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Home Affairs Committee - Minutes of Evidence

Specialist Operations

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Oral Evidence

Taken before the Home Affairs Committee

on Tuesday 7 September 2010

Members present:

Keith Vaz (Chair)

Nicola Blackwood Mary Macleod

Mr Aidan Burley	Alun Michael
Lorraine Fullbrook	Bridget Phillipson
Dr Julian Huppert	Mark Reckless
Steve McCabe	Mr David Winnick

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Examination of Witness (Questions 1-53)

7 SEPTEMBER 2010

ASSISTANT COMMISSIONER JOHN YATES

Q1 Chair: Could I call to the dais Assistant Commissioner Yates, please? Mr Yates, welcome back to the Committee. As you know, when we asked you to give evidence we specifically wanted to hear about your role as the Head of Counter-Terrorism and your role as the head of the Diplomatic Protection Unit, and we have some questions for you on those two roles shortly. Thank you very much for the letter that you sent to me outlining the kinds of issues that you wish to talk about.

But, as you know, the Home Secretary made a statement yesterday, in which you featured very prominently, including your interview on the "Today" programme of yesterday morning, so the Committee has some questions for you on the so-called phone hacking case. I am going to start with a couple of questions. We have heard from the BBC that Mr Andy Coulson has indicated that he is happy to meet with the police to voluntarily meet with you all and discuss these issues. When do you plan to meet with him?

Mr Yates: As ever with these things we will take it stage by stage. We have already said that we would consider any new material and what was published in the *New York Times* and then spoken about on the—

Chair: Sorry, Mr Yates, Members are finding it difficult to hear you. You need to speak up a little.

Mr Yates: Sorry. We have always said we would consider new material, ever since the fresh allegations, if you can call them that, emerged last July. In terms of Sean Hoare, that is new material, as I said yesterday, and I've indicated we will be seeing him at some stage in the near future. We will then consider what he has to say and then consider the necessity of seeing Mr Coulson. But at some stage I imagine we would be seeing Mr Coulson in some capacity.

Q2 Chairman: So the process is you have seen the *New York Times* article. You believe that Mr Hoare's statements in there are worth pursuing; is that right?

Mr Yates: Yes, it's new material. My understanding is that Mr Hoare was sacked about seven years ago and left the *News of the World*, so he never featured in an inquiry in 2006. As you can probably imagine, why would he? But he has come up from left field and we will consider it and no doubt be speaking to him in the near future.

Q3 Chairman: You will contact him, because on the radio you were saying you were waiting for some information from the *New York Times*?

Mr Yates: We spoke with the *New York Times* because clearly we want to understand what material they have. They have already indicated they are not prepared to help us on the basis that it is journalistic privilege. I understand that. But colleagues have written to them again today to see whether they are willing to waive that privilege in what are quite exceptional circumstances. I am not hopeful but we will try there first because they clearly will have a lot of material that they have dealt with over the last six months or so.

Q4 Chairman: Following that you will then meet Mr Coulson?

Mr Yates: We'll meet Mr Hoare first and then we'll take stock after that.

Q5 Chairman: Yes, I see you, Mr Winnick. Can I move on to the points that were raised in the House yesterday concerning the 91 people on the so-called list. I don't know whether the list has a particular name, but the 91 people whose PIN numbers were obtained by a person, the information having been given to *The Guardian* under the Freedom of Information Act—basically the victims of the hacking. Do you have such a list? Is there such a list? We hear a lot of rumours about names of people on this list.

Mr Yates: "Victims of hacking" is taking it a bit far because hacking is defined in a very prescriptive way by the Regulation of Investigatory Powers Act and it's very, very prescriptive and it's very difficult to prove. We've said that before and I think probably people in this room are aware of that. It is very, very difficult to prove. There are very few offences that we are able to actually prove that have been hacked. That is, intercepting the voicemail prior to the owner of that voicemail intercepting it him or herself.

Chairman: But there are 91 PIN numbers, is that right?

Mr Yates: There is a range of people and the figures vary between 91 and 120. We took steps last year, as I indicated last year, to say that even if there is the remotest possibility that someone may have been hacked, let's look and see if there is another category. Bearing in mind that we'd already had a successful prosecution and two people have gone to jail, we wouldn't normally do that, but because of the degree of concern I said we were to be extra cautious here and make sure we have established whether there is a possibility—and we put some criteria around that, which I won't bore you with—they have been hacked. That is where that figure comes from. It is out of a spirit of abundance of caution to make sure that we were ensuring that those who may have been hacked were contacted by us.

Q6 Chairman: Of course. Two of those on the so-called list, if I may call it the "91 list", were the Member of Parliament for Rhondda, Chris Bryant, who raised this matter in the House yesterday, and the president of the Liberal Democrat party. I understand that the original investigation and the prosecutions concerned the royal correspondent of the *News of the World*, and therefore you would no doubt have mentioned to members of the royal family that they had been hacked. But as far as I am aware neither Mr Bryant nor Mr Hughes are members of the royal family. Have you told the other people that their PIN numbers are held by yourselves? Have they been informed?

