

## Home Affairs Committee

### Oral evidence: [Home Office delivery of Brexit: policing and security co-operation](#), HC 635

Tuesday 23 January 2018

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Members present: Yvette Cooper (Chair); Rehman Chisti; Stephen Doughty; Sarah Jones; Tim Loughton; Douglas Ross; Naz Shah.

Questions 113–215

#### Witnesses

I: Rt Hon Nick Hurd MP, Minister of State for Policing and the Fire Service, Home Office, and Shona Riach, Europe Director, Home Office.

Written evidence from witnesses:

- [Home Office](#)



## Examination of witnesses

Rt Hon Nick Hurd MP, Minister of State for Policing and the Fire Service, Home Office, and Shona Riach, Europe Director, Home Office.

Q113 **Chair:** Welcome everybody to this afternoon's session of the Home Affairs Select Committee inquiry into the Brexit arrangements for policing and security. Minister, Ms Riach, can I welcome you to the Committee? We are very grateful for your time this afternoon.

Can I start by asking you about the timetable that you expect, going forward? Have formal negotiations on security issues for the transition agreement started?

**Mr Nick Hurd:** No, but they are about to and the stated intention was to try to conclude them by the end of March.

Q114 **Chair:** Who will be leading on those negotiations? Will it be DExEU or will it be the Home Office?

**Mr Nick Hurd:** Predominantly DExEU.

Q115 **Chair:** The original plan that the Home Secretary set out for us was to try to get the Security Treaty agreed in time for Brexit day. Is that still the plan or are you now pursuing two separate negotiations: first around the transition and then around the treaty?

**Mr Nick Hurd:** My understanding is it is still the plan but the immediate priority is to secure an agreement about the implementation.

Q116 **Chair:** Those would effectively be two separate processes but you would still like to get the Security Treaty agreed?

**Mr Nick Hurd:** That is the current intention, yes.

Q117 **Chair:** Can you confirm it is still the Government's intention to stay in all of the existing information databases?

**Mr Nick Hurd:** Correct.

Q118 **Chair:** Also in Europol as full members during the transition?

**Mr Nick Hurd:** Our broad intention, Chair, is to try to emerge from these negotiations with an outcome that is as close to the status quo as possible, but also to persuade our European partners that we can do better than that. Although the imperative is to maintain and preserve the existing mutual capability, there is an opportunity to go beyond that to create an ongoing strategic partnership—which you have heard us talk about—that is more forward leaning and dynamic, which reflects the environment that we are trying to manage, both in terms of risk but also the opportunity that continues to emerge from technology to create new mechanisms and do better together.

We think it would be a shame to limit the conversation simply to the very important appearance of retained capability. We would like to try to



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engage our European partners with a discussion about something that is more forward leaning, a bold ambitious strategic treaty that would link into that.

Q119 **Chair:** What would be an example of something that would be better than we have now?

**Mr Nick Hurd:** It is more about the process going forward. I come back to what I said before. You and the Committee are well aware that the environment in which we are operating is hugely dynamic and moving very, very fast, both in terms of risk but also in terms of the opportunity to manage that risk through technological advance. The right approach to us seems to be to look to build on the success, because we have worked very hard together to build these mechanisms.

They work well on the whole but they cannot stand still. If we are partners in them then the process we set has to be forward leaning, in terms of trying to create a process whereby we continue to shape the future together and that, as and when new mechanisms or new endeavours come forward, the UK, for example, has an opportunity to opt into that. I cannot tell you what they are, because the environment is changing its dynamic so fast that it is hard to predict.

Q120 **Chair:** I am still struggling to understand what you mean. Are you saying you simply want a process to be able to opt in to future JHA arrangements, even though we are outside the EU?

**Mr Nick Hurd:** What I am saying is the priority is to negotiate a strategic treaty, which looks at the whole toolbox that we have spent so much time and some money constructing together, which works to try to see—as and when we emerge out of the European Union—that we preserve the capabilities that exist within those existing mechanisms. Looking forward five to 10 years, one thing we can be absolutely sure of is the environment will drive change. There will be new mechanisms and new ideas, so what we want to do is to try to create a partnership where we have that level of co-operation and joint working so that we stay on top of it together. That is what I said.

Q121 **Chair:** What I am trying to understand when you talk about, “We want to do better” or “We want to go further” or “We want co-operation that is better in future”, is whether you are referring to a structural arrangement that you believe will be better than our existing membership of the EU. Or are you simply saying, “We want an arrangement that allows us to take account of and to sign up to the new EU proposals”, whether that is new databases or new cybercrime stuff that is going on or whatever, and to basically be the kind of thing we would have been able to do if we had stayed in the EU, we just need the process to be able to do it?

**Mr Nick Hurd:** It is a blend of the two. Let’s be quite clear, the priority in negotiation is to preserve capability and our place in these mechanisms, because they are important to us and they are important to our partners and our participation is important to our partners. What I am labouring—



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perhaps clumsily—is to try to communicate the nature of the relationship that we want going forward. This is about negotiating the future of our relationship with our European partners in this area of security co-operation. I am not talking about specific things that we have in sight saying, “We want that” or “We want to opt in to that”. It is more about: can we negotiate a treaty that allows us to have the kind of relationship where we continue to work together in the way that we worked together in the past?

Q122 **Chair:** All I am trying to capture is whether this is a relationship you think is different to the relationship that we have now.

**Mr Nick Hurd:** Not materially, no.

Q123 **Chair:** You have disputed that, saying that it is better in some way, and I am trying to work out whether there is some structural arrangement and relationship with the EU that you think is better than our current structural relationship.

**Mr Nick Hurd:** In my mind, “better” is simply better than just stopping at a process of negotiating a settled agreement to protect existing capability because these mechanisms will evolve.

Q124 **Chair:** I see. To go back to my question: does that mean, in terms of just within the transition period, the objective is to stay as full members of Europol?

**Mr Nick Hurd:** In an ideal world our preference is clear. That is to try to maintain as close to the status quo as possible, friction free is good, fast is good, so I think—

Q125 **Chair:** The Home Secretary did say to us that it was to remain in Europol, in an ideal world.

**Mr Nick Hurd:** Yes, sure.

Q126 **Chair:** I want to clarify whether that is still the intention just for the transition period. Is it still our intention to stay as full members and with our existing relationships and so on within Europol during the transition?

**Mr Nick Hurd:** Yes.

Q127 **Chair:** Is it still our objective to be full participants in the European Arrest Warrant during the transition?

**Mr Nick Hurd:** Yes. Our intention is to try to maintain as close to the status quo as is possible.

Q128 **Chair:** Does that mean, therefore, continued direct jurisdiction of the ECJ over the European Arrest Warrant and Europol measures during the transition?

