

Northern Ireland Affairs Committee

Oral evidence: [Cross-border co-operation on policing, security and criminal justice after Brexit](#),
HC 766

Wednesday 4 November 2020

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Members present: Simon Hoare (Chair); Scott Benton; Mr Gregory Campbell; Stephen Farry; Mr Robert Goodwill; Claire Hanna; Ian Paisley; Bob Stewart.

Questions 55 - 120

Witnesses

I: Simon Byrne, Chief Constable, Police Service of Northern Ireland; Mark McEwan, Assistant Chief Constable, Police Service of Northern Ireland.

II: Steve Rodhouse, Director General of Operations, National Crime Agency; Steve Tracey, Assistant Director, Organised Crime Directorate, HMRC.

Written evidence from witnesses:

- [Police Service of Northern Ireland](#)



Examination of witnesses

Witnesses: Simon Byrne and Mark McEwan.

Q55 **Chair:** Good morning, everybody, and welcome to our inquiry on co-operation on policing, security and criminal justice post Brexit. We have a tight timeframe today. I would like to welcome our witnesses. Thank you for finding the time to appear before us today.

Could I start, please, by asking the PSNI if you could just say what the current relationships are with regard to policing, security and the like with the Republic, and then could you describe for us what you are envisaging and planning for—or planning to try to stop, I suppose—with regard to cross-border criminality post Brexit, with particular reference to whether there is likely to be a shift or change in emphasis in the volume and type of cross-border smuggling after the transition period ends? If so, what extra resources and capabilities are you going to need to combat it?

Simon Byrne: Conscious of the introduction, first, in terms of relationships with the Garda, I would describe them as really good and improving constantly. An example of that was the joint work that we did to establish learning from our response to the first Covid outbreak in terms of tactics. That relationship is a good one and crucial for the future.

In terms of emphasis, dealing with a number of different scenarios, our assessment is that, on 2 January, excluding, depending on where we are, any spontaneous protest, we are seeing this in the short, medium and long term. Therefore, in the short term, we do not anticipate massive change because, at the end of the day, despite the huge public interest in this, we still have a porous border now between the two countries. Equally, sadly, sometimes fugitives in either country flee arrest.

What we are looking at in terms of planning assumptions from a crime side is, depending on where this ends up, the border could end up as being seen as, potentially, over time, the soft underbelly of the common travel area, so there is vulnerability around people exploiting that for the smuggling of any one of a number of commodities, be it drugs, firearms, people or other forms of contraband, either just to exploit the criminal gain or, equally, to exploit tariffs, again depending on where that ends up. That is a present issue, as you will probably hear from colleagues from the NCA and HMRC.

The other quick bit of your question in terms of resources is that we are funded this year to increase policing, particularly in the border area, the bulk of which we have put into neighbourhood policing. We see that one of the key issues for us is to try to remove as much uncertainty as we can in that area in terms of daily life. We see that symbols of legitimacy, reassurance and enabling people to go through daily life are really important. One of our risks is that, if that funding fell away in the forthcoming financial year, it would put extreme pressure on our budget, because that equates to over 300 posts.



The other thing to do in terms of medium-term and longer-term planning in terms of that emphasis, which I have touched on in our submission, is looking at, in the medium term, where recent events perhaps show we need more intelligence and insight about some parts of the haulage industry, where there have clearly been some vulnerabilities about how that is policed. We also need to look at the idea of a crime centre for Northern Ireland, building on the model that we see in Scotland, where we bring agencies together under one roof to get almost like a force-multiplier effect of our intelligence, our experience and our tactics.

Q56 Chair: In your assessment, two trading arrangements are envisaged: east-west and north-south. Which presents the greatest challenge for policing, intelligence and resources?

Simon Byrne: It is more about context. East-west would probably, in our assessment, be the one that, depending on where this all ends up, could trigger protest in and around the ports, but we have no current intelligence about that. Equally, any border situation is about working with other agencies as well to police the various bits of that border, where it is supporting other agencies around their powers, for example, around immigration or, indeed, through the smuggling of goods and contraband.

Similarly, if you look at the north-south dimension, clearly, you have a history there of hundreds of years, frankly, of exploitation of opportunities to commit crime. That is not trying to stigmatise a whole part of the country; it is just that there are certain people who, over some time, have exploited that in terms of smuggling and contraband right back to almost the middle ages through to current times.

We would be acutely aware that we need to support the Garda in any endeavours that they need to put in post January about policing the border from their point of view, as well as looking at the risk of the 300-plus crossings being exploited by organised crime groups to smuggle any one of a range of things. However, again, we do not assess at the moment that there is any immediate prospect of a significant shift in patterns of behaviour in that regard.

Q57 Chair: You mentioned protests east-west—protests by whom?

Simon Byrne: Largely, we would assess at the moment, by the loyalist community, if they see that what the port boundary represents is any sort of threat to the perceptions of the Union. At the moment, although it is something we are keeping an active and weather eye on, there is no immediate intelligence about that being a prospect.

Q58 Chair: How often does the NIO talk to you about your intelligence and your assessments as a way of trying to shape and influence Government policy?

Simon Byrne: That takes a number of forms. I will have either a weekly or fortnightly meeting with the permanent secretary. I have regular dialogue with the Secretary of State and, equally, at something called the security interface meeting, I will join the Secretary of State, the Justice



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Minister and police professionals in an exchange of information, which will take place at the moment on an ad-hoc basis. Underneath that, if either Mark or I need to flag up issues into the Government space, there is every opportunity to do that, plus there is all the detailed work that Mark and his team are doing, because Mark is the gold commander for this, in relation to all the efforts that the National Police Chiefs' Council is co-ordinating on our behalf, so I am not concerned about not getting a voice heard.

Q59 Chair: Do you ever feed in directly or have your views called for from the Cabinet Office, which is the administrative centre for these matters?

Simon Byrne: Yes. I was able to brief the Prime Minister some months ago. It is a matter of public record. The week before last, I was able to brief on a perspective to a number of senior Ministers in a meeting chaired by Mr Gove.

Q60 Chair: Mr Gove, in the House of Commons a couple of weeks ago, asserted that there was the potential for the UK to be safer in a post-EU-membership world. You will recall he got a bit of a raised eyebrow from Theresa May on that point. Would you concur with Mr Gove's assessment that the UK could be safer?

Simon Byrne: I was not privy to the brief that Mr Gove has been given. I suppose, in fairness, there is the issue here around context. Is it safer on 2 January? Is it safer on 2 January 2022? Until we finally know details of the future security partnership arrangements, either in a deal or no-deal scenario, it is hard to give an accurate assessment.

In terms of assurance to the Committee, and perhaps beyond that, I have said in a number of places that, if you look at the data adequacy issue, even in a difficult situation where we do not get full access to the current tools and intelligence flows, I have described it as imagining a world where you are going from wi-fi to a modem; in other words, you will still have connectivity but it will take a lot longer. That is an interesting assessment.

You may have seen this already but the Institute for Government produced information recently that would say, for example, that the average time to process a European arrest warrant at the moment is 48 days; if we went to the convention extradition arrangements, it would take a year, so that gives you some sense of the scale of the change, if we were unable to close the gap. It is workable and you will see that the experience of policing is that we are adaptable to the environment which we work in and we will find a way through, either bilaterally or through different arrangements that are currently being negotiated.

Q61 Chair: Even the most cautious assessment would suggest that the difference between 48 days and a year does not make one feel very much safer.

Simon Byrne: No. That is not the worst-case scenario, but it is one of the working assumptions. In fairness, it is looking at the medium term. You can look at this down different lenses. If we are enabled to develop, over



the next couple of years, something like our crime centre, that would be an enabling function that would make us safer in this context, because we could get best value out of the different agencies that we currently work with, including, depending on what agreement we come to, the Garda. It is about the context of the question.

Q62 Ian Paisley: It is good to see you again, Simon. Could you put a wee bit of meat on the bones? How many extradition warrants did you have to apply for this year?

Simon Byrne: To date this year, it is 79.

Q63 Ian Paisley: Can you put them into categories of criminals?

Simon Byrne: I do not have a list of the categories in front of me, but I could get that to you. When you look at the flows that we might do that through in terms of some of the various systems, there were 79 people on an arrest warrant, but we pushed 1,300 requests for information and circulation around missing people. It is not to forget that there is a vulnerability dimension to this as well as crime and safety.

Q64 Claire Hanna: Thank you very much to the witnesses. You have touched on this with the arrest warrant, but what other ways does data sharing facilitate co-operation between yourselves and the Garda?