Mr Yates: Can I just take the first bit first? In terms of individuals, there is one person whose name has been in the public domain, and that is Lord Prescott. We have discussed that because he has discussed that in that way.

Chairman: Sorry, Lord Prescott is on the list?

Mr Yates: No, Lord Prescott has discussed the fact he may have been on a list. He is not on that list and he has never been hacked to my knowledge and there is no evidence that he has. I don't think it's helpful for me to talk in any public forum about individuals who may or may not be on that list because all we do then is get down to the process of further and further discrimination. It's a bit like identifying an informant in a police operation—it is a guessing game. I do not want to go there.

Q7 Chairman: But what this Committee is concerned about is they are the victims of a crime. In the same way as if somebody's bank account has been hacked into, you would write to the people or inform them that this

had happened. Have you written to the people whose PIN numbers are on that list to tell them that their PIN numbers are on the list?

Mr Yates: We have taken what I consider to be all reasonable steps in conjunction with the major service providers—so the Oranges, Vodafones—to ensure where we had even the minutest possibility they may have been the subject of an attempt to hack or hacking, we have taken all reasonable steps in my view.

Q8 Chairman: But there are some senior police officers, the ex-Commissioner of Police and the former Chief Constable of Kent. The allegations are that they were also there.

Mr Yates: You're making the assumption, if it's not rude to say so, that they're on any particular list.

Chairman: But you've informed the victims?

Mr Yates: Where we believe there is the possibility someone may have been hacked, we believe we have taken all reasonable steps with the service providers, because they have a responsibility here as well, and we think we have done all that is reasonable but we will continue to review it as we go along.

Chair: Mary Macleod.

Q9 Mary Macleod: Thank you. Mr Yates, I'm still not comfortable with what you've said because Mr Bryant, the MP for Rhondda, was a perfect example of someone who had said that he hadn't been contacted. So I just want real clarification about this because you said all reasonable steps had been taken. What are "all reasonable steps"? And I want to make sure that those people who are on that list, and potentially have had a crime done against them, have been contacted. Would you tell us how many people have been contacted and have been told that there have been issues with their phones being tapped?

Mr Yates: Again, I know it sounds pedantic, but you are making an assumption a crime has been committed. We can only prove a crime against a very small number of people and that number is about 10 to 12 people. That is very few people. In terms of the numbers on this list, as I said before we've taken what I believe is all reasonable steps around that and it is a dangerous assumption to make that particular named individuals—I don't want to talk about names either—are on a list. We believe we have taken all reasonable steps. I continue to review it and if I think there are things we haven't done we ought to have done, I'll do it.

Mary Macleod: What are these reasonable steps?

Mr Yates: Speaking to them or ensuring the phone company has spoken to them. It is those sort of steps.

Q10 Chair: But it is not lawful to obtain somebody's PIN number without their approval; it's a criminal offence?

Mr Yates: Leading counsel would say otherwise.

Chair: Counsel I've spoken to says it is.

Mr Yates: I work with a particular leading counsel, who is very eminent—I think you know who he is—who suggested that in terms of how these offences can be committed and proved, it is very narrow that we were able to prove in this case.

Chairman: We won't trade QCs at the moment. David Winnick.

Mr Yates: Let's not.

Q11 Mr Winnick: Yesterday in the House, as you well know, the former Home Secretary, Alan Johnson, made the point that when he was in office he was made aware that Scotland Yard would notify individuals concerned, certainly Members of Parliament, who have been the subject of this phone hacking. Chris Bryant made it perfectly clear yesterday that he had not been notified. Just answer that particular question: was Mr Bryant notified or not by the police?

Mr Yates: It's the point I made earlier in terms of—

Mr Winnick: You will have to speak up, Mr Yates.

Mr Yates: It's the point I made earlier around who's on what list and who may be subject to what level of interference or to what level of criminality or proof. I will review what has happened with Mr Bryant and I will speak to Mr Bryant personally—

Chair: Sorry, to interrupt you. I understand what you're saying but this is the Select Committee of the House.

It has been raised on the Floor of the House of Commons. A member of the Select Committee has asked you the question. Can you answer that question?

Mr Winnick: Mr Yates, if may say so, with respect, it's a very simple question. If there ever was a yes or no, this is it. Was Mr Bryant notified by the police?

Mr Yates: I'm also trying to protect other people's privacy and there are issues around this. Mr Bryant has been in correspondence with us for some time around these issues and I will go, and have been doing since yesterday, to check everything is done that we should have done around that and I will speak to Mr Bryant personally if I believe we haven't or we should do more.

Q12 Mr Winnick: There is a feeling, also expressed yesterday in the House, that this should be the subject of an inquiry outside of the Met. It shouldn't be left to the Met itself. Is there any particular reason why that should not be the case? For instance, the Inspectorate of Constabulary could look into the issue. Would you or the Commissioner be opposed?

