

Police and Crime Committee - 22 September 2016
Transcript of Item 4 - Question and Answer Session

Steve O'Connell AM (Chairman): We are now into the main part of the morning, which is the question-and-answer (Q&A) session. May I welcome our guests this morning?

Sophie, before we start, you will be aware that we submitted a report recently - that had a lot of interest - about serious youth violence. Would you care to comment on your view of the report and its recommendations?

Sophie Linden (Deputy Mayor for Policing and Crime): I am aware of the report because you published it yesterday and I have had a quick look at it, but I have not read it in detail.

In terms of the thrust of your report and the importance of tackling serious youth violence and the fact that some of the incidents are rising, I completely take that on board. As you know, one of our priorities is tackling serious youth violence and we are going to be developing a Knife Crime Strategy as part of the Police and Crime Plan development. We will be taking a look at your report to ensure we take the lessons learned and the findings from that and try, as far as we can, to take them into consideration.

Steve O'Connell AM (Chairman): Thank you. I believe that certainly the Mayor or the Mayor's Office has had a chance to look at it because they have had words to say about it. They have looked at it and are taking it into consideration. Please take some time to look at it. It is a good report.

Sophie Linden (Deputy Mayor for Policing and Crime): Absolutely.

Steve O'Connell AM (Chairman): The Committee is trying to slightly change some of the ways it is working so that we do a piece of work and get something moving relatively quickly that is out there in an important but bite-sized chunk that people can read and do some work around. Of course, we will be following up that work later.

Moving on to the questions, the first question on the agenda is around local policing. This is an issue that the previous Mayor and Deputy Mayor [for Policing and Crime] had some strong ideas about, which is about strengthening local policing and the numbers and reorganising them under the Local Policing Model. Quite rightly, the new Mayor has come in, looked and had some ideas around it. Many colleagues on the Committee will be involved in other committees and so they will have some interest in that.

We understand that part of the manifesto pledge is that you, Deputy Mayor [for Policing and Crime], intend to increase the dedicated ward officers in each ward by one. Is that right and how do you see that being delivered?

Sophie Linden (Deputy Mayor for Policing and Crime): It is right. In terms of the manifesto and our commitment to neighbourhood policing, we have made an initial announcement before the summer that every ward in London will, by the end of 2017, have an extra dedicated ward officer. That means that every ward will

have two police constables (PCs) and one Police Community Support Officer (PCSO) and those 100 most deprived wards will have an extra dedicated ward officer on top of that.

Steve O'Connell AM (Chairman): You are saying that the wards that have one and one will have two and one, and the identified high-risk or high-volume wards that have two at the moment will have three at the end of 2017. Is that right? Is that your understanding of it?

Sophie Linden (Deputy Mayor for Policing and Crime): That is correct, yes.

Steve O'Connell AM (Chairman): One challenge I would have back is that the model of one and one in some wards in London is not always delivered. This might be a question also for Sir Bernard [Hogan-Howe] to comment on. We are talking about the integrity of the Metropolitan Police Service (MPS) and confidence, which I know you feel very strongly about. It strikes me that at the moment, potentially, there are wards out there that struggle with one and one.

Where are these extra officers going to come from to deliver the two and one and indeed the three and one? First of all Sophie and then Sir Bernard, would either of you like to comment on that?

Sophie Linden (Deputy Mayor for Policing and Crime): In terms of the importance of the dedicated ward officers, one of the problems around trust and confidence and the dedicated ward officers was around abstraction. There is a continued commitment for the dedicated ward officers not to be abstracted out of their posts and that will help in terms of improving confidence.

In terms of vacancies, my understanding is that there are 19 vacancies at the moment in dedicated ward officer posts across London and they will be filled soon.

In terms of the redeployment of officers into the wards, that is going to take place from the borough neighbourhood policing strength and they will be redeployed. We were very clear when we made this announcement that these are not additional officers on top of the establishment already but it is redeployment because of the prioritisation around dedicated ward officers, because of the importance that we place on neighbourhood policing.

Steve O'Connell AM (Chairman): The existing model, as we are aware, is one and one or two and one. Behind that one and one or two and one is a group of neighbourhood officers. That is the model. That group of officers would be deployed across the neighbourhood to where the necessity is.

What you are saying is that in every ward - and there are 630 wards - that is an extra officer in each ward across the whole piece and they are all going to come from that team that is behind the existing one and one. Is that the case? Sir Bernard, help me out here.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Yes, I can help with that. In terms of the vacancies, Sophie has explained that there are usually two reasons for the fact that there are some vacancies at 19 out of 629 wards. There is always a period when the person who is working there might leave and you have to select another person and so the vacancies are really just waiting to select. It is not the fact that they are not going to be filled.

You then have the issue of whether or not the people who are already posted there are abstracted. We have said that we do not want to abstract them generally and that is generally what is happening. The abstraction

rate is about 0.4%. It is a very low percentage and it is for the sort of thing like New Year or the Notting Hill Carnival, exceptional things. Generally, we are keeping our promise already.

In the new wards, the numbers that you have already talked through with Sophie are minimums. As we travel through the next 18 months, we would like to get even more officers dedicated. The bare minimum in terms of promise is obviously this doubling-up of the neighbourhood officers. It is true that there are no more officers and so we are having to redistribute from within the 32,000 and those officers are coming from the neighbourhood teams. Of course, as you know, the complaint in the past was, "They may be in the neighbourhoods but they are not dedicated to the ward. We do not know who that person is". We are acknowledging that criticism and that is where those officers are coming from.

Steve O'Connell AM (Chairman): You talk about abstractions, which is an important issue around here because we do know practically that both the wards' one and one and the team behind have been subject in difficult times to abstractions, not just outside the borough but often within the borough. It is an unpalatable fact that that happens. That has not been unavoidable in the last four years.

Therefore, it stretches a little bit of credibility that you are going to, indeed, increase the numbers and say for a matter of fact, "These will not be abstracted", when you are setting yourself up, potentially, to fall if you have not really achieved that in the past, Sir Bernard.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): No, I would not agree with that. First of all, we all can remember the old model of one, two and three. That was achieved. Then we moved to the new model, which involves the neighbourhood teams, but there were times when the new neighbourhood teams started when the neighbourhood team officers were getting abstracted into response. On the whole, the dedicated officers were not, but there was some abstraction and so we made a commitment - now probably two to three years ago - that that would not happen. We have kept that promise, which is the 0.4%. You can always point to the odd time it will happen but, generally, strategically, we have kept that promise.

In fact, we are going to have more officers there. Of course, if you have only one officer there and one PCSO, one person missing means you have no one. Now we have this doubling as a minimum, then it will mean that it is more likely we are going to have an officer on duty whom people know and will develop a relationship with over time.

Steve O'Connell AM (Chairman): We have been looking at this very closely because there is this issue of sickness. I know of wards where - and it will be an unnamed ward because my range is far across my two boroughs - there has been no PC for two months because of sickness. That is another issue because, if you have a sickness position, that position is held even though there is not an officer there. You have to consider that as well because the general public just do not see an officer out on the streets.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): There is no doubt, obviously, if there is an officer sick, we do not replace immediately. If they are going to be sick long-term, then we might pull someone there. However, I would argue that the fact that we are doubling the number of dedicated officers means you are more likely to get coverage because, if one officer is sick, the other one can cover. Of course, if you only have one, sickness means there is no one there. Certainly, if it is short-term sickness, we are not going to repost on the back of that. The chances of having more coverage in the future are fairly obvious given that we are doubling the number of people dedicated in the wards.

Steve O'Connell AM (Chairman): I am going to turn in a minute to issues around consultation, but my last question on the technical side of it - and, also, the Deputy Mayor may wish to comment - is about the connection between the new model and also the proposed merging of borough commands, which we know at the moment is being modelled in two parts of London. That is out there and so that is fine.

It is a question to both or either of you. Is this new model of two and one and three and one predicated on borough mergers? Either or both of you may wish to comment on that.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Certainly for me, there is no doubt that if we do not get that it is going to be difficult to do all the things we have ambitions for in the future. It will still be possible, but it will be tighter. We are better off designing something that is more likely to succeed. As you know, we want to consider this in isolation, but we have already had to make savings of about £600 million and we anticipate another £400 million in savings over the next few years. We have to make sure that we make the appropriate efficiencies and improve the model of what we are doing. It will certainly be helpful, but it is not entirely predicated on that.

Steve O'Connell AM (Chairman): In a nil-numbers game with no extra officers, it is going to be a difficult one. Deputy Mayor, do you want to comment on the link between or the predication on the new officers and your aspirations to merge boroughs? Do you see a connection there?

Sophie Linden (Deputy Mayor for Policing and Crime): In terms of the structure, it is only right that we are looking at proposals on that and it is right that we are looking to test it. As Sir Bernard has said, the MPS has to take £400 million out of the budget in the next four years and that is challenging. The proposals are not just about efficiencies and savings. They are also about improving the service and freeing up officers to be redeployed.

As Sir Bernard has said, the redeployment of dedicated ward officers is not predicated on the basic command unit structure. It may be helpful, but it does not mean that those decisions have been taken. We are looking at that and we are testing it.

Steve O'Connell AM (Chairman): In your early weeks and months, you were saying some very kind words about PCSOs. You were almost regretting that there were fewer PCSOs around. That does not seem to be now part of any plan. You seem to be sticking to one PCSO in each ward.

Sophie Linden (Deputy Mayor for Policing and Crime): At the moment, it is one PCSO in each ward. I do have --

Steve O'Connell AM (Chairman): I know it is at the moment but --

Sophie Linden (Deputy Mayor for Policing and Crime): It is, yes, at the moment. I will always be disappointed that there are not more PCSOs. When there were more PCSOs, it was good for the community and it was good for the police force because PCSOs are a very good step up into the police force. They have been much more diverse.

However, we are in really challenging financial times and we are just going to have to look to see whether it is possible, as I have said before in front of this Committee, to increase the numbers. I cannot make a commitment on that at the moment.

Steve O’Connell AM (Chairman): One of my last questions, really, is about the consultation piece and also working with colleagues – I am not sure I remember if it was a distinct mayoral manifesto pledge – certainly to look at local policing. At the moment, you are out for consultation on the very early stages of the Local Police and Crime Plan. You have gone quite early on this, clearly, and you have done so without consultation.

I would like to ask you about that because you have chosen not to consult around dedicated ward officers but to go early on the commitment. Again, this is a bit of an operational policing piece. Were the conversations early on between you and others about the deliverability of that or was this imposed by a mayoral *diktat*, for want of a better word?

Sophie Linden (Deputy Mayor for Policing and Crime): I do not think anything has been imposed and nor would I ever envisage anything being imposed because everything, as you know, is mostly and nearly always done by negotiation and discussion. That is certainly the way that this commitment was made: by having a look at the figures, having the discussions about whether it is deliverable and coming to a joint agreement on what was possible at these early stages.

Steve O’Connell AM (Chairman): Are you going to include that in the consultation or are you just going to push that forward? You are going for a full consultation on the Police and Crime Plan, which is appropriate and we have been contributing towards that. How will that be linked into the Police and Crime Plan or is that a given?

Sophie Linden (Deputy Mayor for Policing and Crime): The Police and Crime Plan will be setting out the strategy and the vision for policing and crime for the next four years. In terms of the delivery of the Police and Crime Plan, the Neighbourhood Policing Model is one of the delivery structures. The actual dedicated ward officers is not out to consultation; that is a commitment that is going to be delivered. What we will be consulting on are the priorities and the vision and then there will be some consultation on the wider, larger structural review.

Steve O’Connell AM (Chairman): Is it too early to ask you whether you have a “son of MOPAC 7” in mind yet?

Sophie Linden (Deputy Mayor for Policing and Crime): Or “daughter”?

Steve O’Connell AM (Chairman): Yes, or “daughter”. What an awful thing for the Chairman to say! Bear with me on that one.

Sophie Linden (Deputy Mayor for Policing and Crime): In terms of the MOPAC 7, in terms of the priorities around the Police and Crime Plan – and I am coming to the individual groups and I am very happy to come to you as a Committee as well in terms of the pre-engagement before we deliver – we are looking at what outcomes are sophisticated outcomes that will drive the right types of behaviour, and looking at vulnerability and harm whilst not taking our eye off the ball of volume crime. I do not think we will be coming back with MOPAC 7-type targets, but we will be coming back with some publicly accessible and realisable ambitions and outcomes.

Steve O’Connell AM (Chairman): Again, thank you for that. This Committee will take a keen interest, clearly, in the consultation generally and also in this particular point because it is about deliverability, it is about abstraction and it is about integrity. You are saying to the public, “You will see by the end of 2017 two

or three officers at any given time within your ward”, and there will be some difficulties around that. We will take a keen interest.

Keith Prince AM: To the Deputy Mayor, in relation to recording abstractions, I understand that currently the Mayor’s Office for Policing and Crime (MOPAC) does not record abstractions at ward level. In view of the fact that we have a commitment that these officers will not be abstracted, can you give a commitment that in future MOPAC will collect that data?

Sophie Linden (Deputy Mayor for Policing and Crime): In terms of the abstractions, it is important not just around abstractions but around transparency and accountability of police deployment, although obviously not individual police deployments. That is something that I have been discussing with the MPS about how not just MOPAC can have more transparency and accountability around that but local boroughs can understand what is happening within their boroughs. That is something that is being developed at the moment.

Keith Prince AM: Is that a yes, Sophie?

Sophie Linden (Deputy Mayor for Policing and Crime): Yes.

Keith Prince AM: Thank you very much. The next one is to the Commissioner. In relation to the deployment of the two officers, as we quite obviously accept, those officers were coming out of the neighbourhood team - or what I call the “brigaded team” - and were used to do specific roles or functions. If, for instance, there was a spate of burglaries in one particular ward, that team would be tasked to work in that ward. Clearly, there will be far fewer members of that team now. How do you think that will affect policing at the local level?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): There will certainly be fewer. One of the things that people have forgotten is that there were two other dynamics happening during the last five years. If you remember, even though we had that commitment - and we kept it, by the end of the five-year period, the last term of the last Mayor - which was to get to 32,000 officers, of course during that period we had to make £600 million in savings and so the number of officers dropped to about 30,000. We did see vacancies accumulate. Despite that - and I am just going to check with Craig - was it 1,600 officers we moved into neighbourhoods?

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): Yes.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): We moved 1,600 officers from, broadly, response and other parts of the boroughs into the neighbourhood model. The grave irony was, as we were discussing, having put all of these officers into the neighbourhood model, people said, “We do not see them. We do not see the dedicated officers. We know they are doing these things in the neighbourhoods but we do not see them in the wards”. That was a powerful criticism and we - and the new Mayor came along with a similar ambition - rededicated some of those people back. Bearing in mind we had 1,600 there, these numbers are nowhere near 1,600. Yes, it reduces a little the flexibility of the neighbourhood inspector to move them around the neighbourhood, but not so much so that it will stop them doing the good things they were doing.

What we do not want to lose is, if you remember, people did like the fact that under the neighbourhood model, the officers were working longer. The complaints from the old dedicated system, “It is fine, they are OK, we all know them and they come to our meetings, but they go home at 5.00pm”. One of the benefits of

our last five years has been they have worked to midnight and beyond and they have dealt with antisocial behaviour issues in the evening and so we will still get that flexibility.

You are right. There are only so many officers and it will be slightly less than before, but it does not reduce their flexibility altogether.