**Mr Nick Hurd:** I think the Prime Minister has been quite clear on that. What she wants is as smooth and friction free a process as is possible, and a system of one change so that when we move we change once. She



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has been quite clear as well that, during this period, if we have to live with the jurisdiction of the ECJ for a period of time then so be it. Our partners are very clear about our red lines, are very clear about the priority we will attach to exploring alternative mechanisms and the way we will attach that in negotiation. The Prime Minister has been very pragmatic about it and public about it.

Q129 **Chair:** Direct jurisdiction by the ECJ during the transition period, so that we can maintain full membership of Europol, the databases and the European Arrest Warrant, is an acceptable outcome for the transition arrangements?

**Mr Nick Hurd:** Until such time as we have agreed an alternative.

Q130 **Chair:** Thank you. In terms of the timescale going forward, what is the latest you think you can get those transition arrangements agreed before you have to start bringing in contingency plans?

**Mr Nick Hurd:** As I said at the start, Chair, our stated intention is to conclude these by the end of March.

Q131 **Chair:** I understand that will be the objective and that sounds extremely sensible to try to do so but, obviously, if the negotiations take longer around the transitional arrangement, what is the latest point before which you have to start activating some contingency plans and arrangements in case it is not agreed in time?

**Mr Nick Hurd:** The contingency planning is there. You will understand, Chair—and I am sure the Committee will—that I am going to be very reluctant to get drawn on the timing of drawing down contingency plans because we are about to embark on a negotiation.

What I will say—although we will not know for sure until the negotiation starts—the mood music around at the moment is positive, in the sense that our European partners have again made it very clear that, in fact, they are even more ambitious than us in terms of the timetable for the implementation period. I think both parties go into the negotiation basically saying, “We want to get on with this and we want to get quickly to an agreement on the implementation framework”. That is where we are now. Obviously, this Committee will take a very close interest in it and, if an agreement isn’t in place by the end of March, I am sure you will want to know why and what is going to happen next but that is where we are at the moment.

Q132 **Chair:** The kinds of contingency plans that you are looking at are what?

**Mr Nick Hurd:** Contingency plans for the event of no agreement upon an implementation deal, and contingency plans in the event of no deal.

Q133 **Stephen Doughty:** We have been talking about transition and obviously we are all hopeful to stay in Europol and stay in the European Arrest Warrant and so on, but, ultimately, if that is just the transition and then we drop off a cliff afterwards, essentially, the transition is just a plank out



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over the cliff and just delays the process. When she came before us in October, the Home Secretary told us very clearly that it was unthinkable that there will be no deal with the EU on security. Do you agree with the Home Secretary on that?

**Mr Nick Hurd:** Yes. Well, I think it is always safe to agree with your boss but I do on this occasion, Stephen. I don't know what the protocol of the Committee is but if I can use Christian names.

I do think, quite genuinely having looked at this—and I am relatively new to it—that in the context of the very complicated set of negotiations on which we are about to embark that will reshape our relationship with our European partners in this field of co-operation on security. It is clear to me, as it is to the Home Secretary, that there is a very good understanding of common risk. There is a very good level of mutual interest in securing and protecting the capabilities that we have worked together very, very hard to build over a number of years. They are valued by us all. We are a very big player in them.

All the mood music from our European partners into these negotiations, both from the Council in terms of their stated openness to a partnership and the informal conversations we have had with individual members, is that there is a lot of goodwill as we go into these negotiations. You will know that, until you are in them, you do not really have a real sense of time and where your partners are. We are as optimistic as we can be, at the starting point, that there is enough mutual interest here to be confident that we are going to get a very good hearing for what we are proposing—which is bold, it is radical and it is new—which is a holistic strategic treaty if you are looking at the whole toolbox. No one has pushed back on that to date.

Q134 **Stephen Doughty:** That is good to hear. Therefore, you agree with the Home Secretary that no deal would be unthinkable. Can you explain then why the Prime Minister and the Brexit Secretary have suggested that we could have no deal and why we are preparing contingency for no deal, if you think it is likely that we will get a deal and you agree with the Home Secretary that no deal is unthinkable?

**Mr Nick Hurd:** You would be astonished if the Government were not doing their job—any Government of any colour—in terms of contingency planning in this situation. The Prime Minister and the deputy Department have been very clear about the need to do that. In fact, I am going to a Cabinet meeting tomorrow to set out contingency plans. That is the responsible thing to do. That does not in any way undermine our level of optimism, which is rooted in what our partners in the past said.

Q135 **Stephen Doughty:** Do you not think it is sending very confused signals, if one minute the Home Secretary was saying, "No deal is unthinkable, we have to make this work. It is national security. It is about safety of citizens" and so on, and then for the Prime Minister and Brexit Secretary to be saying on the other hand, "No deal. No deal". What do you think



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about no deal?

**Mr Nick Hurd:** I don't think it is confusing. We have moved on from that in terms of where the negotiations are, in terms of the first phase being completed. I believe the Home Secretary was talking in front of this Committee specifically in the context of the co-operation on security arrangements, where we are very confident indeed that we will get a deal because of the mutual interest that is explicit and clear.

Q136 **Stephen Doughty:** The Prime Minister and the Brexit Secretary agree with you and the Home Secretary on that, that there will be a deal on security?

**Mr Nick Hurd:** As far as everything I have observed. The Prime Minister has been very clear right from the start, in terms of our statement of intent here, in setting out our stall for these negotiations, and specifically on the security piece: unconditional commitment to Britain playing its full part in the future security of Europe, and a very, very clear desire and a proactive offer to negotiate this kind of bold, strategic treaty. The intent is there. The ambition is there and the confidence—based on informal conversations and the formal responses of the Council—that there is willingness from our European partners to get quickly to a partnership in this space.

Q137 **Stephen Doughty:** I would certainly hope so. The Mayor of London has been very clear that it would make London less safe if we were to have no deal. The Inspector General of NATO has spoken out very clearly about the consequences for security co-operation, the real problems it would cause for the UK and the risks that it would cause.

Can you tell us, the £50 million that the Home Secretary has put aside for contingencies, what is that being spent on?

**Mr Nick Hurd:** I am not spending it, that I know.

Q138 **Stephen Doughty:** You are not spending it, so none of that £50 million contingency spending is being spent in the area of policing?

**Mr Nick Hurd:** I think it is mostly in the immigration area.

**Shona Riach:** The money that has been set aside is predominantly for contingency planning on the immigration side. In terms of the contingency planning on the police and security side, obviously, as the Minister said, there is detailed contingency planning in place.

Q139 **Stephen Doughty:** Has any of that £50 million been spent in policing directed by the Home Office?

**Shona Riach:** Not to date, no.

Q140 **Stephen Doughty:** Of the £50 million that is being spent in this financial year, is that being spent on personnel in, for example, immigration or training? What is it actually being spent on?



