

<p>1 Tuesday, 29 May 2012</p> <p>2 (10.00 am)</p> <p>3 MR JAY: Sir, this morning's witness is the Right Honourable</p> <p>4 Theresa May, please.</p> <p>5 LORD JUSTICE LEVESON: Thank you very much indeed.</p> <p>6 MS THERESA MARY MAY (sworn)</p> <p>7 Questions by MR JAY</p> <p>8 MR JAY: Your full name, please?</p> <p>9 A. Theresa Mary May.</p> <p>10 Q. Thank you. You've kindly provided us with a witness</p> <p>11 statement and three exhibits. The statement is dated</p> <p>12 30 April 2012. There's the standard statement of truth</p> <p>13 appended to it, so you're formally presenting this as</p> <p>14 your evidence to our Inquiry; is that right?</p> <p>15 A. I am, yes.</p> <p>16 LORD JUSTICE LEVESON: Home Secretary, thank you very much</p> <p>17 for a very comprehensive statement, with many exhibits</p> <p>18 and all the documentation that you mention. It's</p> <p>19 obviously been a great deal of work, both for you and</p> <p>20 your staff, and I'm very grateful to all of you.</p> <p>21 A. Thank you, sir.</p> <p>22 MR JAY: In terms of your career, elected to Parliament in</p> <p>23 1997, various positions in opposition, including, of</p> <p>24 course, on the opposition front bench, but you have been</p> <p>25 a Secretary of State for the Home Department and</p> <p style="text-align: center;">Page 1</p>	<p>1 terrorism over other matters?</p> <p>2 A. Well, it will be -- there are certain funding decisions</p> <p>3 that will be made -- so on terrorism, for example, there</p> <p>4 is a separate budget head which relates to</p> <p>5 counter-terrorism policing -- but in other matters the</p> <p>6 Home Secretary will set a general background. This</p> <p>7 government has taken and I have taken a decision not to</p> <p>8 perhaps set the police quite such restrictions in terms</p> <p>9 of targeting them on certain types of crime, so targets</p> <p>10 have been taken away from them and I've set them one</p> <p>11 aim, which is to cut crime. But in setting a policy</p> <p>12 background, of course, decisions will be made that will</p> <p>13 suggest an appropriate response to certain types of</p> <p>14 crime.</p> <p>15 Q. So if one were to look at the activities of one</p> <p>16 particular subdivision, say counter-terrorism, which</p> <p>17 I think now has the label SO15, is it the gist of your</p> <p>18 evidence that how priorities are allocated within that</p> <p>19 subdivision is a matter for the police and not for you,</p> <p>20 or do you have some sort of role?</p> <p>21 A. No, how funding is allocated within the subdivision is</p> <p>22 about operational decisions that are taken by the</p> <p>23 police, so that would be a decision for the police.</p> <p>24 Q. Would you have any interest, oversight at all, even</p> <p>25 after the event, as to how those decisions might have</p> <p style="text-align: center;">Page 3</p>
<p>1 Minister for Women and Equalities since May 2010 is</p> <p>2 that, broadly speaking, correct?</p> <p>3 A. That's correct.</p> <p>4 Q. In terms of your responsibilities as Home Secretary,</p> <p>5 these, of course, will be extremely well known to us,</p> <p>6 but you collect those under paragraph 8 of your</p> <p>7 statement at page 01308. Can I move straight to the</p> <p>8 issue of policing, Mrs May, which is paragraph 10,</p> <p>9 01309, and in particular paragraph 11, which is the</p> <p>10 strategic leadership role which you occupy. Could you</p> <p>11 elaborate on that for us, please?</p> <p>12 A. Yes. The relationship between a Home Secretary and the</p> <p>13 operational police forces is an important one,</p> <p>14 obviously. The police forces have operational</p> <p>15 independence in terms of deciding who they should</p> <p>16 investigate, what crimes they should look into, but the</p> <p>17 Home Secretary sets the policy background for -- against</p> <p>18 which that is operated, obviously is responsible within</p> <p>19 government for proposing the legislative framework</p> <p>20 against which the police operate, makes decisions about</p> <p>21 the funding that goes to forces and obviously is</p> <p>22 accountable to Parliament for those responsibilities.</p> <p>23 Q. In terms of the overall policy direction you refer to in</p> <p>24 paragraph 11, would that mean allocation of priorities?</p> <p>25 So, for example, perhaps according greater priority to</p> <p style="text-align: center;">Page 2</p>	<p>1 been made in particular cases or not?</p> <p>2 A. Well, there might be -- it would depend on -- I mean, if</p> <p>3 an event has taken place and there's a question as to</p> <p>4 whether the police had put appropriate resources into</p> <p>5 a particular area, it might be that a decision would</p> <p>6 take place following that to understand the decision</p> <p>7 that was taken at the time.</p> <p>8 Q. I understand. The role of the HMIC and the IPCC now.</p> <p>9 This is 01311 of your statement. The IPCC first. It's</p> <p>10 independent of government. This is paragraph 17. It is</p> <p>11 an NDPB, and operates under the auspices of the Home</p> <p>12 Office and therefore under you, but you do have certain</p> <p>13 powers under section 11 of the Police Reform Act 2002,</p> <p>14 which we see come into play a little later on in the</p> <p>15 narrative. Could you explain, please, how you see the</p> <p>16 operation of those powers under section 11?</p> <p>17 A. Yes. I mean, I very much see that for the vast majority</p> <p>18 of what it does, the IPCC should be taking those</p> <p>19 decisions itself. So decisions about particular</p> <p>20 investigations when matters are referred to it, for</p> <p>21 example, whether to investigate, how those</p> <p>22 investigations should take place, are a matter for the</p> <p>23 IPCC, looking into complaints that are referred to them</p> <p>24 members of the public. But from time to time -- and</p> <p>25 this is why the power exists -- there will be issues on</p> <p style="text-align: center;">Page 4</p>

<p>1 which it is felt necessary, from a national point of 2 view, that the IPCC be asked to undertake a particular 3 piece of work, and that is the power that the Home 4 Secretary has, which, as you have referred to, Mr Jay, 5 I of course have exercised in a particular matter which 6 is of interest to this Inquiry.</p> <p>7 Q. Is there any policy guidance on the exercise of the 8 section 11 power or is it applied on a case-by-case 9 basis? Or do you have a view as to the sort of 10 circumstances in which you might exercise it?</p> <p>11 A. There isn't a set of criteria which say: these are the 12 only circumstances under which this power would be 13 exercised. Of course, in choosing to exercise that 14 power, a Home Secretary, as I would and did, would take 15 advice from officials as to the appropriateness of any 16 particular piece of work as coming under that power and 17 the appropriateness of the IPCC doing that piece of 18 work.</p> <p>19 Q. But what are the specific factors which might engage the 20 operation of the power, in your view?</p> <p>21 A. Well, first of all whether it is the sort of work which 22 it would be appropriate and right for the IPCC to do, 23 whether it comes within their capabilities, and 24 secondly, whether it is an issue that is of national 25 concern, such that a review by an independent body would</p> <p style="text-align: center;">Page 5</p>	<p>1 show, sir, is changing, and there is the first example 2 of the structure in piece, in terms of being the Police 3 and Crime Commissioner. As from November of this year 4 over the rest of the country, the Police and Crime 5 Commissioner, currently the Mayor in London coming into 6 place elsewhere later this year, will have 7 responsibility for setting the budget for the police 8 force. Currently that is a matter that is done between 9 the Police Authority and the Chief Constable of any 10 particular police force.</p> <p>11 So the Home Secretary doesn't say to a police force, 12 except in some particular circumstances where the Home 13 Office might decide to ringfence a piece of money -- for 14 example, for the provision of PCSOs, that has happened 15 in the past, but generally speaking, the budget will be 16 decided by currently the Police Authority in conjunction 17 with the police chief, the Chief Constable, in the 18 future by the Police and Crime Commissioner. In London, 19 it is decided by the Mayor or the Mayor's office for 20 police and crime, together with the Commissioner.</p> <p>21 LORD JUSTICE LEVESON: Do you anticipate that the Police and 22 Crime Commissioner will have any greater responsibility 23 in relation to how resources should be allocated than 24 previously existed with the Police Authority? 25 I particularly have in mind Mr Malthouse's evidence</p> <p style="text-align: center;">Page 7</p>
<p>1 be more appropriate than work done by others.</p> <p>2 Q. So an issue of national concern, you might judge that by 3 the strength of opinion or feeling in the press and 4 elsewhere; is that correct?</p> <p>5 A. I think I would judge it by a variety of factors. 6 A feeling and opinion would be given in a variety of 7 ways. It might be that there would be a case in which 8 actually there wasn't a great public outcry on 9 a particular issue but there was a feeling from a Home 10 Secretary that actually a matter was developing or that 11 what was understood -- what the Home Secretary 12 understood was such that it was appropriate at that 13 point to ask for work to be done.</p> <p>14 Q. We'll look at the particular exercise of that power when 15 we come to some of the documents.</p> <p>16 LORD JUSTICE LEVESON: Just before you pass to the HMIC, can 17 I jump back one merely so that I understand the 18 respective positions. You mentioned, in answer to 19 a question which Mr Jay asked, the resource allocation, 20 making it clear that's operational for the police. 21 Could you provide me with some insight as to how that 22 question of resources and your responsibilities gel with 23 the responsibilities which fall to the Mayor of London 24 or his policing Deputy Mayor?</p> <p>25 A. Yes. I think the structure, of course, as you will</p> <p style="text-align: center;">Page 6</p>	<p>1 where he did discuss allocation of resources 2 specifically to these operations as opposed to others 3 with the then Commissioner or Acting Commissioner.</p> <p>4 A. I would expect the Police and Crime Commissioner to 5 recognise the operational independence of the chief, but 6 naturally the relationship would be such that in looking 7 at the budget, the overall budget and its allocation, 8 I would expect them to be discussing the appropriate 9 areas for which that -- against which that budget should 10 be allocated.</p> <p>11 LORD JUSTICE LEVESON: Yes, all right. Thank you. 12 MR JAY: The role of the HMIC now, Mrs May. Paragraph 18. 13 Independent of the Home Office, operates from within it, 14 though just for the purposes of funding, which is common 15 structure, really. Traditionally has acted as the Home 16 Secretary's adviser. We'll see how you deployed their 17 advice or request for advice in July 2011 in due course.</p> <p>18 Can we move on to the question of national 19 standards -- or rather the absence of them -- in 20 relation to hospitality and other matters. This is 21 paragraph 19. You refer to the general guidance given 22 under the previous administration December 2008 under 23 section 87 of the Act and clause 1.15 at the bottom of 24 01311, which sets out, I suppose, a reasonably 25 appropriate general standard, would you agree?</p> <p style="text-align: center;">Page 8</p>

<p>1 A. Yes, I believe it does. As I go on to say, there is 2 some further work that has now taking place. 3 Q. Do you have a view though as to the fact that there 4 weren't detailed national standards extant? I mean, the 5 position may be moving forward now, but the position you 6 inherited, the absence of such standards. What we have 7 is fragmentary standards in the 43 or 44 different 8 police forces, some of which are similar, some of which 9 are slightly different. Do you have a view as to the 10 appropriateness of that? 11 A. Obviously as you say, there is this undated guidance 12 which is fairly generic, but is, I think, suitable for 13 the purposes. It was then for police forces themselves 14 to take that and introduce their own guidance within the 15 police force areas. What obviously became clear, 16 particularly from the work that I commissioned from 17 HMIC, was the variation in guidance that was being 18 issued and being operated, and variation in systems that 19 were being operated from police force to police force. 20 The importance of a police force being able -- and 21 a chief constable being able within his police force -- 22 to have that independence of deciding how that force 23 operates is part of the structure of policing that we 24 have in the UK. Obviously, having now looked at the 25 situation, the chief officers following HMIC's report Page 9</p>	<p>1 Chief Constable Michael Cunningham. 2 Q. Right. Sorry, we see that on the third page. 3 Can we look at the detail of this, Mrs May. Under 4 paragraph 2, "Service response to the HMIC's principal 5 recommendations 1 and 2": 6 "The ACPO professional standards portfolio has 7 formally led on the service response ..." 8 Paragraph 2.3: 9 "In particular, three specific guidance documents 10 have been drawn up to assist and inform decision-making 11 within and between forces and which will engender a 12 consistency of approach in defining and establishing 13 boundaries of acceptable practice over matters of 14 personal and professional integrity." 15 Then there's an overview of each document. I don't 16 think we're so concerned with the first one; we're 17 concerned with the second and third: 18 "The ACPO guidance on gifts, gratuities and 19 hospitality ..." 20 Paragraph 2.8. 21 LORD JUSTICE LEVESON: The first one actually is not 22 irrelevant, because of the concern that's been expressed 23 in this Inquiry about retired police officers taking up 24 employment with the media. Does that come into the 25 advice? It's dealing with business interests and Page 11</p>
<p>1 have felt that it is appropriate to put some more 2 national guidance in place, but that obviously will 3 still be operated by each of the police forces. 4 Q. And they've done that through the agency of ACPO, which 5 has provided detailed proposals which we'll come to very 6 soon, both in this context and in the context of media 7 relations. That latter context is paragraph 21 of your 8 statement, Mrs May. 9 The CAG issued media relationships guidance 10 in August 2011 and I think we've seen that, but the 11 composite ACPO guidance on both hospitality and media 12 relations, that was provided by letter to you on 11 May 13 2012; is that right? 14 A. Yes, that is correct. 15 Q. And we have a copy of that. Indeed, it can be put up on 16 our screen, although it hasn't yet been incorporated 17 into our Lextranet system. 18 The guidance itself is dated 20 April 2012 in the 19 third page, really, of the relevant small bundle, and 20 it's described as "ACPO response to the HMIC review of 21 police relationships, 'Without fear or favour'". 22 This is the guidance which has been prepared under 23 the superintendence of Chief Constable Andrew Trotter; 24 is that correct? 25 A. No, it's been prepared under the superintendence of Page 10</p>	<p>1 additional occupations but does it also deal with 2 subsequent occupations? 3 MR JAY: We can find the answer in the appendix. 4 LORD JUSTICE LEVESON: I'm not sure we do, because the 5 appendix deals with the relationships with the media, 6 which of course is the primary concern. 7 MR JAY: It's true, the version we have of this document 8 only includes the appendices which relate to the gifts, 9 gratuities and hospitalities part of the media 10 relationships. 11 LORD JUSTICE LEVESON: This is a fast ball, Mrs May. Does 12 the guidance on business interests and additional 13 occupations also deal with post employment, do you know? 14 A. My understanding, sir, is that it doesn't. 15 LORD JUSTICE LEVESON: Doesn't? Oh. 16 A. But it is still being worked on and that is why it is 17 not yet available to the Inquiry. 18 LORD JUSTICE LEVESON: Fine. Fine. Then I'm rightly not 19 troubled with it. 20 MR JAY: The philosophy behind this is clear from 2.8: 21 "For the first time, ACPO guidance has been drafted 22 to provide a more consistent service-wide approach to 23 gifts, gratuities and hospitalities based on the shift 24 on a blanket non-acceptability, save for certain 25 circumstances of common sense approach to the provision Page 12</p>