Mr Yates: That is clearly a matter for the Home Secretary and others. All I would come back to is what I've said before. Two people were convicted of these offences; two people went to prison. We clarified the law in what was previously an unknown area of law, and as a result of the convictions a very significant deterrent message has been sent to all other people who may or may not be engaged in this type of activity in the future. You wouldn't believe it, but I still think the investigation was a success and if the Home Secretary decides the HMI ought to come and have a look at it, there would be no problem for us at all.

Q13 Mr Winnick: Some have linked this issue with the search of a Member of Parliament, now the Immigration Minister at the Home Office, where a police search took place without even a search warrant. We have been through all of that. But the link is that the police acted obviously, in our opinion, wrongly in that matter and the fact that Members of Parliament have had their phones tapped illegally; indeed there is no authorisation in law for the telephones of Members of Parliament to be tapped, as you are well aware. There seems to be a feeling that the police are insensitive to say the least about the privilege of Members of Parliament. What do you say to that in both incidents?

Mr Yates: In terms of the cases, I think there are apples and pears here and I don't think we can draw any comparisons. But I and my colleagues would be very concerned if Members of Parliament thought that we were being insensitive around these issues. So that is feedback that we take away and we will need to consider that. Coming back to your point about Members of Parliament having their phones tapped, there is no evidence that Members of Parliament had their phones tapped in that sense of the evidence that I talked about before.

Q14 Chair: The obtaining of a PIN number of anyone is in fact a breach of the Data Protection Act so you can tell that to your leading counsel.

Mr Yates: Which will be a matter for the Data Protection Commissioner.

Chair: Dr Huppert.

Q15 Dr Huppert: Thank you, Chair, and thank you for talking about this, Mr Yates. I still have a number of concerns at the very least about the appearance that there have been a number of problems with this process, and I have written to the Chairman to suggest that perhaps this Committee would like to look into the matter further, though I would also welcome an independent investigation. These are concerns about a lack of propriety in the original investigation and a lack of thoroughness. To pick up on the lack of propriety, we know from evidence given to the DCMS Committee that there were financial exchanges between the *News of the World*, for example, and members of the Metropolitan Police, that this was a regular issue, and it's been said before that the Metropolitan Police Press Department tried to get involved in this. I believe they were rebuffed.

There is clearly a question that the public have a right to be sure that the police are not affected by financial gain from a newspaper, and from being unable to investigate that newspaper properly. I also have concerns about thoroughness. For example, I understand that reporter Ross Hall transcribed an illegally hacked phone call from Glenn Mulcaire that he recorded. According to the DCMS report, page 108, "The email was a strong indication both of additional law breaking and of the possible involvement of others." I understand that this reporter was not questioned by police. Surely he would have been an obvious person to interview to find out what had happened there.

Mr Yates: Can I deal with it in two parts? The first allegation concerning —

Chair: Order, order. Could you please switch off your mobile phone, sir. It's *The Independent*.

Mr Yates: The allegations made—I think it was this Select Committee, or when I met the Culture, Media and Sport Select Committee around Rebekah Wade in 2003—clearly referred to the fact they had made payments to police officers. That has happened on occasions. We would never deny that people have been caught, sent to prison for it or otherwise dealt with by the law, and it is reprehensible and we do not condone it in any way whatsoever. But very, very small numbers, and we remain committed to rooting that out at any time.

The second point you make, as you referred to the paper yourself, was examined in the previous Select Committee. I think I gave a very plain answer saying it may have been better that we did interview the Neville person then but we didn't. And I also said it would make absolutely no difference now if we did against those two people in terms of what they have already been sentenced to and dealt with by the courts.

Q16 Dr Huppert: Okay, but there is still a public appearance that there are issues, so would you welcome an investigation to let the public's mind be at rest that there is nothing to be concerned about?

Mr Yates: Let's take it stage by stage. I've always said we'll consider new material. We now are considering that. If the new material equals new evidence that warrants reopening the investigation then that's what we'll do, and I'm absolutely clear on that point.

Q17 Chair: Following up on what Dr Huppert just said, how widespread do you think the payment of police officers is by newspapers?

Mr Yates: I don't think it's widespread at all.

Chairman: But you know it happens.

Mr Yates: It has happened in the past. People have been caught and convicted for it. I don't think it's widespread at all and we have a lot of systems and processes in place to ensure that it doesn't take place and if you are caught there is a pretty heavy sentence or heavy fine awaiting you.

Q18 Chair: But you are aware of the evidence given to the Culture Committee by Ms Wade?

Mr Yates: It was about seven years ago, wasn't it?

Chair: Indeed. Was that followed up at all because Ms Wade seems to indicate that payments were made on a regular basis to police officers to which the member of the Committee said, "It is illegal for police officers to receive payments" and the reply was given by Mr Coulson, "No, I said it was within the law". Is it within the law for police officers to receive payments?

Mr Yates: Not that I'm aware of. No, of course it's not.

Chair: Are you going to follow that up?

