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GENERAL COMMITTEES

Public Bill Committee

CRIME AND COURTS BILL [*LORDS*]

Second Sitting

Tuesday 22 January 2013

(Afternoon)

CONTENTS

CLAUSE 1 agreed to.

SCHEDULE 1 agreed to.

Adjourned till Thursday 24 January at half-past Eleven o'clock.

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The Committee consisted of the following Members:

Chairs: MARTIN CATON, † NADINE DORRIES

- | | |
|---|--|
| † Barwell, Gavin (<i>Croydon Central</i>) (Con) | † Lopresti, Jack (<i>Filton and Bradley Stoke</i>) (Con) |
| † Browne, Mr Jeremy (<i>Minister of State, Home Department</i>) | † McCabe, Steve (<i>Birmingham, Selly Oak</i>) (Lab) |
| † Burrowes, Mr David (<i>Enfield, Southgate</i>) (Con) | † McDonald, Andy (<i>Middlesbrough</i>) (Lab) |
| † Chapman, Jenny (<i>Darlington</i>) (Lab) | Paisley, Ian (<i>North Antrim</i>) (DUP) |
| † Creasy, Stella (<i>Walthamstow</i>) (Lab/Co-op) | † Rutley, David (<i>Macclesfield</i>) (Con) |
| † Elphicke, Charlie (<i>Dover</i>) (Con) | † Syms, Mr Robert (<i>Poole</i>) (Con) |
| † Goggins, Paul (<i>Wythenshawe and Sale East</i>) (Lab) | † Vara, Mr Shailesh (<i>North West Cambridgeshire</i>) (Con) |
| Green, Damian (<i>Minister for Policing and Criminal Justice</i>) | † Vaz, Valerie (<i>Walsall South</i>) (Lab) |
| † Hanson, Mr David (<i>Delyn</i>) (Lab) | † Wilson, Phil (<i>Sedgefield</i>) (Lab) |
| † Heald, Oliver (<i>Solicitor-General</i>) | † Wright, Simon (<i>Norwich South</i>) (LD) |
| † Jones, Andrew (<i>Harrogate and Knaresborough</i>) (Con) | Neil Caulfield, John-Paul Flaherty, <i>Committee Clerks</i> |
| | † attended the Committee |

Public Bill Committee

Tuesday 22 January 2013

(Afternoon)

[NADINE DORRIES *in the Chair*]

Crime and Courts Bill [Lords]

2 pm

The Chair: Before we commence, I want to say that it is fine for gentlemen to remove their jackets if they so wish. It would be helpful if everyone sat in the same seats in which they are sitting throughout the Committee.

Clause 1

THE NATIONAL CRIME AGENCY

Amendment moved (this day): 35, in clause 1, page 2, line 9, at end add—

‘(5A) The NCA is to have the following four commands—

- (a) organised crime command;
- (b) border policing command;
- (c) economic crime command; and
- (d) child exploitation and on-line protection command.

(5B) The Secretary of State may, by order, in the form of statutory instrument—

- (a) close existing commands; and
- (b) open new commands.’—(*Paul Goggins.*)

Paul Goggins (Wythenshawe and Sale East) (Lab): Welcome to the Chair, Ms Dorries. I look forward to serving under your chairpersonship—if that is the correct terminology.

I was moving amendment 35, which is intended to help the Government, as it simply seeks to put in the Bill what Ministers have already given by way of assurance in statements and what is on the Home Office website.

I was describing the command structure that will be in place for the National Crime Agency—four commands—and speaking specifically about the child exploitation and online protection command. I was going over how the Child Exploitation and Online Protection centre began, in work that I oversaw as chair of the taskforce on child protection on the internet as a Minister between 2003 and 2006. Eventually, the co-operative approach of that taskforce, bringing together industry, children’s organisations, law enforcement and the Government, led to the creation of a more substantial framework for delivering protection for children from the dangers that lurk on the internet. That is how CEOP was formed.

The centre opened formally for business in April 2006, at precisely the same time as the Serious Organised Crime Agency came into operation. It was, from the outset, part of SOCA. That was done deliberately. It was a time of great change—SOCA itself was an amalgamation of many different strands of work. Rather than place a huge organisational burden on what would be a modest part of SOCA, we decided to place CEOP within SOCA, so that it could get management support

from SOCA and concentrate on the real and urgent job of protecting our children. That is what happened, although as Ministers we were always clear that we remained open to the possibility that at some point in the future, CEOP could become an independent organisation.

At that point, I moved on to other responsibilities, but I know that altogether three reviews were carried out into CEOP and its work, on the question whether it should become independent. Little by little, those reviews moved to the point of recommending that CEOP should become an independent organisation. I understand that my right hon. Friend the Member for Kingston upon Hull West and Hessle (Alan Johnson), who was Home Secretary before the 2010 election, had agreed in principle to give CEOP independent organisational status.

After the 2010 general election, the Home Secretary made a statement on the new National Crime Agency. She made it clear that CEOP would remain within the new framework of the NCA, which caused considerable disquiet, certainly among many of my colleagues, and among those working in children’s organisations and those speaking up on behalf of the victims of child abuse—online and offline, for that matter. Those who follow the issue closely will remember that ultimately, Jim Gamble, who was the chief executive of CEOP, resigned from that position because he felt that the decision was an indication that the Government were seeking to downgrade and undervalue the work of the centre.

I do not wish to dwell on that matter. I know that the Select Committee on Home Affairs conducted an inquiry that looked into the status of CEOP. A number of assurances were given, and I think the Home Secretary and Ministers have been at pains to confirm that CEOP would remain with its own identity, albeit within the NCA, and I welcome that. Part of what I am seeking to do today is to place that commitment firmly in the Bill.

I agreed strongly with the Home Secretary when she paid tribute to Jim Gamble; it is worth dwelling on that for a second. When he announced his resignation, she said that he had

“done a great job at CEOP and made a huge contribution to protecting children.”

There is no more important thing than protecting our children, and Jim did a great job. It was right that the Home Secretary acknowledged that in the warm comments that she made. My understanding is that Peter Davies has continued in that role and that, equally, he has done a fine job leading the organisation in its important work.

The annual review for 2011-12 gives examples of that work. Three things stand out for me. The first is the huge breadth of the partnership that CEOP now embodies, and the broad support therefore that it enjoys. From a range of companies such as Microsoft, Google, O2, Virgin Media and Yahoo, all the main players in the internet industry and in modern forms of communication are there, supporting CEOP in the work it is trying to do to protect our children. Law enforcement organisations—the Association of Chief Police Officers, the Association of Chief Police Officers in Scotland and the Association of Police Authorities—are giving their support. The principal children’s organisations such as Barnardo’s, Action for

Children, the Children's Society and a number of others are also supportive. There is a very broad, strong partnership in place supporting that work, which is very welcome.

When we look at the achievements of CEOP just in the year of that report, we find that more than 2.5 million children have seen the "Thinkuknow" resource, which is CEOP's main educational tool to ensure that children are increasingly aware of the dangers of the internet. That is a tremendous achievement. It is very telling that 427 children have been subject to safeguarding or protection as a result of CEOP's work. In the last year alone, 192 suspects were arrested after CEOP's work: 192 people who posed substantial risks and threats to vulnerable children. CEOP is doing a great job.

Of course, the kind of risks that lurk within the internet are not confined to particular localities or even particular countries. They are global threats, and it is therefore very important that CEOP works and has credibility in partnerships in many countries around the world. I note from the report that in the last year CEOP took on responsibility for missing children, as well as its work on safeguarding children on the internet. That has been a high priority for many Members on both sides of the House over the last year or so, and as we face up to the Savile investigation and all the dreadful information we are finding out, and to issues very close to my own constituency in Rochdale, where children have been systematically abused. I am sure that there are other stories to come out about abuse in other towns and cities. One of the most important responsibilities of government is to ensure that our children are protected. We have all that for about £6 million per year. Given the reach of CEOP's work, that is incredibly good value for money, as it leads the work in this area.

There is a third point from the report that I would like to dwell on for a second. It is the final paragraph of the foreword, written by the Home Secretary herself:

"I am committed to giving CEOP the ability to continue to create and sustain innovative partnerships, to add capacity and engage with the wider world, to maintain its multi-disciplinary workforce, to keep the independent CEOP brand, to maintain its operational independence within the NCA, to have clear delegated authority for its budget and to retain external governance. In short, I am committed to continuing to support CEOP in its vitally important work to protect the most vulnerable children in our society."

I agree with every word that the Home Secretary wrote in that foreword, and I am sure that every member of the Committee will endorse it.

I simply want to try to help the Home Secretary and the Minister to make sure that those words are not just words, but are turned into substantial action. That is why my amendment would place the CEOP command and the other three commands in the Bill. In other words, the legislation would underpin those four commands; they could not be changed unless Parliament itself approved it. That is why I make it clear, in proposed new subsection (5B), that the Secretary of State can by order close down any one of those commands if she chooses, or, indeed, can open up new commands. However, she could not do it on a whim and it could not be done by people acting in an executive capacity.

The Home Secretary would have to come back to the House, justify her arguments and explain why she was choosing to close down CEOP or any of the other commands. Of course if she tried to close down CEOP

she would face substantial opposition from both sides of the House, and I do not expect it to happen. However the matter is so significant and so important that Ministers should signal its importance by accepting my amendment, thereby making sure that the commitment to CEOP and the work of the other commands is firmly placed in the Bill, and that only Parliament could change it.

Andy McDonald (Middlesbrough) (Lab): I would like to speak to proposed new subsection (5B) of my right hon. Friend's amendment. Having heard what he had to say about CEOP, I wholeheartedly endorse his comments and the need to enshrine the existence of that command within the ambit of the agency. We hear what he said about the closing of existing commands, but my concern is about the opening of new commands.

