



Home Affairs Committee

Oral evidence: [Policing in London](#), HC 929

Tuesday 10 March 2015

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Members present: Keith Vaz (Chair); Nicola Blackwood, Mr James Clappison, Michael Ellis, Paul Flynn, Dr Julian Huppert, Tim Loughton, Mr David Winnick.

Questions 43 – 67

Witness: **Sir Bernard Hogan-Howe**, Metropolitan Police Commissioner, gave evidence.

Q43 Chair: Can I raise the Yewtree investigation, the evidence given to us last week by Paul Gambaccini and the whole issue of 28 days for bail? Particularly on Yewtree, do you have any figures for this Committee about the current costs, the number of arrests and the number of people who are still on bail?

Sir Bernard Hogan-Howe: In terms of the cost, I think it is about £3.5 million at the moment. We have about 20 police officers dedicated to that inquiry. At the moment, in terms of the investigation, we have had five convictions, we have one man awaiting trial, we have two charged but not convicted and we have a further 10 where no further action was taken. The ones who were charged and convicted have all received substantial prison sentences, ranging from five years and nine months to 16 years.

Q44 Chair: In respect Mr Gambaccini's evidence to us—I am not suggesting that you have seen it or read the transcript—

Sir Bernard Hogan-Howe: To be fair, Chair, I read it this morning.

Q45 Chair: You have? Thank you very much for that. He was pretty critical of Yewtree. He said that if it were a football team, it would have been relegated by now. He was very upset at the fact that he has paid more than £200,000 in legal fees. At the end of the day, his reputation has been damaged on a complaint that he says was fictitious. Do you think there is a case for limiting bail, so there is not a continual renewal of bail?

Sir Bernard Hogan-Howe: I think so. There are a couple of things that I might mention before that, and then I will come directly to the point, if that is okay. Even if

we stop bail or restrict bail by time, that would not, under the present legal system, stop the investigation. We would say, “Right, we will release you from bail, but we will still carry on investigating and we may arrest you again.” We have to be realistic about that reality.

Secondly, if we start to put artificial time limits in, they will be challenged by difficult cases. Mr Gambaccini makes the point that he is a difficult case, and he feels that he has been badly treated by the present system. But if we put time lines in, it could be quite difficult. We know that the Home Office has made two proposals. One is to limit bail to 28 days, which I honestly think is unworkable.

Chair: Is or is not workable?

Sir Bernard Hogan-Howe: It is unworkable.

Q46 Chair: So you agree with the DPP on this?

Sir Bernard Hogan-Howe: Yes. Practically, even to get a file together to give to the CPS to get it back to us, it just doesn’t work.

Q47 Chair: What should the time limit be?

Sir Bernard Hogan-Howe: The other proposal, which is 28 days plus an extension of three months by a senior officer and then a magistrate’s court, I think is more workable. If it was me, I would go for a six-month period, and I would think seriously before putting it before a magistrate’s court for two reasons. If you limit it to three months, we will be taking some of the time when someone is on bail to prepare the case to go back for an extension of bail. There is a case to make to a magistrate, so I think we have to be careful with that. When I have looked at our figures, I see that in 85% of the cases, the bail is extended only to six months. It seems to me that for the majority of the cases, that would have excluded the majority. If there is a time limit, I would argue for six months, not three, but I would be very careful about putting these time limits on. The final case is that you could alter the system in one way, which is to say continue with the present one but allow the defence to go to court to stop the bail if they think that it is being abused.

Q48 Dr Huppert: I have three questions that I would like to ask. The first is a follow-up on a question that I asked you two and a half years or so ago. I asked you: if you had £1.8 billion to spend over 10 years to improve policing and counter-terrorism and make the country safer, how would you spend it? You said that your two main areas were improving neighbourhood and community policing, and better use of technology. You talked about moving from green screen towards iPads, ANPR and things like that. Would that still be your answer on how you would use extra funding?

