

<p>1 Thursday, 29 March 2012 2 (10.07 am) 3 Statement by LORD JUSTICE LEVESON 4 LORD JUSTICE LEVESON: As I explained on 13 March, I was 5 asked to make public the submissions which I received in 6 private on 2 December 2011. Although I declined to do 7 so, I did make clear that it was concerned with the 8 extent to which the Operation Motorman material should 9 be disclosed in a public hearing. In the light of what 10 has since transpired, I now add that the Inquiry had 11 seen the relevant files and shared them with lawyers 12 acting for core participants so that submissions could 13 be made. I did so on a strictly confidential basis and 14 subject to stringent confidentiality undertakings. 15 It is worth repeating the reasons for the 16 confidentiality. First, I took the view that private 17 information about the target of any investigation by 18 Mr Whittamore should remain private and should not 19 arbitrarily be disclosed in this Inquiry without very 20 good reason; although I gave solicitors acting for those 21 who complained about press conduct leave to inform their 22 core participant clients about the extent of the 23 information contained within the records about them 24 personally, that was as far as the permitted disclosure 25 went.</p> <p style="text-align: center;">Page 1</p>	<p>1 comment upon. Neither do I consider it necessary for 2 this part of the Inquiry to go further into the records. 3 This is not because it is not or may not be important 4 but because it is not necessary for me in order to 5 fulfil the terms of reference of the Inquiry. 6 Having said that, for the avoidance of all doubt, 7 the orders which I have made remain in full force. 8 Yes, Mr Jay. 9 MR JAY: Sir, the first witness today is Mr Malthouse. 10 MR CHRISTOPHER LAURIE MALTHOUSE (sworn) 11 Questions by MR JAY 12 MR JAY: Your full name, please? 13 A. Christopher Laurie Malthouse, known as Kit. 14 Q. You've kindly provided us with a witness statement dated 15 29 February. You've signed and dated it and there's 16 a standard statement of truth. Subject to some minor 17 corrections, which you've notified the Inquiry of and 18 which will be put up on the website, is this your formal 19 evidence to the Inquiry? 20 A. It is, with one further amendment, if I may. I'm very 21 sorry, but in the flurry of paper I missed one 22 correction, sir, which is on page 11562. At the bottom 23 I refer to a lunch with David Leppard from the 24 Sunday Times, and the final sentence should read: 25 "I do not believe that we discussed specific MPA Page 3</p>
<p>1 Further, the material fell within the purview of the 2 Information Commissioner, whose decision as to 3 appropriate disclosure deserved respect whether or not 4 I could take a different view within the exercise of my 5 powers under Section 19 of the Inquiries Act 2005; 6 knowing that he was prepared to provide details to any 7 individual who sought personal information, I would have 8 referred any further inquiry to him. 9 Second, as I repeated, this part of the Inquiry is 10 not concerned with individual conduct -- "who did what 11 to whom" -- but rather with custom, practices and ethics 12 of the press as a whole. It is and always has been open 13 to me to draw conclusions on these topics and 14 specifically the extent to which Mr Whittamore's 15 services were used by different titles without 16 disclosure of individual details or greater specificity 17 than was provided by the evidence. 18 Further information is now in the public domain, 19 having been the subject of a report on last night's ITN 20 News and further detailed on its website. There are 21 a number of potential sources for that information which 22 fall outside the Inquiry and, in the absence of 23 allegation or evidence to the contrary, I see little 24 value in seeking to identify who provided ITN with those 25 details, the accuracy of which I do not intend to</p> <p style="text-align: center;">Page 2</p>	<p>1 issues, although we did discuss general policing 2 matters." 3 LORD JUSTICE LEVESON: Thank you. 4 A. Apologies. 5 MR JAY: You are the statutory Deputy Mayor for Policing and 6 Crime, that's DMPC, and from January 2010 to January 7 2012 you were Chair of the Metropolitan Police 8 Authority, which of course we're calling the MPA. Is 9 that correct? 10 A. That's correct. 11 Q. Before then, you were Vice Chair of the MPA. In terms 12 of your earlier career, you set this out under 13 paragraphs 4 to 8 of your statement. You were elected 14 to the Westminster City Council in 1998. You left there 15 in May 2006, but you then entered central government 16 politics, if I can describe it in those terms, in May 17 2007. Following the elections of May 2008, you were 18 elected to serve a four-year term. 19 Your various business interests are set out under 20 paragraph 7. Is that broadly speaking right? 21 A. Yes. 22 Q. Can I ask you, please, to explain paragraph 10 of your 23 statement, when you explain that the MPA was "not 24 a regulator in the traditional sense". Could you tell 25 us what you meant by that, Mr Malthouse? Page 4</p>

<p>1 A. I mean -- yes. The governance of the police in the UK 2 is party to what is known as the tripartite arrangement, 3 which is meant to be a balanced relationship between the 4 Home Office and the Home Secretary, the Police Authority 5 or the governance arrangements, as we now have it in 6 London, the Mayor's office policing crime, and the 7 police themselves, and in that sense we were not a sole 8 regulator of the police.</p> <p>9 We also are not a regulator in that we're not 10 instructional in our nature, we're not able to direct 11 the operations of the Commissioner. Much of what we do 12 with the police is effectively negotiated because of the 13 requirement to maintain operational independence of the 14 police, and in that sense the relationship was I think 15 a little more subtle and complex than the direct nature 16 of a normal regulator of a water industry or whatever it 17 may be.</p> <p>18 Q. So there's a self-denying ordinance constitutionally 19 really in relation to operational matters, but in 20 relation to resource and strategic matters, how would 21 you characterise the role of the former MPA?</p> <p>22 A. Well, the way the system was supposed to work was that 23 the Police Authority was required to set the budget and 24 set the broad strategic priorities within which the 25 Metropolitan Police then operated. In shorthand, the</p> <p style="text-align: center;">Page 5</p>	<p>1 get from the Home Office, and if it didn't -- if the 2 equation didn't work, then we would go back and there 3 would be different iterations.</p> <p>4 It's certainly the case that during my tenure we 5 put -- we had to, and wanted to anyway -- quite 6 significant restrictions on the Met budget. We suffered 7 a fall in government grant, we wanted to build some 8 resilience into it, put money away for a rainy day, and 9 that meant that we required the Metropolitan Police to 10 come up with savings, effectively efficiencies across 11 the organisation, which would restrict their ability to 12 do things if it were not for the fact that we, as part 13 of that restriction, required them to maintain police 14 officer numbers at around 32,000 so that the operational 15 capability would be maintained.</p> <p>16 At the same time, there would be, I guess, high 17 level conversations about the balance of resourcing in 18 each department, so I would, for instance, have -- 19 I remember conversations with Tim Godwin about whether 20 the percentage of the overall force that is devoted to 21 territorial policing, that is the sort of street-based 22 community policing, or the specialist departments of the 23 Met, was right, and whether we should swing it one way 24 or the other. I think his view was that the Met had 25 swung too far towards the specialist side, a view that</p> <p style="text-align: center;">Page 7</p>
<p>1 Police Authority was supposed to do the "what", and the 2 Commissioner would then do the "how", and we would then 3 negotiate about how much that would cost.</p> <p>4 In practice what had happened with the Police 5 Authority, because of -- as I think I say in my 6 statement -- the confused nature and the confused 7 messages coming out of the Police Authority, effectively 8 the -- in my view, the Metropolitan Police had set the 9 priorities and the framework. That had then come to the 10 Police Authority for adjustment or approval, and then it 11 had gone back and been published publicly.</p> <p>12 Q. Can I just understand how that worked in relation to 13 resource allocation. Take a hypothetical example. The 14 MPS takes a decision, an operational decision in the 15 particular case, which has important resource 16 implications. How, if at all, is that tested by the MPA 17 and to what end?</p> <p>18 A. Well, there were a series of meetings every summer as 19 part of the budget process, where the MPA's proposals -- 20 sorry, the Met's proposals around how they were going to 21 address particular priorities would be tested and 22 discussed in an overall budget framework, and what would 23 come out at the end was effectively a number and that 24 number would then be, you know, considered as an overall 25 burden on the taxpayer, balancing what we were likely to</p> <p style="text-align: center;">Page 6</p>	<p>1 I shared, and that it needed to swing back the other 2 way. I think that's a view that the current 3 Commissioner also shares.</p> <p>4 LORD JUSTICE LEVESON: Who makes the decision about that? 5 This is, as I'm sure -- I think I understand, a very 6 nuanced debate because the "what" may be territorial 7 policing or specialist operation, which gets quite close 8 to operations.</p> <p>9 A. You're absolutely right, sir. It's a very subtle 10 arrangement, and one that requires delicacy on both 11 sides. The truth is that the budget negotiation is 12 about two sides who are trying to achieve objectives. 13 You hope that the objectives coincide. They don't 14 always. And effectively the Mayor through me brings the 15 money, and the Commissioner brings the capability and 16 also the operational responsibility, and bringing those 17 two together is crucial.</p> <p>18 For example, when the Mayor was elected, he was very 19 keen to see greater effort put into safety on the 20 transport network, and conversations were had with the 21 Commissioner about putting more police officers onto the 22 transport network. The Commissioner came back and said, 23 "If we do it this way, with PCSOs, some police officers, 24 we put it in these particular areas, we think we can 25 achieve what you want and that will cost about</p> <p style="text-align: center;">Page 8</p>

<p>1 £9 million", and we said, "Fine, here's a cheque". So 2 the Commissioner went off and did it and crime on the 3 transport network fell over 30 per cent. 4 It's that kind of negotiation on specifics that is 5 writ large in the budget process. 6 MR JAY: Can I ask you, please, about paragraphs 14 and 15, 7 where you refer, particularly in 15, much of your energy 8 and focus was on "driving the Met to tackle gangs, knife 9 crime and teenage homicide". The question I've been 10 asked to put to you is what if any deference did you 11 play to the Commissioner's independent role in pursuing 12 these objectives? 13 A. I think as I illustrated in that example it was 14 a recognition that the Commissioner was operationally 15 responsible and obviously had a professional view about 16 how things could be achieved versus need -- you know, 17 our requirement to address a particular problem in 18 London. 19 So, for example, the Mayoral election of 2008 was 20 played out against a backdrop of a very significant rise 21 in teenage homicides in London, a lot of young people 22 were being stabbed and killed, and the Mayor had 23 campaigns specifically on crime as an issue and felt 24 that he'd come in with a mandate to do something about 25 that. Almost immediately upon him coming to office, we Page 9</p>	<p>1 Commissioner reserving his ability to say no. 2 The example I would give on that is that fairly 3 early in my tenure on the MPA I raised the issue of 4 gangs. I felt that gangs in London was a major issue. 5 We had a lot of discussions, I was not particularly 6 happy about the Met's approach towards gangs. I even 7 suggested in the early days that it might be a crime 8 type that required a kind of specialist squad, and 9 I failed to achieve that because the professional view 10 of the Commissioner was that that was not the way to 11 tackle the problem. The professional view of the new 12 Commissioner is that it is, and therefore we now do have 13 a new Trident gangs command. 14 But I put specifically in a document called "Met 15 Forward", which I've exhibited, which was meant to be 16 a sort of strategic message for three years, that gangs 17 was an issue and we created a thing called a gangs 18 tactics board which would require the Met to come to the 19 Police Authority and talk about the issue of gangs in 20 the hope that we would get some kind of movement. 21 We did eventually get an operation called Operation 22 Connect, but it was a small operation which has now been 23 superseded. 24 Q. In paragraph 17 of your statement, we will note and then 25 pass on, you refer to the degree of disharmony which Page 11</p>
<p>1 had conversations with the Met about how we might tackle 2 this problem, and they brought forward an operation 3 called Blunt 2, which was a widespread use of Section 60 4 stop and search in relation -- you know, where violence 5 was likely to or had occurred. 6 They said to us that stop and search was sometimes 7 controversial and that therefore they would need 8 political top cover effectively for this operation, 9 which we happily agreed to, subject to the caveats of 10 the stop and search being done proportionately, 11 sensitively, all that stuff, and sure enough that 12 operation was launched from within existing Met 13 resources, there was no expansion, there was 14 a reallocation, and that operation took something like 15 11,000 knives off the street and we've seen a halving in 16 the numbers of teenage homicides over the last three 17 years. 18 Deference is a slightly odd word, but it was that 19 respect for both of our roles which was -- you know, the 20 desire of the elected politician who had been elected on 21 a platform of crime to achieve certain objectives 22 against a recognition that the Commissioner would devise 23 how that could be achieved, and then there would be an 24 iteration between us as to if that was effectively what 25 was satisfactory; all the time, of course, the Page 10</p>	<p>1 existed at the highest levels of the MPS and the 2 consequent effects it had on relationships with the MPA 3 on your arrival. The Inquiry has seen evidence about 4 that. 5 Can I deal with the next section, the MPA and press. 6 You differentiate between formal contacts, which are 7 through the MPA press office, and informal contacts. 8 Can I ask you to explain what you mean by informal 9 contacts and how they take place? 10 A. The MPA was a collection of individuals, some elected 11 politicians, some independent members who had political 12 affiliations, but they were all effectively independent 13 of me, or of the Police Authority, and operated as 14 independent individuals, and therefore they would have 15 their own contacts with the media about which I knew 16 little, as I say in my evidence, other than when they 17 would appear in the media making comment as MPA members. 18 Q. So these are, as it were, unregulated contacts between, 19 in the main, politicians and the press, which would take 20 place in the natural and ordinary course of things; is 21 that correct? 22 A. Yes. Yes. 23 Q. You explain in paragraph 23 that you're not aware of any 24 evidence that suggests either members or staff 25 deliberately leaked information to the press, but you Page 12</p>

1 are aware there have been leak inquiries in the Met.
 2 Have there been leak inquiries in the MPA?
 3 **A. I think there have been leak inquiries which have**
 4 **encompassed the MPA, yes.**
 5 Q. We certainly know of one which we're going to come to in
 6 the course of the day, but to get a sense of it, about
 7 a handful or are we talking more than that?
 8 **A. During my time, yes, I would think no more than two or**
 9 **three. I can't recall specifically.**
 10 Q. May I ask you, please, about the DPA. Again we've heard
 11 a significant amount of evidence about that. You say at
 12 the end of paragraph 25 -- sorry, this is on our
 13 page 11529 -- that the DPA is "dominated by its
 14 relationship with the news media". What do you mean by
 15 that?
 16 **A. Well, it's a common trap that communications departments**
 17 **fall into, which is that they migrate, because of the**
 18 **nature of the news media, its immediate demands, the**
 19 **reactive nature of it, they migrate to thinking that**
 20 **news and using the news media is the only way to**
 21 **communicate with the public, whereas of course there are**
 22 **many other forms of communication, and I raised this**
 23 **with the Commissioner and with the head of the DPA, that**
 24 **I felt it would be beneficial for the Met to move away**
 25 **from merely a concentration on news towards other forms**