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**Shona Riach:** As I say, the £50 million relates to the contingency planning on the immigration side rather than on the policing and security side.

Q141 **Stephen Doughty:** Do you think you would be able to get us an explanation or—

**Mr Nick Hurd:** We can get a note into the Committee with an answer to the question.

**Stephen Doughty:** Well, a written explanation of what it is being spent on. Thank you.

Q142 **Chair:** Have you no funding put aside for contingency issues around policing and security?

**Shona Riach:** There is funding for those issues. The point is that most of the contingency planning that is being done now is being done on the immigration side rather than on the policing and security side.

**Stephen Doughty:** None of it has been spent on police. That is very, very clear.

Q143 **Chair:** But the question is: even if it has not been spent yet, do you have money allocated from within that £50 million, or is there a separate pot of money available for policing and security contingency operations should you so need them?

**Mr Nick Hurd:** I will write to the Committee on that, Chair. There is a contingency budget. We have not spent any of it on policing yet.

**Shona Riach:** I think the point here is predominantly a timing issue, in the budgeting for contingency planning. The Treasury have an overall pot for Brexit and for contingency planning and Departments bid into that to cover financial periods. We are not yet at the point where we are spending money on contingency planning in this area.

Q144 **Stephen Doughty:** Do you plan to put in a bid for funding? We know that the Chancellor has allocated £3 billion going forward and that is allocated across different years, so—

**Mr Nick Hurd:** If there is a pot we might. It depends on need.

**Stephen Doughty:** You might, okay.

Q145 **Chair:** We need to press you a bit on this because this is a bit of a concern. When we were looking into customs and immigration arrangements, we did conclude that we thought there was not enough investment in planning but, nevertheless, there clearly was some planning going on and some timetable for potential recruitment of additional staff. If you end up with a problem with your negotiations—and we all hope that that will not happen—and you end up not having the European Arrest Warrant in place, if you end up not having the Schengen information system in place, you are going to need some alternative



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arrangements, whether that is done by individual police forces, the NCA or the Home Office. Are you saying that you have no budget allocation to provide that additional contingency capacity if you need it?

**Mr Nick Hurd:** No. What we are saying is we have not spent anything on that to date. The planning is being concluded and, as I said, I am doing a presentation quite soon. What I have undertaken to do is to write to the Committee, to try to give you a bit more detail on process and what we can see in terms of possible funding requirements specifically in relation to the police area.

Q146 **Stephen Doughty:** It would be good to get an understanding of this because, when we have previously asked questions about this, we have not been able to get a straight answer about what the money is being spent on. In fact, when we asked immigration union representatives, they told us that none of the money was being spent on new staff or training for immigration officials. If it is not being spent on immigration officials and it is not being spent on policing, what is it being spent on? I am still completely unclear.

**Mr Nick Hurd:** Given that the contingency planning is towards the closing stages of it, I would not be surprised that money isn't being spent at the moment because we are still in the planning phase. As I have said, I have undertaken to you, Stephen, and to the Chair, to try to give you what information we can.

Q147 **Chair:** Our understanding is, particularly around some of the information database issues, that there will be significant additional capacity issues for the police should we be denied access to some of those information databases. Therefore, to understand at least what the reserves or what contingency funding is put aside, and then what timetable you will have for the decision points at which you have to start recruiting or training, in order to prepare, would be very useful.

**Mr Nick Hurd:** We will do what we can. There will be bits of that we can do and bits of that we cannot.

Q148 **Douglas Ross:** Can I go back to Europol and ask you to give a brief summary of the mutual benefits, which I assume there are not just to the UK but to the other EU countries, in keeping a close relationship with Europol when we leave the European Union?

**Mr Nick Hurd:** Substantial mutual interest. I am sure the Committee is aware—because I know others have stated it—that we are one of the largest contributors to the Europol data systems. I think the second largest, if I remember rightly. In 2016, the UK shared over 7,400 intelligence contributions relating to serious organised crime and counter-terrorism. 40% of messages passed through Europol have the UK either as a recipient, sender or copy, and we are a major contributor to what we call the policy cycle. We have people in there co-driving almost half of the EU law enforcement projects in important areas, such as trafficking of human beings and firearms. We are a very major stakeholder in Europol,



which is why we think the incentives are aligned to try to negotiate an outcome that is as close to the status quo as possible. We have not heard anything yet, although the test is: when you get into live negotiation to push back on that proposition. Again, it is a classic case where the mutual interest seems to be very, very strong indeed.

**Q149 Douglas Ross:** Because of that alignment, is there any concern at some of the language that has come out from Michel Barnier at the moment in terms of, "The UK has taken its decision to leave the European Union. It will be leaving Europol"? How does his view at the moment, and some of the language he has been using, compare to the mutual benefits the remaining EU member states will see compared to what this one negotiator is saying?

**Shona Riach:** As the Minister has said, there are clear mutual benefits to all members of Europol from UK participation. If you look closely at the comments that Michel Barnier made, he said that the UK will no longer be a full member of Europol when we leave the EU. In a way I think it is potentially a bit of a red herring, because the point is that the legal basis of the relationship will change when we leave the EU. Therefore, the UK will no longer be a full member of Europol as it is now. However, what the Government are looking for is a very close third country agreement that preserves the relationship and the working relationship as closely as possible as it is now. We envisage the relationship and the sharing of data to be very close to what it is now but, technically, it will be on a different legal basis.

**Q150 Douglas Ross:** On that legal basis, during the transition period, while we remain within Europol but lose some of our influence potentially, in terms of chairmanship and voting rights and such like, what advice do you have on the impact of that?

**Shona Riach:** As you allude to, the current director of Europol is a UK citizen. I think everybody would agree that he has had a very positive influence on the institution and the direction in which he has taken the institution. But he was not appointed because he was a UK citizen. He was appointed on his individual qualities. The new director of Europol has just been appointed and will take up post later this year. We very much look forward to her leadership and the direction that she will take the organisation in.

As the Minister set out, what we are hoping for is this dynamic relationship where we will be able to continue to participate in discussions around the future of the security relationship, including in Europol.

**Q151 Douglas Ross:** Presumably we have quite a strong hand in that, given how much of an influence we have to date in Europol. If it would be absolutely to the rest of Europe's disadvantage, to almost punish the UK in terms of what we put into Europol, just to put that we have decided to leave the European Union, and it would surely be to the benefit to maintain as many integral links with the UK and our input to Europol,



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even though we are not a full member, during the transition period and beyond.

**Mr Nick Hurd:** That is our belief. For all Governments, the issue of public security is paramount and we would certainly hope that our European partners would recognise our value to the Europol system and, therefore, to the security of their own citizens and respond accordingly, in terms of our desire—in terms of the implementation phase and beyond—to try to emerge with outcomes that are as close to the status quo as possible.