Sir Bernard Hogan-Howe: No, because we have addressed those two areas. This Friday, we will be back to 32,000 police, having dropped to 30,000, despite saving

£600 million. What that means is that we can put 2,600 more officers into neighbourhood policing. In terms of technology, one of the benefits of being in London is that although we are suffering a recession and losing revenue, we are selling buildings and getting capital, so we have taken that capital and invested in technology. We have yet to spend that money wisely, but at least we are accumulating it.

The areas I would now concentrate on, if the same question is being asked, are around counter-terrorism and also anything that we can do to maximise what we have already talked about in terms of diversity. We saw with the PSNI that when they wanted to change radically in a way that I honestly believe we need to, some radical financial adjustments had to be made. For me, those would be two big changes.

Q49 Dr Huppert: I am very interested to hear that you have managed to achieve the two targets from two and a half years ago. On another issue, some money has been spent, presumably, on water cannon, which are currently in storage. How much has been spent so far?

Sir Bernard Hogan-Howe: From memory—I apologise if I get this wrong—I think it is £250,000.

Q50 Dr Huppert: You presumably saw the comments from Bill Bratton—I think he was considered for your job—that water cannon have a “horrific history” and would not even be considered for use in America.

Sir Bernard Hogan-Howe: I am not sure I agree with Bill on either point, because I think they have them available in America. In any case, I am not sure what their horrific history is.

Q51 Dr Huppert: His quote was: “Because of the horrific history of using water hoses during the civil rights era of the 1960s that’s anathema that we just don’t use or contemplate using anywhere in America.”

Sir Bernard Hogan-Howe: If I am honest, I am not sure that I would take public order policing advice from America. The specifics in terms of water cannon—it is not an attractive option. We would always concede that. But when considering that option, you have to consider the alternatives, which involve fists, pieces of metal, CS spray, baton rounds and, the final denouement, a weapon—a firearm. None of those are attractive alternatives, including our horses and dogs. It is an alternative, and it is not the only one. It is one of the arsenal of things that we would argue ought to be in reserve. We await the Home Secretary’s decision to see whether or not that will be licensed. Of course, the Mayor and deputy Mayor have approved its purchase.

Q52 Dr Huppert: Indeed. It is £250,000, and if that figure is incorrect, could you write to us with an update?

Sir Bernard Hogan-Howe: I will check for you, but I think they were about £80,000 each; they are second-hand.

Q53 Dr Huppert: And presumably there are storage costs and things like that as well?

Sir Bernard Hogan-Howe: No—it's all our property.

Q54 Dr Huppert: The last thing is about the deletion of DNA records. You will be aware of the Protection of Freedoms Act 2012 and that, for example, people who have been wrongfully arrested can apply for deletion. In its paperwork, the Met highlights the fact that there is no statutory time limit for the early deletion unit to process requests. Indeed, it seems from at least one example I have seen that there is almost an active policy of waiting for quite a long time. Do you think the Met should be trying to perform early deletion promptly?

Sir Bernard Hogan-Howe: I would probably have to take advice, Dr Huppert, if you don't mind, because I'd be surprised if we're not following the law on this, or the practice. I would be interested in any cases you have, if you feel that we're not being timely.

Q55 Dr Huppert: I have written to your office about one in particular. It is correct to say that there is no statutory time limit to process early deletion requests, but perhaps you could have a look at practice and write to us, because most of us would expect "early" to mean "early".

Sir Bernard Hogan-Howe: I will. Sorry, did you say that you had already written about one case?

Q56 Dr Huppert: Yes, but I will send a copy—

Sir Bernard Hogan-Howe: I will have a look, because I will have seen it. I don't recall it, I'm sorry.

Chair: Paul Flynn has a quick question on Daniel Morgan.