Keith Prince AM: Whose idea was it, then, to go down to one and one and whose idea was it to go back to two and one?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): If you remember, really, it was a joint idea, as this has been a joint idea.

There were two things affecting us as I arrived. One was that we were having to make the savings. We have talked at the moment only generally about the police officers, but at the same time the high point for PCSOs was 2009 and we got up to about 4,500 PCSOs. As we sit here, it is about 1,500 and so that is 3,000 of those people. People were talking not only about seeing less of their dedicated officers, but about seeing less of the PCSOs and that was a big effect that we had to deal with. As I said, for three of the five years, we had to cope and we have 2,000 fewer officers than we wanted. We got to just over 30,000 officers while we made the savings. Really it was needs must.

At the time, you will remember that we discussed that with the Mayor and we came to an agreement about what we thought we could deliver. We thought that by putting more officers into neighbourhood teams, yes, having less in dedicated, we could achieve a better flexibility. There were some criticisms of that model, which we are trying to respond to now.

Keith Prince AM: You would say that it was a joint decision and that you feel that one and one --

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Yes. In fact, the way it normally works on these things is that, professionally, we will make a proposal with options, "You can go this way or this. There is only a limited pool. Is it 32,000 or 30,000?" Whichever way you go, there are a few risks. As you just pointed out, if you take them out of here, you have a problem here. There is no perfect solution. We probably need to double what we have to achieve that. That is not a proposal, by the way!

That is the way that I have always worked it: we make an operational [proposal], give some options, discuss the pros and cons and then try to get a broad consensus. It is an operational decision about where they go, of course, but it would be unwise to say, "I say they all have to go there". We do the consultation centrally with the Mayor and we have done it in the past with the Police and Crime Committee in the Greater London Authority (GLA) and of course we do it locally in each of the boroughs. Where the extra 100 are going now, you want to make sure you have broad agreement for that locally, not just us saying, "That is where they should go", and imposing a solution.

Keith Prince AM: Would you say, Sir Bernard, that the decision to go either one and one or two and one is an operational decision?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): It is broadly because every day we have to say, "I am sorry, that is the promise, but we have to go and deal with this. There has just been a stabbing". You saw what happened in Russell Square just a few weeks ago. We have to make operational

decisions on the ground. The broad strategic direction you reach agreement on and there rarely is dispute about that because everybody is trying to deliver the right resources.

Keith Prince AM: Thank you. When the Mayor announced that it was his decision to go with two and one, it was not really his decision because (1) it was operational, which means it should not be his decision, and (2) you are saying that you put the idea forward?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): No, it is always a broad agreement. When new people arrive, you have to talk through things. It is a sterile debate for me to say whether it is an operational thing or not. We always make sure that we reach broad agreement on the 32,000. With central Government, we have had discussions about how many firearms officers. We could have said that we are having less or more but, frankly, central Government funded many of them. You always have to talk at a political level about proposals. The day-to-day deployment, everybody accepts, is going to be down to the police. We have to respond to crime on the ground and we have to make sure that we deliver a good service that is going to be held to the rule of law.

Keith Prince AM: Sure, but it was your decision to do two and one?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): The final decision about where they go day by day is, of course, an operational one but it never gets down to that at a political level.

Keith Prince AM: That was helpful. Thank you very much.

Leonie Cooper AM: I know that we have just been talking about abstractions and numbers in wards, but I also wanted to ask about turnover. One of the things that has really impacted on the services is when you have a lot of turnover of staff and there is a lot of change both at ward level and also at higher levels in the local boroughs.

In my own ward, everyone talks about PC Lucy. Everybody knows Lucy. She has been there for some time. It is absolutely fantastic. She is incredibly embedded into the community. That is one of the things that we really value. Having only one ward-based officer for a long period of time in one sense was not so difficult because we all know Lucy.

I do not think that that is true everywhere and I just wondered if you could talk a bit about the problems with turnover. I know people want to progress in the police, but there has been the issue with people going from PCSO to PC and also then going up to sergeant. That has also created some instability. Having at least two officers in each ward can be helpful when promotions are taking place. I just wondered if you could talk a bit about stability in the wards in light of people moving around a lot.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): It is a constant challenge. The instability, as you said, around the PCSOs has been because about 25% of them became police officers and, broadly, that has been a consistent percentage. To be fair, it means that three-quarters do not, but it is certainly true that many of them have moved on. Quite often, they have moved back to the boroughs that they were PCSOs in and so they have not been entirely lost, but there has been that constant dynamic. It is certainly true that not all officers want to stay there for all of their careers. We do encourage them to move on by promotion or they may develop into counterterrorism or whatever else they want to do.

I am not sure, if I am honest, exactly what the average length of time in the wards has been, but it has been one of our longer periods. Generally, it has been longer.

Leonie Cooper AM: Is that something that you would be able to provide to us so that we could --

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Yes, I am sure we could find it.

Leonie Cooper AM: I would find that really valuable.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): We could always make a statement of expectation. We have tried doing it with Borough Commanders. At least it is an expectation and, as you know, that has been a challenge as well. People say, "It is not only the local officer; it is the boss. Why do they keep moving?" There is a constant dynamic that we are challenged by, but we can provide that information about the average.

Leonie Cooper AM: It would also be good to know about Borough Commanders because you are aiming for a two-year tenure, which would be fantastic. There was one point in one of the boroughs in my patch, Merton and Wandsworth, where I cannot even remember the names of the Borough Commanders because they were practically coming in threes like buses. It was just so frequent.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I object to the term "buses" for Borough Commanders, but I think I know what you mean!

Leonie Cooper AM: It has been noticeable, the difference that has been made since [Chief Superintendent] Richard Smith came in as the Wandsworth Borough Commander, and he has been there now for over two years. I wonder whether the idea of having a two-year tenure is quite sufficient because some of the things that he has been working on and pushing through and the relationships that he has been building, actually coming in after a huge amount of turnover, probably took him at least a year or six months minimum to get over the resistance and people saying, "You will be gone by tomorrow, will you not?" I just wondered if you could comment on whether there was any chance of people staying even longer in boroughs.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): In short, I would like them to stay longer. I thought actually we would start to target towards three years rather than two for the reasons you have described.

Leonie Cooper AM: That would be great.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): The challenge we have - and I do not excuse it - and the first point I would always make - and I think people acknowledge this - is that people want to keep the people who are good and they want to lose the people who are not. They do not want longevity from the people they do not support. We do recognise that and we will move people if things are not working either internally or with local partnerships.

Secondly, one of the challenges is that the best of our commanders often go on to promotion. Because of the nature of our relatively short careers at 35 - but for this group 30 - years, by the time they get to Borough Commander, they are looking towards perhaps the next rank and probably are not looking to spend two or three years. That is their personal ambition but we cannot ignore it and often we are trying to promote people.

Particularly women and minorities, we want to get them through quicker to get better [representation at] leadership [level]. There is a constant challenge on that.

I am not going to disagree with you. Generally, we could do far more to keep people there longer.

Leonie Cooper AM: Is it also partly about the idea of making it just as prestigious to be a Borough Commander providing really good quality locally across the range of services that takes place in a borough as it is to be involved in gangs and guns and Trident or Viper or something with one of these fancy names?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I am not sure that they are fancy names. They do some quite important work. There are two things, really. One of the major drivers is that generally people are looking for promotion, not for lateral development. There are some who get laterally developed and they go off to a specialist unit. In our specialist units, there are not that many roles compared to the 32 Borough Commanders and so there is certainly some turnover from that.

However, the three big ones are: one, yes, some lateral development; two, promotion; and three, sadly, retirement. If that is their final post and then they leave, there is not an awful lot I can do about that, generally. Those are the three big pressures.

We have some really good examples. Sue Williams was out at Redbridge for five years. Peter Ayling (Borough Commander of Westminster), who is at Westminster, has been there for at least three now. I could go on. There are some bad examples where we have too many incumbents for too short a period.

Leonie Cooper AM: It would be really good to see some statistics on how long people are staying. It would also be nice to see how many of the Borough Commanders are now women as well.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Yes, I shall go and check.

Leonie Cooper AM: Thank you.

Steve O'Connell AM (Chairman): It was a fair debate and we debated this for some time over the years about the need for continuity and the need for Borough Commanders to be in post for a minimum of two or pushing three years. That is where we have got to.

Jennette Arnold OBE AM: It is so good to be back and seeing that the questions are still relevant.

Steve O'Connell AM (Chairman): It is so good to see you.

Jennette Arnold OBE AM: I thank my colleague for bringing that question up because I do not have enough fingers to count the number of Borough Commanders I have had across my constituency. I have to say all of them were brilliant and we wanted to keep them but could not.

My question about local neighbourhood policing is not about numbers but is particularly about the impact of an issue arising from local neighbourhood policing that just reduces confidence. One of those issues is the police's role in local licensing law. I do have a question to either the Commissioner or the Deputy Commissioner about the controversy surrounding the closure of Fabric nightclub in Islington, which, as you know, just dominated London-wide press and social media for weeks.

Can you confirm to me that the police do not close down nightclubs just - I will not say "on a whim" - for superficial reasons and that there is quite a lot of discussions and quite a way to go before a nightclub such as Fabric could be closed? Indeed, a lot of people have said that there was a vendetta against the nightclub by the police. Can you just comment on those comments?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Firstly, I have not arrived prepared entirely on Fabric, but I will share with you what I recall. First of all, the police do not generally have the power to close nightclubs or premises, except with some exceptions. If there is some serious violence, an inspector can close it for a very short period of time to make sure that the violence does not recur. We have that police power. However, generally, the licences are awarded and they are removed or renewed by the local authority. It used to be the Magistrates Court, of course, but now it is the local authority.

Our only role in it is to provide the evidence that we have about the conduct of the licence. I suppose we can provide two broad sets of information. One is about how much crime is committed on the premises that we are called to and are aware of and also that we can associate with the premises. As you know, people will get drunk in a pub or something happens at a pub but the offence might happen elsewhere or we might find people in the area complaining about noise or whatever it happens to be. We can share the information we have with the licensing authority. Of course, with Fabric, the sad reality was that there had been some deaths associated with the premises, too, over a period of time. If we did not share that information, we would have failed in our duty. We have a right to share that and it is right that the local authorities should consider that when they consider whether a place is being run properly.

Also, both to the local authority licensing department and to the police, how do the people who operate these premises respond when they are criticised or things are brought to their attention? Do they respond positively? At the end of the day, a licence is a privilege. It is not a right. It is a very important privilege to provide people with alcohol and keep them safe on the premises. Sadly, we see underage people going from time to time; they need to be excluded. Of course, we do get the awful mixture of drugs and drink. For all those reasons, it is a serious issue.

We do not make the case that there is a problem with a licence unless we think there is. On the whole, my experience in London, as well as elsewhere, is that the licensed trade runs a good trade. If they are running poor premises with lots of violence and people getting hurt, they will not make money. The best of the licensed trade run it well. You do, as with everything, get a relatively small minority and they have to reflect on their performance.

The only final thing I would say - without having all the information in front of me - is that, as you know, some of the information about Fabric had been building over a period of time and they did not necessarily appear to respond to it. The Local Authority reached that conclusion, and it is the Local Authority's conclusion, not ours. We can only share the information we have.

Jennette Arnold OBE AM: That will bring clarity to the public realm because a lot of blame has been placed at the local policing.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Certainly, some of the public discussion that I have seen has been a bit unfair. We did not have a vendetta. We have no vendetta against anyone. All we can do is share. We want the premises to be run well. We want young people and others to be able to go to licensed premises and nightclubs. That is a great part of London and keeping it

vibrant. However, no one benefits from badly run pubs and nightclubs. People suffer and that is not a good thing.

Jennette Arnold OBE AM: Thanks for that clarity.

Steve O'Connell AM (Chairman): That is absolutely correct. Ultimately, it is the responsibility and decision-making of the borough. In one of my boroughs, there was a very strong police recommendation to close a club and the borough licensing committee overturned that and refused to close it, creating something of an atmosphere. Ultimately, it was down to the borough to make that decision. Florence, you have some questions?

Florence Eshalomi AM: Jennette has covered it but, essentially, would you just say if, on the back of the Fabric decision, there will be any additional discussions with local Safer Neighbourhood [Teams] and local licensing police across London just to reiterate the police's role? As someone who was out this weekend celebrating my birthday and as someone who sat on the Licensing Committee in Lambeth, again, it is not that the Committee takes that view lightly. A decision is something made after looking at all the evidence. It is a really difficult decision but, equally, making sure our young people and other people going out are safe in clubs is paramount. Would you tell us if there is going to be any additional advice that you would be giving local boroughs around licensing going forward from this?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): We are always reviewing these things. Generally, one protection that the licensees have is that they are represented legally and so they do not go into this naively. All of the information we have we have shared with them and of course they have their own information, presumably, because they are running these places and they know what is happening. They know about some of the bad outcomes and it is not a surprise.

They have often had a very long period where advice has been given and sometimes ignored and the local authority is aware of this and has been involved in that, too. It is not just as though it is just the police. The local authority licensing teams will be talking to them, as you know, all along the way. This is a memory thing and so, if I am wrong, I am wrong, but I seem to remember that this was not the first appearance for this club in particular with the licensing authority and so it obviously had its own concerns.

I do not know the numbers, but the boroughs do not remove licences without good reason. It is a fairly rare event. They can put conditions on and can ask that they are managed better, but in this case they decided that that was not good enough.

Florence Eshalomi AM: Thanks.

Steve O'Connell AM (Chairman): I do not want to stray too much away from the initial subject and we need to move on, but Sian has one more question and then we will move on.

Sian Berry AM: Yes, just because we have gone on to this subject, I would like to hear from the Deputy Mayor on this, if that is possible. We do need to acknowledge the effect of the police and the influence the police have over the licensing process in instigating reviews and how seriously their evidence is taken when reviews are made. It is something that potentially the Police and Crime Plan should be looking at in conjunction with the new night-time economy Czar that we are about to get. I just wanted to hear if the Deputy Mayor was going to look at that.

Sophie Linden (Deputy Mayor for Policing and Crime): In terms of safer --

Sian Berry AM: Taking a different approach, a better approach and maybe a more integrated approach with the new Night Czar to the night-time economy and licensing, given the influence the police have.

Sophie Linden (Deputy Mayor for Policing and Crime): Yes, as you know, there is a very strong commitment from this Mayoralty to improve and develop the night-time economy and the culture offer of London because it is such a fantastic offer.

In terms of what we are going to be doing within the Police and Crime Plan, keeping people safe is the prime purpose of the Police and Crime Plan. However, it does have to fit into all of the other ambitions and priorities of the Mayoralty and we will be discussing that with the new Night Czar. There is a night-time economy commission that we sit on as well. There are inevitably some tensions but, actually, the development of the night-time economy and the cultural offer can be done in a safe way that is good for businesses, good for the economy and also good for the community. It is just getting that right balance.

Sian Berry AM: Great. Thank you.

Steve O'Connell AM (Chairman): I will try to drag us back to the agenda, but that was a good debate and we will continue to look at the local Police and Crime Plan and the Local Policing Model very closely.

I would like to move now to the subject of police pursuits and emergency response to road traffic incidents. We will be aware of the tragic accident in the neighbouring borough of mine, in Penge, only a few weeks ago, which brought this topic to a head. Now there are some issues around safety and issues around the police having the confidence to pursue and around health and safety.