Simon Byrne: Again, it depends on the issue. We do daily exchanges of information with the Garda. There is an agreement that goes back to 2012 that enables the exchange of information, notwithstanding some of the wider conventions and processes that you will talk about in a broader EU-exit setting. You will also see, for example, something called the JIT, which is the shorthand for a joint investigation team. That is something we have progressed recently on one very high-profile kidnap investigation. We have that good relationship and we are quite confident that, notwithstanding the outcome, there is the potential to bilaterally negotiate different arrangements, if we need to, with the Garda in a more dire circumstance. I have a meeting in a few weeks' time with the Justice Minister from here, with my counterparts in Dublin, to see if, by that stage, we need to adopt any other negotiations to maintain data adequacy in order to make sure that we keep people safe.

Q65 Claire Hanna: The Justice Minister in the south has said that they would have to be done in a bilateral agreement, but I noticed also that Richard Martin, deputy assistant commissioner and head of enforcement at the National Police Chiefs' Council talked about data sharing and said that it is very important for a modern police service to have "information at our fingertips and for that to be fast-time", and that, if we leave with a non-negotiated outcome, there are contingencies but they are slower. Referring to the time to get criminal convictions—and I presume he means a background of criminal convictions—he predicts that it will move from an average of six days to an average of 60 days. Would you agree with that assessment?



Simon Byrne: Yes. As I said, it is the modem-to-wi-fi issue: you still get the information eventually. Remember that there are different systems. There is something called ECRIS. That is the shorthand; it would take most of the meeting to do the full bit but we can do. That is used for vetting. That is one part of information exchange, when people are seeking employment or other things. Then there is something called Prüm, which is where we would exchange things like DNA, vehicle numbers and fingerprints. Any interruption to that would have a consequence.

For us particularly, the key issue is real-time or fast-time information exchange north-south and, depending on where we go, even in a dire circumstance, what opportunity we have in the next few weeks, if we have to, to supplement what we currently enjoy with the Garda in a bilateral agreement. There is wraparound legislation already that enables that, so it is just looking at, if we are still in a bit of uncertainty and there are gaps, how quickly we need to plug them.

Q66 **Claire Hanna:** Just to finish that, I take it we are in agreement that moving from six days to an average of 60 would really impede investigations. He refers to those times helping them to protect citizens. What specific steps would need to take place to fill those gaps?

Simon Byrne: This is like Jenga—the game where you pull the pieces of wood out of the thing until the pile collapses. When we finally know what is negotiated or not, that will determine whether there are any gaps we need to close. Then it is about really pressing forward, particularly in the north-south dimension, between myself, the commissioner and the two Justice Departments, to see where we need to push legislation quickly, if we have to.

One of the key principles that the EU will insist on is what they call data adequacy; in other words, are there appropriate safeguards around the use of data? Frankly, I cannot speak for Government Departments but we already operate with high levels of assurance around safety and security about how we access, store and retrieve data. We would be in a pretty good place but, eventually, somebody on either side of a negotiation has to satisfy themselves of that.

You also have to respect that, at the moment, we are relying on the UK-wide machine, if you like, to conduct these negotiations in various means, which Mark can fill us in on, because he is heavily involved in that. If we end up with a non-negotiated exit, whilst time is tight, we have weeks ahead to try to plug any gaps bilaterally.

Q67 **Claire Hanna:** I just want to finish on this. You said you have time to plug. Do you have any sense of how long it would take, between the stakeholders—the two police services and the two Justice Departments—to design the legislation and to get it through? Has anybody given you an estimation of how long that would take?



Simon Byrne: Not yet, but, as you know, at times of urgency and emergency, you can move legislation through quickly. We have seen it in the Covid space with the new restrictions and regulations. Again, it is contingent, in terms of proportionality, on what the gap is and what the most serious need is. For example, does access to DNA, fingerprints and vehicle numbers outweigh access to other information for vetting? The former would be about real-time information and public protection; vetting might be something slower-time for a safeguarding issue.

Mark McEwan: It is also worth saying that, in terms of PSNI in the Northern Ireland-Ireland context, we have our own standalone unit to look after this. We have an embed with Richard Martin's ICC, so we are well set-up and established in terms of those relationships and the work ongoing in the background. As soon as we get the green light, as it were, to do the bilateral negotiations, we are in a good position to go.

Q68 **Chair:** Do you detect that there is an energy and a commitment to speed from Dublin on this, politically?

Simon Byrne: Frankly, it is hard to say because, politically, we have not been into that space yet. We are standing behind the curve to enable the Government and UK policing to conduct negotiations. There is a tacit acceptance that, if we end up in a no-deal scenario, in the context of Ireland, we could press forward with trying to negotiate bilateral agreements quickly.

Q69 **Chair:** Has the commissioner given any indication of conversations that he is having with politicians in the Republic about their appetite for what is a mutually beneficial approach with regard to security and intelligence co-operation?

Simon Byrne: He has not given any commitments to me at the moment because he is having to work behind, if you like, the shield of his Government, just as I am doing at the moment. I know that I could walk out of here now and pick the phone up to the commissioner within minutes, if I need to speak to him pretty quickly. Again, it is just that waiting to see, in the next few weeks, what we have to face and the attitude to respond.

As Mark says, the framework is already there that enables day-to-day collaboration. It is supported by the history of things like the Joint Agency Task Force, where we will do joint work against key themes such as the transportation of drugs, financial crime and rural crime, et cetera. We have custom and practice as well as legislation to rely on. I am not trying to be complacent or to dumb this down, but at the moment there is still the opportunity to remedy things if we need to ensure real-time data exchange in the early parts of January.

Q70 **Chair:** Is custom and practice admissible in court?

Simon Byrne: No. When I say "custom and practice", it would be that confidence that the two organisations can work collectively together. Admissibility in court would depend on which bit of enabling legislation we



are using, because some of it allows for intelligence and information to be shared. Some has to be developed to the standard of evidence in either jurisdiction but, equally, there are tools and conventions that the prosecution service here and in Dublin can rely on to enable that to be agreed. Equally, even in a non-negotiated exit, something like the joint investigation team that facilitates that could be negotiated between two countries, even if we came out of the Europol agreement, which, if you like, is an overarching agreement to enable that with member states at the moment.

Q71 **Chair:** There could be an awful lot of legal argument, could there not?

Simon Byrne: Yes, absolutely. It depends on the scenario. Clearly, if you go back to the extradition worst-case scenario, depending on where that goes on the three workable assumptions at the moment, one of them, if we just rely on the convention, does not come with a power of arrest, so that would inevitably take a lot longer and be susceptible to far more legal challenge and delay.

Chair: It is a criminal's charter, is it not?

Q72 **Ian Paisley:** I must say I was just caught out by the words "criminal's charter". I do not know why something that Simon is describing as very simple and straightforward suddenly becomes very complex. You pick up the phone, you talk to Drew Harris and you share information. Currently, the Republic of Ireland and Northern Ireland, as part of the UK, are not in Schengen. If a person of interest arrives in Northern Ireland or the Republic of Ireland, whatever the background of that person is, I assume that, currently, that information is shared, and shared quite quickly, as soon as we know, in either jurisdiction, if it is a person of interest who we should be alerted to. I assume that is how it works at the present time.

Simon Byrne: Broadly, there is a daily information exchange between the two of us, so it would depend on the scenario. If you are looking at a fugitive, there would be that dialogue between the two different intelligence departments in the two different organisations.

Q73 **Ian Paisley:** It could be a fugitive and/or a person of interest who may not be a fugitive but on whom you may have intel that is important to alert each other about. It has not always worked in the past. I am thinking of the Ariana Grande bombing at the Manchester Arena. The person suspected of that was on the island of Ireland prior to the bombing. Is that right? Knowing that these people can enter the island and freely move around the island, it has not been a panacea in the past. These terrible and awful people can get access to Ireland, north and south, at the present time.

Simon Byrne: I said at the start that the current system is imperfect and our borders are porous, so it is not to try to mislead people that what we are doing at the moment ensures absolute security. That is why we see people committing crime. Equally, in the future arrangements, it is going to be a judgment call about whether we are less or more secure in the



short term, which goes back to Claire's question. People are able to evade detection, as we know, in all sorts of different ways on a daily basis, frankly, and that is why, from a policing point of view, we have to remain on the front foot and agile to adapt our tactics to criminal behaviour. That has always been part of the deal since policing began, frankly.

