

Home Affairs Committee

Oral evidence: [Home Office preparations for Brexit, HC 2612](#)

Wednesday 4 September 2019

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Members present: Yvette Cooper (Chair); Rehman Chishti; Janet Daby; Kate Green; Tim Loughton; Stuart C. McDonald; Douglas Ross.

Questions 1-129

Witnesses

I: Deputy Assistant Commissioner Richard Martin, National Police Chiefs' Council, and Steve Rodhouse, Director General of Operations, National Crime Agency.

II: Deputy Chief Constable Stephen Martin, Police Service of Northern Ireland, Peter May, Permanent Secretary, Department of Justice Northern Ireland, Dr Andrew McCormick, Permanent Secretary, Northern Ireland Executive Office, and Karen Pearson, Director of EU Relations, Northern Ireland Executive Office.

Examination of witnesses

Witnesses: Deputy Assistant Commissioner Richard Martin and Steve Rodhouse.

Q1 Chair: May I welcome everyone to this sitting of the Home Affairs Select Committee as part of our ongoing inquiry into the impact of Brexit on policing and security. I welcome our witnesses today. Could you introduce yourselves and explain your responsibilities in this area, starting with DAC Martin?

DAC Richard Martin: Good morning. I am DAC Richard Martin. I'm a Metropolitan Police deputy assistant commissioner. At the moment, I am leading for the National Police Chiefs Council on Brexit, particularly around EU tools and powers, and I head up the newly formed International Crime Co-ordination Centre.

Steve Rodhouse: Good morning, everyone. My name is Steve Rodhouse. I am from the National Crime Agency. I'm the director general for operations, so I work directly to Lynne Owens and lead the NCA's operational footprint. I also lead the NCA's preparations for EU exit.

Q2 Chair: Thank you. We have obviously taken considerable evidence on this matter before, and we have previously been told that there will be a significant reduction in security and policing capability in the event of no deal. It is the no-deal preparations that we would like to explore with you today. Could you give us a very brief summary of your current assessment of the preparedness for no deal, and of the areas in which the gaps will remain, starting with DAC Martin?

DAC Richard Martin: Yes, sure. Obviously, since the last time I came before you, the International Crime Co-ordination Centre has been set up. That unit comprises three main elements, and that's gauged to make sure that policing is as fit as it possibly can be for the challenges ahead. We have a central unit that sits in London. That's there to provide 24/7 advice and guidance to all police officers on all the current EU instruments, and of course the contingency plans that will fall back behind them in the event of no deal, or in the event that we don't have those instruments as we move forward.

We have a series of officers across the whole country who are working with forces individually. Their role is to sit around all sorts of things, such as tasking meetings and really critical areas for policing, again to promote the use of EU tools, and to do some of the preparatory work that we are doing at the moment around what we call back-record converting, which is putting current SIS notices on to Interpol notices to make sure that if any of the worst-case scenarios happen, we do not lose sight of some of those tools and alerts that we currently have.



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We have also trained 300 tactical advisers across all areas of policing within forces. Their role is to educate, communicate, and make sure that all officers are making the most use of EU tools. In addition, we have trained more than 7,500 people across the UK in critical roles within policing, and behind that sits a massive communications programme to bring awareness to officers of how they should go about using tools. There is lots more I could tell you, but I know you want me to keep it brief.

Chair: Mr Rodhouse?

Steve Rodhouse: Thank you. As you have heard, a huge amount of work has been going on right across law enforcement to prepare for EU exit. I am confident that we are as prepared as we can be to transition to the alternative arrangements that we will be using after EU exit. Richard has outlined some of that work. In addition, from a National Crime Agency perspective, we have recruited significant numbers of staff to help us transition to using tools such as the Interpol I-24/7 system more frequently, in the absence of the SIS II system. We have also recruited a number of international liaison officers to be deployed bilaterally across Europe if we are not able to operate within Europol.

It is important to say that despite this excellent work to prepare ourselves for working on these alternative arrangements, these alternative arrangements are not like-for-like powers, and there are some areas where our capability will be not what it currently is. I am very happy to talk about those individually, if you wish.

Q3 **Chair:** It would be helpful if you could go into some of the individual areas. Neil Basu said in August that there is no contingency planning—no replacement—for our not being given passenger name records. Is that correct?

Steve Rodhouse: Passenger name records are something we use operationally. In this forum I would not want to go into too much detail about the operational benefit that that gives us. Suffice it to say that it is a tool that we use on a daily basis to progress our investigations. It is right to say that there is not a like-for-like replacement. It is not a power that the National Crime Agency delivers or leads on, so I would not want to mislead you in that respect. We will continue to get advance notice of passenger travel, which is an important element, but it is not the complete tool that PNR gives us. That is an area where we are really keen for the Government to make progress.

Chair: DAC Martin?

DAC Richard Martin: I have nothing to add, really. Steve is absolutely right: it is something that is really critical and that we use, and there is no direct alternative at the moment. I know the Home Office is trying to work on how that might look in the future.

Q4 **Chair:** Okay. Similarly, on SIS II?

Steve Rodhouse: As a reminder for Members, perhaps, SIS II is an EU-wide—indeed, Schengen-wide—system that delivers alerts right to the



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point of operational contact, so right to the frontline in the UK. When colleagues check the police national computer, they check the SIS II system, and can therefore become aware of alerts put on from right across the EU. That is really significant. We will not have access to SIS II when we leave the EU.

To mitigate that, significant work has been done to try to replicate some of that functionality by greater use of the I-24/7 system, the Interpol system of alerts. In the region of 125,000 current Interpol alerts have now been uploaded on to the police national computer, so they will be available to be checked at the point of operational activity. A system has been put in place so that new Interpol alerts will be available through the police national computer. That is important, but it is not a complete mitigation of that risk.

Q5 Chair: What is the comparison of scale? How many Interpol alerts are there, compared with SIS alerts?

Steve Rodhouse: It is tricky to give a direct comparison, but it is fair to say that there are more SIS II alerts than Interpol alerts. It is important to say that although we in the UK have the opportunity to back-record and convert existing Interpol alerts to the PNC, and we have engaged significantly across Europe, the challenge remains that unless SIS II alerts that have been put on by other EU member states have also been inserted on to the I-24/7 system, we will not have access to them after 31 October. That is quite important.

Q6 Chair: That is why we need some sense of scale. For example, are most European countries putting half, a quarter, or 90% of their SIS alerts on to the I-24/7?

DAC Richard Martin: Perhaps I could help with some of those figures. There are about 82 million alerts on SIS across EU member states, and of those, there are nearly 3 million UK alerts on that system. They will be for a range of things—people or items who are missing, people who are wanted under the European arrest warrant, and so on.

Q7 Chair: And those alerts are the points at which the UK has uploaded some information about a stolen vehicle or a missing person.

DAC Richard Martin: We put an alert on when we want to know something about somebody, or want to track them. We checked SIS last year 603 million times. Obviously, part of the requirement to have SIS as a member state is that it be linked to your national system. As Steve was saying earlier, it is linked to the police national computer. At the moment, if an officer puts on somebody who is missing—probably about 200,000 people go missing in this country every year, on and off, some for days, some for hours, and some for a lot longer—they automatically go on to the system. The workaround we have had to do is to consider how we do that. To put something on to I-24/7, which is the Interpol system, is manual. We have been working really hard with Steve's team to look at how we can semi-automate some of that work. Everything we do manually has an



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impact on an officer's time, and on their ability and speed in doing something.

- Q8 **Chair:** So this is about the quantity of information on there, and about speed of access. What is the quantity of information on the I-24/7 system, compared with what you said is on the SIS system?

DAC Richard Martin: I don't have the exact figures, but I can get them for you. When we were talking yesterday, my colleagues said that it is probably in the hundreds of thousands. That is because we use SIS.

- Q9 **Chair:** Do you mean hundreds of thousands of UK alerts compared with the 3 million, or hundreds of thousands of alerts in total, compared with the 82 million?

DAC Richard Martin: In total.

Chair: Compared with the 82 million.

DAC Richard Martin: Yes, from us—from a UK point of view.

- Q10 **Chair:** So that 82 million is for the whole of the EU. Presumably, it is in our interests to know whether France or Italy or another country has put an alert on someone who may be dangerous or involved in criminal activity.

DAC Richard Martin: There is a real mixture; some countries will already do what we call double-keying—they will put those alerts on to Interpol at the same time as on to SIS—but some do not. There is quite a mixed picture across Europe, and some of the work that the teams have been doing with the Home Office is to get countries thinking that if we do not have SIS in future, we cannot help them unless they put those alerts on to the Interpol system. We will not see those alerts, and vice versa.

- Q11 **Chair:** Ballpark, there are 82 million alerts on SIS, and 3 million come from us, so we have access at the moment to 79 million pieces of criminal intelligence from other countries that may or may not be relevant or significant for any work that a police officer is doing. Of those 79 million pieces of criminal intelligence, how many will we have access to on the I-24/7 system?

DAC Richard Martin: I would have to go back and look at that. It will be less.

- Q12 **Chair:** What scale of less? Are we talking about hundreds of thousands of alerts, compared with 79 million?

DAC Richard Martin: Yes.

- Q13 **Chair:** So that is a massive reduction. It is not just less; it is hugely less.

DAC Richard Martin: Yes.

- Q14 **Chair:** Can you give me an example of the kind of case that you would currently pick up using the SIS system, where, for example, you might have an alert from another country, and where we would be reliant on



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the I-24/7 system maybe having that information?

DAC Richard Martin: Yes. Let's say that a country overseas has put somebody on its system who is wanted, or we have put somebody who is wanted on a European arrest warrant—that is for anything like theft, burglary or robbery as a criminal offence. At the moment, if they are on a European arrest warrant, they are automatically put on to the SIS alert. An officer on the street could stop somebody and say, "This person is wanted in Poland for burglary." The officer, then and there, can arrest that individual, take them into custody, and the extradition process will occur; they will go back. And vice versa, if somebody overseas has arrested somebody who we have an interest in.