Peter Whittle AM: Good morning, Commissioner. I understand that you recently did a review of your policy into pursuits and emergency response. I just wondered. Before we go on, are the results of that review published yet?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Which review?

Peter Whittle AM: There was a general review of your pursuit and emergency response policy after the death of Henry Hicks [2014 road traffic accident victim].

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Henry Hicks? I am not sure that we have yet published the consequences of that. There is no reason why we should not, but I know that one of the things we were hesitating for was the Independent Police Complaints Commission (IPCC) investigation and of course there was a Coroner's inquest. I am not sure that we have yet seen the result of the IPCC investigation --

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): I do not think the IPCC investigation has finished yet.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): -- and so, really, at the conclusion of that. We have tried to take some managerial learning as a result from that, but not a general review of the policy.

Peter Whittle AM: I see. All right. Could you just tell us generally how safe and effective pursuit is?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): It is difficult to be precise because we have struggled to get all the data that we need for this discussion. However, broadly, there is always a tension. There is no doubt that a pursuit has risk attached to it. The dilemma is whether you allow the person that you would pursue to get away and then take the consequences of that or, alternatively, you pursue and then have the risk of a collision. As we saw in this awful case in Penge, two people died. It is a relatively rare event that we get deaths but there are some risks.

We try to mitigate that risk. We give our officers a lot of training at each level. We have three different levels of training, three weeks in each case, some of which is dedicated to pursuit training. Each of our vehicles is now fitted with a recorder. That means that in the 30 seconds prior to any collision, all of the information about what the vehicle is doing, what speed it is doing, whether it is braking, etc, is available for any investigator. The officers are aware of that.

We train our people who work in the control room. They are the people who supervise the pursuit and officers have to get permission to start a pursuit and to continue it. We do discontinue pursuits.

Finally, we have other things available, such as the helicopter, which give some potential for stopping the pursuit altogether, backing off and allowing the helicopter to follow, but that is not always available and nor is it always able to get there quickly enough. Many pursuits end quite quickly. It is a constant concern for us that it is a risk.

The final thing I would say is that, broadly, police vehicles travelling at speed have probably two purposes. One is when they are pursuing someone who will not stop or, alternatively, when they are trying to get somewhere quickly to help someone who needs help. Both have their risks, which we try to mitigate.

Peter Whittle AM: How are the decisions taken as to whether a pursuit should go ahead or not?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): There are usually two types of pursuit. One is when you are very certain who is in the vehicle and what they are doing. Say, for example, you have a murder suspect or you have someone who has just been involved in an armed robbery. You believe you know what they did and you are going to pursue them to stop them and catch them.

The ones that are harder to predict and to manage are when you are trying to stop a vehicle and they refuse to stop and you do not know at the beginning why they have refused to stop. It can be because they just do not want to stop or they do not have a driving licence. At the other extreme, [there is a] very serious offence that they are trying to escape from and they believe you know who they are but at the beginning you are just unaware of that.

We have a lot of information about the vehicle. We have the registration number and, if that is accurate, our system will tell us who owns it and whether there is a need to stop the vehicle for any reason: it is stolen or the vehicle has no insurance.

Generally, you have two broad types of pursuit. One is where at the beginning you think you know why this person will not stop and then you can make a seriousness assessment. Is this such a serious offence that we cannot allow them to escape, such as a terrorist offence? At the other extreme is where it is a relatively minor thing - say we believe there is no tax - and we can go back and see them another day.

Secondly, you look at things like the age, if you know, of the drivers. Obviously, if you get a two-wheeled vehicle - which it was, as you said, in the Henry Hicks case and in one or two other cases - then that is one of the other things. A two-wheeled vehicle has less stability and that is one of the things you have to consider in the pursuit.

Finally, so far as the officer can determine and the control room can determine, what are the traffic conditions at the time? If you have very dense traffic or you are passing schools or people are leaving schools, all of that tries to be played in.

Pursuits do get stopped but some do continue and, sadly, we do have collisions from time to time, sometimes with terrible outcomes.

Peter Whittle AM: With, for example, the case of Henry Hicks, he was a juvenile and it seems that there was a breakdown of communication. In the control room a senior officer was not told about it or the decision was made outside of the control room. Is that right?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I cannot talk about individual cases and certainly not this one where there is an ongoing investigation.

Peter Whittle AM: That would be part of the decision, if you like, the profile of the person as well that you might be pursuing?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Yes. If I do not deal with any individual cases, one of the challenges if we look at our crime statistics at the moment is that we are seeing an increase in the number of stolen and taken-without-consent vehicles after seeing years of it coming down.

One of the biggest increases is in two-wheeled vehicles. If we look at four or five of our boroughs, these mopeds, which are generally what we are talking about in these cases, are being stolen by young people to commit crime, not only to steal the bikes. We have had some real challenges when they have committed crimes and we have struggled to catch them. Only about four weeks ago on Piccadilly the Flying Squad intervened when people who had stolen mopeds were breaking into somewhere and ended up with one officer with a fractured skull and another with an axe in his knee.

These are quite serious things - very serious things. The officers have some difficult decisions to make particularly when they have a young rider and particularly when it is a two-wheeled vehicle. There are no easy options.

Peter Whittle AM: It is true to say, therefore, that there is no real substitute for pursuit as a tactic?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): No, that would not be fair. There are some options. Obviously, if the registration number of the vehicle is accurate and we have a proper record of the owner, we can go and see them later. That is not always the case. The registration number could be false. The details with the Driver and Vehicle Licensing Agency (DVLA) can be wrong.

The fact that somebody owns a vehicle does not mean to say that they were driving it. One of the substantial things you have to prove with any motoring offence is who the driver was. The best way to do that is to catch

them in the vehicle and then you have very direct evidence. If you have to go and see them later, then you have to prove that they were in the vehicle later and it is always more of a challenge.

We are less worried about that when - and I will not go through the list because I will probably give people the wrong one - we have a relatively minor traffic offence but, if we have a serious crime, then we are less sanguine about allowing them to get away. There are options when it is a less serious crime and we believe we know who is driving it.

The only final thing - and there is hope here, particularly - is that we can have a digital record or a photograph of who the driver is. Some of our serious crime units carry mobile recording. We would like to get it in all of our vehicles, but all of our officers within the year will have a mobile recording device. That gives an opportunity, if we can get a face, to have more evidence to prove who was driving and may, therefore, lead to less pressure on the officers to continue a chase.

Peter Whittle AM: I remember when we last had a Q&A session with you, Deputy Commissioner, we talked about the discussion on the possible use of drones.

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): Drones, yes.

Peter Whittle AM: Sorry, I am obsessing about drones, but is this the sort of area where you would consider the use of drones?

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): As we discussed last time, there is clearly a potential to use them in a scenario like this, but it has never been proven or tested in that sort of scenario in a crowded space with a moving vehicle. Anything that gives you a situational awareness acts like a helicopter around them. It goes back to the Commissioner's point on a lot of this decision-making around this.

You asked about the role of the control room. The control room is a check and balance. If I am on patrol and I get a hit on my automatic number plate reader that says the car in front is suspected to be carrying firearms or moving firearms across London, I have some really difficult decisions to make now. That is why the control room is there to check my thinking and rationale as to why I pursue or follow or, ultimately, call me off.

There is all of that technology. You will have seen some of the technology that deflates tyres and some of the other tactics. All of that is available but they all have their limitations.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Just to pick up on two things that Craig has talked about, if you are talking about the final one, the stop stakes, we do have those available. The challenge is to get in front of the vehicle, particularly in London, and place them in a safe area. You will have seen in Merseyside about five months ago a police officer was killed positioning one of those things. He was in front of the vehicle and it avoided the stop stakes. There are risks with that for the officers as well. They are a relatively safe way of stopping vehicles because each of the spikes on the stake is a valve. What happens is that it gradually deflates the tyre and enables a slow stop. That can be powerful.

The problem with the drones is that you have three broad types. You have military-style predators. We are not going to use those. You have very small ones, but the problem with the small ones is they do not fly fast and they do not stay in the air long. In terms of vehicle pursuits, that is a bit of a challenge but they have other benefits. In a build-up area here where we have overflying, the Civil Aviation Authority (CAA) is not very

keen on medium-sized drones working, but they would be quick enough and would stay in the air long enough to get involved in a pursuit. At the moment, drones have some part to play, but it is not a very big one because the small ones just are not quick enough. I cannot remember the speeds now but it is something like 25 or 30 kilometres an hour. The battery life is 20 to 30 minutes depending on the usage and for them to stay in the air the wind speed has to be less than 20 kilometres an hour. They do have some benefits for surveillance but not necessarily pursuit.

Peter Whittle AM: Sorry to be basic about this. What is the size of a middle-sized drone?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): You have gone beyond my detail threshold, but what I have seen is something in the order of, whatever the span of this room is, two-thirds the size of this room the Chamber [City Hall]. They are quite big things. Bear in mind that - this is from memory - the CAA restrictions, before you have to have them licensed and then you have to be a proper pilot, is 7kgs.

Peter Whittle AM: I see. There has been a reduction in fatalities and serious injuries in recent years. What do you attribute that to? Also, what is the criteria for "serious injury", by the way? It is worth knowing these things.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): In terms of what I attribute it to, generally, our training has got better. When I started, we did not get much pursuit training. We got training to drive at speed to get somewhere quickly but not to pursue things. We have put more time and effort into that. Also, we are doing training at the times of day when generally pursuits happen. Often pursuits can happen in the evening, not during daylight, and that is another dangerous factor we have to think about. The design of vehicles has improved.

The major changes have been the fact that helicopters are available, which is a big help, and the control that is now exerted through the control room. That did not used to be the case. All they did was to monitor a pursuit, but now an inspector in the control room or one supervisor can say, "Stop", if they think it is too dangerous to continue on the information they have available. They are the big things.

In terms of serious injury, I am not absolutely sure about what the definition is, but I suspect that it is what we might all agree: a broken bone or a serious medical condition. I am not sure exactly what the definition is.

Peter Whittle AM: There have been reports that the driving instructions have had to be shortened because of cuts. That is not true, is it?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Over the years, they have got longer, if anything. I have the dates here. For emergency drivers, the total is 15 working days, which is three weeks. That includes two whole days on pursuits.

If you want to go on to be an advanced driver - which are our traffic drivers or the people doing surveillance - that is a further three weeks or 15 days, five of which are focused on pursuits.

Then we have a further level, which is called tactical pursuit and containment (TPAC). That is something used more in the provinces than it is in London. Say, for example, you have a vehicle going the wrong way on a motorway or you just need to physically stop a vehicle. There is a method where, if you can get a vehicle in front of it, one alongside and one at the rear, then gradually that whole box can slow down. It is called TPAC.

That can prove successful, but it is also a risky option. If we do not have many options left, that is one that we will use. We give officers a further five days in that.

The challenge we have in London is how many roads are wide enough and have little enough traffic to do that. We do not have many dual carriageways where there is not much traffic. Secondly, it is having enough TPAC-trained officers and traffic vehicles to carry that out in one place. It is something that we have available but it is one of these things that, frankly, is probably available more at the extremes than usually.

Peter Whittle AM: Finally, what are the gaps or the improvements that you think could still be made?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): My ideal scenario would be if we had a device that slowed down the car in front or if there was a way of intervening in the electronic management of the car. It may sound farfetched but these things can be developed and, of course, cars now have more of an electronic brain. That, for me, would be a great opportunity to safely slow down the vehicle in front. I cannot say that that is there at the moment.

The only option that is open to all of us by discussion is to say that the police should do less of it or stop it. There are risks with that. If people believe that all they have to do is not stop for the police, then we will end up with people committing serious offences who just believe that that is all they have to do and they will get away with a crime. It is a dilemma. We have tried to restrict over the years the types of pursuits we carry on with, but they do carry risks. It is a terrible tragedy - as we saw in this case but there have been others - when somebody loses a life.

Peter Whittle AM: Finally, on this idea of a device being able to slow down the car in front, how far off would you say you are with that?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I could not promise you. I am not a technician. You asked what would help. That would help. I am not sure beyond that.

The ideal, obviously, is to stop the driver getting in the vehicle. If we are knowingly making an arrest of someone, we would not try to do it when they get in the car. We would try to do it before they get in or afterwards. That is for a planned arrest. Particularly if we are talking about somebody with a firearm, it is our least attractive option but sometimes we have to take it. It sounds like a good idea until suddenly they get into the car and you then let them run with a gun or 50kgs of heroin. Are you going to let them get away or not? Are they just going to deliver the heroin just because they have got in a car? You might wait until they get out because you might lose them *en route* and may not know where they are going.

There are some situations that are very difficult for the officers on the ground to determine and we need to keep some options for dealing with these. I will not run through all the scenarios, but you can imagine what we get. We have probably 50 or 60 kidnaps in London. Every week we deal with them. Often, the kidnapper has gone to ground and the person is in a house, but sometimes they are being transported in a vehicle. Do we just let them run? That is not wise, but we have to manage the risk in any one of these cases. We have cases when people have been stuck in a boot having been assaulted. Do we let them run? Probably not. They are hard choices. What we do not want to do is to pursue for trivial things. We try to avoid that.

Peter Whittle AM: Thank you very much, Commissioner.

Steve O'Connell AM (Chairman): The Deputy Chair and I were on our way to Notting Hill. We were driven direct from --

Unmesh Desai AM (Deputy Chair): We were driven from the control room in south London to the Carnival by two drivers who are employed fulltime by the MPS just to train police officers in driving skills and emergency pursuits. We were very impressed.

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): Good.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): The final thing I would say is that not everybody who wants to be trained to the higher level is trained. If the trainers do not think they are capable, they fail. We could get our failure rates for the Deputy Mayor or for you. If people do not have the reaction time, if they do not seem able to deal with multiple inputs when they have a radio going and they have the situation in front of them or if they are not up to it, it is not wise for anybody to get involved in that. Some officer deselect themselves when they realise they are not up to it. They are challenging situations.

Steve O'Connell AM (Chairman): There is the dilemma that Londoners would expect officers to chase and apprehend people committing serious crimes and would have that expectation, but there is the issue around public safety and there is that balance.

Keith Prince AM: Clearly, officers have a very difficult job and we are grateful for what they do. It is unfortunate when we have these tragic outcomes, but what we have to remember is that somebody is breaking the law and the best thing that we can do is to apprehend them.

My question is to you, Commissioner. Is there any legal protection for pursuit drivers or response drivers at all?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Not really. The standard that the police are held to is the same that we all are. They have to drive with due care and attention, not without it. They cannot drive recklessly. The courts and the prosecutors will take into account that we have better training but, at the end of the day, they are expected to keep themselves and the public safe. Somebody knowingly taking a risk thinking they are going to hurt somebody would not be good enough for a police officer.

There is a discussion ongoing and the National Police Chiefs Council (NPCC) is putting forward a proposal for officers in pursuits to be considered differently. If you are talking about an officer getting, say, from here to a serious crime and somebody's life is at risk, then they should do that safely even if they do it at speed. The general rubric is to arrive alive. If you do not get there, you are not going to help anybody. However, with pursuits, there is a debate ongoing about whether or not there could be different considerations when there are difficult risks to balance and the officer does not always have the information to make that risk assessment.

Keith Prince AM: As with the Army and even your armed police, you have people who are put into a position where they have to make a split-second decision and then we can, over the course of weeks and months, look into that decision and tear it apart. We have to have consideration for the fact that you have to be there at that time making that decision.