Q74 Ian Paisley: Just so that we get a perspective when we are considering our report, give us a very brief idea of the scale of crime levels that currently exist cross-border in terms of multiples of millions. I have looked at Organised Crime Task Force reports over the last 10 years and it looks like it is in excess of £1 billion in terms of smuggling and crime over those 10 years. Would that be right?

Simon Byrne: I do not have that report in front of me to absolutely confirm that, but that is the sort of scale. I know you are speaking to Steve Rodhouse later, but the latest NCA assessment for the UK talks about £37 billion in terms of the effects of organised crime on society. We are just talking about organised crime at the moment; I will come on to other bits in a second.

We are currently tracking, investigating or disrupting just over 80 organised crime groups within Northern Ireland. Sixteen of those, we would currently assess, have some sort of footprint north-south, and a lot in the areas that are either side of the border. That is in the organised crime space, where we would put focus and effort.

Let us also not forget that, on a daily basis, in both countries, there is more general crime. You might commit a burglary in Strabane and then flee into Donegal or something like that; similarly, we will co-operate with the Garda to capture people who might have committed a crime in Drogheda and are moving up the motorway. The total crime assessment has two different things, because there is not usually that granularity of what we might see as acquisitive crime locally as well as the bigger piece about the effects of organised crime on evasion of tax and the fabric of society, be it health and all that sort of thing.

Q75 Ian Paisley: With these levels of serious and organised crime, despite all of the resources and all of the really hard work that your officers do, that Garda Síochána officers do and that HMRC operatives do, these gangs and individuals have, unfortunately, been able to evade justice and carry out their crimes while we have been part of the EU.

Simon Byrne: Yes, absolutely. It is a matter of fact that we do not detect 100% of crime. Our main efforts here are firstly around prevention, be it for what is somewhat euphemistically called low-level crime, right through to the most serious of crimes, including terrorism. You will see, for example, co-operation. I cannot say too much at the moment because it is now a live investigation, but the 10 arrests that hit the news space recently involving the New IRA involved a number of countries in the space of co-operation. When we need to, we can operate really effectively to prevent, detect and deter crime, but the system is not perfect at the moment.



Ian Paisley: You are absolutely right. Your officers do a brilliant job, despite all of the handicaps that are placed in front of them, and you have to be commended for that. No one thinks that your job is easy. I do welcome the tenor and tone of what you are saying, because there could be an opportunity to use Brexit as an excuse to cover problems that will continue to arise and that have already been here. You are not doing that, and that is very welcome, so I do welcome you saying that people have to get real on this and see that, with or without Brexit, we have a problem here, and you guys are doing your darnedest to try to help sort it out.

Q76 **Chair:** I would certainly echo, Chief Constable, what Mr Paisley has been saying there. Do you have a handle on what percentage of the proceeds of smuggling gets filtered towards supporting violence and the purchase of weapons and terrorist paraphernalia, etc.?

Simon Byrne: There is no precise ready-reckoner, if that is what you mean. Some of the issues we are dealing with in that space are, for example, at one level, paramilitary crime units, which is the label that would be seen here, effectively taxing other criminal enterprise, particularly in the drug space. That can then realise assets that could be diverted towards the purchase of firearms. If you are trying to look at whether there is a clear correlation in terms of organised crime fuelling terrorism, we do not have that clear line of sight. We will take individual information and develop investigative strategies around a number of individuals or groups, but I could not say that we assess that £2 million a year goes to funding or fuelling terrorism.

Q77 **Scott Benton:** Good morning, Simon. Are you able to comment on what effect the loss of access to the European arrest warrant will potentially have on the ability of both police forces to work together to combat cross-border criminality?

Simon Byrne: I touched on that before. Again, to put it into context, Mr Paisley talked about how many. So far this year, we have tried to execute, as it were, 79 warrants. The issue goes back to speed and the process, depending on the detail. I do not want to sound like a stuck record, but it will depend on where we go in the next few weeks around the future safety and security partnership.

Mark McEwan: Just for clarity, there were 45 European arrest warrants. The previous figure was in relation to extraditions. In the year to date, there have been 45 European arrest warrants.

Q78 **Scott Benton:** If I can just ask a supplementary question, if we are in a position where there is no agreement and we have to fall back on the 1957 European convention on extradition, you have mentioned the delays, but if there is a commitment from both Governments on each side of the border to work together and share information, surely we can address these issues regarding the delays. Is that a fair comment? Would you agree with that point?



Simon Byrne: Certainly, that would be the aspiration, depending on the legal instrument that is eventually agreed. That will affect things such as, for example, whether there is an arrest condition and how swiftly someone has to surrender to a court process. As the Chair said, anything like that is, we know, vulnerable to legal challenge. Frankly, at the moment, if you look at the short and medium term, certainly for this country, the criminal justice system has slowed down because of the effects of Covid, and I am sure it is the same in Dublin, so we have to be realistic in that space. If someone is caught in that queue, a process could be slower at the moment.

Mark McEwan: It might be worth highlighting that the power of arrest that the Extradition (Provisional Arrest) Bill might provide for as a replacement for red notices from Interpol would go some way towards plugging that gap that the loss of the European arrest warrant would provide, but it would then require that further bilateral conversation with Dublin.

Q79 **Scott Benton:** My final question would be along the lines of the additional costs and bureaucracy to the PSNI of potentially having to rely on the European convention on extradition. Could you just give a bit more detail on how exactly this would affect the day-to-day running of the service and how much those additional bureaucratic costs would potentially impede your work in other areas?

Simon Byrne: In the short term, we do not assess the bureaucratic costs to be enormous, frankly. We have, for example, an embedded officer in the crime co-ordination centre that Mark touched upon. Clearly, depending on the nature of any solution to data and information exchange or, for example, on your previous question, processing an arrest, there could be some knock-on opportunity costs, but they are not significant.

If I was trying to look at this in terms of scale, I would be more concerned about the bigger cost of losing the support for neighbourhood policing and some of the tail that goes with that in terms of the current investment that we have to support our intelligence and investigative functions to tackle organised crime. That is the big issue rather than the additional burden of bureaucracy, which, frankly, whilst unwelcome, would be something that we could manage within existing budgets.

Q80 **Mr Campbell:** Good morning, gentlemen. On the issue of co-operation again, I note in your written communication that you had noted the fact that many of us have pointed out about the 300-odd crossing points along the 300 miles of border. For many people, that would render any prospect of a hard border virtually impossible to implement. The Dublin Government have indicated anyway that is not a route that they wish to go down.

Given the potential, after 1 January, for criminal groups to use the Republic as backdoor access into the UK—i.e. coming into Dublin or Shannon or wherever, making their way into Northern Ireland and then across into GB—have you had any discussions with the Garda about what they would need to do in terms of trying to be more proactive at their borders in terms



of people coming in whom they believe may well end up either in Northern Ireland or GB and carry out criminal activities en route?

Simon Byrne: Again, it goes back, if you will, to some of the tenor of the previous questions: that is an issue that we face now. We have those conversations, depending on the issue, either daily or through some of the oversight arrangements, for example, with the Joint Agency Task Force, so there would not really be a massive change in that space. We cannot police 300 different crossings at the moment as it is—it is simply impractical—and neither can they, so the opportunity to exploit that is here now. You may hear from Steve later about the general flows of intelligence, particularly about eastern European crime groups going into Dublin in particular and then up into Belfast and then the UK. That route of criminality is there at the moment, and our job is to try to use our best endeavours, intelligence and interdiction to frustrate and prevent that. We continue do to that real-time at the moment.

Q81 **Mr Campbell:** I accept that, Chief Constable. I am more concerned that, post 1 January, whether there is a deal or no deal, there will be criminal groups who will want to access potentially 70 million people in the UK. If they find it more difficult to get directly into the UK to carry out their criminal activity, there appear to be reports that they would actively use a route through the Irish Republic. I am more interested in what the Garda are telling you they will be doing on 2 January that is different from now to try to prevent people creating criminal activity in their country, in ours and in GB as well.

Simon Byrne: In fairness, to set the context, the assessment that we have at the moment is that, in the short term, not a lot will change in terms of patterns of criminal behaviour. Steve might come on to this later, but, generally, the mindset and adaptability of organised crime groups is quite fertile, and our assessment is that they are in a bit of a wait-and-see. I said at the start of this session that you could always see the border as the soft underbelly, not just in relation to EU exit but the prevention of terrorism. It is a regular, rehearsed argument about the protection, for example, of the south-coast ports in England as being one of the means of protecting people within the UK. There is already evidence that criminal groups try to exploit the common travel area and come through Ireland into the rest of GB.