If we no longer have SIS and the European arrest warrant, the fallback is the creation of what is called a red notice. A red notice on Interpol says that someone is wanted in connection with a criminal offence. If we did not know that that individual was coming, and an officer stops them on the street and they are wanted on a red notice, we might know they are wanted for arrest, but there is no current power of arrest under UK legislation.

Q15 **Chair:** I will pause you there, because we want to come back to the arrest warrants in a second. Continuing with the data, how many times are SIS alerts from other countries used?

DAC Richard Martin: As in that we arrest on them?

Q16 **Chair:** Maybe arrest, or maybe just use bits of intelligence and so on. How many times a year? Do you have a figure for how many times those 82 million pieces of information might be used?

DAC Richard Martin: I have figures for us in relation to arrest warrants, which are obviously SIS alerts. We probably average between 1,400 and 1,500 arrests on European arrest warrants a year on SIS. We do it on an 8:1 ratio at the moment, so for every nine people who are arrested, we arrest eight of them on behalf of partners from member states—those are people who are wanted for criminal offences who we can extradite from this country to face justice over there. For each one that they arrest, we bring somebody back here.

I have the figures for that bit; for the rest we will have to get that for you. Certainly, because it is so easy and integrated with everybody's national system, it is much easier for officers on the ground in particular, especially if you are not in a pre-prepared operation. If you are pre-planning an operation, there is lot of preparatory work that you can do, but obviously, if someone is presented to you and you are doing a discrete alert or a discrete check for somebody, then you need that information to hand straight away.

Q17 **Chair:** So this makes it more difficult to stop criminals from overseas?

DAC Richard Martin: Yes.

Q18 **Kate Green:** May I just pursue a little further the data that is available



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through SIS alerts in relation to missing children and child protection? Are you able to give us a sense of the scale of children-related cases where SIS alert data is used?

DAC Richard Martin: I can give you the general missing persons piece—I quoted that earlier on—which is that about 200,000 people go missing per year, including children. As soon as an officer puts that person on our police national computer as a missing person, that automatically uploads to SIS, irrespective of whether you think they are going overseas or not. That means that 27 member states can see that that child or adult has gone missing and can therefore take some action if that information comes across.

Q19 **Kate Green:** In the event of no deal after the end of October, what will happen to alerts that are put on our national system? I am thinking particularly of family law disputes where child abduction is part of the picture.

DAC Richard Martin: If it is a missing person, some of the work that we have been doing at the moment is to manually put an alert on to the Interpol system. It is a different notice, but the same thing: it says that somebody is wanted/missing. Of course, the difference is that you would have to differentiate between whether you think that person is going to go overseas or not. At the moment, we do not need to worry about that bit because it is automatic.

In a lot of the work that we do, because the quantity is so vast—200,000 people coming on and going off, sometimes for a long time—my team, with Steve's team at the NCA, have been looking at how we can start to semi-automate that for forces. We are trying to remove that risk factor from the officer making decisions on the ground and to make sure that the alert goes as far and as wide as possible, to make it a reasonable intervention.

Q20 **Kate Green:** How far forward are you with that work?

DAC Richard Martin: We have just completed a pilot. We are about to put on 2,000 missing people, from that pilot. It will go live in the next month or so. We think that it has worked. It has been a lot of hard work, because these are obviously computer systems, but we think that we have put ourselves in a much better place. That is what the gift of the few months between 29 March and now has allowed us to do—it has allowed us to try to tighten up some of those capabilities. Steve just gave you a very high-level overview about how some of the fallbacks are not as good as the things we have now. We are trying to close that gap as much as we possibly can.

Q21 **Kate Green:** Would you be able to come back to us later with details on exactly how many missing children are involved in what we have been discussing?

DAC Richard Martin: Absolutely.

Q22 **Kate Green:** The sharing of child abuse imagery often involves an



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international network. Sometimes, an offender is outside the UK but presents a threat to children in the UK. In the event of no deal, do you have concerns that we might no longer be able to participate in pan-European co-operation protocols to enable such information to be shared swiftly? If so, what are we doing about that?

Steve Rodhouse: The concept of information sharing across Europe is critical. We largely do that through Europol as an agency at the moment. Frankly, our ability to share en masse with Europol depends on our status with Europol. We are confident, however, that we will still be able to share data with individual nations and groups of nations, but not necessarily through Europol, unless the appropriate operational agreements are in place.

Q23 **Kate Green:** How long do you think it might take to negotiate those?

Steve Rodhouse: I have to say that I am not well placed to speculate on how long it would take. As it stands at the moment—leaving the EU on 31 October—unless there is a working arrangement, we will cease all information exchange with Europol. That is not quite the same as ceasing exchange with individual states on a bilateral basis. We hope and are very keen for a quick working arrangement and a quick operational agreement following that, but that is not something that I am able to influence.

Q24 **Kate Green:** Are you able to say, when you say quick, whether you mean weeks, months?

Steve Rodhouse: It's not something that I have any influence on. I would like to see it as quickly as possible—within days. It is not something that we, from an NCA perspective, are able to influence at this point.

Q25 **Kate Green:** Who has the influence? Is that the Home Office?

Steve Rodhouse: It is a Government negotiaton, along with the Commission.

Q26 **Kate Green:** Do you know what they are doing to advance those discussions? Is any discussion taking place at the moment, to your knowledge?

Steve Rodhouse: My challenge here is that I do not want to mislead Members in any respect on this. My understanding is that this requires negotiation with the Commission, and that, as of yet, that has not been possible.

Q27 **Kate Green:** So potentially no discussion is taking place right now?

DAC Richard Martin: To carry on from what Steve is saying, one thing you can do for an operation that concerns things such as child sexual exploitation and images is to have joint investigation teams, which we currently have under the banner of Eurojust. We can continue to do those under the 1959 convention. If you had a number of European countries with offenders sharing across the piece, we could still operate with those on an operational basis.



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Steve Rodhouse: It is fair to say that the existing joint investigation teams have now all been transitioned to the alternative arrangements, so we anticipate continuity of those.

Chair: DAC Martin, you referred to the European arrest warrant, so I think we will tackle that now.

Q28 **Douglas Ross:** Could you just go back—I think you were explaining things; it might be that the Chair wanted to confine your remarks at that point—and explain further what will happen with European arrest warrants if we leave without a deal on 31 October, and how that will work with other countries?

DAC Richard Martin: Sure. For anybody in the system in custody at the moment who was arrested on a European arrest warrant but has yet to be extradited, a statutory instrument was laid, I think in June this year, which means that we can continue to deal with those. They will not be released. We can continue to deal with those individuals, and they will be extradited back to the country that they originated from.

Q29 **Douglas Ross:** On that, potentially how long after 31 October could that still be happening?

DAC Richard Martin: It's a statutory instrument, so anybody who has been arrested prior—

Q30 **Douglas Ross:** I understand that. Say they are arrested on 31 October; could they still be going through the system in December or January?

DAC Richard Martin: Possibly. There is no time limit.

Q31 **Douglas Ross:** There is no time limit. You are not in a rush to do anything with this.

DAC Richard Martin: Yes. As long as you've not been arrested on 1 November, that will not change. For the European arrest warrants that we currently have but have not arrested anybody on, we have to convert those to red notices and put those on Interpol. They would then be dealt with, when they are arrested post 31 October, under the 1957 convention and the Extradition Act 2003. It is the same for other countries. If they have people whom they want us to arrest on their behalf, post 31 October—if that is when we leave without a deal—again, it would come down to the 1957 convention on extradition.

Q32 **Douglas Ross:** With the 1957 convention, how much more difficult or complex will it be from 1 November, compared with 31 October? Can you give us examples of what you will have to do from 1 November that you would not have had to do on 31 October if we leave without a deal?

DAC Richard Martin: For everybody who we want to arrest, or who somebody wants us to arrest, we will have to go to Westminster magistrates to get a warrant.

Q33 **Douglas Ross:** And that is the only court in the country that does that?

DAC Richard Martin: Yes. Instead of having a power of arrest directly, we will have to go and get a warrant. If we have advance notice of somebody coming to this country who is wanted, we can quickly go off and get a warrant and hope to intervene as they land.

If we do not know they are here— I gave the example earlier of somebody presented to you, as an officer, and you do not know, but you find out on the Interpol system that they are wanted. Unless you have a different power of arrest to detain them, you cannot detain them until you've gone and got a warrant. The risk is that you have somebody in front of you for a serious offence, but if there are no other grounds for you to arrest that individual, you can't stop them.

Q34 **Douglas Ross:** How does the alert system work? You have spoken about what happens when you arrest someone. How much more complicated will it potentially be to get that information to other countries, and for other countries to get their information to the UK?

DAC Richard Martin: It's complicated in that it is a manual system. It is not linked directly to a system, so there is a time delay for a start. You then have to fill out a form that is accepted by the NCA bureau, which then goes on to Interpol.

You are manually filling these things out, as opposed to them going on automatically, so that obviously builds in part of the delay for you. And of course you have to be conscious that they are going overseas as well, for you to be able to put that on. So there is a bit of a time lag. It's a manual system, and you have to make sure—hope—that all our European partners will be looking at the Interpol system.

If you turn that on its head, instead of us checking one system at the moment—again, your police officer in the scenario checks the police national computer in the UK. That will automatically tell them where the person is wanted overseas. That officer has to remember that not only do they need to check the PNC in the future, but they would have to ask for an Interpol check at the same time. It's a case of having to make sure that busy people understand that there are now two different systems that they have to check, rather than one.

Steve Rodhouse: It may be helpful if I come in at this point. I would not want to mislead the Committee. It is absolutely right that this is a manual process, but we are introducing automation, which speeds up the process. I would not want to give the impression that there is a significant time lag between an EU member state putting an Interpol red notice on to I-24/7 and that being transitioned and updated on to the police national computer. That is a matter-of-hours, same-day process, because we are investing and have invested in the UK International Crime Bureau to make sure that we are as slick and effective as possible. Clearly, it would be highly risky to have a backlog of cases where there were red notices available that were not known to operational officers, so that transition is being done very swiftly.