On Second Reading, we had a discussion about the way being left open to bring in an anti-terrorism command without primary legislation. I do not know whether my right hon. Friend would like to comment on whether any protection can be afforded in that respect, so that we do not inadvertently leave the door open to that coming about by these means.

Paul Goggins: I am grateful to my hon. Friend for giving way. I know about his concern in relation to the so-called super-affirmative order, which has now been taken out of the Bill. We await with interest any news the Minister may have confirming that the Government intend to leave it out of the Bill. That would be very welcome. However, my hon. Friend is asking whether my amendment could be a kind of back door enabling the Home Secretary to change a command and introduce counter-terrorism, making sure that the NCA becomes the lead on counter-terrorism, which of course would be a very significant step. She could not do that without the approval of Parliament, because she would have to open up a new command, the counter-terrorism command, and she could only do that, under my amendment, if she had the approval of both Houses through an order.

The Minister of State, Home Department (Mr Jeremy Browne): Thank you for giving me an opportunity to respond to the amendment, Ms Dorries. It is a pleasure to serve under your chairmanship. I hope you are looking forward to this extended period in isolated confinement, being surreptitiously filmed with a collection of people of dubious celebrity status, some of whom may even, in time, sadly be voted out of this very setting.

I could not resist that. The horrors of the amendments proposed by the right hon. Member for Delyn are nothing compared to what you have had to experience in recent months, Ms. Dorries.

Let me answer the amendment in two ways. Part of the purpose of tabling it was to demonstrate the commitment of the right hon. Member for Wythenshawe and Sale East to CEOP and to seek reassurances from the Government that we share his commitment, which we do, and I will expand that theme later. I also ought to address the literal applications of the amendment, were the Committee to decide to support it, because there are some wider implications that it is reasonable to bring to the Committee's attention.

[Mr Jeremy Browne]

I understand that the amendment seeks to set the Child Exploitation and Online Protection Centre, widely known as CEOP, on a firmer statutory footing, by putting it, and the other NCA commands, on the face of the Bill. While I understand the right hon. Gentleman's point, and I will turn later to the specific question of CEOP's role in the NCA, I am not persuaded that this approach is necessary or appropriate.

Looking first at the amendment itself, the operational commands are an internal organisational issue; how the agency structures itself is not a matter for primary legislation. This is to ensure that the NCA is able to flex and adapt its structure, operations and priorities to the changing threat from serious, organised and complex crime. Indeed, the previous Government adopted the same pragmatic approach and there is no mention of CEOP or other structures in the Serious Organised Crime and Police Act 2005—legislation enacted when the right hon. Member for Wythenshawe and Sale East was himself a Home Office Minister.

2.15 pm

Although CEOP's public profile is that of a distinct body, affiliated to SOCA, in terms of its legal standing it is part of SOCA, with the SOCA accounting officer being accountable to Parliament for the organisation as a whole. While I am pleased to see that there is some recognition of the need for flexibility by conferring an order-making power on the Secretary of State to enable her to abolish existing commands or establish new ones, this seems to me to be a strange proposal, not least because of the seeming absence of any role for the director general in the amendment. Similarly, there is no mention of other core aspects of the NCA, such as the national cyber crime unit or the intelligence hub, each of which will represent a significant component of the NCA's overall crime-fighting capability.

Putting the commands in the Bill creates unnecessary rigidity in the NCA's internal structure without providing any of the assurance that I believe the right hon. Gentleman is seeking. On the face of it, the amendment does no more than preserve the names of the commands, as there is nothing about their roles and responsibilities. So Parliament could accept the amendment and then, in theory at any rate, leave a hollow shell because the names themselves and not the organisational capacity would be all that would be required. It will not increase the ability of the NCA to protect children.

I will absolutely join the right hon. Gentleman in his praise for the important work of CEOP. I have had the opportunity as a Minister in the Home Office to visit CEOP and to talk not just to the leading members of staff but to members of staff at different levels right across the organisation. I was impressed not only by their professionalism, but by the obvious importance they attach to their work and the sense throughout the organisation that they were making a meaningful contribution to child protection. They are right to feel that strongly about their own responsibilities, which are significant and impressively discharged by them.

The right hon. Gentleman will be aware of the Government's strong and continuing commitment to CEOP. We want to build on its successes to date and ensure that children are even better protected in future.

The Government have clearly and publicly committed to six principles to underpin the transition of CEOP into the NCA. These were included in the NCA plan and will be enshrined in the famous and widely available framework document, which all hon. Members who so wished will have already taken the opportunity to read. Both the Home Secretary and the NCA director general will have a statutory duty to have regard to that document. Within these principles there is, for example, an explicit commitment that CEOP will

“retain its operational independence, within the context of the NCA”.

Valerie Vaz (Walsall South) (Lab): It is a pleasure to serve under your chairmanship, Ms Dorries. May I ask the Minister whether all the staff from CEOP will go over to this new body?

Mr Browne: The short answer is yes; that is my understanding. I cannot vouch for every individual member of staff who has to decide whether to continue with that career, but the organisation will be transferred into the NCA and will not be altered or compromised in its existing forms. I suspect for a lot of staff on a day-to-day basis their work will continue largely as before. I hope that CEOP as an organisation within the NCA will benefit from what we regard as the greater reach and strategic capacity of the NCA. It will remain in that sense in its existing form.

I was saying that the role of CEOP is spelled out in greater detail in the draft framework document, including retaining its operational independence within the context of the NCA, having a clear delegated authority for its budget and so on, and that document is publicly available. There is a series of assurances that I hope will comfort right hon. and hon. Members who may inaccurately doubt the Government's commitment to CEOP. It will be able to retain its multidisciplinary work force and its innovative partnerships and fund-raising work with the private, public and third sector. I wholeheartedly share the right hon. Gentleman's desire to ensure that CEOP, within the NCA, continues to build on its work to protect children, but I do not agree that putting the commands on the face of the Bill is the right way to ensure that. I hope that I have reassured him and other members of the Committee that sufficient guarantees are already in place.

Steve McCabe (Birmingham, Selly Oak) (Lab): I just want to try to understand how it retains operational independence. I thought that the NCA was under the control of the director general, who has operational independence. How can a branch or an arm within the agency have separate operational independence?

Mr Browne: As I was just saying, CEOP sits within the SOCA structures at present, but there does not seem to be widespread concern that CEOP does not make decisions that it regards as being in the interests of protecting children, either online or more generally, and we would believe and assert that that would still be the case within the NCA. It may be able to draw on what we would hope would be the greater strategic breadth of the NCA and perhaps the shared intelligence hub would be of greater value to CEOP than what it can draw on currently. It would be able to make its own decisions

and the confines of its organisational structure would be protected in the way that is outlined in the draft framework document.

On that basis and with those reassurances, I hope that the right hon. Gentleman will withdraw his amendment.

Paul Goggins: I have listened carefully to the Minister's assurances, and I welcome them, but I still have some difficulties and reservations. One thing that I do not doubt for a minute is that the Minister could come up with a better draft amendment than I. He has a great army of people to help him, and I would be happy were he to come forward on Report with a better amendment than amendment 35 that was properly thought through and fully filled out. I would be the first in the queue to support it. I hold that out as at least one option.

There are, however, two or three serious issues that, if not to be dealt with now, should give the Minister some further food for thought. One point is that raised by my hon. Friend the Member for Middlesbrough, who asked whether all staff would be transferred to the National Crime Agency. It is important to get that right, because some staff—this is certainly how it used to be—are not employed by SOCA but by private companies and children's charities, and they are seconded to CEOP as part of the partnership arrangement. They will only do that provided that CEOP is clearly independent and able to do the job in the way that it sees fit. It is rather important in terms of resources that the independence is clearly spelled out and protected, because CEOP's credibility rests on that.

Mr Browne: Maybe I should go in slightly greater detail through the six so-called guarantees on CEOP in the draft framework document, because No. 5 states that CEOP will

"retain its mixed economy of staff, from a variety of disciplines" and No. 6 states that it will

"continue its innovative partnerships with the public, private and third sector and have the ability to raise and hold funds from donors."

Guarantee No. 4 says that CEOP will

"retain its well-known brand"

and No. 3 states that it will

"continue to include external partners in its governance".

The Government are mindful of the special status of CEOP; we think it would benefit from being within the organisational family that is the NCA. This is not such an abrupt departure because the centre sits loosely within SOCA's structures, and we think it can benefit from being part of the NCA structures. However, it is a distinct organisation and it will continue to have the special status it currently enjoys.

Paul Goggins: I am very grateful for that clarification. We are all very grateful to my hon. Friend the Member for Middlesbrough, who in the course of this morning's proceedings asked whether we could see the outline framework document, which at that point none of us apart from the Minister seemed to have seen. We now have a copy of the document, and indeed the Minister was able to offer some assurances about the six principles spelled out in it. I have just been reading through it and have almost got to the end of that section.

The assurances the Minister offers based on that document are well received by the Committee, but there is still a nagging doubt—certainly on the Opposition Benches—that too many rather important things are being left to this or that document, and are not in the legislation. What we actually have in the legislation is a fairly cosy relationship between the director general and the Home Secretary; one runs the organisation and is then accountable to the other. We would not dream of it happening with the present incumbents, but at some future time with a different director general and a different Home Secretary, what is to say that one day they will not suddenly decide to abolish two of the four commands, and close down the Child Exploitation and Online Protection Centre? It might be unthinkable now, but the Bill would allow them to do it. I remain worried that it is not sufficiently robust to say that it is tucked away in some framework document that we may or may not have had an opportunity to read.

I do not intend to press the amendment to a Division, but I hope the Minister will take those concerns away and find an opportunity to table an amendment on Report that puts CEOP on the face of the Bill, to ensure that the words of the Minister and the Home Secretary are beyond any doubt whatever, because they are contained in the legislation, which could only be changed if Parliament itself decided to do so. However, for the purposes of our debate today, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed, That the clause stand part of the Bill.