Mr Yates: We have followed up in a number of cases over the past several years concerning when we get intelligence or evidence that police officers are engaged in that activity.

Chair: But this is evidence given to a Select Committee where the editor—

Mr Yates: It was seven years ago, Mr Vaz.

Chair: But these people still exist. They are still around, aren't they?

Mr Yates: I don't know, and I can't speak for what happened seven years ago.

Chair: You don't know whether Mr Coulson and Ms Wade are still around?

Mr Yates: Mr Coulson and Ms Wade are still around, of course they are.

Chair: But you've not followed that up?

Mr Yates: Not personally.

Q19 Chair: Have you seen the Select Committee's report "The Police and The Media", published last year, when we expressed concern about the very close relationship that some police officers have with the press?

Mr Yates: Yes, I have.

Chairman: Mr Burley.

Q20 Mr Burley: Just to bottom out this issue of whether you think a further inquiry independent of the Met is necessary, you said you have some new material. That may then in your judgement be deemed new evidence. You are then going to interview him and then you may or may not see Mr Coulson. Do you think, given that all of that is going to take place over the next few weeks and months, there is a role for the HMI or this Committee

to conduct a separate independent investigation or are you giving us comfort that we should just wait and let the Met Police take its way?

Mr Yates: It's not a matter for me to decide whether that happens or not. I don't want to repeat the stuff around people going to prison around this investigation because you know that. I would suggest that it is preferable to let these new and latest matters be followed through as to where their natural course takes them, a new investigation or not, and then clearly a matter for the Home Secretary and others to consider whether an independent review is necessary to reassure that all matters have been done as appropriately and thoroughly as they could be.

Q21 Mr Burley: But your advice to this Committee is that we should let it run its course?

Chair: Mr Burley, I don't think Mr Yates can give us advice as to whether we're going to hold an inquiry.

Mr Yates: I could try.

Chair: Distinguished though he is, he is not in a position to do so, Mr Burley.

Mr Yates: The only other point I would say is it has been examined at length by a brother Committee.

Chairman: Yes, but that is a matter for Parliament, not for you. Mr Michael.

Q22 Alun Michael: Can I just clear up one simple point? You referred to speaking to and interviewing a number of people, and a letter that is going today to the *New York Times* and so on. Would I be right in interpreting what you have said as meaning there is now a live investigation taking place?

Mr Yates: I think it's a semantic point. What constitutes a reopened investigation? If we are going to speak to somebody, some people will say that is a reopened investigation. I would say we are considering new material and then we will work with the CPS to see whether that constitutes potential lines of inquiry that can be followed up and would be likely to produce evidence and be a proper use of our resources.

Q23 Alun Michael: I suppose I would put it another way. Is it just a question of having some discussions or are you actively seeking to be able to say to the public that the issues have been fully investigated?

Mr Yates: Mr Hoare has made some very serious allegations both in print and on the radio, and clearly we need to go and speak to him to see what he has to say about that in the broader context.

Q24 Alun Michael: So we are not clear whether there is a live investigation or not as yet? It would be useful for us to be informed when you have made up your mind on that. The second thing is there are a number of questions where a question of legal opinion has come up. You made a specific reference to counsel's opinion. I think it's very important for us as legislators to know what the Metropolitan Police believes the law to be. Could I suggest that it would be helpful for you to write to the Committee to set out the Metropolitan Police understanding of the law in this area? Could you do that?

Mr Yates: Certainly. As ever, we uphold the law rather than make the law. If we get legal advice that says this is difficult, and there may well be there is a case to say—

Alun Michael: I understand that. What I am saying is that it's important for us to understand your understanding of the law too.

Mr Yates: With pleasure.

Q25 Alun Michael: And the reference has been made as well about the relationship between officers and journalists where questions have been raised. Have you, for example, asked the Independent Police Complaints Commission to look at that either directly or as a supervised investigation in view of the concerns about that area?

Mr Yates: I think if there was direct intelligence or evidence to suggest that those improper relationships were taking place, we would be investigating it with the IPCC, either as an independent investigation or with us supporting them, but at this stage I'm not aware of any direct intelligence or evidence this has taken place. There is a lot of supposition.

Q26 Alun Michael: Would you agree with me that this question of the security and ensuring that people understand the illegality of some activities is important? The point of Parliamentary privilege has already been raised and of course that is because of the importance of MPs being able to serve our constituents without interference, but, secondly that the privacy of any citizen is of importance. Is it regarded as important by you

and the Met?

Mr Yates: It is certainly regarded as important by us and equally importantly it is regarded as very important by the service providers. When the investigation started in 2006, it was a catalyst for the service providers to provide proper direct and more prescriptive security advice rather than what most people did in the past, which is leave their PIN number as the factory setting.

Q27 Alun Michael: Finally, aside from specific issues and specific cases, what would you say of the wider policy issues that come out of the public concern about these events? Does it open up regulatory issues for the Government, for the police, for journalists and for this Committee?