Q82 **Stephen Farry:** Good morning, Simon and Mark. I am old enough to remember the days before the European arrest warrant and the huge difficulties that there were in terms of the extradition particularly of terror suspects on a south-north basis. Hopefully, we can avoid going back to those days.

Just building on Scott's previous question, there is the convention to fall back on. Another potential route that has been mooted is the EU, Norway and Iceland surrender agreement. Does that provide a viable alternative, or does that leave a number of gaps nonetheless? Maybe to ask that question in a different way, what does a future UK-EU agreement need to



have in order to replicate the European arrest warrant as far as possible?

Simon Byrne: Certainly, one of the planning assumptions is around the Norway/Iceland agreement as being, if you like, one of three scenarios: the European arrest warrant completely replicated; something interim; and the convention. That is the next least-worst option because it replicates many of the features, but it does allow countries that are signatories not to extradite their own nationals, so that is a risk. From memory, there is also a clause in there that they can choose not to extradite for political purposes, so it does not fully close the gap as things stand at the moment, as I understand it.

Mark McEwan: It also includes a political-offence exception that countries can avail of, if they are so minded. It provides a good alternative, but it would still have some gaps. It is still suboptimal.

Q83 **Stephen Farry:** Just to briefly follow up, without going into any live cases, for obvious reasons, has the current uncertainty around extradition caused any difficulties or been used as an argument for holding back extraditions over the past number of months?

Simon Byrne: No, it has not. The Chair said to be brief, so I do not want to seem too rude.

Chair: I must tell you that you are all doing frightfully well, so if you wish to dilate a little further beyond the one-word answer, we have headroom for you to do so.

Simon Byrne: Generally not, and we are in dialogue with the AGS about making sure that we are doubling down our efforts to arrest those people currently circulated.

Q84 **Mr Goodwill:** Good morning, gentlemen. In written evidence to the Committee, the PSNI raised the idea of creating a bespoke UK-Irish centre of excellence to support co-operation and co-ordination. How would such a centre help to combat cross-border criminality on the island of Ireland? Does this represent a natural evolution from things that are happening already or is this a fix for problems that may emerge or have already emerged?

Simon Byrne: It is a natural evolution. Because of our geography, a lot of the conversation today has been about north-south, but we would also have strong relationships and information flows with north-west of England police forces in particular, and with Police Scotland. It may have been the way we crafted it, to be quite honest with you, but the proposal for a crime centre is initially for Northern Ireland. We see that as part of a series of investments in what you could broadly say is our headquarters here, which is a separate issue to today's inquiry.

In terms of the benefit, when you look at the model in Police Scotland and their centre at Gartcosh, notwithstanding the learning that we have all gone through like today, working remotely and exploiting technology, we



have seen it, for example, in our Paramilitary Crime Task Force, which is very much a Northern Ireland locus to tackle that particular issue, where we have National Crime Agency and HMRC colleagues and Police Service of Northern Ireland officers all in one team, in one place. It is the human behaviours under one roof bringing greater benefit.

Similarly, in the modern world that we are in, without going down a different rabbit hole, one example is the development of financial investigation. In theory, you probably do that as easily from a desk in London as you could do in Belfast, if you have that information flow. What we see is a super-centre that could, we envisage, have both real-time information on, for example, ANPR monitoring, which you could exploit north-south, as well as the tactical join-up, the intelligence join-up and the joint investigative teams, building on years of experience here, frankly.

Again, without going into specific detail, we have a close working collaboration with the UK counter-terrorism network and with the security services in how we take forward the fight against terrorism, and it is about bringing forward some of that learning and professional development under one roof to redouble our efforts to tackle serious organised crime.

Q85 Mr Goodwill: How much of that activity do you see as being new activity—things that you are not already doing—and how much will be taking on things that are happening already but putting it within this new structure?

Simon Byrne: It is more about doing more of what we are doing. You can exploit capabilities more quickly under one roof, so it could be as simple as information coming in in the morning and deploying more quickly with a joint response team whatever it happens to be to tackle that particular threat. Similarly, it might be that different skillsets in a joint investigative team can make the investigation quicker and more resilient. At the same time as you are developing the arrest strategy, you have someone working on the financial investigation and asset recovery strategies.

We have not really touched much today on the things that we already do in terms of the seizure of cash and assets, which is a way of disrupting and frustrating criminal activity. The thing we have to remember is that the undertone of all of the questions today is that all of us, in terms of the safety and security piece, are trading in risk and reward: the risk of capture versus the reward from organised crime. That is where we need to place our efforts to increase the risk and reduce the reward. No matter what data changes or legislative changes there are, our operational posture making life more difficult for criminality is the prize.

Q86 Mr Goodwill: In terms of north-south co-operation, would this be people at the end of telephone lines or on Zoom calls like this, or would you envisage maybe having people embedded to work in a much more collaborative way?

Simon Byrne: We already have a secondment agreement with the Garda that enables bilateral secondments. This is not a conversation that I have



prosecuted to any great degree yet, for example, with my counterpart, Drew. We have looked at how we can improve the Joint Agency Task Force. It may have even been our language but, in some of the media reports, it was about a crime centre for the whole of Ireland. I would not necessarily propose that in the short term. If someone wants to join us in that, I would also not object to it. You can imagine, frankly, that there is always politics: if we build one, where does it go? That is because of the way politics work here at the moment. In the shorter term, it is about building that facility as part of our new headquarters estate to enable us to fight crime within Northern Ireland and reaching into the rest of the UK.

Mark McEwan: If I may just come in, it harks back a little to what Gregory was speaking of earlier, in terms of ensuring enforcement on an Ireland-wide basis as we seek to examine what new risks and threats emerge, potentially because of tariff differentials. It also builds upon the work we are already doing in the planning with partners such as HMRC, Border Force, the NCA and others in terms of looking at the compliance regime that we will have and, indeed, targeted, intelligence-led interventions, utilising those compliance arrangements that we will have to disrupt and prevent organised criminality.

Q87 **Mr Goodwill:** How would this centre differ from the existing cross-border Joint Agency Task Force, or would this be merged into one body?

Simon Byrne: It would build upon it. The taskforce has six themes. We meet annually in normal circumstances. We have not been able to do it this year because of the situation that we are all in. It is planned for a few weeks' time, where we will have an organised crime conference, where the two organisations come together. We share best practice and deal with some case scenarios as well as future priorities. It is more of, and it is just that notion of how you exploit the best in good practice elsewhere to build, effectively, what is a real-time crime centre to put us more on the front foot in this endeavour.

Q88 **Mr Goodwill:** How much, if any, of this co-operation is dependent on both countries being in the European Union?

Simon Byrne: It is not, frankly. You will have plenty of experience, I guess, in your professional life as well as other experiences. Sometimes, things flourish because of personal relationships as much as data and legislation. Drew and I have invested a lot of time since we have both been working together to build that sense of confidence and co-operation between the two organisations, and I have every confidence we will continue to build on that. We have seen officers from here being promoted into the Garda. We are always open to applications here. It is about respecting sometimes the different constitutional issues, but collaboration has to be a good thing for the safety of the whole of Ireland as well as protecting the borders of the UK.

Q89 **Chair:** Chief Constable, could I just pause on that point that you were just talking to Mr Goodwill about? There is clearly a very good relationship at



the moment between the two police services and between you and the commissioner, but we know that there can often be a “small p” political element to policing. What level of anxiety should we have that, as a result of maybe political changes or political weather being made in the Republic, the appetite for that personal friendliness is being discouraged and, therefore, it is better to have formal agreements in place that take the personality away from it? I just wondered whether you have given any thought whatsoever to the impact that the outcome post 1 January may or may not have on the broader recruitment strategy of the PSNI, in terms of it being more representative of the communities of Northern Ireland.

Simon Byrne: There is quite a lot in that one. First, I would not want to mislead the Committee. I am not trying to pretend that the power of personality, be it me or anybody else, is the answer. Over many years, part of the experience is that it can sometimes help smooth the wheels. Absolutely, you need to have something that survives the power of personality, frankly, so you need that clear and consistent regulation or legislation to enable both police organisations to work effectively. It is more like the icing on the cake rather than the answer.

On the issue of different scenarios to enable recruitment, clearly you are touching there on the desire to have a representative workforce. We have three areas where we need—and are doing and continue to do so—to target recruitment: first, it is to increase the number of Catholic officers; secondly, it is to increase the number of people from working-class loyalist communities; and thirdly, which is often overlooked, it is to increase our gender diversity and bring more women into the organisation. Rather than the politics, that is about demonstrating that we are a welcoming and inclusive organisation, which can be about how attractive we are as an employer, which can be as simple as pay and motivation through to how people see us in terms of values and in terms of representing an organisation that they want to join.