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1 of communication. The Met does do some other forms of
 2 communication out there, but I pointed them towards
 3 particular other public organisations that I felt were
 4 good at this. The example I gave them was the Army,
 5 where the Army use avenues, different avenues to
 6 communicate what they want people to think about them.
 7 So, for instance, the Army's recruitment advertising
 8 has a strapline to it which is "Be the best", which is
 9 communicating something to people, not just, "Please
 10 apply to the Army, we're looking for soldiers". It
 11 communicates something about the type of organisation
 12 that they are. And if you ask people what do they know
 13 about the Army, they will say they're the best Army in
 14 the world, and "Be the best" is more than just "Please
 15 apply for a job".
 16 I felt that the Met could do with looking at those
 17 other avenues of communication, and indeed granted some
 18 money through the budget to the DPA to develop a new
 19 branding and strapline and you may have seen it, it's
 20 now called "Here for London", which now cascades through
 21 all their public communications to indicate something
 22 about what the Met stands for and the type of
 23 organisation it is.
 24 Q. Your relationship with the press now, Mr Malthouse,
 25 paragraph 30 and following. You explain in 31:

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1 "On the whole, I do not personally have a great deal
 2 of offline contact with journalists."
 3 Do you mean by that one-to-one contact, informal?
 4 **A. Yes. There's a strange phenomenon which is once your**
 5 **mobile telephone number is known by one, it seems to**
 6 **proliferate, and that means that there's a likelihood of**
 7 **a lot of incoming calls and texts, most of which I tend**
 8 **to ignore or pass to the press office, because**
 9 **I obviously want to discourage that.**
 10 Q. You say, if I may say so, in slightly self-deprecating
 11 terms, that in your engagement with the press, you
 12 attempt to be deliberately boring and -- well, we
 13 understand what you mean by that, if you can excuse my
 14 split infinitive there.
 15 **A. Yes. Obviously someone in my position is privy to an**
 16 **awful lot of knowledge, some of it covert, secret,**
 17 **valuable, whatever, and it's certainly the case in the**
 18 **early days of being involved there were a lot of**
 19 **invitations that came through for lunch and drinks and**
 20 **all the rest of it.**
 21 My strategy generally was to accept, be boring, or
 22 largely talk about them, actually -- it's surprising how
 23 many people are keen to talk about themselves -- and
 24 therefore not give the impression that I was a useful
 25 source of information. But the message -- or the

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1 messages from me would be much more controlled, and as
 2 a result the invitations have generally dried up. There
 3 are still some persistent journalists, but ...
 4 Q. Certain inferences are capable of being drawn from that
 5 answer, but you do say in paragraph 32 that you have
 6 provided, but very occasionally, off-the-record
 7 briefings to journalists to provide background context
 8 but not in a manner presumably which you'd ever expect
 9 to see reported or published; is that correct?
 10 **A. Sometimes. I have -- what I generally did with**
 11 **background briefings was for a journalist who required**
 12 **one, they would come to City Hall or to the MOPC,**
 13 **I would have a press officer present and we would talk**
 14 **through the issue and at the end, if the journalist**
 15 **wanted to quote parts of the background briefing, then**
 16 **we would agree what the quotations were going to be.**
 17 There would occasionally be times where it may be
 18 a senior source, but I think often that was accidental.
 19 Going through my exhibits, there was one particular
 20 article in the Standard about my instigation of an
 21 investigation into fraud and corruption in the
 22 Metropolitan Police, in which the article says,
 23 "A senior source at the MPA said", and it says something
 24 about we were too much Sherlock Holmes and not enough
 25 prevention, and that was me, and from memory I think

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<p>1 that was given in a background briefing but I suspect 2 the journalist didn't manage to get hold of me in time 3 to say could it be quoted, so she may have put it in as 4 "a senior source" but it was very rare. I tend to 5 operate on that everything I say may anyway end up in 6 public. 7 Q. You explain in relation to the MPS when off-the-record 8 briefings are given, and you also say there are 9 circumstances where they might be appropriate, that the 10 fact of such conversations should be noted. Two points 11 there, if I may. When you have a very occasional 12 off-the-record briefing or contact with a journalist, is 13 it your practice to note it? 14 A. No, not generally. Although obviously the formal 15 meetings are noted. A press officer will take a note if 16 I make or take a phone call from a journalist on 17 a particular issue. Sometimes, because I am out and 18 about, the press office will ring me and say, "X is 19 looking for a comment, would you mind giving them 20 a ring". I will give them a ring and there's obviously 21 no note of that conversation. 22 But there's a difference between me and a police 23 officer. I'm not in the same position as a police 24 officer. 25 Q. That was my second question, really. You are probably</p> <p style="text-align: center;">Page 17</p>	<p>1 bureaucratic, and I could see why in some perhaps 2 whistle-blowing situations it might not be desirable, 3 but in general terms I wouldn't have thought it would 4 have a particularly chilling effect because presumably 5 the purpose of the conversation is that there will be 6 something public in the paper anyway, so that it becomes 7 apparent that someone has had a conversation with 8 a journalist. I suppose it's just a question of 9 identifying who. 10 Q. I think the argument may be that if the information is 11 provided anonymously, then it may be given more freely. 12 Do you see any weight to that? 13 A. Yes, I could see that, and as I say, if -- I suppose one 14 would have the carve-out that one normally would in 15 these situations around some kind of whistle-blowing or 16 public interest, where the protection of the source of 17 the information might be paramount, I could see that as 18 a defence to not noting it, yes, but I would hope that 19 those situations are relatively rare. 20 Q. Of course, in the whistle-blowing example, under the 21 relevant statute the whistle should be blown in the 22 direction of the employer and not the press in the first 23 instance. 24 A. One would hope so, yes. 25 Q. Paragraph 34 of your statement, you give us details of</p> <p style="text-align: center;">Page 19</p>
<p>1 aware this point has been discussed in some detail in 2 this Inquiry. Why do you think it's necessary for 3 police officers to note the fact of off-the-record 4 conversations? 5 A. Well, police officers, they're in a very different 6 position from everybody else. I mean, they are 7 different. They have a lot of power, they're in a quasi 8 judicial position a lot of the time, and much of their 9 interaction with the press, certainly at a more junior 10 level, will be around specific investigations and 11 operations. 12 It's not the position that a detective sergeant who 13 is engaging with a journalist around a particular case 14 is talking in strategic terms about policing; he or she 15 will be talking about specifics of the case, and that's 16 a perfectly legitimate thing to do. But every other 17 interaction that that detective sergeant might have on 18 the case, whether it's with witness, victim, other 19 sources of evidence, will be noted. So it seemed to be 20 a logical extension that interactions with the press 21 ought to be at least noted that a call was made. 22 Q. Do you give any weight to the argument that compelling 23 people to note conversations might have a chilling 24 effect on journalism? 25 A. I don't see why. I could see why it might seem overly</p> <p style="text-align: center;">Page 18</p>	<p>1 the various articles you've written in various 2 newspapers, largely, I think, the Times, but certainly 3 not exclusively. Mr O'Neill told us about this in his 4 evidence. You gave him an interview and this resulted 5 in an article being published in August two years ago. 6 A. Yes. 7 Q. About the "extreme power", in quotes, of the Chief 8 Constable. 9 A. Mm. 10 Q. These are just manifestations of, if I can put it in 11 these terms, your public and political activities, 12 aren't they? 13 A. Yes. 14 Q. So no issues arise there? 15 A. No, most politicians seek to promulgate their view by 16 writing articles, giving interviews, those kind of 17 things, and I was fortunate in having a particular 18 contact at the Times who were willing to take my 19 articles, starting when I was an unknown candidate, and 20 they seemed to like what I wrote and said and so they 21 were prepared to take it. But as I was elected, there 22 was a wider interest in taking articles from me, so 23 there was a wider audience for things to go in. 24 Q. I move on now, Mr Malthouse, to code of conduct. That's 25 the MPA code of conduct, which you exhibit. I don't</p> <p style="text-align: center;">Page 20</p>

<p>1 think we need look at the detail of it. It's clear from 2 the information you provided that you have accepted, but 3 certainly not on a frequent and probably not on a lavish 4 basis, hospitality from journalists on occasion, and 5 that, I think, is to be found in annex C, isn't it, of 6 your statement? 7 A. That's correct. 8 Q. It's tab 4 of the bundle. 9 A. Yes. 10 Q. Again I don't think it's necessary to dwell on this, but 11 by skim reading it we can see -- it's at 11562 -- the 12 type of contacts you've had and the reasons underlying 13 them. 14 A. Mm. 15 Q. The issues concerning acceptance of hospitality by 16 someone like you are rather different from those 17 concerning acceptance of hospitality by serving police 18 officers, aren't they? 19 A. I think so. But I'm also conscious that the issues, 20 because of my position, are different from, for 21 instance, my other Assembly colleagues. So a normal 22 Assembly member who wasn't Deputy Mayor for Policing 23 might think about accepting more hospitality, not least 24 because journalists are often amusing company, but might 25 think about accepting more hospitality than I might. As Page 21</p>	<p>1 LORD JUSTICE LEVESON: Yes, I was actually asking about 2 a slightly different point. 3 A. Sorry. 4 LORD JUSTICE LEVESON: No, not at all. I'm sure it's my 5 poor question. I'm asking about the different problem 6 of the risk that it might be perceived that you could 7 use your influence to persuade the police to go down 8 this line or that line. You've given a very good 9 example of the Mayor's policy in relation to gangs or 10 knife crime. I'm sure there won't be disagreement with 11 the concepts, but it's not difficult to imagine policing 12 policies, which might be in the interests of one journal 13 or paper, which they want to press, and I am just 14 interested to know whether you feel that you have to 15 avoid being sucked into that sort of debate, or, 16 alternatively, whether you feel, as a politician, you 17 are the correct repository through which that ought to 18 be investigated? 19 A. Yes. I mean, I think that's very astute. I have 20 been -- I have lots of meetings with lots of people who 21 want to push the organisation in particular directions, 22 who have particular interests, from local authority 23 leaders to third sector organisations to people who are 24 just generally concerned about the strategy of the Met. 25 Given that my specific role, if you like -- and Page 23</p>
<p>1 I think -- I hope I tried to indicate, I'm conscious 2 that as the guardian of quite a lot of sensitive 3 information, I need to take care about my hospitality 4 acceptance. 5 LORD JUSTICE LEVESON: Is it just restricted to your being 6 the guardian of sensitive information, or does it go 7 further -- and this question doesn't demand a particular 8 answer, it's an enquiry -- because of the potential 9 influence that you have on policing strategy in the way 10 that you describe? 11 A. I don't think so, sir. It's more a reputational issue. 12 In order for me to do my job and to be in receipt of the 13 information that I am in receipt of on a daily, almost 14 hourly basis, I have to engender in my counterparties, 15 in this case the Metropolitan Police, a very high degree 16 of trust, and that means that I am careful to -- not to 17 cultivate the reputation of being talkative or gossipy, 18 and that means, generally, restricting the amount of 19 hospitality that I take. 20 I have been very keen to maintain that impression of 21 integrity, not only amongst, I have to say, police 22 officers, but also, frankly, amongst journalists, 23 because it's -- you know, the more you talk, the less 24 currency it has, and if I have something to say, I would 25 like it to be taken seriously. Page 22</p>	<p>1 interestingly this is enunciated in the policing 2 protocol that's been laid before Parliament recently -- 3 my specific role is to be the interlocutor between the 4 public and the police, and I think it says to translate 5 their desires and aspirations into action, then that's 6 obviously very appropriate. 7 I don't recall anyone from the media ever involving 8 themselves in that specifically, other than there's one 9 specific case, which is I received a lot of views from 10 across the spectrum, media, politics and elsewhere, 11 during the recruitment process for a new Commissioner. 12 There were a lot of people who had views and took an 13 interest in that process, and wanted their views to come 14 across. There were, I think, a couple of journalists 15 who expressed a view to me about the merits of the 16 various candidates. I have to say there was one 17 journalist who expressed a view to me in the 18 pre-Ian Blair's resignation, expressed his own alarm 19 about the state of the management board at the Met, and 20 he did it, I think, from a sort of rather 21 public-spirited position. 22 MR JAY: I move on now, Mr Malthouse, to a section of your 23 statement beginning or headed "Sir Paul Stephenson". 24 Can I ask this general question first of all, which 25 someone else has asked me to put to you: in general Page 24</p>