Q57 Paul Flynn: Today is the 28th anniversary of the murder of Daniel Morgan, who came from Llanfrechfa, which is on the border of my constituency. I realise that the matter has been handed over to an independent group under Baroness Nuala O'Loan, but she has put out a statement, on behalf of the group, asking for more information, which is possibly pretty optimistic after 28 years. We know the case involved police corruption; that had been admitted freely at the time. While it is out of your hands at the moment, with that in mind and having read the deeply shocking report on Operation Tiberius, do you think that there is more

that the police can do? Is there anything in the police history that would give some explanation to Daniel's brother, Alastair Morgan, and the rest of the family as to why this terrible crime took place, and to bring to book the people responsible for it, both in the criminal world and in the police?

Sir Bernard Hogan-Howe: First of all, Mr Flynn, I know that you have campaigned on this for a while, and I agree with you—it's a terrible state of affairs. That man's been murdered; his murderer has not been convicted—well, discovered and convicted; and the police were involved in corruption around it. So that is an awful state of affairs—we agree.

If any more information is made available, I guarantee that we will act on it. As you are also probably aware, there is a bit of a legal block in one sense, because, of course, there was a case—forgive me, I think it was in February of last year—where a court case was halted and consequently that particular trial stopped. It caused real problems and, if you remember, the judge at the time said he was concerned that, with so much material, he thought the duty for disclosure may be an impossible challenge to overcome. But my guarantee would be that if, it's at all possible, we should pursue a murderer.

Q58 Paul Flynn: I have just a small point. Are you really satisfied that the stables have been cleansed as far as that terrible period of Operation Tiberius and Daniel's death is concerned, or are there still elements in the police who are still having an influence in suppressing the truth?

Sir Bernard Hogan-Howe: In terms of this case, I believe that the people who have been involved with it in the way that you have described are no longer there. And as you are probably also aware, the National Crime Agency has been asked to carry out an investigation to see whether or not they can pursue that in retrospect.

Q59 Mr Winnick: On 13 January, when the deputy Mayor of London gave evidence, it was pointed out that 10 young people had so far been murdered in the first few days of this year. Then, of course, more recently there has been the terrible tragedy of a boy aged 15 being stabbed to death, on 27 February, when he was cycling with friends. What is the latest situation overall? As I understand the position, in the case that I just mentioned some people have been arrested. Am I right?

Sir Bernard Hogan-Howe: Yes. First of all, every murder is terrible, particularly when it involves a young person. So, no matter what the numbers I am about to tell you, every one is pretty awful. There is no doubt that in the first three months of this year, we have seen a slight increase, and of course, as you said, some young people have been victims of knife crime. So, that is a horrible outcome.

If you compare the last three years with the previous three years, we have seen a 22% reduction in murder overall, and if you were to take a four-year sample it would be a 25% decrease. Within that, I am not going to try to quote every year, but if we went back to 2008, 22 young people, I think, died then; the figure went down to eight last

year. But there have been five at the beginning of this year. So what we are seeing is a general trend down, but these last five cases are worrying, so we are now in the process of reinvigorating our work around gangs, which has been powerful, and also on stop and search. We have reduced stop and search by two thirds, but we probably need to look at whether we are targeting the right people, particularly in terms of the carrying of knives.

Q60 Mr Winnick: Where these murders take place, in the main would it be right to say that people have been duly charged?

Sir Bernard Hogan-Howe: Yes, of the 26 cases, we have arrested 25 people and there are 22 charges. Our detection rate for murder is around 95%. Compared with the many other big cities in the world that we are often compared with, it is usually about one in three, so, broadly, if you commit murder in London, you are convicted.

Q61 Mr Winnick: Gangs remain a problem, do they not, in various parts of the city?

Sir Bernard Hogan-Howe: Yes, we can be proud that we have done an awful lot. We have put 1,200 officers into fighting the gangs. When I arrived three years ago, I said that I wanted us to have a gang command—acknowledging there was a problem and doing something about it—but it will not be solved even in a few years. There are two things. We will have to enforce the law harshly, and that is what we are doing. At any one time about 1,200 gang members are either locked up or under judicial restraint. Secondly, if they will, we will divert them from gangs, and we will do that with ruthlessness.

Q62 Michael Ellis: I have a couple of points. First, on the issue of bail and the evidence that we have been hearing from Mr Gambaccini, for example, what do you think about anonymity pre-charge? Do you think that people's names and identities should not be disclosed before they have even been charged by the police?

