

Witness Name: **Kit Malthouse**

Statement no: **First**

Exhibit: **KM16**

Date: 29 February 2012

THE LEVESON INQUIRY

Exhibit KM16 to the
Witness Statement of **Kit Malthouse**



Metropolitan Police Authority

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22nd July 2011

Dear Jenny

I have received your letter of 21st July 2011.

First, I must apologise that the events of the last week or so have been so fast moving that we have not been in a position to update members in as timely a fashion as we would have liked. For this reason, I am sure you won't mind if I circulate this letter to members for their information before full Authority next Thursday. I understand you have already circulated your letter to them in any event.

In answering your first question I think it is important to lay out a brief account of events of Thursday 14th July:

I met the Commissioner at 9am in his office at Scotland Yard. The Chief Executive, Catherine Crawford, was also present. During this meeting he informed us that a Mr Neil Wallis had been or was being arrested that morning as part of Operation Weeting. I had never heard Mr Wallis's name before, however the Commissioner told us that he was the former Deputy Editor of the News of the World. He further informed us that Mr Wallis had been contracted to the Met for a period to provide media advice. The Commissioner briefly outlined to us the process of procurement of this contract, the events that led to the termination of the contract, and a due diligence exercise about the contract with Mr Wallis which was undertaken on the Commissioner's return from ill health.

I immediately asked the Commissioner for a formal note explaining the situation and what he had told us, and I asked him to include various historic documents to provide an audit trail. I subsequently provided a copy of this correspondence to members of the MPA's Business Management Group at the first opportunity, which was the following morning.

The Commissioner also warned us that Mr Wallis's arrest had not been and would not be confirmed publicly, and that Mr Wallis might be charged. For these reasons,

he said, this matter would be *sub judice* which meant that any public comment we might make could violate Mr Wallis's right to privacy under Article 8 of the Human Rights Act, and therefore could be illegal. It could also jeopardise a fair trial in the future if criminal charges are brought against Mr Wallis.

You will recall that there were four television cameras broadcasting live footage of the SOP meeting. Consequently, the Commissioner's warning was not merely theoretical.

Catherine and I then went into a further meeting with the Deputy Commissioner to discuss other matters, which finished at approximately 10.30am. I returned to the MPA and asked my staff to locate the Mayor urgently. I went into an external meeting which lasted approximately an hour, and then gave a short scheduled telephone interview to the *Evening Standard* for their article about senior female officers.

Once again I asked my staff to urgently locate the Mayor who was, it turned out, in a ministerial meeting. He emerged and we spoke at approximately 12.58pm. I explained what I had been told about the contract with Mr Wallis, that I was awaiting a detailed note from the Commissioner, and that as far as I knew matters were not yet in the public domain.

At 1.30pm I was urgently summoned to City Hall to meet with the Mayor, but I delayed my departure in order to sit in on the start of the SOP meeting at 2pm and to await the Commissioner's note, which I wanted to hand to the Mayor. I understand that at some point in the following hour the Mayor personally informed the Home Secretary and the Prime Minister by phone about the contract with Mr Wallis.

At approximately 2.20pm the sealed note from the Commissioner was handed to me in the SOP meeting. I remained in the meeting until the Commissioner left and then set off for City Hall by taxi. This was my first opportunity to read the Commissioner's letter and attachments.

As I left the meeting, the Commissioner's Chief of Staff, Caroline Murdoch, pursued me up Tothill Street, and informed me that Sky News had the story of both Mr Wallis's arrest and his connection to the Met and that they were planning on breaking it at 4pm. This was the first indication I had that these matters might become public.

On arrival at City Hall I immediately went into a meeting with the Mayor to discuss this issue. While I was en route to City Hall, the Mayor had asked the Commissioner to come to City Hall as soon as possible for an urgent meeting to discuss this matter. That meeting took place at approximately 5.45pm after the Commissioner returned from the long service medal ceremony at Hendon.