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- Q35 **Douglas Ross:** I have just two final points. Is potentially the biggest blockage, then, going to be the magistrates court? How worried are you? How well prepared are they to deal with—potentially—a large number of cases coming to them that previously they haven't had?

DAC Richard Martin: "I don't know" is the answer. I don't know how their preparations are going, but it is clearly the case that if there are suddenly 1,500 cases that you are now asking for a warrant on where we probably averaged about 40 to 50 extraditions before, under the old Act, there is a volume and a demand that will be placed on them.

- Q36 **Douglas Ross:** Finally, would you say that you are confident that you have done enough to prepare for this—that measures are in place, you know what you have to do, you will minimise time lags as much as possible and, ultimately, if we do leave without a deal, there are still procedures in place to get these criminals off the streets?

DAC Richard Martin: Yes. Everything we have done, since March certainly, has been about trying to close the gap between current operational capability and what we may have to fall back on. An enormous amount of work has been done with colleagues at the NCA, ACRO and the Home Office to try to do this. There is the semi-automation pilot I have talked about in relation to missing people. There is the stuff that Steve has just talked about—the semi-robotic process that they have. So we have constantly tried to hone down time lag demand on forces. Of course, mine involves everything from missing people to—it goes all the way through. It's about all of policing. For us, this is about being very conscious that whatever we do, whatever we design, whatever we try to change policy on, it's about trying to cut down demand.

We have just talked about extradition, and we are currently in discussions with the Home Office about introducing a power of arrest for red notices. Of course we know that is one of our biggest challenges, so the argument that we have put forward is that if we are working with member states in the EU at the moment and so we trust their processes under the ECHR—that's why we use European arrest warrants with them—why wouldn't we have a power of arrest for red notices in relation to those 27 member states? What we are trying to do is close the gap that says, "I don't want an officer being put in a really tricky position where they have somebody wanted for a serious offence in front of them and they can't do anything with them."

- Q37 **Chair:** Would that require primary legislation?

DAC Richard Martin: It would, yes.

- Q38 **Chair:** Have you seen any drafting of primary legislation or have you put forward some?

DAC Richard Martin: It is being drafted by the Home Office at the moment. My understanding is that it won't be in before 31 October, but they're hoping to get it into the next Session.



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Steve Rodhouse: If I may, I will follow up on your question as to whether we have done everything we can. I think we have, but just to reiterate—the point may have already been made—the caveat on all this is that a lot of our functionality depends on EU member states' use of the I-24/7 system. For some, that is already business as usual; for others, it will require some additionality.

We have been working incredibly hard with a process of engagement right across Europe, explaining the challenges that we face and seeking assurances that the Interpol system will be heavily used. We have been encouraged by the response. It is absolutely clear that EU member states want to continue to work closely, operationally, with us. We will have to see just how effective that process is.

DAC Richard Martin: Yes.

Q39 **Chair:** I think we were first told about looking to get primary legislation in for red notices back in the spring—maybe February or March. Has it been being discussed for a long time?

DAC Richard Martin: It is certainly being driven forward. I think the initial conversations we had were about why haven't we got one, and how we can make this better. Obviously, at that time we were driving towards 29 March, as was. Since then we have upped the gear and the tempo at the Home Office to try to push this through. I think there has certainly been more appetite since 29 March.

Q40 **Chair:** There is just this slight thing of why it is not ready in time.

Steve Rodhouse: It is a power that we would welcome.

DAC Richard Martin: Absolutely.

Q41 **Rehman Chishti:** I have a couple of questions on the International Crime Co-ordination Centre, which is supposed to be the central hub for no-deal contingency planning. Looking at the media reports, we are told that it was up and running in February. May I ask you to say three things that it achieved? Do you think it has achieved everything that it needed to achieve by this stage, if we are to leave on 31 October?

DAC Richard Martin: Sure. I think it has achieved some stunning successes. It is something we hadn't had before, and out of necessity we have introduced something that police forces have not had and probably didn't know they needed. The International Crime Co-ordination Centre is a group of experts drawn from all over British policing. They are experts in extradition who have worked in Europol, or people who are used to executing European arrest warrants and joint investigation teams. Since its inception—we went totally live just before 29 March, as you would imagine—more than 1,000 cases have been dealt with on behalf of policing, ranging from murder to family liaison and missing people. We have set up operational meetings between overseas partners and UK policing, so as to move forward operational policing across all that.



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We have obviously been influencing the national stage—we have talked about red notices and legislation, and we now have what I think is a truly multifunctional centre. We have the Crown Prosecution Service embedded; we have the National Crime Agency, ACRO, PSNI and Police Scotland. We have brought together a bunch of experts, and in relation to things like international letters of request and mutual legal assistance—we know that will be a big thing in the future. We have the CPS's ex-policy lead now working in the unit. We have created templates that provide consistency to forces and speed up the process. For all those things we have trained 300 tactical advisors across the country, and given more than 7,000 officers individual training. There is a massive comms plan, and we have developed all the authorised professional practice policy guidance. We are now working on iPhone and iTube apps to ensure that forces and officers on the ground have up-to-date information that tells them exactly what they need to do regarding current contingency plans and in the future. It has achieved an enormous amount.

Q42 Rehman Chishti: For clarification, how many officers and staff are employed by the centre?

DAC Richard Martin: We have about 65 in total. The central hub is based in London and gives that 24/7 support and has around 40 officers. There are two officers in every one of the 10 NPCC regions in England and Wales, and in addition, 300 tactical advisers are spread across forces to ensure that we have a three-tiered approach to delivering this on the ground. We have spoken about some of the back-record conversions—I am talking about SIS alerts that we are already putting on to the I-24/7 process. Some of my officers in the counties have been driving that activity and working with chiefs to ensure we do that.

Q43 Rehman Chishti: Were these additional roles, or were they redeployed from elsewhere? Are these agency staff?

DAC Richard Martin: These are additional posts, but they are officers brought in from policing from across a wide range, and there are some contractors as well.

Q44 Rehman Chishti: What is the cost of that?

DAC Richard Martin: The funding is just over £6 million a year.

Q45 Rehman Chishti: How do the roles of the National Crime Co-ordination Centre and the International Crime Co-ordination Centre overlap?

DAC Richard Martin: You mean the ICC and the NCA?

Rehman Chishti: Yes.

DAC Richard Martin: Steve will probably talk on behalf of his organisation, so I will do mine first, The International Crime Co-ordination Centre is there to support all of policing. That means everybody from a police community support officer to uniformed officers and detectives. It does everything from missing people or someone involved in a road traffic collision, all the way through to murder and serious and organised crime.



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The idea is that you have a bunch of problem-solving people, so if an officer rings up and says, "I've just been dealing with a car crash. I have an injured French national and a witness who has run off", we can help them to understand the best way to achieve what they need to achieve. It is a bit like going to the GP and saying, "I have these symptoms. How can you help?"

- Q46 **Rehman Chishti:** Are you saying that you are now in a far better position and more prepared than you were in March to deal with the scenario if we were to leave on 31 October with no deal?

DAC Richard Martin: We were prepared in March—

- Q47 **Rehman Chishti:** Fully prepared?

DAC Richard Martin: Fully prepared. The centre was up and running and the officers were there. I would say we are better prepared now, but not because the ICCC was not set up. That is more about us streamlining the processes, and some of the testimony that we have given this morning, such as on cutting back the impact on forces or piloting semi-automatic processes. Are we more prepared now? Yes, but that is because we have gone back over all those policies and all the training we have been given to hone it and redefine it.

- Q48 **Rehman Chishti:** Can I ask for some clarification on that? We were told by the Home Secretary, when he came here in November, about the issue with the co-ordination centre with France, which deals with people crossing illegally to this country, and how that would have a real impact on the number of people coming over, but it has not. We were told that that centre was working very well, yet the numbers increased, and questions were therefore raised about how effectively that co-ordination centre is working. How can we be confident in statements that this centre will work as well as it should?

DAC Richard Martin: I am not sure what centre you are talking about.

Steve Rodhouse: That is one of ours.

DAC Richard Martin: One of yours, okay. I think you need to understand what the ICCC is there for. It is there to provide guidance and advice and tactical advice, and to work with partners for all of UK policing. That means working with foreign law enforcement colleagues and working with police officers on the ground. Can I say it is successful? Yes, it is successful.

As I said before, we have dealt with more than 1,000 cases. On the ability to deliver tactical advice at the time, I can give you numerous operational examples, including being able to put together cases that have been running for eight years in literally hours by engaging with our foreign law enforcement communities and bringing people together. I can confidently say that it is very successful.

- Q49 **Rehman Chishti:** Can I just ask you a question before I move over to Mr Rodhouse? You talked about the success and what it has achieved, and



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why you are positive that it will be a success in the future if we are to leave on 31 October. What are the challenges—there must be challenges—and how can they be overcome?

DAC Richard Martin: I think the challenges are in that capability gap that we have been talking about—the gap between the tools that we currently have and what we may have in the future. The challenge is our continuing to look for creative ways of closing those elements. I guess the other challenge, if we crash out on 31 October, for instance, is about what level of demand we may get in the centre. I have given you examples of how much we are using it. Will there be a sudden increase, because forces are suddenly deluging us with inquiries? That is a challenge. We do not really know what that will look like, but we will manage it and flex to meet that demand. Most of the areas of demand we know are in that capability gap, which is why we are constantly trying to find ways to close it.

Q50 Rehman Chishti: Mr Rodhouse, you know what I am talking about on border crossings because I asked you that question before when you came to the Committee. We were given assurances that that co-ordination centre with France would help to reduce illegal migration to the country, but it has not. How can we take seriously assurances that the International Crime Co-ordination Centre and the National Police Co-ordination Centre will work when we have had a system that has not worked as it should have done?