Q152 **Douglas Ross:** What have you looked at in terms of the changing dynamic within the negotiations, reduced negotiations with Europol and the European Commission taking on a bigger role to look at how things are done?

**Mr Nick Hurd:** The negotiation has not formally started so—

Q153 **Douglas Ross:** Going forward, the UK could potentially be the first country that deals with the European Commission rather than through Europol. What differences could you imagine we would see as a country dealing with the Commission rather than Europol?

**Shona Riach:** As set out in the paper that the Government published on law enforcement and security, we very much see Europol as being one part of this broader framework. Our intention is that, in the discussions that we have with the Commission, we will seek to discuss the range of measures and agencies as a single conversation, rather than doing individual measures one by one.

Q154 **Chair:** Can I clarify? You are saying that we will not be full members of Europol during the transition?

**Shona Riach:** No, sorry, during the transition period the intention is that we would be full members.

Q155 **Douglas Ross:** We would be in vote compliance?

**Shona Riach:** That is something that we will need to discuss with the Commission during the negotiation around the implementation period.

Q156 **Douglas Ross:** Surely that would change our status as full members. It would be like me coming along to this Committee just as an adviser to ask a question, but if it went to a vote we would not have any say in determining which way the vote went.

**Mr Nick Hurd:** That is subject to negotiation. As I said, our intent is during the implementation phase to basically maintain the status quo and, beyond that, to maintain as close to the status quo as possible.

Q157 **Naz Shah:** I want to talk a bit about the European Arrest Warrant. When she was Home Secretary, the Prime Minister said in 2014 that getting rid of the European Arrest Warrant would make the UK “a honeypot for all of Europe’s criminals on the run from justice”. Do you agree with that assessment?



**Mr Nick Hurd:** The European Arrest Warrant is an incredibly important tool in the box. The data is quite striking. Prior to the implementation of the European Arrest Warrant in 2004, fewer than 60 individuals a year were extradited from the UK to any country, not just the EU. Between 2004 and 2016-17, EAW has enabled the UK to surrender over 10,000 individuals accused or convicted of a criminal offence to other member states. This has included those accused or convicted of murder, child sexual offences and terrorism offences. During that period, the EAW has been used to surrender over 1,400 individuals to the UK to face justice, so it is a very important tool. That is why it is one of the tools in the toolbox that we want to preserve, and we want to preserve that capability as close to the existing status quo as possible.

Q158 **Naz Shah:** While you talk about maintaining it, how do you see us maintaining it? On what legal basis could the UK remain part of the European Arrest Warrant as a third country?

**Shona Riach:** As the Government set out in the paper that they published in September, the ambition here is to seek an overarching treaty that would provide access to a number of measures and tools, including the capabilities provided by the European Arrest Warrant.

**Mr Nick Hurd:** If you drill into that data that I have just given you, you will get a sense of the value to our European partners of the UK's participation in the EAW. Therefore, again, we come back to this point about the degree of mutual incentive and common interest here, which ultimately—and I am sure it has in your experience as well—determines successful negotiations. If you look at that data, you will see what a difference the European Arrest Warrant has made in a relatively short period of time. You can see it is a valuable instrument to us and it is a valuable instrument to our partners, and our participation is important to our partners.

Q159 **Naz Shah:** If we went for this overarching treaty, then how would we be seeking to replicate specific extradition models? What would happen in terms of extraditing people? For example, the agreement between the EU and Norway and Iceland, or will it be looking at a different kind of model? What are you exploring?

**Shona Riach:** All of this is subject to negotiation. Fundamentally, what we would be looking for is to preserve the capability that we currently have. In all of these things we are looking for something that is fundamentally different from existing precedent because the UK is starting from a different place, in that we have this very close relationship with the EU. We are currently members of the European Arrest Warrant and, as the Minister has said, that system is operating very effectively. What we would be looking for is for the treaty to provide access to the European Arrest Warrant as close as possible to the current model.

Q160 **Naz Shah:** We are looking at the current model, so why are we not just



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pursuing to stay in it as it is? I am trying to understand it a bit more because it is not making sense to me.

**Shona Riach:** My intention was not to suggest that we would not stay in it just as it is, but that is one of the things that we would be discussing as part of the negotiations.

Q161 **Naz Shah:** Are we pursuing to keep the European Arrest Warrant or an overarching treaty, because they are two different things?

**Shona Riach:** No. What we are pursuing is an overarching treaty that would include a number of different measures, including the European Arrest Warrant. On the European Arrest Warrant, specifically, the priority would be to maintain the capability that that provides. That could either be that the overarching treaty provides continued membership of the European Arrest Warrant, or it could be that the overarching treaty provides equivalent capability.

Q162 **Naz Shah:** Legal experts have suggested that some EU member states may not be able to extradite their own nationals to the UK under any arrangement other than the European Arrest Warrant. What assessment has been made of the potential impact of these limitations on the UK's future law enforcement capabilities?

**Shona Riach:** That is an issue, and that would definitely be one of the things that we would need to discuss with the Commission during the negotiations.

Q163 **Naz Shah:** We have not had that discussion yet?

**Shona Riach:** The formal negotiations have not begun yet.

**Naz Shah:** All right. Thank you.

Q164 **Tim Loughton:** To go back to Europol, Minister, who do you think has more influence in Europol, France or America?

**Mr Nick Hurd:** I would say France.

Q165 **Tim Loughton:** On what basis?

**Mr Nick Hurd:** On the basis of the history, the membership, the way in which they are part of the governance, the way that they are able to access data in a less complicated way than our American partners. Although I am not an expert, that would be my instinct looking at that.

Q166 **Tim Loughton:** Even though Homeland Securities have more personnel at Europol than the French police do and the Americans have no problems accessing Europol data?

**Mr Nick Hurd:** You might get different views on it, Tim. You asked me a straight question. I gave you a straight answer. Our American partners have a relationship with Europol. As far as I know, they are satisfied with it. It seems to work quite well, but my straight answer to your straight question is the one I gave.



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Q167 **Tim Loughton:** Who do you think has a stronger intelligence sharing relationship? Is it the Five Eyes countries, of which we are one, or is it the Europol nation states of which we are one?

**Mr Nick Hurd:** In what context are you talking about? Are you talking of counter-terrorism, serious organised crime?

Q168 **Tim Loughton:** Across the board but particularly counter-terrorism, in terms of ease of sharing information.

**Mr Nick Hurd:** Okay. It is not my field but, in terms of counter-terrorism, I would have thought that the Five Eyes network was especially important.

Q169 **Tim Loughton:** Would you agree that Europol countries benefit from the fact that one of their members—that is us—is a member of Five Eyes?

**Mr Nick Hurd:** I have not had those direct conversations but intuitively that would be part of our value add, as the data I gave the Committee in terms of the sheer volume of data that we contribute to the system—I think we are the second biggest contributor—so we have a tremendous amount of weight in that system.