<p>1 terms, would it be right to describe the relationship</p> <p>2 you had with Sir Paul when he was Commissioner as</p> <p>3 professionally appropriate and largely cordial and</p> <p>4 supportive?</p> <p>5 A. Yes. We had our moments, but yes.</p> <p>6 Q. Paragraph 40, please, your perception: "Sir Paul saw</p> <p>7 part of his role as ambassadorial." Do you mean by that</p> <p>8 that he wanted to engage the press proactively to get</p> <p>9 his message across?</p> <p>10 A. I think he wanted to engage the press and indeed the</p> <p>11 wider public realm, so he was very active on the civic</p> <p>12 engagements and very prominent at civic engagements and</p> <p>13 as I say, I think he took -- he thought it was an</p> <p>14 important part of his role to get out and promote the</p> <p>15 good work of the Metropolitan Police to anybody who</p> <p>16 would listen.</p> <p>17 Q. You deal next with a particular piece which appeared in</p> <p>18 the Guardian in September 2009, when there was reference</p> <p>19 to a metaphor you provided: the MPA having its "hands on</p> <p>20 the tiller of the Met". You say that that was taken out</p> <p>21 of context. I don't think it's in necessary to embroil</p> <p>22 ourselves in the detail of this, it's not going to take</p> <p>23 our Inquiry any further, but I'm sure you'd like to make</p> <p>24 it clear what you did mean by "hands on the tiller"?</p> <p>25 A. Yes. In October, the beginning of October 2008,</p> <p style="text-align: center;">Page 25</p>	<p>1 A. Yes.</p> <p>2 Q. As you explain.</p> <p>3 A. Yes. As I say, I stood by the comments, but it inflamed</p> <p>4 things unnecessarily and I apologised.</p> <p>5 LORD JUSTICE LEVESON: That actually raises a question which</p> <p>6 we could have asked before, as you described your role</p> <p>7 and you spoke about the tripartite Home Office,</p> <p>8 Authority, Chief Constable. What you never did describe</p> <p>9 in that analysis, and it may be now or it may be later,</p> <p>10 is what the role of the Home Office was and has become.</p> <p>11 Now, you can take that in whatever time you want, but</p> <p>12 I'm just conscious that when you started your evidence</p> <p>13 and you described your position and the Met's position,</p> <p>14 we didn't quite cover what was left for the Home Office.</p> <p>15 A. Well, it was certainly the case that we had a strong</p> <p>16 desire to rebalance the tripartite around the Met</p> <p>17 towards the local, and that we thought that the change</p> <p>18 in this -- in the position of the Mayor was designed to</p> <p>19 do exactly that. Certainly, I know the Home Affairs</p> <p>20 Select Committee who looked at the future of policing</p> <p>21 said that there needed to be a rebalancing more towards</p> <p>22 the local.</p> <p>23 The Met is in a slightly odd position because</p> <p>24 obviously it does have national responsibilities, not</p> <p>25 least counter terrorism, and while we are sort of</p> <p style="text-align: center;">Page 27</p>
<p>1 a change in the law came into place which meant that the</p> <p>2 Chair of the Police Authority was no longer reliant upon</p> <p>3 the votes of the members of the Police Authority for</p> <p>4 their position, and the Mayor was able to assume the</p> <p>5 Chairmanship, which he did, subsequently followed by me.</p> <p>6 The government's intention on that, we assumed, was that</p> <p>7 the Mayor should take a more direct hand in the setting</p> <p>8 of the strategy for the Metropolitan Police.</p> <p>9 What I was I guess trying to indicate, perhaps</p> <p>10 clumsily, was that that was exactly what was happening</p> <p>11 and that we'd published this document -- as I remember,</p> <p>12 the interview was part of me trying to promote the</p> <p>13 document "Met Forward", which was intended to be</p> <p>14 a strategic document, and I used that metaphor to</p> <p>15 indicate that the Mayor was taking a greater hand in the</p> <p>16 setting of the strategy.</p> <p>17 I have to say, if you listen to the recording of the</p> <p>18 interview and the preceding paragraph, I made it very</p> <p>19 clear that we cannot tell the Commissioner what to do.</p> <p>20 I made a statement of his operational independence. The</p> <p>21 Guardian chose not to report that in that article, and</p> <p>22 that therefore made it rather inflammatory.</p> <p>23 The headline was also that we'd "seized control of</p> <p>24 the Met", which was not a phrase I used.</p> <p>25 Q. It ended up with you giving Sir Paul an apology?</p> <p style="text-align: center;">Page 26</p>	<p>1 subcontractors, if you like, to the Home Office for that</p> <p>2 counter terrorism, nevertheless the direct</p> <p>3 responsibility for that is through to the Home</p> <p>4 Secretary.</p> <p>5 The Home Secretary has certain powers over us or MPA</p> <p>6 and over the MOPC, and similarly over the Commissioner.</p> <p>7 She specifically has the power of recommendation up to</p> <p>8 the Queen, for instance. But fundamentally I think what</p> <p>9 we all wanted to see was a refocusing on the local, and</p> <p>10 as part of that interview I did try to communicate</p> <p>11 generally that that is what was taking place, that we</p> <p>12 were setting a strategic framework that was very much</p> <p>13 focused on local crime priorities, teenage killings, you</p> <p>14 know, robbery, crime on the transport network, gangs,</p> <p>15 and that that was moving us away from a central</p> <p>16 target-setting regime which the Home Office had formally</p> <p>17 had in place.</p> <p>18 MR JAY: Can I move on to the phone hacking investigation</p> <p>19 issue. This issue is important in its own right, but it</p> <p>20 also arguably illustrates in microcosm the nature of the</p> <p>21 relationship between you and the MPS and the areas in</p> <p>22 which you felt you could go and the self-denying</p> <p>23 ordinance I referred to, areas where you felt you could</p> <p>24 not go. And that's demonstrated by looking at some of</p> <p>25 the detail.</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 You explain in paragraph 44 that every month 2 Mr Yates kept you and the Mayor briefed about 3 developments in counter terrorism, including 4 occasionally the phone hacking investigation. 5 Presumably there were monthly meetings which were quoted 6 to the counter terrorism issue generally; is that right? 7 A. That's exactly right, yes. 8 Q. And the references to the phone hacking investigation, 9 did they start in July of 2009, following the Guardian 10 article, or was it more after the New York Times article 11 in September 2010? 12 A. I'm afraid I don't recall specifically. From memory, 13 John Yates would normally throw in a reference to the 14 hacking investigation at the end of the meeting and 15 that -- my guess would be that that would be in response 16 to something that was in the media. So it would be, 17 "You might have seen something about phone hacking. 18 Just to say this is how we're addressing it". But 19 I don't specifically remember when it started, I'm 20 sorry. 21 Q. You explain at the end of paragraph 44 that your role at 22 the MPA was strategic direction and governance: 23 "I clearly would ask questions about a range of 24 issues, operational and non-operational, including the 25 phone hacking investigation." Page 29</p>	<p>1 A. Fine. Absolutely, sorry. At that stage, I don't think 2 we asked any -- I don't recall asking specific questions 3 in those private briefings. I think at that stage there 4 would have been questions asked in public at the Police 5 Authority. We've exhibited various minutes of meetings 6 during that period where questions were asked. 7 But as I think Mr Yates indicated in his letter to 8 me that came after the investigation was reopened, he 9 reassured us throughout those briefings that on his 10 knowledge at the time there was no new evidence and 11 therefore no reason to reopen the investigation. 12 MR JAY: Of course, on that line of reasoning, if there was 13 no new evidence, the investigation wouldn't be reopened 14 for that reason and that reason alone. If there was new 15 evidence, then resources might come into the equation, 16 but because there was no new evidence, resources 17 logically did not come into the equation. 18 A. That's right. In essence, to summarise the 19 conversations, it would be, "There's been something in 20 the newspaper, you might wonder why we're not reopening 21 the investigation and this is why, because we're 22 satisfied there's no new evidence." 23 Q. At any stage, Mr Malthouse, standing back from this, did 24 you think there was a wider issue concerning the fact 25 that the MPS were looking into the affairs of Page 31</p>
<p>1 So is this right: you didn't feel that there were 2 any areas you couldn't properly ask questions about, at 3 least for the purpose of probing the MPS's reasons for 4 doing X or not doing Y; is that right? 5 A. That's right. I mean that is -- in many ways, that's 6 the specific nature of the job, is to ask those 7 questions. 8 Q. To what extent would the phone hacking investigation 9 bear on the issue of strategic direction? 10 A. Well, we effectively now move into the realm of talking 11 about resources. I don't know if it would be 12 appropriate for me to put some context around this issue 13 in terms of the background. I know there have been -- 14 both Sir Paul Stephenson and Cressida Dick have alluded 15 to my questioning of them on the phone hacking 16 investigation. It might be useful to just take a moment 17 to put that in context, if that's all right. 18 Q. To be clear, that relates to the period after 19 Operation Weeting started? 20 A. That's right. 21 Q. But there's no problem hearing what you have to say 22 about that now because it's part of the overall picture 23 of resources. 24 LORD JUSTICE LEVESON: It may be more helpful to try to do 25 it chronologically so we build up a picture. Page 30</p>	<p>1 newspapers, of journalists, in particular a powerful 2 news organisation, and that could have been an 3 impediment, as it were, to full penetration of their 4 investigation? 5 A. At that stage obviously there was no investigation, so 6 I wasn't -- I hadn't necessarily connected the two. And 7 in -- obviously at that stage we were only privy to the 8 gifts and hospitality register of the Commissioner and 9 the Deputy Commissioner. As I say, as I think I said in 10 my evidence, I did have conversations following public 11 questioning of the Commissioner about his contact then 12 and I think later with various media organisations about 13 why it was necessary to do it in that way. 14 But at that stage there was no connection between 15 the two. 16 Q. At what stage was there a connection, in your mind, and 17 for what reason? 18 A. Well, I think once the investigation was reopened, and 19 I think following the -- I suppose it all came to a head 20 in the July following the revisions around the 21 Chamy Media contract, but the whole thing then kind of 22 snapped into place, if you like, in public perception, 23 and the rest is history. 24 LORD JUSTICE LEVESON: I suppose the fact is that in 2009 25 and 2010 you're no better than the information you're Page 32</p>

8 (Pages 29 to 32)

<p>1 provided, so do I gather that you had no sight of why 2 the decisions had been made in 2006/2007, and save for 3 being reassured that there was nothing in it, that's as 4 far as it went? Is that the sense of it? 5 A. Essentially. I mean, obviously the first investigation 6 was before my time and I relied on the reassurances that 7 were given to me about that investigation, which have 8 been played out now in public. 9 But also this relates very much to an earlier 10 question, which is about the deference -- I think the 11 word you used -- the deference that I showed towards the 12 operational imperative of the Commissioner, and I was 13 dealing, in the Commissioner and in Mr Yates, with the 14 most important and the third most important police 15 officer in the land, and they were saying that in their 16 professional view there was no evidence that required 17 this investigation to be opened, and therefore they 18 wouldn't. 19 I also wouldn't want to overplay it. In terms of 20 our general discussions, our primary discussions were 21 not about the phone hacking investigation. In our 22 briefings with Mr Yates, we would be talking about the 23 counter terrorism atmosphere, the various specific or 24 non-specific threats, all that kind of stuff, and it 25 would come at the end. With the Commissioner similarly</p> <p style="text-align: center;">Page 33</p>	<p>1 A. Yes. 2 Q. The questions are, if I may say so, rather pertinent, 3 26.10, the right questions were being asked. 4 A. Yes. 5 Q. You were told about judicial review proceedings. 6 A. Mm-hm. 7 Q. And the new evidence point, which of course we've heard 8 a lot about. I have been asked to put to you a point on 9 26.14 on the next page, 11665, what the Commissioner 10 told you about notifying victims. About five lines down 11 it says: 12 "... the criteria [that should be criterion] was for 13 the MPS to take reasonable steps in conjunction with the 14 service providers to inform those people." So we're 15 looking back to 2006. "He stated that that included the 16 eight people whose mobile phone voicemails were 17 unlawfully intercepted." 18 I should have started, I'm sorry, at the beginning 19 of the sentence "However ...". Do you see the end of 20 the third line of 26.14, so we can get the full sense of 21 it? 22 A. Yes. 23 Q. "However, he informed members that where information 24 exists to suggest some form of interception was or may 25 have been attempted [do you see that?] the [criterion]</p> <p style="text-align: center;">Page 35</p>
<p>1 I would be focusing, as I think I've said, on knife 2 crime, teenage homicide and rape and other issues, and 3 what normally happened was that they would volunteer 4 some reassurance about the phone hacking investigation. 5 LORD JUSTICE LEVESON: Yes, I'm not being critical either of 6 Sir Paul or Mr Yates in this regard. It depends how 7 much information they actually had. 8 A. Mm. 9 MR JAY: You had specific contact with Mr Yates -- this is 10 paragraph 45 -- in relation to officers flying out to 11 New York to interview Mr Hoare. 12 A. Mm. 13 Q. That must have been after September 2010. 14 A. Yes. 15 Q. Is the reason being solely this: it's overseas travel, 16 it involves expenditure, you need to be involved? 17 A. Yes. I think the police generally had a -- I think they 18 might have been required to inform us where overseas 19 travel was involved. 20 Q. There was discussion at a full Authority meeting, you 21 tell us, 30 September 2010, exhibit KM9, our tab 13. If 22 I could ask you, please, to look at paragraph 26.9, at 23 page 11664. It's clear that some written questions had 24 been submitted to Sir Paul Stephenson, have I correctly 25 understood it?</p> <p style="text-align: center;">Page 34</p>	<p>1 was for the MPS to take reasonable steps ..." 2 The question is: What did you understand by that, 3 in particular the clause "or may have been attempted"? 4 A. From memory, at that stage, I think -- I'm trying to 5 recall now. This is 30 September 2010. I can't 6 remember -- quite recall, but at some stage I recall 7 John Yates saying there were a list of people, and -- 8 but that list didn't necessarily indicate that they had 9 been hacked. It was just a list of people. And whether 10 this indicates that they were -- obviously if they had 11 information that people on that list had been hacked, 12 that they would contact them, or they would take 13 reasonable steps to contact them, I presume that's what 14 they would do. Sorry if I'm being unclear, I'm not 15 quite sure what the question is asking me to -- 16 Q. I think that's a very fair answer, Mr Malthouse. It 17 might be said, though, that what you were being told was 18 not merely that there was evidence that interception had 19 occurred, but may have been attempted, in other words it 20 was far broader criterion. Do you see that? 21 A. Yes. 22 Q. So, in other words, on Mr Yates' list, it might be said 23 in relation to everybody on that list interception may 24 have been attempted, and therefore people should have 25 been notified. Is that what you understood by what</p> <p style="text-align: center;">Page 36</p>

<p>1 Mr Yates or the Commissioner was telling you on this 2 occasion?</p> <p>3 A. To be honest, I'm not sure whether he's referring to 4 other information that might indicate that someone on 5 that list had or whether the list itself indicates. 6 I think my guess is that that would be a point at issue. 7 It's obviously the case that if Mr Yates was aware of 8 that list and decided not to reopen the investigation, 9 then he obviously assumed that the list was not 10 indicative. I'm sorry I can't be more helpful. You 11 might have to ask him. I don't recall the specific 12 exchange.</p> <p>13 Q. I'm asking you really to comment on what someone else 14 said, but I've been asked to put that question to you 15 and I have.</p> <p>16 26.16. When the Commissioner outlines the process, 17 which is said to be in the context about contacting 18 potential victims, he says:</p> <p>19 "... which would have been to investigate 20 allegations obtaining the right information and agreeing 21 a prosecution strategy."</p> <p>22 That properly relates to choosing sample victims as 23 cases to form the basis of the prosecution. Is that how 24 you understood it?</p> <p>25 A. Yes. I think that's a relatively common practice. Not Page 37</p>	<p>1 A. At the MPA meeting, I think Mr Godwin referred to the 2 MPS reopening the investigation. I'm not sure he 3 defined the individual. And I can't recall, but at our 4 pre-meeting to prepare for the Police Authority, I think 5 he may have referred to him reopening the investigation, 6 but I'm not sure, but I'm happy to defer to the niceties 7 of it.</p> <p>8 Q. Okay. Once Operation Weeting started, there was inquiry 9 amongst the members of your body about the 10 appropriateness of relationships between senior officers 11 at the Met and individuals from News International. We 12 can see that from tab 15, which is KM11; in particular 13 page 1173. I think what happened was again there was 14 a written request for details of meetings, and the 15 answer comes back in relation to each senior police 16 officer concerned.</p> <p>17 A. Mm.</p> <p>18 Q. I think the question is, though: when you say in your 19 statement the general response was that there was no 20 cause for concern, whose response is that? Is that the 21 MPA's response or the MPS's response?</p> <p>22 A. Sorry, which paragraph?</p> <p>23 Q. It's in the middle of paragraph 48 of your statement.</p> <p>24 A. Sorry. Sorry, that's the general response from the MPS. 25 When Sir Paul Stephenson was questioned about this in Page 39</p>
<p>1 least with prolific criminals. You know, you will 2 prosecute a burglar for one or two burglaries, but there 3 will be sometimes dozens taken into account.</p> <p>4 Q. Yes.</p> <p>5 LORD JUSTICE LEVESON: Actually, that's not -- that's right, 6 of course it is, but I think that the Commissioner 7 wasn't saying that there were going to be lots of other 8 offences taken into consideration but that in certain 9 cases it was inevitably appropriate not to investigate 10 every single potential offence because of the resource 11 implications or whatever, and provided there was 12 a sufficient reflection of the criminality, that would 13 do. I think that's what he's talking about here, rather 14 than offences being taken into consideration.</p> <p>15 For example, there's no question of Mr Mulcaire or 16 Mr Goodman saying, "I've committed these six offences, 17 but there are these X [and I'm not going to put a number 18 on X] other offences which I'd like you to take into 19 consideration when you pass sentence."</p> <p>20 A. Yes, sir. Yes, sir, I think that's ...</p> <p>21 MR JAY: Paragraph 47 of your statement, you say that the 22 Acting Commissioner, Tim Godwin, reopened the 23 investigation. That was in January 2011. I've been 24 asked to put to you that it was Mr Yates who reopened 25 the investigation. Is that your understanding? Page 38</p>	<p>1 public and in private, he put up a robust defence that 2 I think you heard in his evidence when he appeared here.</p> <p>3 Q. What was your view about it, or the MPA's view about it?</p> <p>4 A. Well, I think the views across the Authority varied in 5 terms of its appropriateness. I accepted Sir Paul's 6 premise that he needed to engage across the media to put 7 the context of policing. As I think I say in my 8 evidence, I was unsure about the modus operandi, whether 9 that could be done in the office over a cup of coffee 10 with a press officer present, but that was a matter for 11 his judgment, and he was the most senior police officer 12 in the land. So my view was that he'd been questioned 13 about it in public and in private and had defended 14 himself satisfactorily.</p> <p>15 Q. When we see in the tables, though, which we're provided, 16 it's not just Sir Paul Stephenson but obviously 17 Mr Hayman, Mr Yates and others, enjoying hospitality 18 from News International at a time when they were being 19 investigated, was not the appropriateness or otherwise 20 of that ever under consideration by you or the MPA?</p> <p>21 A. Well, it was certainly raised, publicly, as I say, and 22 as we've exhibited in the minutes. The Commissioner was 23 questioned about the appropriateness of it and he 24 defended it.</p> <p>25 Q. The point was made by Mr Godwin at one of your Page 40</p>