Steve Rodhouse: I think they are very different types of bodies and organisations. My background is in policing. I see, and saw at first hand, the capability and knowledge gaps in forces, which are faced with problems that are increasingly international in nature and with using tools that are complicated and unfamiliar and that need advice and expertise. That is what Richard has delivered. That is absolutely essential. My team is embedded in the ICCC, and I think that that is a really sensible thing to do, to bring together expertise for a complex area.

I think it is an entirely different type of concept from a co-ordination centre with France that deals with a particular issue. I am happy to talk about that at any time, but I think that these are fundamentally different.

Q51 Rehman Chishti: I get that. Of course I accept that they are fundamentally different. I am saying that we were told about another international co-ordination centre with another partner that has not worked. I am asking how confident we can be that these centres that have been set up will achieve what they are supposed to, and whether, with the resources that we have over here, any redeployment will have any knock-on effect on other police operations.

Steve Rodhouse: I understand that. I come back to the point that using international powers and tools, as an operational officer, is a challenge. It needs expert advice to allow you to do it, which has not been available to people. Richard delivers something that is highly important and that has brought together expertise in one place. It is quite clear from the numbers that a lot of people are making use of that. Of course it is right—I know Richard will support me in this—that the effectiveness of that should be



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reviewed going forward. From where I stand at the moment, as someone who understands the challenges of operational officers in policing, and also has responsibility for the UK International Crime Bureau, which delivers our contact with European partners in a tactical sense, it is a valid tool and really important.

DAC Richard Martin: I suppose the other thing is about the context that policing the country causes. Because these tools have been pretty well automated—some of the evidence we have given you today suggests that expertise in policing around international instruments tends to be in very niche and specialist units; units that deal with serious and organised crime—with this unit we are trying to push down on the point that international criminality is business as usual for everyone. The idea that we can promulgate the knowledge, advice and guidance down to the officer on the beat or the response team is critical, especially as we have to fall back on those contingencies.

- Q52 **Rehman Chishti:** I am not doubting the commitment of officers on the front line at any level, but I am asking whether the task that has been given to you to deliver in this period of time is achievable.

DAC Richard Martin: It is delivered.

Rehman Chishti: It has been delivered. And there will be no issues with taking it forward post-31 October.

DAC Richard Martin: With the unit? No, not at all. The unit is up, it has been delivered, and it has been working since February.

- Q53 **Rehman Chishti:** And there will be no issues with the effectiveness of what it was designed to achieve come 31 October.

DAC Richard Martin: It is delivering exactly what it was designed to do. In fact, it is delivering more than it was designed to do.

- Q54 **Janet Daby:** Good morning. Can you say anything more about the impact on operations? I am thinking about county lines and serious youth violence. Is there more you can say regarding things we need to be concerned about and how operations will be affected?

Steve Rodhouse: It is well known to everyone that crime is increasingly international. The county lines phenomenon spreads across the exploitation of young people, but it is driven by the drugs trade, which we know is international—indeed, you will see in the media this morning about a seizure of 1.3 tonnes of heroin that originated in Pakistan and was going to make its way into the UK drug market, and it would undoubtedly have been transported through county lines. This is a real and present issue, and that case in particular was taken forward by the National Crime Agency, alongside the Belgian and Dutch authorities, which shows the importance of dynamic, flexible operational arrangements and information sharing between countries. That is what we are seeking to protect, because it has grown up over a long time.



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I think that need is recognised not just in the UK but by our European partners. What we see from our engagement is a real appetite to continue to share that sort of information, and to respond at pace where the need is. That case demonstrated really well the need to be able to deploy operational officers in a concerted fashion between three countries, and I have no doubt that we will continue to operate in that fashion. Law enforcement does—law enforcement is a can-do arena, and I am confident about that. We would be supported if we had routes to continue to share information at scale across Europe through Europol. In the event that we don't, we will continue to share information bilaterally with individual countries, much as we did on the job that I referred to. I have no doubt that that will continue to help us tackle the international crime threat.

- Q55 **Janet Daby:** Just so I can understand, obviously there is the appetite for it, and you are confident that those communications will continue. Because it can't be done through Europol and must be done bilaterally, will there be a delay? Does this produce a level of risk in some way?

Steve Rodhouse: Not necessarily. Europol is really important to allow us to understand the threat. Our membership of Europol and access to the joint analysis pool that Europol holds is important to allow us to understand the threat and de-conflict our operations. Our operational activity is often bilateral as well. If it comes to allowing individual countries to deploy surveillance resources, or asking each other to deploy officers in particular situations, often in fast time, that is already done on a bilateral basis because that is the quickest way of doing things. I am confident that the mechanisms for that will continue.

- Q56 **Stuart C. McDonald:** I have a couple of follow-up questions on Europol. If we crash out with no deal, what happens to joint operations that the UK is involved with at that time? Can we carry on? I think it was said that we are hopeful that that would be the case, but it depends on some sort of legal agreement.

Steve Rodhouse: Joint investigation teams—I think the number is 54; I will check that for you—have already been transitioned to the arrangements that will follow after EU exit, so there will be continuity.

- Q57 **Stuart C. McDonald:** Even if there is no deal?

Steve Rodhouse: Yes.

- Q58 **Stuart C. McDonald:** And afterwards is it correct to say that the UK would be able to instigate or lead joint operations?

DAC Richard Martin: Yes. There is a twin track. Under the 1959 convention, we could still lead a joint investigation team. It would be under that convention and not under Eurojust. The only difference is that when you do a joint investigation team, Eurojust comes with funding to allow you to go over plan operational meetings. The '59 convention doesn't. There is a monetary difference. Other than that, it is exactly the same. Of course, other European countries who are still able to use JITs boast that whenever we leave, they can still invite us to be part of that. If they had intelligence and information that said—this goes back to your



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county lines piece—drugs were coming in from Amsterdam or Antwerp, and the Dutch were involved, or the Spanish and the French, and they knew it was coming to a port in England, they could still invite us to be part of a JIT. We would not lead it, but we would be part of it, so it would allow operational crossover to continue.

- Q59 **Stuart C. McDonald:** In terms of access to data tools, such as SIENA and so on, after no deal, you spoke about the fact that on day one you would certainly have to have all these, in terms of negotiations for bilateral arrangements. I think you used the word “days”. In that period of days, what is the impact? What are the dangers, and what is it we are losing access to? Exactly what sort of information?

DAC Richard Martin: If we crash out without a deal, we come out of Europol until we can negotiate our way back into a third-party agreement, I suppose in the way that Canada does and the Americans and Australians do. But for the period of time while the negotiation was going on, you would lose access to SIENA and the tools that we currently use, because we would not actually be in Europol.

- Q60 **Stuart C. McDonald:** Can you say more about what that actually means? What sort of information is it that we are losing access to in SIENA? How will that impact on day to day policing?

DAC Richard Martin: SIENA is a secure communications channel between member states, so that you can share intelligence and information instantly. It’s like an email between member states. You would lose the ability to do that. You would have to go through an Interpol route or a partnership route. You would lose access to the European intelligence system, EIS. All those tools that we currently use, we would not have access to. We would have to go through Interpol or a third party, and that would delay things.

- Q61 **Stuart C. McDonald:** In terms of trying to do it on a bilateral partnership basis in the meantime, I think we were told previously that some countries might be more willing to do that than others. There could be problems with, for example, Germany, just because of some constitutional safeguards that it has around data protection and so on. Is there an analysis about where there might be difficulties getting information and sharing done?

DAC Richard Martin: Yes. The Home Office have done some work around that. They have been plotting which countries will automatically be okay with extradition. Germany does not extradite their nationals because of their constitution, but you can prosecute in those countries if you have somebody, so there would have to be some arrangements. The Home Office have done quite a lot of work on it. I don’t have it to hand, but they have been mapping out where they need to interdict.

Steve Rodhouse: Absolutely. To give us the capacity to do that, the National Crime Agency are surging additional international liaison officers into European embassies to allow that bilateral relationship to flourish.



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Q62 **Stuart C. McDonald:** How long do you anticipate a broader operational agreement would take to negotiate?

Steve Rodhouse: As I said earlier, it is not something that we are able to influence. We hope for it as quickly as possible, but the mechanics of negotiating that are something that we are personally not sighted on.

Q63 **Stuart C. McDonald:** How long did it take the Americans, for example? Do you know?

Steve Rodhouse: I don't know how long it took the Americans. There is a number of stages to go through, and it is exceptionally complicated. The first stage you could go through—it is not necessarily the case that these are sequential—is a working arrangement that would give some access to the SIENA messaging system, which would be useful because that would allow us to use it to message EU member states, but, crucially, not Europol as a concept.

The next stage would be an operational agreement, but that would require a data adequacy agreement with the EU. Of course, that is fairly crucial. It would allow the exchange of personal data with Europol. That is not to say that you could not exchange personal data with individual states, or individual states en masse, but not through Europol, so it is really complicated.

Q64 **Stuart C. McDonald:** And that would depend on those individual countries' own provisions. Again, as I understood it, some of them might have slightly higher standards.

Steve Rodhouse: That is true, and as Richard said, a lot of in-depth analysis and negotiation is being undertaken by the Home Office. My sense, actually, is that predominantly EU member states have indicated their willingness to continue to share that personal data, but I do not have the detail on that.

Q65 **Stuart C. McDonald:** A final quick question, if I may: going back to this issue about what is on the SIS II databases, as opposed to the I-24/7 database, you have given these incredible figures about how there are 2 million alerts on one and hundreds of thousands on the other. In terms of the nature of those alerts, is there any rhyme or reason as to why countries put some only on SIS II and not on I-24/7? Can you assure me that there are not alerts about very serious criminals that are only on SIS II, as opposed to I-24/7?

Steve Rodhouse: I cannot give you that assurance. As for the reasons why countries would use SIS II rather than I-24/7 or both, sometimes it comes down to geography. It will come down to where they would typically expect people to be found, and of course if you are in Europe and you do not have any external borders, then you might think that SIS II is the appropriate route to take. What I cannot assure you is that countries that have put a SIS II alert on for a serious criminal will have replicated that on I-24/7. That may well not be the case, and that is one of the challenges.