<p>1 of light refreshments and trivial and inexpensive 2 gifts..."</p> <p>3 Et cetera. Then the guidance makes clear the 4 expectation of a single force register.</p> <p>5 The guidance itself, pages 19 to 23, which I'm not 6 sure we have in this clip -- I don't know if you have 7 those available, Mrs May? It may be a deficiency in the 8 copy I have.</p> <p>9 A. I have page 23.</p> <p>10 LORD JUSTICE LEVESON: No, we don't have this guidance 11 either. Possibly we could ask ACPO for it.</p> <p>12 MR JAY: Yes.</p> <p>13 LORD JUSTICE LEVESON: But we do have the one for media 14 relationships --</p> <p>15 MR JAY: We do, and we have a sense for what the one for 16 gifts, gratuities and hospitalities will say.</p> <p>17 LORD JUSTICE LEVESON: Yes.</p> <p>18 MR JAY: Your general position on this, Mrs May, in the 19 letter you wrote on 25 May 2012 to Mr Cunningham is that 20 you welcome the proposals; is that fair?</p> <p>21 A. Yes, Mr Jay. My understanding, if it will be helpful to 22 the Inquiry, is that further work is being done on 23 aspects of the other parts of the guidance and that ACPO 24 will be happy to make further guidance available to the 25 Inquiry when that has been finalised.</p> <p style="text-align: center;">Page 13</p>	<p>1 people could feel that they were being influenced by the 2 receipt of such gifts, gratuities or hospitality.</p> <p>3 Q. Thank you. In the context of the updated interim 4 guidance on media relationships, a number of themes 5 emerge: greater accountability, greater transparency. 6 They must all be in the wider public interest and 7 there's an expectation that a meeting with a journalist 8 must be noted in some way. Paragraph 2.14. Are these 9 all principles which you espouse and welcome?</p> <p>10 A. Indeed I do welcome the work that ACPO has done. The 11 police will speak to journalists and journalists will 12 speak to the police. That is -- there will be very good 13 occasions on which the police will find it helpful to be 14 speaking to journalists on a number of matters, for 15 example in relation to something that's going in the 16 paper on a particular case to try and bring evidence 17 forward from the public. But I think what this does is 18 brings a clearer framework in for officers so that they 19 understand the background against which -- the way in 20 which those meetings or discussions can take place and 21 that everything is recorded and transparency is, 22 I think, important here.</p> <p>23 LORD JUSTICE LEVESON: Yes, I hope that it's not intended 24 that the records should become so comprehensive that it 25 means that appropriate contact is thereby prevented.</p> <p style="text-align: center;">Page 15</p>
<p>1 LORD JUSTICE LEVESON: Oh, I see.</p> <p>2 A. I did indeed welcome the work that ACPO is doing, but 3 I also made clear that obviously I want to make sure 4 that they're playing a proactive role in promoting these 5 standards.</p> <p>6 LORD JUSTICE LEVESON: Yes.</p> <p>7 MR JAY: The general principle, though, of blanket 8 non-acceptability, save for limited exceptions, is that 9 something you specifically favour? And if so, why?</p> <p>10 A. I think that is a sensible approach that has been taken 11 by ACPO in an attempt obviously to find a greater 12 consistency. I think that the -- what is important is 13 that they have the single force register but that 14 everybody knows that there is a general belief that they 15 should not be taking gifts, gratuities and hospitality 16 except where, as it says there, of a more trivial 17 nature.</p> <p>18 Q. Subject, I suppose, to de minimis. The perception of 19 accepting hospitalities and gifts and the possibility 20 that an overcosy relationship arises or might be 21 perceived to arise, that is the aspect which one wishes 22 to avoid; is that the point?</p> <p>23 A. Yes, I think they have looked what the it is appropriate 24 for police officers to receive and the expectation is 25 officers should not put themselves in a position where</p> <p style="text-align: center;">Page 14</p>	<p>1 It's obviously important that, for example, 2 neighbourhood police officers should be able to speak to 3 local press about events in the neighbourhood, good news 4 stories, concerns, seeking witnesses, all of that sort 5 of material, and it seems to me sensible that everything 6 one can do to encourage that sort of contact is 7 worthwhile, although I recognise the need at least to be 8 aware that there is the contact without necessarily all 9 the detail. Of course, the trick is where it goes too 10 far and trying to define the line is, I think, what this 11 guidance is trying to do.</p> <p>12 A. It is indeed, sir. I think it's trying to apply 13 a framework of common sense to the relationships that 14 the police should be having with the media. As you say, 15 sir, it is the case that the police, in various 16 circumstances, do need to speak to the media and the 17 media will be speaking to the police. So what is 18 important is that police officers have a clear framework 19 against which they operate. I think there had always 20 been an assumption that it was just a matter of common 21 sense that everybody understood where the lines were. 22 What this does is actually just puts that down in some 23 guidance for officers.</p> <p>24 LORD JUSTICE LEVESON: Yes, a little bit because there may 25 have been thought that different rules appeared to apply</p> <p style="text-align: center;">Page 16</p>

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<p>1 to different people. And they didn't. That's the 2 point?</p> <p>3 A. Yes, sir. And I think also that it appeared that 4 different rules were applying or different guidance was 5 being operated in different forces.</p> <p>6 LORD JUSTICE LEVESON: (Nods head)</p> <p>7 MR JAY: The Inquiry has received a fair amount of evidence 8 from crime reporters who have expressed the view that 9 noting of communications is likely to have a chilling 10 effect on genuine investigative journalism. Do you 11 think there is any force in that point or not?</p> <p>12 A. I think what's important is that everybody recognises 13 what we've just been discussing, which is that it is at 14 times appropriate and right for the police and 15 journalists to be talking about issues. The important 16 thing is for officers to know where the line is drawn 17 between who they are able to speak to and what they're 18 able to say in those conversations.</p> <p>19 So it will shouldn't have a chilling effect but 20 I think what's important is that we need a framework 21 that does not have a chilling effect and a framework 22 that enables common sense to be operated in these 23 relationships.</p> <p>24 Q. Okay. In terms of the detail, we have that under pages 25 23 to 26 of the document but I don't think we need</p> <p style="text-align: center;">Page 17</p>	<p>1 I note in 3.12 it says: 2 "... where an officer or member of staff is speaking 3 to the media about a significant operational or 4 organisational matter."</p> <p>5 Now, I have in mind that may be, for example, where 6 there is a major murder case being undertaken.</p> <p>7 LORD JUSTICE LEVESON: Oh, I see.</p> <p>8 A. That it might be more important to have a greater record 9 of the discussion that has taken place.</p> <p>10 LORD JUSTICE LEVESON: Yes. It may be I'm worrying about 11 something unnecessarily.</p> <p>12 A. It may be it requires further clarification.</p> <p>13 MR JAY: May I move on to section 3 of your statement, our 14 page 01315, which deals with the phone hacking issue. 15 You've kindly provided us with a significant bundle of 16 documents and we will look at the highlights, but the 17 position is that you occupied office in May 2010 and 18 nothing happened which is relevant for our purposes 19 until the New York Times piece, which came out on 20 1 September 2010. This was the first time the issue, as 21 it were, came across your radar; is that fair?</p> <p>22 A. Yes, in terms of an issue that I felt it was 23 necessary -- obviously the issue had been there in the 24 past, but that was the first time when it came across my 25 radar.</p> <p style="text-align: center;">Page 19</p>
<p>1 specifically to draw attention to that. That's been 2 read and considered. As I've said, you welcome the 3 guidance in general.</p> <p>4 Can I move back to your statement now, Mrs May.</p> <p>5 LORD JUSTICE LEVESON: The only issue that I might raise in 6 relation to 3.12 of this guidance -- and I'm not 7 deciding it, although I'll obviously consider it in the 8 light of any representations that I receive, either from 9 the police during the course of the Inquiry or the 10 press -- whether the words "of the conversation" are 11 necessary. Obviously one needs to know who is talking 12 to whom -- I understand that -- and that might suggest 13 that one has to, as it were, compile a record of who 14 said what to whom, whereas I wonder -- and I'm only 15 raising it, I'm not deciding it, I'm not challenging it 16 at all -- whether it's not sufficient to say, for 17 example: "Met John Smith of the Daily News, talked about 18 burglary in such-and-such an area." In other words, the 19 general topic rather than: "This is exactly what he said 20 and this is exactly what he asked me." Do you see the 21 point I'm trying to get across not very well?</p> <p>22 A. No, I absolutely see the point and I think it's 23 absolutely right that for what will probably be the vast 24 majority of interactions, the sort of record that you 25 refer to is appropriate.</p> <p style="text-align: center;">Page 18</p>	<p>1 Q. On 6 September -- this is paragraph 35 -- you answered 2 an urgent question in the House of Commons, which had 3 been tabled by Mr Watson. You were provided with 4 a speaking note, I think, which was I think for the 5 purposes of your appearance before the House that day. 6 It's under tab 2 of this bundle. Have I correctly 7 understood the purpose of the note, which presumably 8 your officials put together for you?</p> <p>9 A. Yes. That was made available to me before I went in to 10 the House of Commons to respond to the urgent question.</p> <p>11 Q. You make the point at the bottom of the first page, 12 01812. You refer to the New York Times piece. First of 13 all, may I ask you, did you read that piece?</p> <p>14 A. I saw reports of it. I didn't read the whole piece.</p> <p>15 Q. I mean, did you think it appropriate to ask for the 16 whole document?</p> <p>17 A. I felt it appropriate to ensure that some action was 18 being taken as a result of it, which it was being looked 19 into.</p> <p>20 Q. Some would say that it was an extremely detailed piece, 21 based on a series of interviews, evidence from a number 22 of sources. A huge amount of research being put into 23 it, so I just wonder why you didn't ask to see it.</p> <p>24 A. Well, it's not the role of the Home Secretary to decide 25 whether information that's in a newspaper is such that</p> <p style="text-align: center;">Page 20</p>

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<p>1 should be investigated. It is an operational matter for 2 the police to decide whether the information that is 3 printed is new evidence or hints at new evidence, such 4 that they feel it is sufficient -- necessary for them to 5 investigate that and explore that. 6 Q. I suppose that point is made clear in the speaking note 7 at the bottom of the page: 8 "Any police investigation is an operational matter 9 in which ministers have no role." 10 You say that you understand that the original 11 investigation was complex and you indicate how it was 12 excluded. At the end of the speaking note: 13 "The Metropolitan Police have indicated that if 14 there is further evidence, they will look at it." 15 So was the view taken, therefore, that the Times 16 article did not contain any evidence as such? It might 17 have indicated highness of inquiry which could culminate 18 in evidence? 19 A. It suggested that there might be further evidence 20 available, and that is why the Metropolitan Police did 21 indeed look into it, and as I understand it, ask that 22 any evidence that was new evidence that lay behind it 23 should have been made available to them. 24 Q. In the next page of the note, it starts off Q&A. So 25 this is providing you with answers to possible questions Page 21</p>	<p>1 of references, I think it's important that the police 2 are able to complete their investigations and then 3 judgments may be made in relation to a particular case. 4 So it was right for them to do their investigation. 5 Q. The debate in Parliament is in a different place, at 6 least in terms of our bundle. It's tab 98, which is the 7 second file. Bear with me. It's tab 99. I'm terribly 8 sorry. 9 LORD JUSTICE LEVESON: This is the Parliamentary answer? 10 MR JAY: Yes. You started off by giving the formal answer 11 and then Mr Watson asked some questions. Do you see 12 that, on page 1 of 6 of the Internet printout? 13 A. Yes, that would have been the process that was 14 undertaken. 15 Q. Mr Watson's points -- he made, I think, at least three. 16 He said: 17 "As for the claim there's no new evidence, there 18 is." 19 Claim number 2, that people were cleared by the 20 committee: 21 "They were not." 22 Then he deals with the single rogue reporter issue 23 and the "for Neville" email, and then refers 24 specifically to an interview of a former News of the 25 World reporter and evidence given by Sharon Marshall to Page 23</p>
<p>1 which your officials had anticipated; is that correct? 2 A. That's correct. 3 Q. 01814. A number of themes are taken up. Independent 4 review of the MPS investigation. The line that you 5 suggest you might take: 6 "I have no plans to do so at present. The 7 Metropolitan Police are making further enquiries to 8 establish whether the recent media allegations 9 constitute any fresh evidence." 10 That's taken up again on the next page, 01815. 11 As for the IPCC, it's made clear there that there's 12 no question of section 11 of the Police Reform Act being 13 engaged at that stage; is that correct? 14 A. That is correct. That was obviously a briefing provided 15 to me by officials. My view at that stage was that it 16 was not right for the IPCC to be brought into the 17 situation. 18 Q. Notwithstanding, though, the strength of feeling to the 19 issue, the possible public opinion on the issue and what 20 we know occurred in Parliament that day, wasn't this of 21 sufficient importance that at least consideration could 22 be given to the deployment of section 11? 23 A. No, I didn't feel at that time that it was appropriate 24 to do that because this was a matter for the police to 25 be investigating, and as you will see through a number Page 22</p>	<p>1 the New York Times. 2 Wasn't the position already being reached that there 3 was a relatively cogent body of evidence which was 4 indicating that this issue was worthy of further 5 consideration, either through section 11 or otherwise? 6 A. What was being displayed here, I think, was the 7 necessity of the police being able to investigate to 8 determine whether indeed there was new evidence 9 available as a result of the article that appeared in 10 the New York Times, and it was for them. It is not for 11 the Home Secretary to decide whether there is evidence 12 available in a case. It is for the police to 13 investigate and make that decision themselves. 14 Q. Mr Johnson, at the bottom of this page, he picks up that 15 theme. He refers to the sentencing remarks of 16 Mr Justice Gross as he then was, and then on the next 17 page he refers to the New York Times piece and in 18 particular the 2,978 mobile phone numbers of potential 19 victims and 91 PIN codes, and the question was: 20 "Can the Right Honourable lady ascertain how many of 21 the people concerned have now been informed?" 22 Then there's a reference to something else. 23 I mean, again, wasn't that an issue of sufficient 24 moment that further consideration should have been given 25 to it, not just by the police? Page 24</p>