Sir Bernard Hogan-Howe: Yes, in short. That has to be the position. We have received criticism over this last few years that we should have named people. As a result of naming people—I think what Mr Gambaccini described as the flypaper process—others who might have been victims would have the confidence to come forward, particularly where that named person was in public life or was a public figure. We have resisted that.

What is also true is that some people have apparently been identified. We have continued to refuse to confirm it, but their names have still been published. In general, we prefer that they are not identified, with one exception. For example, if there was a murder today and we know that that murderer has a list of names—or a family—that they are working their way through, we would notify the public—

Q63 Michael Ellis: If there is an ongoing threat?

Sir Bernard Hogan-Howe: We would notify the public as a general public safety issue. What you are trying to achieve is a balance. We have to preserve the opportunity for justice to be objective, and we argue that that is not served best by naming the person only after arrest when the test is only suspicion.

Q64 Michael Ellis: The test for arresting someone is very low, and many would say rightly so. A constable needs mere suspicion in order to arrest someone. So, before they have even been charged, disclosing the name of a person can lead to serious reputational damage, which does not even lead to a criminal charge being levied, never mind a conviction. So the short answer is, save in exceptional circumstances where there is an ongoing threat to the general public, you would say, “No, there should be anonymity pre-charge”?

Sir Bernard Hogan-Howe: Yes.

Q65 Michael Ellis: Some talk about adopting a statute of limitation in this country, as is applied in some jurisdictions. Do you think there ought to be any form of statute of limitation on any type of criminal offence?

Sir Bernard Hogan-Howe: Without doubt, because this country has never had it, although many countries do, what you are often faced with is very old allegations and very old investigations and you will challenge me on how long it took. Why did it take so long to discover the most obvious of evidence? The reality is that in many of these cases, discovering things from 20, 30 or 40 years ago proves a real challenge. It is not that you need to feel sorry for the police. The test is whether it is possible to have a fair trial. That point has to be considered.

For the more serious of crimes, it will always be the case that there will be no bar to prosecution. The only bar in time that we have at the moment is for summary offences, where there is a six-month bar for something that can be prosecuted only in a magistrates court.

Q66 Michael Ellis: My final question is this: crime rates are down in the Metropolitan police force area. Are your police numbers down? How have you done it?

Sir Bernard Hogan-Howe: We had 3.5 years where we had to find £600 million of savings. We have nearly done that by selling a third of the buildings and losing a lot of managers and we have had 3,500 police staff either made redundant or left early. That has allowed us to recruit. We were 32,000 when I arrived and we got down to 30,000, but in the next few weeks we will be back to 32,000. We think that is quite an achievement.

Q67 Michael Ellis: You are back to 32,000.

Sir Bernard Hogan-Howe: Yes.

Chair: Commissioner, this is your last appearance at the Committee before Parliament is dissolved, so I want to thank you on behalf of the Committee for the open and transparent way you have always approached us, not just in agreeing to give evidence whenever we have asked you, but in your written communications, which frankly are models because you actually answer questions that you are asked. That is very unusual, we find, when the Committee writes. We would also like to thank you and your officers for the work that you do in the Metropolitan police area, and in particular for the fact that stop and searches are down by two thirds and, as you have just said to colleagues, the number of police officers remains at 32,000 even though you have had cuts of more than £600 million.

In particular I well recall your appointment and your first appearance before the Committee, when the Met was in turmoil. Since you arrived you have been a very safe pair of hands, providing good leadership to your officers. We would like to commend you for the way in which you have done that and wish you the best of luck for the future.

Sir Bernard Hogan-Howe: That is the first time I have come to the Committee and felt warm as I have left. May I say two things? First, thanks for the respect that has been shown to me and my officers by the Committee, because that is not always the case when people ask us questions. Secondly, I wish you well in the weeks that follow. We may resume our acquaintance.

Chair: Indeed. Thank you very much.