**Shona Riach:** If I can add one thing to say that, in this context, it is important to remember that Europol is a law enforcement agency and not an intelligence agency.

Q170 **Tim Loughton:** Sure but I think a large part of the dialogue we have been having around Europol has been around access to intelligence sharing, and police co-operation is another function but it is a slightly separate function as well. The point I am driving at is: what remote interest could there be from the other members of Europol not to replicate as close a relationship as they have with the UK now as full members of Europol outside of formal Europol membership, be it some form of associate membership or anything else? What advantage would there be for the member states of Europol not wanting and negotiating on the basis that they want to achieve what the Minister has said they want to achieve?

**Mr Nick Hurd:** If they were looking at it, as they should, entirely through the lens of capability to protect their citizens, then I see and have heard no such objection. I come back to the point that I have laboured intensively. There are very heavily stacked mutual interests here to reach an agreement that is as quick and as friction free as possible. That is the basis on which we are all entering into this negotiation. As an experienced negotiator yourself, you are never quite sure how these things are going to go up but that is the mood music as we go into it, always looking for that level of common interest and in this area it is extremely high.

Q171 **Tim Loughton:** You would recognise the scenario that we heard at the NCA this morning, whereby the colleagues of our police across Europol



countries have basically all agreed that what they want—which is what you, Minister, have extrapolated that we want—is the same. The trouble is the UK needs to be punished.

**Mr Nick Hurd:** There may be some people making a political argument about that but, again, if we look at it through the lens of security, public safety, maintaining and improving our capability, it does not surprise me at all that the people inside the system who are working the system, who know that it works and know the value of the UK to it, will be saying, “We want continuity”.

Q172 **Tim Loughton:** Who do you think, therefore, will win the day? Should it be the EU politicians who have obviously a different agenda, or should it be the people who are the experts at Europol and what Europol seeks to achieve?

**Mr Nick Hurd:** Tim, I am not entirely sure there are two camps here, so I am not sure it is a case of one side winning an argument or not. This may be naive, but I come back to: we are all politicians. We know that the prime responsibility of government is public safety and the security of our citizens ought to be paramount.

Q173 **Tim Loughton:** Right. You are saying that in your discussions with your counterparts in other Europol countries, other Home Office Ministers, that they absolutely share the UK Government’s vision, which you have articulated, that they want to have that relationship as close as possible, and they see no reason why that should not be the case?

**Mr Nick Hurd:** What I know, Tim, from what the Council have said publicly—and we have to distinguish between the two things—and have stated their openness and willingness to negotiate a security partnership in the common fight against crime and terrorism. They are explicit on that, which we take encouragement from. I was talking to the Home Secretary yesterday about the kinds of informal conversations we are having with her counterparts, again, very high levels of goodwill in exactly the kind of language that you are expressing, about a desire for continued co-operation in this area; very much along the lines that we are doing at the moment.

Q174 **Tim Loughton:** Just on a bigger strategic picture on security, do you think that there are potential gains to the improvement of UK security post-Brexit from a policing and Europol activity-type perspective?

**Mr Nick Hurd:** I come back to the point that I was struggling to make before. Again, I am not an expert. I am relatively new to this area. What I know is that the battle against crime, the battle against terrorism, the battle against the things that unsettle our constituents, is a fantastically dynamic, fast moving arena where the risk is evolving the whole time. The capacity we have to manage that risk and respond to it, not least through the rapid pace of technological change, means that, given the importance of this, it must be right for us to be ambitious in this area and to talk to our European partners, with whom we have worked so well over



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so many years, to say, “Look, our starting point is a very positive one. Let’s move forward and let’s not take a step back. Let’s move forward but let’s embrace this opportunity together because we are better working together in this area”, as we know from the data that I have expressed here in terms of what these platforms have delivered.

We want to lift our eyes up to the future and the opportunity and the need to work together effectively going forward, rather than eyes down into piecemeal negotiations around individual tools, which we feel will end in a suboptimal outcome. Whereas, the imperative is to work together moving forward, protect the existing capabilities but create systems in a relationship going forward that allows us to be as equally dynamic. It is an environment we are trying to manage.

Q175 **Tim Loughton:** If your vision comes to fruition and there is the resource with it, it is perfectly feasible that UK borders could be more secure from the perspective of the UK post-Brexit than now?

**Mr Nick Hurd:** Yes, of course.

Q176 **Rehman Chishti:** To build upon what Mr Loughton was talking about, about data and EU security, of course, everyone accepts the first duty of the state is to protect its citizens, wherever that may be. Also, one has to look at the changes that are coming our way in relation to how that impacts on that first principle.

Just on the point of EU security and data, what would you say is the greater priority for the Government, retaining access to the EU security data or leaving the jurisdiction of the European Court?

**Mr Nick Hurd:** Our hope is that we can manage both. We have a red line. That red line is understood. There is a common recognition that the current reality in the future is one where sharing of data, good processes around data protection and data sharing are going to be absolutely critical and there need to be robust safeguards around that. I think it is recognised that the UK has been a leader over some years, in terms of driving forward data protection standards. We have worked very well with our European partners, as you know.

Our intention through legislation that is in the pipeline at the moment is to emerge with a situation that we in the UK are absolutely aligned—not just essentially equivalent, absolutely aligned—with the EU on data protection. In relation to the resolution of dispute mechanism, again, we have been quite clear about our red line on the ECJ. As Shona said earlier, there are alternative mechanisms to be agreed and negotiated, and that is our intent.

Q177 **Rehman Chishti:** You would say they are both of equal priority? You said there are red lines, but would you say—

**Mr Nick Hurd:** The ECJ is a red line. That is clearly important. As I said at the start, I don’t think one needs to be sacrificed for the other.



Q178 **Rehman Chishti:** On that very point: when you say one does not need to be sacrificed in relation to the other, the Information Commissioner gave evidence to us in December and this is what was said, "It is hard to think of how we could be outside of the scope of the European Court of Justice in terms of data protection for the data that are used and shared in that environment".

**Mr Nick Hurd:** She is obviously entitled to her view, but our view is it is quite possible to negotiate a data agreement with appropriate safeguards and protections and mechanisms for managing disputes and satisfying our red line on the issue of the ECJ.

**Shona Riach:** What I would add is that there are precedents for third country agreements with the EU in some of these areas on PNR and the Schengen information systems. In none of those precedents does the European Court have direct jurisdiction in third countries. In fact, if you look across the remit of third country agreements that the EU has with other countries in all areas, there is no precedent of direct jurisdiction in third countries of the European courts.

If we were to negotiate an agreement of the sort that the Government have set out, there clearly would need to be some mechanism in place for dispute resolution but that would not be the direct jurisdiction of the European Court.