10 (Pages 37 to 40)

<p>1 meetings -- if you can look at tab 16, which is exhibit 2 KM12, this is, I think, a full meeting held on 3 24 February 2011. Look at page 11760, paragraph 72.44. 4 Five lines into 72.44: 5 "Members also questioned if senior officers should 6 have been meeting with the News of the World, 7 particularly when a high profile investigation was in 8 progress." 9 Pausing there, the right questions, arguably, are 10 being asked. And then the answer: 11 "The Acting Commissioner stated any meetings would 12 have taken place with the full knowledge of the 13 importance of confidentiality and matters that were sub 14 judice." 15 Did you find that to be a satisfactory answer? 16 A. I can't recall the chronology, I'm afraid, of when 17 I would have raised with Sir Paul and indeed others the 18 modus operandi. I think it would be -- it would -- my 19 concern would be that it was fine to meet in the office 20 over a cup of coffee at that stage, but whether it was 21 appropriate to have dinner would be a matter of his 22 judgment. But again, Mr Godwin was the second most 23 senior police officer in the land, he'd satisfied 24 himself that the conduct of him and his officers was 25 appropriate and the answer lay -- I mean, as I say, Page 41</p>	<p>1 holding individuals to account. Can I test it in this 2 way: if you had thought that the explanation given to 3 you was wholly unsatisfactory -- and I know that wasn't 4 in your mindset -- what if anything (a) would you have 5 done about it or (b) could you have done about it? 6 A. If I'd felt it was unsatisfactory, I think I would in 7 the first instance have been -- addressed it more 8 assertively, perhaps, with the Commissioner. If that 9 was unsatisfactory, I would have discussed it with the 10 Mayor, and we would then have taken a decision about 11 what to do about it. 12 I guess ultimately, if, you know, we had decided 13 that something needed to be done, we may have had to 14 make some kind of public statement, but we never got to 15 that position. 16 Q. I think Mr Malthouse there's a big difference between 17 seeking to second-guess the decisions of highly 18 experienced officers in relation to operational matters, 19 so if they tell you there's no evidence you have to 20 accept their word for it, because you can't, as it were, 21 be expected to know the fine detail of the case, but on 22 this sort of issue, namely hospitality and issue of 23 perception, you were in a very good position to form 24 a judgment, weren't you? 25 A. Yes. And my judgment was that while it wasn't Page 43</p>
<p>1 there were the other Authority members who were 2 dissatisfied with it, but I can't recall now whether 3 I took it up privately or not, having indicated that 4 I did talk about the modus operandi with Sir Paul. 5 I was also conscious that Mr Godwin in particular 6 adopted a similar approach to hospitality as me, and we 7 obviously discussed that matter, and therefore his word 8 on this, I guess, carried particular weight. 9 Q. Although Mr Godwin was, as it were, more commenting on 10 the activities of others, that it wasn't what he did 11 which was under scrutiny here. That's right, isn't it? 12 A. That's correct, but the other thing to bear in mind is 13 of course at this stage I think I'm right in saying we 14 only saw the hospitality of the Commissioner and Deputy 15 Commissioner. It was for them to ensure that the 16 officers junior to them were adhering to the Met rules 17 around gifts and hospitality and that that was 18 appropriate. 19 LORD JUSTICE LEVESON: Of course it's not just formal 20 hospitality, is it? If there are outside relationships 21 that might impact on any of this, that has an impact. 22 A. It does if one is aware of them, yes, sir. 23 LORD JUSTICE LEVESON: I understand that entirely, of 24 course. 25 MR JAY: It goes perhaps to the nature of your role as Page 42</p>	<p>1 necessarily the way I would have operated, Sir Paul 2 Stephenson was a man of great integrity, the most senior 3 police officer in the land. If I'd for one moment lost 4 any trust in him, then we had a fairly major problem and 5 as I said earlier, our relationship had to be based on 6 a very high degree of trust. He was the guardian of 7 information around national security, interacted closely 8 with the Security Services, with the Home Secretary, 9 with the Prime Minister, in a position of particular 10 trust in many ways, and so for me to somehow indicate 11 there was some doubt around that I think would have been 12 wrong both in terms of the way I felt but would have 13 been a major problem. 14 LORD JUSTICE LEVESON: One of the problems is how much each 15 of you really knew about the history, and to some extent 16 one of the issues that has led to us being where we are 17 is very senior people manoeuvring or groping around in 18 the dark without knowing what happens when the light has 19 been turned on. Would that be fair? 20 A. I think that's exactly right. There were dots which 21 appeared random, which subsequently may or may not be 22 connected. 23 MR JAY: I'm not going to be able to cover every point with 24 you, given the time we have, and so, for example, I'm 25 going to pass over the letter of apology Mr Yates wrote Page 44</p>

1 to you and which you refer to at paragraph 51 of your
 2 statement. It speaks for itself. If comment needs to
 3 be made upon it, then comment can be made.

4 LORD JUSTICE LEVESON: Mr Malthouse wanted to make a point
 5 about the context, and we've now reached the point at
 6 which the contextual discussion becomes relevant in the
 7 chronology.

8 MR JAY: He does, in relation to -- yes, Operation Weeting
 9 and the evidence both of Sir Paul Stephenson and, as
 10 I said, AC Cressida Dick. You were expressing concern
 11 on more than one occasion about the level of resources
 12 that were being devoted to Operation Weeting. First of
 13 all, was their evidence broadly speaking right, and
 14 secondly, what was the basis of your concern, if you
 15 were expressing concerns?

16 A. Yes, I did express concern, although the impression that
 17 this was some sort of concerted effort is a bit,
 18 I think, playing it a bit strongly.

19 In contextual terms, at the beginning of 2009 the
 20 Met convicted two unpleasant serial rapists, Reid and
 21 Worboys, and the investigations of those rapists were
 22 dogged with various errors that caused consternation in
 23 the Met.

24 In late 2009, Sir Paul Stephenson created a new rape
 25 command, SCD2, into which quite a lot of resources were

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1 poured, and that command, the creation of that command
 2 revealed a backlog of rape cases of about 400 that had
 3 not been investigated or clarified.

4 Throughout 2010, the organisation was struggling
 5 with them and adding resources to them, particularly
 6 from the homicide command, where homicide had fallen, so
 7 there was an agreed reallocation of resource to rape.

8 At the same time, as I think I've said earlier,
 9 I was expressing unhappiness about the Met's approach
 10 towards gangs and dealing with gangs, and I had a number
 11 of conversations particularly with Cressida Dick and
 12 with the Commissioner around that approach.

13 So as we moved into early 2011 and the investigation
 14 was launched and it became apparent that it was going to
 15 be a large drain on resources from -- you know, from
 16 what is a valuable and finite resource, which is our
 17 detective capability. I was keen to ensure that they
 18 were not undertaking this investigation to the detriment
 19 of, for instance, rape victims. Having sat and watched
 20 the tears roll down the faces of rape victims as they
 21 recounted what they did, what had happened to them,
 22 I was particularly acutely aware of that problem.

23 So putting it in that context, and given that my job
 24 is to make sure that the Met fairly balances resources
 25 across the priorities, and indeed assesses what the

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1 priorities are and what's mostly in the public interest,
 2 I was keen to ensure that they weren't overplaying it.

3 At the same time, Sir Paul had told me, and indeed
 4 told the Home Affairs Select Committee, that a lot of
 5 the detectives that were on this investigation were
 6 undertaking civil disclosure. They weren't
 7 investigating, as it were, they were digging through
 8 documents, providing them for others to take action in
 9 the civil courts against News International. For me at
 10 the time, I felt that, you know, using a detective for
 11 that was not as important as using a detective to solve
 12 a rape case, and so I wanted to make that fairly clear.

13 The investigation now -- and I've continued to ask
 14 questions about resourcing of this investigation -- has
 15 grown very significantly. The forecast cost for Weeting
 16 and related is about £40 million. Now, our annual spend
 17 on child abuse in London is only 36. We have I think at
 18 the moment about 150 individuals engaged on these
 19 various investigations. We only have 27 engaged on
 20 tracking down paedophiles. My natural desire is
 21 obviously to see a reduction in harm in London to those
 22 vulnerable individuals, and that was merely what I was
 23 expressing to both AC Dick and to the Commissioner.

24 I have to say there's been -- sir, you will have
 25 noticed a lot of press comment about those particular

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1 items of evidence and it came as a shock to me that
 2 people thought I was not allowed to ask legitimate
 3 questions about the resourcing across the various
 4 appalling crime types that take place, not least,
 5 because the Chairman of the Home Affairs Select
 6 Committee had asked the Commissioner if he thought it
 7 was an appropriate use of police resource to be doing
 8 this, as had members of the Authority in public
 9 questioned the allocation of resources too.

10 The Commissioner had stated publicly he would rather
 11 those detectives were investigating -- I think he called
 12 them "heinous crimes" elsewhere, but that they had
 13 a duty to fulfil and I guess I was probing and
 14 questioning the allocation of resources to that duty.

15 LORD JUSTICE LEVESON: To what extent did you consider or do
 16 you consider the risk of reputational damage to the
 17 Metropolitan Police as a consequence of what had not
 18 previously been done?

19 A. Well, at that stage, prior to the kind of revelations
 20 that were later -- I mean I obviously was concerned
 21 about the reputational damage. I don't think at any
 22 stage I indicated that I thought they shouldn't be
 23 investigating. It was just a matter of speed and
 24 resources.

25 I think as, interestingly, Jenny Jones in her

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<p>1 questioning of the Commissioner at a Police Authority -- 2 who is a Green Party member of the London Assembly, she 3 said, "Why don't you just put fewer detectives on the 4 civil disclosure and it will go a bit slower and then 5 you can put more detectives on robbery or rape or 6 whatever it might be and get those sorted out?" which is 7 to me a fair enough question. And the Commissioner said 8 that he was satisfied that the resources were balanced, 9 as he did to me and as Cressida Dick did to me. 10 But the notion that these questions are not 11 legitimate ones to ask, when policing is a zero sum 12 game -- we only have 32,000 officers -- I have to say 13 I was surprised at the controversy that that seemed to 14 cause. 15 MR JAY: Thank you, Mr Malthouse. 16 Events leading to the resignations of Sir Paul 17 Stephenson and John Yates, the next section of your 18 evidence. I'm going to take some of it as read, because 19 we've already heard a lot of evidence about it, the 20 Champneys stay, the involvement of Mr Wallis, we know 21 about that, the Chamy Media contract, we know about that 22 as well. 23 Can I pick the story up at paragraph 56. You say 24 there was a meeting at Scotland Yard on Sunday. I think 25 that was in fact 17 July. Check that, the Monday was</p> <p style="text-align: center;">Page 49</p>	<p>1 discussion, was it? 2 A. There were -- it was the Commissioner's normal practice 3 to meet me and the chief executive, Catherine Crawford, 4 together, but when he wished to discuss very personal 5 matters, his health, family issues, whatever, then he 6 would normally ask Catherine Crawford to leave and 7 I recall that he did at that stage, yes, although she 8 had been party to the meeting previously. 9 Q. What he suggested to you at that meeting was that he 10 intended to resign; is that correct? 11 A. Yes. He said that he felt that was probably the best 12 course, but that he would let me know. He hadn't 13 totally made up his mind. He would let me know later. 14 Q. Your understanding was that the Mayor tried to persuade 15 him to remain; is that right? 16 A. I believe that's the case, yes. 17 Q. From your own perspective, you didn't see any reason why 18 he should resign; is that correct? 19 A. Yes. I mean, I felt -- I had a huge amount of 20 admiration for Sir Paul and still do, and thought he was 21 a man of great integrity and had some quite significant 22 achievements during a long and distinguished career, and 23 I had been reassured by him and Mr Godwin that the 24 coincidence of the Champneys hospitality and the 25 involvement of Mr Wallis in the PR of that particular</p> <p style="text-align: center;">Page 51</p>
<p>1 the 18th. 2 A. Was it? I'm sorry, apologies. 3 Q. It doesn't matter at all, but can you see from the next 4 page you get the date right? 5 A. Do I? I'm sorry. 6 Q. That's the Monday. What it amounted to is this, that 7 a number of matters were referred directly by the Deputy 8 Commissioner to your Professional Standards Cases 9 Sub-Committee, which is known as the PSCSC, and those 10 matters were tabled for discussion, you say, the 11 following Monday, which was 18 July. 12 The purpose or the role of the PSCSC, is this right, 13 is not to determine the merits of any complaint or any 14 referral, but just where there's an issue worthy of 15 consideration by the IPCC? 16 A. Yes. I think the committee's decision was whether to 17 record the complaint and pass it on to the IPCC. 18 Q. So this is what happened in relation to two complaints 19 against AC Yates on 18 July, although to run the story 20 forward to November, both of those complaints were, as 21 it were, dismissed by the IPCC, weren't they? 22 A. Yes. 23 Q. Can I ask you, please, about Sir Paul's resignation. 24 When you had your discussion with him on the Sunday, 25 which is 17 July, presumably that was a confidential</p> <p style="text-align: center;">Page 50</p>	<p>1 establishment was unfortunate, but that the two together 2 had created a perception which Sir Paul obviously didn't 3 feel he could live with. I personally felt that the 4 good of the organisation and the good of the city, in 5 terms of keeping it safe, outweighed that particular 6 consideration. 7 LORD JUSTICE LEVESON: The fact is that it was, as we now 8 know, entirely coincidental that Mr Wallis was in any 9 sense connected with Champneys. Now, you can ask about 10 Sir Paul seeking to get better in the way that he did, 11 but that's a very disconnected issue. 12 A. Yes. 13 LORD JUSTICE LEVESON: Would you agree with that? 14 A. Yes, I don't think I'm revealing too much confidence in 15 that it became apparent to me that Sir Paul Stephenson 16 was completely shocked when it was revealed that Wallis 17 was involved in Champneys. It seemed to take him 18 totally by surprise, and therefore the coincidence of 19 those two, which ultimately created the public 20 perception which Sir Paul didn't feel he could continue 21 with, seemed very unfortunate. Unfair. 22 LORD JUSTICE LEVESON: It's perhaps one of the unfortunate 23 consequences of the whole thing. 24 MR JAY: Before we have our break -- I have my eye on the 25 clock throughout this, Mr Malthouse -- Mr Yates, the</p> <p style="text-align: center;">Page 52</p>

