she carried out was in relation to officers outside the TSG and accepted that her black friends in the TSG agreed with her that it was a racist unit. They say "that does not rule out there being other black TSG members who did not agree with her. It is entirely reasonable of the Panel to accept her account of the details of the research, but still find she used the term in the way alleged."
- 41. The Respondent's submission was that the single question that the Panel had to consider was whether they were satisfied the phrase was used by the Appellant. They were entitled to accept parts or what each of the witnesses say occurred. It was a conversation that they found covered a number of topics and lasting for around 10-15 minutes. They could be satisfied that the phrase fitted with the context of the conversation taking place, as they found it to be; they had set this out in their findings of fact.
- 42. We of course considered all the "material that was before the Panel, whether or not the Panel made express reference to it in the decision" (as directed in *Michel and Charnock*). We agree that a Panel, hearing evidence must be entitled to accept parts of what a witness says occurred especially in a conversation lasting for the period they found, around 10-15 minutes in contrast to that suggested by the Appellant of between 3-5 minutes. We also considered it was important to have in mind the precise phrase alleged to have been said: "they're just cotton pickers".
- 43. We noted that the Panel found that "the Officer had black friends who were fellow officers in the TSG, who had told her about their own experiences and views that there was racism in the TSG.":

From the transcript. Inspector Phillips said at page 18/19: A. Yes. She said she talked to the black officers on the group, which is TSG. Some of them are my friends and came to my wedding, so I know them very well. She said, and I think there was some big wish(?) she'd asked me what was my opinions on the group being racist, and I said, no, it is not something I'd seen. Then she referred to them and said, "They're just cotton pickers."

The Appellant said at page 73/74, denying she used the phrase said in her evidence when asked if she knew what black officers on TSG thought about whether it was racist or not responded: "some. A good friend of ours, and good friends of mine…individuals…they were black officers in the TSG…so you knew their views. Yeah" (page 73/74 of the transcript).

44. The Panel of course had the "advantage", which we did not, of hearing the witnesses and being able to assess their credibility and reliability. They were able to "weigh their evidence" (referred to in *Gupta*).

45. The Panel said:

They found that the conversation lasted for between 10-15 minutes (the Appellant had said it was between 3-5 minutes);

They assessed the credibility of Inspector Phillips' evidence.

They considered whether Inspector Phillips had any motive to fabricate the allegation and after an explanation found that Inspector Phillips had no motive to fabricate "and that it would have reflected badly on his own career if he had been found to do so."

They gave weight to what they described as the "internal consistency" of Inspector Phillips evidence in relation to the use of the phrase 'cotton pickers', in his email dated 1st November 22, his statement dated 15th November 22 (both of which were in the hearing bundle) and his evidence before the Panel which they were clearly entitled to do.

They found the term 'cotton pickers' to be both unusual and memorable and it implausible that Inspector Phillips made up the use of such a striking term.

They found the words used by the Officer fitted the context of the conversation being held with Inspector Phillips.

They found Inspector Phillips' evidence to be credible, particularly as parts did not always reflect well on his own behaviour, including his sharing of his interaction with a much more senior female officer, and his sharing of his investigation pertaining to an Asian officer. Both they said demonstrated a lack of professionalism from him.

They said they gave weight to the fact that the officer "was certain on matters central to the allegation." Inspector Phillips stated that he was 'absolutely

certain' and '100% sure'; that the phrase 'cotton pickers' was used by the Officer.

They also gave weight to the unusual and memorable nature of the phrase 'cotton pickers'.

[we noted also from the transcript of the hearing, page 36, that Inspector Phillips referred to the phrase being "very bizarre" and the "unusual phrase stuck in my mind"]

They accepted Inspector Phillips' account of his conversation with the Officer and that she used the words 'cotton pickers' in a derogatory, disrespectful and racist manner.

The Panel accepted Inspector Phillips explanation for not challenging the Officer at the time: "they were both off duty, the comment was unexpected and he was taken aback by it, this was a tough conversation to have and there were no witnesses present, he thought it better dealt with by the Officer's immediate line manager, and that it may be seen as overbearing as he was of much more senior rank."

They found that Inspector Phillips did draft an email later that day setting out his recollection of the conversation, and did attempt to contact the officer's line manager, Sergeant Miller.

The Panel went further and said "Even if the Panel are wrong about Inspector Phillips drafting the email on the 7th October, in any event the Panel finds the words used were so unusual and memorable that Inspector Phillips would have recollected them regardless of whether he recorded them the same evening or at a later time."

They accepted Inspector Phillips explanation for the delay between the date of the incident and 1st November 2022, when he spoke substantively to Sergeant Miller after his return from holiday, in that he wanted to wait until Sergeant Miller returned from leave so he could speak directly with him about the Officer's conduct. "The Panel finds this delay is understandable in view of the sensitivity of the matter, although the Panel also finds Inspector Phillips could and should have reported it earlier either to another line manager or the Taskforce Professional Standards Unit."

The Panel were satisfied, on the evidence of both parties, that this is not a case of a mistake or misunderstanding as to the use of the words "cotton pickers"

46. The Panel had to decide whether they were satisfied applying the appropriate test that the phrase was used during the conversation.