Clearly, there are issues at the moment where we have officers and staff in both organisations, who will travel either side of the north-south border and, if that became more difficult, it could dissuade people. Anything that looks like a hard border, and the wash that goes with that, may, in the short term, dissuade people from making a decision to join, because the commute becomes too difficult, but we will have to see in the next few months. We are still actively pressing forward with recruitment here at the moment, even in a Covid environment.

Q90 **Bob Stewart:** Good morning, Simon and Mark. It is really nice to see you again, albeit remotely. The guts of my question have been answered already, so I will not bore you with a repetition. In a previous existence, I was involved in cross-border placings with the RUC. The RUC did not go south of the border, but I did, and I was caught, which was unfortunate, but the Garda were very nice about it. It was a big map-reading error on my part.

That aside, the only question I really would like to ask you is, when you



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are perhaps after someone, or indeed chasing someone, are your officers allowed to go south of the border? What arrangements do you have with the Garda? I presume that, if you can, you try to get the Garda to take over from you. Presumably, there are very good relationships with other police forces on the mainland, so those are well established, but the only real question I have is whether you could just give us a bit of light on how you deal with chasing a serious criminal across the border and how you work with the Garda on that. That is all I am going to ask.

Simon Byrne: There are two bits to that. What you are talking about is real-time hot pursuit.

Bob Stewart: Yes, I am. Hot pursuit—that is what it was called.

Simon Byrne: Yes. As you know, we are an armed service, so we cannot cross into the Republic carrying firearms. There are some unique and specific circumstances where that is allowed in collaboration with the commissioner. What we deal with in the hot pursuit at the moment is the exchange of information, real-time, by radio or telephone. We have air support that can facilitate chasing a car either side of the border. We can surveil that.

Q91 **Bob Stewart:** Are you allowed to take the air support across the border, for example, and link into the Garda radio networks?

Simon Byrne: We can pitch into the radio network, but we cannot move the helicopter across the border either. What we are looking to do, subject to some of the things we have talked about this morning, is to see if we can develop that hot-pursuit policy both ways further post January, to see if there is any way we can overcome this problem of the fact that we are armed and, largely, the Guards are not.

Bob Stewart: Thank you very much, both of you. My question was largely asked by other people and very well answered. Thank you, Chief Constable. That was a very good session for me.

Chair: Bob, thank you for your question. This might be the first time we have ever had anybody admitting to invading another country inadvertently by misreading a map.

Bob Stewart: In fairness, the Garda said it was a map-reading error.

Q92 **Chair:** We have made some form of parliamentary history this morning, notwithstanding other things that are going on. Chief Constable, you have referenced all the discussions that you have with NIO, Cabinet Office and policing colleagues, etc. Do you detect that there is a determination to clamp down and eradicate—and I speak to Mr Paisley's point about the value of smuggling that has been ongoing in recent years. Are we talking here about actively trying to eradicate it, or is it a question of just managing it, mitigating it, keeping an eye on it, knowing who is involved and knowing where the money goes? Is it a passive or an active strategy, and could that strategy change and evolve post 1 January?



Simon Byrne: It is an active strategy but, frankly, it is something we want to do more of. Going back to earlier questions, we touched a few times on, whatever working title it is given, the real-time crime centre. Internally, we are just completing a review of how we police South Armagh, which is one key part of the border area, which will probably raise a number of questions to us about how we develop neighbourhood policing further in that area, which gives us the eyes and ears to help us address criminal behaviour, which the community tell us loud and clear they want us to do more of.

It is like all sorts of crime, frankly. Any police chief in any part of the world would, I imagine, desire to eradicate something, but the reality is that you are never going to fully suppress any type of crime because it gets back to that thing that I talked about before about risk and reward. It is about supporting other agencies, where we need to, in the current operating models, for example on evasion of tax and tariffs. We do that where we will support HMRC investigations currently, and we would see that continuing after January. Going forward, it is about how we build better co-located teams. I would not want to make something up here because it can create media headlines, but you can see that taskforce idea growing to tackle serious organised crime through the crime centre.

Q93 **Chair:** An HMRC investigation into, let us say, a few newsagents selling dodgy cigarettes takes up far more policing time and resource, does it not, in your jurisdiction than a similar HMRC investigation in Dorset would take up with the Dorset constabulary?

Simon Byrne: It does sometimes, frankly, because what we often will have to do, because of current operational practice, is effectively put a security envelope around that operation. Over the next few years, what we have to do, frankly, is to challenge ourselves on some of those planning assumptions in terms of whether they meet the context of a threat, but also the desire from the community to be policed like any other part of the UK.

Chair: Gentlemen, in the interests of time, can I thank you both very much indeed for answering our questions? There was one bit of data, Chief Constable, that you were going to provide to us in writing and we look forward to receiving that. On behalf of the Committee, not least because of the pressures of Covid and everything else, can we wish you and your colleagues in the PSNI safety and good health over the coming period? Thank you very much indeed for appearing before us this morning.

Examination of witnesses

Witnesses: Steve Rodhouse and Steve Tracey.

Chair: Welcome to Steve Rodhouse and Steve Tracey. We turn to Colonel Bob Stewart, who, hopefully, does not have a new confession to launch



upon the Committee, but he is going to ask our first question of panel 2.

Q94 **Bob Stewart:** I have no confessions to HMRC; that is for certain. A very big welcome, Steve Rodhouse and Steve Tracey. Thank you so much for coming this morning. We really appreciate it. What assessment have you made of the threats to the UK that might change as a result of Brexit? I will wind it up into a broader question. When the transition period ends, are there likely to be delays or loss of information-sharing with partner agencies, perhaps south of the border or in Europe? If so, what steps might be taken to mitigate such a risk? It is rather a big question.

Steve Rodhouse: Thank you for your time this morning. The NCA's mission is to lead the UK's fight to cut serious and organised crime. As part of that, we host the National Assessment Centre that considers intelligence that comes via overt and covert means. As you would expect, we have considered this particular question: how does the organised crime threat change in light of EU exit? This is a really pertinent question, because all of our work and our experience tell us that organised crime is a transnational problem. It respects no borders, and so changes in borders and powers are significant in general terms.

The reality is that the threat and any changes in the threat do remain unclear, because there are a number of factors yet to be resolved that will impact on the decision-making of organised criminals. We know that organised criminals are inherently agile and innovative and will look to exploit weaknesses wherever they occur. The challenge is that our assessment and our intelligence-gathering tell us that there are a number of views within organised criminality around the significance of EU exit. There are, undoubtedly, some who will look to access the UK to bring illicit commodities in because they feel that there will be confusion and unfamiliarity at the border per se. There are others who fear that there will be a strengthened border around the UK, and therefore they are quite concerned.

Overall, the assessment, as Simon has said, is that there is a bit of a wait-and-see principle within organised criminality, just to see what takes effect. Ultimately, in respect of Northern Ireland in particular but the UK more widely, there is a fundamental choice that organised criminals need to make. They need to decide whether they fear that any strengthening of GB port borders would mean that they are better advised to take an alternative route to bring their illicit commodities into the UK via the Republic of Ireland. That is the choice they need to make.

Chair: We just lost you, Mr Rodhouse.

Steve Rodhouse: In essence, I was saying that organised criminals have a choice to make and a decision as to whether they feel that the impact of Brexit in terms of greater Border Force presence at GB ports and more information being made available about the nature of consignments coming through ports creates an environment where they would be better advised



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to divert their criminal routes from their existing routes and come into the UK via the Republic of Ireland.

In reality, it is too early for them to say because they do not yet understand the nature of the changes, so there is some uncertainty there. I want to make the point, of course, as Simon did, that the border between the Republic and Northern Ireland has been porous for many years, so that is not going to change.

Turning to the second element of the question, you cannot talk about the changing threat of organised crime unless you are also talking about the changes in methods with which we are able to tackle organised crime. In reality, in my profession of tackling serious and organised crime, what is really important is the ability to exchange information and mobilise operational activity across jurisdictions. Our ability to do that is not bad at the moment in relation to the suite of tools and powers that we have had. We have been quite clear in the run-up to EU exit that the powers and tools that we would need to fall back on are not, in every case, like-for-like replacements and certainly some aspects of tools and powers are slower and less effective—the phrase used to be “suboptimal”—and that does concern us.