<p>1 evidence has come out already, the issue of the 2 referral. The decision was made to suspend him but then 3 put in abeyance because he was going to appear before 4 the Select Committee and needed to be able to prepare 5 for that, but there came a point at which he did resign. 6 You say in paragraph 66, Mr Malthouse, that you only 7 spoke to John Yates once about his resignation: 8 "... when he informed me of his decision. He did 9 not elaborate on the extent to which he was influenced 10 by press coverage." 11 Did you seek to persuade Mr Yates not to resign? 12 A. I don't think I did, no. 13 MR JAY: Okay. Is that a convenient moment? 14 LORD JUSTICE LEVESON: Certainly. We'll just take five 15 minutes. 16 (11.27 am) 17 (A short break) 18 (11.35 am) 19 MR JAY: Mr Malthouse, we're now onto the issue of gifts and 20 hospitality, paragraph 67 of your statement, the bottom 21 of page 11537, which we've largely covered in the main 22 and we're going to cover it in detail with subsequent 23 witnesses. I think just one point of principle, really, 24 paragraph 68 of your statement. You refers to the Met's 25 policy, which of course we've scrutinised:</p> <p style="text-align: center;">Page 53</p>	<p>1 using rubber bullets on a crowd, handling a lunch 2 invitation should be relatively simply. 3 Q. I think your evidence is that you don't think turning 4 down an invitation from a journalist would cause 5 offence? 6 A. No, I don't think so, if the explanation is given that 7 that is the policy of the organisation. And I think 8 it's also perfectly possible to offer an alternative, 9 which is to say, "I would like to engage with you, 10 I would like to talk about the context of policing and 11 explain to you what I'm trying to do; why don't you come 12 into the Yard for a cup of coffee and we'll sit down for 13 half an hour and talk about it?" 14 Q. Can I ask you this hypothetical question then, that 15 going back to the questions which your members asked in 16 the spring of 2011, that had they been equipped, as it 17 were, with all the evidence, including all the evidence 18 this Inquiry has received, do you think their reaction 19 and your reaction to the sort of hospitality we have 20 seen would have been different? 21 A. If they had seen it? 22 Q. Yes. 23 A. Yes, I think so. 24 Q. Because? 25 A. Well, I think there have been a number of witnesses, not</p> <p style="text-align: center;">Page 55</p>
<p>1 "Offers of gifts and hospitality should typically be 2 politely declined ... except where there is a valid 3 reason to believe that to refuse the offer may cause 4 offence or damage working relationships." 5 Well, it might be argued that that exception is so 6 wide that in fact it permits the acceptance of virtually 7 any form of gift or hospitality. (a) do you agree with 8 that interpretation and (b) what is your view upon it? 9 A. No, I don't think I do. I think it's fairly plain for 10 people whose job it is to exercise their professional 11 judgment every single day. That's what police officers 12 have to do. They are charged to exercise that judgment 13 in frankly some very critical situations, so handling an 14 invitation to lunch should be fairly simply, I would 15 have thought, and I haven't found that the declining of 16 hospitality generally causes offence. 17 From time to time, it is the case that certain civic 18 engagements that take place on an annual basis, if you 19 repeatedly decline them, can sometimes cause offence and 20 as a result I have tended to accept those civic 21 engagements every other year or every third year, to 22 make sure that people don't think that somehow I'm 23 snubbing their organisation or whatever it might be. 24 But I think given that you're making a judgment about 25 whether to arrest somebody or incarcerate somebody or</p> <p style="text-align: center;">Page 54</p>	<p>1 least, I think, Sir Hugh Orde yesterday, who said that 2 he'd been surprised at the level of hospitality that had 3 been offered. 4 Q. Okay. Mr Malthouse, the section which deals with 5 proposed changes to police governance we can take 6 largely as read, including the bill and the new Act, but 7 there is a point I've been asked to put to you on 8 paragraph 86 of your statement, 11541. The question is 9 this: at the time of the appointment of Sir Paul 10 Stephenson as Commissioner, both you and the Mayor 11 supported the notion of the Commissioner having the 12 power of appointment and the power to conduct discipline 13 matters for ACPO members of the Met. The question is: 14 Have you changed your mind? 15 A. I have, and did during the progress of the bill, for 16 a couple of reasons, practical and principled. The 17 principle problem was that I was persuaded of the case 18 that in conduct matters if the Commissioner was seen as 19 effectively judge, jury and executioner, that wasn't 20 necessarily good for public confidence in the upper 21 echelons of the force. It also in practical terms meant 22 that what would happen was that those people who were 23 unhappy with the Commissioner's conduct of a conduct 24 matter against one of the officers would just make 25 a complaint against the Commissioner, and indeed that</p> <p style="text-align: center;">Page 56</p>

<p>1 has come to pass over the last couple of months. So 2 what we would end up with is a whole raft of complaints 3 about the Commissioner, which was undesirable, and those 4 were the kind of broad issues. 5 There's also a practical issue which is in the 6 last -- commissioners have a five-year fixed term. In 7 the last six months of a commissioner's -- or so, of a 8 commissioner's appointment, if a vacancy became 9 available and the commissioner made the appointment of 10 the officer four, five years beneath him, that would 11 obviously fetter any incoming commissioner in terms of 12 their appointment. So having a hand if you like on that 13 transitional period I thought might be useful. 14 Q. The MOPC has been in post, as it were, I think from 15 17 January this year? 16 A. Yes. 17 Q. You explain in paragraph 88 that the over-arching duty 18 of MOPC has not drastically changed from that of the 19 MPA, although the precise mechanics obviously differ in 20 the way in which you tell us in that paragraph. 21 Can I deal with a couple of miscellaneous issues at 22 the end now, Mr Malthouse. The first is this, that the 23 MPA media strategy says that there's an established 24 protocol that the Chair or Deputy Chair should respond 25 to media requests. Can you recall that?</p> <p style="text-align: center;">Page 57</p>	<p>1 Q. The final question is this: you spoke about your desire 2 to probe into the allocation of resources, particularly 3 in the context of Operation Weeting and the need to do 4 that, but do you support the MPS's allocation of 5 resources to the phone hacking investigation issue, 6 Operation Weeting and the other related operations? 7 A. Yes. I think as Sir Paul Stephenson has said, this is 8 an investigation that has to happen. It is a question 9 merely of balancing resources across the various crime 10 types that the Met have to deal with. The forecast 11 I have for staffing on the various investigations is 12 that it will rise next year to nearly 200 people, and 13 that is a very, very significant undertaking and my job 14 is to make sure that that is balanced appropriately 15 against -- you know, I mean 200 people is sort of eight 16 murder squads, and I have to make sure that is balanced 17 appropriately against the Met's ability to deal with 18 some of the very serious and heinous crime types which 19 my life sadly has been populated with over the last four 20 years. 21 Q. Were there any other points which we haven't covered in 22 your evidence which you would wish to cover orally? 23 A. There was only one further thing, sir, if I may, which 24 is that the theme of my evidence and perhaps questioning 25 today might give rise to the impression that I don't</p> <p style="text-align: center;">Page 59</p>
<p>1 A. Mm. 2 Q. The question is: do you think there is a risk that 3 criticism of the MPS might be toned down when making 4 public statements for the sake of corporate image? 5 A. I think in the generality of elected police and crime 6 commissioners, yes, that might be an issue. But 7 obviously the critical difference in the new governance 8 arrangements over the existing is that the scrutiny 9 function of the MPA or indeed any Police Authority has 10 now been transferred externally, so that those public 11 comments and that particular event that might have 12 prompted those public comments can be probed in a much 13 more comprehensive and less conflicted way, and while it 14 may be desirable, and indeed I do think it's desirable 15 that a commissioner and a mayor stand shoulder to 16 shoulder in trying to inculcate confidence in the force 17 in the people they serve, it's obviously a critical job 18 of the police and crime panel, or in our case the Police 19 and Crime Committee of the London Assembly, to test that 20 and to do their best to scrutinise it and open it to the 21 public. 22 I have to say it's also a critical role for the 23 media. You know, the media has a very, very important 24 role to play in testing whether that confidence that the 25 public should have in their police is valid or not.</p> <p style="text-align: center;">Page 58</p>	<p>1 think that the press or the media have an important role 2 to play in policing, and I believe they do. There are 3 many notable examples of fine journalism around crime, 4 around particular cases, which have resulted in 5 significant change both within the Met and externally in 6 society, and I think to lose that would be -- would 7 diminish us as a country, frankly. 8 All I am concerned about is maintaining the public's 9 confidence in the probity of the relationship between 10 police officers and the media, recognising, as I think 11 we have to, that police officers have a different status 12 from the rest of us. They are not politicians, they are 13 not surgeons. They are quasi judicial. In the same way 14 that there are other sections of society, such as 15 perhaps the judiciary, who maintain a particular stance 16 towards the media, I do think that the police have to 17 bear that in mind when they interact, and I wouldn't 18 want it to be thought that I was somehow trying to 19 restrict that in any way, merely trying to make sure 20 that the public have confidence that that contact 21 between the press and the police is done on a proper 22 basis. 23 LORD JUSTICE LEVESON: Mr Malthouse, that raises a number of 24 questions, and you are particularly well placed to 25 consider them, because this Inquiry concerns</p> <p style="text-align: center;">Page 60</p>

<p>1 intersecting lines. There is the press and the way in 2 which it investigates stories, that is both the 3 absolutely splendid work that they do in holding all 4 those who hold power to account, but there is within 5 that a very small subset of practices which actually 6 generated the Inquiry. 7 So I take your last answer to mean that one has to 8 be very careful in seeking to control or regulate the 9 latter, not to imperil the former. So that's the first 10 thing. 11 The second intersecting line is between the police 12 and the press, particularly the circumstances, should 13 they arise, as they have, where the police have to get 14 involved in investigating the press. 15 The third intersecting line, which you have also had 16 to deal with, is the way in which the press interact 17 with politicians, and the business of influence there. 18 Is there anything on any of those areas, all of 19 which are encompassed by the work that I have to do, 20 that you wish to say anything about from the perspective 21 of somebody who is a politician, who has to deal with 22 the press, and who has a close involvement both with the 23 police and, as you've explained, with the public in the 24 context of their concerns about crime? 25 A. I'm very conscious that I am at the nexus of your three Page 61</p>	<p>1 the flow of useful information into the public arena, 2 which has on many occasions done a significant amount of 3 good. 4 LORD JUSTICE LEVESON: Yes. It's obviously important not to 5 do that, but it may be that the climate within which 6 some decisions have been made has to change. It is said 7 that it has changed. But it's reinforcing that and 8 providing some concrete support for that that satisfies 9 the concern that has clearly been expressed by many that 10 is going to create the difficulty. 11 A. I think that's absolutely right, sir. 12 LORD JUSTICE LEVESON: Thank you very much indeed. 13 A. Thank you. 14 LORD JUSTICE LEVESON: Thank you for your assistance and 15 thank you for all the work you've put into the statement 16 you've provided. 17 A. Thank you very much, sir. 18 MR JAY: The next witness is Ms Crawford. 19 MS CATHERINE LYNNE CRAWFORD (affirmed) 20 Questions by MR JAY 21 MR JAY: Your full name, please, Ms Crawford? 22 A. Catherine Lynne Crawford. 23 Q. You've kindly provided us with a witness statement dated 24 29 February and a standard statement of truth. Is this 25 your formal evidence to the Inquiry? Page 63</p>
<p>1 strands, as you put it. I think my main concern would 2 be to say that while it is possible to put in place 3 rules and standard operating procedures and regulations 4 around some of these situations, in the end, a bit like 5 the notion of operational independence, it's very fluid 6 and context-driven. 7 Much of the interaction between those various 8 parties relies on a high degree of personal probity and 9 a high degree of trust, and those are things you can't 10 legislate for in many ways, and so to a certain extent 11 it's a little bit like the approach that we've sort of 12 taken to fraud and corruption in the 13 Metropolitan Police. 14 When I said we were too much Sherlock Holmes, that 15 means we were detecting people who contravened the 16 rules, instead of I tried to shift the emphasis so that 17 we put in place systems and processes to make sure that 18 we prevent any transgression but also that there is 19 a high level of probity within the organisation around 20 those issues, and people know that that's expected of 21 them. 22 So I have to say I don't envy you in the task of 23 trying to translate that into written form, but I would 24 say that if some of that fluidity is lost, then I think 25 we will, as you said in your first point, sir, imperil Page 62</p>	<p>1 A. Yes, it is. 2 Q. In terms of who you are and your career, you were the 3 Chief Executive of the MPA and you're now the Chief 4 Executive of MOPC; is that right? 5 A. That's right. 6 Q. Your previous career, you worked as a civil servant in 7 the Home Office, first of all. In 1992 you moved to 8 work in the police department and you were -- well, as 9 you point out, the Home Secretary was directly 10 responsible for the Metropolitan Police, discharging the 11 functions of Police Authority. In 1996 you were 12 seconded to set up the APA. The MPA was established in 13 the year 2000 under the GLA Act of 1999. And you were 14 Chief Executive of the MPA effectively throughout its 15 existence, which was 2000 to January 2012; is that 16 right? 17 A. That is correct, yes. 18 LORD JUSTICE LEVESON: So it's clear that you've been in or 19 around the area of the politics of policing for your 20 professional career? 21 A. For a very significant proportion of it, yes, sir. 22 MR JAY: Thank you. As Chief Executive of the MPA, your 23 functions are, at least as they were, set out under 24 paragraph 8 of your statement. You make it clear that 25 there was a role in relation to the appointment of ACPO Page 64</p>

16 (Pages 61 to 64)