In answer, therefore, to your first question:

There was no collective decision not to inform MPA members. I was not aware that Mr Wallis's identity was public at the time of the SOP meeting. I felt it was essential that I did not to unwittingly compromise either an ongoing investigation or any subsequent case that may be brought. I assume that the Commissioner and the Deputy Commissioner were acting on the same concern. Also, I did not receive the

requested note and documentation from the Commissioner until part way through the meeting and had not read it. Your second question has three parts:

1. The appointment of an Acting Commissioner is normally effected by letter from the Authority, signed by the Chief Executive. You will recall that the same sequence occurred after the resignation of Sir Ian Blair: once Sir Ian's resignation had taken effect Sir Paul Stephenson was made Acting Commissioner. Following discussions between the Mayor, the Home Secretary and me as Chair of Police Authority, Theresa May made an announcement that Tim Godwin would become Acting Commissioner upon Sir Paul's resignation taking effect. Sir Paul's resignation has not yet been effected although discussions are currently underway to allow his release from his contracted notice period. Tim Godwin will formally assume the acting position once agreement has been reached.

Tim is therefore technically Temporary Commissioner at the moment. Given that Tim was Acting Commissioner for several months during Sir Paul's illness, I assumed this course of action would not be contentious.

2. The decision to second Mr Bernard Hogan Howe to the position of Acting Deputy Commissioner was taken by the Mayor and Home Secretary together and I was informed by the Mayor shortly before the announcement by the Home Secretary. I recognise that given the extraordinary and unprecedented situation that had arisen, the MPS lacked the immediate resilience to fill the post on a temporary basis and so I agreed, in retrospect, that this was a sensible move.

I agreed to both of these measures on the basis that we would also accelerate the appointment process for a new Commissioner, hence this arrangement would be for a relatively short period. Ideally, members would have been consulted before any announcement was made, and that would certainly have been my preference had I been asked. Indeed on Monday morning I placed a call with Catherine to Stephen Rimmer, Director General of the Crime and Policing Group at the Home Office, to underline the need to consult with the Authority before any announcements were made.

3. Senior Management Team responsibilities are determined by the Commissioner (or in this case Temporary Commissioner). Obviously the loss of John Yates meant that a new ACSO was needed urgently and there were discussions between Tim Godwin, the Mayor, the Home Secretary (who had consulted the security services) and me at various times in which we agreed that Cressida Dick would be the appropriate person to fill this role. I had an informal conversation with Tim Godwin, and consulted with the Chief Executive, Catherine Crawford, about other temporary measures to address the gaps. Nonetheless, these decisions are in the end for the (Temporary) Commissioner to take, and his position entitles him to act unilaterally if he so chooses.

On your third question, you ask a number of questions about my approach to the phone hacking investigation.

I have been extremely careful throughout my tenure as Chair not to put myself in a position where I could be seen to influence this investigation in any way. I was

acutely aware that the previous chair, Len Duvall, faced a similar situation with another highly political investigation - "cash for honours" - where he had to take great care about his involvement. In May 2007 he issued a statement that ended with the following quotation:

"As chair of the Metropolitan Police Authority I must be seen never to seek to manipulate or pressurise senior officers in the Met on any operational inquiry. Others would do well to follow my example."

On that basis my only involvement has been to receive reassurances from John Yates, as part of my monthly counter terrorism briefing, that he was satisfied there was no new evidence to be pursued in the investigation in response to various claims that were made in the press. It is worth noting that in my meetings with John I was always accompanied by an MPA officer, usually either Catherine Crawford or Jane Harwood. Given the foregoing I was much keener for scrutiny on this issue to take place in public at Full Authority; hence, for example, on 27th January this year, we asked John Yates to appear at full Authority, alongside Tim Godwin, and explain why a new investigation had been launched. He began with an explanation of the historic decision-making process around the investigation and was then closely questioned by members. At that time, he provided essentially the same information he had given the Mayor and me in our monthly briefings. As I am sure you agree the Authority is the proper forum in which these issues should be publicly aired and this was not the first time that tough and probing questions had been asked by members.

(I would recommend a viewing of the webcast of these meetings as they cover many of the issues.)

I hope this answers your questions. I plan to hold an informal meeting of members next week to discuss these and other matters where I would be happy to answer any further questions you may have.

Yours sincerely



Kit Malthouse
Chair of the Metropolitan Police Authority