There are aspects where speed is of the essence in terms of information-sharing, and the ability to share information quickly is paramount. I do remain concerned that there are some aspects of the tools and powers that will not necessarily be as quick and as swift, and I suspect we may go on to talk about areas such as the European arrest warrant and the impact of the UK not being part of Europol or, indeed, having access to the Prüm data exchange as examples where the UK may not have the access to information that it does at the moment.

Of course, we are still in the negotiating period, so it would be premature to leap to conclusions, but certainly we watch with interest whether we are able to negotiate a future security partnership that gives us the complementary powers to where we have been. That was quite a long answer and I am conscious that Steve Tracey is also in the meeting; I will end there.

Steve Tracey: Good morning. I concur with everything that Steve has articulated. I just wanted to put the HMRC slant on this. The point has been made by both Simon and Steve that some of this is unknown, and it is unknown because we are waiting for detail around the Northern Ireland protocol and the negotiations are ongoing, so some of that creates some uncertainty.

What we are doing around commodities and smuggling is maintaining constant risk assessment, not only here but in conjunction with partner agencies. We have a fiscal crime liaison officer network in many countries abroad who are also examining what this looks like for our European and worldwide partners in relation to how that might affect Northern Ireland, Ireland and the UK.



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The assessment is ongoing. Some of this is unknown. I take great strength and confidence from our collaboration that we have not just in the north with partner agencies and the enduring support, but also across the island of Ireland.

Bob Stewart: Presumably, if there is uncertainty in your organisations, there will be uncertainty in the criminal world as well. The criminals will have to think twice before they try something, which is a good prohibition. I am very grateful. Thank you so much.

Q95 **Mr Campbell:** Welcome, gentlemen. On the issue that Steve Tracey just mentioned on smuggling and commodity fraud, in terms of illicit substances and drugs, et cetera, almost all of them, in large quantities anyway, would be coming into the UK from overseas, whether it is central America or wherever; therefore, they have to land somewhere. If it is going to be more difficult for them, which we do not know yet, after 1 January to get them directly into GB to a larger market, and they think it would be easier to get them into the UK via the Republic, what steps need to be taken to try to close that route that people might want to take advantage of after 1 January?

Steve Tracey: Drugs responsibility will fall to a combination of Border Force and the NCA, in fairness. On the wider position around smuggling in general, if I may answer that, we have to wait and see. The point has been made by both previous speakers—the Chief Constable and Steve—that the organised crime groups are very agile. They will look to see where the loopholes are. They will look to examine where they can best take advantage of any weaknesses in the system.

At the moment, they and we are looking at what those realities are for us. We are risk-assessing across partner agencies, and we are flexing to see where we can improve any systems that there currently are and, indeed, build on any weaknesses that there may be. Of course, a lot of that is dependent on the negotiated or non-negotiated outcome and some of the detail around some of the opportunities that that will create for criminal fraternities.

Q96 **Mr Campbell:** I understand that. It is eight weeks to the beginning of January. Let us assume that there are smugglers who want to get illicit material into the UK, have been doing so over recent years and are looking at whatever changes might happen on 1 January. If it is more difficult for them to get directly to the UK market and they believe it might be easier to get to the UK market through the ROI, do you see the incentive or the need for the ROI authorities to be exceptionally stringent at their ports and airports?

Steve Rodhouse: Perhaps I should answer that. Of course, there is a responsibility on all nations to ensure that their borders and ports are effective as possible. In relation to threat of illicit commodities coming into the UK, either directly or via the Republic, the reality is that most of those commodities originate elsewhere in the world. The thing that is absolutely



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critically important is to ensure that the UK, from our perspective, is as joined-up as we can be with those multilateral organisations that allows us to share information right from the source of those illicit commodities, whether it be South America, Afghanistan or wherever else it might be, so that the journey of those commodities is known, and that we can share intelligence and intervene at a range of different points in that journey. That is something that we do relatively effectively today.

Continuing involvement with Europol is something that I would say is particularly important. Europol is a hugely powerful network of nations sharing intelligence. Of course, the commodities may originate in Colombia or in Afghanistan, but they quite often come into the UK via near Europe, whether they then go via the Republic or they come into the UK through a GB port. Europol is a really effective and important agency for us to be part of but, of course, it is not the only one. Part of our strategy at the NCA, along with colleagues from the Home Office, is to make sure that we are active and represented within Interpol, as an example, where we can ensure that we have worldwide intelligence-sharing to try to ensure we can have intelligence at every stage of the route that a commodity may take if it is coming to the UK.

Q97 Mr Campbell: I fully understand and accept the issue of information exchange with Europol, Interpol and other agencies, but I was really trying to address the issue of, if we have all that information and we are trying to secure our borders as much as possible against criminal activity coming in from outside, surely, in addition to having that information, we have to try to ensure that the Republic does its duty and its job to ensure that it does likewise, because that would be a gap into the UK that criminals could exploit if they thought they were less diligent in the Republic than we are in the UK.

Steve Rodhouse: Yes, I accept that. Clearly, that is an important aspect of our protective security, as it is with other borders across Europe. We know that there are regular staging posts for illicit commodities in Europe before they come into the UK, and the vigilance of those borders is essential. I would agree with your fundamental point: of course, it is helpful for UK security for the Republic's borders to be as effectively policed as possible, but I do not represent the Republic's border authorities.

Q98 Chair: Mr Rodhouse, you have been talking about commodities and I think we know what you mean by that. Are you able to say a word or two vis-à-vis people-smuggling, gangmasters and modern slavery? It is an issue now, we know. Do you have concerns about that?

Steve Rodhouse: I always have concerns. The same fundamental points are true whether we are talking about the movements of drugs, firearms or people. As I said at the start, organised criminals, who often engage in all of those areas of criminality, sometimes simultaneously, have a choice to make as to how they want to bring their commodity, whether it is people, drugs or firearms, into the UK. At the moment, they have made choices and we can see that there are choices being made. There are organised



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crime groups trafficking people into GB through a range of routes, whether they are lorries or small boats. They have a choice to make as to whether they feel that any changes to the rest of GB ports post Brexit will mean that they should change their routes coming into the UK via the Republic.

We are seeing relatively small numbers, but we have seen people trafficked into the UK via the Republic to date and then moved on through ferries and the like into GB. We are very much alive to that risk, and the work in our multi-agency hubs and our joint borders intelligence units helps us with that. We invest an awful lot of money, effort and resource in intelligence-gathering around people-trafficking.

Fundamentally, whether or not there will be a change depends on decisions that will be made by criminals when they understand the impact, as they see it, at the rest of GB ports. They will be concerned if they see a greater Border Force presence checking for those sorts of commodities. They will be concerned if they believe that there will be more intelligence available to port authorities about the nature of consignments in which they might choose to hide people. It is those sorts of things that may, in time, force them or give them a choice to change the routes that they will use. As Simon Byrne said, our anticipation is that there will not be a fundamental change in early January 2021, but it may evolve over time as criminal perceptions change.

Q99 **Ian Paisley:** Picking up on the issue of commodities, Steve, it would be very helpful if you could maybe paint for the Committee a picture of, for example, the specific product of smuggled diesel that is being washed in Ireland and the dyes removed. What is the level of that product that arrives in the British mainland?

Steve Rodhouse: I do not have a specific number. I cannot quantify that for you. Steve may be able to do that, but I am afraid I do not have a specific gauge on that.

Steve Tracey: All I can say on that is that the attention we have been giving to diesel fuel laundering and fuel smuggling over the last number of years has reduced and reduced and reduced the tax gap and the type of criminality attached to that. There is no complacency around that; we still are very alive to the very dangerous laundering plants that are being operated at the moment.

Q100 **Ian Paisley:** Steve, let me stop you there. I am not asking about the laundering plants or about the tax gap in Northern Ireland. I am asking you about the very specific issue of how much of this illegal product currently ends up in GB at the present time.

Steve Tracey: That is the difficult thing to quantify and that is why we have such a thing as a tax gap. We can only make an assessment of that on our results and what we see coming through in some of the risk assessment. I do not have that figure to hand. I am sorry.

Q101 **Ian Paisley:** Do you not even have a ballpark idea?



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Steve Tracey: No, I am sorry. I will research it for you, but I do not have that figure offhand.

Q102 **Ian Paisley:** Your previous Organised Crime Task Force reports have indicated that, at some point in the last 10 years, it could be as high as double digits already, and that there has been almost a blind eye turned to this smuggled product coming into GB and finding its way into fuel stations across the UK, to the unsuspecting consumer.