<p>1 officers, which, is this right, did not include the 2 Commissioner and the Deputy Commissioner, but did 3 include everyone else? 4 A. The direct appointments are made by the Authority. The 5 Authority did have a role in making recommendations in 6 respect of the Deputy and Commissioner, but they were 7 just recommendations to the Home Secretary, who in turn 8 made a recommendation to the Crown. 9 Q. When you say on the next page, 12700, that you fulfilled 10 a disciplinary role in relation to ACPO officers, did 11 that include the Commissioner and Deputy Commissioner? 12 A. Yes, the Authority did that, yes. 13 Q. The statutory duty of the MPA is really a matter of 14 record. You've summarised it very helpfully for us 15 under paragraph 12 of the statement. We've heard 16 further evidence in relation to that from Mr Malthouse. 17 Can you assist us, please, with your own take on the 18 tension between the MPA not involving itself in 19 operational matters, but having an over-arching quasi 20 regulatory but not quite fully regulatory role, its 21 concern as to the distribution of resources and the 22 manner in which it would not second guess the decisions 23 of the MPS? How did you see all of that operating? 24 A. Well, as I think the Inquiry has heard from other 25 witnesses, particularly just now from Mr Malthouse, it <p style="text-align: center;">Page 65</p> </p>	<p>1 A. Ultimately I believe there is a constitutional reason. 2 I mean, just as each police officer is, as an officer of 3 the Crown, responsible for his or her own decisions in 4 respect of making an arrest, for example, so in law 5 no one can be required by his superior officer to make 6 an arrest, so I think there is a constitutional position 7 there which underpins the whole concept, but in more 8 general terms, it would be a question of judgment of 9 what was proper in terms of whether to become involved 10 in individual investigations. 11 But then you get into a definition of involvement. 12 That would not necessarily mean that you couldn't ask 13 questions. 14 Q. So when we see in relation to the phone hacking 15 investigation, or perhaps more pertinently the decision 16 not to reopen the investigation, specific questions 17 being asked, that was clearly within the remit, was it, 18 of the MPA, notwithstanding that on one analysis it 19 could be said to involve an operational decision? 20 A. Yes, I believe it was within the remit. And was quite 21 proper. 22 Q. Yes. The next section of your statement, you deal with 23 the structure of the MPA, really in terms of its 24 statutory framework, the various committees which were 25 created and other subcommittees, and then MPA standing <p style="text-align: center;">Page 67</p> </p>
<p>1 was quite a rich and complicated picture. I believe 2 that police authorities generally -- the MPA was no 3 exception -- are unique or were unique in the mix of 4 their roles and responsibilities, because there were 5 direct executive functions, not least in appointing 6 officers and handling their conduct, and ultimately 7 executive responsibility for resources, which remain 8 vested in the Authority and are still vested in the MOPC 9 now. So that controlling the money, of course, implies 10 a degree of potential control over the way in which the 11 money is used across the board. 12 So I would always maintain that there were no no-go 13 areas in terms of what the Authority could legitimately 14 probe or involve itself in. The exception to that, 15 I believe, is the conduct of an individual investigation 16 or operation, but the concept of operational 17 independence as an absolute and as a barrier to the 18 Authority properly discharging its function was not one 19 that was helpful. 20 Q. So you wouldn't concern yourself with the minutiae of 21 how a particular operation was being conducted because 22 that wouldn't involve wider strategic or resource 23 implications but that was really a question of 24 self-denying ordinance rather than any constitutional 25 reason why you couldn't? <p style="text-align: center;">Page 66</p> </p>	<p>1 orders. Unless there are any particular points which 2 you would wish to draw to our attention, we're going to 3 take all of that as read because it's highly 4 comprehensive and clear. Can I ask you though to move 5 forward to paragraph 44, page 12710. You say: 6 "For the reasons I have explained above, all 7 employment contracts with MPS staff (all non-warranted 8 officers) were entered into by the MPA." 9 So you're excluding from that police constables? 10 A. Yes. 11 Q. Because they're appointed -- they're officers of the 12 Crown but their status is governed by statute. 13 "But the MPA was responsible for the appointment of 14 all ACPO rank officers, other than the Commissioner and 15 the Deputy Commissioner." 16 As you've explained, the MPA had advisory input in 17 that context? 18 A. That's right. 19 Q. The standard terms and conditions of appointment, 20 paragraph 45 of your statement, we have these under 21 tab 43 of the bundle. Your exhibit CC6. There is an 22 issue on clause 25, which is page 12831. Do you have 23 that to hand? 24 A. Yes. 25 Q. It's the clause which deals with post Authority <p style="text-align: center;">Page 68</p> </p>

1 employment and appointments:
 2 "Before accepting any appointment which would start
 3 within one year of leaving the service, you must obtain
 4 the approval of the chief executive [that's you, of
 5 course] to the Authority in cases where (1) the
 6 appointment is to an organisation, firm or business that
 7 provides any commercial and contractual services to the
 8 MPS or the Authority, (2) the appointment is to an
 9 organisation, firm or business that intends to tender
 10 for provision of commercial and contractual services to
 11 the MPS or the Authority."
 12 I'm right in saying that that doesn't apply to press
 13 organisations, does it?
 14 **A. Unless -- I can't imagine a situation in which this**
 15 **would be the case, but unless such a press organisation**
 16 **was about to enter a contractual relationship, no.**
 17 Q. And such a situation would be difficult to envisage, but
 18 I suppose in theory it might exist, do you agree?
 19 **A. It could in theory exist, yes.**
 20 Q. So is this correct, there isn't in fact any impediment
 21 under contract of an ACPO officer leaving the MPS and
 22 then immediately working for the press?
 23 **A. No, there isn't.**
 24 Q. That would be a policy for members to consider rather
 25 than the chief executive, but is that issue under
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1 consideration at the moment or not?
 2 **A. I think there would be a number of issues arising from**
 3 **the evidence that this Inquiry has heard that will need**
 4 **to be taken into account in the new governance**
 5 **structures that we are testing out at the moment.**
 6 LORD JUSTICE LEVESON: So I'm creating work for you to do as
 7 well.
 8 **A. I fear so, sir.**
 9 LORD JUSTICE LEVESON: Yes.
 10 MR JAY: The next section of your statement is "Scrutiny of
 11 the MPS". Again the background to this is understood.
 12 Can I ask you, please, about paragraph 50 of your
 13 statement, page 12712. You say:
 14 "Individual members also pursued particular
 15 interests, often very effectively. As I discussed in
 16 more detail below, members of the HR and remuneration
 17 subcommittee, for example, consistently raised questions
 18 in relation to the acceptance of hospitality by the
 19 Commissioner and his senior officers, challenging them
 20 as to what had been accepted and why. Members were
 21 clear that it would be good practice for the MPS to
 22 publish the gifts and hospitality register online."
 23 My question is: did you or members have access to
 24 the hospitality registers?
 25 **A. Not routinely, but if we had asked for access or to see**
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1 **them on a particular occasion, as did happen once, then**
 2 **that would have been forthcoming, but we did not have**
 3 **routine access.**
 4 Q. But if you wanted to see them, there was nothing to stop
 5 you, was there?
 6 **A. No.**
 7 Q. Was there ever a sense in the members who shared
 8 a particular interest in this topic that more
 9 information might have been available which wasn't being
 10 provided?
 11 **A. I think it was less concern to them that there was**
 12 **potentially something there to be unearthed, if I may**
 13 **put it that way, than that it was good practice to be**
 14 **transparent about what had been accepted or indeed**
 15 **rejected, offered and rejected, and many of them came**
 16 **from a background where this had been standard practice**
 17 **for some time and found it difficult to understand why**
 18 **it was just not automatically put into place within the**
 19 **Met.**
 20 Q. For the understandable and obvious reason that it dealt
 21 with any issues of perception, didn't it?
 22 **A. Exactly so. Perception much more than the reality of**
 23 **what might be going on.**
 24 Q. When you say in your statement "members were clear that
 25 it would be good practice for the MPS to publish the
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1 register online", one other core participant has asked
 2 me to put to you this question: you say "members were
 3 clear that it would be good practice for MPS to publish
 4 registers online". What does "clear" mean here?
 5 **A. It means that they frequently said that it would be good**
 6 **practice to put it online.**
 7 Q. It wasn't me who suggested that question, I think we
 8 probably know what "clear" meant, but I have faithfully
 9 followed my instructions. Then the next question is:
 10 what did you do about it, if anything?
 11 **A. It was raised on more than one occasion at the**
 12 **appropriate committee meeting, and we consistently --**
 13 **I consistently on behalf of members reminded senior**
 14 **colleagues within the Met that it was stated -- that**
 15 **they had said that they were going to do that and where**
 16 **was it, what progress are we making?**
 17 Q. The progress or possibly the lack of it is going to be
 18 dealt with by the next witness in terms of the evolution
 19 of the policies over the years.
 20 Paragraph 53 now of your statement, Ms Crawford,
 21 where you say:
 22 "The Commissioner could be called before the London
 23 Assembly to answer questions ... he could not be
 24 required to attend."
 25 Presumably no one ever declined your invitation?
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<p>1 A. It was the Assembly's invitation, but yes, nobody 2 declined. 3 Q. 54: 4 "The relationship between the Commissioner and the 5 MPA was frequently challenging, but the nature of the 6 challenges varied depending on the individual 7 Commissioner." 8 Aside from debating the different personalities of 9 the individual Commissioners, and we have seen them all, 10 really, are there any particular points that are 11 embedded in that statement which you could bring out for 12 us, Ms Crawford? 13 A. Well, if I may go back to, I think, some of the points 14 Mr Malthouse was making at the end of his statement, it 15 is very difficult to define in writing exactly what 16 rules ought to apply to this very sensitive 17 relationship. The success of the functions of the 18 Authority were, in my perception, very dependent on the 19 relationship between the Chair at the time and the 20 Commissioner at the time, and that did vary according to 21 the approach of those individuals. 22 As I know, the Inquiry has had the privilege of 23 hearing from most, if not all, of the -- from all of the 24 Commissioners during the period of the MPA's existence, 25 and over that time there have also been four Chairs, and <p style="text-align: center;">Page 73</p></p>	<p>1 on a formal basis." 2 I think you're referring here to officers, not 3 members; is that right? 4 A. Yes. 5 Q. Because we've heard about informal interactions which 6 politicians or members had with the press. What was the 7 rationale behind keeping this tightly within the 8 professional communications team, which you go on to 9 refer to in paragraph 59? 10 A. Well, it's always been my experience that the input of 11 professional advisers in a press team, media team, 12 communications team, whatever you want to call it, is 13 very important, particularly given the often extremely 14 sensitive nature of the material with which we were 15 dealing. It was certainly a comfort to me as chief 16 executive to know that I had professional advisers, both 17 for me and for the Chair and for the members. 18 Q. Probably flowing on from the answer you've just given, 19 it explains the last two sentences of paragraph 61, why 20 the communications team didn't give off-the-record 21 briefings. Have I understood it correctly? 22 A. Yes. Yes. 23 Q. The MPA had its own media strategy. That's our tab 66, 24 your exhibit CC9. Just briefly look at this starting at 25 page 12871. The mission statement for London's police, <p style="text-align: center;">Page 75</p></p>
<p>1 members have fluctuated, it has fluctuated with the 2 approach that's been given. I can't identify anything 3 that gave me cause for concern in those fluctuations. 4 LORD JUSTICE LEVESON: One of the questions you might like 5 to consider is whether there is anything that you might 6 suggest I should recommend, which would clarify, assist 7 or develop the relationship in a way that is in keeping 8 with the different responsibilities of the holders of 9 the two offices. It may be there isn't, but with your 10 experience, if you consider there is and that you think 11 that it would be valuable, I would be very interested to 12 learn about it. 13 A. Ideally I would like to give that some thought, if 14 I may, if it would be possible to come back to that. 15 LORD JUSTICE LEVESON: Please do. If you just write to me, 16 I'm going to be here for some time. 17 A. Yes. I would like to take up that offer, if I may. 18 Thank you. 19 MR JAY: I've been asked to suggest this to you, that all 20 the Commissioners welcomed the public accountability 21 provided by the MPA, didn't they? 22 A. Yes. 23 Q. Thank you. Interaction with the media now, Ms Crawford, 24 the bottom of page 12713, paragraph 59. When you say: 25 "The MPA's interactions with the media were always <p style="text-align: center;">Page 74</p></p>	<p>1 the MPA, was "Met Forward", which we heard Mr Malthouse 2 refer to. 3 A. Yes. 4 Q. Would you agree that this looks more like a corporate 5 communications strategy than a media strategy? 6 A. You anticipate my argument, Mr Jay. Looking at this 7 again, as part of preparing for today, it occurred to me 8 that this is actually a communications strategy, it's 9 not a media strategy. You're absolutely right. 10 Q. The key messages, 12783, at the bottom, the over-arching 11 key messages -- I suppose they're messages we would 12 expect to see in this sort of situation. 13 I've been asked to put to you a point under the 14 rubric "Spokesperson" on 12874, the protocol that the 15 Chair or Deputy Chair should respond to media requests. 16 And the question is: does this protocol or did this 17 protocol tend to strangle criticism by MPA members about 18 MPS conduct or decision-making? 19 A. No, I don't believe that it did. It was a protocol, it 20 was not binding on anyone and it was not always -- it 21 certainly didn't prevent individual members raising any 22 concerns that they wanted to. It was more in terms of 23 responses than proactive briefing. There would be 24 nothing to stop members raising those sorts of concerns. 25 Q. A follow-up point I've been asked to put to you, that if <p style="text-align: center;">Page 76</p></p>

<p>1 one looks at this strategy, this document, there's 2 nothing here about ensuring that any concerns held by 3 the MPA about MPS behaviour or decision-making reached 4 the press. Why is that so? 5 A. Concerns about how -- I'm sorry? 6 Q. Concerns about behaviour of the MPS, individual officers 7 within it or its decision-making. There's nothing in 8 the strategy about that at all. Why is that the 9 position? 10 A. I am not sure that would be a relevant matter to include 11 in a strategy that was an internal document for how we 12 conducted our business. 13 Q. Okay. So are you saying if there were concerns, they 14 would be expressed anyway, and this document isn't 15 anything which would hamper the expression of such 16 concerns? 17 A. Yes. 18 Q. Can I ask about the issue of leaks. Were leaks an issue 19 with the MPA in your view? 20 A. If I may, I'd like to just explore a little what is 21 meant by a leak, because in my experience, or my 22 understanding and to some extent my experience, that is 23 a very wide spectrum that is covered by the word "leak". 24 So at one extreme you might have passing on, either for 25 money or other motives, classified material which might Page 77</p>	<p>1 "The MPA always operated on the basis the public 2 transparency is key, so that even if there were bad 3 news, the facts should not be concealed." 4 So did the frustration then result from the fact 5 that very often the information the press wanted to hear 6 about was sensitive or confidential, and you simply 7 couldn't disclose it to them, or did it flow from the 8 fact that there was delay in providing it to them? 9 A. Both. Both of those are true. There was always a lot 10 of press interest, for reasons I entirely understood, in 11 the details of individual people who might be 12 concerned -- I'm talking here about the actions of the 13 professional standards subcommittee, and they would want 14 confirmation about personal information that we were 15 unable to give, but it is also the case that there would 16 be queries about matters of fact, data, statistics, 17 where the press quite often felt that we were slow in 18 responding. Our perception was that we did it as 19 quickly as we could, but it was sometimes not quickly 20 enough for the 6 o'clock deadline. 21 Q. Looking at what the communications team was doing and 22 the strategy underpinning it, would you agree that 23 reputation management was a very important issue for the 24 MPA? 25 A. I'm never -- I'm sorry, I'm sounding pedantic about Page 79</p>
<p>1 endanger the security of the state, which clearly is 2 a criminal matter; to the other end of the spectrum, 3 where you can be talking possibly about someone -- the 4 expression has been used in this Inquiry indulging in 5 a little "tittle-tattle", maybe saying to a journalist, 6 "You may think that, I can't possibly comment", which is 7 always an indication that there may be something more to 8 probe at. 9 At that end of the spectrum, with an eclectic set of 10 members over the years, I wouldn't like to give an 11 undertaking that there was never any perhaps on some 12 occasions inappropriate gossip, but leaks in the serious 13 sense of something that would be subject to criminal or 14 conduct investigations I was never aware of happening. 15 Q. There was one leak investigation which we will look at 16 in a moment, but that case, of course, it was -- that 17 investigation ascertained that the leak was not from the 18 MPA. 19 A. Yes. 20 Q. Can I ask you, please, about paragraph 69 of your 21 statement, page 12716, where you express the view that: 22 "The press were doubtless frustrated with us at 23 times because we were always careful to respond within 24 the limits of what we deemed appropriate disclosure." 25 Then you say at the end of that paragraph: Page 78</p>	<p>1 words again. Reputational management is not a phrase 2 that I find particularly helpful, necessarily. It's 3 certainly the case that the MPA was consistently very 4 concerned about any risk of reputational damage to the 5 Metropolitan Police, because of the inevitable knock-on 6 effect in terms of the confidence of the public in how 7 the police were performing. 8 In terms of being proactive, I think it's fair to 9 say that the Chairs and members -- and more than one 10 Chair -- were always keen that there should be an 11 anticipation of potential reputational risk and damage 12 and everything that could be done to minimise that 13 rather than waiting for it to happen and then trying to 14 put in place damage limitation. 15 Q. So in that sense reputation management would be 16 presumably a good thing, wouldn't it? 17 A. If that's what reputation management is, then that would 18 be a good thing. 19 Q. Did the MPA want to take over the role of the DPA and 20 absorb it into the MPA? 21 A. No. 22 Q. Did its members? 23 A. Not that I can recall. 24 LORD JUSTICE LEVESON: They've actually not quite got the 25 same outlook on life, have they? Page 80</p>