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Q66 **Stuart C. McDonald:** You are talking serious violence, murders, or drugs that conceivably could be—

Steve Rodhouse: A range of offences. You would expect, of course, that for more serious offences, EU member states would have taken the step of putting it on both systems, but I cannot sit here and give you a guarantee that we know that to be the case. To be clear, we do know that EU member states make extensive use of I-24/7, because of course they are guarding against their people leaving Europe. That is why I-24/7 is important.

The other point to make, of course, is that we are talking a lot about people here. Those I-24/7 alerts and SIS II alerts include property and vehicles, and millions of those alerts will be around property indexes as well.

DAC Richard Martin: Just to add to that, it really is down to the individual member state how much they use I-24/7. To be fair, we have not been the greatest at using it either. Looking at missing people, as I said earlier on, we have 200,000-odd people go missing a year, and I think we probably put 10 people on the Interpol system last year, because we relied on SIS II. I would not be surprised if some of our member states do the same.

Q67 **Chair:** How many of the 27 EU countries put all of their SIS II information on to the I-24/7 system?

DAC Richard Martin: I do not know. I could find out and write back to you, but I do not know.

Q68 **Chair:** I am slightly surprised that you do not know that. I am slightly surprised that you do not have a clear assessment of the scale of the gap.

DAC Richard Martin: We have been working with the Home Office, and the Home Office have a mapping system where they have done that. I do not have it to hand; that is the only reason why I can't answer you.

Q69 **Chair:** So they have it.

DAC Richard Martin: Yes.

Q70 **Chair:** How many EU countries put all of their European arrest warrants on the red notice system?

DAC Richard Martin: That, I don't know.

Steve Rodhouse: It is the same issue: we know that a lot of mapping has been done on that, and it has formed the engagement plan that the Home Office have delivered.

Q71 **Chair:** Would it surprise you if none of them put all of either their alerts or arrest warrants on to the Interpol systems?

DAC Richard Martin: It would not surprise me if they do not put all of them on, because if you are in a country and you are expecting that



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person not to go outside those 27 member states, there actually would be no reason at the moment to put them on the I-24/7 system, because of course we are still in at the moment. That may be changing, and we have certainly been talking to partners about the need to do that, otherwise we do not have visibility, but at this current time it would not surprise me. If you are confident they are not going anywhere else—that they might go into three or four different countries—then you would not need to.

Q72 Tim Loughton: DAC Martin, you have repeatedly used the term “crashing out without a deal”. Is that a neutral term?

DAC Richard Martin: It is just a descriptor. Yes, I would say that was neutral for my part.

Q73 Tim Loughton: You do think that is a neutral term to use?

DAC Richard Martin: I do, yes.

Q74 Tim Loughton: When we had Rob Wainwright here just after he stood down as head of Europol, he said that every form of co-operation and information sharing that happens now, notwithstanding the fact that we would not be on the board, could still happen after Brexit. It was entirely a political question. Do you agree with his analysis?

DAC Richard Martin: If he means “it is available because it has been negotiated or there is a transition period”, then yes. If we leave the EU without a deal, then you will not have access to some of those systems until they have been negotiated back.

Q75 Tim Loughton: No, but his point was that, deal or no deal, everything that happens now could continue to happen, subject only to political decisions, rather than any lack of preparedness by our other partners within Europol to continue operating at the same level as we do now.

DAC Richard Martin: I think, if you are talking about intent, then yes, but of course you are governed by whatever framework is in place that allows you to do that, in whatever format that is. So, can you continue to do things? Yes, because that is why we have these contingency plans. Can you do it in quite the same way? No, because that depends on what the new contingencies allow you to do. Have you negotiated to have the same? If you went down the route of the strategy that was published about 18 months ago by the Government, which we support, which is that we would like to keep everything that we currently have and have the flexibility to meet future threats, then yes. But it depends on either what is negotiated, or what we have had to fall back on as a contingency.

Q76 Tim Loughton: Okay, but those are political negotiations.

DAC Richard Martin: They are, yes.

Tim Loughton: Rather than operational problems.

DAC Richard Martin: They are operational, in that whatever framework is there, and that Steve and I and other law enforcement partners can work to, it is whatever that framework allows us to do.



Q77 Tim Loughton: To come back to Mr McDonald's questions, I think you described law enforcement as a can-do arena, Mr Rodhouse. Has there been any serious pushback on future co-operation from any countries, notwithstanding technical constitutional issues that Germany has, for example, and which you have already mentioned? Have there been serious indications that any of our current partners within Europol are going to say, effectively, "You are no longer part of Europol, and are therefore a second-class citizen"?

DAC Richard Martin: No, not at all. If you talk to our operational partners, what they will say is pretty much what I am saying. They want to work with us. They see the value of working with UK policing. The comments that we often get back are, "Of course we will make it work, but it will depend on what the legal framework is that allows us to do that."

Q78 Tim Loughton: To take the practical example of the big heroin haul, which is very good news, I think you mentioned that Belgium was involved in that. If that had happened next year, with or without a deal, what would the practical differences be in how the police would go around trying to bring that about?

Steve Rodhouse: Without going into lots of operational details, I am confident that that sort of operation could and would still happen after EU exit. I don't think that operation was reliant on anything that we are talking about here, other than really strong operational relationships between close European partners. I think that is absolutely the case.

Q79 Tim Loughton: Would you agree with that?

DAC Richard Martin: Absolutely. I think we talked earlier on about the ability to still have joint investigation teams, albeit in a different format, that allowed you to intelligence-share, work with partners and do all those things. I won't go into Steve's operation—I don't know all about it—but I absolutely agree with Steve that yes, that could still happen.

Steve Rodhouse: On the issue around Europol, and I didn't see Bob Wainwright's evidence at all, I think it is right to say that the information sharing could take place with appropriate negotiations, will and decision making. There is no bar to that if the negotiations took us in that direction. As it stands at the moment, however, even if we got the most ambitious operational agreement—that is clearly from my perspective what we would like—it does remain the case that we would not have the influence in Europol that we currently do to drive operational activity, to influence priorities or to sit on the management board. Of course, you might say that that could be negotiated as well—and who am I to say that it couldn't?—but as it stands at the moment, that is a reduction of our influence.

We would absolutely want to see an ambitious operational agreement to allow us to access the significant joint analysis and intelligence that sits across Europe, because it helps us in our operations—and, frankly, we help to inform Europe's understanding of the crime threat as well.



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Q80 Tim Loughton: How much of a practical issue do you think it will be, not having that seat at the table? I know that when the Committee last went to Europol, the people most in evidence seemed to be officers from Homeland Security, who are very much within Europol and very much operationally part of Europol, and I don't think they even pay rent for their offices within Europol. They seemed to have more offices than the French, who we met before, for example. So is the fact that we aren't an equal board member of Europol in the future, in practical terms, a big issue?

Steve Rodhouse: I think that remains to be seen. I genuinely would not want to speculate on that. You are absolutely right that the Americans have a significant presence at Europol. They clearly find it valuable. I think we would, in whatever form we were there, but our inability to sit on the Europol management board is one thing; our inability to drive the joint projects and to lead and direct them may well be significant. We know, for example, that firearms are a significant threat in this country, and to some extent, we view firearms trafficking and use in a different fashion from some of our European partners. By driving and having influence in Europol, we can gain some influence to protect the UK from that threat, as an example. But we will see.

Q81 Chair: Finally, some quick questions. If we end up with no deal and have Operation Stack in place, can you confirm that you expect a heavy police commitment to support Operation Stack?

DAC Richard Martin: I would have to defer to my colleagues who are doing contingency planning. I am sorry; that is not my area of expertise.

Q82 Chair: Okay. Neil Basu said last month that no deal "would create an immediate risk that people could come to this country who were serious offenders, either wanted or still serial and serious offenders committing crimes in this country, and we would not know about it. It creates that risk...With my police leadership hat on there would still be deep concern. There would be some damage to our safety." Do you agree with that assessment?

Steve Rodhouse: I suspect Neil was talking about the ability of operational officers to have information at their fingertips about people's background. At the moment, that is delivered through SIS II. We have talked about the contingencies and mitigations we are putting in place through I-24/7, and we have talked about the gaps, as well. If that is the context that Neil was talking about, then yes, I would agree that there are gaps that are concerning.

DAC Richard Martin: Yes.

Q83 Chair: And in your assessment, how important is it, purely from a policing operational point of view, to have a deal in place?

DAC Richard Martin: From an operational point of view, because we have always said that we want to keep the tools that we currently have, we would like to have time to further refine our plans. I think the risk of leaving without a deal is a challenge for policing.



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Steve Rodhouse: If a deal could close some of the gaps and challenges that we have talked about today, clearly that is something that I would favour.

- Q84 **Chair:** Thank you very much for your time and for your considerable preparations. I have one further question; I apologise. How much are the preparations for no deal costing?

DAC Richard Martin: For my unit, £6.2 million a year.

Steve Rodhouse: For the National Crime Agency for 2019-20, it is £10.6 million. I am not so sure on the .6, but it is in the region of £10 million a year. We do not have an agreed settlement for next year.

- Q85 **Chair:** Are additional resources going into individual forces on this as well, or is that the sum total?

DAC Richard Martin: I am not sure about contingency planning for my area. They may well be getting additional funding. I would have to check for you.

Chair: Thank you very much for your time. We will move on to our second panel.

Examination of witnesses

Witnesses: Deputy Chief Constable Stephen Martin, Peter May, Dr Andrew McCormick and Karen Pearson.

- Q86 **Chair:** Welcome to our second panel. I apologise; we will probably need to finish this session at 11.45 am for Members to be able to get into the main Chamber, so I ask you to give us as concise answers as possible. Could you all briefly introduce yourselves and set out your responsibilities on no deal preparation?

DCC Stephen Martin: I am the Deputy Chief Constable of the Police Service of Northern Ireland. Among a range of my responsibilities is to be the senior responsible officer for the PSNI's preparations for exiting the European Union.