Mr Jeremy Browne: Ms Dorries, given that we had the opportunity in this morning's sitting to discuss the clause at length, I do not propose to participate in a stand part debate unless it is the wish of the Committee.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Schedule 1

THE NCA & NCA OFFICERS

Mr David Hanson (Delyn) (Lab): I beg to move amendment 8, page 45, line 8 [Schedule 1], at end insert—

1A It is the duty of the Secretary of State to ensure that the NCA is provided with sufficient resources to enable its functions to be discharged effectively and efficiently.'

The Chair: With this it will be convenient to discuss amendment 23, in clause 2, page 2, line 40, at end add—

'() The Secretary of State shall determine the budgets for the NCA on the basis of three-year forward budgets.'

Mr Hanson: It is a pleasure to serve under your chairmanship today, Ms Dorries, in conjunction with your co-Chair Mr Caton. I hope that amendments 8 and 23 will not take too much of the Committee's time, nor indeed some of the subsequent amendments we will come to later. They have been tabled as—again—a means of testing the Government on some key issues.

Amendments 8 and 23 seek to test the Government on the funding for the proposed National Crime Agency, which we have just agreed under clause 1. Amendment 8

[Mr Hanson]

indicates that it is the duty of the Secretary of State to ensure that the NCA is provided with sufficient resources to enable its functions to be discharged effectively and efficiently. Amendment 23 indicates a wish that the budgets for the National Crime Agency are provided on the basis of a three-year forward budget, in accordance with normal commitments under the comprehensive spending review. Members will guess that both amendments are really a device to get the Minister to reveal what the funding is for the National Crime Agency, both for the first year of its operation and also for subsequent years. Helpfully, when I tabled a question to the Minister in November on what the budget is to be for the National Crime Agency for 2012-13, he indicated:

“The Government has committed to delivering the National Crime Agency (NCA) in 2013 within the combined budgets of its precursor organisations”—[*Official Report*, 27 November 2012; Vol. 554, c. 185W.]

2.30 pm

Now, that does not really say anything. With due respect to the Minister, it says that the National Crime Agency will not cost more than the organisations from which is formed. It does not say what the National Crime Agency's budget will be. Given that we are on schedule 1, which deals with matters of some import about the role of the National Crime Agency, I felt it important to table an amendment that at least gives the Minister an opportunity to tell us what the agency's first-year budget will be when this Bill receives Royal Assent. How does that first-year budget compare with the comparable parts of the Serious Organised Crime Agency, the National Police Improvement Agency and the Border Force, which constitute the roles and responsibilities that the National Crime Agency now has? I want to know from the Minister, first of all, whether the budget has followed the functions that he has determined will transfer to the National Crime Agency.

Secondly, the second set of amendments simply says that year one is year one; but what proposals does he have for years two, three and potentially four, although I accept that those will go beyond the general election period?

Mr Browne: The right hon. Gentleman slightly anticipated my question. If this legislation is passed, what are his proposals for the budget in years two, three and beyond?

Mr Hanson: I am not the Chancellor of the Exchequer, we are two and a half years from the general election and we do not know. This is a key point. The principle of this Bill and the amendment I have tabled is, first, how much resource is going into the National Crime Agency next year? The hon. Gentleman will be the Minister next year; he should be able to tell us what that budget is likely to be for the first year of operation. At the moment, it does not tell us that. Secondly, there will potentially be a further two years to the general election. He should be able to tell us what he thinks the former planning budget is for that period and whether he accepts, as the amendment indicates, that we should have in place a potentially sufficient budget on a three-year

rolling basis—in principle, whatever that budget might be for future years—for the National Crime Agency to be able to plan its activities.

These are big issues. I say this for one simple reason. Already we are seeing the National Crime Agency being a port of call for first resource on significant issues of concern. The Home Secretary has indicated that the north Wales child abuse inquiry, in my constituency and throughout north Wales, will now be the responsibility of the National Crime Agency. I do not know what issues will arise in years one, two and three. We might find another Jimmy Savile, a human trafficking issue or another child abuse issue and it is important that we know in advance what the budget of the National Crime Agency is. In later clauses, the Home Secretary will potentially determine strategic priorities for the National Crime Agency over a number of years. To me, the word strategic does not mean next year, but potentially years one, two and three.

I do not want to have too much of a row about this issue, but I simply ask the Minister what the budget is next year, how it compares with the budgets of the constituent parts that make up the National Crime Agency, and whether he has given any thought to longer-term planning. I am not asking him to say what that long-term planning figure would be, but does he anticipate being able to announce on a regular basis what future years' funding will be, so that we can test against the National Crime Agency what budget goes to meet the considerable responsibilities that, having just passed clause 1, the director general and the Home Secretary will have?

David Rutley (Macclesfield) (Con): I just wondered, given the right hon. Gentleman's considerable experience with such Bills in the past, how many of them had similar provisions when he was a Minister.

Mr Hanson: I did 35 Bills in total during my time, so I cannot recall them all, but if anybody asked, I would undoubtedly have answered the question. I am sure that the Minister will do the same. For me, two issues are key. First, what is the budget for next year? That is a reasonable question to ask, given that we are establishing the National Crime Agency and given that we are abolishing two agencies and part of one agency and transferring them to the National Crime Agency. The Minister has not answered in parliamentary questions. Secondly, will he look at longer-term planning? Does he know what the budget will be for years two and three and will he give some consideration to stability for the NCA? Will the issues be considered, given that onerous responsibilities will be placed upon the director general and the Home Secretary in due course?

Also, will the Minister give some thought to what happens to the capital receipts that are accrued as a result of the abolition of the National Policing Improvement Agency and SOCA? I am thinking particularly of Bramshill police college. The Minister knows that the previous Labour Government invested £14 million in its last year and the Government have reduced that investment, but that investment is still there and the Bramshill college is for sale. As part of the three-year forward planning, what happens to capital receipts? Do they go back to the agencies or do they disperse to the Treasury?

Mr Browne: I will give the right hon. Gentleman a full, frank answer, but let me give him some context before I get to the hard numbers.

As the right hon. Gentleman has explained, amendment 8 seeks to impose a duty on the Secretary of State to provide sufficient resources for the National Crime Agency to do its job efficiently and effectively. The Secretary of State is accountable to Parliament for public protection and therefore has a clear role in ensuring that the National Crime Agency has resources to deliver against the strategic priorities that she sets for it in relation to serious, organised and complex crime. Amendment 8 does not add or subtract anything from the well understood process of allocating resources across central Government.

The decision about what qualifies as sufficient resources to enable the agency to meet its strategic objectives is one for the Home Secretary to make, in consultation with her Treasury colleagues. Such decisions will, of course, be carefully scrutinised by the House and the other place in the normal course of Government business and budget setting. It does not make sense to impose such a novel statutory requirement on a single Department, as I am sure the right hon. Gentleman, with his extensive experience of Government, will understand.

The Government have committed to delivering the important work of the NCA within the budgets of its precursor bodies in the first years of operation. The NCA's budget constraints for the remainder of this Parliament are of course challenging, as they are for all Departments. Rather than simply giving the general answer, satisfactory though I regard it as being, let me be even more helpful to the right hon. Gentleman by saying that for the first full financial year of operation—2014-15, because the NCA as it is envisaged, subject to the Committee's consent, will come into effect during the next financial year—the NCA's indicative budget for planning purposes will be around £407 million, based on budgets agreed at the 2010 spending review, which is based on SOCA and NPIA budgets transferring.

The figure does not yet allow for the 2% reduction in the Home Office budget for 2014-15, which was announced in the Chancellor's autumn statement 2012. The Home Office budget will be scrutinised during 2013 to determine firm allocations for 2014-15, with a clear priority to protect front-line operations as far as possible, but the indicative figure that I have given obviously needs to take account of those slightly altered circumstances of a few months ago. It is too early to say what the final budget will be, as there may be additional functions that transfer to the agency and other supplementary funding streams nearer to the time that will be identified. I cannot get more clear and honest than that. I look forward to the right hon. Gentleman telling me what the funding figures will be for subsequent years in the unlikely event that Labour is in a position to say.

Mr Hanson: I am grateful to the hon. Gentleman. He will soon learn never to ask a question that he does not know the answer to. It was £407 million. I am interested in why the SOCA budget in 2012-13 is £394 million and the NPIA budget is £360.4 million. Which bits of the NPIA and what actual resource is going into that £407 million, given that the SOCA budget is £394 million, and he is saying £407 million? Also, we have the Border Agency aspects going into the overall figure. So how

much resource is going into this from the NPIA, SOCA and the Border Force, because £407 million seems at first glance—I am willing to be persuaded—a lot less than it should have been, had the same level of responsibilities and resources been transferred.

Mr Browne: I am grateful for those interventions. As I said, the £407 million is the sum that will transfer from predecessor organisations. As I said in the previous debate on the amendment tabled by the right hon. Member for Wythenshawe and Sale East, although SOCA, including CEOP, will transfer across, not all of the NPIA functions will transfer to the new NCA organisation. It is far too crude a calculation to add together the budgets of SOCA and NPIA and say that that figure is greater than the sum I have just cited for the NCA. Some of the functions will transfer to the College of Policing, and we will have the opportunity to discuss that at greater length during the passage of the Bill. There is a long and rather complicated list of what will transfer where, but some functions will transfer to the College of Policing, some will transfer to the police ICT company and some will transfer to a lead force. A number of different functions will be transferred to a number of organisations, and a back of an envelope calculation of adding a few numbers and working out that that sum is higher than the figure that I gave does not provide the Committee with accurate information on which to proceed.

Mr Hanson: I am grateful to the Minister for giving way. The budget for SOCA in 2012-13 is £394 million, and he has just said that the budget for the new NCA is £407 million. That means £13 million extra, over and above SOCA's budget, will go into the new NCA, according to the figures I have to hand. Of that extra budget of £13 million, how much of NPIA's £360.4 million will transfer to the new National Crime Agency for areas of responsibility? We must also remember the transfer of UK Border Force from the UK Border Agency. If the Minister is telling me that that force, and the bits of the NPIA that are transferring in, are worth £13 million, let us have some transparency and have a true figure for the first year's operation of the NCA compared with the figures allocated to those predecessor organisations for those same responsibilities.