Steve Tracey: No, I do not think that is fair, Mr Paisley. We have heard reference today by the Chief Constable, and Steve and I, to the work that has gone into Joint Agency Task Force. In fact, I chaired the cross-border fuel enforcement group, which was set up in 2008; I think you are aware of that. That brought real focus to this type of criminality. It is not just an Irish problem or a Northern Irish problem or an island-of-Ireland problem; it has been something that is translated across to Great Britain. You are quite right that there is a larger market. One of the benefits that I have as HMRC is that I am not based only in Northern Ireland. We have offices across on the mainland and we work really closely to watch that supply, interdict that supply and take out criminal gangs on the mainland. It is not restricted just to here. What I do not have for you is a figure.

Q103 **Ian Paisley:** It is a problem on the mainland that is coming from Northern Ireland and the Republic.

Steve Tracey: There is a problem on the mainland. There is a problem on the mainland with fuel-laundering and smuggling, and there is a problem on the island of Ireland with fuel-laundering and smuggling. I do not think the two can be divorced because what you are talking about is supply and demand, and you have a large market available in the wider UK.

Chair: Mr Tracey, what might be helpful to address when responding to Mr Paisley's questioning there is if you could prepare us a short note on that. If, indeed, you are able to maybe give us an idea of how much money the Exchequer loses in fuel duty as a result of smuggling, it would be quite interesting to the Committee.

Q104 **Stephen Farry:** Good morning, gentlemen. You have already touched on this to a certain extent, but I will just maybe ask you to elaborate. To what extent is co-operation with the Irish Revenue Commissioners and other agencies dependent on the EU-level justice and home affairs mechanisms?

Steve Tracey: The relationship with the Revenue Commissioners is vital for HMRC. I have just touched on it in relation to fuel-laundering, but it is not just confined to that. We have an operating model that is underpinned by Naples II legislation. I know we are all a little bit concerned, it is fair to say, about what replaces that in either a negotiated or a non-negotiated outcome. In a negotiated outcome, we will move to a customs co-operation and mutual administrative assistance agreement—that does not roll off the tongue easily—which largely replaces this. If we have a non-negotiated outcome, we will be looking at bilateral arrangements.



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Naples II is the key European legislation for us. It allows that interoperability and exchange of information. As was referenced earlier, the key is pace and speed. During Covid, we have had a tripartite operation with three nations, which ended very successfully here in Northern Ireland with multiple arrests and seizures. That was enabled through Naples II, so I have to say that that has been a very key piece of legislation for us.

Q105 Stephen Farry: Just to follow up on that, to what extent are issues such as data adequacy key considerations? Particularly in the latter scenario, where there is not a deal, to what extent can any bilateral arrangements replicate what we have today? To ask that in a different way, how much is the shortfall going to be in actual terms around what you can do to continue the current level of co-operation?

Steve Tracey: It will pose difficulties. I am aware that there are negotiations ongoing and, hopefully, some of this will be resolved. I take a lot of comfort from the fact that, as I mentioned earlier, we have fiscal crime liaison officers based in capitals around the world, who are also working with their counterparts. We have taxation exchange-of-information treaties. We have some powers under the Commissioners for Revenue and Customs Act, which allows our FCLOs to transmit and receive information. I do not take away from your point around interoperability that, even though we have the exchange of material, the interoperability may be slowed, depending on what the outcome is.

Steve Rodhouse: In general terms, on data adequacy, we are confident that, even if there is not a data adequacy agreement, there are routes by which the Republic and the UK can continue to share information by the Republic recognising that there are adequate safeguards in the UK. We remain confident that there are no structural barriers to information-sharing post exit.

Q106 Chair: Could I ask HMRC with regard to a point that we have questioned Michael Gove over, which is the compatibility of the VAT IT software between the UK and the EU?

Steve Tracey: An IT system is being developed. In many respects, when we become the rest of the world, we will have access to more material, so the data that we will receive will increase. It is then about making that assessment around that. We have here about 400 people involved in risk assessing what that looks like in Northern Ireland from the VAT and excise perspective. We do not expect the access to information to reduce; what we do expect is that it will increase, and we need to make an assessment of that. The compatibility of IT systems will be dependent on the development of a system, if we lose access to some of the EU material.

Q107 Chair: How long does HMRC estimate that that might take?

Steve Tracey: There is a system in train, and it is going to be in place in January. I just do not have the detail on the system, but I can get it for you.



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Q108 **Chair:** If you could, that would be helpful. One always worries about these sorts of things having to be written quickly. We think of the Post Office thing and we want to make sure that businesses are not being accused of dodging their liabilities when, in actual fact, it has been a failure of IT that has allowed them to do it.

Steve Tracey: Can I come back on that? I am sorry to interrupt you. One of the things that I would like to say is that the trader-support scheme, which HMRC's Northern Ireland protocol team has invested heavily in, is designed to engage with trade and business, and to try to bring them up to speed with their responsibilities, whatever the outcome and whatever new processes are going to be brought in. That educational piece goes to a little bit of what you just said.

Q109 **Chair:** Throughout all of these things, the Committee is very alert to the fact that business and others want to do the right thing. It is then beholden upon authorities such as your organisation to make sure that the IT that they are going to be expected to use to make returns, submissions, claims and the like is fit for purpose and, as and when necessary, compatible with the systems in use within the EU. That is, in essence, the point I was endeavouring to make.

Might I turn to Mr Rodhouse? Your organisation gave written evidence to a predecessor committee's inquiry on organised crime gangs in the 2017-2019 Parliament, and the NCA warned that, dependent upon the nature of the UK's exit from the EU, the island of Ireland could become "an attractive backdoor to the broader UK criminal market". Is that still the view of the NCA?

Steve Rodhouse: In line with what I have already said today, it would be wrong of us not to consider that to be a possibility, but there still remains quite a lot of uncertainty in terms of both the security posture that we will have going forward and how that is interpreted by criminals. It is very akin to the words used by Simon Byrne, who talked about the "soft underbelly"; it is a similar thought process. There are organised criminals out there who consider that that might be the case; equally, there are others who feel that there are opportunities to access the UK through other routes.

Fundamentally, the UK is an attractive market for organised criminals. We have talked about commodities and we have talked about the appetite for drugs and for trafficking people into the UK. They will be agile and flexible, and it would be wrong to ignore the possibility that they see the Republic as a way in. Fundamentally, I am taking perhaps a more balanced approach now and we need to wait and see, not least because that is what organised criminals are doing.

Q110 **Chair:** They are, of course, agile and are very often one step ahead of all of us in terms of finding loopholes of all sorts of variety. Given how difficult your organisation and, indeed, HMRC find combating, controlling and cutting off at source these sorts of nefarious activities, how worried are you by the potential vacuum that is created for these agile criminals to



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exploit and then you are playing catch-up-plus, really? It is not an ideal situation to be in, is it? We would not plan to be here if we were doing the planning.

Steve Rodhouse: As I said at the start of this, we need to look at the threat in two parts. First, does the threat to the UK as a whole from organised crime change as a result of Brexit? As part of answering that question, we need to look at what tools are available to us to fight back against organised criminals. Fundamentally, Brexit does not make the UK a more attractive place to engage in organised crime; it might, however, change the routes via which organised criminals seek to access the markets in the UK. We are alive to that. We are planning. We are putting out intelligence, source gathering and information all the time to try to inform there, and we are being successful.

However, it would be wrong of us if we do not look at what other tools are available to us, and I did allude to that. From my point of view as a law-enforcement professional, what is important to me is the ability to access and share information and to work collaboratively with overseas partners. The network of tools and powers that have grown up has allowed us to do that relatively effectively. From my perspective, I would want to be assured that the tools and powers that we fall back on are as effective, and there are some that give me cause for concern, to directly answer your question.

Q111 **Chair:** What is your assessment, if one has been made, of the comparative merits and demerits of the trading arrangements as set out or envisaged within the withdrawal agreement and the protocol, or the alternative as set out in the UK Internal Market Bill?

Steve Rodhouse: They generally relate to the unfettered movement of goods. There are challenges there if there is a movement of goods with insufficient checking. I come back to the same point: those goods still need to arrive within the island of Ireland or within GB, and fundamentally that responsibility is shared with Border Force and others. Our assessment is that, if those checks are stringent and are carried out well, it should not fundamentally change the nature of the organised crime threat to the UK.

Q112 **Ian Paisley:** Can I thank our witnesses? It has been very helpful. Whilst there are criticisms, can I just assure the gentlemen of our absolute support for their operatives on the ground? You do very dangerous work and very commendable work, and our objective is, of course, to try to make sure that we all work together and get the same outcome. I will just say that.