Mr Yates: I think the wider policy issue is one of legislation in terms of how useful or how usable the current legislation is. That's what I indicated I will write to the Committee about in terms of our views. I think other matters in terms of how the Press Complaints Commission can manage these issues, their powers are probably issues for them rather than the police, but clearly there will be some wider issues around what the PCC does or doesn't do in these cases.

Chair: Mr McCabe.

Q28 Steve McCabe: Clive Goodman and Glenn Mulcaire were prosecuted and went to jail, but for a relatively limited number of offences. It is alleged that the original police investigation uncovered nearly 3,000 personal phone numbers on Mulcaire's list and in excess of 100 PIN numbers and computer passwords. I think that's what is alarming people. It's the scale of this. These people were clearly targets for illicit or illegal surveillance and yet it appears very few of them have been advised of that. I don't know how you would feel if you were on a list like that but I think most people would think it was reasonable that they were advised, and the former Chair of the Culture, Media and Sport Select Committee has said that not you, but Scotland Yard, showed little enthusiasm for pursuing this. Do you think there is an issue about public confidence, given the scale of this, and do you think you owe it to this Committee and to the wider public to clarify these questions about the numbers we are talking about and how many people have been told that they were on some of these lists?

Mr Yates: Can I come back to the first point you made in terms of how an indictment is framed? An indictment is framed in terms of the offences that we could prove, obviously, or we thought we could prove before a court, and with counsel's advice the CPS will produce an indictment that reflects the level of criminal offending, and will reflect the level of criminal offending to ensure they get the maximum sentence if found guilty. So what you saw on that indictment was a range of people from sportsmen to celebrities to models to politicians as well to reflect the range of criminality that we say—and they pleaded guilty, don't forget, and they agreed—that they were engaged in.

Steve McCabe: To a relatively limited number of charges—that's my point.

Mr Yates: It's any fraud. If you're defrauding Barclaycard 3,000 times you would get specimen charges to reflect the range of criminality. You would never have 3,000 cases, never, because that would not be a good use of the court's time or our time. That is how that happened in 2006 in terms of those issues. In terms of the numbers, yes I absolutely agree that it is confusing. It has been confusing for us. It has been confusing for the public and there may be a case that we have to try and ensure that we provide some level of reassurance around that above and beyond what I think we have already provided to the other Committee. So whether at least that needs to be repeated and drawn out and a better explanation put round it to provide that level of reassurance I don't know, but I am certainly open to your suggestions, sir, in terms of what you would like for the Committee.

Chair: What we will do, Mr Yates, is write to you about this matter after the Committee has considered your evidence. You will understand the concern of this Committee: although the Culture, Media and Sport Committee have conducted an inquiry, our remit is to look at the area of surveillance and phone tapping. I think it is the feeling of members of this Committee that there are questions that remain unanswered. This is not a reflection on you because some of this evidence has emerged since then by use of the Freedom of Information Act. But we will decide what to do further, following this session.

Mr Yates: And I will do my very best to provide what information you want.

Q29 Chair: Thank you very much. Can I move on from phone tapping to protection—basically the other side of the coin, trying to stop people being phone tapped and, in particular your role as head of the Diplomatic Unit? How much money is currently spent on this unit? What we don't want, because I know your letter was quite specific to me: you couldn't talk about how much it costs to protect for example members of the royal family or how many officers walk round with Tony Blair when he needs to go to various events. We are not concerned with specific individuals. We would like information.

Mr Yates: I think the letter has been copied.

Chair: It has but we have found it not particularly helpful in terms of the detail that I asked for. It is a very nice letter and thank you for it. I think we expect a little more detail as you are keen to provide transparency. How much is currently spent on diplomatic and royal protection?

Mr Yates: Nationally, the Met of course has the lion's share of this because the lion's share is the issue in terms of the diplomatic community and the royal family, who are in London. The allocation is £128 million for this year. That is the allocation.

Q30 Chair: And how is it broken down between royal protection, diplomats who come from abroad, the head of state of a country coming over for a couple of days and former politicians or anyone else that your committee feels needs protecting. Is there a separate category? Is there a cap on any of these particular areas?

Mr Yates: It is broken down, but as I have said in the letter to you, it is the long-held policy not to discuss how it is broken down in any sense beneath that £128 million for the reasons I set out in the letter.

Q31 Chair: So it is a global figure of £128 million that you have to spend on protection as head of the unit. Can you tell us how many people you have to protect for that figure?

Mr Yates: Again, we have never discussed that before and we don't want to discuss it now, for the reasons we have set out in the letter.

Chair: But surely the numbers aren't going to identify who these people are. Does somebody know these numbers?

Mr Yates: I hope so.

Chair: Well, who would know these numbers? Is this another list? How many people in the Met would know how many people are being protected?

Mr Yates: Myself and others will know that. I hope the letter is clear in terms of why we don't break that down.

Q32 Chair: It actually isn't clear, which is why we are asking you this question. It is marked "private and confidential" but this is a public session, I understand. So we know it is £128 million and thank you so much for telling us this. This is very helpful. But how many people does that cover? Surely that does not in any way tell any of our enemies who is being protected.