Mr Browne: As I said, aggregating figures from predecessor organisations, whose functions are not transferring to the NCA, is too crude. The wider point is that the Government came into office in May 2010, and we were left a devastated financial landscape. Labour has only been in government twice in my lifetime and in both cases it has left behind it an economic catastrophe. I will not get too far off the beaten track, Ms Dorries, but last night the House voted on a pragmatic budget-saving measure, which will save annually what Labour was borrowing every single week, by the time it left office. Labour would need 52 such Bills to fill the black hole that it left behind for us.

The Chair: Order.

Mr Browne: The answer on this narrow question of the NCA, and whether there is unlimited money to splash around, is, I am afraid, no, but perhaps the next

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time Labour is in office, if it left behind a budget surplus, rather than an appalling budget deficit, we would be in the happy position of just worrying about how to spend all the surplus money, rather than worrying about how to make the country live within its means again.

Valerie Vaz: I am really grateful to the Minister for the history lesson, but he was asked a simple question: what is the current budget? He has decided to add it up by using different organisations, but that does not quite come up to the same figure. For the sake of fiscal transparency, what is the figure?

2.45pm

Mr Browne: I cannot be much more transparent than saying that the indicative budget is £407 million. I am sorry that I cannot round it to the nearest £100,00, but that is pretty precise. Labour seems to have no idea how much money it would allocate to this organisation, should the Committee decide to put it into effect in subsequent years. I have made the point that every part of Government has to live within the overall public spending decisions made by the Government and announced by the Chancellor in the Budget and autumn statement. It is precisely because the previous Government gave up that sort of discipline and just spent money that they did not have that we are in the national predicament that we find ourselves.

We are determined to ensure that law enforcement agencies have the resources they need to protect the public. At the moment it is worth noting in passing that we have seen a 10% fall in recorded crime in the past two years, at the same time as we have made some reductions in police budgets. That is because we have the police operating more effectively than they did under the previous Government.

Let me say this as a final broad lesson for hon. Members who doubt it: spending more money on a service does not guarantee the greater quality of that service. If that were the case, under Labour we would have had the best services anywhere in the developed world. As it is, we have quite a lot of services that need to be made more efficient, while we were still living chronically beyond our means under the previous Government, where for every £3 we raised in tax we spent £4 as a country. No wonder we found ourselves in a ruinous state with a budget deficit bigger than Greece when the coalition came to office and decided to stabilise the national finances to save us from absolute ruin.

Steve McCabe: I am grateful for the Minister's economic lesson, which I suspect is an attempt not to answer the question about how much the agency will have for all the additional responsibilities. I was struck by his comment about Labour's profligate behaviour in government. Can he confirm as a matter of fact that the debt percentage of GDP when Labour came to office in 1997 was 42% and it was 35% at the onset of the economic crisis in 2008? How is that an example of profligate spending?

The Chair: Minister, can we keep the answer to the resources of the NCA, please?

Mr Browne: We can. Of course, we are all relieved that the previous Government ended boom and bust. They promised. I take the point that the hon. Gentleman makes, that we cannot possibly have a difficult environment at the moment, because the previous Prime Minister made sure those unhappy days were gone for ever under his careful stewardship of the Treasury.

Charlie Elphicke (Dover) (Con): I really must take the Minister to task. He has been far too generous to the Opposition in his remarks. It is not just about the issue of budgeting and the fiscal incontinence that characterised the previous Government, but that of productivity, particularly with reference to the organisation that we are discussing in the clause and amendments. What are the Minister's views on increasing productivity in this organisation and more generally across the public sector? Does he think it would be a good idea to publish the figures rather than suppress them, as the Opposition did when they were in government?

Mr Browne: I remember the previous Parliament as an Opposition MP and I do not recall new legislation coming with price tags that anticipated Budgets many years into the future. We were invited to endorse the basic principles of the legislation and then each successive Budget and financial review set those budgets into the future. If we knew in every piece of legislation exactly how much money would be allocated years into the future, the role of the Treasury would obviously be substantially diminished.

I am seeking to provide additional assistance to the Committee by giving the indicative figure that I have and by saying—

Stella Creasy (Walthamstow) (Lab/Co-op) rose—

Mr Browne: Bear with me one moment. Some money will flow from organisations such as the NPIA, which are in part transferring into the NCA. The budget for the functions of the NPIA that will transfer into the NCA will be about £11 million of the NPIA funding. Other parts of the NPIA will not go into the NCA, and obviously it would not make sense for the money to go into the NCA from parts of the NPIA that did not go into the NCA. I am being completely up front and honest by saying that the Home Offices faces a constrained budget. If Opposition Members want to argue that the budget for the NCA should be much bigger than the figure that the Government finally arrive at, they can only do so if they are honest enough to admit that they would spend less on community policing, such as on grants to individual police forces, than the Government envisage spending. The problem that the Labour party has is that it considers that every budget should be bigger, which is how we got into such a dire situation in the first place.

Stella Creasy: I am absolutely fascinated by the Minister's appreciation of fiscal prudence, and I look forward to talking to him more about borrowing and debt, as it grows in this country.

The hon. Gentleman has set out clearly that he is referring to an indicative budget. He also referred to the transfer of some money from other Departments, and

gave assurances that the National Crime Agency will have the resources that it needs to do all that is set out under the Bill. Does that mean that an additional £13 million is what the budget needs to make sure that it can cover all that it needs to do? If or when that indicative budget is realised and it is less than £13 million, does the hon. Gentleman think that it will not be able to do all the things that he promises it will do?

Mr Browne: We will have to make a decision. Anyone who runs an organisation, even an organisation with a budget of £10,000, has to make decisions about how it spends the money and decide on its priorities. We, as the Home Office, will have to decide—as we seek to make the country live within its means again—how we can best spend money most efficiently to protect the public from crime and other threats to their security.

Obviously, in an ideal, utopian world where money was unlimited, we could spend more and more money on all sorts of different functions, but the Labour party has to be honest enough to admit that it would reduce spending in other areas of the Home Office budget such as on community policing, or that it would perhaps take money out of the NHS. The Labour party did not give a commitment to safeguard the NHS budget so that it could reduce the money for cancer treatment, for example, and spend it on the NCA. That would be an honest argument.

Stella Creasy rose—

Mr Browne: The hon. Lady could say that the Labour party would give less money to wounded servicemen in Afghanistan. Labour start £3 billion behind the starting line after last night's vote in the House of Commons. There is a massive credibility shortfall. We have been left an economic catastrophe by the Labour party. We will ensure—as we are at the moment—that Britain is a safe country in so far as a Government can ensure that, and we will ensure the necessary resources to combat crime, but we cannot promise that money will be unlimited because we do not have unlimited money to give out.

David Rutley: I wonder whether the Minister was aware of a statement made in the Chamber by the Chair of the Home Affairs Committee, the right hon. Member for Leicester East (Keith Vaz), who, as my hon. Friend knows, is incredibly hard-working and assiduous. The right hon. Gentleman stated that he recognised that a previous Labour Government had spent a lot of money on the police but had not paid nearly the same attention to how that money had been spent and the organisational structures that were put in place. Is it not the present Government who are putting the most appropriate structures in place to achieve the best possible outcomes and not focusing on the money, as the Chair of the Home Affairs Committee outlined?

Mr Browne: I accept that argument, but I do not accept Labour's central analysis that the more money that is spent on a service, the better the service must be and the more that demonstrates how much politicians care about the people who rely on such services.

A fascinating picture is emerging of how the Government are managing to have an effective policing environment. We have seen reductions in crime for the past two years,

despite Labour's warning that if we reduced the spending available for the police given the overall economic circumstances in the country, crime would increase. There is only one thing that makes Labour MPs look more glum than the announcements that crime is falling, and that is when announcements are made that unemployment is falling. All I can say to Labour MPs is that it is possible to spend money more efficiently. If one is left with the dire economic inheritance that we were left with, it is absolutely imperative to spend money more efficiently, but we will be making available, in the NCA's first full financial year, an indicative budget for planning purposes of £407 million. I cannot be more specific now because there are other factors to take into account, but that is a substantial amount of money and we have to be certain that it is spent as efficiently and effectively as possible.

Earlier this morning—before you were here, Ms Dorries—we were invited by Opposition Members to endorse amendments that would have put more bureaucracy, more layers of structure and more paid posts into the governance of the NCA, and which would have been completely unfunded. We said no. We want a streamlined, efficient, effective service, where the money is spent on protecting the public, not on lots of meetings with lots of people who are highly paid to attend. It is indicative of our approach that we want an effective structure where the director general reports to the Secretary of State, not to an expensive board as was envisaged by the Labour Front Bench.

I had more points to make, but Members either do or do not take the view that we have to live within our means. Legislation typically does not come with budgets for years in the future, and everybody understands that the Chancellor and the Government as a whole will set budgets based on the priorities of the Government and the economic circumstance at the time. I am obviously not able to give assurances about future budgets years in advance, nor is it necessary, in order to pass the Bill, to have those assurances about budgets years in the future, nor is Labour able to give any assurances about budgets years in the future. The Government continue to be governed by the needs to balance the country's books and restore some fiscal sanity while at the same time protecting people from the ill and harmful effects of crime.

Charlie Elphicke: I thank the Minister for giving way. He hits the crux of the matter. It is ludicrous to set large budgets far into the future. All that will happen is officialdom will say, "That is the money we have to spend; now we have got to spend it." Budget control should be aimed at trying to squeeze efficiencies and making sure that organisations are as effective as possible, particularly with the rise of technology, which enables many things to be done much more cost-effectively.