Peter May: Peter May, permanent secretary in the Department of Justice. We are responsible for looking at those justice and security issues as they affect Northern Ireland in a devolved space.

Dr McCormick: Andrew McCormick, director-general for international relations in the Executive Office. That means I lead the whole Brexit preparation for the NICS team.

Karen Pearson: Hello. I am the director of EU relations in the Executive Office. I work for Andrew.



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Q87 Chair: Thank you very much. Initially, following on from the session we just had, can I have your assessment of how these issues around the European arrest warrant, SIS II and security and policing co-operation will play out in terms of Northern Ireland? What is the scale of the challenge in terms of the numbers of European arrest warrants or red notices? What preparations have you made for this?

Peter May: If I may start, Stephen can then say some more about some of the detailed operational issues.

We have been working very closely with the Home Office and the Department of Justice and Equality in Dublin to try to secure mitigations in the event that the UK leaves the EU without a deal. The two critical areas are in relation to European arrest warrants and the exchange of data. What I would say is that, all the issues that affect Northern Ireland are shared on a UK-wide basis. It is just that they matter more to Northern Ireland because the level of engagement on a cross-border basis, particularly with An Garda Síochána and other justice authorities, is so much greater than would be the case for any individual force in the rest of the United Kingdom.

On European arrest warrants, the Irish Government and the UK Government have agreed measures to ensure that there is an ongoing arrangement that will replace the European arrest warrants. It will rely on the 1957 Council of Europe convention. We understand and expect that that will be a slower and more resource-intensive process, but it is one that we believe should still enable extradition between the two nations.

Similarly, in relation to data exchange, there is an agreement in place with the Irish Government, published in July, that recognised this explicitly. There is a data-sharing agreement in place that will allow for the continued sharing of data, for example in relation to policing, probation services, sex offenders and all the rest on an all-Ireland basis.

We believe that there are mitigations that will prevent the worst dimensions in relation to a no deal. I do not have the numbers for the number of European arrest warrants currently outstanding, but it is a moving picture—obviously, it changes every day. I do not know whether you have any more information in relation to that, Stephen.

DCC Stephen Martin: In terms of the numbers we would generate, in the period from September '18 to August '19, the Police Service of Northern Ireland generated 38 European arrest warrants. Of those, 12 went to the EU other than Ireland and 26 went to Ireland. Received by ourselves were 44 from the EU other than Ireland and five from Ireland.

At the risk of repeating what Peter said—I think he has addressed our preparations for the European arrest warrants—the management and exchange of information is as described. We play our part with the ICC that Richard Martin, your previous witness, leads on. PSNI are part of that; we have been part of that from its infancy. We seek to exploit the fall-back measures that he will have described to you in evidence.



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Then there is the additional work that has been going on between Peter and colleagues and the Department of Justice in Ireland to try to get particular arrangements and ensure the exchange of information in the absence of EAWs, post the withdrawal, between the Police Service of Northern Ireland and An Garda Síochána. Obviously, while we engage with the rest of Europe, the issues between ourselves and the Republic of Ireland are much more acutely felt, potentially.

Q88 **Chair:** On red notices, you will use the same red notices system in place of the EAWs.

DCC Stephen Martin: We will, in the absence of SIS II.

Q89 **Chair:** Which court will you have to go to in order to get permission to arrest based on a red notice?

DCC Stephen Martin: We would have to go to one of the local courts in Northern Ireland.

Q90 **Chair:** So you do not have to go to Westminster magistrates court to get permission to arrest based on a red notice.

DCC Stephen Martin: No, it is my understanding that we would go to courts in Northern Ireland. We have our own courts system there with our own Lord Chief Justice. Obviously, we are part of the whole United Kingdom and our ultimate court of appeal is the Supreme Court, but we have our own Court of Appeal, for example.

Obviously, that is the issue at the moment. Officers, in the knowledge that the European arrest warrant exists, can arrest at the time of detection of the individual, but potentially relying on an Interpol red notice means there is no power of arrest and we would have to go to court to seek that warrant for arrest.

Q91 **Chair:** Similarly, in the Republic of Ireland, if they have a red notice, do they have to go to court first or can they just arrest straightaway?

DCC Stephen Martin: I am not aware of how it would work in the Republic of Ireland's jurisdiction.

Q92 **Chair:** Okay. That feels like quite an important thing in terms of understanding the time lags and the capability gap.

DCC Stephen Martin: For them—a different jurisdiction.

Q93 **Chair:** Well, actually, for us. If we want somebody, we would previously have put out a European arrest warrant; now, we put out a red notice. We hope, because we are working closely with them, that they are looking at the red notices where other countries might not be, but it would still be quite helpful to understand whether they can pick people up straightaway or there is going to be a time lag.

DCC Stephen Martin: I would need to find that out from consultation with the other jurisdiction and come back to you on it.

Chair: Okay.



- Q94 **Janet Daby:** My question is along the same lines. What would the impact of the loss of EU tools be on your ability to work closely with the Republic of Ireland? Clearly, one is being identified straightaway, in terms of not being aware of how the Republic of Ireland would deal with somebody and how they would get them back to us, which is what we would want. How else would there be an impact?

DCC Stephen Martin: I want to stress at the outset that the PSNI and An Garda Síochána co-operate exceptionally well. We are, for example, part of the joint agency task force that was set up under the “Fresh Start” arrangements, which was an arrangement under the devolved institutions in Northern Ireland. We co-operate every day. Every day, there is an exchange of information about sex offenders, organised crime—probably not a day goes by when some of our officers and staff are not meeting their counterparts in An Garda Síochána. Our commitment to maintaining that professional partnership and relationship is unequivocal.

Of course relationships take you only so far. You need the legislative and legal underpinnings to supplement those relationships. Currently, many of those underpinnings are provided by the European Union. If there is a withdrawal that sees those European justice measures fall away, we will be reliant on the arrangements that Richard Martin will have briefed you on, such as the '57 convention instead of European arrest warrants, and the '59 legislation in relation to the sharing of information—Interpol as opposed to SIS II. All those arrangements will work, hopefully, and work to a good extent, but they will be slower generally, will be more bureaucratic generally and will certainly be sub-optimal compared with the package of measures that we have now.

There was recognition of this some time ago, and we have been working with our partners in An Garda Síochána, in the Department of Justice and in the Irish Government to try to ensure that, whatever happens, we have the best fall-back measures available, pending political developments and the creation of—if it is indeed—new legislation, new treaties, between the United Kingdom Government and other member states of the EU.

- Q95 **Janet Daby:** Do you anticipate a time delay, in terms of outcomes, in the work—because obviously certain legislation is not in place—if we were to crash out with no deal?

DCC Stephen Martin: A lot of the mechanisms that have been described to you will be slower. Access to criminal records will be slower. You have been through this in the previous session: the use of Interpol's I-24/7 will require double keying by the member states. The prevailing member states will obviously still be sharing information on the SIS II system, but we will then ask them to share information with us on the I-24/7 system, which will require double keying. It will also be subject, because there will be two systems, to data adequacy issues. So there is no doubt that many of the measures will be clunkier and slower. Ultimately, it's our ambition and our desire that they will work, pending the United Kingdom Government's political developments with the EU.



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Clearly, we are apolitical on the issue of the European exit. Our interest is as law enforcement professionals protecting people and detecting offenders. We enjoy now measures that are well tested and work, and we would just like to see that, whatever happens, that sort of package of measures is ultimately replicated.

- Q96 **Janet Daby:** Have you considered how this will affect the morale of your officers and your other staff, and how this will affect people day-to-day in terms of how they feel about their work and the delay? It sounds like it will be a very difficult adjustment.

DCC Stephen Martin: I am proud and pleased to say that the officers and staff who work for the Police Service of Northern Ireland have a very strong public service ethos, and while of course there may be some frustration if something takes 60 days as opposed to the current six days, our public service ethos will carry us through. Probably pressures will be felt in other ways as a consequence of the European exit for the Police Service of Northern Ireland, depending on what the border looks like, for example.

- Q97 **Stuart C. McDonald:** Could I ask specifically about arrangements for extradition between the north and the south after a no-deal Brexit? How would that impact on extradition procedures?

Peter May: For extradition at the moment we allow the European arrest warrant, just as all other parts of the UK do. Through detailed discussions and arrangements between the Home Office, ourselves and the Department of Justice and Equality in Ireland, we have agreed how that will operate using the 1957 convention. As Stephen has said, we anticipate that that will be a slower process.

Of course there is a risk, because we have not been using that process for a very significant amount of time. If you go back 30 years, extradition was a challenging and difficult issue, particularly between the north and the south, but our discussions with Irish authorities suggest that they are fully signed up to the need to ensure that there is a viable means of extradition, and they reference that in the contingency plan that they published in July 2019, where they state: "Measures will be in place to ensure a viable extradition system with the UK in a no deal scenario".

We are also engaged in detailed discussions with them about how in-flight cases will work—in other words, cases that are currently subject to the European arrest warrant. That European arrest warrant provision will end at whatever point we leave the European Union if there is not a deal. There are mechanisms in place to ensure that those cases do not simply fall through a hole in the system and that they are captured. That will require judicial processes within Ireland to enable that to happen.

- Q98 **Stuart C. McDonald:** Is it enough simply to rely on the old convention that used to be relied on? Given that there is a land border, is there not a need to try to come to a bilateral agreement on a particular extradition?



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Peter May: At the moment, this is being led at a nation-state level. It is certainly our aspiration that after the UK has left the European Union a future relationship is developed with the European Union that puts in place as many of, or the equivalent of as many of, these measures as is possible. Certainly in relation to extradition, we are not saying that the 1957 convention will be as good as European arrest warrants but we believe that it is a viable means of ensuring that extradition can continue to happen.

Q99 **Stuart C. McDonald:** Is it not the case that it could take a considerable period of time to come to an agreement with the EU27 as a whole? There have been examples of other countries taking several years to get to that point.