Mr Yates: Can I take that away and consider it and write back if I am able to do it on advice from others, because this is as you aware a tripartite arrangement between myself, the Home Office and others? So can I consider that?

Chair: You can but can you tell me how many people know this figure?

Mr Yates: I don't know.

Chair: 10? 20? More than 10 people?

Mr Yates: There is no point in me trying to guess because I don't know.

Chair: So you can't give us a figure and you can't tell us how many people know what this figure is.

Mr Yates: Well, you wouldn't want me to guess.

Chair: I don't think you are a guessing man anyway, Mr Yates, but roughly, in the ballpark, is it over a dozen?

Mr Yates: I imagine it is over a dozen, yes.

Q33 Mr Burley: Can you explain the process by which the decision to provide protection to an individual is made?

Mr Yates: Again, the process is by way of a committee, which we haven't normally spoken about before, but I am informed I am allowed to talk about this time. There is a committee, which has proper terms of reference, which weighs up, basically, risk versus threat. It is a tripartite arrangement between ourselves, the Home Office and the royal household, and decisions are taken within that committee on a basis of threat and risk.

Q34 Mr Burley: It is an interesting debate here for me, which comes back to the question about numbers, which is you only have finite resources and there may be more people that you wish to protect than you can, given that you have already said your budget is £120 million and there is clearly a finite number of people that you can protect with a given budget. If that was halved then there would be a different number. So I am just going to try and understand. We read in the media that Princess Eugenie is costing £400,000 a year to protect on her gap year; Tony Blair is costing £250,000 a year. How do you judge which ones you should protect and which not? If you are starting to spend those kinds of sums, who is dropping off the end and which is providing

value for money if that makes sense? It seems very nebulous to me as to how you decide who to protect and financially what level of protection you are willing to go for. Why is a former Prime Minister given a quarter of a million but two minor royals are given nearly half a million?

Mr Yates: All I can say—and I don't wish to appear unhelpful—is that it is done through that process and it is assessed along the lines of the threat and the risks posed. As they diminish or rise, then different decisions may be taken. But you know I can't discuss individuals.

Q35 Mr Burley: No, but in theory if you say it is based on the threat and the risk posed, are we to assume, if the media reports are correct, that the threat posed to a minor royal on a gap year travelling abroad is twice as great as the threat and risk posed to a slightly controversial ex-Prime Minister who is followed around wherever he goes?

Mr Yates: I am sorry, Mr Burley, but I just cannot get into the details of how that is managed other than the fact that the committee that sits on a regular basis, supported by the Home Office Secretariat, makes those decisions based on threat and risk, with support and information from the various agencies you would expect that help us to come to that decision.

Q36 Mr Burley: Just to come back on this: it is taxpayers' money at the end of the day. The man in the street will ask, "Is the Met coming under pressure from the royal household, for example, to give gold-plated protection service to the tune of nearly half a million a year to a minor royal at the expense of a former Prime Minister who is only given half of that?" The man in the street might think it would be the other way round and there is a legitimate question about priorities, I think.

Chair: Mr Yates, could you speak up a little because Mr Winnick is having difficulty.

Mr Yates: Sorry, Mr Winnick.

Chair: It is not just the man and woman in the street. To this House and this Committee, which of course votes you the money, and to the taxpayer that pays the money, you have a responsibility, surely, to give us some kind of information about this.

Mr Yates: I have tried. It is the long-held policy as you are aware, Chair, that we will not discuss matters of personal security in any public forum.

Chair: Mr Burley is not asking you to do that.

Mr Yates: He is asking me to try and break down how we do it and what I am saying is that the principles we do it on are on threat and risk and I cannot go any further than that.

Q37 Mr Burley: So on that basis then, if it is on threat and risk and Tony Blair is given 250 grand a year and a minor royal is allocated half a million a year, then we are entitled to conclude that a minor royal is twice as likely to be exposed to risk or threat than a former Prime Minister who took the country to war?

Mr Yates: Mr Burley, I don't recognise the figures you are talking about there and I can't confirm or deny those issues.

Chair: He is not asking you to do that. He is giving you an example. It is the balance he is asking about.

Mr Yates: The balance is achieved through that committee's processes.

Chair: And just remind us who sits on this committee.

Mr Yates: I won't talk about individuals, obviously. The Home Office support it; relevant police forces; the royal household, of course; and other individuals from other agencies.

Q38 Mr Burley: So just finally to conclude this then, not taking away any names, the money that is allocated is proportionate to the risk or threat an individual faces so you could conclude that someone who is allocated more money is more likely to face a risk or a security threat than someone that is allocated less and that there is no improper pressure being placed by certain organisations to overly protect some people. It is purely based on the threat and risk as to how that money is allocated.

Mr Yates: Threat and risk, yes. The committee makes that decision and in my experience over the past 18 months there is no improper pressure because it is done through that committee process.