Q179 **Rehman Chishti:** On that for clarification, you said some mechanics for dispute resolution. What is your thinking as a way for mechanics for dispute resolution in that scenario?

**Shona Riach:** Again, this would be something that would be subject to negotiation with the Commission. If you look at the third country precedents in this area, particularly on the law enforcement and security, the precedents focus on political dispute resolutions and joint committees in order to resolve disputes.

Q180 **Rehman Chishti:** Have they worked well in those scenarios? Even if they go for something that is already in place and how it is being used to resolve and settle disputes, you would probably want to get something that is really good rather than going to a system that is average. The system that is in place at the moment to resolve those disputes, would you say that is working exceptionally well at the moment?

**Shona Riach:** There are different systems in place and different precedents. I think what you can say is that there has been no example where a joint committee of this sort has had to suspend a third country agreement because it is not working.

Q181 **Rehman Chishti:** Just for further clarification, with regards to data adequacy, does the Government intend to seek a data adequacy decision from the EU before the end of the Article 50 period?



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**Shona Riach:** The Government published a paper on data sharing in August this year, and there are basically two options here. One would be to have an adequacy decision. The second would be to go beyond that and to have a broader, deeper relationship with the EU on adequacy. As the Minister has said, at the point when the UK leaves the EU, our data protection regime will be completely in line with the EU data protection rules.

Q182 **Rehman Chishti:** With regards to that, he has said there are two options that you could apply. Which would you say is the preferred option to go for?

**Shona Riach:** That would be something that the Government would want to discuss with the European Commission, but I think what we are saying is an adequacy decision is the minimum. It would either be an adequacy decision or it would be something even more comprehensive than that.

Q183 **Rehman Chishti:** What aspects of the UK's data protection regime would the European Commission be looking at to make that positive adequacy decision?

**Shona Riach:** In order to get an adequacy decision, they would look across our data protection regime but what I can say is that obviously we have a new framework for data protection in the EU set out in the data protection directive and the general data protection regulations. The Data Protection Bill, which is currently going through Parliament in the UK, will bring the UK's data protection fully into line with the EU framework.

Q184 **Rehman Chishti:** Would that also, as a criterion, look at the activities of our security services?

**Shona Riach:** National security is outside the EU data protection regime. If we were going for an adequacy decision, the expectation would be that there would be consultation with the UK security services.

Q185 **Rehman Chishti:** All right. Finally, just touching on this, if the Government have to choose between access to bulk personal datasets by the security services and access to EU security data, which capability will they prioritise?

**Shona Riach:** As I think the Minister has said, the point here is that we would not see it as a choice because the UK regime is fully in line with the EU regime on data protection.

Q186 **Rehman Chishti:** The reason I say that is because upcoming rulings, by the Court of Justice of the EU, may expose how far the EU Charter on Fundamental Rights extends to cover the actions of the security services. That is why I seek clarification in relation to that.

**Shona Riach:** As you may be aware, the Government undertake a consultation on bulk storage of communications data. That consultation closed last week and, acting on that consultation, the Government will



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take action to ensure that the storage of communication data is fully in line with EU law.

Q187 **Rehman Chishti:** A final question on the consultation: for there to be a real sense of credibility you need a widespread consultation response in relation to that consultation that took place from which a decision will be made. What was the response rate in that consultation, do we know?

**Shona Riach:** I don't. The consultation closed last Thursday and they are currently analysing the responses to that.

**Mr Nick Hurd:** If I can just make a couple of points. In terms of the choice you posed, I don't necessarily recognise the choice but, even if we did, I am sure you would understand why we would not articulate it at this stage in the negotiation.

The other point is around timetable. I know there have been some concerns expressed in some of the evidence that you have had about how long it takes to get to an adequacy decision, and I know that feeds into some of the concerns of yours, Chair, and the rest of the Committee has expressed about the feasibility of some of the timetables expressed. Our hope and belief and our plea to the Committee is to recognise that we believe that we start from a different point, in terms of those negotiations, not just because of our history in terms of being a trusted party on data inside the EU but also because of the steps we are taking, as I said, to make sure that when we leave we leave on a fully aligned basis. That is obviously a very different starting point from many of the other adequacy decisions that are effectively looked at.

Q188 **Chair:** We intend to follow up on that. You said you want to still maintain the same access to the databases, are there any third party countries that have full access to the European criminal records database who are not also members of the EU?

**Mr Nick Hurd:** Which, the ECRIS?

**Chair:** Yes, the ECRIS.

**Mr Nick Hurd:** There are no countries with third country agreements in place.

Q189 **Chair:** Are there any countries that are either not members of the EU, or not members of the Schengen agreement, that have access to the Schengen information system but are exempt from ECJ jurisdiction?

**Shona Riach:** There are no countries who are not Schengen members or EU members who have access to the Schengen information system. As the Minister set out at the beginning, we are clear that the relationship that we are looking for here is ambitious and does go into uncharted territory.

Q190 **Chair:** The concern that we have is that the Information Commission, who is obviously in continuous discussion with her counterparts across



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Europe, did say to us on the SIS and the ECRIS system, “Those are European platforms. Those are European institutions. It is hard to think of how we could be outside of the scope of the European Court of Justice in terms of data protection for the data that are used and shared in that environment”. Do you think she is wrong?

**Shona Riach:** The Schengen countries, who are non-EU members, who have agreements on access to the Schengen information system, are not subject to the direct jurisdiction of the European Court.

Q191 **Chair:** You are hoping that you can get special treatment. Presumably, you are not proposing we should go into the Schengen system in order to get that access?

**Mr Nick Hurd:** No. The point of this, which I think we have been quite clear on, is certainly with those two instruments there are areas where we are in new territory. What we are proposing is new and where there isn't direct precedent—and I come back to the point that we made before about the level of mutual interest in this and the degree to which the UK is a valid player inside those systems—our hope, which is what the Home Secretary expressed to you, is that our partners will be expressing that view.

Q192 **Sarah Jones:** Can we go back to the plan for no deal? This morning I was hearing about the case of the head of a major organised crime gang. He gets his drugs from Colombia. He is based in Germany. We know he has a big footprint in the UK, in terms of drug running, county lines and little kids carrying knives. At the moment, we are able to share intelligence about all the different countries he is operating in, to do the surveillance we want to do, we are able to share data and then, when we get enough evidence, to pull together to arrest him, wherever he happens to be in Europe. We are able to ask our European partners to arrest him straightaway in real time, fast, without any bureaucracy or hullabaloo. Can you explain to me in a 'no deal' situation, can you walk me through how that policing will work?