<p>1 A. This is a question of how the police were handling the 2 case. It was a question about whether new evidence had 3 been available. There was a specific question, as you 4 referred to, as to whether individuals had been 5 informed, who were on the list, as to whether their 6 phones might or might not have been hacked. That, 7 again, was a matter for the police, an operational 8 matter for them, in their inquiries to look at whether 9 there was new evidence, to look at whether further 10 investigation was necessary as a result of what had 11 appeared in public and the public statements that had 12 been made.</p> <p>13 Q. It's fairly clear, reading the whole debate, that the 14 issue had become already highly politicised. The 15 questions that were put to you by Conservative MPs were 16 exactly on the theme, as it were, that your evidence is 17 based on. The evidence from Labour MPs was that this 18 was meriting further consideration. I suppose there's 19 always a danger in these case that the objective merits 20 get slightly lost in the political debate. Is that 21 a fair or unfair observation?</p> <p>22 A. Well, debates in the House of Commons are always going 23 to be of a political nature or have political aspects to 24 them. The important aspect for myself in the job that 25 I hold, on a matter like this, is to look at the facts,</p> <p style="text-align: center;">Page 25</p>	<p>1 officer in investigating hits up against the role of 2 Home Secretary.</p> <p>3 LORD JUSTICE LEVESON: By "right things", I meant the issues 4 that were raising concern. In other words, they are 5 answering your questions to the satisfaction of those 6 who are very familiar with how the police operate, both 7 in your office and, of course, ultimately you.</p> <p>8 A. Indeed.</p> <p>9 MR JAY: Mrs May, your updated brief, again provided by your 10 officials, 13 December 2010. It's under tab 6 and its 11 significance is that you were going to appear before the 12 Home Affairs Select Committee on 14 December. So this 13 is provided in advance of that.</p> <p>14 First of all, do your officials liaise with the 15 police in order to obtain the necessary background facts 16 before this sort of document is prepared for you?</p> <p>17 A. If the facts are not available to them and they are only 18 available by discussion with the police, then they will 19 ask the police what information is available.</p> <p>20 Q. It's clear from the top lines at the start, 01829, that 21 since the New York Times piece, the MPS had carried out 22 a number of inquiries and interviews. The interviews, 23 it's clear from other evidence, were always "no comment" 24 in terms of the responses elicited, or rather their 25 absence.</p> <p style="text-align: center;">Page 27</p>
<p>1 to look at what is before me and to make a decision 2 based on that, and the decision was that the police 3 should be investigating and it was up to them to 4 consider whether new evidence was available.</p> <p>5 Q. Okay. The police investigation continued. Go back to 6 your statement. May I go forward in time to 13 December 7 2010 --</p> <p>8 LORD JUSTICE LEVESON: Just so that one understands this, 9 the facts that you provided in your Parliamentary 10 answers are researched presumably by your office with 11 the police?</p> <p>12 A. Any facts will be researched by Home Office officials 13 and, where necessary, they would have referred to the 14 police and asked them if there were particular factual 15 points.</p> <p>16 LORD JUSTICE LEVESON: So that they can check with the 17 police what the police are doing and then you make your 18 own judgment about where they appear at least to be 19 thinking about the right things?</p> <p>20 A. Well, the -- yes, sir, in that I -- I think my job is to 21 ensure that they're looking at the -- they were doing 22 the investigation. I hesitate only because you say 23 I should ascertain whether they're looking at the right 24 things. I think, again, this is where the fine boundary 25 between the operational independence of the police</p> <p style="text-align: center;">Page 26</p>	<p>1 A file was submitted to the CPS on 12 November 2 seeking advice and the advice from the DPP was: 3 "No admissible evidence upon which the CPS could 4 properly advise the police to bring criminal charges." 5 Further detail on this is provided on the next page, 6 01830, under the heading "Latest developments", if you 7 have that.</p> <p>8 A. Yes, I have that.</p> <p>9 Q. It summarises really what I've just said, but the DPP 10 were making it clear, as indeed was the police, that if 11 further evidence came to light the matter would be 12 further considered.</p> <p>13 LORD JUSTICE LEVESON: Were you aware, Home Secretary, that 14 this investigation undertaken by the police was to 15 interview all those who had spoken to the New York Times 16 under caution -- in other words, perceiving them as 17 potential suspects -- and therefore very likely to 18 decide to exercise their right of silence not say 19 anything, thereby, not surprisingly, revealing no 20 additional evidence?</p> <p>21 A. I was aware that interviews had taken place and I was 22 aware that there had been no further information 23 forthcoming as a result of those interviews.</p> <p>24 Q. Moving forward to the year 2011, one relevant date which 25 we might add to the chronology is that on 21 January,</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 Mr Coulson announced that he would be stepping down from 2 his role as communications director to Number 10. So 3 that self-evidently came to your attention at that time, 4 but you weren't involved directly in events until 5 27 January 2011 when you had a conversation with the 6 Acting Commissioner Tim Godwin; is that right?</p> <p>7 A. That is correct; yes.</p> <p>8 Q. A note of that conversation, which was by telephone, is 9 under tab 8, page 01833, Mrs May.</p> <p>10 A. Yes, I have that.</p> <p>11 Q. We're at the point where Operation Weeting, I think, 12 was -- it may not have been publicly announced but you 13 knew about it from item 3 in this note. Maybe it had 14 been announced on 26 January, but when that entered the 15 public domain is not altogether clear.</p> <p>16 Can we deal with the last bullet point:</p> <p>17 "TG also explained that he had gone to see Alison 18 Levitt QC and the DPP on Monday. They discussed the 19 fact that the previous police investigation had used 20 a very different definition of 'phone hacking' and the 21 DPP/CPS had now reviewed this. TG reassured the HS that 22 the phone hacking investigation was under control."</p> <p>23 Did it cause you concern that apparently a very 24 different legal definition had been applied beforehand?</p> <p>25 A. Well, it was a matter of, I think, importance that Page 29</p>	<p>1 investigation had been opened.</p> <p>2 Q. The last sentence:</p> <p>3 "TG reassured the HS that the phone hacking 4 investigation was under control."</p> <p>5 That's certainly open to two interpretations. One 6 of them might be that you were concerned that it hadn't 7 been under control before and you wanted the 8 reassurance, or it might be that Mr Godwin simply 9 offered it. Can you remember which it was?</p> <p>10 A. I can't honestly remember which it was, I'm afraid.</p> <p>11 Q. Okay. We move on then to paragraph 40 of your 12 statement, 28 January. You were provided with an 13 update. This is tab 10. This is a briefing note which 14 is provided for information only, but it's said to be 15 urgent. It's our page 01838. I think the background 16 was that Lord Fowler had asked a question. This is 17 paragraph 7 of this note on the second page, 01839. 18 That may have been part of the reason for urgency. Have 19 I correctly understood that?</p> <p>20 A. It is possible, I think, that this was -- because of 21 what was happening generally around that time, it was 22 felt that it was important to get a briefing note to me 23 and that was the main purpose for the -- describing it 24 as urgent.</p> <p>25 Q. If you look at the two bullet points under paragraph 7: Page 31</p>
<p>1 obviously the Metropolitan Police had been operating on 2 a different definition from the one which the DPP or the 3 CPS were now believing should be the case, but obviously 4 that was the definition which the previous 5 investigations had been undertaken.</p> <p>6 Q. It meshed, really, with what you told Parliament on 7 6 September, that the 2,900-odd cases of potential 8 interception, that was, of course, based or might have 9 been based on this very different definition.</p> <p>10 So obviously you weren't misleading Parliament -- I make 11 that absolutely clear -- because you were working on the 12 basis of what you were told, but did it not at least 13 affect your thinking as to what might have been going on 14 here?</p> <p>15 A. Well, it -- I don't think it affected my thinking in 16 terms of what had been going on. I think what it said 17 to me was that the police had obviously conducted an 18 investigation with their understanding at the time of 19 what the definition of "phone hacking" was. This was 20 now being looked at again, in terms of they were opening 21 a new investigation and at the same time the DPP and CPS 22 had reviewed what the appropriate definition of 23 "phone hacking" was, such that presumably the police 24 would then be operating under the new -- on the new 25 basis. But the fact -- crucially, obviously, a new Page 30</p>	<p>1 "Lord Fowler asked an oral Parliamentary question on 2 what the government was doing to prevent phone hacking. 3 Although handled in a factual way by Lord Wallace ..."</p> <p>4 Was he the Home Office Minister of State in the 5 Lords?</p> <p>6 A. No, he's not. He's the Advocate General. He's a law 7 officer in the Lords.</p> <p>8 Q. Thank you.</p> <p>9 "... it provided the opportunity for several peers 10 to make wide-ranging comments about the overall story. 11 While there was criticism of the MPS for perceived 12 delays in dealing effectively with this issue to date, 13 there was also a decided and well supported groundswell 14 of opinion that reviews of, and more effective controls 15 on, the activities of the press, were called for 16 (including new legislation on defamation)."</p> <p>17 So this was now being seen as part of a wider 18 picture where other issues or press regulation might 19 come into play; is that right?</p> <p>20 A. Yes. May I just take you back, Mr Jay, to my previous 21 answer, because I realise there are two Lord Wallaces in 22 the Lords and this may be a reference to Lord Wallace 23 who was, at the time, a whip in the Lords for Home 24 Office matters. So I apologise if I can't clarify which 25 of the two Lord Wallaces it was. Page 32</p>

8 (Pages 29 to 32)

<p>1 But obviously what had happened when Lord Fowler 2 raised the issue in the House of Lords was that there 3 had been a number of contributions from members of their 4 Lordships' House which had indicated degrees of concern 5 about how the matter was being dealt with. 6 Q. Looking at the overall context, I'm not sure whether 7 this point was specifically being made in the 8 House of Lords at this time, but I'll make it 9 nonetheless. When one is looking at what the government 10 was doing to prevent phone hacking, was there not at 11 least the potential for a national security issue to be 12 involved here, given that we know that the mobile phone 13 of at least one Cabinet Minister was hacked into. 14 Someone close to another Cabinet Minister, her phone was 15 hacked into. Didn't this raise the sort of concerns 16 which directly engaged your responsibilities? 17 A. It didn't, in that the phones that were being hacked 18 were not secure mobile phones and therefore there should 19 not have been material of a national security concern on 20 those phones. 21 Q. There might have been, though, might there not, Mrs May? 22 A. Well, there certainly should -- my understanding -- (a), 23 there should not be material of national security 24 concern on those sorts of telephones. 25 Q. So is this the position, so that we understand it: if</p> <p style="text-align: center;">Page 33</p>	<p>1 to that point in time; would you agree with that? 2 A. That was obviously the implication of the questions that 3 were put to the MPA at that meeting. 4 Q. Okay. May we move forward to 10 March, when you saw 5 a briefing note to the Parliamentary Undersecretary of 6 State for Crime and Security, an adjournment debate. 7 That's under tab 13 of this bundle. The background is 8 set out. It's quite a lengthy note. I think we can 9 move on to 01856. The item here: 10 "Will the government order an independent inquiry 11 into the original MPS investigation?" 12 The matter is reviewed. It's made clear that the 13 DPP is carrying out his inquiry through Ms Levitt and 14 the PCC is also looking at it. There's a good deal of 15 scrutiny on this issue currently under way and then the 16 conclusion at the top of the next page: 17 "We do not, therefore, believe that further action 18 is appropriate at present. The outcome of these latest 19 developments should be awaited and assessed." 20 So was that a conclusion which you saw at the time? 21 It comes from an official, of course, and which you, 22 generally speaking, assented to? 23 A. Yes, although the briefing obviously comes from 24 officials, it was the position of ministers at the time 25 that there were a number of investigations or inquiries</p> <p style="text-align: center;">Page 35</p>
<p>1 a Cabinet Minister with responsibilities in a national 2 security area has a mobile phone and it's made clear to 3 him or her that that particular mobile phone should not 4 be used for any matter which might impact on national 5 security, it may or may not be a secure mobile phone or 6 other means of communication which that cabinet minister 7 uses for that specific purpose; is that right? 8 A. Certainly there would be no material sent across 9 a mobile phone -- no documentation or anything sent 10 across a mobile phone -- which would be of a restricted 11 nature if that mobile phone was not secure. 12 Q. It's just whether there might be a discussion about 13 a national security issue. Is it the position that 14 instructions are given that there should be no such 15 discussions on an unsecure mobile phone? 16 A. It would be -- the normal practice would be 17 an understanding that there shouldn't be discussions of 18 matters of national security concern in an open way 19 across a mobile phone that was not secure. 20 Q. Thank you. The second bullet point relate to a meeting 21 of the MPA, which was held on 27 January. There's 22 reference there to some pointed questioning of Tim 23 Godwin and John Yates about past performance. So there 24 was a general concern abroad that the investigation 25 might not have been covered sufficiently assiduously up</p> <p style="text-align: center;">Page 34</p>	<p>1 under way in various ways and that therefore it was not 2 appropriate to establish a further inquiry until those 3 had been completed. 4 Q. 01858: 5 "What steps is the government taking to establish 6 whether the former PM's phone was hacked?" 7 The briefing line is: 8 "Any allegation of phone hacking is serious. This 9 is, however, an operational matter for the police and it 10 would not be proper to comment or speculate on an 11 ongoing investigation." 12 So far as you were concerned, this was an issue, 13 amongst others, which was under ongoing investigation; 14 is that correct? 15 A. This was a matter that the police were looking into and 16 the police were obviously identifying those whose phones 17 might have been hacked or had been hacked. 18 Q. The issue of the police informing MPs whether they're 19 victims of hacking, the briefing line here is: 20 "The police have already indicated that steps are 21 being taken to contact all such individuals to advise 22 them of developments." 23 Wasn't that a specific area, given that it involved 24 Members of Parliament, which the Home Office might have 25 been more proactive in relation to, might I suggest?</p> <p style="text-align: center;">Page 36</p>

<p>1 A. Well, I think it's important -- again, it's back to what 2 is appropriate for the Home Office to do and what is 3 appropriate for the police to do. In their 4 investigation, it was right that the police should be 5 allowed to identify individuals who might or might not 6 have had their phones hacked and to take the steps they 7 felt in he is to contact those individuals. Obviously 8 not everybody -- not every individual on the list was 9 a Member of Parliament. There were others, indeed, who 10 were on that list, as we all know, and therefore, 11 I think it was right that it was for the police to 12 determine how and in what way they should indicate to 13 people whether or not their phones had been hacked.</p> <p>14 Q. Then the next briefing line on this page: 15 "The MPS have too close a relationship with 16 News International to impartially investigate them." 17 If we ignore the grammar there. 18 "The original investigation did lead to the 19 prosecution of two individuals [et cetera] ... In this 20 day and age of extensive media coverage of all issues, 21 it's crucial that the police have a constructive 22 relationship with the media -- who can be helpful, for 23 example, in reporting serious offence and helping to 24 generate witnesses. We do not, therefore, believe that 25 further action is appropriate at present."</p> <p style="text-align: center;">Page 37</p>	<p>1 police do that investigation. Alongside that, we 2 shouldn't say that there should be no relations between 3 the press and the media, because, as we've discussed 4 earlier, there needs to be.</p> <p>5 Q. To what extent, speaking bluntly, is this issue related 6 at all to the resignation of Mr Coulson on 21 January? 7 A. This issue here? 8 Q. Mm. 9 A. Not at all, as far as I'm concerned. 10 Q. Okay. 11 LORD JUSTICE LEVESON: It's actually conflating two issues, 12 isn't it? Because on the one hand there is the obvious 13 need for the police to have a relationship with the 14 media. On the other, there's the equally obvious 15 concern that any investigation -- here we are, 2011 -- 16 into what had happened so many years ago, and whether 17 all the evidence had been uncovered and all the rest of 18 it, should be conducted by police officers who are 19 absolutely, entirely, completely and utterly independent 20 of any relationship with any press interest. 21 A. Indeed, sir. Yes, it is conflating two issues. 22 MR JAY: The briefing line on the media, 01861, Mrs May. 23 The third bullet point, first of all: 24 "The code contains a clause [that's clause 10] 25 forbidding the acquisition and publication of material</p> <p style="text-align: center;">Page 39</p>
<p>1 So this issue, along with the other issues, is 2 effectively being parked, isn't it, Mrs May?</p> <p>3 A. What that is saying is that obviously the police had 4 done an investigation, people had been arrested as 5 a result of the original investigation. It reflects 6 a comment I made earlier that obviously there will be 7 relationships between the media and the police. They 8 should be appropriate, of course, but at that stage it 9 was not felt that it was necessary -- because further 10 investigations were under way by the police into any new 11 evidence that was forthcoming, it was not necessary to 12 take any further action of an alternative sort. We 13 should wait until the investigation had been completed.</p> <p>14 Q. But the issue is being brushed aside altogether, isn't 15 it? The point was being made, rightly or wrongly, that 16 there's too close a relationship. The effect of that 17 proximity is that a proper investigation can't be 18 undertaken. The only point that's being made in 19 rebuttal: it's important that the police have 20 a constructive relationship. So the issue is being 21 parked, isn't it?</p> <p>22 A. No, the purpose of this is that this might have been 23 a question that might have been raised by somebody 24 within the debate. The response is saying that there is 25 an investigation into phone hacking, we should let the</p> <p style="text-align: center;">Page 38</p>	<p>1 by intercepting private or mobile telephone calls, 2 messages or support [unless it is deemed to be in the 3 public interest]."</p> <p>4 In one sense, that's right to be in square brackets 5 because the criminal law doesn't contain a public 6 interest defence. In another sense, it's wrong because 7 Article 10 confusingly does refer to public interest in 8 this context. But maybe one should gloss over that one. 9 What one is really saying here, or what your 10 officials are saying here -- if you look at bullet 11 point 4: 12 "The PCC is totally independent ..." 13 Et cetera. The bullet point on the bottom of the 14 next page, 01862: 15 "The PCC is primarily a resolution service. It will 16 initially seek to broker a agreement between the 17 complainant and a newspaper." 18 That's actually correct. 01863, top of the page: 19 "The PCC is independent from the newspaper industry. 20 The government recognises the newspaper industry system 21 of self-regulation is not perfect but the principle of 22 a free but responsible press is, however, paramount. 23 Introducing any type of statutory coverage in this area 24 would destroy this principle." 25 And finally the next bullet point:</p> <p style="text-align: center;">Page 40</p>