<p>1 A. No. No. That's right, sir. There's a lot of overlap.</p> <p>2 LORD JUSTICE LEVESON: Oh yes.</p> <p>3 A. But fundamentally there has to be some clear blue water</p> <p>4 between the operations of the two organisations. It</p> <p>5 wouldn't be appropriate.</p> <p>6 MR JAY: When you say in paragraph 72 that the MPA did not</p> <p>7 have any awareness or involvement in the policing of</p> <p>8 offences or suspected offences committed by the media,</p> <p>9 presumably you're excluding from that sentence the phone</p> <p>10 hacking issue, are you?</p> <p>11 A. Yes. In the more recent years. I think what I probably</p> <p>12 had explicitly in mind when I wrote this was that until</p> <p>13 the trial in 2006, we were not aware that the -- the</p> <p>14 Authority was not aware that there was an ongoing</p> <p>15 investigation into allegations in the Royal household,</p> <p>16 for instance. There will be individual investigations</p> <p>17 going on within the Met now, of which we will know</p> <p>18 nothing, about the media or anything else.</p> <p>19 LORD JUSTICE LEVESON: Would the Authority expect to be</p> <p>20 informed of the most sensitive inquiries, simply so that</p> <p>21 they knew what was going on, or would it be something</p> <p>22 which you positively would not want to know? So, for</p> <p>23 example, in that particular case, this was an inquiry</p> <p>24 which had been generated by concern expressed in the</p> <p>25 Royal household. I'm just trying to understand the</p> <p style="text-align: center;">Page 81</p>	<p>1 by surprise, not wanting to learn about something that</p> <p>2 had potential reputational effects, if you like, for the</p> <p>3 Met from the newspapers or the Today programme, that it</p> <p>4 was appropriate to have that kind of advance notice.</p> <p>5 The potential downside of all that, of course, is</p> <p>6 that there would be a perception that the decisions or</p> <p>7 the conduct of an investigation was being improperly</p> <p>8 influenced by the Chair, so it's a delicate line to</p> <p>9 tread.</p> <p>10 LORD JUSTICE LEVESON: Yes. Would your Chairs have felt it</p> <p>11 appropriate to provide the Commissioner with the benefit</p> <p>12 of their experience, their political experience, which</p> <p>13 might impact on decisions that obviously the</p> <p>14 Commissioner had to take, or would this simply be</p> <p>15 something that would be undertaken as a mechanism to</p> <p>16 allow the Chair to provide the cover that Mr Malthouse</p> <p>17 spoke about, if it was necessary?</p> <p>18 A. I think it is -- there were occasions on which it was</p> <p>19 the first. Again, an expression Mr Malthouse used was</p> <p>20 that it would never be appropriate to take operational</p> <p>21 decisions in a vacuum, and that there is a wider context</p> <p>22 which needs to be taken into account, and I think all</p> <p>23 the Chairs had a particular link through to the people</p> <p>24 of London, to the way in which the London political</p> <p>25 scene in particular operated, the likely ramifications</p> <p style="text-align: center;">Page 83</p>
<p>1 extent to which the Authority might feel that actually</p> <p>2 they ought to be in the loop and whether that's changed</p> <p>3 over the years.</p> <p>4 A. I think, if I may, sir, I'd like to make a distinction</p> <p>5 between the Authority, which is the formal body, and</p> <p>6 individual Chairs. I think there were matters on which</p> <p>7 it was appropriate for individual Chairs to have fairly</p> <p>8 confidential briefings from the Commissioner of the day</p> <p>9 in a way that it didn't necessarily need to be</p> <p>10 promulgated to the whole of the Authority, to all the</p> <p>11 members. I think there were some individual members</p> <p>12 over the period who felt that they would very much have</p> <p>13 liked to have been rather more in the loop, but my own</p> <p>14 view is that it was appropriate to conduct that kind of</p> <p>15 briefing information with the Chair.</p> <p>16 LORD JUSTICE LEVESON: And what advantage was there to</p> <p>17 either as a consequence of bringing the Chair -- and I'm</p> <p>18 perfectly happy to accept that limitation -- into the</p> <p>19 loop, to allow him to be aware? What's everybody</p> <p>20 getting out of this? What's the value of it?</p> <p>21 A. At some points there would be a value in terms of what</p> <p>22 I think Mr Malthouse described as political top cover.</p> <p>23 LORD JUSTICE LEVESON: Yes.</p> <p>24 A. In other scenarios that I can think of, it was more</p> <p>25 a case of Chairs in particular not wanting to be taken</p> <p style="text-align: center;">Page 82</p>	<p>1 of pursuing particular lines.</p> <p>2 There's the example again of the extension of</p> <p>3 Blunt 2 and the likely effect that would have on</p> <p>4 communities who would perceive that they were being</p> <p>5 particularly targeted. "Have you properly thought that</p> <p>6 through?" It's that kind of approach: "Have you</p> <p>7 thoroughly thought that through? Can I be satisfied</p> <p>8 that you've taken into account all relevant</p> <p>9 considerations? I may have some experience that would</p> <p>10 be of value to you".</p> <p>11 I would like to put on record the fact that I've sat</p> <p>12 through a lot of these conversations with, as I've said,</p> <p>13 four Chairs and four Commissioners, and I have never in</p> <p>14 my official capacity felt that any improper pressure had</p> <p>15 been put by any of them on the police to follow any</p> <p>16 particular line, either of omission or commission.</p> <p>17 LORD JUSTICE LEVESON: I wasn't for a moment suggesting</p> <p>18 that. I was merely exploring the relationship, because</p> <p>19 it's particularly relevant today, as we go into a new</p> <p>20 mechanism, perhaps only slightly different for London</p> <p>21 but very different outside London, for people to</p> <p>22 understand what is actually happening. Would it be</p> <p>23 therefore correct to assume that the Commissioner had</p> <p>24 the advantage of the resource of the Chair in the sense</p> <p>25 that he provided a window which he then could take into</p> <p style="text-align: center;">Page 84</p>

<p>1 account or not as he operationally thought fit?</p> <p>2 A. If I may say so, you've put that much better than I was</p> <p>3 fumbling to do. It is exactly what I meant.</p> <p>4 MR JAY: In paragraph 72 of your statement where you deal</p> <p>5 with the issue of resource implications, and the role of</p> <p>6 the MPA in that context, in the last sentence you say:</p> <p>7 "The MPA therefore sought from the MPS frequent</p> <p>8 updates on resources, time scales and costs in relation</p> <p>9 to Operations Weeting and Elveden, and the MOPC will</p> <p>10 continue to do so."</p> <p>11 Were any particular concerns expressed about the</p> <p>12 level of expenditure?</p> <p>13 A. It's not, I think, a matter so much of concern as</p> <p>14 a matter of understanding that people are properly</p> <p>15 taking into account the balance across the whole range</p> <p>16 of activities that need to be pursued. Though I think</p> <p>17 you've just heard Mr Malthouse express some concerns.</p> <p>18 Q. On the one hand, there's the issue of reputational harm</p> <p>19 to the MPS, or possible reputational harm, and allied to</p> <p>20 that the acute public interest in Operation Weeting and</p> <p>21 Elveden. Those presumably are matters which you might</p> <p>22 take into account, are they?</p> <p>23 A. Yes. It's a balance that has to be struck.</p> <p>24 Q. MOPC interaction with the media, page 12718. I think</p> <p>25 you're basically saying here that the position will be</p> <p style="text-align: center;">Page 85</p>	<p>1 question: why not?</p> <p>2 A. We were quite clear when we set up the MOPC that we were</p> <p>3 not just morphing from one organisation into another.</p> <p>4 We were creating -- the MPA was abolished, the MOPC was</p> <p>5 set up as a new organisation. We looked across the</p> <p>6 board at the functions that would have to be discharged</p> <p>7 by that new organisation and we looked in particular for</p> <p>8 scope to make savings and efficiencies through shared</p> <p>9 services, and it was clear that although a separate</p> <p>10 functional body of the GLA, the MOPC was going to be</p> <p>11 much more closely linked into the Mayor's Office, the</p> <p>12 Mayor is himself the occupant of the Mayor's Office for</p> <p>13 Policing and Crime, he appoints the Deputy Mayor for</p> <p>14 Policing and Crime, all the business is intimately</p> <p>15 linked up with what the Mayor is doing and it made sense</p> <p>16 both in practical terms and in terms of effective</p> <p>17 operation to make that change.</p> <p>18 Q. I've been asked to put this to you: does not the Mayor's</p> <p>19 office have a vested interest in burying concerns or bad</p> <p>20 news about the MPS?</p> <p>21 A. No. I can't see any way in which that could possibly be</p> <p>22 true.</p> <p>23 Q. Okay. The MPS and the media. You touch on the DPA,</p> <p>24 I've already asked you about that. You feel that the</p> <p>25 DPA should clearly exist, as it were. Paragraph 85,</p> <p style="text-align: center;">Page 87</p>
<p>1 as it was with the MPA, notwithstanding that the MOPC is</p> <p>2 a rather different creature of statute. Is that broadly</p> <p>3 speaking the position?</p> <p>4 A. I'm not sure that's exactly what I meant to convey here.</p> <p>5 There clearly is a concern that the amount of business</p> <p>6 that was conducted in public through the various</p> <p>7 committees that I've outlined earlier in my statement</p> <p>8 will reduce, and that we have to find ways of balancing</p> <p>9 that out, alternative ways of making the decision-making</p> <p>10 process clear, and I've said that we'll use the web to</p> <p>11 do that.</p> <p>12 But the scrutiny that the Police and Crime Committee</p> <p>13 will conduct in public, it has already begun to conduct</p> <p>14 in public, will quite clearly continue to provide</p> <p>15 a route for the Met's activities to be examined in</p> <p>16 public through the MOPC or the Deputy Mayor for Policing</p> <p>17 and Crime, and in some ways, having a -- well, not in</p> <p>18 some ways, I personally believe that having a very clear</p> <p>19 accountability to one person will make -- will simplify</p> <p>20 and make more obvious what is actually happening in</p> <p>21 practice, and will focus the accountability.</p> <p>22 Q. You say in paragraph 81 that the MPA's communication</p> <p>23 team has not transferred over to the MOPC and instead</p> <p>24 communications will be handled through the press office</p> <p>25 of the Mayor. I've been asked to put to you this</p> <p style="text-align: center;">Page 86</p>	<p>1 page 12720:</p> <p>2 "There was at least one occasion when the MPA</p> <p>3 conducted a scrutiny of the MPS media and</p> <p>4 communications."</p> <p>5 That was the Forest Gate incident, which was where</p> <p>6 an alleged terrorist, I think, was shot and injured; is</p> <p>7 that right?</p> <p>8 A. That's right.</p> <p>9 Q. And a scrutiny panel was convened and then there was</p> <p>10 a report, and you explain the conclusions in</p> <p>11 paragraph 87:</p> <p>12 "The panel concluded that more could be done by MPS</p> <p>13 to ensure that correct information was being used by the</p> <p>14 media. There was a need for a number of structural</p> <p>15 changes that were needed to assist the MPS to deliver</p> <p>16 a more consistent and comprehensive approach to managing</p> <p>17 internal and external communications."</p> <p>18 Could you explain the reference to the ensuring of</p> <p>19 correct information being used by the media in the</p> <p>20 context of this particular investigation?</p> <p>21 A. I think the problem that the scrutiny panel perceived</p> <p>22 and I think was widely recognised was less that</p> <p>23 incorrect information was being given out, but in the</p> <p>24 absence of any information at all and any attempt to</p> <p>25 correct or rectify misinformation, rumours and</p> <p style="text-align: center;">Page 88</p>

<p>1 conjecture were circulated in a way that was not 2 helpful. 3 Q. At about this time I think there was also a report into 4 whether information was leaked by the MPA, following 5 a confidential briefing that Mr Hayman gave to members 6 of the MPA; is that right? 7 A. Yes, that's right. It was an investigation supervised 8 by the former Commissioner of the City of London Police. 9 Q. The upshot of that investigation was that there was no 10 or no satisfactory evidence that any member of the MPA 11 had leaked information to the press? 12 A. That's right. 13 Q. It's also right, is it, that there was never a finding 14 that any member of the MPS was responsible for a leak, 15 was there? 16 A. There was no such finding in the final report, no. 17 Q. Can I ask you about the recommendations of the panel in 18 paragraph 87.1. Why do you think there was 19 a recommendation to reflect a need proactively to manage 20 the reputation of the MPS? 21 A. I think that probably refers back to our earlier 22 discussion. There was clearly a perception among 23 members that the possible consequences and implications 24 of this particular operation and the way in which it 25 would play out in the public realm had not been Page 89</p>	<p>1 report says that the report gives an overview of the 2 Directorate of Public Affairs' performance against its 3 headline measures and targets and describes how it's 4 contributing to the new MPS single performance measure 5 of confidence. 6 What was the single performance measure of 7 confidence? Do you know? 8 A. I don't think I can recall exactly how it was phrased, 9 but in general it was to improve the confidence level of 10 the people of London in the performance of the 11 Metropolitan Police. 12 LORD JUSTICE LEVESON: It may come out of the text: 13 "According to the MPS confidence model, keeping 14 London informed as part of the engagement is a key 15 driver of confidence." 16 A. Thank you, yes. 17 MR JAY: The next section is MPA leaks, which we've really 18 covered. I'm not going to ask you any questions about 19 that section, if I can be forgiven for doing so. 20 MPS leaks. You make it clear, this is paragraph 96: 21 "The MPA had no role in the investigation of leaks 22 by officers below ACPO level." 23 The reason why you had, as it were, a role in ACPO 24 officers was because it fell within your disciplinary 25 function? Page 91</p>
<p>1 anticipated and therefore people were having to cope 2 with each new revelation as it came out, and that there 3 should be more done to anticipate the way in which 4 anything really, individual operations, investigations, 5 policy changes, new strategies, should be communicated. 6 Again, I think it goes back to something Mr Malthouse 7 was saying about the focus of the DPA being on managing 8 news rather than communicating across a range of 9 channels. 10 Q. Okay. Paragraph 88, Ms Crawford. I've been asked to 11 put to you a question in relation to this case and 12 remarks at a press conference. The former Assistant 13 Commissioner you're referring to, the MPS wants this to 14 be made clear, was Mr Ghaffur, wasn't it? 15 A. Yes. 16 Q. In paragraph 89, one of your committees considered 17 a report from the DPA on behalf of the Commissioner, 18 providing an overview of the DPA's performance against 19 its targets. What prompted that report, can you recall? 20 A. That was a routine matter, Mr Jay. All business groups 21 within the Metropolitan Police had a regular programme 22 of reporting on progress, resourcing, priorities, 23 diversity and equality considerations. It was a regular 24 work pattern for the relevant committee. 25 Q. I don't think we need turn it up, but in the summary the Page 90</p>	<p>1 A. Yes, under police regulations. 2 Q. There's very little of substance here. 3 MPA hospitality. You, on my understanding -- this 4 is paragraphs 98 and following of your statement, 5 12723 -- have a gifts and hospitality register, and that 6 has been published online for some time now? 7 A. Yes. 8 Q. Is that correct? 9 A. Yes. 10 Q. And it's part of what should be seen in the context of 11 the MPA good conduct and anti-fraud policy. You set out 12 some relevant provisions in paragraph 101. In your case 13 there's only one relevant entry and that relates to the 14 Financial Times Women at the Top conference in November 15 2010. Nothing else of interest recorded. 16 LORD JUSTICE LEVESON: But you didn't in the end go? 17 A. No, I can't remember why not now. 18 LORD JUSTICE LEVESON: It doesn't matter. 19 MR JAY: We asked you questions about it. I think it's fair 20 to say it's comprehensively covered in this section of 21 your evidence. 22 Can I move on to paragraph 105, under the heading 23 "Oversight of the Commissioner and Deputy Commissioner's 24 gifts and hospitality", where you say: 25 "The MPA also had a role in relation to reviewing Page 92</p>