**Mr Nick Hurd:** We do not expect a 'no deal' situation. We don't want a 'no deal' situation—

**Sarah Jones:** I appreciate that.

**Mr Nick Hurd:** —because the processes are, as I told you, of recalibrating, reconstituting that kind of capability and that kind of hopefully frictionless process is difficult to reconstitute, not impossible but in our view hard to do as efficiently and effectively as the current mechanisms that we have worked so hard with our partners to create. That is why our overarching priority is to try to protect the existing capabilities and go straight to a strategic agreement, which allows us to basically try to put in place the existing arrangements because they work well. We know they work well and our partners know they work well. Also, the incentives seem aligned to go from that approach rather than to try to take a step backwards.



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Of course, it would not be just us losing capability in this process. If we were popped out of these mechanisms it would be our partners who would have to think about their contingency planning to replace capability as well, and why would they want to do that?

Q193 **Sarah Jones:** Yes. I appreciate that but there is planning going on for a 'no deal' because you have to plan in some ways for a 'no deal', so what is that?

**Mr Nick Hurd:** Yes. But we are not the only ones who have to do contingency planning.

Q194 **Sarah Jones:** No, but what does policing look like under a 'no deal' when you are dealing with the nature of modern crime, which is that it crosses borders all over the place? How does that work? What are you falling back on, in terms of other bilateral criminal intelligence sharing arrangements for other countries? What is that plan?

**Mr Nick Hurd:** If I use the analogy of a toolbox, in each tool you have a baseline contingency in terms of mechanisms you might have to fall back on, whether it is Interpol or Council of Europe conventions, previous regulation. Then you have to look at the opportunity to negotiate third country agreements and look at the precedents in that space. I come back to my point. I think that is possible but it is complicated and will lead to a policing process—to your question, Sarah—which is going to be more complicated and more difficult than under the current arrangements. Therefore, our argument with our European partners is: why would we want to do that?

Q195 **Sarah Jones:** But it might still happen. Obviously, none of us want that to happen but that is what we are worrying about. In some of the conversations that we have had—and the Chair has mentioned this already—it is clear that we are going to need hundreds more staff. In the case of a 'no deal', which none of us want but which you have to plan for, there will be a lot of new staff that will need to be deployed to do the things that we cannot do because we do not have, for example, the Schengen information system. Has all that been planned and how much that is going to cost been planned and put to you but you do not want to say at this point, or has that not crossed your desk yet?

**Mr Nick Hurd:** I am very new to this so it has not crossed my desk yet. What I do know is the contingency planning, which as I said at the start, in the event of no agreement on an implementation period and contingency planning in the event of a 'no deal', that work is still underway. It is being concluded, as you might expect, particularly in relation to the implementation period, and I have undertaken to the Chair to write wherever we can. There may be limits on what we can say at this stage to try to give what reassurance we can to the Committee on that, but I still come back to the point. This is contingency planning in a scenario where we genuinely expect to do a deal. I would go as strongly



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as the Home Secretary went in front of this Committee. We just cannot see the circumstances in which there will not be a deal.

Q196 **Sarah Jones:** You have not had the paper yet that says, "This is how much money we are going to need for no deal"?

**Mr Nick Hurd:** I will be honest with you, I have not seen that but that may simply be by virtue of the fact that I have only just taken this on. I also think that, in terms of the contingency planning cycle, it may be that we are not yet at that stage. But my undertaking to the Committee is to consider what we can put in writing to you at this stage and I am sure you will want to revisit it.

Q197 **Chair:** We would obviously appreciate as much as is possible.

**Mr Nick Hurd:** You will understand the possible limitations on that.

Q198 **Chair:** Yes. I was actually going to say but you would find it quite hard to believe that it would somehow undermine our negotiating position to say, "We have extensive contingency plans in place". I would have thought in some ways that would strengthen our negotiating position. It would certainly provide some reassurance, not just to the Committee but to the public to know that there were extensive contingency plans in place as well.

**Mr Nick Hurd:** I understand that point completely.

Q199 **Chair:** Can I quickly clarify a few of the other points that have come up as part of the evidence session? Just this clarity on this issue about the Europol status during the transition period. As I understand it now, you are saying the objective, subject to the negotiations, is full Europol membership during the transition period and as close operationally as possible after the transition period as part of the Security Treaty. The question that Douglas Ross put to you was about Michel Barnier's point about the legal basis being different or at least being outside the Europol from March next year. That would be during the transition. I am now a little confused. Ms Riach, you said something about the legal basis would be different. Why are you saying the legal basis would be different or the same during the transition period?

**Shona Riach:** It depends on what arrangement is negotiated with the Commission for the implementation period, more broadly. The intention is to rule over current arrangements as freely as possible. But until we have had that discussion with them it is difficult to give a definitive answer.

Q200 **Chair:** If he is saying that we will not be in Europol after March 2019, that does sound a little troubling and we seem to be starting from very different positions in the negotiation over Europol.

**Mr Nick Hurd:** Which is in negotiation too.



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**Shona Riach:** The point there is about legal basis, and the priority both for the implementation period and for the end state is to preserve the very important operational capabilities that Europol provide.

Q201 **Chair:** Nick, can I ask you about the EU charter on fundamental rights? Do you think not having that in UK law will undermine any of our data adequacy negotiations?

**Mr Nick Hurd:** Ultimately that is a judgment for the EU to make in the sense of what their requirements are in terms of assurances. I am sure the Committee knows our view is that the underlying rights, and ones we attach great importance to, but they are enshrined in UK law. They are not just enshrined in the charter. We know there are some people who continue to dispute elements of that and, as we get into negotiation, that is one of the things on which the EU will have a view about, what kind of further assurances they may or may not seek in that context.

Q202 **Chair:** Is this something the Government might look further at? If this is raised as a big issue from the EU's point of view, in terms of what it means for the access to databases that we get, is that something that the British Government would look at again, or does it have the same status as the red line that you have referred to on the ECJ?

**Mr Nick Hurd:** As I have said before to Rehman, the issue of access to information and access to data is important, but we set out our position on the charter. It is too early to anticipate whether there will be a clash here. I will be uncomfortable in being drawn on that because at this stage we do not know.

Q203 **Chair:** A few times you have referred to some of this being about you are in new territory, and we are trying to establish something that is significantly different to what anybody else has in place. Quite a few of the legal constitutional experts that we heard from were deeply sceptical about the idea that this could be done in time for a two-year transition period, partly because they said that a new security treaty would take 18 months to ratify and partly because of the nature of the complexity, including the legal complexity of what we are trying to achieve. If the EU does not agree their mandate for the future relationship until March, if we need to build in an 18-month period for ratification that only leaves you about a year of negotiation on the Security Treaty in order to get it all done and signed off in time for the end of the transition, never mind Brexit day; the end of the transition. In those circumstances, will you be flexible about transition or should we be doing contingency planning for a cliff edge in two years' time?