<p>1 "The PCC has shown itself to be an effective 2 regulator in a difficult area." 3 First of all, are these sentiments which, at the 4 time, you agreed with or not? 5 A. I believe that in a free and open and democratic society 6 a free press is absolutely essential, and we move away 7 from a free press at our peril. So I believe that it is 8 right to make the statements about the importance of the 9 freedom of the press. 10 In relation to the PCC, I think it is true to say 11 that despite the best efforts of those that have led the 12 Press Complaints Commission, there has been a growing 13 earn over some time about the role of the PCC and the 14 ability of the PCC to undertake the job that it was set 15 up to do, and I think this is one of the issues that 16 doubtless we will await the outcome of this Inquiry with 17 interest. 18 LORD JUSTICE LEVESON: Well, as you've asked me to solve the 19 problem, it's a bit difficult for me to ask you for your 20 views, although I think it's valuable, if you have views 21 on this topic, that you have the opportunity to air them 22 publicly if you wish. Doubtless Mr Jay will return to 23 them. But by "statutory regulation" in that bullet 24 point, were you really referring to the state regulation 25 of the press?</p> <p style="text-align: center;">Page 41</p>	<p>1 I was on: 2 "We recognise that on occasion the behaviour of 3 certain elements of the press has rightly caused serious 4 concern." 5 I think that recognition was not just limited to the 6 context of phone hacking. Was that a sentiment which 7 you would be in tune with or not? 8 A. I think that because of what I've just said about 9 freedom of the press, I think sometimes what is written 10 can be frustrating. It can -- sometimes one might 11 question its accuracy, but I think it is right to allow 12 that freedom to take place. 13 Obviously, there have been some issues raised in 14 relation to the way in which the press operate and the 15 way in which individuals do or do not have redress when 16 they feel that there has been inaccurate, wrong 17 statements made about them. 18 Q. Okay, we may return to that issue. Going back to the 19 chronology now, Mrs May. I'm not going to alight on 20 every document; there isn't time. 21 At paragraph 43 of your statement, you refer to 22 a letter on phone hacking from Tom Watson. The draft 23 reply is at 01909. I don't think it's necessary to turn 24 it up, but it was clear from surrounding documents that 25 your officials were aware that this was becoming</p> <p style="text-align: center;">Page 43</p>
<p>1 A. Yes. I mean, I think that was more the -- not 2 necessarily the establishment of a body but more the 3 question of the state interfering in the regulation of 4 the press. 5 LORD JUSTICE LEVESON: Yes. 6 A. As I say, I think freedom of the press is essential in 7 a democratic society. 8 LORD JUSTICE LEVESON: Well, I would be grateful for a small 9 amount of money for every time I've said exactly the 10 same in the course of the last few months, but I am keen 11 to know whether you believe that at that stage you were 12 saying -- or you were going into sufficient detail to 13 think about framework or whether you were simply 14 talking, as I rather understand you to say that you 15 were, about the state regulating the press. 16 A. Yes, yes, sir. It was not an intention to go into 17 detail in terms of what the framework for the regulation 18 of the press should be, but merely to make the point 19 that it was inappropriate for the state to be 20 intervening in that regulation in a way that some might 21 suggest was necessary as a result of things that have 22 taken place. 23 LORD JUSTICE LEVESON: Doubtless Mr Jay will return to it. 24 MR JAY: Yes, we will. 25 The final point on this note is the bullet point</p> <p style="text-align: center;">Page 42</p>	<p>1 a highly significant issue. They say at 09018: 2 "The phone hacking story continues to command a very 3 high degree of media attention and Parliamentary 4 interest." 5 So that must have been your perception at about that 6 time as well; is that fair? 7 A. Indeed it was. It was a story that was being raised on 8 a number of occasions in the media and indeed in 9 Parliament. 10 Q. On 23 June -- this is paragraph 49 -- you were provided 11 with information and advice in relation to a letter 12 Mr Watson wrote to DAC Akers. That's under tab 19 at 13 page 01920. There's a general reference to a cleaner 14 having been brought in to eradicate evidence but he 15 asked you to keep that confidential. What you were 16 advised at 01922 was simply to note this advice and 17 agree not to respond to Mr Watson. That's paragraph 3. 18 Do you see that? 19 A. Yes, I do, Mr Jay. If I may just, I think you said that 20 I had said that I would keep the contents of the letter 21 confidential. In fact, it is a letter from Tom Watson 22 to Sue Akers which was copied to me. 23 Q. Copied to you, sorry. 24 A. So the decision was taken that it was right that the 25 response should come from Sue Akers, who, of course, was</p> <p style="text-align: center;">Page 44</p>

11 (Pages 41 to 44)

<p>1 leading that investigation have.</p> <p>2 Q. I think the reason for merely noting it and not</p> <p>3 responding to it appears in paragraph 7 at page 01923,</p> <p>4 that the letter explicitly refers to allegations, not</p> <p>5 hard evidence. So it wasn't something which, as it</p> <p>6 were, required a direct response at that stage; is that,</p> <p>7 broadly speaking, right?</p> <p>8 A. That is correct, and it was not appropriate for me to</p> <p>9 respond at that stage. It was a matter for the police</p> <p>10 to look into.</p> <p>11 Q. On 5 July -- this is paragraph 42 -- you were briefed</p> <p>12 ahead of your appearance in front of a Home Affairs</p> <p>13 Select Committee, and that briefing is at tab 23, which</p> <p>14 was, I think, the day after the Milly Dowler voicemail</p> <p>15 deletion story breaks in the Guardian. The briefing</p> <p>16 note refers expressly to that in the third bullet point</p> <p>17 at the top:</p> <p>18 "If the Guardian newspaper has any information which</p> <p>19 might be relevant to these investigations, they should</p> <p>20 pass it on to DAC Sue Akers in the MPS."</p> <p>21 On the issue of regulating the media -- do you see</p> <p>22 that at page 01930?</p> <p>23 A. Yes, I do.</p> <p>24 Q. Similar points are made to the ones we saw in March:</p> <p>25 "A press free from state intervention is</p> <p style="text-align: center;">Page 45</p>	<p>1 like, about the system that was in place, but I think on</p> <p>2 balance, at that stage, I would have said that I agreed</p> <p>3 with the view that self-regulation was -- was the right</p> <p>4 way to deal with it.</p> <p>5 Q. There's a further briefing note at tab 28, Mrs May.</p> <p>6 It's what's described as an updating briefing pack,</p> <p>7 which really relates to what was about to become this</p> <p>8 Inquiry, although the exact format was evolving, as we</p> <p>9 know. This is dated 11 July 2011. It's under tab 28.</p> <p>10 A. Yes.</p> <p>11 Q. The position taken on the second page, under the heading</p> <p>12 "On regulating the press", page 01965:</p> <p>13 "Clearly, there are wider issues about the culture,</p> <p>14 behaviour and ethics of the media raised by the phone</p> <p>15 hacking scandal."</p> <p>16 What were those wider issues, or at least your</p> <p>17 understanding of them at that stage, Mrs May?</p> <p>18 A. Well, what was being revealed gradually through the time</p> <p>19 was perhaps the extent to which phone hacking appeared</p> <p>20 to have taken place, and that raised issues not about,</p> <p>21 as had appeared in the original investigation, a limited</p> <p>22 number of individuals but it had raised questions about</p> <p>23 the whole atmosphere and culture which related to the</p> <p>24 media and I think it was that -- that was the background</p> <p>25 against which the Prime Minister announced the setting</p> <p style="text-align: center;">Page 47</p>
<p>1 a fundamental hallmark of our democracy but there is,</p> <p>2 however, no place for unlawful activity. Phone tapping</p> <p>3 or hacking is illegal. This applies equally to the</p> <p>4 media. If there are suspicions that a journalist has</p> <p>5 broken any law, then we would expect the police to</p> <p>6 investigate ... the Press Complaints Commission, which</p> <p>7 is independently enforced from government, contains</p> <p>8 a clause forbidding the acquisition ..."</p> <p>9 Et cetera. This is clause 10:</p> <p>10 "We believe that the system of self-regulation is</p> <p>11 complementary to the law and remains the best way to</p> <p>12 regulate the press but we will continue to monitor</p> <p>13 developments."</p> <p>14 That's your officials' view, obviously not</p> <p>15 necessarily your view. Was it your view at that point?</p> <p>16 A. I think at that point it was -- my view would still have</p> <p>17 been that the balance probably lay with the system of</p> <p>18 self-regulation. Obviously, as we indicated earlier,</p> <p>19 this either -- this is one of the issues that this</p> <p>20 Inquiry will be looking at.</p> <p>21 Q. So even as late as 5 July, the view we see here is</p> <p>22 a view which, generally speaking, you would have</p> <p>23 espoused; is that fair?</p> <p>24 A. Yes, as I said earlier, there were growing concerns</p> <p>25 about and a sort of growing doubt in my mind, if you</p> <p style="text-align: center;">Page 46</p>	<p>1 up of the Inquiry.</p> <p>2 Q. But didn't the wider issues go beyond phone hacking</p> <p>3 altogether into other areas of allegedly unethical</p> <p>4 conduct which this Inquiry has now spent the last six or</p> <p>5 seven months exploring? Wasn't that what this was</p> <p>6 a reference to?</p> <p>7 A. There are indeed wider issues that have been revealed in</p> <p>8 relation, for example, to the payment of individuals --</p> <p>9 allegations of payments of individuals in the police for</p> <p>10 information. Those, of course, were wider issues.</p> <p>11 Q. Any other aspects though of unethical press behaviour,</p> <p>12 were those on your radar or not at that point?</p> <p>13 LORD JUSTICE LEVESON: Hacked Off, by that stage, were</p> <p>14 a prominent arguer of this Inquiry, and they were</p> <p>15 certainly raising all sorts of other issues, weren't</p> <p>16 they? The campaign, Hacked Off?</p> <p>17 A. I'm just trying to think through the timing of the</p> <p>18 various issues, sir, and that's why I hesitate to say</p> <p>19 "absolutely", but obviously they have been raising</p> <p>20 issues and there's obviously been general comment in the</p> <p>21 press and elsewhere about these matters as well.</p> <p>22 MR JAY: The last bullet point:</p> <p>23 "We must not pre-judge the outcome of the Inquiry's</p> <p>24 work but the Prime Minister has made his views clear on</p> <p>25 the inadequacy of current arrangements."</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 That, I think, was a reference to the PCC, wasn't 2 it?</p> <p>3 A. I believe it would have been, yes.</p> <p>4 Q. So between 5 and 11 July, the landscape was shifting 5 somewhat, at least in relation to the PCC and what it 6 was doing; would you agree?</p> <p>7 A. I think there was a shifting -- a constantly shifting 8 landscape. As I indicated earlier in response to you, 9 Mr Jay, there had been some growing concern for some 10 time in relation to the PCC, but of course the reference 11 here is to the view that the Prime Minister had made of 12 the arrangements.</p> <p>13 Q. Thank you. May I move forward to paragraph 58, please, 14 of your statement. We're now on 14 July, when the Chamy 15 Media contract was drawn to your attention. It's clear 16 why your evidence that you were concerned about that; is 17 that right?</p> <p>18 A. Absolutely. I was concerned about the nature the 19 relationship and I was also concerned that I had not 20 been made aware of it at an earlier stage.</p> <p>21 Q. You wrote to the Commissioner on 14 July under tab 41, 22 page 02080, where you ask a number of specific questions 23 in the second paragraph, or rather you make some 24 requests:</p> <p>25 "In particular, I'd like to see a complete timeline</p> <p style="text-align: center;">Page 49</p>	<p>1 about the contract directly and at an earlier stage."</p> <p>2 That, I suppose, speaks for itself.</p> <p>3 Can I move forward to 18 July, where you make -- 4 well, you make one announcement on 18 July and another 5 one on 19 July. The commissioning of the IPC to 6 undertake work on corruption in the police, that's the 7 exercise of power under section 11 of the Police Reform 8 Act; is that correct?</p> <p>9 A. That is correct.</p> <p>10 Q. So why were you exercising the power specifically at 11 this stage in the chronology, Mrs May?</p> <p>12 A. What I had seen taking place is a growing number of 13 examples of -- which questioned -- which raised 14 questions about police integrity. The public need to 15 have confidence in the police. For them to have 16 confidence in the police, they need to have confidence 17 in the integrity of the police. What I saw unfolding -- 18 and the matters relating to phone hacking, to 19 News International, to contracts with Mr Met, were not 20 the only matters at this time that were suggesting 21 concerns about relationships with the police and others 22 in a number of areas, and that there were some other 23 forces that were involved in some investigations which 24 also raised concerns, and it was against that 25 background, therefore, that I felt we were reaching the</p> <p style="text-align: center;">Page 51</p>
<p>1 and sequence of events from the initial exchanges by the 2 MPS with Chamy Media in 2009 through to your letter to 3 Kit Malthouse at today's date. I would like to 4 understand who had ultimate oversight and authority to 5 sanction the contract between the MPS and Chamy Media, 6 the nature of the tender process undertaken and the 7 criteria against which estimates were assessed. I would 8 also be grateful to understand the extent to which 9 senior MPS officers were involved in the decision to 10 contract with Chamy Media and to renew their contract 11 subsequently."</p> <p>12 Then some questions were also asked in relation to 13 Mr Wallis.</p> <p>14 I think the reply came back the following day at 15 tab 42. It's fair to say that that was a prompt and 16 detailed reply.</p> <p>17 A. Yes, it sets out the timeline.</p> <p>18 Q. I don't think we need look at any aspects of the detail, 19 however, but at tab 43 you come back to the Commissioner 20 on the same day, 02086, and you say:</p> <p>21 "[You] remain concerned by the arrangement, so 22 I believe that the appropriate course of action is for 23 this contract to be considered by Lord Justice Leveson 24 as well as the MPA. I would also like to add that I am 25 disappointed that you did not notify me of your concerns</p> <p style="text-align: center;">Page 50</p>	<p>1 point where some action needed to be taken to look at 2 the integrity issue for the police because we were in 3 danger of that important relationship and confidence 4 between public and the police being damaged.</p> <p>5 Q. This is one aspect of what you did. There are three 6 principle aspects. First is the IPC, the second is to 7 involve the MHIC, which you do on 19 July, and at about 8 this time you also commissioned Dame Elizabeth Filkin to 9 report generally on relationships between police 10 officers and the media?</p> <p>11 A. If I may just clarify the chronology, the discussion 12 with HMIC took place before I made the statement to the 13 Commons. The formal letter was on 19 July, so I think 14 I actually would have spoken to them on the 18th -- to 15 the chief inspector on the 18th. It was not me that 16 commissioned the work from Dame Elizabeth Filkin; that 17 was commissioned by the Metropolitan Police. So that 18 was obviously a piece of work that had relevance but was 19 separate to anything commissioned by the Home Office. 20 Although I had discussed it with the police -- the 21 Metropolitan Police.</p> <p>22 Q. May I ask you, please, to look under tab 51, which is 23 a series of emails. It starts at page 02118, but the 24 most important one is 02119. It's very early in the 25 morning of 18 July, sent by a Mr Timothy to you amongst</p> <p style="text-align: center;">Page 52</p>