Mr Browne: Indeed. I have been struck by how some parts of the private sector have managed to achieve amazing year-on-year efficiencies at the same time as they have increased their service delivery. That is what we need to do better in the public sector. Some parts of the public sector have achieved considerable efficiencies, and other parts still have a way to go. The Bill will, I hope, offer extremely good value for money for the taxpayer, while greatly improving the United Kingdom's

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capacity to combat serious and organised crime. On that basis, I ask the Committee to reject these amendments and support the Bill as a whole when the time comes.

Mr Hanson: I thought that was going to be quite simple, but it obviously turned out to be more controversial than I anticipated. The purpose of tabling the amendments was simply to try to tease out what the budget will be for next year, and potentially for future years. They are devices to do that.

The Minister gave the figure of £407 million, which I already know because it has been published. The purpose of the amendments was to tease out exactly how many of the precursor body's responsibilities and budget headings will be transferred to the new National Crime Agency. The figure of £407 million is for the new agency. However, as I mentioned, the SOCA budget last year was £394 million. As I read the Bill, all of SOCA's responsibilities will be transferred to the National Crime Agency. Part of the responsibilities of the National Policing Improvement Agency, will be transferred. Its budget was £360.4 million in the year before last. What element of that will be transferred? The Border Force, in the Border Agency, will also be transferred, but I do not have to hand the figures for the amount of resource that it spends.

We have approved clause 1. If we approve the Bill, we are effectively creating a new agency. The budget for the new agency may be substantially, or partially, less than the budget already agreed for the precursor agency. I just want some transparency on that issue.

Steve McCabe: Can I clarify this point with my hon. Friend? I understand the Minister's desire to get more for less, but according to the Government's own figures, £28 million has been allocated to Home Office over two years for cyber-security. Since the native cyber-security function goes to the agency, that would suggest that there should be at least £14 million going to that aspect of its work. How does my right hon. Friend reconcile that with the fact that there is only £13 million, overall, for all the new activities?

3 pm

Mr Hanson: Those are the kinds of issues that I was trying to tease out. The Minister has not given me an indication on this next issue, but if we are abolishing the National Policing Improvement Agency and the Serious Organised Crime Agency, and transferring the Border Force into the National Crime Agency, there may be some savings. All I wanted was for the Minister to say, "This is the saving that we think that organisation will make, and therefore the budget for the three organisations that are being transferred in need not, any more, be £407 million, as that budget takes account of £x million of savings."

I have had no clarity from the Minister on the relative budgets between the different organisations. I wanted to tease it out, but have singularly failed to tease out anything from him apart from the figure of £407 million, which was already published. He did not answer my question about the capital elements; if he is willing to intervene now I will be grateful. There will be capital elements that come from abolition and I would like to

know whether they are going back into the National Crime Agency or are being creamed off by the Treasury. If he is willing to intervene, that would help give some clarity.

Mr Browne: The right hon. Gentleman has made an extremely reasonable point. I will write to him, because specifically on Bramshill I do not know where capital receipts would go in that eventuality. I will let him know, as well as other members of the Committee who are interested.

Mr Hanson: I am grateful to the Minister. He knows that I have tabled questions about the relative value of Bramshill, which is a considerable resource for the police training college. In the last year of the previous Labour Government, £14 million of capital was invested in Bramshill, so I do not know what the receipt will be now that the Government have decided to sell it off, or where that receipt goes. I would hope at least for some clarity. I am not going to say whether, personally, were I the Minister, I would want it to go to the NCA, the Treasury or the wider Home Office. However, we need to know what is happening to that capital resource. If he can write to me in due course about the principle of capital receipts from any assets that are sold by the new agency—or indeed the policing college, which part of Bramshill will come under—that would be of help. We have at least debated the issues, which is important. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr Hanson: I beg to move amendment 9, in schedule 1, page 45, line 18, leave out paragraph 4.

Although I say this with some trepidation, I hope that this debate will be even quicker than the last. We have tabled the amendment to test the Minister's objectives. It would delete paragraph 4 of schedule 1, removing from the Bill the principle that the National Crime Agency

"may charge a person for any service provided at the person's request."

I do not intend to push the amendment to a vote. I simply want to hear from the Minister what he and his officials understand that element of the Bill to mean in practice.

The Minister will undoubtedly refer me in due course to part 5 of schedule 3, which sets out a range of issues around the principle of charging. I want to look at what that means, in practical terms. Part 5 of schedule 3, on page 60 of the Bill, has the title:

"Payment for tasks, assistance or facilities."

Paragraph 30 of the schedule, which has the heading "Payments by police", says:

"The fundholding body for a UK police force must pay the appropriate amount to the Director General if...the Director General performs a task in response to a request by the chief officer of that police force under section 4".

Let me give the Committee a brief example on this issue, drawing on my constituency experiences. Very recently, the chief constable of North Wales police "requested"—I put that in inverted commas—that the National Crime Agency look at the historical abuse relevant to north Wales child abuse issues. If the Bill is passed in its current form, there will presumably be a

charge to North Wales police for the service provided by the National Crime Agency. The agency is doing that because the Home Secretary has requested it to look at that matter. There is a genuine issue of what the charges are, how they are going to be implemented, what the costings are and ultimately how the policy will work in practice.

My concern is in relation to the north Wales inquiry. The Home Secretary has said, “NCA, go and look at this.” There is not much choice about that, because the Home Secretary may direct strategic responsibilities of the NCA. The NCA has gone in to investigate and, in the way I read the Bill, may effectively charge what it wishes to the local force for that service. What are the brakes on that?

Part 5 of schedule 3 states that if there is a disagreement between R and P, which is the force and the NCA, the Secretary of State may determine how much the figure should be. In theory, the Secretary of State could order the NCA to undertake an investigation into a serious criminal matter that is the responsibility of a local force. The local force may not be happy with that, but may end up being billed by the NCA for the cost of the investigation. If it disagrees with the costings, the matter goes back to the Secretary of State, who ordered the investigation in the first place.

I want to be clear what the parameters are of a local force, the Secretary of State and the NCA. If the Minister is able to provide some clarity on that matter, I will be happy not to press the amendment, which is my intention as we speak.

Andy McDonald: A local police force could be substantially undermined financially, having no control over the process whatsoever. Is it any wonder that the cumulative budgets of the various organisations could be reduced so drastically, if there was an income stream that could be derived from local police forces? I regard the issue as extremely worrying.

Mr Hanson: I am grateful to my hon. Friend for his observation. His worry might or might not be justified. My worry might or might not be justified. The purpose of tabling the amendment is for the Minister to stand up to give the circumstances in which he believes the power under schedule 1 may be used and the power that relates to part 5 of schedule 3, which we will come to later, may be used, just so that we can get the clarity so that my hon. Friend can rest easy in his bed tonight.

Mr Browne: I think the right hon. Member for Delyn would acknowledge that the provision is a fairly technical amendment in terms of details of the funding stream. Let me reassure him on how it will work in practice.

The right hon. Gentleman asked how charging for services will operate in the NCA. Before turning to the specifics of the amendment, I want to distinguish between charging for services such as training, and cross-charging in relation to specific operational tasking or assistance. We regard them as two different categories of charging, but they could be bundled into one by people who are discussing the matter.

Paragraph 4 of schedule 1 broadly replicates the provisions in section 19 of the Serious Organised Crime and Police Act 2005, enabling the NCA to charge a

person or organisation for any service provided at the request of that person or organisation. That is different from the charging provisions in schedule 3, which we will come on to in a later group of amendments, as those relate to cross-charging for specific operational support provided under tasking or assistance arrangements.

An example of the services that could be charged for under schedule 1—the first category—is training provided by the proceeds of crime centre, which recently moved into SOCA from the NPIA, for accredited financial investigators. Similarly, the provision will impact CEOP’s ability to provide and charge for important child protection training and expertise to police, teachers and child protection workers, among others. There will be an ability to charge for a course or direct services that someone buys from one of the organisations but could conceivably buy from another organisation. Without the provisions in schedule 1, the NCA would lose its ability to charge for services that are not related to a specific piece of operational activity. That would create additional financial pressures and could mean that services, such as those that I have just mentioned, are no longer viable, going forward. We would not wish for that to be the case. All charges made under this provision will be subject to the usual Treasury requirements and calculated on a cost-recovery basis only.

In relation to specific operational support, provided under tasking and assistance, the NCA’s approach will be to replicate the current arrangements that exist between NCA precursor agencies and partners, which is not to charge or cross-charge for activity unless agreed by both parties in advance. Services can be charged, but partnership working will not routinely be cross-charged because routine cross-charging would create administrative burdens for both the NCA and its partners when calculating costs and would undermine the vision that we have of the NCA and police and law enforcement agencies working together seamlessly in collaboration.

In that second area, we would not see charging as routine unless it was agreed specifically in advance for a specific project because we wish agencies to work together. That precedent has worked reasonably well with precursor organisations such as SOCA, whereas narrow training courses provided by CEOP, for example, on which they are reliant to an extent for funding as well as providing a high degree of expertise, we see as a more transactional arrangement. In those circumstances, we wish that charging will remain. I hope that, having provided that clarification and having pointed to precedent—in both cases we are drawing on precedent—the hon. Gentleman will withdraw his amendment.

Mr Hanson: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr Hanson: I beg to move amendment 38, in schedule 1, page 46, line 23, at beginning insert ‘Ministers in’.

The Chair: With this it will be convenient to discuss the following:

Amendment 24, in clause 3, page 3, line 14, leave out from ‘year’ to end of line 15.

[The Chair]

Amendment 25, in clause 3, page 3, line 33, leave out from ‘plan’ to end of line 34.

Amendment 36, in clause 3, page 3, line 35, leave out—

‘Department of Justice in Northern Ireland’

and insert ‘Northern Ireland Justice Minister’.