Chair: Thank you. Mary Macleod.

Q39 Mary Macleod: The spending on protection appears to have decreased in the last few years and perhaps

you can just clarify that and also just whether there has been any thought or discussions about whether this will need to be cut further given the pressure currently on spending?

Mr Yates: There have been some small decreases in the allocation although you will be aware this year in-year the Metropolitan Police Authority have supported this with an additional £4 million to manage some of the additional threat and risk that we believe was there. In terms of what the future looks like, there is no doubt it will not be immune from the wider public spending issues that are alive and relevant and will be decided upon next month. It is certainly not going to be ring fenced. That is for certain.

Chair: So some of the constraints that are affecting other areas of the Home Office will affect you so you will have to be in a position, therefore, of either withdrawing or reducing, without talking about personalities, the protection of some people as a result of these proposals. Is that right?

Mr Yates: Protection cannot be immune in all its formats from the current fiscal climate.

Chair: Thank you. David Winnick

Q40 Mr Winnick: There have been some stories in the media, true or otherwise, about substantial expenses claims, not made by MPs in this case, but by protection officers. Do you think there is any merit in those?

Mr Yates: I believe you are referring to a story that was in *The Mail on Sunday* about two or three months ago. Those matters were subject to a leak inquiry, which is ongoing around those matters. It is not appropriate at this stage to talk about that in this forum.

Mr Winnick: Can I say, Mr Yates, in view of some of the perhaps implied criticism in this section, that some of us at least consider that every praise should go to the police for the way in which the life of Salman Rushdie was saved from assassination arising from the Iranian Government's totally illegal demand that he be murdered. Many of us as I have said are very, very pleased that by whichever way in which it was done, Salman Rushdie was not murdered and the rule of law made sure of that.

Mr Yates: I can't take any credit for it, Mr Winnick, but I will make sure it gets passed on.

Chair: Exactly, and it is not often that one gets credit from Mr Winnick. I'm sorry, Mr Winnick.

Q41 Chair: Just one point: are there any guidelines? For example, if one of these people that have been protected goes off to the Bahamas and checks into a six-star hotel, are the officers obliged to stay in the same hotel and then charge the taxpayer for that or can they go to the B&B down the road?

Mr Yates: You are driving me into how we allocate.

Q42 Chair: No. Are there guidelines over expenditure?

Mr Yates: There are guidelines but I clearly won't want to discuss them because that takes us into the methodology of how it is delivered.

Chair: Absolutely, but there are guidelines to protect the taxpayer from excessive expenditure?

Mr Yates: Yes, absolutely.

Chair: Alun Michael.

Q43 Alun Michael: There are two questions really. Firstly, since you gave evidence to the Committee in November 2009, has there been any significant change to the level and nature of the terrorist threat facing the UK?

Mr Yates: The threat has moved down and then moved up back to substantial and up to severe last year, so that would indicate that that sort of attack is highly likely and that would indicate that the threat had moved. We work very closely with the security services and others to keep an overview and ensure that the threat does not manifest itself in any attacks, certainly in this country and of course beyond.

Q44 Alun Michael: Can you tell us whether the developments in the internet have changed the geography of risk as far as dealing with these sorts of matters is concerned?

Mr Yates: Yes. There is a range of issues in terms of the current technology, be it the internet, be it GPS, be it Google Maps and Google Earth. The phrase "off-the-shelf terrorism" is one that one begins to hear. All those issues are a challenge for both the police and the security services and other partners overseas to manage. Clearly the internet is a particularly challenging issue in terms of radicalisation; spreading of messages and the ease with which that can be done; how money moves around, all those issues. So we have to develop new skills.

We have to move and have moved money into those areas to ensure that we are ready to meet that challenge.

Alun Michael: It is a complex area and I think it would be helpful if you felt able to write to us about it.

Chair: We may even have you back, Mr Yates.

Mr Yates: What a delight.

Chair: Lorraine Fullbrook.

Q45 Lorraine Fullbrook: Mr Yates, I would like to ask a bit more about the resources of counter-terrorism and the counter-terrorism policing grants. Nick Herbert MP, the Minister for Police, has actually made a recent statement that the counter-terrorism policing grants will remain at £569 million for 2010-11, which is exactly the same as 2009-10, although there was a proposal to increase it by £10 million to £579 million, but it has remained the same. If you take the £10 million that you didn't have, it would be a reduction of something like 0.017%. I am a bit confused with your position on this because in November you said to this Committee that you believed the balance between the financing and the operational procedures for counter-terrorism were about right. But in a closed session at the ACPO conference in July this year, you made a statement that you believed the Metropolitan Police for counter-terrorism would lose £87 million from their budget and that the regional counter-terrorism units would lose £62 million. How do you explain the numbers? The numbers are exactly the same this year as they were last financial year.

Mr Yates: Hopefully with some clarity. That was of course a closed session.

Lorraine Fullbrook: Absolutely, but it was widely reported in the media.