<p>1 others. Are you able to explain what the "script for 2 tomorrow below" is a reference to, Mrs May? 3 A. Yes, this would have been a suggested raising questions 4 and answers about -- that might come up in the House of 5 Commons when I made a statement -- when I made the 6 statement about the resignation of Sir Paul Stephenson. 7 Q. I think that resignation had been announced the Sunday, 8 which was 17 July, if I remember rightly. So this 9 explains why there's a very early morning flurry about 10 it, and you were going to make a statement about it to 11 Parliament that morning. 12 A. I was, yes, or that -- it would have been that 13 afternoon, as it was a Monday. 14 Q. Can I ask you, please, under the heading "Political 15 fallout". Do you see that? 16 "Sir Paul Stephenson says he felt he couldn't tell 17 the Prime Minister or Home Secretary about Neil Wallis 18 because it would have embarrassed the Prime Minister 19 because of his relationship with Andy Coulson. Isn't it 20 that wrong?" 21 The suggested answer is: 22 "All I want to say about that is this: the police 23 must investigate all crime and all criminals without 24 fear or favour. In investigating a case, when a police 25 force finds itself with a potential conflict of</p> <p style="text-align: center;">Page 53</p>	<p>1 have embarrassed the Prime Minister in view of his 2 relationship with Mr Coulson? 3 A. I certainly don't recall any such conversation. 4 Q. The other briefing line or -- 5 LORD JUSTICE LEVESON: So hang on. Do I understand: this is 6 a potential question which you might be asked; is that 7 right? 8 A. That's correct. 9 LORD JUSTICE LEVESON: So it's very important nobody should 10 read into it that Sir Paul had in fact said that he 11 couldn't tell, et cetera? 12 A. That's right. 13 LORD JUSTICE LEVESON: Is that right? 14 A. Yes, sir. I mean, this is -- as happens when one is 15 going into the House of Commons, people try to think of 16 every possible issue that might be raised or angle that 17 others might come at, questions. So this was an attempt 18 to look at some questions that might -- other people 19 might think of -- 20 LORD JUSTICE LEVESON: I understand entirely, but I don't 21 want there to be any misunderstanding about it. There 22 is no evidence -- I can't think of any that I've seen 23 and Mr Jay, you'll correct me if I'm wrong -- that 24 Sir Paul ever said that he couldn't speak about 25 Neil Wallis because of embarrassment. Is that right?</p> <p style="text-align: center;">Page 55</p>
<p>1 interest, they have a duty to be transparent about that. 2 I made it clear to Sir Paul that they should have 3 notified me as soon as he realised there was a problem." 4 So that's a reference back to the letter we've just 5 seen, I think, of 15 July, where you express your 6 disappointment that the Commissioner had not told you 7 about the Chamy Media issue, although it isn't really an 8 answer to the first point about what Sir Paul Stephenson 9 felt he couldn't tell you or the Prime Minister about; 10 do you see that? 11 A. Well, the point is being made, I think -- I am not in 12 a position to be able to say what Sir Paul Stephenson 13 might or might not have felt. I thought it was wrong 14 for him -- it was wrong for him to suggest that he 15 couldn't talk -- I can only talk about myself -- to talk 16 to me about these matters, and that as I had made clear 17 on previous occasions -- and indeed, as the 18 Prime Minister had made clear on a number of 19 occasions -- we'd all been absolutely of one mind that 20 the police must be able to investigate without fear or 21 favour and follow the evidence wherever it leads. 22 Q. Did you have any conversation with Sir Paul Stephenson 23 which indicated to you that he, as it were, possessed 24 that feeling, namely that he couldn't tell you about 25 Mr Wallis because it might have embarrassed or would</p> <p style="text-align: center;">Page 54</p>	<p>1 MR JAY: That's correct, and that's why I asked Mrs May the 2 question whether she could assist us as to whether there 3 was any such conversation. 4 LORD JUSTICE LEVESON: Yes. Well, I understand, but I don't 5 want there to be a misunderstanding anywhere. 6 MR JAY: In answer to a question which might have been 7 asked -- and you were being briefed, as it were, on that 8 hypothetical basis: 9 "What is the difference between Sir Paul's 10 relationship with Neil Wallis and the Prime Minister's 11 relationship with Andy Coulson?" 12 The suggested answer was: 13 "There is a very clear difference. The 14 government -- and the Conservative Party in 15 opposition -- were not in charge of investigating 16 allegations of wrongdoing at the News of the World. The 17 Metropolitan Police was. There has to be a clear line 18 between the investigators and the investigated. That is 19 why I have concerns about the Met's contract with Neil 20 Wallis, and that is why I wrote to Sir Paul outlining my 21 concerns on Thursday evening." 22 That answer, I suppose, speaks for itself. I'm not 23 going to comment on it. But then the next suggested 24 question: 25 "Isn't the Andy Coulson link worse, in fact? He</p> <p style="text-align: center;">Page 56</p>

<p>1 resigned from the News of the World, where Neil Wallis 2 did not."</p> <p>3 Well, the answer's the same:</p> <p>4 "I remain concerned about the Met's contract with 5 Neil Wallis, and as I have said, there has to be a clear 6 line between the investigators and the investigated."</p> <p>7 I can't recall, Mrs May, whether you were asked 8 questions along these lines or not. Can you assist us?</p> <p>9 A. I can't recall. As the questions would have been in 10 response to my statement in the House of Commons, they 11 would be on record in Hansard, had they been raised.</p> <p>12 Q. I'm moving on now to another date and another event. 13 Would this be an appropriate time for our break?</p> <p>14 LORD JUSTICE LEVESON: Certainly. Home Secretary, we have 15 a break to allow the shorthand writer just for a few 16 minutes. Thank you.</p> <p>17 (11.23 am)</p> <p>18 (A short break)</p> <p>19 (11.33 am)</p> <p>20 MR JAY: Mrs May, may I move forward to 5 October now. This 21 is paragraph 66 of your statement. Sir Denis 22 O'Connor -- the Inquiry, of course, heard detailed 23 evidence from him -- updated you as to progress on that 24 occasion. This is tab 73 of the bundle. His general 25 conclusion, 02228:</p> <p style="text-align: center;">Page 57</p>	<p>1 to bring it up the screen.</p> <p>2 This is a meeting which you had presumably at the 3 Home Office; is that right?</p> <p>4 A. Indeed it was, yes.</p> <p>5 Q. The point you made, having been briefed as to his 6 provisional conclusions -- this is the third bullet 7 point:</p> <p>8 "It was important for DOC [that's Sir Denis] and 9 HMIC to take their time to look at this properly and it 10 was important that the public could feel 110 per cent 11 confident in the police and their integrity. She did 12 not however (and NH ..."</p> <p>13 That's the Minister of State, isn't it?</p> <p>14 A. That's the policing minister, yes, Nick Herbert.</p> <p>15 Q. "... did not want to generate a substantial 16 bureaucratic burden ..."</p> <p>17 What was that a reference to?</p> <p>18 A. I think this was a general concern that in the area of 19 record keeping, what we did not want to see was a lot of 20 bureaucracy to be reintroduced in the police, for two 21 reasons: first of all, the government is trying to 22 remove bureaucracy from the police and secondly, because 23 all too often if a system becomes bureaucratic then it 24 can lose its purpose in the minds of those who are 25 exercising it.</p> <p style="text-align: center;">Page 59</p>
<p>1 "The majority of police officers and staff are 2 striving to act with integrity. We did not find 3 evidence to support any contention of endemic 4 corruption. Instances of deliberate malpractice in 5 relation to these matters are infrequent and not 6 widespread."</p> <p>7 Pausing there, this was providing you with 8 a considerable degree of reassurance presumably?</p> <p>9 A. Yes, it was. Obviously I was pleased to here from 10 Sir Denis that any incidents, as he says, of deliberate 11 malpractice were infrequent, were not widespread, and as 12 I had said in the house myself, the majority of police 13 officers and staff act with integrity.</p> <p>14 Q. The areas he identified as possibly giving rise to 15 concern, top of 02230, he stated:</p> <p>16 "The guidance on the following areas is patchy: 17 relationships with the media, accessing the Internet for 18 private use, use of social networking, the acceptance of 19 gratuities and hospitality, disclosure of information."</p> <p>20 I think you provided an initial comment to him at 21 a meeting. Tab 91. This one isn't paginated in my 22 bundle. Page 517. I'm not sure whether it's entered 23 into our system or not.</p> <p>24 LORD JUSTICE LEVESON: It's MOD300008493, according to me.</p> <p>25 MR JAY: Okay. My copy is absent that, so we will be able</p> <p style="text-align: center;">Page 58</p>	<p>1 Q. The full report was received in December of last year. 2 You cover this at paragraph 77 of your statement. As 3 you say, you welcomed its analysis. You said so 4 expressly by letter dated 6 December. You'd seen the 5 report in draft, I think a final draft, dated 6 21 November. So you'd had about two and a half weeks to 7 consider it before you wrote this letter; is that right? 8 It's under our tab 95. Again, I'm afraid I don't have 9 the page number on our system.</p> <p>10 LORD JUSTICE LEVESON: 8591.</p> <p>11 MR JAY: Thank you.</p> <p>12 A. I certainly would have seen the report in draft, Mr Jay, 13 so -- yes, that letter refers to that draft.</p> <p>14 Q. You welcome the general finding that corruption is not 15 endemic, but you accept Sir Denis' proposed 16 recommendations as valuable steps towards addressing 17 these concerns:</p> <p>18 "The Home Office will be more than happy to 19 encourage debate and progress, as you request. But 20 I would like to suggest that you strengthen them in two 21 key ways."</p> <p>22 You a say:</p> <p>23 "First, I would want to see greater pace and urgency 24 from the service in developing more robust and 25 consistent arrangements."</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 You suggest a timetable of April next year for that.</p> <p>2 I think that timetable -- I'm not sure it's been</p> <p>3 attained by HMIC. I'm not sure whether they've yet come</p> <p>4 up with a response. We know the ACPO response.</p> <p>5 A. No, the reference to April was to the ACPO response.</p> <p>6 Q. Ah, pardon me. The second point is four lines from the</p> <p>7 top of the next page., you say:</p> <p>8 "I'd like to see a more direct challenge to current</p> <p>9 police leaders that dealing with these findings is their</p> <p>10 personal responsibility."</p> <p>11 Then you make some other points as well and you also</p> <p>12 make the point that all of this will provide very useful</p> <p>13 evidence for Lord Justice Leveson's Inquiry.</p> <p>14 LORD JUSTICE LEVESON: Which it does.</p> <p>15 MR JAY: We're going to look at the detail a little bit more</p> <p>16 of Elizabeth Filkin's report, but are there any specific</p> <p>17 matters you would wish to draw to our attention on the</p> <p>18 HMIC report to take away with us or are you leaving us</p> <p>19 with what we see in that letter?</p> <p>20 A. I think I would leave you with -- mainly with what I say</p> <p>21 in that letter. I think what the HMIC report did was to</p> <p>22 identify the need for some greater consistency and to --</p> <p>23 I'm very keen that ACPO take the lead in this, as they</p> <p>24 are now beginning to do. The only thing I would add is</p> <p>25 that of course, in the future, there will be a different</p> <p style="text-align: center;">Page 61</p>	<p>1 very last tab, tab 111. You're right. I must confess</p> <p>2 that in the flurry which constituted last night,</p> <p>3 I haven't read it. I must apologise for that. So we'll</p> <p>4 have to look at it together, Mrs May. There is an</p> <p>5 executive summary, though, which is likely to be helpful</p> <p>6 on this occasion. Page 7 on the internal numbering.</p> <p>7 Have you had the time to consider this at all? It's</p> <p>8 only been available for less than a week.</p> <p>9 A. I've been able to give it some initial consideration,</p> <p>10 certainly. Obviously some more detailed work will be</p> <p>11 going into it. As you see, it not only identifies next</p> <p>12 steps and proposals from the IPCC; they've done quite</p> <p>13 a bit of work to look at public views on police</p> <p>14 corruption, the impact that that has on the public's</p> <p>15 view and confidence of the police and the cases that are</p> <p>16 specifically referred to the IPCC, either corruption</p> <p>17 cases or cases that the -- where complaints have been</p> <p>18 raised by members of the public which may be about</p> <p>19 police corruption.</p> <p>20 Q. There's reference to all the other reports. I'm not</p> <p>21 sure it's going to be worthwhile now looking at the</p> <p>22 detail of any of this, given that it hasn't been fully</p> <p>23 considered. Are there any points, though, you would</p> <p>24 wish to draw to our attention now?</p> <p>25 A. I think the key findings that come out of this in many</p> <p style="text-align: center;">Page 63</p>
<p>1 structure available within which these sorts of matters</p> <p>2 can be considered by the police, namely the police</p> <p>3 professional body which the government is establishing,</p> <p>4 which will be established by the end of this year, which</p> <p>5 will be looking at standards across a whole range of</p> <p>6 activities in relation to policing, for police officers</p> <p>7 and police staff.</p> <p>8 Q. Thank you. May I move on now to IPCC, which is</p> <p>9 paragraphs 79 and following of your statement,</p> <p>10 page 01324. You sought first of all their view on the</p> <p>11 issue of powers and resources and you received a report</p> <p>12 from them on that which gave you assurance. But it's</p> <p>13 the second report referred to in paragraph 81. You</p> <p>14 asked for a report on the experience of corruption. You</p> <p>15 say in paragraph 82:</p> <p>16 "The second report has only recently been provided</p> <p>17 to me. My intention is to publish in the next few</p> <p>18 weeks. I'll be able to talk about this more when</p> <p>19 I appear before the Inquiry."</p> <p>20 I'm not sure we've seen that report but in general</p> <p>21 terms can you assist us on that, please?</p> <p>22 LORD JUSTICE LEVESON: Has it yet been published?</p> <p>23 A. It was published on 24 May, and it should -- sorry, if</p> <p>24 I may just check --</p> <p>25 MR JAY: Oh, it was just added yesterday, wasn't it? The</p> <p style="text-align: center;">Page 62</p>	<p>1 ways chime in with those previous work that's been done,</p> <p>2 particularly by the HMIC, about the need for greater</p> <p>3 clarity both for the public in terms of what's police</p> <p>4 corruption and therefore what is appropriate to bring to</p> <p>5 the IPCC, but also greater clarity in terms of --</p> <p>6 perhaps greater consistency in recording incidents that</p> <p>7 have taken place from force to force. They identify</p> <p>8 that different forces appear to have different level --</p> <p>9 well, have different levels of reporting of complaints</p> <p>10 about corruption and the question is raised as to</p> <p>11 whether that's because of a different definition being</p> <p>12 used rather than the behaviour in relation to the</p> <p>13 forces.</p> <p>14 Crucially, it refers again to the issue of</p> <p>15 additional powers and also about resources, and these</p> <p>16 are issues that we intend, when legislative time allows,</p> <p>17 to be able to make changes to the powers to the IPCC and</p> <p>18 we are looking at the case that they've put forward in</p> <p>19 relation to additional resources.</p> <p>20 LORD JUSTICE LEVESON: The IPCC make the point that during</p> <p>21 the course of drafting this report, evidence has been</p> <p>22 presented to the Inquiry that may result in</p> <p>23 recommendations governing relations between the police</p> <p>24 and the media and disclosure of information. This is</p> <p>25 page 12:</p> <p style="text-align: center;">Page 64</p>