Amendment 26, in clause 3, page 3, line 35, leave out from ‘Ireland’ to end of line 36.

Amendment 41, in schedule 2, page 51, line 4, at beginning insert ‘Ministers in’.

Amendment 43, in schedule 2, page 51, line 20, at beginning insert ‘Ministers in’.

Mr Hanson: The amendments are designed to tease out from the Minister the relationship between the National Crime Agency and devolved bodies in Scotland and Northern Ireland on consultation and on examination of national crime plans. Amendment 38 would require the Secretary of State to consult with Ministers in the Department of Justice in Northern Ireland, rather than just the Department of Justice in Northern Ireland. Hon. Members will see that the current wording refers to “Scottish Ministers” for the Scottish Department, but it does not refer to “Ministers” in Northern Ireland. I want to ask the Minister what that means.

In government, my right hon. Friend the Member for Wythenshawe and Sale East spent a considerable amount of time ensuring that justice was devolved to Ministers in Northern Ireland. There is a Justice Minister in Northern Ireland, David Ford, and I want to ask the Minister of State what is meant by consultation with Ministers in Departments in relation to Scotland and Northern Ireland.

Personally, I think that we need to look at consulting in great detail on the impact of the National Crime Agency on Scotland and Northern Ireland because both devolved Administrations will have their own priorities, but they need to know how they fit into the National Crime Agency’s wider work. That is why I tabled amendment 24. Clause 3(3) states that,

“the Director General must issue a document (the ‘annual plan’) setting out how the Director General intends that NCA functions are to be exercised”.

I propose to delete

“including how they are to be exercised in Scotland and Northern Ireland”.

I tabled the amendment not because I want to delete that particular wording, but because I want the Minister to give some sense of how, with whom, and at what stage the National Crime Agency director is expected to exercise, and discuss the exercise of, those functions in Scotland and Northern Ireland.

3.15 pm

Amendment 25 deletes the words

“only as it relates to activities in Scotland”.

Under clause 3(6)(a), the director general is required to consult Scottish Ministers about the plan only as it relates to activities in Scotland. We have devolved Administrations in Scotland and Northern Ireland. I am interested as to why the Government think that Scotland’s Justice Minister would only be interested in

the National Crime Agency plan as it relates to activities in Scotland. I want to plant the idea in the Minister’s head that the Scottish Justice Minister and the Department of Justice in Northern Ireland, and/or, if the amendment is agreed, Ministers in Northern Ireland, might have an interest in commenting on the annual plan as it relates to England and Wales as well. For example, there may be things happening between the port of Holyhead in Wales and Northern Ireland that are of interest to both the Justice Ministers and members of the National Crime Agency. There may be things happening in Scotland and England that are of interest to both, and the Minister in Scotland may want to comment on things happening in England that are ultimately generating activity in Scotland or that may lead to issues that might have an impact in Scotland.

I am at a loss, and cannot get my head around why the director general, when consulting Scottish Ministers, will consult them only about the plan as it relates to activities in Scotland. The operational field of influence may only be in Scotland, but the National Crime Agency, by dint of later clauses, has a UK-wide and international responsibility. Is it not fair that Ministers in Scotland and Northern Ireland should have a say in consultation on the National Crime Agency plan, which may cover the whole of the United Kingdom?

Amendment 26 does the same thing, but for Northern Ireland. The Bill says that the Department of Justice in Northern Ireland can be consulted about the annual plan

“only as it relates to activities in Northern Ireland.”

What does that mean? Much crime that funds terrorism in Northern Ireland originates in England and Wales. If the Department of Justice in Northern Ireland responds to the consultation on the plan and it can refer to things in Northern Ireland, that is fine, but does it mean that it cannot talk about issues in England and Wales as well? The amendment is reasonable. It is not about Executive responsibility; it is about allowing Ministers in both Northern Ireland and Scotland to comment on the National Crime Agency plan in totality as well as how it impacts on Northern Ireland and Scotland.

Amendment 41 would require the Secretary of State to consult Ministers in the Department of Justice in Northern Ireland, rather than simply the Department of Justice in Northern Ireland, for the reasons I gave earlier. Amendment 43 would also require the Secretary of State to consult Ministers in the Department of Justice in Northern Ireland. I want to test why the Government will consult Scottish Ministers, but only the Department of Justice in Northern Ireland.

The amendments cover relatively simple matters. My right hon. Friend the Member for Wythenshawe and Sale East tabled amendment 36, which mirrors some of the issues I raised about the work of the regional organised crime taskforce. I would welcome the Minister’s view on how devolution fits into the planning under schedule 1.

Paul Goggins: It is a pleasure to follow my right hon. Friend. I will touch on the point that he highlighted about Northern Ireland in a moment. I want to use this opportunity to ask the Minister for clarification on one or two other things, in particular, paragraph 7 of schedule 1, which covers the arrangements for the selection and

appointment of the director general, and is one of the issues where the Home Secretary must consult in Scotland and Northern Ireland.

I thought that I knew the kind of person and the kind of experience that the Home Secretary was looking for when appointing the director general of the National Crime Agency from her statement to the House of Commons in June 2011. She said:

“The National Crime Agency will be a crime-fighting organisation. With a senior chief constable at its head, the NCA will harness intelligence, analytical capabilities and enforcement powers.”—[*Official Report*, 8 June 2011; Vol. 529, c. 232.]

That was a welcome message, because she was clearly talking about somebody with substantial policing experience in this country who had attained the rank of chief constable and was known and respected by colleagues, and could therefore not only work at the head of a national agency, but broker good, constructive operational relations with police forces across the country and with colleagues in other countries.

I was doubly reassured by reports in the press about the Home Secretary’s view on the potential for appointing senior police officers from other countries. Yes, they may have substantial experience of fighting crime, but it would be in a very different law enforcement environment. She was dead set against the idea of recruiting people with experience in another country to senior policing roles in this country. Why did I think that? The last time the Met commissioner vacancy came up, there was a very strong indication through various media outlets that the Prime Minister was quite minded and warm to the idea that Bill Bratton might be welcomed here and appointed to the role. The reports also indicated that the Home Secretary dug her considerable heels in at that point; no way was she going to allow it to happen as long as she was Home Secretary. It appears that she won, because Bill Bratton did not get close to being the Met commissioner; we know the outcome. As a further indication of her position, the Home Secretary appointed Keith Bristow, a very experienced chief constable from Warwickshire, to head the NCA.

Given that background, I opened *The Mail on Sunday* on 20 January to the headline, “Foreign supercop set to take over British police”. The first paragraph reads:

“Foreign crimebusters such as US supercop Bill Bratton will be given the chance to take over British police forces under radical new plans to be unveiled by Home Secretary Theresa May.”

That is a considerable change in attitude. Indeed, as recently as this morning there was a piece by Philip Johnston in *The Daily Telegraph* exposing the dreadful state of the relationship between the Government and police forces up and down the country. That is a cause for great concern, whichever party one belongs to, because there should be confidence and a good, constructive relationship between the Government and the police. There clearly is not at the moment, and that situation must be repaired as soon as possible.

Can the Minister explain what is in the mind of the Home Secretary in terms of future appointments to the position of director general of the NCA? Until now, we were told that it would be a senior chief constable. Until now we thought that it would be somebody with considerable experience. We know that in Keith Bristow, the current director general, we have an experienced chief constable, but we are now told that to qualify to

be a top cop in this country, and therefore eligible to be appointed director general of the NCA in future, someone could come from anywhere if they have relevant experience.

There is a debate about whether people from other law enforcement backgrounds should be welcome to lead the police in this country—I can see arguments for and against—but we all thought we had an understanding of the kind of qualities, qualifications and experience that the Home Secretary would look for. That seems to have altered, even in recent days. I hope that the Minister, who I know is listening intently to this point, will reassure the Committee as to what is in the Home Secretary’s mind as she approaches such appointments.

I would like to move on to three points relating to Northern Ireland. First, I shall refer briefly to my amendment. Looking at page 3, line 35 of the Bill, I ask the Minister, as did my right hon. Friend the Member for Delyn, about the difference between Scotland and Northern Ireland. Why is it that in Scotland the Home Secretary has to consult Ministers, but in Northern Ireland she must consult the Department of Justice? There are some fine senior officials in the Department of Justice in Northern Ireland who do a great job, and I am sure that they would give very good advice. However, as the Minister reminded us time without number this morning, in the end it is the Minister who has ultimate responsibility. Perhaps there is a legislative technicality—I do not know—but he needs to explain why the consultation will be with Ministers in Scotland and with the Department of Justice in Northern Ireland.

Paragraph 15 of schedule 1 deals with NCA specials. So far the Committee has not had a debate about the role of specials. I am sure specials have an important role to play in the NCA, and I hope that the Minister will be able give some outline of it. I refer him specifically to sub-paragraph 11, which relates to Northern Ireland and differentiates an NCA special and a special constable or indeed

“a member of the Police Service of Northern Ireland Reserve”.

Those are all separate functions. The sub-paragraph goes on to say that

“none of the operational powers which the person has as an NCA special are exercisable at any time when the person exercising any power or privilege which the person has as a special constable or as a member of the Police Service of Northern Ireland Reserve.”

The Minister needs to offer some explanation of how on earth that will work in practice. For somebody who is an NCA special and a member of the PSNI reserve and carries out both functions, how does the Minister intend to ensure that those two functions are kept absolutely distinct, with their respective accountabilities? It is one thing to write it down on a piece of paper, but when tackling organised crime, when NCA specials and PSNI reserves are working hand in glove in support of regular officers, we need absolute clarity about how it will work in practice.