Mr Yates: It was widely reported. I accept that. What I was referring to there was what the indicative cuts would look like for the next CSR period as opposed to the current period. So this is the work for CSR period for the future, for 2012-15, rather than the current or the last years. We are all doing a lot of work at the moment, as is every public service, around preparing what the world will look like with 5%, 10%, 15%, 25%, 40% cuts. So that is what I was referring to in that speech.

Q46 Lorraine Fullbrook: So if the Minister for Police has stated that it is a 0.017% reduction in one year on the counter-terrorism budget—that's this financial year coming—have you been given an indication from the Minister of Police of what is going to happen between now and 2014?

Mr Yates: We are working with colleagues in the Home Office and have been asked to provide indicative views about what it would look like with those levels of cuts, which are matters of wide public knowledge.

Lorraine Fullbrook: So it is a prediction. It's your prediction.

Mr Yates: We have been asked to consider what the network would look like; where we could possibly make and manage some cuts; where we can make efficiencies, savings, all those issues, in the next CSR period—not this year.

Q47 Lorraine Fullbrook: So it is your prediction but the Minister for Police has not given you that indication?

Mr Yates: We have had no indication from anybody about what the level of cuts will be in the counter-terrorism budgets.

Q48 Lorraine Fullbrook: So do you think it would be unfair for you to have said that you believe that your prediction, of which you have not been given an indication by the Minister, would leave Britain vulnerable to a terrorist attack? Do you think that was an unfair statement based on the fact that you have not been given the information to make that statement?

Mr Yates: I didn't say that. I talked, in a private session, to chairs of police authorities and other chief constables who would be affected by any cuts in CT funding because it is a shifting funding. The CT funding is ring-fenced but people exist. Therefore, if I make cuts in the CT budget, I pass them back to the force, who have the salary tail. It would be grossly discourteous of me not to put people on notice, those chairs of police authorities who pick up the bill, at the earliest possible stage that this is what we may be looking at.

Lorraine Fullbrook: It is the taxpayer who picks up the bill.

Mr Yates: Your point is made. But the chairs of the police authorities have to manage the salary tail on that bill and so it was given to them in private session and as I say I think it would be unreasonable of me and I think I would be criticised by them if I had not given them the earliest possible indication that this is what the budget cuts could like. I don't know what they are going to look like. We'll get that answer no doubt in October this year.

Chair: Sorry, have you finished?

Lorraine Fullbrook: I'll pass over, Chairman.

Chairman: Aiden Burley and then Nicola Blackwood.

Q49 Mr Burley: Given this context of spending reductions—I don't use the word cuts—do you think high net-worth individuals such as royalty or former Prime Ministers should contribute more to their protection from their own money? The analogy I am thinking of here is football clubs, which I understand now often contribute some money to the policing of a football game that makes them a lot of profit. Should people who are very wealthy and very famous be paying more of their own money to help you with your budget?

Mr Yates: I don't think that is something I want to comment on actually. I don't think that is for me to comment on.

Chair: You are not proposing to send anyone a bill?

Mr Yates: I don't think that's worth a comment on.

Mr Burley: But it would help you with your budget.

Q50 Nicola Blackwood: I would like to go back to some of the comments you made to Lorraine Fullbrook. Can you tell me if you have investigated exactly how reports of a private session between yourself and chief constables ended up widely reported in the media? Do you think that this could be an example of where the police are slightly too close to media outlets?

Mr Yates: You have police officers in that room; you have police authority chairs and chief executives—probably about 130 people. So the prospect of doing any sort of inquiry around something like that is not one that would be feasible or likely to produce results. Were you there, Chairman?

Q51 Chairman: Was it wise? And yes, I was there. So was Mr Reckless, but we were locked out. We were listening at the keyhole. Was it wise for someone of your distinction to address a meeting of 130 people, telling them that these were private comments, and not expect them to be leaked outside?

Mr Yates: One always learns. It was a private session and they have in the past been respected.

Chair: Indeed. Dr Huppert has the final question, I think.

Q52 Dr Huppert: There are various changes being proposed, for example, the National Security Council, which now exists. So the National Security Council's formation will presumably have some effect on your roles. What do you think those effects are likely to be, particularly with regard to counter-terrorism?

Mr Yates: I think probably wholly positive, actually. I think any sort of machinery that co-ordinates across the Government and does not see things like counter-terrorism just in the context of policing is useful and will prove its worth. So I think a wholly positive one. It will be co-ordinating. It gives people like myself the occasional opportunity to go there and have a voice heard. So I think wholly positive.

Q53 Chair: You do recall that the evidence given to this Committee by the Metropolitan Police was against the idea of a national security council? The only person who supported that was Andy Hayman.

Mr Yates: Right. Well, ours is to follow the law rather than make it and it is there so as I say, wholly positive.

Chair: Mr Reckless, do you want to add anything?

Mark Reckless: No, I have no further questions.

Chair: Mr Yates, it is always a pleasure to have you here. We may well be writing to you again. Thank you very much for coming.

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