Peter May: Indeed. Clearly, that is not something that is within our gift, and I am no better placed to judge how long it would take than anybody else. There is, under the Good Friday agreement, an inter-governmental agreement on policing and one on criminal justice. That operates on a north-south basis. There could be some opportunities through those agreements, but again you will understand that at the moment we are operating without political direction in the devolved space and we clearly need political direction in order to take forward any measures under those agreements, which are in addition to what is already in place.

Q100 **Stuart C. McDonald:** Just to double check—I should really know the answer to this—is it even possible for the UK to come to a specific bilateral agreement with the Republic of Ireland on extradition, or does it have to be done through the whole EU27?

Peter May: I suspect that any agreement, if it were to be done bilaterally, would need to be compatible with the wider EU arrangements.

Q101 **Stuart C. McDonald:** In relation to what we heard earlier about access for law enforcement agencies to all the various databases, such as SIS II and so on, has all of that just been co-ordinated at a UK level, or are there special bits of work that have been carried out in Northern Ireland?

Peter May: It is all being done at the UK level. Most of the issues are no different for us than elsewhere. Indeed, it is worth noting that Ireland is not currently a member of SIS II, although they have plans to join it, and similarly, in relation to Prüm, they are not currently a member but have plans to join it, so there would be no loss on a north-south basis in relation to those two elements, at least in the short term. That is just a piece of information that you may or may not be aware of.

Q102 **Stuart C. McDonald:** Finally, we had some reports in the last couple of weeks about the UK Government perhaps requiring EU citizens to undertake criminal record checks before they can live or work in the UK, including after a no-deal Brexit. Have you had discussions with the UK Government about those proposals, and how they might have an impact on the common travel area?

Peter May: The ECRIS system relating to criminal records, which I think you may be referring to, is one of the areas, along with passenger records,



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that there is currently no fall-back for in relation to a no-deal exit. We are certainly in discussions with the Home Office, but at the moment there is nothing in place to mitigate that.

Q103 Stuart C. McDonald: Have they said anything about what would happen after a no-deal Brexit? First of all, there was talk of ending free movement altogether on day one, but they seem to have gone back on that a little bit. However, there was also talk about, from day one after a no-deal Brexit, increasing the criminality checks on EU nationals, either at the border or even at the point that they seek employment.

Peter May: There is no clarity for us about the position on freedom of movement currently. The obvious point to make is that there are no checks on individuals as they move from Ireland to Northern Ireland. The PSNI is not a border force and could not be a border force. Border Force itself, while it operates at ports and airports, will undertake some operations in conjunction with the PSNI more widely, but it does not seek to have a footprint on the border, for well-understood and long-standing reasons. There would be no means of checking individuals' criminal records as they pass from Ireland to Northern Ireland.

Q104 Stuart C. McDonald: But if they were seeking employment, for example, has the Home Office given any indication to you that employers might now need to do an enhanced criminality check on EU nationals?

Peter May: We have a similar system for checking criminal records for people seeking employment. Where appropriate, those tests and checks already involve going to other authorities outside the UK to establish whether there are relevant criminal records.

Stuart C. McDonald: In what circumstances would an EU national seeking employment—

Peter May: We have the AccessNI system, which looks at and addresses— As I said, it is very similar to the arrangements that apply elsewhere in the UK, with enhanced checks for those seeking to work with vulnerable or young people, and then a more basic check for normal employment.

Q105 Douglas Ross: At what stage are discussions about mutual aid from other police forces in the event of a no-deal Brexit?

DCC Stephen Martin: The mutual aid arrangements are part of the national police contingency plans. We have had access to those for quite some number of years. In fact, we drew down on mutual aid for public order assistance in 2013. That was the last occasion. Since 2013, we have had those arrangements in place, principally for each summer period—the parading period in Northern Ireland—but thankfully have not needed to have recourse to them.

Because of the uncertainty associated with the exit from the European Union, we have sought to extend those mutual aid arrangements over the summer and beyond this year, and to have that contingency available to us in the event that we have, for example, civil unrest or disorder as a



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consequence of the European Union exit. Those arrangements are well in place. They are done through the national co-ordinating arrangements. We have the capacity to bring in up to 14 public order support units from Great Britain at a time, for a week's rotation. They would be replaced, and as one batch of 14 leaves, another batch of 14 would come in. That arrangement has been in place for some months, but it is our earnest hope that we will not need to draw down on that mutual aid. We would seek to use it only in extreme circumstances if what we were facing was beyond our ability to manage within PSNI recourses.

Q106 Douglas Ross: As the second biggest force in the country, what proportion of that do you envisage coming from Police Scotland?

DCC Stephen Martin: I know there has been public commentary on that recently from within Police Scotland. These are national arrangements, and some of the assistance that is being put on contingency comes from Police Scotland, and some comes from other services in England and Wales. What we receive is down to national co-ordinating arrangements. It would not be for us to say, "We want Police Scotland officers over English officers or Welsh officers". We would be happy to have mutual aid in those circumstances where it was required and we believed it to be necessary. Who we got would be completely down to the national co-ordinating arrangements. I am aware that there is a likelihood that if we needed that aid and called for it, some of those officers would come from Police Scotland.

Q107 Douglas Ross: How do you respond to the concerns raised by Calum Steele, the General Secretary of the Scottish Police Federation, about the safety of Scottish officers if they go over there?

DCC Stephen Martin: First, I understand those concerns, and I would have empathy with them. I would also seek to reassure him that planning and logistics are in place, and we would look after the hygiene factors, first of all, of his officers—they would be well accommodated and looked after. We would make sure to have local liaison officers accompanying them on their deployments, and it would not be our intention to deploy them on the border. We would deploy them in other areas to allow us to release some of our officers to augment the border arrangements.

Q108 Douglas Ross: So if your officers move to the border, others would be backfilling—

Peter May: It could be that they are moved not to the border but to seats of disorder.

DCC Stephen Martin: It would be our intention not to place those officers in the border areas. It would be outwith the border. Certainly, they are public order resources, and if we are seeking them it is conceivable that they would be deployed to potential disorder situations.

Q109 Douglas Ross: How different, if at all, are the training techniques and operations that PSNI uses for public order, compared with Police Scotland, the Met or any other forces?

DCC Stephen Martin: There are variations, but I assure you that the units that are trained to come to Northern Ireland have all been trained with a consistent set of methodology. Those issues have been addressed in the training and preparation.

Q110 **Douglas Ross:** At what stage do you make the decision? Obviously, it is difficult to anticipate what happens, but it is also difficult at a click of a finger to get 14 units across and start those rotations. If it looks like the country is going to leave without a deal on 31 October, when would you envisage that calls for those deployments from Scotland, the Met and others would be made?

DCC Stephen Martin: First, we would seek to absorb a certain amount of pressure. If a strong and credible intelligence base suggested that extensive disorder was to occur, and that it would be outwith our immediate ability to cope without mutual aid, is it conceivable that we would seek mutual aid in anticipation of that? Yes, that is conceivable. I think it more likely that we would experience disorder for a period of time and come to a view that we needed that assistance. You are quite right to say that it takes a number of days. It is not like pressing a button and having units there the next day. It takes a number of days for them to be mobilised in the first instance and come over. Once it starts, rotations will happen in a seamless way, but that first period will take a number of days. It is conceivable that we would do it in anticipation, but, again, we see it as a measure to be used in extreme circumstances, and that would be a commitment that we have made to the national co-ordinating arrangements.

Douglas Ross: Thank you. For complete openness, I remind the Committee of my declaration of interest: my wife was a Police Scotland officer but is currently on maternity leave, so she will not be involved in the service.

Q111 **Chair:** Can you just confirm that the two areas where you would anticipate needing additional police resources are the border and public order issues?

DCC Stephen Martin: The mutual aid officers from Great Britain—we do not anticipate putting them in and around the border area.

Q112 **Chair:** Sure. But what are the areas where you are expecting increased pressure or demand?

DCC Stephen Martin: On policing?

Q113 **Chair:** Yes.

DCC Stephen Martin: Well, some of that depends on what the withdrawal arrangement looks like.

Q114 **Chair:** In the event of no deal?

DCC Stephen Martin: I think the safest way to answer that is by saying it is very uncertain. However, if we saw circumstances in which the land border was re-emphasised in a way that it is not currently emphasised—



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for example, with regulation or checking mechanisms, for whatever reason—or the state acted in a way that it does not operate at the moment, it is highly likely that that would be resisted. Inevitably, that resistance would take the form of threat, which the PSNI would have to come in and support. That would be a pressure that we can conceivably see.

It depends on the economic shock associated with the withdrawal. If we saw businesses and farms fold, and that economic shock played out in some of the scales that have been scenario-planned, the pressure on policing is likely to increase, as people become distressed and perhaps engage in criminality.

We have not yet talked about dissident activity. I know that dissidents would certainly seek to exploit any re-emphasis of the border. Although I recognise that all of it is uncertain, there is a whole range of very foreseeable scenarios that could play out and that would lead to pressure on the Police Service of Northern Ireland in and around the border area. We could see street disorder and protest at different places in Northern Ireland and not confined to the border area, but it all depends on the nature of the withdrawal—particularly the consequences for people of that withdrawal.

Q115 Kate Green: Just one other question, which is roughly related. There has been some suggestion that direct rule might be necessary in the event of a no-deal Brexit. How do think that will be perceived, and what impact might it have on your operations?

Peter May: Ultimately, the issues that face us in relation to the lack of political authority at the point when we leave the European Union come to what decisions can be taken. Andrew might want to say something more widely about that. In terms of the community reaction to direct rule, a lot would depend—as Stephen has already said in response to the Chair—on the precise circumstances that we are dealing with. It is quite hard to make an assessment, in abstract, around that.

Dr McCormick: There is potential for that to cause considerable tension. By definition, direct rule is in tension with the principles of the Good Friday agreement, which involve a cross-community Government. To reimpose something that is seen as one-sided would definitely create a reaction. It then depends on what comes out in the particular circumstances. It is something that we are very sensitive to. One reason it is not in place now is because the parties going into devolution back in '07 made it very clear that the previous powers to suspend, which were used several times between '99 and '02, were not appropriate. They were a crutch that needed to be removed, to ensure that the devolved institutions were as strong as they could be. We have had another set of difficulties, but that principle of continued engagement on devolution is overriding. That means that direct rule is opposed by all representatives of the nationalist/republican side and would be received as a big retrograde step.