Could I ask about this thing that you say is being looked at about giving special consideration? Are you supportive of that, Sir Bernard?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Yes, certainly. It would certainly be helpful for it to be explored. One of the challenges that the officers face, as you say, after the event is that everybody forensically goes through that event. It is the natural thing, “Why did you do that? What speed were you travelling? What did you consider?”

Of course, one of the things the officers do have to consider is that if this person is driving so recklessly - and that might be the very reason the officer has intervened in the first place if they are driving at high speed or they appear to be drunk - they can say, “We will not pursue”, but of course that driver could then go on to hurt somebody else anyway. If you intervene, there is a risk. If you do not intervene, there is a risk. Often that balance of risk, from the officer’s perspective, does not always seem to be assessed. If you intervene and it goes wrong, “Why did you do it?” Who considers if you had not intervened and it went wrong? Is it your fault for not intervening? That breadth of consideration is something that is important for the officers to feel they have some support from society or society says, “Do not do it”, in which case we will not.

Keith Prince AM: Could I ask you, Deputy Mayor, if you will support the Commissioner’s views on this and lobby to try to bring in some kind of protection for these people who are putting their lives on the line every day?

Sophie Linden (Deputy Mayor for Policing and Crime): To be honest, it is the first time I have heard about the NPCC looking into this and I would have to look into exactly what has been proposed. From what the Commissioner has said, it is certainly worth exploring.

There are two things. There is making sure that police officers when they take the right decisions and go through the right processes and do balance the risks appropriately are protected and, absolutely, I would always support that. There is also the need for public accountability when officers are taking decisions that do go wrong and that is right as well. It is getting that balance. I would have to look at what the proposals are from the NPCC.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): The other thing I would support is when officers get it wrong - drive too fast in the wrong circumstances - and they have been prosecuted. I have no objection to that. We are all held to the same standards.

Keith Prince AM: Do you support the idea, Sir Bernard, when officers get it wrong, of prosecuting them? Do you support the idea that when officers get it wrong, they should receive punishment?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Yes, the normal things apply. I suppose everyone has had a collision when there has been a lack of due care. Is it an accidental thing? People make mistakes.

Keith Prince AM: Yes, absolutely.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Mistakes are a human failing that everybody would account for.

Keith Prince AM: When it is a deliberate action that an officer takes that is wrong, do you support actually taking some action?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): What I was going to go on to say is that there are gradations of mistakes, are there not? When there is a mistake --

Keith Prince AM: Yes. I agree. We all make mistakes, but when an officer makes a deliberate --

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): No, if I could just develop my answer, then by all means come in. My point is that there are gradations of mistakes. We all, every day, make mistakes and that is fine. Then there are things that, if we had thought about it a bit more, we would not have made that mistake or we might have been warned not to make that mistake. Very high speed is a challenge and you know when that is happening.

It is all about gradations of mistake. If you look at traffic collisions on the whole, it is the most likely time when any member of the public comes into conflict with the law because we all drive cars and we all make mistakes. Some of the outcomes of those mistakes can be very serious. Often people regret it immediately, but they were caught up in the moment or whatever. Officers are as likely to face that challenge if we put them in difficult circumstances.

However, if it is a gross error, if it is criminal negligence, then we are as liable as anybody else, no matter whether we are arresting somebody, whether we are driving a car. We are no different from the rest of the public. Sometimes, [if there is to be] a bit of consideration for the officers at times - and you mentioned your firearms officers - then it seems to me that that consideration is something we ask either in policy or in law to form part of the judgment.

Keith Prince AM: You would support in the instance of not a gross error but a deliberate act that those officers should have action taken against them?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I prefer my words that I have just used rather than agreeing to yours. I have tried to give my best indication of what is criminal and what is not.

Steve O'Connell AM (Chairman): That is about as much as you are going to get from the Commissioner on that.

Keith Prince AM: That was very helpful. Thank you.

Sian Berry AM: I just wanted to go back to when you were talking earlier about capturing an image of the driver being something that might enable you to give up on a pursuit if there was danger and it was something like a traffic offence. This week or late last week, you are probably aware that there was footage of a police officer using the tactic of smashing a windscreen in a case where, I think, there was a person who was suspected of driving without a licence.

Without getting into the details of that specific case, I just wanted to ask in general. What place if any does that tactic currently have in cases when you are pursuing and dealing with driving offences?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Which tactic?

Sian Berry AM: The tactic that we saw a police officer using, I think, a baton to smash the screen and then a knife to prise it away.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): As you said, we cannot talk about a particular case --

Steve O'Connell AM (Chairman): We have to be careful talking about incidents.

Sian Berry AM: In cases in general, how is that tactic used?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I will try to give you a general answer because I will not talk about that case. There is an investigation ongoing, which is going to be carried out independently by the IPCC.

Generally, the dilemma is that you need to know why you want to arrest that person who happens to be in a vehicle or why you need to get into the vehicle. Again, you have only so many options. If you have a stopped vehicle and you cannot get in, what are you going to do? Are you going to sit there all day? You have to do something to intervene and so you would do your best to get into the vehicle without causing any damage. Occasionally, it can require that the vehicle may get damaged in the process. It is never a good idea, obviously, because it is not very straightforward if you have glass being broken or whatever it happens to be, but there are limited options if somebody will refuse to get out of a vehicle.

Sian Berry AM: You mentioned body cameras earlier on. Potentially, if body cameras are in use, capturing the image and establishing the identity of the person could be done outside of the vehicle, then, in that case?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): It is certainly helpful. It is not always conclusive, but it is certainly helpful. Therefore, it is certainly one of the things that can reduce the chances of a pursuit or stop it and give you somewhere to go afterwards to pursue that.

One of the things that you have to look at is the gravity of the offence for which you want to arrest that person. You could say, "OK, then. Stay in the car and drive off if you like", if you want to arrest them for rape that is probably not a wise idea.

We want the evidence on them as well as the evidence we may obtain before or afterwards. They are the usual considerations we have to consider. We can let a suspect walk away. The purpose of an arrest is to allow an interview and to gather any evidence that they have on them that might be relevant to the investigation we have. It may be a phone that they have that we want to get or it may be a credit card. It may be lots of things: what is on their clothing and what sorts of chemical or forensic evidence we are going to obtain from them. If we allow them to leave the scene or where they have that evidence, the chances of getting that later can be destroyed. They are the sorts of things that we have to think about.

Sian Berry AM: In the case of purely driving offences, it probably would not come into it, would it?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): It depends. As I said, I cannot get into this offence. The reason that we stop people in cars is not only for driving offences.

Leonie Cooper AM: I just wanted to ask you, if I could, about moped-enabled [crime].

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Sorry, if I could add one thing you always have to consider. For example, it may be that somebody does not have a right to drive and

they may not have a right to drive because of age or they may not have a right to drive because their licence has been withdrawn. What we are not always aware of at the beginning is what they did to make the licence be withdrawn. They might be a drunk driver who killed two people over the last five years and is not in prison and so has been banned. We can let them go or we can carry on. At the beginning, it is sometimes hard for the officer to know. What appears to be a simple motoring offence is not always as simple as it appears. Sorry.

Leonie Cooper AM: No, in fact, it might be an issue that relates to the question that I was asking in any case.

It has come to my attention from looking at statistics and talking to the Borough Commanders and other staff in the borough that moped-enabled crime has been on the rise and quite dramatically so. Obviously, a chase might be extremely dangerous and it would be really hard to chase a moped if you were in a car. Some of the people using the mopeds might be underage and therefore should not be driving them in the first place. It might be "just" antisocial behaviour and just lots of noise and pulling wheelies or something like that. It might also be drug deliveries or snatching phones or bags. They seem to be becoming used quite widely.

I just wondered if you could talk a bit about whether there are any parameters to any chase of mopeds or whether there are any other options. Clearly, if they are becoming a method of choice for a variety of crimes, it has to be dealt with, but it does seem to be becoming more of an issue. I would welcome your thoughts on that.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Yes. It is a real challenge at the moment. We do not have any easy options for this type of crime because what seems to have happened is that they have found a way to steal motorbikes again in the way that they had lost. The sad reality with these mopeds is that they are very powerful. They are not the mopeds that I remember of 50cc that went at about 30 miles per hour. That used to be the old definition of a moped. Now we can be talking about 300cc. Of course, they are not big bikes and therefore that makes them very flexible in traffic. That is a real challenge for our officers. Getting through London traffic at any time is a challenge. As soon as they start weaving in and out at speed, it gets very difficult.

I am afraid that at the moment we do not have any easy options. We are looking at stop stakes, which we think can still work with them.

It is - and you went through it exactly - that spectrum from at one end antisocial behaviour, when generally a photograph might do it and we will come back and see you later because we know where you live and we do not have to start chasing. However, we have serious crimes - and I mentioned the one on Piccadilly - happening like bag snatches. You could say, "Bag snatches are not that serious", but it is when it was on your arm and you are 80-odd years old. These are serious things and they are using the bikes to commit the crimes and then escape.

I have to admit that we do not have an easy answer at the moment, but we try to limit the chases to the most serious of crimes.

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): With the two-wheeled vehicles, we allow the pursuits to be carried out only by our highest-trained officers. We talked before. This is a pursuit where, if I am a borough officer, I will probably pull off and the higher-trained officers will involve it.

There is also this thing - and I think you see it on one of the MPS documentaries - when people will immediately remove their protective equipment when pursued in the belief that that means we have to stop the pursuit. That is not strictly true. It is one of the things we have to consider and it makes the pursuit more dangerous, but we do not have to stop entirely. It is a complex area. There are no simple tactics in this.

Leonie Cooper AM: All right. It is only making it much more dangerous.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): You can imagine the situation for the officers that they only know that there has been a crime and that they will not be able to pursue, but it is quite right that only a limited number of officers can do that, which often means they get away.

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): Yes.

Leonie Cooper AM: Thank you.

Steve O'Connell AM (Chairman): Thank you. We can move on to the next area now. We will revisit this because you said you are reviewing your tactics around it and we will look at the conclusions of that and take that forward.

The next set of questions is about intrusive tactics, specifically the recent issue of spit guards, which, clearly, we understand were trialled and put out for some consultation. Amongst others, they are to be used only within custody suites in a controlled environment under the responsibilities of the custody sergeant, as opposed to the British Transport Police's (BTP) usage, which apparently is out on the streets. We want to look at that and also the issue of the Mayoral involvement in putting on hold the introduction of spit guards at a very late stage. Unmesh, you were going to introduce a few questions around that.

Unmesh Desai AM (Deputy Chair): Yes, thank you, Chair. I have questions to ask of the Commissioner and then, if I may, of the Deputy Mayor.

Commissioner, it may well be that spit hoods are a necessary tactic for the protection of our police officers. I endorse what the Mayor said last week in this Chamber about officer safety being crucial and that the protection of officers doing their duties is a priority for him and that any attack on officers carrying out their duties is completely unacceptable. I recognise that the use of protective equipment is sometimes necessary. He - and I - cannot be any clearer on the issue of officers and their safety when carrying out their duties.

However, it may be that spit hoods prove to be totally the wrong choice for our city. How is it that this announcement was made without any prior London-wide consultation with the Assembly or other city-wide stakeholders or, indeed, with the Mayor or Deputy Mayor [for Policing and Crime]? The Mayor told Members last week, again, in this Chamber that he was disappointed that he and the Deputy Mayor had not been made aware of the MPS's decision in advance and that it would be for the Deputy Mayor to help to arrange a suitable consultation process.

Why were they not consulted? How is it that whoever signed this tactic off did not think that it would be of interest to Londoners? Why is it that the MPS has decided that now is the time for the case for spit hoods in custody suites?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): First of all, this work has been going on for some time and, as you are aware, the NPCC has approved this method. It is not particularly contentious, we would argue. There are 18 police forces that now use spit hoods, including, you might think ironically, the BTP on the streets of London. The only reason that this became public knowledge was the fact that they had used the spit hood, somebody photographed it and it got into the public domain.

For us, probably we should have been more sensitive to what you have described and we take that on the chin and accept it. The dilemma we have is that we have a significant number of officers bitten or spat at each year. Over the last three years, we have had --

Unmesh Desai AM (Deputy Chair): The Mayor gave us the figures last week.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Yes, but perhaps other people may not have heard them. Over the last three years, 264 officers were spat at. We had another one last night who was spat at while arresting somebody for a firearms offence. Then we had nearly 500 - 490 - incidents over the last three years of biting.

In 2013, one of our own officers started an action against us because we did not have anything available to prevent spitting and we had to reach a settlement in that case. Therefore, there were a number of things coming into play that we had to deal with.

We did not quickly go to this option. It is common knowledge that I and we looked at it in the [Commissioner's] Policy Forum five times because, in anticipation, it sounds pretty awful. I wanted to know what --

Unmesh Desai AM (Deputy Chair): That is an internal MPS body, the [Commissioner's] Policy Forum?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Yes. In anticipation, it sounds awful. We needed to see what it is like and how it would be operated. We thought in the end that it is not too intrusive a tactic and that the way of mitigating any concerns people may have is to make sure that it is in a very controlled environment. In the 18 forces where it is already in place, the majority use it on the street and in the custody suites. We decided that it would be within the custody suites.

We make decisions all the time about the equipment our officers have. Perhaps we did not anticipate the emotional response and the proper interest that people have. Those were the reasons for the decisions that we arrived at.

Unmesh Desai AM (Deputy Chair): I will not labour the point, but you accept that with hindsight there should have been some more consultation?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Yes. We learned that.

Unmesh Desai AM (Deputy Chair): All right. Thank you. If I may ask the Deputy Mayor a couple of questions, Deputy Mayor, do you think that the public and their representatives should automatically be consulted on a change of physical tactics such as this?

Last week, again, in this Chamber during Mayor's Question Time, the Mayor gave us some examples of where he thinks there should be consultation in advance: introduction of water cannon, changes to the way the MPS

uses stop-and-search, use of Tasers if there is a change, introduction of a curfew. He gives some solid examples of where consultation with the public and yourself in advance is necessary.

Could you tell us as well, given what the Mayor has said that he will be involved in engaging the public on this issue, what engagement you would like to take place and over what time period and how and by whom a final decision on spit hoods will be taken? The only public consultation that seems to have taken place so far has been with the Newham Independent Advisory Group (IAG), and of course I am a resident of Newham myself and a Councillor of Newham but Newham IAG does not speak for the whole of London.

Sophie Linden (Deputy Mayor for Policing and Crime): No, of course, and can I just also reiterate what the Mayor said last week on this in Mayor's Question Time? The issue about protection of officers and the importance of protecting officers as they go about their public duty is absolutely paramount. I do not want the discussion and the debate around spit hoods to hide the fact that we absolutely take police officers' safety seriously and that there is an issue around spitting and a serious issue around disease. How do we prevent the spitting and ensure that police officers are protected from that?

In terms of the consultation, we have been talking to the Commissioner and Deputy Commissioner about this and we will be putting together a more comprehensive public consultation on this than that which took place, which was within just one borough and one IAG, to make sure that there is a proper consultation and the right people are consulted, which will include a number of ways of doing that consultation. We are having that discussion at the moment. We hope to be able to put together that package and go out to consultation on it.

We have not yet decided the timelines. I know the Commissioner wants to get going quickly, and as soon as we can make those decisions around the consultation, the consultation will happen.