My final point again relates to Northern Ireland. It would equally apply in Scotland, but I have a particular interest in Northern Ireland. Will the Minister take this early opportunity to update the Committee on his progress in obtaining a legislative consent motion, which would be required for the provisions as they relate to Northern Ireland? I was involved, as was my right hon. Friend, in the negotiations on the devolution of policing and justice powers to Northern Ireland, which was a considerable step forward and happened in 2010 with

[Paul Goggins]

all-party support. As a result, policing and justice is now devolved, which means that a legislative consent motion is required for aspects of the legislation that relate to police powers exercised by NCA officers operating in Northern Ireland. I suspect that it may not be absolutely straightforward, because there are still strong views about policing and its devolution. We need an indication of what progress is being made, because when the Bill comes into force we need to know that it will apply equally in Northern Ireland as it does in England, Wales and Scotland.

Mr Browne: You rightly determined, Ms Dorries, that this discussion should be wide-ranging and take in many aspects of the role of the NCA in Scotland and Northern Ireland, so as well as discussing the amendments I will take this opportunity to touch on some of the broader issues that were raised in the previous two speeches.

Before I get to the amendments, I say to the right hon. Member for Wythenshawe and Sale East that I, too, have read the *Mail on Sunday* reports about so-called US supercops, but I am sure that if the Home Secretary has an announcement to make on the issue, she will make it to Parliament in the normal way. I can assure the right hon. Gentleman that we have a UK supercop already lined up for the job and out and about doing super things: Mr Keith Bristow, whose talents have been acknowledged by Members on both sides of the Committee. The right hon. Gentleman need not be concerned that we are scouring the United States. We scoured the whole of Warwickshire and found a man who will do that job better than anybody else.

Paul Goggins: Before the Minister moves on, let me quote a little further from the article in *The Mail on Sunday*:

“Mrs May believes that there are too few talented people at the top of the police.”

Mr Bristow is clearly a highly experienced and very talented chief constable and will be the first director general of the National Crime Agency. I have no quibble with that. He has my full support and I am sure that is shared across the Committee. However, we are not legislating in the Committee for this first appointment or for this particular Home Secretary. This is legislation that will continue for a considerable time. We have to satisfy ourselves as to the long term as well as the short term. The Minister needs to give clarity. There seems to be a shift in the Home Secretary’s thinking about what makes someone fit to be a senior police officer. If it is true that she feels there is too little talent at the top of the policing world in this country, I beg to differ. It is important that the Minister of State and other Ministers start to rebuild confidence between the police and the Government because it seems to be at a regrettably low level at the moment.

3.30 pm

Mr Browne: I have difficulty expanding what I have already said. I cannot vouch for the accuracy of every single word that appears in *The Mail on Sunday*. I have even, in the past, read the odd article in that newspaper

that does not accord with my understanding of events with which I am familiar, let alone ones that are rather more speculative. Perhaps my gentle advice to Opposition Members would be to await the formal announcements that we have the privilege of hearing first as Members of this House, rather than necessarily believing everything that can be read in the Sunday newspapers, entertaining though that often may be.

Gavin Barwell (Croydon Central) (Con): The Minister says that he cannot be drawn into speculating on this story, but there are two important points that he could put on the record today. First, whatever the merits of candidates from abroad, who could bring particular experience to the UK if there was a change of policy in that regard, there are in British policing some outstanding officers who would merit senior positions within our police service. Secondly, as a slight counterpoint to the right hon. Member for Wythenshawe and Sale East, there is an issue about the diversity of the talent pool at the top of British policing and the extent to which, particularly in the kind of community that I represent, it reflects the people it is policing.

Mr Browne: That was a very helpful intervention. Indeed, one could, if one was seeking to test your patience, Ms Dorries, have a wide-ranging debate about the attributes of senior police officers in England and Wales and across the United Kingdom. I readily recognise that there are some extremely talented people in senior police positions. It is due to their talents in large part that we have had such success in the last two years in managing to spend police budgets more efficiently while at the same time seeing a reduction in crime.

I suppose I would also say if I was further to test your patience, Ms Dorries, that there is expertise in all parts of the world. There are lots of insights that people can provide and there are lots of parts of industry and business, and even some parts of the public sector, that have drawn on the talents of people from beyond the United Kingdom. But that is not a proposal which the Home Secretary has made. The first director general of the NCA has been identified. He is reassuringly British, I hope, for the right hon. Member for Wythenshawe and Sale East. If there are further announcements to be made in this regard I am sure the Home Secretary would want to let the House of Commons know before any other organisation had an indication of her thinking.

The next point I was going to make was the distinction between special constables within the NCA and special constables within individual police forces. But that is the subject of the next group of amendments, so I will hold back on that as I have quite a bit to say on this group. Finally, before I get to the nub of the amendments themselves, the right hon. Member for Delyn probed this whole area of consultation between the NCA and its director general and police forces in Scotland and Northern Ireland. The example that he cited was cross-border crime between north Wales and Northern Ireland. He felt it would be unreasonable for police bodies in Northern Ireland not to be made aware of what was happening in north Wales inasmuch as it had a bearing on their work in Northern Ireland.

We very much envisage that that type of consultation will take place. Obviously, the right hon. Member for Delyn has given an example but there are other examples

of cross-border crime taking place between England and Scotland. I would go slightly further and say that I have been struck in my four or five months as a Home Office Minister by how much regular co-operation we have with police forces from outside the United Kingdom that are geographically close to us. For example, the Dutch work closely with us. A lot of organised crime imported into the United Kingdom through ports in the south-east comes, as one would expect, from our near neighbour with a big port capacity, the Netherlands.

There is a lot of work going on within the UK. We envisage that the NCA will be a UK-wide organisation. We could have sought to make it more limited in scope within England and Wales but we wanted it to be UK-wide with that resilience across the UK, because we recognise that a lot of organised and serious crime does operate within the UK, and we do not have the ability to have jurisdiction beyond the UK. As I say, the NCA will also adopt an international role, working perhaps as far afield as Afghanistan regarding the heroin threat, Latin America regarding the importation of cocaine, the USA regarding the importation of firearms, or countries in eastern Europe regarding people-trafficking and further afield still. It is a UK-wide organisation that I hope will have a joined-up and co-ordinated mindset within the UK, and a well networked mindset internationally.

Before turning to the substance of the amendments, the debate provides me with an opportunity to update the Committee on progress to secure the legislative consent of the Northern Ireland Assembly. The point was also touched on by the right hon. Member for Wythenshawe and Sale East, drawing on his experience as a Northern Ireland Minister, as well as his broader interest in the subject.

As hon. Members are probably aware, securing legislative consent is a devolved process and we, the Home Office, and the Northern Ireland Office are supporting the Department of Justice in Northern Ireland to take forward these discussions, because we envisage that the NCA would be UK-wide in its scope. The Northern Ireland Justice Minister David Ford and his Department are engaged in discussions with the political parties in Northern Ireland with a view to securing a collective discussion and decision in the Northern Ireland Executive Committee and, if that agreement can be reached with regard to the NCA, thereafter in the Northern Ireland Assembly.

Paul Goggins: The Minister is giving a helpful explanation, which I am following carefully. Will he give the Committee some idea of time scale? When he says that the Executive in Northern Ireland may be considering this, does he know when? When does he expect an outcome?

Mr Browne: My understanding is imminently, by which I mean very soon, rather than in the fullness of time. Maybe I will not tread too indelicately on this subject. Although my understanding is that David Ford would like the Northern Ireland Executive to reach a conclusion in favour of the NCA having this function across the UK, including Northern Ireland, with a view to putting that to the Assembly on Thursday of this week, obviously I do not want to prejudge what decisions will be arrived at at the meeting that takes place in two days' time in Northern Ireland.

We are obviously keen for progress to be made, while also needing to recognise that various sensibilities may need to be addressed in a way that achieves an outcome that is to everybody's satisfaction. I recognise that progress has not been as quick as we might have liked, but it is important that the Northern Ireland Executive and Assembly are reassured that through proper scrutiny the proposals will work in Northern Ireland. It is our intention that the people of Northern Ireland are no less well served by the NCA than the rest of the UK.

There is clearly a serious and organised crime threat within Northern Ireland. In our view it would be appropriate for the public in Northern Ireland to have the same level of protection as we envisage in England, Wales and Scotland. Equally, it is critical that the Police Service of Northern Ireland—which I am sure we all recognise is delivering an excellent job at this particularly difficult time—will benefit from the specialist capabilities and expertise that the National Crime Agency will be able to bring to bear to support its efforts in the fight against serious and organised crime in Northern Ireland, which I mentioned a moment ago. We will have to await developments, but the Home Office and the Northern Ireland Office have been taking a close, but appropriate, level of interest in how this matter proceeds across the Irish sea.

The right hon. Members for Delyn and for Wythenshawe and Sale East have put forward a number of amendments that seek to change various references to the Department of Justice in Northern Ireland, so they instead refer explicitly to the Ministers in that Department. For example, they substitute a requirement to consult the Minister for Justice, as opposed to the Department of Justice, on the annual plan. While the National Crime Agency will have a UK-wide responsibility, supported by a UK-wide footprint reflecting the reach and threat of organised crime, it is important that the arrangements for the NCA respect the devolution of policing and justice in Northern Ireland and Scotland—and they do. As such, it is clearly critical that on matters such as the agency's annual plan, appointment of the director general and the framework document, elected Ministers in Northern Ireland should be consulted.

I support the spirit of the amendments. As the right hon. Member for Wythenshawe and Sale East said, given that I am a Minister and not an official, it is unsurprising that I do support them. However I assure the right hon. Gentleman that I have been told that this is a drafting convention—what he described in his speech as a “legislative technicality”—and that the Department of Justice in Northern Ireland is referred to across the statute book with legislation of this type. This is not a one-off and in practice it would be the Northern Ireland Minister for Justice, as advised by his Department, who takes the relevant decisions, for example offering comments on the NCA annual plan as it impacts on Northern Ireland. So in practice, I hope that amendments 36, 38, 41 and 43 would have no material effect. This is merely drafting consistency, so I am reliably informed.