16 (Pages 61 to 64)

<p>1 "The Inquiry's conclusions may impact on the work of 2 the IPCC in this area." 3 This is really looking at it through the different 4 window, isn't it? I am looking at the relations between 5 the media and the police and the propriety of media 6 conduct in relation to police officers. What the IPCC 7 are doing, very naturally, is looking at it from the 8 other way. 9 A. Yes. 10 LORD JUSTICE LEVESON: They're saying what the police should 11 be doing and what they shouldn't be doing. It would 12 obviously be sensible that we chime but it is the 13 different window on the problem. 14 A. Indeed, sir. 15 MR JAY: On Dame Elizabeth Filkin's report, it wasn't 16 directly commissioned by you; it was commissioned by 17 Sir Paul, but presumably with your knowledge and 18 agreement; is that a fair -- 19 A. Yes, we discussed the commissioning of it and who should 20 lead it. 21 Q. You were provided with some briefing lines on that on 22 9 January 2012, the report having been published in 23 late December. That's under tab 83, Mrs May, at 24 page 02270. The report was recognised to be a valuable 25 contribution on improvements needed on police integrity</p> <p style="text-align: center;">Page 65</p>	<p>1 report uttered. I'll ask you for your view on that. In 2 the recommendations section -- it's under tab 110. Bear 3 with me while I find it. She characterises what the 4 relationship should be. It's not immediately coming to 5 hand. I want to put it to you precisely. Maybe 6 I should come back to that once I've found it. 7 I apologise. I'll come back to that in a moment. 8 Going back to your statement now, you cover the 9 issue of media training at item 7, page 01326, 10 paragraphs 90 and following. What is your view as to 11 the necessity for and then more precisely the content of 12 media training for senior police officers? 13 A. I think it is -- would be helpful for senior police 14 officers to have a degree of media training. I think 15 that this is something that obviously is now being 16 looked at in relation to the guidance that ACPO has 17 produced and it's something which I would expect would 18 be one of the aspects that the police professional body 19 would, in due course, take up. Obviously senior 20 officers will be undertaking different sorts of media 21 engagement, depending on whether it's talking about 22 their force and promoting what their force is doing or 23 responding to particular incidents or particular events 24 that have taken place. So there are different skills in 25 those two different types of interaction.</p> <p style="text-align: center;">Page 67</p>
<p>1 and leadership. You would encourage all police forces, 2 not just the MPS, to look at its findings and 3 recommendations, even though the review was commissioned 4 in relation to the MPS. 5 Some of the evidence the Inquiry has received has 6 been along the lines that this is a problem which 7 appears to be confined to the MPS and doesn't extend 8 more widely outside the Metropolitan area. Is that your 9 assessment or not? 10 A. No, in relation to the question of what are appropriate 11 relationships between police officers and the media, 12 I think this is a more general issue than simply the 13 Metropolitan Police, and that's why obviously it's one 14 of the issues that has been picked up by ACPO in issuing 15 their -- the new guidance that they're issuing, although 16 I think they also make the point that they may need to 17 revisit that, depending on the outcome of this Inquiry. 18 Q. I think your evidence is that both reports, the HMIC and 19 the Dame Elizabeth Filkin report, they need to be read 20 together in conjunction for the overall message they 21 impart; is that fair? 22 A. I think that would be fair. They identify very similar 23 issues in relation to questions of recording and the 24 framework in which individuals operate. 25 Q. There's one key phrase that Dame Elizabeth Filkin in her</p> <p style="text-align: center;">Page 66</p>	<p>1 Q. Thank you. Section 8, which deals with the appointment 2 of the Metropolitan Police Commissioner -- a lot of that 3 may be outside the immediate terms of reference of this 4 Inquiry but there's one issue which touches on dealing 5 with the media and that's page 01329. When 6 consideration was given by you and others to current 7 appointment, the ability of the Commissioner to deal 8 with the media was a specific criterion or competence. 9 How did you see that operating in practice? 10 A. You mean how did I see their showing me and other 11 interviewers -- 12 Q. Yes. 13 A. -- how they -- rather than how I see it? I mean, it 14 was -- as I understand it, it was raised in the earlier 15 interviews. Obviously I was only present for the final 16 interview, and this would have been, I think, questions 17 that were asked of the individuals as to how they might 18 approach particular aspects, how they would deal with 19 particular aspects of the relationship with the media. 20 Q. Was the issue of acceptance of hospitality raised at all 21 during the course of interview or not? 22 A. I can't -- not as far as I'm aware, but I can't speak 23 for the interviews that took place by the Home Office 24 panel or by the Metropolitan Police Authority panel. 25 Those interviews obviously were undertaken by those</p> <p style="text-align: center;">Page 68</p>

17 (Pages 65 to 68)

<p>1 bodies and they would have asked the questions they felt 2 appropriate.</p> <p>3 Q. I've found now the soundbite, as it were, from Elizabeth 4 Filkin's report. It's the phrase "permissible but not 5 unconditional", in terms of contact with the media. Is 6 that a sentiment which you find favour with or not?</p> <p>7 A. I think it's a very fair reflection of the sort of 8 relationship.</p> <p>9 Q. Thank you. Paragraph 103 now of your statement, 10 page 01330. The question here was directed generally to 11 your awareness of police social relationships with the 12 media and your answer makes it clear there had been 13 occasional media stories in late 2010 and early 2011 14 about occasions at which senior MPS officers had 15 socialised with senior executives and journalists, 16 including from News International. Did a point of time 17 arise where you felt that this was a real problem which 18 needed to be addressed?</p> <p>19 A. The whole question of relationships with the media and 20 that whole issue around the more general integrity 21 question came to the point where I decided that I would 22 ask HMIC to look at this issue of police integrity. So 23 in that sense it came to a head, but it wasn't 24 specifically about particular relationships and social 25 interactions that Metropolitan Police Service officers</p> <p style="text-align: center;">Page 69</p>	<p>1 a question as to whether there is something behind that 2 perception that is of substance and therefore is of 3 something more concerning than the perception that they 4 have, and that's why I was pleased to see from the HMIC 5 report -- and indeed from other reports at IPCC -- that 6 looking at these issues, the vast majority of police 7 officers and staff are striving to act with integrity 8 and act with integrity, and instances where there are 9 questions to be raised are very limited.</p> <p>10 Q. There might be a distinction between perception and 11 substance because the perception may be: well, if 12 a senior police officer is having dinner with 13 an executive from News International, that senior police 14 officer might be saying something to the executive of 15 News International which is inappropriate. That's 16 a perception, but whether or not there's any substance 17 to it would depend on what the evidence was -- and it 18 might not be available -- as to what in fact was said. 19 Do you see that distinction?</p> <p>20 A. I can see the distinction that you have made, but 21 I think you've partly answered your own question, if 22 I may say so, by reference to the fact that one probably 23 won't know what was said within that conversation.</p> <p>24 Q. Fair enough.</p> <p>25 LORD JUSTICE LEVESON: It goes beyond that as well, doesn't</p> <p style="text-align: center;">Page 71</p>
<p>1 had. There was a more general issue about 2 relationships.</p> <p>3 Q. So the concern didn't arise in relation to any 4 particular individual at any particular level within the 5 MPS; it was far more general, was it?</p> <p>6 A. Yes. I asked for work to be done on integrity because 7 of a more general concern about these issues.</p> <p>8 Q. Did you not think that issues might be arising in 9 relation to at least what was being alleged to be unduly 10 close or apparently cosy relationships between senior 11 police officers within the MPS and individuals within 12 News International and, to be fair, elsewhere?</p> <p>13 A. That, of course, was -- became more apparent around the 14 time of early to mid-July in 2011, when, as we've been 15 through, there was, for example, very particular example 16 of the Chamy Media contract with the Metropolitan Police 17 Service, and therefore that added to the picture of 18 concern about these issues and the need to do a wider 19 study or wider review on questions of integrity.</p> <p>20 Q. Do you feel that the issue goes beyond one of perception 21 into one of substance or does it stop just at the level 22 of public concern because of the way it looks?</p> <p>23 A. I think it's -- the public have concern -- public 24 concern is raised not just because of the way something 25 looks but because of a concern as to whether --</p> <p style="text-align: center;">Page 70</p>	<p>1 it? Because if senior police officers are seen having 2 dinner with executives from News International, then 3 perhaps more junior police officers may say, "Well, this 4 sort of relationship is wining and dining is obviously 5 appropriate or not inappropriate."</p> <p>6 A. And I think, sir, that is one of the themes that 7 actually comes out of some of the reports that have 8 taken place, that one of the reasons why it's necessary 9 to put a clearer framework in place for everybody within 10 each force is precisely because junior officers may see 11 relationships developing and not understand that 12 actually the nature of those relationships may be 13 necessary because of the nature of the job that the 14 senior officer is doing but may take another message 15 from it.</p> <p>16 MR JAY: Thank you. That covers paragraph 103 of your 17 statement. Paragraphs 104 to 109 deal with your 18 involvement in Metropolitan Police resignations. 19 I think we can do this quite economically. You make it 20 clear in paragraph 107 that when you received 21 a telephone call on 17 July from Sir Paul telling you 22 that he'd decided to resign as Commissioner, you 23 expressed your surprise and regret at the turn of events 24 but did not attempt to dissuade him. Are you suggesting 25 there that you didn't feel there was an objective reason</p> <p style="text-align: center;">Page 72</p>

18 (Pages 69 to 72)

<p>1 for him to resign?</p> <p>2 A. I didn't attempt to dissuade him practically because the</p> <p>3 letter was already on its way to Her Majesty with his</p> <p>4 resignation.</p> <p>5 Q. But you expressed surprise and regret at the time?</p> <p>6 A. Well, I expressed surprise, because, as I say in</p> <p>7 paragraph 107, I'd already had a conversation that</p> <p>8 weekend with Sir Paul when he'd spoken to me about the</p> <p>9 allegations that appeared in the newspaper about his</p> <p>10 stay at Champneys and therefore -- he'd given no hint in</p> <p>11 that conversation at a possible resignation, therefore</p> <p>12 when he rang me later that weekend to say that he had</p> <p>13 resigned, obviously that was a surprising turn of</p> <p>14 events.</p> <p>15 I feel that he led the Metropolitan Police well when</p> <p>16 he was Commissioner, and I think he -- the organisation</p> <p>17 at the end of it was stronger for his leadership and it</p> <p>18 was in that context that I expressed regret that matters</p> <p>19 had come to this point.</p> <p>20 Q. What you say in relation to Mr Yates, that's clear from</p> <p>21 paragraph 109 of your statement at the top of page 1332</p> <p>22 and probably doesn't require any elaboration; is that</p> <p>23 fair?</p> <p>24 A. I think that's fair.</p> <p>25 Q. At section 10, you were asked to deal more generally</p> <p style="text-align: center;">Page 73</p>	<p>1 in terms of ministers, in that obviously there are</p> <p>2 a number of occasion when is ministers are talking about</p> <p>3 what government is doing and have to be very careful and</p> <p>4 assured that what they're saying is appropriate for them</p> <p>5 to be saying.</p> <p>6 Q. You say in paragraph 117 at page 01333 that you do not</p> <p>7 accept that it would be right or proper for senior</p> <p>8 police officers to consider that an example is being set</p> <p>9 for them by politicians. That might be said to invite</p> <p>10 this question: which aspects of the examples set by</p> <p>11 politicians should police officers, in your view, not</p> <p>12 follow?</p> <p>13 A. Well, the -- I think the example that I've just set,</p> <p>14 namely that politicians are -- the media is one conduit</p> <p>15 through which politicians are able to put their views to</p> <p>16 the public. Ultimately, politicians wish to be elected</p> <p>17 and are elected. For the senior police officer, they</p> <p>18 are not going to the public in order to get themselves</p> <p>19 put into their particular job.</p> <p>20 Q. You draw attention to the Ministerial Code in terms of</p> <p>21 perception, paragraph 118, which isn't altogether</p> <p>22 dissimilar from the position vis-a-vis the police:</p> <p>23 "No injury who accept gifts, hospitality or services</p> <p>24 from anyone which would or might appear to place him or</p> <p>25 her under an obligation."</p> <p style="text-align: center;">Page 75</p>
<p>1 with the issue of similarities and differences in the</p> <p>2 positions of politicians and the senior leadership of</p> <p>3 police, and you make the fundamental constitutional</p> <p>4 point, really, that one group is unelected and the other</p> <p>5 is elected, but moving on from there, where does that</p> <p>6 constitutional difference lead one in terms of the</p> <p>7 differences in the way a politician and police officer</p> <p>8 separately might behave, as it were, with the media?</p> <p>9 A. I think it's a decision that would be, I would say,</p> <p>10 between politicians and not just police officers but</p> <p>11 politicians and public servants more generally in that</p> <p>12 the -- obviously, for a politician, there is an interest</p> <p>13 in encouraging the public to have an interest in what</p> <p>14 you're saying and because, at the end of the day,</p> <p>15 individuals are going to try to get themselves elected</p> <p>16 and parties are going to try to get themselves elected</p> <p>17 into government, the media is one of those conduits for</p> <p>18 which political views can be expressed to the public.</p> <p>19 Obviously, there are a whole variety of ways in which</p> <p>20 politicians get their views across, but in some</p> <p>21 instances it will be promoting a policy because it is</p> <p>22 felt that that is something that is going to help the</p> <p>23 electoral chances of a particular politician or</p> <p>24 particular party.</p> <p>25 Obviously I think in a sense, there's a distinction</p> <p style="text-align: center;">Page 74</p>	<p>1 I suppose different issues arise in relation to</p> <p>2 a minister having lunch with a journalist; is that fair?</p> <p>3 A. Well, a minister will -- politicians speak to</p> <p>4 journalists. Journalists speak to politicians. Those</p> <p>5 conversations will take place sometimes over lunch,</p> <p>6 sometimes over dinner, sometimes over coffee, sometimes</p> <p>7 in a corridor.</p> <p>8 Q. Section 11 now, Mrs May. This is page 01334. The</p> <p>9 question related to your perspective on the issues</p> <p>10 relating to the relationship between the police and the</p> <p>11 media which is before the Inquiry. You say you don't</p> <p>12 want to pre-empt the findings and recommendations that</p> <p>13 will emerge. You will offer some general comments, and</p> <p>14 you indicate in paragraph 120:</p> <p>15 "These are incredibly serious issues. Public trust</p> <p>16 in police integrity is, of course, of paramount</p> <p>17 importance."</p> <p>18 Then:</p> <p>19 "Certain practices uncovered during the phone</p> <p>20 hacking investigations fall well short of the behaviour</p> <p>21 anyone would expect in a civilised, law-abiding</p> <p>22 society."</p> <p>23 Are there any specific matters, though, that you</p> <p>24 would like the Inquiry to bear in mind in the context of</p> <p>25 what you accurately describe as incredibly serious</p> <p style="text-align: center;">Page 76</p>

1 issues?