<p>1 the Commissioner and Deputy Commissioner's gifts and 2 hospitality registers in relation to approving 3 expenses." 4 You've included specific information on this in your 5 statement because you think it's of interest to the 6 Inquiry. Of course there's a difference here between 7 accurate recording of gifts and hospitality, which would 8 be necessary for reasons of transparency, on the one 9 hand, and to approving expenses on the other, would you 10 agree? 11 A. Yes. They're distinct. 12 Q. You explain in paragraph 106 that your role is really 13 one of scrutiny after the event, which presumably means 14 as appropriate to the test if necessary of the reasons 15 people give for accepting hospitality on particular 16 occasions but it doesn't go any further than that, does 17 it? 18 A. No. Well, having said no, if, as did happen on 19 occasion, there was reason to query it, it didn't 20 preclude querying why something had been accepted. 21 Q. Looking at the detail of some of this, at paragraph 107, 22 we're going to hear about this from the next witness as 23 well, one of the recommendations made by the internal 24 audit directorate in their report on gifts and 25 hospitality in August 2007, which you've exhibited, is</p> <p style="text-align: center;">Page 93</p>	<p>1 Q. Maybe part of the reason is in paragraph 110 of your 2 statement, where you go into this in a little bit more 3 detail, 12726: 4 "The MPA's role was to check that the current MPS 5 gifts and hospitality policy had been followed and to 6 query acceptance of any gift or hospitality which 7 appeared to be in breach of the policy." 8 Pausing there -- I know you cover this later in the 9 statement, or later in this paragraph -- to what extent 10 are you second guessing the judgment of the Commissioner 11 and Deputy Commissioner in assessing whether there's 12 been a breach of the policy? 13 A. Well, that is at the nub of the difficulty that this 14 particular role presented for me personally. The policy 15 was there. Question number one, was the policy an 16 adequate policy? Secondly, I would get an assurance 17 that everything that had been accepted was "within the 18 policy", and thirdly, we come to the very central issue 19 of accepting the judgment of some extremely senior 20 officers as to whether what they have done in knowledge 21 of the policy was appropriate and would be perceived as 22 being appropriate if it came under the microscope. 23 Q. You say in paragraph 110 as well: 24 "The MPA's (and indeed my personal) relationship 25 with any Commissioner had to take account of the status</p> <p style="text-align: center;">Page 95</p>
<p>1 that a number of half-yearly reviews of senior officers' 2 gifts and hospitality registers should be introduced and 3 recorded, and the recommendation was that the chief 4 executive -- that's you -- would conduct this review for 5 the entries made by the Commissioner and Deputy 6 Commissioner on a six-month basis. Can you remind us, 7 please, of what the position was before then regarding 8 what you did? 9 A. I think I say in the following paragraph that we -- 10 effectively that a system evolved in terms of oversight 11 of the registers, but I don't think it became 12 crystallised until 2007 when a much more regular regime 13 was introduced. 14 Q. So when you embarked on this more regularised review of 15 the registers, did any particular patterns, themes or 16 concerns come to your attention? 17 A. No, I can't say that they did. Not as a pattern or 18 a trend. 19 Q. It's easy to speak with the advantage of hindsight, but 20 did you feel that any particulars arose in the context 21 of acceptance of press hospitality at a high level? 22 We're talking about Commissioner and Deputy 23 Commissioner, aren't we? 24 A. Well, as you so perceptibly say, with hindsight I would 25 perhaps identify that. At the time I didn't.</p> <p style="text-align: center;">Page 94</p>	<p>1 and stature of the role of Commissioner." 2 Which would suggest that it became almost impossible 3 for you to enquire into the Commissioner's judgment in 4 any level of detail. Would you accept that? 5 A. No, I don't think I would accept that. I think what I'm 6 trying to indicate is that there had to be a degree of 7 mutual trust. Clearly, if there had been any serious 8 doubt about integrity, and there never was, then it 9 would have been appropriate to raise that or to take 10 steps. But it was not the kind of relationship where we 11 would want to start every meeting with, "So, who have 12 you been out to lunch with last week?" It's a question 13 of -- 14 LORD JUSTICE LEVESON: To borrow a phrase from a different 15 jurisdiction, there is a wide margin of appreciation 16 available to the person who has to decide the line him 17 or herself. 18 A. Absolutely. 19 MR JAY: Are you intending to suggest in paragraph 110 or to 20 imply that this is a function you'd rather not have been 21 required to undertake? 22 A. I don't think there was anyone else within the structure 23 who could undertake that and I think that it was right 24 that it was undertaken, but again I come back to the 25 fact that that helped the perception that everything was</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)

1 **open and transparent rather than the reality that there**
 2 **might be something going on that we needed to check on.**
 3 Q. So are you saying that had it been necessary to conduct
 4 a difficult conversation about a particular item or
 5 a series of items which manifested a theme, you would
 6 have been content to have done so?
 7 **A. Yes, I would have done that.**
 8 Q. Can I ask you, please, about paragraph 112. As you
 9 point out, and this is in line with the general theme of
 10 your earlier evidence:
 11 "The detail of compliance of MPS officers below the
 12 level of Commissioner and Deputy was not an issue for
 13 the MPA. Their own role [this is the Commissioner and
 14 Deputy's role] in setting an example for such officers
 15 seemed to me to be a key issue in setting the whole
 16 culture within the MPS and the acceptance or refusal of
 17 gifts and hospitality."
 18 The importance of leadership has come out through
 19 a number of witness evidence, but why did you see that
 20 as being so important?
 21 **A. Well, I would hope it's self-evident. You cannot expect**
 22 **people at a much more junior level to behave according**
 23 **to a set of agreed standards if you don't set an example**
 24 **yourself right at the top.**
 25 Q. Would that observation, as you rightly say self-evident,
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1 apply equally to Assistant Commissioners?
 2 **A. Oh yes. By right at the top, I mean fairly widely at**
 3 **the top.**
 4 Q. In paragraph 113, we can trace this through to 114, you
 5 point out an apparent discrepancy, that the hard copy of
 6 the registers didn't match the online entries. I think
 7 it's right to say that that issue has been resolved to
 8 your satisfaction following correspondence between you
 9 and the current Commissioner, hasn't it?
 10 **A. Yes, it has.**
 11 Q. There's no sort of sinister or other implication, it's
 12 been sorted?
 13 **A. I wrote immediately and I had a perfectly adequate**
 14 **explanation of how the discrepancies had arisen.**
 15 Q. Can I ask you, please, about paragraph 115, "Scrutiny of
 16 the registers by members". In particular, you're
 17 identifying members who sat on the HR remuneration
 18 subcommittee and their proactivity. You say:
 19 "There were a number of occasions when members were
 20 particularly zealous in their challenges of entries made
 21 by the Commissioner in relation to the acceptance of
 22 alcohol. It is fair to say that the Commissioner and
 23 his senior team found such challenges uncomfortable."
 24 Can you elaborate on that at all?
 25 **A. I think that there were some quite extreme positions**
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1 **adopted at some points. I had as members local**
 2 **politicians of a significant calibre who had been used**
 3 **to particular regimes in local government and a Police**
 4 **Service that had not been subject to any kind of**
 5 **realistic or demanding oversight for going on for 150**
 6 **years, and when those two sets of expectations and**
 7 **cultures came together, there was sometimes a difficulty**
 8 **fully to understand where each other was coming from.**
 9 **So there were a couple of exchanges where views were**
 10 **expressed in terms of what would be appropriate and what**
 11 **wouldn't be appropriate, and whether it was right to**
 12 **challenge something and whether it wasn't right to**
 13 **challenge something.**
 14 Q. I've been asked to put to you one particular case, this
 15 is really through Sir Paul Stephenson, that when he
 16 received his knighthood and was purchasing a bottle of
 17 wine I think to celebrate, he was offered and accepted
 18 a bottle of champagne, and that caused particular
 19 disquiet or, to use your epithet, a zealous approach
 20 within some of your members, didn't it?
 21 **A. Yes, it was raised on two separate occasions.**
 22 Q. And Sir Paul was particularly unhappy about that because
 23 it appeared to him, or at least that's the impression he
 24 might have given you, as being somewhat petty, didn't
 25 it?
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1 **A. Yes, I think he thought it was petty.**
 2 Q. And the majority of the MPA, to put it bluntly, was on
 3 Sir Paul's side on that one, wasn't it?
 4 **A. I think the majority of members felt it had been pursued**
 5 **beyond a point that was perhaps proportionate.**
 6 Q. Going forward now to paragraph 127, resignation of
 7 John Yates, page 12730. I think we can take this quite
 8 shortly. A paper was put to the relevant subcommittee,
 9 which is the PSCSC, and it was considered by them on
 10 Monday, 18 July 2011, and two specific matters were
 11 referred to the IPCC as conduct matters, in other words
 12 although no view was taken as to the merits, they were
 13 fit for referral to the IPCC. Have I accurately
 14 summarised it?
 15 **A. Yes.**
 16 Q. And those related to the Amy Wallis issue, that's the
 17 employment of Mr Wallis' daughter, which we know about,
 18 and the News of the World matters, but although we heard
 19 from Mr Yates, and it's clear from his statement, that
 20 he was significantly aggrieved by that at the time, in
 21 due course the IPCC came to the conclusion that these
 22 matters were not recordable; is that correct?
 23 **A. That's correct.**
 24 Q. Did you participate in any way -- or that's the wrong
 25 word, because you of course would not have been involved
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1 in the decision-making, but did you observe in any way
 2 the decision-making which the relevant members of the
 3 subcommittee undertook in this case?
 4 **A. Yes, I was there for almost all the time.**
 5 Q. In your view, did the PSCSC act appropriately or
 6 inappropriately?
 7 **A. Entirely appropriately within the relevant regulation.**
 8 Q. To be clear about this, they were not nor could they
 9 reach any judgment as to whether the charge was made
 10 out, merely whether there was a matter which could
 11 appropriately be referred; is that correct?
 12 **A. That's absolutely right.**
 13 Q. Your conclusions now, Ms Crawford. You speak of the
 14 importance of trust and that obviously is a key point.
 15 It came through Mr Malthouse's evidence as well. In
 16 paragraph 137 you say:
 17 "It is fair to say that the MPA's relationship with
 18 the MPS and my personal relationship with various
 19 Commissioners and their respective senior teams has
 20 matured over time. However, in exercising our role
 21 a certain amount of tension between the MPA and the MPS
 22 was not, per se, unhealthy."
 23 Indeed, you would expect a degree of tension,
 24 otherwise you're not performing your role properly, or
 25 rather the MPA wouldn't be, would you agree?

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1 **A. I'd be quite worried if there wasn't some tension on**
 2 **occasion, yes.**
 3 Q. By using the verb "matured", are you suggesting that it
 4 probably improved over time?
 5 **A. Yes, I think it -- that implies it was particularly bad**
 6 **at the beginning and I don't mean to imply that at all,**
 7 **but I mean that I think that both parties gained more**
 8 **and more of an understanding of how a governance**
 9 **structure and accountability regime ought to be**
 10 **operating to the benefit of both and to the benefit of**
 11 **the people of London.**
 12 Q. A broader point you make in the final page of your
 13 statement, I can hopefully accurately summarise it, that
 14 additional rules and regulations, as you put it, could
 15 be put in place, but the key issues here are culture,
 16 leadership and individual judgment. Is that something
 17 which is borne out of your experience of the MPA? How
 18 and why do you come to those conclusions?
 19 **A. I think that it's quite a general observation, and again**
 20 **I have heard evidence before this Inquiry which suggests**
 21 **that the more that you try to define and set down rules**
 22 **and hamper discretion, the less likely you are to change**
 23 **a culture in a way that accepts a standard of behaviour**
 24 **as appropriate rather than a rigid adherence to rules**
 25 **which can never define or set out every possible --**

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1 **every single possible contingency that you might come**
 2 **across.**
 3 **The same, I think, applies to attempts to define**
 4 **operational independence, which I have always firmly**
 5 **resisted.**
 6 Q. I just wonder how that answer fits in with some of the
 7 evidence we're going to hear from the next witness,
 8 which was a concern from the MPA for its auditing
 9 function to ensure that the MPS gifts and hospitality
 10 policy in particular was tightened up and properly
 11 reviewed. Is there not an important place for policies
 12 as a guide to what culture in the leadership might be?
 13 **A. Of course there's a place, there's a very important**
 14 **place, but one of the problems I've seen grow is that if**
 15 **you have a plethora of policies and over-elaborate and**
 16 **sometimes contradictory policies, then they are less**
 17 **likely to be effective, so the ideal combination is**
 18 **tight, simple, easily understood policies that are**
 19 **regularly supervised and reinforced with example from**
 20 **the top and a degree of discretion in a workforce which**
 21 **again, as has been observed, is made up of people who**
 22 **have to operate some very sensitive decision-making on**
 23 **a very regular basis.**
 24 MR JAY: I think that puts it quite crisply, if I may say
 25 so, Ms Crawford, on that important issue. Those are all

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1 the questions I have for you.
 2 LORD JUSTICE LEVESON: Just one moment. (Pause).
 3 What you've said doesn't necessarily simply apply in
 4 relation to the Authority or the MOPC or indeed the
 5 police or indeed the politicians, but could actually
 6 work for everybody, but the absolute requirement is that
 7 there is a shared culture or view as to what is in the
 8 public interest that is consistent with what the public
 9 would feel is in the public interest.
 10 **A. Yes. And I think all the parties have a part to play,**
 11 **as, of course, does this Inquiry, in defining what that**
 12 **perception is.**
 13 LORD JUSTICE LEVESON: Yes. Thank you very much,
 14 Ms Crawford, and thank you for the obvious amount of
 15 work that you've put into the statement that you've
 16 provided the Inquiry with. I'm very grateful.
 17 **A. I'm very grateful for the opportunity. Thank you.**
 18 LORD JUSTICE LEVESON: I think there's one bit of homework.
 19 Thank you very much. 2 o'clock.
 20 (1.00 pm)
 21 (The luncheon adjournment)
 22
 23
 24
 25

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