Moving to amendments 24 to 26 tabled by the right hon. Member for Delyn, amendment 24 removes the requirement on the director general to state in the annual plan how he or she plans to exercise the NCA's functions in Scotland and Northern Ireland. This is not

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a change that the Government support as it would, in effect, give the director general the freedom to leave any plans that the NCA might have for activity in Scotland and Northern Ireland out of the plans entirely. That would hardly be transparent and would mean that elected representatives in the devolved Administrations would not be able to scrutinise the NCA's plans properly within their jurisdiction. I suspect that is not what Members across the Committee intended. I would add that there is an equivalent provision in section 6 of the Serious Organised Crime and Police Act 2005 in respect of the SOCA annual plan. So it is not clear why Members would feel particular difficulty about endorsing legislation as envisaged in the Bill before us, given that it draws on the arrangements that exist, in effect, in predecessor organisations.

Amendments 25 and 26 give Ministers from the devolved Administrations the right to be consulted on the entirety of the annual plan—this was touched upon by the right hon. Member for Delyn—even though some of the plan will not relate to matters within their jurisdiction. Under the terms of amendment 24, the annual plan might well relate only to England and Wales, in which case Scotland and Northern Ireland Ministers would have no mandate to comment at all. In terms of consulting on the entirety of the plan, we would obviously wish consultations to take place on matters directly related to Scotland and Northern Ireland on a formal basis. However it is very much in the interests of the director general of the NCA to work collaboratively, not just with the two devolved Administrations, but with police forces across England and Wales. Although that may not be a formal requirement and may not be relevant with some aspects of the plan, we would envisage that he would on an informal basis wish to share information that he felt would make the NCA more effective as a whole.

We are clear that the statute should uphold the proper role and mandate of Ministers from the devolved Administrations, who are to be consulted, and give their consent to the NCA's annual plan when it relates to activities taking place within their jurisdictions. I do not believe that anyone would accuse the Scottish Administration of being insufficiently vigilant when it comes to protecting the interests of the people of Scotland. There is a clear sense in Northern Ireland, too, that its ability to decide such matters for itself should be protected. We have been sensitive to those requirements in Scotland and Northern Ireland, and I hope that we achieved the right balance of treading sensitively in respect of responsibilities for such matters while, at the same time, trying to achieve our overall objective.

3.45 pm

We want an NCA with resilience against serious and organised crime on a UK-wide basis, even though that inevitably requires more difficult deliberations than were it just to be in England and Wales. However, we believe that it will be a stronger organisation as a result. On that basis, I ask Labour Members to withdraw their amendment. I am grateful also for the opportunity to update the Committee on the deliberations that have taken place in Northern Ireland.

Mr Hanson: We just wanted to test again the relationship among Northern Ireland, Scotland and the rest of the United Kingdom in relation to the National Crime Agency plans. I shall be happy to withdraw the amendment on the basis of the Minister's comments.

Paul Goggins: I am also grateful for the Minister's explanation of the convention in respect of consultation with the Department, not Ministers, although it prompts the question, when do we ever change conventions? I look forward to his explanation of specials in our later debate.

During the hon. Gentleman's helpful explanation of the update on the legislative consent motion in relation to the Northern Ireland Assembly, he cautioned the Committee about the use of the word "imminent". In the context of Northern Ireland politics, he is probably wise not to use it because such matters sometimes take a little time. When he spoke about tackling organised crime in Northern Ireland, I am sure that he was right. Obviously, the relationship of the NCA, the police ombudsman and the Policing Board has to be sorted out and has to be absolutely in keeping with the devolution of policing and justice. However, in the end, the measures are about tackling people traffickers, people who smuggle drugs and those who smuggle fuel across the border. In the face of such threats, we should be putting all our resources together, and in that context the NCA's resources will be absolutely essential.

Mr Hanson: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr Hanson: I beg to move amendment 39, in schedule 1, paragraph 15, leave out sub-paragraph (9).

I hope that we shall have a relatively speedy discussion about the amendment. I refer the Committee to clause 12, which gives powers to prohibit any person in a trade union, for example, from calling a strike by NCA officers with designated operational powers. It gives the Home Secretary quite wide-ranging powers to take civil action against persons who call such a strike. I do not wish to debate clause 12 because we shall do so in due course, but the amendment would delete the provision in schedule 1 that states:

"The no-strike provisions in section 12 do not apply in relation to NCA specials".

I tabled the amendment because I wanted to test the Minister's thinking and to know why there is a difference between the two provisions. Having read the Bill, it seems that the National Crime Agency specials are selected by the director general as persons appointed by the NCA, as part-time officers. They have the powers of an NCA officer. They are unpaid, which is a crucial difference between others and those under clause 12.

However, at present, the Government have power to take action against those who wish to cause a strike and who work for the National Crime Agency but there is no similar sanction for those who are part-time and unpaid, and who wish to withdraw their labour, having signed a contract and the terms and conditions of appointment set out by the director general. What is the difference between the two provisions? Part-time, unpaid specials have powers, reimbursement and the

ability to act on behalf of the director general, and yet they are not subject to the proposal in clause 12, whereas people who are paid and full-time in the organisation are. What is the difference? Is it simply a matter of payment?

I can envisage a situation whereby, in the unlikely event of a strike being called by the Police Federation, the Government could take action against National Crime Agency members who obeyed that instruction—against the Police Federation and other agencies such as Unison and others that might have staff in the agency—but would not act against somebody who could be a member of the Police Federation and/or another trade union, who decides individually that they want to withdraw their labour, but is employed as a special, admittedly part-time and unpaid. What is the difference?

Mr Browne: The NCA can protect the public only if it has the operational capability to meet the threats posed by those engaged in serious and organised crime every day and every week of the year. As I sometimes say to people when this subject is raised, when organised criminals decide to go on strike, we may decide that we can afford to have our crime-fighting capacity similarly made redundant for a period, but that is not the case at the moment. We face a threat on a daily basis and we want to be able to ensure that we can respond to it on a daily basis. Of course, the matter is directly dealt with in a later clause, so we can discuss that issue, if the Committee so wishes, in greater detail then.

Our ability to respond to serious and organised crime cannot be disrupted by industrial action, and that is why we have restricted the right to strike of NCA officers with operational powers. The nub of this point is the one about specials as distinct from that broader point, which, as I said, the Committee may wish to discuss at greater length in future. We do not agree that it is appropriate for the provisions to apply to NCA specials. They will be unpaid volunteer officers, whose part-time role will complement that of the core NCA work force. They will contribute their particular specialist skills to the NCA in their spare time.

Even though it will be possible for an NCA special to be designated with the powers and privileges of a constable in England and Wales, the additional contribution made by volunteer NCA specials does not form part of the NCA's core operational capacity in the same way as other NCA officers with operational powers. NCA specials will not receive payment, save for the reimbursement of expenses or to compensate for loss attributable to injury or death resulting from their duty as an NCA special. For those reasons, we do not believe that it is necessary or proportionate to extend the no-strike provisions to NCA specials.

There is a difference between NCA specials and specials within regular police forces. The right hon. Gentleman has questioned why NCA specials should not be barred from striking, given that police special constables are not allowed to strike. The reason for that distinction is partly technical and partly to do with the different role that NCA specials will play. Special constables hold the office of constable in the same way as a police officer and are therefore covered by the restrictions on constables taking industrial action.

NCA specials, on the other hand, are not office holders and are a different class of personnel from other NCA office holders.

Whereas many police special constables are engaged in highly visible local policing, the role of NCA specials is intended to be different. They will instead enable the NCA to harness the additional specialist skills that the agency and its officers will need to tackle some of the most serious and complex criminality impacting on the United Kingdom. For example, a forensic accountant could make an invaluable contribution to the NCA's ability to tackle serious and complex fraud, and someone with an in-depth understanding of IT and the internet would be able to work alongside other NCA officers in the national cyber crime unit. They would volunteer their expertise out of a sense of civic duty and because they wish the country well, but they would not be paid for that activity and they would not be visible to the public. They would not be an external, if you like, or core part of the NCA.

For the reasons I have set out, we do not consider it appropriate to apply the no-strike provisions to NCA specials, who after all are volunteers. I hope the right hon. Gentleman will agree to withdraw the amendment on this basis, because of the distinctions I have set out and because of the voluntary nature of the specialist—but nevertheless what we envisage to be backroom—function of the expertise provided by NCA specials.

Mr Hanson: I am grateful for the explanation, and I am very pleased to withdraw the amendments. I simply wanted to test the Government's thinking on that particular point.

Paul Goggins: Is this the moment when the Minister offers me an explanation of the difference between NCA specials and PSNI reserves?

Mr Browne: Indeed, this is exactly the moment I was waiting for. I knew the Committee would be interested to know why the legislation on suspending powers refers to both NCA specials and members of the PSNI reserve, when NCA specials will not have operational powers in Northern Ireland. The Bill is explicit that no NCA special could ever be designated with operational powers in Northern Ireland; that is clear. However, we also need to be clear on what happens when an individual has operational powers from more than one source, wherever they may be. In Northern Ireland that will primarily relate to an NCA officer who is also a member of the PSNI reserve. However, by drafting the legislation in this way, we will also be able to ensure that any member of the PSNI reserve could not use their powers as a Northern Ireland constable in relation to any voluntary role for the NCA, in the event of a future decision to use NCA specials without powers in Northern Ireland.

I must again reiterate that under this legislation no NCA special could ever be designated with powers in Northern Ireland or in Scotland. I must also reassure the right hon. Gentleman that no decision has yet been taken on whether NCA specials without operational powers will be recruited in Scotland or Northern Ireland in the future. This would be a matter for discussion and

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agreement between the director general of the NCA and the relevant devolved Administrations in due course. I am grateful to be able to clarify that matter on behalf of the Government.

Mr Hanson: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Schedule 1 agreed to.

Ordered, That further consideration be now adjourned.—
(Mr Syms.)

3.58 pm

Adjourned till Thursday 24 January at half-past Eleven o'clock.