2 **A. Yes, I mean I -- obviously, as has been indicated**

3 **earlier, in looking at this issue from -- with my**

4 **responsibilities, as has been done by the HMIC, and IPCC**

5 **is looking from the police point of view in terms of**

6 **their relationship that they have with the media,**

7 **I think it is important that we do reinforce integrity**

8 **and the understanding of police integrity by having**

9 **proper frameworks within which the police operate in**

10 **terms of their relationships with the media. I think in**

11 **is an area where people have understood, accepted and**

12 **assumed integrity in police. As we know, the vast**

13 **majority of police that is correct for. That's correct**

14 **for the vast majority of police. But it is helpful to**

15 **have that sort of framework in place.**

16 **Now, that is something which I would see being taken**

17 **forward by the police professional body but it is an**

18 **aspect which may be -- on which this Inquiry may desire**

19 **to comment, wish to comment, in addition to the other**

20 **angle, which is the -- for the media's relationship with**

21 **the police.**

22 Q. You refer to the changing political and legal landscape

23 in November 2012, with the advent of police and crime

24 commissioners, but what impact do you think that will

25 have in the context of the specific issues we've just

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1 been discussing?

2 **A. Well, it will introduce into the arena, if you like,**

3 **another individual who will obviously have an interest**

4 **in a relationship with the media themselves. The Police**

5 **and Crime Commissioner will be an elected individual but**

6 **obviously they will, on occasions, be speaking to the**

7 **media about the issues that are relevant to a particular**

8 **force area for which they have been elected. And**

9 **I would expect -- and against the national background of**

10 **the standards body, the police professional body,**

11 **I would expect police and crime commissioners to want to**

12 **look at the issues of frameworks, rules, guidance,**

13 **compliance within their police force area, and to assure**

14 **themselves that -- as far as they can be, that**

15 **appropriate guidance is available to officers against**

16 **which they operate.**

17 Q. So it's an extra layer of accountability, democratic

18 accountability in this case that you say is desirable,

19 presumably?

20 **A. Yes. I mean, the reason why the government has**

21 **introduced police and crime commissioners is we believe**

22 **it's important to have that democratic accountability at**

23 **local force level.**

24 Q. Okay. May I move on to Section 12. This is dealing

25 with a different issue, a Module 3 issue, no longer

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1 Module 2. That's the relationship between senior

2 politicians and the media. You rightly say that the

3 relationship between the two is unavoidable. You don't

4 believe that there are risks inherent in the

5 relationship between the two. You have italicised the

6 adjective "inherent".

7 May I ask you to address two possible issues,

8 though? We heard from a previous witness about the

9 transactional nature of the relationship between

10 politicians and individual journalists, that the

11 expectation on one side is that they are, as it were,

12 provided with a story in preference ahead of their

13 competitors and the expectation the other way is that

14 the story is presented in the most favourable light

15 and/or the politician is presented in the most

16 favourable light. Isn't that a risk inherent in the

17 relationship?

18 **A. No, I -- well, the reason I said I didn't believe there**

19 **was a risk inherent in the relationship is because**

20 **I think that assumes a certain behaviour on the part of**

21 **both the responsible parties and I don't think that**

22 **is -- that can always be assumed to be the case in**

23 **relation to the relationship. I mean yes, obviously, as**

24 **I've said, the media is a means by which politicians,**

25 **either in government or in opposition, will get their**

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1 **information out to the public, will get news about their**

2 **policy developments, what's happening in government out**

3 **to the public. I think there is -- I don't see the**

4 **relationship as quite the transactional relationship**

5 **that you describe.**

6 Q. The second risk, which is possibly inherent -- and

7 you've heard this from other witnesses as well -- is the

8 undercurrent of power really being exercised by the

9 media in this context, of which the politician would

10 always be sensitive and may modify tone, rhetoric or

11 possibly even substance of policy as a reflection of

12 that. Do you see that as a risk inherent in the

13 relationship or not?

14 **A. As I go back to my previous answer, the reason I said**

15 **that I didn't see that there were risks inherent in the**

16 **relationship between the two is because I don't think**

17 **just the very fact that politicians and press speak to**

18 **each other lead to the sort of risks that you indicate.**

19 **It's about the responsibilities that are operated by the**

20 **individuals in relation to that.**

21 **And in relation to the example that you've given,**

22 **I mean, the media reflect the public, the politicians**

23 **listen to the public through a variety of forms. The**

24 **media is one of those forms.**

25 Q. That would suggest that the media is really equivalently

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<p>1 powerful to all the other modes of public expression or 2 lobby group or whatever, and I think the proposition is 3 they are particularly powerful or disproportionately 4 powerful because of the enormously large megaphone at 5 their disposal. Do you see the strength of that 6 argument or not?</p> <p>7 A. I see that it's an argument that some will put forward. 8 I think the point is -- the point I would make is that 9 politicians listen to the public in a whole variety of 10 ways, and the views that the public have, and of course, 11 one of the ways in which the views of the public will be 12 exhibited is through the media, and in putting forward 13 any particular proposition or suggestion, idea, story, 14 the media of course will themselves be recipients of the 15 views of members of the public and will be able to judge 16 whether what they've done actually is an accurate 17 reflection of the public or not.</p> <p>18 Q. I think that's suggesting that the media is really the 19 intermediary between the public -- in other words, the 20 readership of a particular paper -- and the view which 21 comes out at the other end, but is not the media also 22 a driver of opinion because of the agenda set by 23 proprietors or editors?</p> <p>24 A. I think it's this whole question of -- sort of which 25 comes first. It is a difficult one to properly</p> <p style="text-align: center;">Page 81</p>	<p>1 I would say that no politician who often, as I do, 2 goes out on the doorsteps and talks to members of the 3 public can be in any doubt about the strength of feeling 4 of members of the public in relation to Article 8, the 5 Human Rights Act and matters relating to immigration.</p> <p>6 Q. So is it your evidence then that the sort of views one 7 might read in certain sections of the press on 8 immigration in fact precisely chime with public opinion, 9 at least as you perceive it to be when you speak to your 10 constituents or whoever?</p> <p>11 A. I think that the -- there is a general public concern 12 about uncontrolled immigration, which is reflected in 13 the press, but that is a concern that I don't think -- 14 I think most politicians would accept is out there among 15 members of the public.</p> <p>16 Q. Do you feel that in any way the sections of the press 17 I'm generally referring to, without identifying 18 precisely -- that they, as it were, drive the agenda by 19 putting a particular slant on these areas which can be 20 particularly sensitive, because they do have the 21 capacity to -- I won't say "inflame" opinion, but 22 certainly excite opinion?</p> <p>23 A. Obviously opinion in the media on an issue like 24 immigration is varied. There is no single media view in 25 relation to immigration. So there are certain papers</p> <p style="text-align: center;">Page 83</p>
<p>1 analyse -- in your terms I should say to analyse 2 properly, I do apologise -- in this matter because 3 obviously the media will pick up -- the media may have 4 themselves a view on a particular issue, but they will 5 also pick up from their readership, from people who are 6 emailing them and so forth, the views of the public, and 7 so which comes first in that is a question that I can't 8 always -- can't answer for every story that appears in 9 the media.</p> <p>10 Q. When you deal with this issue in your statement, 11 particular in paragraph 143, you rightly refer to 12 immigration and criminal justice policy, which you say 13 is often legitimately influenced by the strong public 14 view that the government must be robust and fair. One 15 can add to the mix, if one wished, certain aspects of 16 the Human Rights Act, Article 8, which of course feeds 17 into immigration policy as well, but aren't these 18 arguably areas where certain sections of the press take 19 a visceral view, not necessarily on the basis of what 20 the public view is or might be, but in the light of what 21 their editors personally believe?</p> <p>22 A. I think I should point out, first of all, that I do make 23 specific reference to immigration and criminal justice 24 policy because that was in the question that I was asked 25 to address.</p> <p style="text-align: center;">Page 82</p>	<p>1 that will take one viewpoint, there are other papers 2 that will take a different viewpoint. So it's not the 3 case that there is just a single view coming through 4 from the media, and this is why it's important for 5 politicians to, yes, look at what the media are saying 6 and look at the extent to which that reflects public 7 opinion in terms of the media but also look more widely 8 at public opinion itself and, as I say, ascertain that 9 in a variety of ways.</p> <p>10 Q. You were asked on a related theme, certainly not 11 a different theme, in item 19, questions related -- or 12 sought your perspective, as Minister for Women and 13 Equality, on evidence received by the Inquiry about the 14 portrayal in the press of women, ethnic minorities, 15 religious groups, transsexual people and other special 16 perspectives. The Inquiry has received a range of 17 evidence, as I'm sure you're aware, from women's groups, 18 from transsexual groups, quite a lot of that evidence 19 demonstrating a frankly inappropriate and tendentious 20 line, which arguably goes well over the line of what's 21 appropriate and what is not, if I can put in that way.</p> <p>22 Do you have a view --</p> <p>23 LORD JUSTICE LEVESON: Hang on, your question is ambiguous. 24 What you're suggesting is that the evidence revealed 25 what they were saying was a frankly inappropriate and</p> <p style="text-align: center;">Page 84</p>

<p>1 tendentious line within the press.</p> <p>2 MR JAY: Mm.</p> <p>3 LORD JUSTICE LEVESON: Yes. It might have been read that</p> <p>4 you were suggesting that that was their line.</p> <p>5 MR JAY: I think I was going a bit further than that.</p> <p>6 LORD JUSTICE LEVESON: Well, you may have been, but I wanted</p> <p>7 to be clear, yes.</p> <p>8 MR JAY: Okay.</p> <p>9 Mrs May, could you assist us with your view on that,</p> <p>10 particularly, just to take one example, not necessarily</p> <p>11 to single it out, the evidence we heard in relation to</p> <p>12 the portrayal of transsexual people in the press, which</p> <p>13 some would say was -- the subject matter was extremely</p> <p>14 distasteful?</p> <p>15 A. Yes, I think this is, um, very difficult given the</p> <p>16 importance that I said earlier obviously about the</p> <p>17 freedom of the press, but obviously the press can both</p> <p>18 portray particular groups negatively and positively, and</p> <p>19 there is an opportunity for government and others to</p> <p>20 work sometimes positively with the press in terms of how</p> <p>21 they are portraying certain issues that affect</p> <p>22 particular groups.</p> <p>23 I recognise that there has -- evidence has been</p> <p>24 brought forward by particular groups about a concern of</p> <p>25 how individuals are collectively or generally portrayed</p> <p style="text-align: center;">Page 85</p>	<p>1 well.</p> <p>2 A. Yes.</p> <p>3 LORD JUSTICE LEVESON: Presumably, though, your first</p> <p>4 concern, which is entirely legitimate, would be answered</p> <p>5 by whoever is responsible for dealing with them setting</p> <p>6 out appropriate ground rules and being able to deal with</p> <p>7 them expeditiously where it was appropriate. In other</p> <p>8 words, although initially there may be a flurry of all</p> <p>9 sorts of complaints, the boundaries can be set which</p> <p>10 respect properly the freedom of speech and freedom of</p> <p>11 expression but do also reflect legitimate concern from</p> <p>12 those who feel they're continually and continuously</p> <p>13 being grossly misrepresented.</p> <p>14 A. It would be possible to set those boundaries in that</p> <p>15 way, I'm sure, sir. I think that the long term solution</p> <p>16 to the issue is actually about a wider understanding</p> <p>17 more generally in society of the issues that are being</p> <p>18 addressed.</p> <p>19 LORD JUSTICE LEVESON: I understand --</p> <p>20 A. My question is the extent to which the initial stage or</p> <p>21 the stage that you've set out helps or does not help</p> <p>22 that longer term process of ensuring --</p> <p>23 LORD JUSTICE LEVESON: Well, of course there has to be</p> <p>24 a longer term process. I understand that. But the</p> <p>25 longer term process might be inhibited if nothing can be</p> <p style="text-align: center;">Page 87</p>
<p>1 in the press. I think that the question is: what can be</p> <p>2 done about that, other than raising that with the press</p> <p>3 as an issue and perhaps giving those groups some ability</p> <p>4 to raise the matter more clearly when it takes place?</p> <p>5 LORD JUSTICE LEVESON: So that, for example -- and I'm not</p> <p>6 committing you -- might permit a group, where the</p> <p>7 complaint is not by a specific individual because no</p> <p>8 specific individual is named, to raise a generic</p> <p>9 complaint with whoever is responsible for press</p> <p>10 standards to allow that to be adjudicated upon. At the</p> <p>11 moment, of course, group complaints are not acceptable.</p> <p>12 A. Yes, sir, that might be one option of dealing with the</p> <p>13 issue. I think what I would say, though, is it would be</p> <p>14 necessary to be very careful that that didn't then</p> <p>15 generate -- and I'm not suggesting it would for the sort</p> <p>16 of groups that Mr Jay referred to -- but that that</p> <p>17 didn't then generate a sort of industry of group</p> <p>18 complaints which were coming forward.</p> <p>19 I also think there is an issue about the extent to</p> <p>20 which, when something has been published which is wrong,</p> <p>21 inappropriate -- the extent to which apologies are given</p> <p>22 to individuals or others in relation to that, and</p> <p>23 I think the balance between the apology and the initial</p> <p>24 deed --</p> <p>25 LORD JUSTICE LEVESON: That's been the subject of comment as</p> <p style="text-align: center;">Page 86</p>	<p>1 done about the shorter term problems.</p> <p>2 A. I accept that that is the case, sir.</p> <p>3 MR JAY: May I just test the proposition, if I may, in</p> <p>4 relation to the wider understanding more generally in</p> <p>5 society, because the direction of causation maybe runs</p> <p>6 like this. It's the readership's views which count.</p> <p>7 The newspapers simply pick up on what their readers</p> <p>8 think, believe or want, and that's what we see in terms</p> <p>9 of editorial content in newspapers. So we're looking at</p> <p>10 causation entirely from the roots upward to the flowers,</p> <p>11 as it were, in the editorial.</p> <p>12 It's highly arguable that there's another direction</p> <p>13 of causation, namely a degree of regulation which</p> <p>14 ensures or encourages newspapers who drive the agenda in</p> <p>15 part to present these sensitive issues in a different</p> <p>16 way, and that might ultimately have the effect that the</p> <p>17 wider understanding of society subtly changes over time</p> <p>18 and the sort of attitudes which we read will no longer</p> <p>19 be read in newspapers. Do you see at least the merit of</p> <p>20 that secondary argument?</p> <p>21 A. I see the argument that is being made. I think my --</p> <p>22 the concern I would have, which is what I was trying to</p> <p>23 set out in an earlier answer, is the extent to which</p> <p>24 what you term, Mr Jay, as regulation -- there's</p> <p>25 a question about that, given the freedom of the press --</p> <p style="text-align: center;">Page 88</p>