Unmesh Desai AM (Deputy Chair): Thank you, Deputy Mayor.

Steve O'Connell AM (Chairman): If indeed you are going for further consultation, again, there needs to be - about this consultation and others - some urgency around these things because, if the Commissioner and the police deem that something is important for the safety of their officers or other reasons, some consultations can take a long time. I commend the use of the Safer Neighbourhood Boards, which I hope you continue to support because you have access to those very quickly. You have people who represent the boroughs. You might be able to have some consultation that covers all of London at pace.

Tony Arbour AM: I would like to ask you, Deputy Mayor. I wonder if you could put yourself in the shoes of a custody officer when you are interviewing a prisoner and the prisoner spits at you. What would you do?

Sophie Linden (Deputy Mayor for Policing and Crime): In terms of understanding the issues, I get the issues. We want to make sure that our police officers are protected as safely as possible, but there is legitimate public concern around the use of intrusive --

Tony Arbour AM: No, you are not answering the question, Deputy Mayor. It was a very simple question. What would you do?

Sophie Linden (Deputy Mayor for Policing and Crime): I am not a police officer, but there are --

Tony Arbour AM: What would you do?

Sophie Linden (Deputy Mayor for Policing and Crime): A custody sergeant or a police officer taking somebody into custody has a number of options if somebody is spitting at them.

Tony Arbour AM: What would you do?

Sophie Linden (Deputy Mayor for Policing and Crime): What would I do?

Tony Arbour AM: Yes. Somebody has spat at you. The spittle is over your face. What would you do?

Sophie Linden (Deputy Mayor for Policing and Crime): I would have to be able to be trained to take part in this. I am not in custody. I do not --

Tony Arbour AM: No, Deputy Mayor.

Sophie Linden (Deputy Mayor for Policing and Crime): My position is not one to take those individual policing decisions.

Tony Arbour AM: Deputy Mayor, the police are the community. We are the police. They are the community. You are the community. This has happened to you. Somebody has spat at you. Spittle is on your face. What do you do?

Sophie Linden (Deputy Mayor for Policing and Crime): I would want to take an action that is appropriate and an appropriate use of force. There are other ways. I am not ruling out the use of spit hoods, nor am I saying that spit hoods should be used. From the position that we are sitting in, what I am saying is that the use of any intrusive tactic has to be done with public consultation and an understanding of what the issues are.

Tony Arbour AM: You are balking the question, Deputy Mayor. I put it to you that if someone spat at you - it need not even be in a custody cell but in the street - you would be worried about that. You would want to take action.

Sophie Linden (Deputy Mayor for Policing and Crime): Yes, I would be worried.

Tony Arbour AM: If you were on public property, if you were in a cell as a custody officer, would you expect your employer, particularly if it knows that there is a likelihood you would be spat at, to take appropriate health and safety precautions? Yes.

Sophie Linden (Deputy Mayor for Policing and Crime): Yes, I would expect there to be appropriate health and safety precautions, but when those appropriate precautions are ones that are intrusive tactics, it is right that there is public consultation and understanding around that.

Tony Arbour AM: I will come on to that in a moment, Deputy Mayor, about the consultation. I am simply talking about you, as a member of the public, being spat at. You would be very worried, I put it to you. You will probably think that you might have caught something. You almost certainly would think that if the thing has happened in a custody cell because somebody has been taken to the police station because he is suspected of being a bad lot. You would seek some kind of advice. You would be very concerned. You would go to the hospital and you would ask for tests to be taken. At least I hope you would go to the hospital. You would not be completely carefree about the matter. You would wait in some anxiety for a report to come back to find out whether or not you had caught anything or something of that kind.

Do you think it would be the appropriate thing for there to have been precautions, particularly if they are precautions which are known about, which are available and which are available to other public servants? You would think pretty badly of your employer, would you not, if it had not taken those precautions?

Sophie Linden (Deputy Mayor for Policing and Crime): I agree with you in terms of what I would do. If anybody is spat at, it is an awful thing. When a police officer is undertaking their public duty, it is worse because it is trying to interfere with that public duty, as well as an assault. I completely understand that and I know there are officers such as the officer last night who was spat at while undertaking his duty. Yes, it does have serious concerns for the police officer and for the family and there are issues. Sometimes antiviral medication has to be given.

None of that takes away from the fact that in relation to spit guards it is right and proper that there is proper consultation around the use of them to ensure that they are appropriate and there is accountability around the use of them.

Tony Arbour AM: As I say, I will ask you some questions about the consultations in a moment, but you have conceded already that this is a very serious thing, it is very worrying and it is very concerning. Given that there is a simple, common-sense precaution that could be taken, it probably does not need consultation at a Mayoral level that spit guards should be worn because we have already heard they are already on the streets of London. The BTP uses them and very many other police forces use them. It is a simple, common-sense kind of thing.

One wonders why you thought or the Mayor thought it was necessary to intervene in the matter. Why did you think it was necessary to intervene in the matter?

Sophie Linden (Deputy Mayor for Policing and Crime): Any intrusive tactic that is going to be used needs to have some public accountability around it. That is the same for stop-and-search, for the use of firearms and for use of any intrusive tactic. This was, for the MPS, a new departure in using spit hoods and it is right that there should be some consultation around that.

Tony Arbour AM: It is not really appropriate for you to put wearing a spit guard in the same category of intrusive treatment such as carrying a firearm. There clearly is no similarity at all. One is a common-sense precaution, a well-used and well-understood common-sense precaution, and it seems to me to be very heavy-handed of you to take this line.

I would like now to proceed to the consultation thing. We have just heard from the Commissioner that five times this matter was discussed by the [Commissioner's] Policy Forum. Does MOPAC monitor what happens at the Policy Forum?

Sophie Linden (Deputy Mayor for Policing and Crime): Previously, MOPAC did not monitor what happened at the [Commissioner's] Policy Forum, as I am sure Steve O'Connell AM and Keith Prince AM will know as former advisors to the [former] Deputy Mayor [for Policing and Crime], but that will happen in future.

Tony Arbour AM: It happened five times. The proceedings of the [Commissioner's] Policy Forum are on the police's website. Do you not think somebody in your department ought to be looking at what happens at the policy forum and finding out? I have looked at the list of your engagements and your very many conversations that you have with the Commissioner and other senior staff at Scotland Yard. Do you not think it would be right and appropriate to discuss matters that happened at the Policy Forum?

Sophie Linden (Deputy Mayor for Policing and Crime): Absolutely, it is right and appropriate to discuss the matters and that will be happening in future because we will have that direct liaison.

Tony Arbour AM: You have been in post, Deputy Mayor, for more than three months.

Sophie Linden (Deputy Mayor for Policing and Crime): I have.

Tony Arbour AM: Why have you not done this already?

Sophie Linden (Deputy Mayor for Policing and Crime): In terms of what happens at the [Commissioner's] Policy Forum, there has not been previously an officer for MOPAC on that [Commissioner's] Policy Forum. That will be happening in future. As I said, it is absolutely right. The Commissioner has said today that it went five times to the Policy Forum. My understanding is that the previous Deputy Mayor and the previous advisors were not aware of it either. We are now on top of this and we will be having the appropriate discussions.

Tony Arbour AM: Forgive me; I do not think you are on top of it. You have been in three months. It is no good blaming your predecessors. We were told that the new Mayor was going to come in with a new broom and he was going to straighten things out and he was going to fix things. By your account, this is something that did not happen and I am astonished to hear that it did not happen. I cannot apologise on behalf of your predecessors but you, coming in with a new broom in this way, should have been on top of this. You should have monitored it. Tell me. How did the Mayor himself hear about this matter?

Sophie Linden (Deputy Mayor for Policing and Crime): We heard about it when there was a press statement from the MPS.

Tony Arbour AM: Are you saying again that people from MOPAC had no knowledge in advance of matters that were going to be published in the press by way of statements? You are accustomed to knowing, I am sure, already in your short time in this building that notice is given of press releases that are put out. People do know about these things in advance. Are you saying that the Mayor and you are so sheltered from what you have told us is an important, intrusive matter that you were not told about this? Do you think that the Commissioner was frightened to tell you?

Sophie Linden (Deputy Mayor for Policing and Crime): No, I do not think that the Commissioner was frightened to tell us in any way. I do not think the Commissioner would be frightened to tell us anything, absolutely not.

In terms of getting advance notice of press statements, in general that absolutely happens. In this case it did not. It was a reactive line that was going out. We are now working with the MPS and the Commissioner to ensure that that does not happen again.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Some of the questioning, I understand why it is happening, but it is a little unfair. This was our decision prior to the Mayor and Deputy Mayor arriving. The Policy Forum is about many internal matters with the MPS. It is a big old organisation and there are an awful lot of things going into it such as what type of cars we buy, which is a procurement exercise. There are many things that happen. The conclusions of that are shared on at least our intranet, if not our internet. There is transparency to it.

We did not raise it with the new Mayor or the Deputy Mayor. I have already acknowledged that probably - now in retrospect - we did not anticipate the response because we did not think it was such a big issue, but clearly for people it has been. You cannot deny that. We share that responsibility and obviously we will do our best to anticipate what might be more difficult in future.

Tony Arbour AM: I was not going to seek to blame you, Commissioner, in any way or indeed question you on it because --

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I would not seek to blame anybody, but at least that point of balance might be put --

Tony Arbour AM: OK. My view is that this is negligence on the part of the Deputy Mayor and MOPAC.

Since you have now, so to speak, thrown your hat in the ring on this one, could it be that the reason you did not bother to particularly draw the attention of the Mayor and MOPAC to this matter was because, as far as you were concerned, this is obviously a common-sense thing, it is something which is widely practised by police forces in the United Kingdom (UK) and it is already happening in London because the BTP do it and you thought, because it is a matter of obvious common sense and we have a common-sense new Deputy Mayor for Policing [and Crime], it was not necessary, therefore, to draw her attention to it?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I would use my words, which is that we certainly did not anticipate the response. This was on the cusp of the previous Mayor and Deputy Mayor [for Policing and Crime] leaving and in fact we had not realised the implementation dates. We have had to train 30,000 officers since the decision and so there has been a long lead time to get to the point of putting this in place.

The thing that catalysed the public debate, if you will recall, I believe, was BTP being filmed using spit hoods on the streets of London, which provoked a question to the MPS, "Do you do that?" That, therefore, led to this debate that we are now having.

Tony Arbour AM: I am very hard put to hear you discuss the connotations of it because, on the face of it, I repeat again, this is obvious common sense. This is you doing your duty, as we would wish you to do, as police officers in London. As a health and safety matter, it is your duty to protect them and I am absolutely astonished that this has blown up in this way.

I wonder if I can extend this to another matter relating to intrusive tactics and this relates to Operation Hercules. This is another matter, Deputy Mayor, which you say you knew nothing of and the Mayor said he knew nothing of. You will recall Operation Hercules, which you know was police officers wearing protective gear, carrying guns and so on, which was the subject of press releases and which was the subject of the Mayor doing a photo-call on the matter, and yet he again at last week's Question Time said he was not consulted on the matter.

I wonder if you can help me with this one. Did you ever mention it to the Mayor that this was the sort of equipment that the police were proposing to have and to use?

Sophie Linden (Deputy Mayor for Policing and Crime): I believe the Mayor last week said that he was not consulted on the public relations (PR) around Operation Hercules, not that there was no consultation around the use of equipment. It is a very different matter.

Tony Arbour AM: I am a bit hard put to understand that, Deputy Mayor. I suspect, if you were going to have your picture taken with a large number of people and the press was going to be notified that you were going to be there having your picture taken, somebody would have said, "Are you free at such-and-such a time so that you can attend this photo-call?" You are likely to say - or at least I hope you would say - "Why do you want me there? What is the reason behind this?" You would not be given five minutes' notice of this and I suspect it is even more difficult to tie down the Mayor himself to attend a photo-call of this kind. Are you seriously telling us that this happened just like that?

Sophie Linden (Deputy Mayor for Policing and Crime): Dare I say, I think you are deliberately confusing a number of things that have happened around Operation Hercules in the summer.

Tony Arbour AM: No, I am not.

Sophie Linden (Deputy Mayor for Policing and Crime): Clearly, if there is to be a photo-call of the Commissioner and the Mayor, it will be discussed, will be consulted upon and will happen with all the right questions asked and all the right discussions happening, and that did happen in August. There are some questions I believe that were asked by the Assembly last week around some of the other photographs and some of the other PR around that. The pictures of the Mayor are absolutely ones that were consulted on. It is the other parts that there were issues about.

Tony Arbour AM: I am looking precisely at the quote. He said he was not consulted specifically about the PR and the messaging that accompanied the launch of Operation Hercules. Does that mean that I could give you or I could give the Mayor a bell and say, "I would like you to turn up at this photo-call if you are free at 5.00pm", or whatever, and he would turn up and would not ask me why or what it is about?

Sophie Linden (Deputy Mayor for Policing and Crime): The Mayor is not referring to his presence at a photo-call. Clearly, he would know what is happening and he would be consulted upon it, as would be right and proper. That is not what he was referring to. He was referring to other elements of some of the messaging around that, which he has said he was not consulted on. He was not talking about his position in the photo-call.

Tony Arbour AM: You are making a very valiant defence of the Mayor, if I may say so. Some of us here might interpret these two matters relating to the spit guards and the statement the Mayor made on Operation Hercules as seeming to refer directly to the fact that somehow or another there was a breakdown in communication between the Commissioner and the Mayor on this. Some people with suspicious minds might be saying you are trying to fit up the Commissioner on this matter. What would you say to that?

Sophie Linden (Deputy Mayor for Policing and Crime): I would ask those people with suspicious minds: for what possible purpose would we want to fit up the Commissioner? We have a very good working relationship. The Commissioner and the MPS do an incredibly good job for London in keeping London safe. There is no possible reason we would want to do that and it is absolutely preposterous that we would be doing that.

Tony Arbour AM: The press seem to think there is something in that. I wonder if you are able to unequivocally tell us this morning whether you and the Mayor have absolute confidence in the Commissioner.

Sophie Linden (Deputy Mayor for Policing and Crime): Yes, I can give you that commitment. We have complete confidence in the Commissioner. He is running an incredibly large, complex organisation, keeping London as safe as possible and making sure that we are ready for any of the eventualities in what is a very complex policing situation.

Tony Arbour AM: Would you anticipate that this support would last for a continuing period of time?

Sophie Linden (Deputy Mayor for Policing and Crime): We have confidence in the Commissioner and he is doing a very good job.

Tony Arbour AM: I will rephrase the question. Do you have confidence in Commissioner [Sir Bernard] Hogan-Howe as Commissioner?

Sophie Linden (Deputy Mayor for Policing and Crime): Yes.

Tony Arbour AM: Thank you, Chairman.

Steve O'Connell AM (Chairman): That was a worthwhile exchange and we got to where we particularly wanted to go.

What concerns me around this particularly is that, to me, having some knowledge around MOPAC, it is inconceivable that MOPAC as an organisation was not aware of the trialling and the five [meetings of the] Policy [Forum] and that is an issue you need to think about. Either there was a breakdown in communication in that respect or there was an increase in loss of grip around that.

The second point that worried me particularly is around the lateness of the Mayoral response that would appear to many people to be in response to certain parts of the media's reaction to it. Those would be my points around it.

Anyway, let us get a balance around this, perhaps.