I am worried, Mr Chairman, that some of your line of questioning has tried to paint a picture that Brexit is causing all sorts of untold problems and will be the problem-causer for the future, and I just want to get assurance from the gentlemen that Brexit is not going to be used as an excuse for what have been maybe previous problems or failures or ongoing problems or failures, and that the way in which you are approaching this is with the best foot forward to try to resolve what are ongoing and long-term



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problems that will exist whether or not there is Brexit.

Steve Rodhouse: From the National Crime Agency's point of view, I can certainly assure you. We are a 24/7 law-enforcement organisation. We will continue to tackle the threat as and where we see it. We will continue to monitor how that threat changes, and we will respond accordingly. We are not a political organisation. We absolutely will tackle the threat as we see it.

Q113 **Ian Paisley:** Whenever we look at our border, its characters as a customs issue are quite complex. We have different customs, different currency, different tax, different VAT and different police. We have a major and ongoing problem to do with criminality. That, unfortunately, is the complex picture that you gentlemen have to wrestle with. In putting a legal framework around this for the future, say, of dealing with arrest warrants and issues like that, if you had your Christmas wish list, what two or three things would you like to put into it to make it better, so that you could tackle some of these problems that already exist in the future?

Steve Rodhouse: From an NCA perspective, going directly to your question, it is important to me that, both in the UK and in the EU, we are able to have the swift arrest and extradition of people wanted for serious crime. Fundamentally, that is because it protects the public. That is something that we see as very important. Looking at European arrest warrants, that power is available to member states now. I would want it to be available to member states in the future. That is part of the negotiations that are ongoing but that would probably be top of my Christmas list.

Q114 **Ian Paisley:** Do you see the only impediment to achieving that as being bureaucracy in the negotiation?

Steve Rodhouse: I would not want to comment on the negotiations. I am not part of them. I know that all those issues are being actively discussed. I come at it from a public-safety point of view. To my mind, if people are wanted for serious crimes and they are identified, then it is in the public interest for them to be able to be arrested and swiftly extradited to answer the charges and to face justice, if that is appropriate.

Steve Tracey: I agree. From an HMRC perspective, in terms of the European arrest warrant and extraditions, we are probably not as heavily reliant on that, with our type of criminality, as perhaps the NCA and the police, but we have had two in the last four years that have involved the island of Ireland, so it is a tool that we occasionally have to rely on. More and more now, as has been referenced before around smuggling routes, to go back to a point Mr Campbell made about ports of interest and ports of choice, you will find that organised crime groups have their trust issues as well, so sometimes that can rely on relationships as to where they are going to try to land their commodities.

Q115 **Ian Paisley:** What is on your wish list?



Steve Tracey: My wish list is to build on what we have and to make it better. That would be on my wish list. I am impressed with the collaborative effort. HMRC's response to signing up to the Paramilitary Crime Task Force was a first for HMRC. It adjusted its *raison d'être*, if you like, and was unique to Northern Ireland. That helps to tackle some of the cross-border criminality as well. We have a tried and tested process in Naples II, which is our key legislation for interoperability. For me, whether there is a negotiated or a non-negotiated outcome, I would like to build on the strength of collaboration that we have on the island of Ireland now and just improve on processes. That is my "Dear Santa", I am afraid.

Q116 **Chair:** We look forward to seeing Mr Paisley in his Santa costume delivering on this wish list in due course.

Mr Tracey, the Chief Constable earlier seemed to imply that there was a likely rethink with regard to the police resource given over to HMRC inspections—something has come to light and your operatives are going in. He certainly left me with the impression that that was because, in review, some of the police presence is seen to be over the top, heavy-handed or unnecessary. Is that a view that you share, or would you much prefer to have robust policing support when your operatives are trying to tackle some of these things?

Steve Tracey: Thank you very much for that question. I have been here in Northern Ireland for 24 years and things were very different when I first came here and served as an officer on the ground. We relied on what was then RUC support. It was a much more hostile environment and it is still hostile. I would never get away from the fact that we will require police support for some of the operations that we carry out on serious organised crime. They are often against targets where several agencies have an interest. Therefore, we respond and risk-assess accordingly.

I would like to see a transition where we do not have police as a matter of course for breach of the peace. We are there executing our own search warrants. We have trained officers in investigation and arrest techniques and search techniques, and I would like to see that lessened in the less hostile areas.

I would make one other point, if I could, and it goes back to the Paramilitary Crime Task Force. The approach for HMRC in terms of tobacco and reducing the criminality around that is a tiered structure. Tier 1 is attacking the likes of manufacturing plants, illegal tobacco plants and large importation organised crime groups. The low-level stuff that Simon was talking about is shops. We are doing less and less of that, except where it supports the aims of the Paramilitary Crime Task Force, and it is an important distinction to make that we will lower our lens to those shopfront-type or house interventions, where it supports the wider ambition.

Q117 **Mr Goodwill:** In the first section of questioning, the Chief Constable was very enthusiastic about a bespoke UK-Irish centre of excellence. Could I



ask you if your organisations are just as enthusiastic and whether you would wish to engage with that?

Steve Rodhouse: I saw what Simon had to say on that and I have spoken with him personally. My very short answer is yes, in principle. We are active collaboration members of the Scottish Crime Campus, so our teams work co-located with Police Scotland in Gartcosh. We see that as a model that works well, and I am certainly open to discussions about how that could be replicated within Northern Ireland. Fundamentally, co-location helps the flow of information. We can share specialist assets more quickly and with less friction. Fundamentally, it seems like a strong idea, so yes, we are keen to pursue that.

Q118 **Mr Goodwill:** The Chief Constable certainly talked about the very warm personal relationships that are in existence across the border. Are you in the same sort of situation or is it not quite that level of engagement?

Steve Rodhouse: We have strong engagement. We have an international liaison officer based in Dublin and he shares information on a daily basis. We have very strong cross-border relationships. Fundamentally, what Simon was suggesting was, indeed, a Northern Ireland-focused crime centre that brings together a range of law-enforcement organisations focused on Northern Irish crime and links to GB, and he recognised and acknowledged that, politically, there would be a lot of work to be done to transform that into something that was truly cross-Ireland.

I certainly would not rule that out but, fundamentally, what we see in Scotland, which I know Simon regards as a positive model, is something very helpful that brings together, as I say, different organisations with different responsibilities and, crucially, different skills and different information to allow us to tackle the most harmful organised criminals. If we can do that to improve on our current presence in Northern Ireland, we would be open to considering that.

Q119 **Mr Goodwill:** Mr Tracey, are you in a similar place or is it not quite as developed?

Steve Tracey: We are in a very similar place. The only consideration for HMRC is that it was quite a cultural swing for HMRC to join something with the word "paramilitary" in its title. We went into it willingly, and I appreciate we are externally funded, but it still took quite a cultural change for some of the staff involved, who are all volunteers, who are thoroughly enjoying the work and who value collaborating to the wider remit of the PCTF. We have an office in the Crime Campus at Gartcosh. I work with them regularly and, as Steve has said, we also have a liaison officer in Dublin, so there is that joined-up working.

The suggestion from Simon is quite a natural evolution of the success of the PCTF and the Joint Agency Task Force, which is the wider piece, and that collaborative feel. In many ways, in my view, Northern Ireland is the envy of many, and the island of Ireland, in terms of the way it is able to



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co-operate and collaborate. The devil will be in the detail, but yes, of course.

Mr Goodwill: I am sure they are the envy of many. I do not think many forces in the rest of the country would swap for their problems, but it is great that this collaboration is taking place. It looks like it will develop in a very positive direction.

Q120 **Chair:** Mr Rodhouse, can I just ask you a very quick question? You have mentioned the collaboration with Dublin and the collaboration in Scotland. Given the proximity of Wales to the coastline of the island of Ireland, do you have a similar close-knit working relationship with the Welsh constabularies?

Steve Rodhouse: We do. In fact, we also have one of our operating bases in Wales, co-located along with Welsh forces and regional organised crime units. Crime is not devolved but we are actively present and working alongside Welsh forces.

Chair: Gentlemen, you have been splendid witnesses in that you have answered our questions; where you did not know the answers, you very honestly said you did not know the answers and undertook to provide them in writing, for which we are grateful. More importantly, I am more than grateful to you for keeping your answers very much to the point and focused, allowing us to finish in time for Northern Ireland oral questions in the Chamber. Can I thank both of you very much indeed and, on behalf of the Committee, wish you and your colleagues all success and fortitude for the weeks ahead, addressing the new or repeat challenges that you will be facing into over the coming weeks and months? Thank you very much indeed.