<p>1 but the extent to which the fact of that appearing to 2 impose a view on the press actually makes it harder to 3 get the wider societal change, rather than easier, and 4 I think this is one of the issues that I have dealt 5 with, for example, in relation to women in politics, 6 that actually taking people along with you and changing 7 attitudes has a greater impact than putting in place 8 some sort of regulatory structure.</p> <p>9 LORD JUSTICE LEVESON: This wouldn't be a specific 10 regulatory structure of any sort, because I don't 11 anticipate any form of specific regulation of pure 12 content, but, if you like, a rather more robust approach 13 to what are presently breaches of the code, if 14 identified or said about an individual, equally applying 15 if said about a group of individuals, not one of whom is 16 identified and therefore not one of whom can complain.</p> <p>17 A. In that case, I apologise, sir. I misunderstood 18 Mr Jay's question.</p> <p>19 LORD JUSTICE LEVESON: No, we're testing it. Or maybe 20 I did, too.</p> <p>21 MR JAY: So in terms, then, of the ambit of any future 22 regulatory system -- obviously it's clear from what 23 you're saying that -- maybe you could clarify this. You 24 give particular weight to Article 10 considerations; is 25 that a fair summary of where you stand on this?</p> <p style="text-align: center;">Page 89</p>	<p>1 terms of how it was going to operate. But what matters 2 is getting that balance right between being able to look 3 at complaints that are received and ensure redress is 4 there, with not hampering that important fundamental 5 principle of freedom.</p> <p>6 Q. Because would you agree that there is a chasm, really, 7 between a system which has a statutory underpinning -- 8 in other words, is recognised in a statute which may 9 have constitutional safeguards for the freedom of the 10 press but where the government has no role in regulating 11 content -- and a different sort of system, which we 12 would all find anathema, which is a system of state 13 regulation, full panoply thereof, where the state can 14 regulate content, that the first system can be and is 15 very different from the second system?</p> <p>16 A. I recognise -- and indeed we explored this a little 17 earlier -- that there is a difference between those two 18 systems. What I would say though is I think one of the 19 questions about the first of those that you have set 20 out, ie the statutory backing for a body that is 21 otherwise completely separate from government, I think 22 there are -- I naturally worry about the law of 23 unintended consequences in such an issue, and the extent 24 to which that is then taken as a means to encroach on 25 freedom through regulation of content by that body</p> <p style="text-align: center;">Page 91</p>
<p>1 A. I believe the freedom of the press is important in 2 a democratic society.</p> <p>3 Q. So does it flow from that proposition, which in itself 4 is one I'm sure everybody would accept fully, that 5 regulation of the press has to be kept within very, very 6 tight constraints because of the fear that it will 7 intrude into this almost preeminent principle there, 8 namely freedom of the press?</p> <p>9 A. I think it is right that there needs to be a process, 10 a system by which people can raise concerns about what 11 has been said in the press. Obviously, in particular, 12 up until now, it's been in relation to individuals. 13 I take the point that there may be groups who feel that 14 it would be preferable for them to be able to act as 15 a group rather than just the individuals. What is 16 necessary is that people have confidence that if an 17 issue is raised that it will be dealt with properly, it 18 will be dealt with expeditiously, and that there will be 19 a satisfactory redress for them.</p> <p>20 Q. Does your concern, though, rule out any form of 21 statutory solution?</p> <p>22 A. I think -- well, if what you're saying is does it rule 23 out the body itself becoming statutory rather than just 24 a self-regulatory body, I wouldn't rule that out. 25 I think one would need to look at what was proposed in</p> <p style="text-align: center;">Page 90</p>	<p>1 rather than --</p> <p>2 LORD JUSTICE LEVESON: One of the ways one could do that is 3 to reflect section 3(1) of the Constitution Reform Act, 4 which provides for my independence as a judge and is 5 a statutory enunciation of the respect which that 6 independence requires and, I hope, deserves, by having 7 a similar expression of respect for the independence of 8 freedom of expression and the independence of the press, 9 a free press, so that whatever is devised by way of 10 structure has to be read in the context of ultimate 11 respect for those two freedoms.</p> <p>12 A. I can quite see that it would be possible to put such 13 a backing in place to give that independence and that 14 respect for freedom. I guess what is sort of at the 15 back of my mind is a concern that that sort of structure 16 isn't in the future taken as sort of just being --</p> <p>17 LORD JUSTICE LEVESON: But the truth is, somebody can amend 18 a statute, but somebody can put another statute in place 19 anyway.</p> <p>20 A. Yes, I accept that.</p> <p>21 LORD JUSTICE LEVESON: My concern is -- and I appreciate 22 that this is a task that I have been set, but I'd 23 welcome your assistance -- that regulation that is 24 voluntary and is not seen as effective is not really 25 regulation of any sort. Some may say -- indeed have</p> <p style="text-align: center;">Page 92</p>

<p>1 said -- that it is quite remarkable that every other 2 national institution, the lawyers, the doctors, the 3 politicians have codes, the ministers have codes, are 4 regulated and all are watched by the press, but there is 5 no such body really that does so for the press. Indeed, 6 many witnesses have said that actually the PCC isn't 7 a regulator at all, although the language has changed 8 over the years in that regard, and nobody is watching 9 them. So that's the issue.</p> <p>10 The reason I am very keen that I have the chance to 11 raise it with you is that ultimately I will be reporting 12 to you and your colleagues and the government will make 13 a decision, but I'm asking everybody to provide input 14 end possible solutions, and it seems absurd not to ask 15 you -- without, in any sense, committing you or the 16 government to do anything in particular, because I can't 17 do that and I won't -- to provide input into exactly the 18 same consideration.</p> <p>19 You are, of course, entitled to say, "Well, I'm 20 happy to wait and see what you say", but if I'm asking 21 other politicians who aren't now in government for their 22 view, ultimately which will feed into the conclusions 23 I come to, it seems absurd not to ask you also for first 24 blush views, obviously I hope, which may be later 25 informed by what I say, but at least to provide into the</p> <p style="text-align: center;">Page 93</p>	<p>1 I wouldn't want you to go further than you wanted to, 2 but I certainly wanted to give you the opportunity to 3 ventilate in public possible ways forward. This module 4 will be followed by a discussion of various ideas that 5 have been put into the Inquiry over the course of the 6 last eight months, and the opportunity will then be 7 taken to challenge those ideas, to test them, if you 8 like, to try and avoid the unintended consequences of 9 which you have previously spoken.</p> <p>10 MR JAY: May I seek to be clear about the unintended 11 consequences which may ensue? We've identified one 12 possibility, namely presumably another government might 13 come along, amend the Act and create some form of 14 regulation with which you would consider to be anathema. 15 Lord Justice Leveson has addressed that. But are there 16 other unintended consequences which you would wish to 17 draw to our attention?</p> <p>18 A. I think by definition, it's difficult. I understand the 19 point that has just been made about the discussion which 20 will hope to identify any potential consequence 21 therefore not get into the difficulty of unintended 22 consequences but the very definition of "unintended 23 consequences" -- one isn't always able to identify them 24 in advance.</p> <p>25 I think I would simply come back to the central</p> <p style="text-align: center;">Page 95</p>
<p>1 mix of views that I consider.</p> <p>2 I hope that's not trying to cast my responsibility 3 onto anybody else. I wouldn't want it misunderstood --</p> <p>4 A. No.</p> <p>5 LORD JUSTICE LEVESON: I notice in today's press that people 6 are saying that I'm now identifying what the answer is 7 in these questions. I'm not identifying what the answer 8 is. I'm saying what may be an answer and what I may be 9 thinking about, and I will be thinking about, among all 10 the other suggestions that are made.</p> <p>11 A. Well, thank you, sir. I fully accept the challenge, in 12 the sense that you have set out, and that you are 13 asking -- you will be asking everybody about their 14 opinions. I suppose I would -- I hesitate at this stage 15 to come down on a firm example of what might be 16 appropriate, partly because, of course, I am one of the 17 Cabinet ministers who will be directly in receipt of 18 your report.</p> <p>19 LORD JUSTICE LEVESON: Correct.</p> <p>20 A. Therefore I think it would be inappropriate for me to go 21 too far in relating any personal views in relation to 22 this.</p> <p>23 LORD JUSTICE LEVESON: Yes. The question is whether you 24 feel it appropriate, as indeed you have, to identify 25 concerns or issues. I'm not going to press you and</p> <p style="text-align: center;">Page 94</p>	<p>1 point that I'm making which is I think that any solution 2 that is found to a means for individuals or groups to be 3 able to have greater confidence in an ability to 4 question or raise complaints about what has been said in 5 the press about them needs to be balanced against the 6 need of making sure that in doing that it doesn't in 7 some way get in the way of the freedom of the press.</p> <p>8 Q. Aside from that point, there are no other consequences 9 which you have foreseen which you draw to our attention 10 which would say they might be unintended if the 11 regulatory schemer were to, as it were, fail to cater 12 for them?</p> <p>13 A. I think the other one that I sort of identified earlier 14 is the possibility of creating, if you like, what one 15 often sees with when sort of structures and regulations 16 go in, that then becomes a desire to -- for people to 17 encourage those means to be used in a way which perhaps 18 is not a reflection -- a true reflection of what is 19 actually taking place.</p> <p>20 Q. May I look now at your own interactions with the media? 21 You provided us with a schedule, which is the second 22 exhibit to your statement, which is under our tab 96 and 23 which starts at 01765. The overall picture, Mrs May -- 24 and put this in your own words -- is that you see 25 journalists from the whole range of newspapers and</p> <p style="text-align: center;">Page 96</p>

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<p>1 broadcast media. It may be fair to say that (a) the 2 quantum of your interactions is not as great as others, 3 and secondly, you probably don't appear to favour any 4 particular newspaper groups, but that's my very sort of 5 rough and ready interpretation of this material. Would 6 you agree with that or not? 7 A. I think that would be a fair reflection, yes. 8 Q. But obviously at party conference time there's greater 9 activity for obvious reasons and we can see that for 10 each of the relevant years, 2010 and 2011. 11 There were phone calls on the same day, 11 May 2011, 12 with Rebekah Brooks and Dominic Mohan. Do you have any 13 recollection what those calls might have been about? 14 A. I do. Would you like me to tell you? 15 Q. Yes, please. 16 A. It was -- this was in relation to the question about the 17 disappearance of Madeleine McCann and the action that 18 the government was taking and that the Metropolitan 19 Police were taking to work with the Portuguese 20 authorities to further look into the matters relating to 21 that disappearance, to see if there were any other 22 avenues of inquiry that should be pursued. 23 Q. Because a review was ordered by the Home Office -- in 24 other words, by you -- at quite short notice and I think 25 it may have been on that day itself; is that right? Page 97</p>	<p>1 of that sort to me. The nature of the telephone 2 conversation was to alert them to the fact that the 3 government was taking some action, that there was going 4 to be this further work by the police here in the UK and 5 to put forward the point that it was very important that 6 the UK authorities were able to work with the Portuguese 7 authorities. 8 Q. Was this a call at your instigation out to Mrs Brooks 9 and Mr Mohan or was it from them to you? 10 A. I think it was a call at my instigation. 11 Q. Do you feel that any pressure was put on you behind the 12 scenes to order this review or not? 13 A. I felt that the work that we were doing to look at this 14 review had been going on for some time, it was coming to 15 a fruition around this time anyway, and obviously the 16 issue was a matter of public concern. 17 Q. Okay, I think that covers that issue and indeed it 18 covers all the matters I wish to raise with you. I'm 19 going to ask you this general question, though, Mrs May: 20 is there any point you would like to raise or to 21 emphasise which we haven't covered? 22 A. I don't think so, no. I think that's everything. 23 LORD JUSTICE LEVESON: All right. Well, if there are any 24 other further concerns or thoughts or steers that you 25 have in connection with the terms of reference that you Page 99</p>
<p>1 A. No, a review was not ordered -- was not requested or 2 required at short notice. The Home Office had been 3 discussing -- first started discussing with ACPO the 4 possibility of a Police Review or further police work on 5 this -- they first started discussing that with ACPO 6 under the previous government. So the discussion had 7 been taking place for some time -- it took place with 8 ACPO initially -- for ACPO to identify which police 9 force would be appropriate to undertake this work, if it 10 was to be undertaken, and at the same time there were 11 discussions taking place with the Portuguese 12 authorities, because of course, no UK police force can 13 go into another country and start investigating; they 14 can only do so with the agreement, approval and 15 assistance of the resident authorities in that country. 16 Q. Did you have discussions with the Prime Minister about 17 this specific issue on or about 11 May or not? 18 A. I don't recall having a specific discussion myself with 19 the Prime Minister. I know the Prime Minister was 20 interested in this specific issue, but I don't recall 21 whether I had a specific conversation with him. 22 Q. Did Mrs Brooks say anything about -- words to this 23 effect: that unless you ordered the review, you would be 24 on the front page of the Sun until that happened? 25 A. No. Neither Mrs Brooks or Mr Mohan made any indication Page 98</p>	<p>1 would like me to put into the consideration that I give 2 to the overall position, then doubtless you'll let me 3 know. 4 A. I will. 5 LORD JUSTICE LEVESON: Thank you very much for your time, 6 Home Secretary. 7 Right, 2 o'clock. Thank you. 8 (12.41 pm) 9 (The luncheon adjournment) 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 Page 100</p>

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