Jennette Arnold OBE AM: I have some questions for the Commissioner.

I think I am the only one who has ever nursed anybody with hepatitis, from the hepatitis strains, sitting here. It is of concern to me that the hepatitis strains have been brought into the discussion because it is such an important issue with the increase of hepatitis, whether it is A, B or C within the population. There are a number of things that we have to get straight, it seems to me, and I would like the Commissioner's view.

Firstly, are there not two distinct scenarios? There is policing on the street and the police's contact with the new criminal law and pursuing that new investigation, and there is the ongoing custody work where a history has been taken of the person coming into the custody suite and information is hopefully being set forward so that if they spat at the officer arresting them, I would hope that information would be going into the custody suite. I was amazed that some sort of spit guard or protection was not in use. I have to say that that is my position, coming from a health and safety point of view as somebody who is aware of the dangers of the hepatitis strains. I was really very concerned that, from what I have heard, looking at custody suites, this is a

new development. I find that amazing, given the information, and especially given the number now that we see you have quoted, Commissioner, that there have been 264 officers that have been spat at over a number of years and there have been 500 bites. Given the level of the hepatitis strains within the population, transmission is really quite high and it is a health and safety issue.

What I do not understand is, in terms of your consulting, if people come back and say, "We are against spit guards", what alternatives are there? What are you going to be using specifically to protect officers in the custody suite, knowing that this is an issue?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): First of all, you might think this is ironical, but the reason that we considered it four or five times is because we were sensitive to how the public may react. Clearly, what we did not go on to do was then do enough consultation. That is the part we are all agreed on. We were conscious of that.

Secondly, we had the opportunity to give it to officers on the street as well as in custody suites, and one of the reasons that we decided on custody suites is because we think that is a more controlled environment. We have a supervisor there all the time. We have more information quite often, not all information but better, and of course they are all monitored by closed-circuit television. Overall, it is a controlled environment. We thought that was a good way of introducing it and perhaps also it would not get the shock that people might see if they see it on the street. Those were the reasons why we dealt with it in the way we did.

In terms of whether we have alternatives, we are not aware of any at the moment. We looked at four or five different types of spit guards, but I am not sure that we know of any other obvious alternative that we may utilise.

What consultation can do is improve the way we do something, even if we still decide to do it. You can argue, as people already have, that at least it allows people to understand there is a change in police behaviour that they may not understand otherwise. I suspect quite a few people when they saw BTP doing this were wondering what was happening. In that sense, of course, consultation does have a powerful role.

Jennette Arnold OBE AM: Yes, it is about the consultation and the terms of the engagement so that as much information is given. It does not seem to me that the consultation can be about whether you use them, given that you have no alternatives, certainly in the custody suite, but about what monitoring arrangement the public would expect and that sort of thing. If that is where you are going with the consultation and engagement, that seems reasonable, and it would seem to me that that needs to be done with haste.

From my knowledge from my practice years, I am just focusing on hepatitis A and B because these are the two most infectious areas and prevalent in the population. Vaccines have been available for these two strains - I think for hepatitis B - since the early 1980s but no vaccine for hepatitis C.

In terms of the health and safety issue, you talk about training officers. How do you go about encouraging or getting officers vaccinated in a particular area like custody, knowing that the level may be one in 500 people who could have an infection? How do you prepare staff in terms of the use of known vaccines that are available and knowing that staff are protected?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): That is a good point. I cannot tell you exactly what our policy is at the moment but I will find out for you. Certainly, I have worked in other police forces where that was operational, and that was one of the things that we had available, but it was

not done through the occupational health department of the police. It was done through your local general practitioner (GP) and then you were prioritised in terms of the available vaccine by the role you had and the risk you experienced. I am not quite sure where we are in terms of the MPS. Of course it is a helpful thing, but it does not exclude every one of the risks that our officers may face.

Jennette Arnold OBE AM: I come back to you and say that if you did an assessment for the custody suite, given the close contact that is had there --

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): The population there, yes.

Jennette Arnold OBE AM: -- and the population of the officers that are going to be there, I would think that you would be advised to have vaccination as an option there with those particular staff.

Let me just get this clear. Is the consultation and engagement going to be about the custody suite? It seems to me that that is the area you can specify and can set out the arguments on. If you have got an agreement or support, then would you eventually see them rolled out across the service so that officers would have spit guards - I hate this term "spit hoods"; it sounds as if it is totally unnecessary and speaks of other things - and police officers then across the service would have access to this bit of kit?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): That is not in our proposal at the moment. In fact, we are having enough difficulty with this one and so I am not sure we are going to extend it on the hoof. I am sure the Deputy Mayor [for Policing and Crime] and the Mayor would want to know, in the 17 or 18 forces that have been using it, what their experience is. Has it helped or has it been immaterial? We are not sitting here saying that we want to extend it, but if it is successful and it helps, of course we want to keep an open mind about that.

You have already pointed out there may be other things we need to think about in terms of vaccinations, etc, that may also be helpful. We do not have a proposal on that.

Jennette Arnold OBE AM: OK. Again - and last question - there are associations that deal with infectious conditions that we carry as individuals. Would you consider working with, say, the National Hepatitis Association or other organisations like that so that you can be properly informed?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I am sure. We do, as you know, have an occupational health unit led by medically qualified people and we always take their advice with the special areas where people can give extra help. We do that. As you know, we already have an arrangement with St Thomas' [Hospital] so that if our officers are spat at, bitten or in any other way exposed to risk, it costs us about £300,000 a year with that hospital to provide that sort of support to officers, which, as the Deputy Mayor has already indicated, is not a pleasant treatment. We do things retrospectively after the exposure, but yours is a broader point about how we might prevent it being a risk in the first place.

Jennette Arnold OBE AM: Yes. Lastly, working under health and safety legislation, are you not now in a position where you must act to protect officers because you know of the risk and so you would be failing in your duty, especially in custody suites, if you did not now allow the use of spit guards? It is you, Commissioner, who will be going to the Old Bailey [Central Criminal Court], I understand.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): It was the previous one who did, though, didn't he?

Jennette Arnold OBE AM: The previous one did but you could go as well, couldn't you?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): The law has changed since then. The law is fairly clear. When you know there is a risk and you can stop it or mitigate it, then you have a duty to do that. As you know, in our role we have quite a lot of threat and quite a lot of risk and so we do our best to mitigate most of the risk but we cannot remove all of it. Yes, we would always keep all of that in mind and we act on the best medical advice available and accept that there will always be some risk left.

Jennette Arnold OBE AM: Thank you.

Steve O'Connell AM (Chairman): For the listening public out there, Jennette [Arnold OBE AM] has given the strongest case possible for the introduction of spit guards.

Jennette Arnold OBE AM: I am happy, Chairman, to play my role.

Steve O'Connell AM (Chairman): Indeed.

Sian Berry AM: Assembly Member Arbour has covered quite a lot of the ground I intended to but not in the way I would have intended to do it. I have some questions which maybe are a bit less divisive and a bit more constructive. I do not agree that they are common sense. I really genuinely do not. There is a risk of distressing people when this is applied, particularly vulnerable members of the population. Amnesty [International] has expressed concerns. It has said:

"There have been many profoundly disturbing cases of officers using spit hoods unnecessarily and without justification, including on children, disabled people and people with mental health challenges."

Those are failings and concerns that the MPS agreed with in its previous decision not to use spit hoods. I wanted to ask what new evidence you have that has changed your mind, and also what assurance you can give us that you will address these concerns with maybe guidance and training for how they are used for people who potentially are vulnerable to the risks of using this tactic.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): We have now trained 30,000 people in the use of spit hoods and that takes into account the risks that you have identified. It is not without some risks even then, but the risks of doing nothing are significant too. Of course, what we are struggling to do is to find an alternative that would be as effective. You are right that we are balancing risks: risk to the person who is doing the spitting, risk to the officer who is being spat at and the consequences of both. It is not just to hand out a spit guard, "Go and use it where you like". There is training there.

Another one of the things the Deputy Mayor has raised is one of the issues that Sian has just raised, which is about young people and at what age we think it is suitable to do this. These seem to me perfectly reasonable points to consider. To put one on someone who is suspected to have an existing condition, how do you deal with that if you are aware of it?

It is not a straightforward process, but we have not approached it in a gung-ho way. We have shown that we have considered it four or five times. We were not initially persuaded. We wanted to see the various equipment that is available and then we wanted to train our officers, not just to expect them to get on with it. You are quite right that it needs to be mitigated. I am not aware of exactly where the spit guards were used

that Amnesty had concern about, but on the whole I do not think we have seen many bad outcomes from using spit guards compared to the alternatives that people have had to cope with.

Sian Berry AM: Amnesty [International's] concerns are about when they are being used by other forces across the country and not the forces here in the MPS. Have you reviewed the training and maybe modified it for use in London?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): The training that we are offering - and it was not just that the MPS wants to do this; other forces have done it - is on the back of the NPCC's policy and the College of Policing is also involved in that and so you can show that there has been an awful lot of consideration of this.

The starting point was that this is a real dilemma. It is a vile thing to do to someone - let us be clear - and of course the risks of doing it are the reason we are discussing it, but what no one has come up with is a risk-free option for stopping it. The alternatives are physical. You can put a hand in front of someone's mouth and that carries risks. If you try to turn their head away, that carries risks. You try to walk away, but you cannot always walk away. You are forever trying to find a better alternative. Unless we equip our officers with something to protect them on every occasion someone spits at them, the alternative is to stop the spitting.

Sian Berry AM: These are to protect against spitting and also biting. There seems to be a quantitative difference in risk. Encounters with spittle are not unknown if you are a campaigner or a local councillor and you go to things where feelings run high. There is inadvertent spitting as well as aggressive spitting.

Are there going to be clear guidelines about in which circumstances the hoods are used in terms of the intention and behaviour of the person they are used against? Does that make sense?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I think so. I am not quite sure what you mean by "intention" here. What we are after is somebody who intentionally spits at you and it is a fairly clear act. That is both unpleasant and it is very unhealthy. Sometimes we are accused of under-recording things. I guarantee that we do not record every spitting incident because of the bureaucracy. That has not happened. At Notting Hill Carnival, there was a huge amount that did not get recorded. We can distinguish between accidental - and it is getting to that point in the conversation where it is getting rather difficult - spittle coverage and when somebody intentionally spits at you. We all can recognise that.

Sian Berry AM: Yes, and is that covered in your training and your guidance?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): It is intended to stop people who, knowing what they are doing, spit at you as a sign of trying to hurt you or as a sign of disrespect. I do not know why they do it because I just find it impossible to understand, but it is pretty vile.

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): I know that some Members of the Committee in the past have seen officer safety training. The option is to come and see the officer safety training. You will see the training for it.

Sian Berry AM: Reading the guidelines would be useful as well.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): If you see the training, experience the training, see the things and see what care is being taken to avoid some of the risks you have

identified, usually it is a balance of risks. We either ignore the risks - and we cannot - or we try to do something that mitigates it.

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): As the Commissioner covered, the alternative is very physical. It is usually two to three officers holding someone's head in a downward position with all the challenges around the position like asphyxia and all the things that go with that. That is the alternative.

Steve O'Connell AM (Chairman): That is a really good point that Craig Mackey has made and I do commend Members to attend and to view that training. What are the alternatives? That is one of the alternatives which could put that vulnerable person in difficulty. We must remember this is within custody suites as well.

Sian Berry AM: The final question I wanted to ask on this relates again to communications and consultation between the MPS and the Mayor and MOPAC. Obviously, consultation with the public is really important and I am looking forward to that, but there are several examples now, as Assembly Member Desai (Deputy Chair) at the very beginning of this session listed, of some occasions when tactics or equipment that potentially could have an effect on community relations had been maybe not discussed in advance of being used or trialled or announced between the MPS and the Mayor and MOPAC. We have a Mayor now whose goal is very specifically to try to improve community confidence with the MPS.

I just wanted to ask, are you putting a process together for when you will consult with each other and a system of maybe flagging potential issues for community confidence so that there will be consultation before announcements are made or changes in procedures are brought in?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Yes, of course. Something we would discuss is the result of this case. It is rather difficult at times. Sometimes we do it inadvertently when we just do not anticipate a reaction. Sometimes we have not had long enough together to work out what is going to be contentious or interesting for a new administration when we spent five years with another one or I have. Sometimes we get that change that is rather difficult to anticipate and we have not always had time to discuss all in detail or anything in particular that would be of concern. In a big organisation of our size, which deals with 5 million telephone calls and 800,000 crimes, there is a lot of stuff. All that consideration and all that discussion is going to pay us dividends over the coming weeks. Of course, we have not only had an election within London; we have a new Government. There have been many things happening, apart from the fact that everyone has been in a holiday period. I suspect much of it suffered from that, but we can go forward and just keep talking about what is going to be more reassuring for the future. Certainly the idea is not to hide things. It is hardly a hidden thing. It is to make sure that we have proper discussions about things that are important to people.

Sian Berry AM: Can I ask the Deputy Mayor to comment on that? When the Commissioner says he did not anticipate the response to the spit hoods, it is one of those things where a politician can more easily judge public reaction to things and maybe ought to be consulted more often. Do you have a procedure for what might flag in future?

Sophie Linden (Deputy Mayor for Policing and Crime): As the Commissioner says, because of this, we have had quite a few discussions around how we get the flows of information better than they were previously and be able to understand when there is the need for public consultation. You are absolutely right that this does go to the heart of it. The issue for us is around confidence and policing by consensus. In order to have

that, there has to be the confidence in us and the appropriate consultation, not just with the Mayoralty and with City Hall but with stakeholders as well so that they feel that their voices are being heard and understand when there are differences and changes to policing tactics and intrusive tactics.

As you can see from the debate today, there are a number of opinions and a number of questions. What are the guidelines? What are the parameters? How will this happen? How do you keep police officers safe? Those are discussions that are absolutely legitimate and need to take place and that will be part of the consultation.

Keith Prince AM: First of all, on a point of personal explanation, I certainly do not blame you, Deputy Mayor, for trying to shift some of the blame on to me. After all, I have taken some lumps out of you and so I will take that with good humour. I have to say that unfortunately custody was not part of my remit and so I would not necessarily know about it.

Can I ask you, Deputy Mayor, how many advisors have you appointed since your appointment?

Sophie Linden (Deputy Mayor for Policing and Crime): I have not appointed any advisors. I cannot remember in which Committee it was that I was asked whether I was going to appoint [any]. I was looking at what the priorities were around the Police and Crime Plan, what the strengths were and whether there were any gaps in MOPAC, and then we would look at whether we needed to appoint advisors or bring people in.

Keith Prince AM: That is fine and that is very sensible, but maybe it is because you do not have such excellent advisors, such as Steve O'Connell AM and me, covering your back. That is why this one slipped through the net, I would possibly suggest.

Sophie Linden (Deputy Mayor for Policing and Crime): Are you looking for a job?

Keith Prince AM: That is a rhetorical question, I have to tell you. Sir Bernard, moving on with that one, as an advisor I spent a lot of time talking with senior officers and in that respect I did bump into business where I was able to advise the [former] Deputy Mayor [for Policing and Crime]. Sometimes the senior officers were not very happy that they had to meet with me, but they did, and Sir Bernard encouraged that and I appreciate that.