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On the other hand, as Peter said, there needs to be ministerial decision making. It is in an uncertain, fluid and emotional context where Ministers need to be in place to take quick, responsive decisions. We can act under the existing legislation in the public interest—that is a clear responsibility. It is a very different thing to take responsive decisions to emerging situations. That is where political choices are vital.

Karen Pearson: That is absolutely right. It is a balance between the impact on communities of direct rule where that is opposed, compared with the inability of the civil service to take some key decisions that may be necessary in an emerging situation.

Q116 **Chair:** Can I ask about border and customs preparations in the event of no deal? Tariffs will apply in a no deal. What is your current planning for dealing with that in terms of customs checks and tariffs?

Dr McCormick: Customs are not devolved, but we are saying to the UK Government that there is a need for deeper and better information for Northern Ireland businesses to prepare. What has been emphasised from the UK side is the decision not to apply tariffs at the land border, as a means of demonstrating firmly that the UK Government will do everything they can not to introduce a hard border. That links to some of the concerns that Stephen has mentioned.

If there is no deal, there is a hard economic border immediately, because the EU acquis will apply south of the border, and all trade going there has to comply or be illegal. It can comply only if the Irish Government establish the means by which the checks and compliance can be assured. On whether that is done at the physical border, everyone says no. That is not a practical or real-world proposition, because the consequences would rule that out immediately. But if there are no checks, there is no legal basis for trade so, in a way, no border south of the border is a barrier to trade. If that is mirror imaged by no checks on goods moving from south to north, the risk of that creating tension is very high.

For supplies, especially of agri-food, the EU tariffs are very high; they are designed to protect the single market and would automatically apply. There is no possibility of the EU legislating to remove them at the land border. Therefore, our farmers and agri-food producers will be unable to export to the south unless they can pay the tariff, but the tariff would make them unviable. In the other direction, goods have been moving from south to north. That could be seen as very provocative. That is a particular potential root cause of some of the security assessments that have been done.

Q117 **Chair:** Are you involved in drawing up the arrangements for tariffs and customs checks for goods coming from the Republic of Ireland into Northern Ireland?

Dr McCormick: We have no role in that. We were involved in the deliberations on that policy before it was adopted. It was announced on 13 March that the UK temporary tariff regime would not apply at the land border. That is the only way in which the Government can fulfil their

commitments not to have a hard border, but that has direct and very difficult economic consequences.

Q118 Chair: What is your assessment of the smuggling consequences?

Dr McCormick: Anything that increases the scope and range of differentials creates opportunities for not just smuggling but for—

Peter May: There is a long history of smuggling on a cross-border basis. At the moment, that is primarily in areas such as fuel, alcohol and cigarettes, but as soon as you create tariffs and economic opportunities in, say, the agri-food sector or in other sectors, you could find organised crime growing significantly and quickly. That depends on behaviours—it is not something that the Government can assess easily from the outside.

Q119 Chair: Is that an incentive for smuggling that runs through Northern Ireland, in other words, from other parts of the EU through Ireland and Northern Ireland and into other parts of the UK, or is it just about smuggling across the north-south border in Ireland?

Peter May: It is probably most intense on a north-south basis, but there are certainly risks more widely, depending on what checking arrangements—there are already some in place at the North channel.

Dr McCormick: People will adjust. If doors are open, people will go through them. The UK policy is known and acknowledged to be temporary and not sustainable, because if it lasted a long time, the criminals would adapt and new routes would be exploited. What is absolutely essential is that there is work towards an agreement with the EU and the Irish Government to establish something that is sustainable. That takes you into the whole question of how the border works fully and properly on an agreed basis. The essence of the status quo is something that has agreement—it is supported by the Good Friday agreement. Indeed, the border, in a sense, is seen as legitimate from an Irish Government or a republican point of view only based on the Good Friday agreement, so there is a need for a new agreement that makes that strong again. If we end up with no deal, that is a divisive thing in political and constitutional terms, and there is a need for something practical that is worked out and agreed as soon as possible after exit. No deal is absolutely not a sustainable position.

Q120 Chair: I can see that there are all these political challenges, but I am also interested in the technicalities—what is possible in the event of no deal. If you had something like sugar, where there will be tariffs on French sugar coming into Yorkshire, will there be an incentive under this system to take it via Dublin and Belfast?

Dr McCormick: What HMRC has said is that, if people change their business model and adapt to deliberately exploit the openness of the land border, the tariff would be payable. The question that begs is how and where that might be enforced. I have not heard any sustainable answer to that question, which is why I think the recognition from HMRC and the wider Government system is that the model they have announced is not

sustainable. It is necessary—it is a very visible and powerful political statement of no hard border—but it has practical consequences that are very difficult.

Q121 Chair: Just on the temporary system that has been announced, if I were a company exporting sugar from France to Yorkshire, and instead of taking it through Dover I decided to take it via the Irish Republic, through Northern Ireland and then across through the ports, at what stage would there be an obligation to pay a tariff at the moment, if I took that route?

Dr McCormick: The obligation would kick in when seeking to move the goods from Northern Ireland to Scotland.

Q122 Chair: Does that mean, therefore, that there will have to be checks between Northern Ireland and Scotland, for example, on goods?

Dr McCormick: That is a logical consequence. My understanding is that there are not any plans to have such checks, but that is a matter for HMRC and the UK Government to answer.

Peter May: There are some checks for livestock and so on.

Dr McCormick: Yes. That is only in the other direction—that is for live animals coming into Northern Ireland, because Northern Ireland is a single epidemiological unit with Ireland. On the control of the agri-food sector and everything to do with plants, animals and human health, there is very strong working between north and south in the status quo. That is one of the major underlying factors, and even recent comments by the Prime Minister recognise that that is a natural thing to look at. Exactly how it plays out depends on where they settle in the negotiations.

Q123 Chair: At the moment, a legal obligation will kick in at the point at which it moves to Scotland, or to Yorkshire, but there is no current way of checking or enforcing that legal obligation.

Dr McCormick: It is clearly easier to enforce at ports and airports than at the land border. The nature of the land border means there are no physical means possible by which it could be conceivable to have comprehensive checks. I am saying this hypothetically, and this is all subject to further comment by the UK Government—and, of course, the statutory instruments to make these things happen have not yet been introduced. This is all part of no-deal contingency planning.

Q124 Chair: But fundamentally, no one has yet come up with a way to avoid either having checks between the Irish Republic and Northern Ireland, or between Northern Ireland the rest of the United Kingdom.

Dr McCormick: There is a third theoretical possibility, which is that there will be checks between Ireland and the rest of the EU. That is clearly totally contrary to Ireland's place in the single market, and would be incredibly strongly resisted. But I just put that forward as a third theoretical possibility.

Q125 Chair: Finally, in terms of what you anticipate, going back to the issues



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for security and to the smuggling incentives, you referred, Mr May, to existing networks—smuggler-organised crime networks and so on—that can exploit this. What is your level of concern about the expansion of some of these organised crime networks, and about their relationship with dissident organisations, if this situation continues for some time?

Peter May: We assess there are around 90 organised crime groups operating in Northern Ireland, of which between a third and a half have a cross-border dimension. We assess that around a fifth of them have a connection to one form or another of paramilitary organisation. If you create the incentives to extend their operations into many new fields, depending on the nature of the no-deal arrangement, then clearly that could have very significant impacts, both in relation to the efforts being made in Northern Ireland to recreate what we call a culture of lawfulness, and in terms of funding opportunities that might be available for dissident groups as a result of serious and organised crime.

Dr McCormick: I would just add a point in relation to the way this is being talked about now, and the intense pressure to avoid checks at the physical border. If there is a proposal, either in the deal context, through the alternative arrangements work, or in a no-deal context, to have checks away from the border, that may be fine and helpful to facilitate compliant traders, trusted traders, people who want to ensure that their trade is legal and effective, but the larger the gap, the larger the scope for the organised crime.

Q126 **Chair:** The larger the gap?

Dr McCormick: Between the border and the checks.

Q127 **Chair:** I see—the physical gap.

Dr McCormick: Yes, and lots of things are being talked about as being done at some central location or on the premises, but if there is no evidence of having crossed the border, what is the basis for enforcement? That is an unanswered question at the present time.

DCC Stephen Martin: I would echo that. We have cross-border crime now. We have seen that the groups involved have been adaptable, depending on where the demand is and where the ability to make money is. If, as a consequence of the withdrawal, 40% tariffs will be imposed from north to south, with nothing south to north, that makes it possible for groups to step into that space and make money.

I think it is highly foreseeable that the scale of cross-border crime will increase. Then, of course, the links to dissident republican groups and other paramilitary groups add a dimension to the organised crime phenomenon in Northern Ireland that takes it outwith the experience of the rest of Great Britain.

Q128 **Chair:** Do you think that is fully understood among those who are making the decisions?



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Peter May: We have certainly lost no opportunity in seeking to draw this to people's attention. It is harder to assess the extent to which it is fully understood.

Dr McCormick: We have good access to UK Government colleagues at the present time. David Sterling, the head of the civil service, has written letters setting some of these points out. We are certainly doing all we can to get these messages across.

Q129 **Chair:** Do you have access to No. 10?

Dr McCormick: Not directly, no.

Karen Pearson: The model we use to describe the situation for us, particularly in Northern Ireland, is that you cannot separate the economic from the social and the justice issues; if you impact one, you have to impact the other two. For instance, our assessment is that we have 40,000 jobs depending on exports. That does not include the agri-food sector. If we lose any significant number of jobs on an export basis, that is going to have social impact issues and consequent justice issues, and they will all play out as a single risk for us.

Chair: Unfortunately, we have to close the session, but thank you very much for your time, and for the immense amount of work and preparation that I know you and all your teams and staff are doing.