- 47. There were different accounts given by Inspector Phillips and the Appellant as to the conversation relating to racism in the TSG which we set out above.
- 48. On both accounts there was a conversation relating to racism in the TSG. The Appellant submitted that following the Panel's finding "The Panel accepts this research had not included black TSG officers, but finds that the officer had black friends who were fellow officers in the TSG, who had told her about their own experiences and views that there was racism in the TSG," it makes "no logical sense" that they went on to find that the appellant used the phrase.
- 49. As we set out above the Panel had heard evidence from Inspector Phillips that he was on friendly terms with black TSG officers who did not share the Appellant's view on racism within the TSG. The Panel had determined that Inspector Phillips was a credible witness; we set out above what they found in connection with his evidence.
- 50. We agreed with the Respondent's submission that it was not unreasonable on either account for the finding to have been made that the term used, "they're just cotton pickers", fitted the conversation. "That does not rule out there being other black TSG members who did not agree with her. It is entirely reasonable of the panel to accept her account of the details of the research, but still find she used the term in the way alleged. The panel reasonably found the conversation to be an amalgamation of the two accounts."
- 51. We cannot say it was unreasonable (or illogical) for the Panel to accept Inspector Phillips' evidence that the phrase was used by the Appellant "in the context of this conversation".
- 52. Considering the findings as a whole, in our view the Panel were clear why they found the phrase was used by the Appellant. We set out much of this above. This was to enable the parties to understand why the Panel had reached its' decision.
- 53. The second issue is the Panel's route to their finding. It is said that having dismissed part of Inspector's Phillips' evidence they proffered no explanation how they could then go on to rely on his account of the use of the phrase. With respect it appeared to us that the Panel did in fact set out in detail the reasons why they were satisfied the phrase was used concluding: The Panel were satisfied, on the evidence of both parties, that this is not a case of a mistake or misunderstanding as to the use of the phrase.

- 54. We could not conclude that it was unreasonable for the Panel to say that "in the context of" the conversation relating to racism and the TSG between the parties on that day this phrase, "they're just cotton pickers", was used by the Appellant.
- 55. We therefore did not consider this Ground of Appeal had been made out.

Ground 2 – the Panel failed to give any or any proper consideration to the credibility of the officer's own account when reaching their findings of fact.

- 56. The complaint is made that from the Panel's reasons there does not appear to have been any or any proper consideration given to the credibility of the Appellant's own account.
- 57. The Panel did say: "in considering the officer's account of the conversation, the Panel had regard to the character evidence provided on her behalf from both current and former officers and her PhD supervisors. The Panel accepts and acknowledges the valuable work the officer has undertaken to improve inclusion and diversity in the Metropolitan police..."
- 58. It is correct that, having considered the credibility of Inspector Phillips, the Panel's decision does not set out expressly why the Appellant was less credible.
- 59. It is to be noted that before setting out their "Findings of Fact" the Panel made it clear that they had considered "A bundle of character statements on behalf of the Office numbering 11 pages".
- 60. This was a case where the Panel had to consider the evidence of the two parties involved, Inspector Phillips and the Appellant. They found Inspector Phillips' evidence to be credible "particularly as parts did not always reflect well on his own behaviour" and that he had no reason to make up the allegation using such an unusual phrase. The Appellant denied using the phrase. It must follow that in preferring Inspector Phillips's account and rejecting the Appellant's it is implicit they found her account to be less credible.
- 61. We agree with the Respondent that there are examples of the Panel considering the evidence of both parties and finding Inspector Phillips's account more likely. One example is the disagreement between the parties as to how long the conversation between them took place: Inspector Phillips said it was 10 to 15 minutes, the Appellant more like 3 minutes.

62. The Panel considered the character evidence presented and had the opportunity to assess

the Appellant's credibility as a witness. It was for the Panel to determine, applying the

appropriate standard, whether they were satisfied the phrase in question was used. They

did say that in considering her account of the conversation, they had had "regard to the

character evidence" and that it appeared to them that the comment was "out of character,

but it was made deliberately."

63. They found that Inspector Phillips' account to be correct. In reaching that conclusion we

did not follow how they could also find the Appellant's account on this issue, credible

when she said she did not use this phrase. The Panel was required to and made a clear

factual finding on this issue. Again, they heard the witnesses as well as considering the

documentation and were able to assess their credibility and reliability.

64. In this case, having considered the Appellant's character evidence, and for the reasons

which they gave, they found that the Appellant did use the phrase.

65. We could not conclude that it was unreasonable for them to do so.

66. We therefore did not consider this Ground of Appeal had been made out.

Our Decision

67. It follows that having found that both Grounds of Appeal had not been made out we

dismissed the appeal.

68. We would like to thank the parties and also to Ms Jania Phillipo at MOPAC for all their

assistance throughout this appeal which was greatly appreciated by us.

Michael Caplan KC – Chair

Commander Umer Khan OBE – City of London Police

Clive Manning - Independent Panel Member

26 November 2025

15