One thing you made very clear to me on our first meeting, Sir Bernard, which I totally respect, was the dividing line between policy and operational matters. Can I ask you? Do you feel that the decision to use spit hoods in custody was an operational decision?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Yes. We have talked about this already. It is clearly an operational decision, but what it requires - and we have talked about this - is that you consult on that when it appears to be and is something that causes concern. I am no politician, but the whole purpose of politics is to seek influence over things that the public wants to seek influence over. It is an operational decision whether we fire a gun.

Keith Prince AM: You still hold by --

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): It does not mean to say that you are not going to discuss the fact that they are going to have 720 more police officers with firearms in London. It is an operational decision but it has a material effect for the people of London. People often try to

put dividing lines about whether it is an operational matter or not and there are some things at the end of the day that have to be operational, but we would be unwise - and I have never done it in all my police career - to say, "This is an operational decision. We will not talk about it". You have to make an operational decision about an arrest or whether a prosecution should continue. They are very clear and no investigation will ever be contaminated by political or other interference or any police operational matter, but along the way there are matters that blur between policy, the application of resources and where you set your priorities and these are vital things for central and local government, and of course mayoralities are going to be involved.

Keith Prince AM: It is interesting. We were in a previous discussion earlier this morning. We discussed the fact that you do make operational decisions and even non-operational decisions and you do discuss those with the politicians and it is a joint decision, as we did with the two and one and what-have-you. I do not remember certainly in my time or previously there being two press *faux pas* in such a quick period of time with Operation Hercules and with the spit guards. I should say that they were press *faux pas* perhaps.

There is a question there of relationships and how good your relationship is with the Mayor and the Deputy Mayor. I am not going to embarrass you to ask you to answer that question.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I will give you a straight answer, if you like.

Keith Prince AM: I would say to the Deputy Mayor, though, that you have said that you believe you have confidence in the Commissioner and that the Mayor has confidence in the Commissioner. Is it possibly a case, as George Osborne [MP, former Chancellor of the Exchequer] said recently, that he is the best of the candidates available? If you are confident and you have confidence in the Commissioner, contrary to press speculation that we have seen recently about there being a rift between the Mayor and the Commissioner, can the Commissioner confidently order his Christmas cards for this year?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): Which year?

Sophie Linden (Deputy Mayor for Policing and Crime): I really cannot be clearer that the Mayor and I have confidence in the Commissioner. He can order his Christmas cards and order his Christmas turkey. We have confidence that he is doing an incredibly good job. It is a little bit like being in a ...

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I feel a bit like a football manager.

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): Do not ask!

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I want to say something because I know why you are asking the question, but I am going to say something. The relationship is excellent and I would say that the things that we are talking about are the products of change, not the products of disagreement. When new arrangements settle in and new people arrive, you have to get into a rhythm and that is what we are establishing. We are able to make that work or 99% of the time it works. It does not 1% of the time. That is the nature of policing. It is the nature of governance.

Sophie Linden (Deputy Mayor for Policing and Crime): Absolutely. It is the nature of the job. London is complex. Policing London is complex. Being in the position of Mayor and Deputy Mayor [for Policing and Crime] is complex. You can have a very good working relationship. There will always be challenges and it is

how you work through those challenges and disagreements that matters and that is what matters for Londoners as well.

Keith Prince AM: Thank you. Very kind.

Steve O'Connell AM (Chairman): We have pursued that very sensitively and appropriately. We have one more wrap-up question.

Unmesh Desai AM (Deputy Chair): I will be extremely brief, getting back to what I see as the purpose of this particular session, if I can ask the Deputy Mayor two questions.

Deputy Mayor, would you agree with me that the deliberations of the MPS' Policy Forum and internal MPS body structure and consulting with city-wide representative mainstream stakeholders are two completely different things? Would you also agree with me that the purpose of the proposed consultation exercise is not, as Assembly Member Kemi Badenoch put it last week, trying to kick this whole thing into the long grass, but it is to listen to what the public have to say? More important, a point that I think was missing from the discussion this morning, to carry the public with us.

Finally, Chairman, as a way of comment, can I say that the question here for me today is not whether one is for or against spit hoods. The question is that if spit hoods are the right way to protect our police officers from being spat at and being safe, how do we carry the public with us? There is no debate at all that the police - as the Mayor said last week and the Deputy Mayor again emphasised this morning - need all the protection that they deserve, and particularly in terms of being spat at. I personally witnessed a spitting incident from a prisoner in Southwark Police Station a few years ago when wearing another hat as a solicitor. It was a most unpleasant thing to happen. The issue is giving the police the protection they deserve and carrying the public with us.

Sophie Linden (Deputy Mayor for Policing and Crime): It certainly is not kicking anything into the long grass. As I said earlier, we are talking about how the consultation will happen, how it can happen quickly and how a decision can be taken quickly.

Unmesh Desai AM (Deputy Chairman): Thank you, Deputy Mayor.

Steve O'Connell AM (Chairman): We have had a very full and balanced debate and it is a subject that warrants it. We have two more questions. I will try not to breach the three-hour rule. We are moving now on to misconduct and disciplinary procedures.

Keith Prince AM: We have seen a number of issues where police officers have committed minor crimes but they are nonetheless crimes and, therefore, they were rightly dismissed. Then we come to the situation in relation to an officer being allowed to leave the service before a proper investigation was completed. I refer of course to Maxine de Brunner [former Deputy Assistant Commissioner, MPS].

Commissioner, what I would like to ask you is: what types of circumstances do you consider exceptional enough to grant the resignation or retirement of officers subject to misconduct procedures? Secondly, what proportion of requests to resign or retire while under misconduct has been granted by you, either to grant that or to refuse it?

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): Shall I take that on in terms of the work around misconduct and where it goes? It is probably first useful if I talk about what the law allows currently, and there is a change on the way that I will cover at the end in terms of where we go for the future.

As of January 2015, if at the point you put in your intention to retire or resign you were under investigation for gross misconduct or for a misconduct matter and were sitting on a final written warning, you could be required to stay. At the point you say, "I have had enough of the police service. I am off to do something else with my life" --

Keith Prince AM: Yes, I get that.

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): -- the crucial test is at that point. If I am then serving, let us say, six months' notice or eight weeks' notice or whatever it may be and something comes up, at that point the only thing you can then do is consider whether you should suspend the officer to prevent them from retiring. They have passed that legislative day. Should you suspend them to prevent them from retiring? What you would test then and the considerations you go through are the public interest, the facts that you know at the time, the severity of the allegation, the likely outcome, the time and the cost, and you would then do a proportionality balance on whatever the rights are engaged. Probably in a case where it was a public complaint about right to life and you had an Article 2 [European Convention of Human Rights] consideration it would be quite high against some of the Article 8 stuff and the right to a private life.

With a number of posts - the Commissioner's post, this post, the Assistant Commissioners and Deputy Assistant Commissioners - there is an added complication that is called a fixed-term appointment. We are all on, as you know, five-year fixed-term appointments. When I get to the end of my five-year fixed-term appointment, whatever you want to do to me, you cannot keep me. I leave. That is the end of my engagement with you. You can offer to extend and do that, but at the end of a fixed-term appointment, if you are going to run up close to --

Keith Prince AM: I cannot put you on probation, though, can I?

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): No. You cannot suspend me. You cannot ask me to stay.

The other bit that is missed in this debate and the other big fundamental change - because I absolutely understand the issues around public interest - as we have discussed before, we have something now called the disbarred list. The College of Policing - it is in its early stages - a bit like the General Medical Council, maintains a list of people who either have left the service while under investigation or have been dismissed from the service. If they reapply to join the MPS or go and work in policing elsewhere, you can check that list and that will get a further statutory -- Also, if an officer retires, it does not stop the investigation following through to a conclusion. There is a change coming in the legislation that is in a Bill going through Parliament at the moment that will allow those officers to be called back up to 12 months into retirement and that is pretty unique. We can find some other sectors where there is six months into retirement, but it is up to 12 months into retirement. You have to weigh all those factors before you make the decision because probably the worst of all worlds is forcing someone to stay, paying an awful lot of public money and telling them off. We would look a bit silly. We have to go through that balance exercise in terms of doing it.

Since that came in in 2015, I have the figures somewhere of those who have been allowed to leave: 13. I do not have the base denominator to tell you how many asked to, but 13 have been allowed to leave since that came in on 12 January 2015.

Keith Prince AM: Sorry, did you say you did not have the --

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): I do not have how many asked and so I cannot give you the percentage. What I can give you is that that is the figure.

Keith Prince AM: OK. Thanks for that. That is quite helpful. I would be very interested, Commissioner, as to why you thought it was appropriate for a very senior officer to be allowed to leave the service when she was under investigation for what could possibly be deemed to be misappropriation of £10,000 and an attempt to misappropriate approximately another £10,000. I will say "allegedly" to keep myself out of court. Yet we have seen situations where more junior officers have been dismissed for taking a sandwich of £2.45 or a taxi ride of £24. These are very small crimes, but they are actual crimes. De Brunner may not [have committed] a crime and I accept that, but we are short of cash. This is spending £10,000 of the MPS' money, not in the metropolitan area, not in the metropolis, for which you are the Commissioner. I am just interested, Commissioner.

I am sorry, Craig. Thank you for your contribution. I know you have been here three hours and that was your contribution, but I appreciate that. It was helpful, as always. Commissioner, why did you feel that it was appropriate in this instance to give this --

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): You keep phrasing it as "you" and it is not "you" because I did not make the decision.

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): I am the Appropriate Authority for the police. That is why we discussed before --

Keith Prince AM: You are not telling me, Commissioner, that Craig did not discuss it with you, are you?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I am, actually, because there is not much point having an Appropriate Authority if they are not independent. It is a matter of law. It is not a matter of choice.

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): The role of Appropriate Authority is a statutory role that I carry out. I do it with legal advice and all the things you would expect I do, but I do not go out with some sort of, "What do we all think? Shall we have a bit of a punt on this one?" It is not a process that is carried out in that way.

There are three parts to this. There is some of the stuff that is in the reported media, there is some of the stuff that is the allegation and then there are facts. Sometimes, those circles coincide in parts. Some of the numbers you quote it will not surprise you we do not recognise, but I am not going into the details of that specific case. As I said, it is live. There is work ongoing in relation to it.

The point you touched on, and you have used the word - and I understand that because it is quite specific around policing - a number of times. Anything you do in relation to crime continues - you can come after me

for crimes when I am 75 or 80, whenever you want to - crime continues no matter what. We are talking here about misconduct work and when misconduct begins and ends. There is a fundamental difference.

Keith Prince AM: Would you agree, though, that the conduct was of such a degree that you decided or whoever decided that there was a need to bring in an outside force to investigate and that happens in every single case?

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): For chief officers now, that is increasingly the standard. There is a proposal in the future for chief officers that [allegations against them] all go to the IPCC. No, it is very hard sometimes to investigate your own people. It is not impossible but it is quite a hard thing to do and so that is quite a standard part of the process.

Keith Prince AM: If we can just speculate - and you are a man of many years of experience in the force, a very respected officer within the force, I must say, and much loved too. In your opinion, had the actions of Mrs de Brunner been found to be true and had the allegations been proved, do you think that would have been gross misconduct?

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): I cannot speculate. I am the Appropriate Authority; I still have a role in this.

Steve O'Connell AM (Chairman): I want to be a little bit consistent because I did close down Sian [Berry AM] when she was really getting into this in the individual cases. We have to be a bit careful how far you go on this.

Keith Prince AM: No, that is fine. I will take what you have said and I will put the question to the Deputy Mayor. Do you think that it sets a good public image if officers are allowed to resign while they are being investigated for actions of misconduct, bearing in mind everything that Mr Mackey has already said?

Sophie Linden (Deputy Mayor for Policing and Crime): Bearing in mind everything Craig Mackey has said already, it is clearly a decision for the Deputy Commissioner. No, it does not instil public confidence if police officers are allowed to resign while there are misconduct proceedings being undertaken.

Keith Prince AM: Can I ask you, Mr Mackey? Taking you back to your very full and informative preamble, at what point did Maxine de Brunner ask to leave the service? Was it before the allegations were made against her?

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): Yes.

Sian Berry AM: There has been quite a lot of publicity for some of these cases. This Committee has been investigating it and asking questions, and there are changes being made to the process. The Policing and Crime Bill will, I believe, change the process so that people can resign but will be able to be investigated nevertheless. All the efforts previously have been on making them resign.

In terms of confidence, both from the public and from officers who might complain or reveal misconduct, how much of an effect do you think all this is having on confidence that these things are being dealt with?

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): There are two parts to that confidence in terms of the impact on officers. Officers genuinely feel themselves quite unique because

potentially in the future they can be followed 12 months into retirement. They do feel quite unique. Everybody accepts that they are always going to retain a criminal liability. The military is about six months afterwards. The thing that you are trying to protect as a service, we have now this disbarred list. We can prevent people coming back into the profession.

We keep using “retire” and “resign” in the same way. It is quite different with the process involved. If I am two years in and I say, “I am off anyway, I am resigning”, to people who have planned their retirement, there are some differences and you have to weigh all of those factors up. What will happen is, when the new Bill comes in, I am assuming - and we have not seen the guidance that will accompany it yet - that people would retire or resign in the normal way and, up to 12 months afterwards, they would be capable of being recalled for discipline proceedings. As I touched on in the answer, we also have to be clear that discipline and investigation does not have to stop because someone has left.

Sian Berry AM: Do you consider that process more helpful than the current process, where people are officially not allowed to do it but there are quite a few exceptions made?

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): The other issue at the moment - and certainly one we met with the IPCC about, not discussing that particular case but discussing this principle - has had some unintended consequences. You can keep someone in the organisation for three or four years. I have talked about the time and money these things cost. At the point you get into a misconduct investigation, when it is seen almost as a complete win or lose, this is about the most legalistic process you are going to enter. There will be barristers all over it and you are probably looking at 12 to 18 months. If you pay someone for 12 to 18 months only to tell them off, it does not seem like a good public outcome.

Sian Berry AM: Do you think it will increase confidence?

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): This potentially offers some better solutions if someone is going to leave us and move on. The worst of all worlds is if we force someone to stay in the organisation whom we as an organisation do not want to keep and the misconduct process does not get rid of them. They stay in the organisation then, and we have had that happen.

Sian Berry AM: OK. Thank you very much.

Jennette Arnold OBE AM: Just a quick question related to misconduct and confidence. It is to the Deputy [Commissioner]. Deputy, there was a recent Equality and Human Rights Commission (EHRC) report dealing with matters to do with disciplinary investigations and issues around discrimination cases. The EHRC report states that officers who report discrimination expect to be victimised and fear reprisals. Is this something that you can identify with and if it is, what is the MPS doing about it?

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): Yes, I can identify with it. It is quite sad because, as the report highlights, they could find no evidence to support it. There was a perception in the organisation that that is what will happen. That perception is real - I have spoken to people who have that perception - but we can find no evidence to support that happening, and the EHRC were with us for nearly two years. I think they said they could find no evidence to prove that perception. It is something we have to address consistently in terms of what we do with our senior leaders, what we are doing around our culture in the organisation, and things like third-party reporting and support from staff associations and support networks. It is a big piece of work.

That report quite helpfully highlighted one of the challenges that sits at the heart of addressing some of these cases, where these police conduct regulations we have been talking about clash with what I would call normal employment practice, which is what would happen in any other walk of life. They do not clash in a particularly helpful way. They force things into a route that sometimes makes the matter worse. I am hopeful that with the work that the EHRC has done and with the support of others we can work with the Home Office to come up with a framework that works for better outcomes for everyone.