**Mr Nick Hurd:** If I break that down. There are some big ifs in there. We don't know how real they are because we have not started the formal negotiation yet. As I said at the top, the common intent—both from the Prime Minister and our European partners—is to get on with it, give priority to agreeing the implementation period and all the mood music is quick is good, friction free is good, let us get on with it, let us try to keep



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this as simple as possible. This may be simplistic, it may be a bit naïve, Chair, but this may not be all that complicated if there is an agreement from our European partners that basically we want to carry on pretty much as we are and we want a treaty that reflects that.

There is also possibly an open question about whether this needs to be ratified by all member states or whether the EU can ratify on behalf of them. These are conversations that need to be had. If we go down a more complicated route, then you are entirely right. Two years is a challenging timetable; we think legally and practically it is possible. The fact that our European partners have stated their intention is to conclude it earlier than we are indicating tells you something about their mindset as well.

Q204 **Chair:** As part of your security considerations, how important is Northern Ireland's security?

**Mr Nick Hurd:** Northern Ireland is important. Is there anything specific that you wanted to probe on?

Q205 **Chair:** We have had some views put that even simply having cameras at the border in Northern Ireland would be a significant challenge in the sense of security. We also informally heard that cameras at the border may be part of how the Border Force would manage some of the issues at Dover, for example, in terms of if we are outside the Customs Union what the impact would be and that there might be new technology that might help in terms of managing the issues at the border. I wonder whether that consideration is also part of the consideration for the Northern Ireland border, or whether security issues around Northern Ireland mean that you have ruled out that same sort of camera technology at the Northern Ireland border.

**Mr Nick Hurd:** I know Shona has a strong view so I am going to have to take some advice and consideration on that, and again put something in writing to the Committee on that.

**Chair:** That would be helpful.

**Shona Riach:** The only thing I would add to that is a number of these tools that we have been talking about today, particularly the European Arrest Warrant and some of the data-sharing tools are particularly important for the border between Ireland and Northern Ireland, because of the nature of the land border. That strengthens the case, both from our side and from the EU side, for the sort of relationship that the Government have proposed.

Q206 **Chair:** Given the additional Home Office interest in Northern Ireland's security, as well as the Northern Ireland office interest, have you therefore looked at the issues in the round and the options for staying in a Customs Union and what impact that might have on Northern Ireland's security?



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**Mr Nick Hurd:** I am going to have to wrap that up in my response. I have not done that personally, so I cannot give you a direct answer on the question of where that status of that consideration is. I am going to have to include that in my written response to you.

**Chair:** The follow-up information would be extremely helpful. Obviously the clerks will follow up if there are any further issues on that.

Q207 **Rehman Chishti:** Apart from the EU Arrest Warrant and data sharing with our EU partners, one of the biggest security threats that we have recently has been from Syria and Iraq, through Daesh, and also we have had considerably over the past between the border with Afghanistan and Pakistan. Those countries are not subject to EU intelligence sharing but, in terms of our sharing with those partners in preventing terrorist attacks in this country, the key workings that we have with other partners around the world is pretty secure, and has been tested many times, ensuring that we share data wherever that may be to prevent terrorist attacks taking place either here or in their countries. Is that right, Minister?

**Mr Nick Hurd:** Yes.

**Rehman Chishti:** The question I am saying to you is that European Arrest Warrant is one option—

**Mr Nick Hurd:** The systems work pretty well.

Q208 **Rehman Chishti:** Yes, but there are other systems that have been used, in relation to looking at ungoverned spaces around the world and working with other friendly countries, in ensuring that data and intelligence be shared to prevent terrorist attacks taking place either here or in their soil.

**Mr Nick Hurd:** Yes. Those relationships work pretty well.

Q209 **Rehman Chishti:** One final question on that: with regards to the intelligence coming to this country in relation to preventing terrorist attacks, are you able to say which parts of the world have given us more information in relation to preventing terrorist attacks in this country; is it our EU partners or is it partners around the world?

**Mr Nick Hurd:** I am not in a position to say.

Q210 **Chair:** Just two further questions while you are here and to your policing responsibilities. Obviously, you share the concern that everybody has around the John Worboys case and the concern that obviously many of the victims have as a result of the Parole Board's decision. Have you or the Home Office been in touch with the Metropolitan Police to encourage them to look again at any of the cases that have not been pursued to prosecution and whether they might be further investigated?

**Mr Nick Hurd:** We have regular conversations with the Metropolitan Police across a range of issues.

**Chair:** Are you able to tell me anything more about whether you have raised this particular case?



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**Mr Nick Hurd:** Not at this stage.

Q211 **Chair:** Have you had any further conversations with the Ministry of Justice about their examination of the transparency issues and whether or not any potential legislation could be made retrospective, so that the Parole Board decision in this case could be made public?

**Mr Nick Hurd:** That is a conversation best directed straight to the MoJ who have primary responsibility around the transparency issues.

**Chair:** But are there discussions between the Home Office and the MoJ about this issue?

**Mr Nick Hurd:** We have a stream of ongoing conversations around the issues of disclosure, in particular, at the moment.

**Chair:** I am not clear why you are being so reticent either about your conversations with the Met or about your conversations with the MoJ.

**Mr Nick Hurd:** Because I am not happy.

Q212 **Stephen Doughty:** I share the Chair's concerns about the issue, and certainly would hope that conversations would be had with the Met about the previous cases that were not pursued. We talked earlier on about contingency planning for Brexit. I want to ask you: have you been involved in contingency planning around the potential visit of President Trump to the UK; policing and civil contingencies around that?

**Mr Nick Hurd:** Not as yet.

Q213 **Stephen Doughty:** Are you aware that there has been any funding set aside for dealing with management of protests, crowds; aside from Special Branch standard diplomatic protection work, are you aware of any funding?

**Mr Nick Hurd:** As you would expect, a lot of planning goes into these events, not least because they cost a lot of money and therefore need to be planned for properly.

Q214 **Stephen Doughty:** Would you expect that constabularies would have to pick up the cost of protests, whether it were to take place in any potential location across the UK or would additional funding be made available from the Home Office?

**Mr Nick Hurd:** The system we have in place and, as part of the funding settlement I propose to fund, we are proposing to increase this. We have effectively a contingency fund that forces are able to bid into in order to recoup exceptional costs.

Q215 **Stephen Doughty:** Were he to visit Scotland or Cardiff or anywhere else, they would be able to draw down—

**Mr Nick Hurd:** There is a mechanism for police forces to basically say, "Can we recoup some exceptional costs?"



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**Chair:** I gather that a vote is imminent, so thank you very much for the evidence that you have given. Just on a personal note, if I could ask you to reflect further on the issues around the John Worboys case. That would be very much appreciated, given the concern that there is. We would obviously welcome the further information that you have kindly agreed to provide for us as soon as you are able to do so. Thank you for your evidence and for your time today. That is the end of our session.