

Evidence of Mr Peter Tickner

Lord Justice Leveson:

1. In the light of the concern expressed by Mr Garnham for the MPC, on Tuesday 13th March, I ruled that the evidence of Mr Peter Tickner would not be received by the Inquiry on the following Thursday. Instead, I invited Counsel for relevant core participants to consider the position further. My intention was not to seek to prevent matters entering the public domain which should be ventilated, but rather to identify the issues within his evidence relevant to the Inquiry and to consider which might require further rulings and directions from me. Discussions between Counsel have now taken place, including discussions with Counsel for the MOPC; the issues of concern have also been raised with Mr Tickner himself. Ultimately of course the decision as to whether Mr Tickner's evidence should be adduced is mine alone and I have reconsidered his statement with the assistance of Counsel to the Inquiry in order to assess its true significance within the context of my Terms of Reference.
2. I fully acknowledge the considerable assistance that Mr Tickner has given, and the work which has gone in to the preparation of his witness statement by both him and the Inquiry team. Initial consideration suggested that his statement raised issues which warranted investigation through the Inquiry process, and it was for this reason that it was disclosed to the Core Participants, including the MPS and the MOPC, under conditions of confidentiality; it was then that arrangements were made for him to come to the Inquiry to give oral evidence.
3. Detailed examination reveals that Mr Tickner's statement discusses three main topics. The first concerns the leak in relation to Forest Gate; the second deals with the expenses of AC Hayman; the third concerns the issue of the contract leak.
4. The first and second of these issues clearly fall within the Terms of Reference of Part 1 of the Inquiry. On further examination, however, the third issue does not, and it cannot therefore properly be pursued, notwithstanding the apparent seriousness of some of the matters raised. In reaching this conclusion I have not overlooked the fact that Mr Tickner states that the story was spread across two pages in a national newspaper, but in my view this is very much a side-issue. I am not saying that the matter does not bear examination: I am only concluding that the Inquiry is not the appropriate vehicle within which to do so.
5. The Forest Gate leak issue is undoubtedly controversial and factually intricate. The MPA's final report found no evidence of any leak by members of its Authority, and did not see fit to address Mr Tickner's conclusions in relation to AC Hayman and Sara Cheesley on the basis that these were speculative, and in any event irrelevant to the issue he had to investigate, namely leaks from within the MPA itself. Mr Tickner's draft conclusions as regards MPS employees are not accepted by the MPS itself, and any examination of their substance would entail the sort of intricate fact-finding exercise which I cannot usefully and proportionately undertake for the purposes of Part 1. Even if I were to hear further evidence, I do not believe that I would be in a position to resolve the rights and wrongs of the matter, still less to come

to conclusions on the balance of probabilities as to who was or were responsible for this leak.

6. I underline that this is the same conclusion that I have reached in relation to a large number of other specific issues. In that group I include the concerns that have been expressed in relation to the murder of Daniel Morgan and the activities of Southern Investigations and, in particular, the offered evidence of Mr Ian Hurst. I accept that the circumstances both generate questions which are or may be relevant to the Inquiry; standing back, however, not only are they highly fact specific but also the history (including any analysis of the investigations and failed prosecution) is such as to make it impossible properly to inquire into them without lengthy and time consuming analysis of the very considerable detail. This is simply inconsistent with the broad thrust of Part 1 of this Inquiry and the time available to it. In reaching that conclusion, I do not minimise the importance of the complaint or challenge those who seek a review of what has happened in that case.
7. Reverting to the issue of leaks from the MPS, the bigger picture, relevant to custom and practices as a whole has already sufficiently been established from the evidence which has been adduced. Having said that, however, the fact that I would have had to recall Mr Hayman to give further evidence is not a reason for not considering this allegation: in this fast moving Inquiry, although every effort is made to ensure that witnesses fit into the picture in such a way that all relevant material can be analysed in one session, that outcome is not always achievable.
8. The second issue relating to expenses has, in truth, already been examined in sufficient detail with Mr Hayman. The wider question concerning the larger or general claims for expenses do not fall within the Terms of Reference since, based on the evidence Mr Tickner is able to give, there is nothing to suggest that they relate to journalists in particular.
9. Overall, although I consider it absolutely right to have considered this evidence, I have come to the clear conclusion that the interests of my Inquiry would not be sufficiently advanced by the receipt of Mr Tickner's evidence at this stage. That is not to minimise what he (or Mr Hurst) has done and I thank them for the time that they have spent on the matter.

26 March 2012