Jennette Arnold OBE AM: You talked about the culture in the organisation, which has been an ongoing theme for the 16 years I have been putting questions to the High Commander of the MPS. Do you think the MPS is doing enough to look at progression issues in the MPS? The recent report around Commander Victor Olisa [Head of Strategic Diversity and Inclusion, MPS] highlighted that there was an issue to be dealt with for black and minority ethnic (BAME) candidates. He cited a recent promotion process for the rank of Chief Superintendent where all six BAME candidates failed. He asked the question, “Were all six candidates having a bad day?”

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): We have been quite open around the work around progression. What we do in all of our promotion processes now is look at the pool and look at the mix across the pool, across all the protected strands that we have data for. The EHRC has highlighted another thing about people’s willingness to self-declare and so there is some work in relation to that. We look at that and then try to look at the outcomes in relation to it. We have had two promotion processes recently where you look at it and think, “They could have had a better mix coming through the promotion process”. We have talked about the work around recruiting a number of times and about people coming into the pipeline, but all that work we are doing on direct entry and progression through is the work that has yet to pay dividends.

Jennette Arnold OBE AM: Thank you.

Florence Eshalomi AM: Just quickly on that, in terms of that work that needs to be done to ensure that those officers are coming through - obviously we saw the news reports celebrating the fact that we have over 4,000 BAME officers, which is great, and we should continue to celebrate that - my concern is that progress is still too slow if we look at the overall MPS figures over the years. We know that in the top senior positions it is still quite low in terms of BAME officers.

Jennette Arnold OBE AM: One.

Florence Eshalomi AM: Jennette has just corrected me. One officer, which is not good. Do you feel that maybe now is the time to look at other methods to try to accelerate that progression of BAME officers?

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): It is actually more than one at a senior level. No, we have been quite clear. The Commissioner has been on the record a number of times saying that we think in terms of the entry point we have exhausted most of the ways of legitimately, legally and ethically trying to change the mix of who is coming into the organisation. It might be the time to have the debate about whether there is a legal change.

Florence Eshalomi AM: In terms of legislation?

Craig Mackey QPM (Deputy Commissioner, Metropolitan Police Service): Yes.

Sophie Linden (Deputy Mayor for Policing and Crime): Can I just add to a couple of the things that you have been asking about, the EHCR report as well as the diversity in the mix and the look and feel of the MPS? It is absolutely one of the priorities that we have been discussing with the Commissioner and Deputy Commissioner around all the issues that have surfaced recently, but also looking at what we can do within the legal framework to ensure that we do get as good a mix as we possibly can in terms of the recruits coming through. That is around BAME but it is also for women and the lesbian, gay, bisexual and transgender (LGBT) community as well. The police - and I know you agree with this - are not diverse enough and that is an issue.

In terms of the EHCR report, while there was absolutely no evidence of actual victimisation, it is extremely worrying to hear and have that report through that there is that perception of victimisation. We are absolutely committed, as are Craig and Sir Bernard, to ensuring that that improves. From my point of view as Deputy Mayor for Policing and Crime, we will be absolutely keeping track of this and keeping up the pressure to ensure that that does happen.

Florence Eshalomi AM: Thank you.

Steve O'Connell AM (Chairman): We will have one more final set of questions, which is on the subject of violence against women and girls. This Committee has already done a significant amount of work around that. The previous Mayor's Strategy has been extended by one year by the existing Mayor.

Florence Eshalomi AM: Yes. Again, I commend some of the work that has gone into the Strategy on Violence Against Women and Girls. In terms of resources - and again, I am mindful of the challenges that we on this Committee and you will be looking at over the next few months in terms of the Policing and Crime Plan - do you feel that the MPS now have significant resources to deal with the increase in sexual offences that we are seeing across London? There is an argument to say there has been an increase because of reporting but equally there is a perception that even though people are coming forward and reporting, the MPS cannot deal with this. Again, there were some issues about some posts being unfilled in the past. Have all those posts been filled now?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): If you recall, we worked together with the Director of Public Prosecutions (DPP) and Dame Elish Angiolini DBE QC to review all the processes by which we investigate it. These facts we are talking about tend to concentrate on sexual attacks. That is not the only violence against women and girls. If you talk just about the sexual attacks, as we know, it is mainly women and girls but there are also men as victims too. She concluded and we agreed that because of the big demand increase we had seen, we did not have enough officers in this area. What we said was that we would put more there, which meant we had to take them from somewhere else. The bottom line was that we had around 1,000 officers and that was probably 18 months to two years ago. Now we have 1,223 officers in there, which is broadly a 20% increase.

We are still seeing a rise in the number of reports. I do not necessarily agree, Florence, with the perception that we are not dealing with it because we are dealing with every crime that comes forward. You could always argue we could deal with it better, I am sure, but we are not getting the same challenges from their own staff that they are overwhelmed by the reports. I am sure they would always like more. We have coordinators who work across various boroughs to try to improve the way we are dealing with the investigations, and also we have written collectively to the Government to try to get more support for Independent [Sexual Violence] Advocates. We think we could do with more. At the moment MOPAC is paying for quite a few of these, but of course for every one of those they pay for they have to have one less police officer, broadly speaking. It is the same fund. We argue that we need more funds around that. I am not complacent and we would always want

to do more, but we have certainly met the promise we made, which was to significantly increase the number of officers.

Finally, I will just say that one of the questions in the organisation is the number of detectives. Not only do we have to find the right people - the number is probably around 3,000 or 4,000 detectives that we have - what has increased over the last few years is the need for more detectives. Cybercrime and this area would make the list. We are now finding that we need more detectives and more training. Not everybody is suited to the work and not everybody will come forward for it because of the responsibility that lies with these very serious investigations. Broadly, we have met our promise.

Jennette Arnold OBE AM: I have a couple of questions to the Deputy for MOPAC. Sophie, has the Sexual Violence and Child Sexual Exploitation Needs Assessment been published and, if so, what are the key findings?

Sophie Linden (Deputy Mayor for Policing and Crime): You always keep me guessing because you say "the Deputy" and I am not sure whether you mean me or Craig [Mackey].

Jennette Arnold OBE AM: That is right. It struck me that I have two deputies in front of me. This is to you.

Sophie Linden (Deputy Mayor for Policing and Crime): No, it has not been published. At the moment, it is being collated and finished. We should be able to publish it in early October. Those findings have not yet come out. When they do come out we will have a much better understanding and some way to go to answer Florence's [Eshalomi AM] question about whether we have the correct resources in the right places and what resources are needed.

Jennette Arnold OBE AM: You are now aware, because the Chairman has said, of the amount of work that this Committee has done around this area. Do you plan to share those findings with the Committee as soon as possible?

Sophie Linden (Deputy Mayor for Policing and Crime): Absolutely. They will be published and we will be having discussions with the stakeholders. We can give you that, absolutely.

Jennette Arnold OBE AM: The work that this Committee has done puts us at the forefront of the arguments and the push for this work. What specialist organisations inform the development of the Child House model in London?

Sophie Linden (Deputy Mayor for Policing and Crime): I went to visit the Child Haven in the grounds of Kings College last week. It is a consortium of organisations that have developed the Child House model. In terms of naming them, I would have to say that it is with NHS England that this is being developed and with the experts around Kings College as well. I would have to get back to you, sorry, about the organisations but it is through expert advice, the development of that is in partnership with the Home Office, MOPAC and those organisations.

Jennette Arnold OBE AM: Thank you. I just think it is important that people are able to reference the evidence and the expertise of those who are behind significant changes.

Sophie Linden (Deputy Mayor for Policing and Crime): It is based on the Icelandic *Barnahus* model. That is very much what it is based on, and the work that is already happening in the Child Haven. If there are others involved I will have to get back to you, but it is based on evidence-led, good practice that is working. It

is fantastic work that is happening at the Child Haven and I feel very optimistic with the two Child Houses that will be coming on stream in 2017 that there will be a real difference to the service and support that victims of child abuse will be getting.

Jennette Arnold OBE AM: OK. We all welcome all developments, but what we do not want to move back from where we have gained just to introduce a new model. I am sure Members of the Committee and other Members of the Assembly would welcome any update that you can provide. Thank you very much, Chairman.

Peter Whittle AM: I just want to carry on the general issue of the rising violence against women and girls, Commissioner. One of the most egregious forms of this, I think we are all agreed, is female genital mutilation (FGM). In the last report that I know of, there were about 4,000 cases of this in London and not a single prosecution. Why?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): There has been a prosecution. As you will remember, we took the prosecution against the doctor and he was found not guilty. Only in the last few weeks, we have tried to gain a protection order to stop a known cutter entering the country. We failed in getting the protection order but we are now talking to the Home Office about whether we can exclude that person. I understand there is only one prosecution in the country, which is in train in Bristol and which has not yet arrived at court.

It is certainly true that at the moment we are struggling to sustain these prosecutions or investigations. Partly it is because the child is the person who would make the complaint. They would have to complain often against a parent, even if they are not the cutter, because they have arranged it. That has proved very problematic. I have to say it is not for want of trying. We have had multiple investigations in which, working very closely with the Crown Prosecution Service (CPS), we have not been able to land. It is a disappointment for all of us that we have not got there yet.

Peter Whittle AM: The prosecution you referred to earlier, I understand, was not strictly speaking for FGM. It was a repairing operation that was done. It was not quite a straightforward prosecution, in the end. That was the reason it failed.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I need a briefing on the detail but from memory, it was about the allegation that there was a restoration of FGM and that this was carried out by a medically qualified person, which rather removes, you would have thought, the defence that it was done without knowledge of the law.

Peter Whittle AM: If I can just press you on this, Commissioner, you say that it is about the child presenting, or the girl or woman presenting, but this is specifically a crime under the 1985 Act. This is not just something that has been covered under another Act. This is quite specific. Would you not agree that there is something deeply unsatisfactory about saying that this is purely because the girls do not come forward? Does it mean therefore that this is going to be the situation going on?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I do not think I said it was purely because of that. I said it was a challenge in these investigations. It is not for want of attention by people like the DPP and the CPS and people like me who have shown a great interest. We have had investigations but it has proved very problematic.

Whether it is a law issue or if you could argue - you may be doing - that it is a lack of police will, I do know that we have done three big things. First, we have investigated where we have complaints. As you know, there has been a huge amount of under-reporting by professionals, the health service and schools. They have not been reporting when they have discovered this issue. Secondly, we have tried broad strategies to investigate the cutters, either in this country or where children are being taken abroad for it to happen. Clearly it is being done for profit. They are not doing it for free. This is not only about the issues around cultural identity, it is also about the fact that profit is involved, so we have targeted various flights in and out of Heathrow, which you may have seen, covertly and overtly. We have arrested people over time but have not been able to land the charges, despite putting some of our best people on it.

I am sure there is always more we can learn but it may be something where we have to consider the law. France has had some success, not massive given their population affected by this is probably three times the size of our population here, but they have had some success. One of the differences in their law, I believe, is that they can require a medical examination, which in our law we cannot. I am not making that the excuse because I would always accept we might need to do more but in simple person-hours we have collectively put in a huge amount of effort. We have not got there yet, you are right.

Peter Whittle AM: I accept what you say about putting the effort in. Obviously something is not working. Not to have any successful prosecutions for something as heinous as this is extraordinary. I wonder whether you could comment and I wonder whether in fact there is not something institutional, if you like. Perhaps there is an over cultural sensitivity at work here in your force.

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I do not accept that at all, either personally or collectively. I have certainly been involved personally with some of the campaign groups. I honestly do not accept that. There is no sensitivity to me. If you are going to commit a crime, you are going to get locked up.

One of the things we are challenged about - and I have talked to campaign groups about this as recently as two weeks ago - is that some members of the community are aware of the cutters because they have to go to arrange them to cut. We are not getting intelligence about those cutters. People must know them. Even the campaign groups have told me, "You know who the cutters are". The answer is we do not until someone tells us. When are they going to tell us? If there have been cultural sensitivities, I would argue on the whole it is not that the police are not looking to investigate and CPS are not looking to charge. There are very real difficulties in these cases.

Peter Whittle AM: I would wonder - if you would indulge me, Chairman - whether you could therefore comment on the case that was reported recently of somebody who worked at Scotland Yard, Javaria Saeed, who has now left your force. Basically, she was told by a fellow officer that FGM was "a clean and honourable practice" and should not be criminalised. That was someone on the force who was not then disciplined. Do you know about this case?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I do not know the detail of that, no.

Peter Whittle AM: She was pretty horrified. She felt that there was a kind of political correctness at work here and that people who said that sort of thing were not being disciplined in a way that other officers might be. I have issues such as what happened in Rotherham in my mind here as well. Are you saying that there is

absolutely no hint in your force of people being concerned about appearing racist or concerned about being culturally insensitive?

Sir Bernard Hogan-Howe QPM (Commissioner of Police of the Metropolis): I cannot guarantee the possibility does not exist, but I could not be clearer myself. If you have seen any of my public descriptions of this, I have made very clear it is wrong, we will investigate it and I would like to get people charged with what, as you have described, is a heinous offence.

Steve O'Connell AM (Chairman): That is probably as far as you will get with the Commissioner on that line of questioning.

Peter Whittle AM: Thank you.

Jennette Arnold OBE AM: Chair, can I just come in? It is a comment and a question to Sophie. The Mayor has said that he will not tolerate FGM and we all welcome that. He made this statement in Hackney. We were out campaigning and he met an expert who was employed by that borough and who brought to his attention the issue of it happening in London, because we started off by thinking children were taken away. We are now getting the feeling that it is happening here in our city, and so he has pledged to tackle FGM.

I just wanted to say that although the police of course have this key role, this is also about education, it is also about health and wellbeing, and it is also about, in a way, social inclusion. It is about informing and getting a particular, diverse community engaged. I was just wondering if you would be willing to meet me so that we could go through a proposal that, as I understand, I put and that has been recently been signed off by the Chairs of this Committee, the Education Committee and the Health Committee. What we are hoping to do is to bring practitioners from all these areas together in January so that we can get a sense of the challenges that practitioners are facing and still have to face. Unless we can get practitioners fully equipped and confident with all these, we are going around this question. Would you be willing to meet up to go through this proposal?

Sophie Linden (Deputy Mayor for Policing and Crime): Yes, of course I would, yes. It would be really good to work with MOPAC on this as well because we have extensive contacts with the violence against women and girls co-ordinators in local authorities. I met them yesterday or the day before. Absolutely. As you know, it is part of the Strategy. We need to do what we can on this.

Jennette Arnold OBE AM: Thank you.

Steve O'Connell AM (Chairman): I am sure it befits your very generous nature, Jennette, that you offered to share that, because I know Peter [Whittle AM] feels very passionately about the same subject.

Jennette Arnold OBE AM: Peter and I have been sharing books and conversations. That is me and the UK Independence Party (UKIP) in a huddle. I never thought I would ever say that!

Steve O'Connell AM (Chairman): What a diverse and balanced Committee we have. Thank you for your answers to those questions. We are at the end of the session. Thank you very much, guests, for a very full session. We explored some quite contentious but very current issues, which is the way we try to work. I particularly thank the Commissioner and Craig [Mackey QPM] for coming along. The subject and nature of this is generally that we are scrutinising the Deputy Mayor but it is excellent that you have come along consistently to these Q&A sessions.